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CURRENT TOPICS AND CASES.

The case of *Scott & McCaffrey*, decided by the Court of Queen's Bench, Montreal, March 26, will, it may be hoped, establish a useful check on the multiplication of actions of damages. In this case three actions of damages were instituted, based on three seizures made by a creditor in ordinary course, for the collection of a judgment. These seizures were technically irregular, and the creditor, being unsuccessful, had to pay the costs incurred. But the debtor was not content with this, and instituted three actions of damages. There was no malice, and moreover no damage was proved; but the first Court gave nominal damages in each case. The Court of appeal set these judgments aside, holding that the responsibility of a person who comes before the Court in the exercise of a right is limited to the ordinary penalty of the unsuccessful pleader, that is to say, the payment of the costs of the proceedings. This rule applies not only to ordinary actions, but to the rigorous proceedings which creditors may adopt for the protection of their rights, such as execution, *capias*, etc., provided there be probable cause and absence of malice.

The Criminal Law Bill, 1892, now under discussion before the House of Commons, is a very comprehensive