

COURT OF REVIEW

**Damages. — Illegal arrest. — Public officer. —
Notice of action. — Good faith.**

MONTREAL, 28th February, 1913.

TELLIER, DE LORIMIER, GREENSHIELDS JJ.

A. ASSELIN vs ROBERT DAVIDSON ET AL.

HELD: 10.—That although the arrest of plaintiff without a warrant may have been illegal, when the constable who made the arrest acted in good faith, at the demand of the interested parties, and in the best interest even of the one who was detained, and in his quality of public officer, he is entitled to a notice of action of one month before being sued in damage for illegal arrestation.

20.—That a notice of seventeen days is insufficient.

Code of Civil Procedure, article 88.

The action is in damage for \$1500,00 resulting from an illegal arrest of plaintiff and is his detention during 24 hours. The defendant are Davidson, chief of police; Guay, justice of the peace and Couture, constable.

The plaintiff alleges in effect, that on the 21st day of November, 1910, at about half-past one in the afternoon, the defendant, Couture, without warrant, and illegally, apprehended him, the plaintiff in his house, took him forcibly to the office of the other defendant, the chief of police and as a result of connivance & conspiracy with the other gaol, where he was put in a cell under lock and key,