submission thereof to the jury were, under the circumstances, contrary to law and evidence.

3. That the evidence tendered for the plaintiff failed to establish any joint tort, for which the defendants could in law be held jointly liable, and that, therefore, the verdict rendered against the defendants jointly was erroneous.

4. That the learned judge improperly refused to receive evidence tendered on the part of the defendants, for the purpose of establishing the truth of the charge, in respect of which the warrant under which the arrest of the plaintiff complained of took place.

5. That the only evidence against the defendant, Ferguson, having been the issuing of the warrant produced at the trial, and the only evidence against the defendant, Collinson, having been of acts done without the jurisdiction of Ferguson, such acts were not sufficient to warrant a joint verdict against the defendants, or against either of them.

6. That the learned judge, who tried the cause, misdirected the jury in this, that he directed the jury that, as a matter of law, the defendants had acted in the premises without any reasonable or probable cause, and that malice was necessarily to be assumed, although the learned judge had refused to receive evidence tendered for the defendants, to establish the truth of the charge against the plaintiff mentioned in the warrant, and to shew the absence of malice and the presence of reasonable and probable cause; and because the learned judge refused to leave it to the jury to determine as a fact, whether the defendants, or either of them, acted in good faith, or to receive evidence to establish such acting in good faith.

7. That the learned judge misdirected the jury in this, that he left it to the jury to find that the warrant, under which the plaintiff's arrest took place, issued without any previous information, although the warrant, having been put in evidence by the plaintiff, sufficiently established the fact of such previous information having been taken.

8. That the evidence adduced by the plaintiff established that no action but an action in case could be sustained against the defendant Ferguson; and that the only action [if any] established against the defendant Collinson was an action of trespass; and that under these circumstances the joint verdict against both defendants, or any verdict against either of them, was contrary to law and evidence.

9. That no sufficient evidence was given to justify any verdict against either of the defendants; for the learned judge strongly charged the jury that there was evidence to warrant them in rendering a verdict against both of the defendants.

10. That, as against the defendant Ferguson, the venue laid in the declaration was wrongly laid, and, therefore, as against him no verdict could properly be rendered; so that the joint verdict was contrary to law.

In Trinity Term last, *Sir Henry Smith*, Q. C., shewed cause.—Ferguson was not entitled to notice of action at all, because he was not a magistrate of the city of Kingston when he made his warrant; and because he issued his warrant without any complaint or information having been made to him, either verbally or in writing.

But if a notice were necessary to be given, the one served was sufficient. It is said to be defective in the statement of time and place, when and where the alleged wrongs were committed. The plaintiff is described in the notice as of the township of Leeds, in the county of Leeds. The first part of the notice which is applicable does not mention any time or place, when and where the trespass on the plaintiff was committed, but specifies simply the assault and imprisonment complained of. The second part of the notice, which is the part that is applicable to the second count, states the wrong as having been committed by the defendants "on the said 9th day of July last past, at the township of Leeds aforesaid."

The original notice, which was retained by the plaintiff's attorney, does describe a place, which the copy does not, where the trespass was committed, namely, "at the said township of Leeds;" but this too is objected to on the same ground that is raised against the sufficiency of the place as to the second part of the notice. It is objected by the defendant Ferguson, that there is no such place as the township of Leeds. It is true the Upper Canada Territorial Act has no such township in the county of Leeds as the *township* of Leeds; and that what was formerly the township of Leeds and the township of Lansdowne, is now called, as townships, "Front of Leeds and Landsowne," and "Rear of Leeds and Lansdowne." But the 12th Vic. ch. 99 (Private Acts) shews that these present townships are formed only for municipal and election purposes; and the Act of Canada, respecting the Provincial Statues (ch. 5, sec. 6), provides, that "the name commonly applied to any country *place* * * * ahall mean such country *place*, * * * although such name be not the formal and extended designation thereof;" and as the locality in question is commonly known as the *township* of Leeds, it is sufficiently described as such, although that may not happen to be the strictly formal designation thereof.

Besides the defendant, in the warrant which he signed, has described the plaintiff as of the *township* of Leeds, and has described the offence therein charged against the plaintiff as having been committed in the township of Leeds, and he cannot now be heard to say he has been misled by the description of place in the notice which has been served upon him.

A notice without any place at all would be bad: *Martin* v. *Upcher* 3 Q. B. 667.

As to there being a joint wrong by the two defendants: Collinson wrongly procured the warrant from Ferguson, Ferguson wrongly issued it, and then delivered it wrongfully to Collinson to be executed, and it was executed. This made them joint wrongdoers, particularly under the circumstances disclosed by the evidence.

Both the defendants knew there was no information in writing, and the Statutes of Canada ch. 102, sec. 8 shew it must be made in writing, and under oath.

As to the general verdict on both counts, he referred to *Hunt* v. *M'Arthur*, 24 U.C Q B. 254; *Mason* v. *Morgan*, 24 U. C. Q. B. 328; *Haacke* v. *Adamson*, 14 U. C. C. P. 207.

As to the alleged refusal of the judge at the trial to receive evidence of the truth of the charge against the plaintiff, it is not correct: the