COUR DE RÉVISION.

MONTRÉAL, 29 NOVEMBRE 1873.

Coram. — JOHNSON, MACKAY, BEAUDRY, J.J.

BLAIN *vs.* LA CORPORATION DE GRANBY.

JUGÉ:—1o. Qu'une Corporation municipale n'est pas un officier public ou personne remplissant des devoirs ou fonctions publiques dans le sens de l'article 22 du Code de Procédure Civile.

2o. Que la créance d'une corporation, est éteinte vis-à-vis du débiteur par la vente par un syndic en faillite, de la propriété affectée.

3o. Qu'une corporation peut être recherchée en dommages pour saisie illégale des meubles du débiteur sous ces circonstances.

JOHNSON, J.—This was an action of damages arising out of the same matters as were made the subject of the petition and writ of prohibition that have just been disposed of. The plaintiff sued for $300 damages for the wrongful seizure of his goods by the defendant under a warrant of distress. The action was dismissed by the Superior Court of Bedford, Judge Dunkin, for want of a month's notice, as required by law to be given to *any public officer or other person fulfilling any public duty or function;* and also on the ground that by the evidence the plaintiff had not proved his case, irrespectively of the question of notice. On the first point we are with the plaintiff, and think that no notice of action was necessary. It is not contended in argument for the defendant that the words "officer or other person" in themselves apply to a municipal Corporation; but it is argued that the word person is, by the interpretation act, extended to mean corporations. The number eleven in the schedule to article 17 of the Civil Code certainly says that the word "person" includes bodies corporate, "unless such a meaning is contrary to law, or inconsistent with the particular circumstances of the case," which can only mean that a corporation is what the law says it is, viz., an artificial or ideal person, but not that it is a public officer. They execute no office in the legal sense of that word. The individual members exercise public offices in many cases, and their intrusion may be