vice-president and general manager of the company. The trial was at Toronto, without a jury. The learned Chief Justice, in a written judgment, said that the plaintiff and the defendant Russell had an entirely different recollection of what took place nearly five years ago in reference to the preparation of plans for the proposed building. The plaintiff undoubtedly prepared plans and specifications. When the tenders were opened, it was found that the building would cost about $70,000; and the defendant Russell said that the plaintiff had been informed and was well aware that only $30,000 was at the disposal of the company for this building. The plaintiff, on the contrary, said that he was never informed of that until Russell decided to go on with the erection of an office-building instead of a factory. The learned Chief Justice found it quite impossible to realise or credit that the plaintiff, who was an architect of great experience, could have imagined that such a building as was contemplated could be put up for $30,000. The plaintiff should have judgment for $1,400—two per cent. on $70,000—less $91.04 overpaid on his claim for services in connection with the office-building. Judgment for the plaintiff against the defendant company for $1,308.96 with costs. As against the defendant Thomas A. Russell, action dismissed without costs. H. E. Rose, K.C., for the plaintiff. E.B. Ryckman, K.C., for the defendants.

OUELLETTE v. SINASAC—FALCONBRIDGE, C.J.K.B.—APRIL 20.

Malicious Prosecution—Evidence—Failure to Prove Malice and Want of Reasonable and Probable Cause—Dismissal of Action—Potential Damages—Costs.]—An action for malicious prosecution, tried without a jury (by consent), at Sandwich. The learned Chief Justice read a brief judgment in which he said that the plaintiff had failed to prove malice and want of reasonable and probable cause. The defendant made inquiries at the house of the plaintiff and received information as to the shocks of corn which did not seem satisfactory, and he afforded the plaintiff the opportunity of giving an explanation, which again did not commend itself to the defendant's mind as being convincing The defendant, therefore, took reasonable care to inform himself of the facts, and he honestly, though perhaps erroneously, believed in such a state of facts as would, if true, found at least a prima facie case against the plaintiff. The action should be dismissed. If judgment had passed for the plaintiff, heavy damages would not have been awarded. The arrest and imprisonment were of the mildest and most nominal character. In all the circumstances, there should be no order as to costs. A. B. Drake, for the plaintiff. T. G. McHugh, for the defendant.