there could be no suit on a suit, except to set aside judgments in specified cases, and this on the general principle that otherwise a legal difficulty might be made perpetual."

We are reminded of this case by one which came up lately in the Supreme Court of Pennsylvania, *Muldon* v. *Rickey*, March 22, 1883, 13 W. N. C. In this case it was held that no action lies to recover damages for the prosecution of a civil suit, however unfounded, where there has been no interference with either the person or property of the defendant. The Court said: "The action of ejectment temporarily clouds the title to the property in controversy, and so may, for the time, prevent a sale of, or mortgage upon it. But a damage of this kind is not more direct than that resulting from the expenses, loss of time, and often loss of credit, arising from the ordinary forms of legal controversy. All are troublesome, expensive, and often ruinous; and if for such damage the action of case could be maintained there would be no end of litigation, for the conclusion of one suit would be but the beginning of another. It has therefore been wisely determined, that for the prosecution of a civil suit, however unfounded, where there has been no interference with either the person or property of the defendant, no action will lie. In *Potts* v. *Imlay*, 1 South. 330, Chief Justice Kirkpatrick alleged that the books, for four hundred years back, had been searched to find an instance where an action on the case for the malicious prosecution of a civil suit, like the one then trying, had been successfully maintained; and that it was conceded by the counsel for the plaintiff that no such case had been found. He also, in this connection, cites with approval the case of *Parker* v. *Langley*, Gilb. Cases, 161, wherein it was said: 'An action on the case has not yet succeeded, but only where the plaintiff in the first suit made the course of the court requiring special bail a pretence for detaining another in prison, and where the malice was so specially charged, that it appeared that the end of the arrest was not the expectation of benefit to himself by a recovery, but a design of imprisoning the other.' And in the case of *Woodmansie* v. *Logan*, 1 Penning. 67, the learned judge expressed a doubt whether actions for malicious prosecutions, in civil cases, will lie at all. Our own cases, whilst they do not carry the doctrine stated quite as far as those cited, do nevertheless confine actions of this kind to very narrow limits. Thus, it was held in *Kramer* v. *Stock*, 10 Watts, 115, that to sustain an action on the case for malicious prosecution, it was necessary that the party should have committed an illegal act, from which positive or implied damage ensued, but that to bring an action, though there was no good ground for it, was not such an illegal act. On the other hand, where one abuses legal process, as by maliciously holding one to bail, or wantonly levies an execution for a larger sum than is due, or after the payment of the debt, an action will lie against him, 'for these are illegal acts, and damage is thereby sustained.' Again, Mr. Justice Sharswood in the case of *Mayer* v. *Walter*, 14 P. F. S. 283, has without qualification declared, that a mere suit, however malicious or unfounded, cannot be made the ground of an action for damages. 'If,' says the learned justice, 'the person be not arrested, or his property seized, it is unimportant how futile and unfounded the action may be, as the plaintiff, in consideration of law, is punished by the payment of costs.' Then, again, we have the case of *Eberly* v. *Rupp*, 9 Nor. 259, the very latest expression of this court upon the subject in hand, and a case much stronger in its facts than the one under consideration, for there the action was for the recovery of damages resulting from the service of a writ of estrepement. But it was held that the action could not be maintained, inasmuch as the writ being purely preventive, neither arrested the person of the defendant nor seized his goods. It will also appear, upon an examination of the opinion in that case, that the point now under discussion is there met and disposed of. In opposition to this array of authorities the counsel for the defendant in error has produced nothing that can have weight with this court."

THE ADDITIONAL APPEAL TERMS.

The following observations were made by the Judges of the Queen's Bench at the opening of the Court on the 27th November :—

The CHIEF JUSTICE said a proclamation had been issued on the 22nd of October last, fixing two additional terms of the Court of Appeals. This proclamation would be read and the Court