

to that effect. On another piece of paper handed in, signed by the foreman but not attached to the verdict was a memorandum to the effect that the jury found that plaintiff was entitled to \$1 a day \$7, and that his solicitor was entitled to the sum of \$40 for securing his release. This the learned trial judge treated as a verdict for plaintiff and ordered judgment accordingly in favour of plaintiff for the sum of \$47 with costs to be taxed.

Held, setting aside the verdict and ordering a new trial, with costs that the only matter in respect to which defendant could be held liable was the detention between the date of the arrest and the date (6th September) when the charges were laid before the magistrate, or whether plaintiff having been arrested (justifiably) without warrant was not held an unreasonable length of time before being brought before the magistrate.

Also that defendant was entitled to costs of his application to have the entry of the verdict made in accordance with the oral announcement of the jury and the entry thereof made by the prothonotary.

MacIlreith, in support of appeal. *O'Connor* and *F. McDonald*, contra.

Full Court.]

ANGLE v. MUSGRAVE.

[Dec. 22, 1909.]

Will—Proof of where executed in Quebec—Witnesses and Evidence Act, R.S. 1900, c. 163, s. 27—Mense profits—Recovery of—Amount—Cross-appeal—Failure to take.

In an action to recover land and for mense profits plaintiff claimed as devisee under the last will of B. who was proved to have died at Quebec, April 28th, 1907. On the trial a copy of the will was produced from which it appeared that the original was subscribed by testator in the presence of two notaries public who signed it in his presence and in the presence of each other;

Held, TOWNSHEND, C.J., that this was in all respects a sufficient compliance with the Wills Act, and sufficient to pass real estate in this province, and that the copy of the will produced at the trial was sufficiently proved under the Witnesses and Evidence Act, R.S. (1900), c. 163, s. 27, which provides that "a copy of a notarial act or instrument in writing made in Quebec before a notary public, and certified by a notary or prothonotary to be a true copy of the original, thereby certified to be in his possession—shall be received in evidence—and shall have the same force and effect as the original would have if produced and proved."