

50 That under our law, as under English jurisprudence, there must be a final termination of the prosecution before an action in damage for false arrestation, can be taken.

60 That a termination of a prosecution is a final judgment discharging the accused, and declaring him innocent; and the liberation of the accused for the time being, as under a motion to quash the indictment granted, as under a *nulli prosequi* entered on account of an irregularity or technicality or an arrest of judgment, without a declaration of his innocence, is not a termination.

Criminal code, article 536b.

The action is in damages for false arrestation. The plaintiff demand \$399.99.

The plaintiffs and the defendant are adjoining neighbors. The male plaintiff as the head of the community of property existing between himself and his wife, instituted the present action against the defendant.

By the declaration it is in effect alleged ; that the 29th day of August, 1904, the defendant lodged with one Treflé Ethier, Justice of the Peace for the District of Joliette a complaint against the female plaintiff, wherein he charged her with having wilfully placed poison in such a position as to be easily partaken of by any animal, the whole, in violation of sec. 500 of the then existing criminal Code; that warrant issued for the arrest of the female plaintiff; she was taken in custody on the 30th of August, 1904, by a constable: she was taken to gaol and brought before Magistrate Husmer Lanctot: Admitted to bail, and the enquete was fixed before the Magistrate for the 6th of September, 1904. On the 6th of September, the enquete was ajourned till the 15th, on which date it proceeded and was completed on the 16th, when the female plaintiff was committed to stand her trial before