

that he never knew the plaintiff and never knew of his arrest; that he had signed in blank a commitment, or a number of commitments which were in the possession of the Chief of Police, Davidson, but no commitment was signed by him for the purpose of detaining the plaintiff. And by way of defence the defendant Guay says, that he never received a legal notice to which a public officer is entitled.

The defendant Couture pleads at he acted as a public officer under instructions from his chief; that he acted in good faith, and is not responsible; that he never received a notice according to law.

All the cases were united for the purpose of proof and one judgment was entered.

The action against the defendant, Couture, was dismissed with partial costs.

The action against the defendant, Guay, was dismissed without costs. The plaintiff seeks the reversal of this judgment.

The action against the defendant, Davidson, was maintained, and he was condemned in the sum of \$400 damages and costs. This the defendant Davidson complains of, and asks its reversal.

This judgment was reversed by the Court of Review.

Greenshields J.— The facts offer no serious difficulty in my opinion. A word in the first place as to the testimony of the plaintiff's wife. I am fully disposed to adopt the view of the learned counsel for the defence with respect to her testimony. I am afraid that her testimony is colored and seriously affected by a well grounded fear of her husband; that she was assaulted and seriously assaulted by her husband previous to the 21st day of November, 1910, I have no doubt. Her sister Mrs Gagné, went to her house, found her sitting on the floor crying, with her chil-