

THE
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No. 12

FERGUSON, J.

MARCH 14TH, 1903.

CHAMBERS.

GOLDBERG v. DOHERTY MANUFACTURING CO.

Pleading — Malicious Prosecution — Defence in Bar — Acquittal of Plaintiff on Criminal Charge — Certificate of Trial Judge — Good Grounds for Prosecution.

Motion by plaintiff in an action for malicious prosecution to strike out a paragraph of the defence.

The plaintiff was arrested at the instance of defendants and tried before a Judge and jury upon a criminal charge and acquitted. At the request of counsel for the prosecution (the defendants) the Judge indorsed upon the indictment the following: "I hereby certify that in my opinion there was good reasonable and probable cause and ground for the institution of this prosecution."

The plaintiff having brought this action to recover damages alleged to have been sustained by reason of such prosecution, the defendants pleaded the certificate as a defence in bar.

The plaintiff moved to strike out this defence.

R. M. C. Toothe, London, and J. F. Faulds, London, for plaintiff.

F. F. Harper, London, for defendants.

FERGUSON, J., struck out the paragraph containing this defendant on the ground that it was not an answer to the action and was embarrassing. Costs in the cause.

MONCK, JUN. J., WENTWORTH.

MARCH 19TH, 1903.

FIRST DIVISION COURT, WENTWORTH.

HARVEY v. MCPHERSON.

Division Court — Jurisdiction — Splitting Cause of Action — Promissory Notes — Consolidation of Claim in Proof against Insolvent Estate.

The defendants purchased goods from the plaintiffs from time to time in continuous account, for some of which they