

tirely to such difficulties: but, as the case, as it seems to me, comes plainly within the provisions of sec. 158(f)—under which the indictment, judging from its language, seems to have been preferred—those difficulties become immaterial; the case should be dealt with under the provisions of the last-mentioned section; which, in so far as they are applicable to this case, are as follows: “Every one is guilty of an indictable offence . . . who . . . offers . . . to such person, under the circumstances and for the causes aforesaid, or any of them, any such . . . reward:” the circumstances and causes, as far as applicable, being: Every person who, by reason of possessing influence with the Government, or any Minister or official thereof, is offered such a reward for procuring or furthering the appointment of the briber, or of any other person, to any office, place, or appointment.

Section 158(f) being exactly in point, and the indictment coming quite under its provisions, there is no good reason why the trial Judge, or this Court, should be troubled with any question as to the effect of sec. 162.

GARROW, MACLAREN, and MAGEE, JJ.A., concurred.

Conviction affirmed.

HIGH COURT OF JUSTICE.

MEREDITH, C.J.C.P.

DECEMBER 8TH, 1909.

BAXTER v. YOUNG.

Pleading—Statement of Claim Disclosing no Reasonable Cause of Action—Striking out—Con. Rule 261—Action for Damages for Bringing Former Action Maliciously and without Reasonable and Probable Cause.

Motion by the defendant to strike out the statement of claim as disclosing no reasonable cause of action.

R. McKay, K.C., for the defendant.

T. H. Wilson, for the plaintiff.

MEREDITH, C.J.:—I think it is quite clear that the statement of claim discloses no cause of action. It has long been settled that the bringing of an action, even although it is brought maliciously and without reasonable and probable cause, is not the foundation for an action to recover damages for the wrong done.