

R. McKay, K.C., for the defendants, appellants.

W. E. Raney, K.C., for the plaintiff, respondent.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B., dismissed the appeal with costs.

SUPREME COURT OF ONTARIO.

FIRST APPELLATE DIVISION.

OCTOBER 3RD, 1913.

TRUESDELL v. HOLDEN.

5 O. W. N. 58.

Malicious Prosecution—Illegal Seizure—Conversion—Three Actions Arising out of Same Facts—Findings of Jury—Perversity and Inconsistency—Reasonable and Probable Cause Found—Evidence—Reference—Costs.

MIDDLETON, J., 24 O. W. R. 419, dismissed with costs two actions by the same plaintiff against the same defendant for malicious prosecution and illegal seizure of a boat, disregarding in the former the inconsistent and precise findings of the jury upon the facts, and gave judgment for plaintiff for damages to be agreed upon as ascertained upon a reference in a third action brought by the defendant in the former actions against a bailee for conversion of the boat in question.

SUP. CT. OF ONT. (1st App. Div.), allowed the appeal with costs and directed judgment to be entered for plaintiff for \$500, without costs.

Appeal by the plaintiff from a judgment of HON. MR. JUSTICE MIDDLETON, 24 O. W. R. 419, 4 O. W. N. 1138, dismissing an action for a malicious prosecution notwithstanding the finding of the jury in favour of the plaintiff for \$500 damages.

The appeal to the Supreme Court of Ontario (First Appellate Division, was heard by HON. SIR WM. MEREDITH, C. J.O., HON. MR. JUSTICE GARROW, HON. MR. JUSTICE MACLAREN, and HON. MR. JUSTICE MAGEE.

J. Birnie, K.C., for the plaintiff, appellant.

A. E. H. Creswicke, K.C., for the defendant, respondent.

THEIR LORDSHIPS' judgment was delivered v. v., allowing the appeal with costs and directing judgment to be entered for the plaintiff for \$500 without costs.