motives for the public good; but the circumstances in evidence show that there was the worst state of feeling between these two men, and it is impossible for me to believe that he acted without personal ill-will. That alone, however, would not support this action. The most deadly enmity in the prosecutor is not at variance with the clearest truth of the charge, and, therefore, there must be want of probable cause. That is a mere question of law for the Court, and I do not hesitate an instant in saying that there was a total want of probable cause for bringing the charge of bigamy. The law constituting this offence is quite plain :—32-33 Vic., c. 20, Sec. 58 : "Whosoever, being married, marries any other person during the life of the former husband or wife, whether the second marriage has taken place in Canada or elsewhere, is guilty of felony, and shall be liable, &c., &c., &c., and any such offence may be dealt with, enquired of, tried, determined and punished in any part of Canada where the offender is apprehended, or in custody, in the same manner in all respects as if the offence had been committed here: provided that nothing in this section contained shall extend to any second marriage contracted elsewhere than in Canada by any other than a subject of Her Majesty resident in Canada, and leaving the same with intent to commit the offence, or to any person whose husband or wife has been continually absent from such person for the space of seven years then last past, and was not known by such person to be living within that time, or shall extend to any person who at the time of such second marriage was divorced from the bond of the first marriage, &c., &c." The dissolution of the first marriage is proved here beyond doubt. We have the judgment with the seal of the Court, and the evidence of the Belgian consul as to the authenticity of it; and it cannot be seriously contested. The defendant says in one of his pleas that he did not know of the dissolution of the first marriage: but the existence of the first marriage was a constituent in the offence he was charging the plaintiff with, and it would be monstrous to say that any man who has married twice (which by-the-bye is the original and strict meaning of the word 'bigamy' may be prosecuted for a felony without any responsibility on the part of the prosecutor, and without any obligation on his part to make enquiry. If he chose to make the charge without knowing the facts, he must take the consequences. Therefore, up to this part of the case, I am with the plaintiff, and if it stopped here I would give him substantial damages; but the case does not stop here. The defendant has said in one of his pleas, as I have already stated, that the reputation which the plaintiff sets up as having been tarnished by the prosecution for felony was not such a very good reputation after all. It has always been allowed to urge this in mitigation of damages, because of course the amount of injury suffered is not so great in such a case. If there are spots already, one more will not make so much difference, and the defendant has proved this in my opinion. He has proved by several most respectable witnesses—his and the plaintiff's own countrymen here—that the plaintiff is held in very little estimation. This evidence of course must be justly appreciated. It seems to show that the plaintiff is not liked by his own countrymen, and perhaps so far it does not amount to very much: but it is there, and it goes for something, though, if there were nothing else, it would not go very far; but there *is* something else, and something very serious too. There is the plaintiff's own admission, when the defendant called him as his witness, that he had been publicly convicted in his own country of an attempt to have carnal knowledge of a child under eleven years old, (*attentat à la pudeur d'une fille de moins d'onze ans.*) Therefore, if this was known, and it probably was known to his fellow-countrymen here, it is not surprising that they should hold his reputation rather cheap. It must be borne in mind that we are dealing with a question of character as affected by a prosecution for felony here, and it appears that the person complaining was a misdemeanant in his own country, and, after one year's imprisonment, was pardoned. No doubt that pardon was equivalent to undergoing his sentence, and its effect is that he can't be spoken of again as guilty of the offence. That has always been the English law, and it was so held very lately in a case of *Leyman* v. *Latimer* in the Court of Appeal at Westminster, in an appeal from the decision of Barons Cleasby and Pollock in the Exchequer Division, who held that it is libellous to call a man a felon who has undergone his sentence, and is thereby placed in the position