It was for the plaintiff to prove his case: that is to say, he had to prove want of probable cause, and not they, the existence of it, but not only has he failed to prove it, but the defendants have succeeded in establishing its existence. The case is a very painful one as regards the principal offender, a man named Kearney, if, indeed, any distinction can be made between thieves and receivers; but my own opinion is that the latter are the worse of the two. However this may be, this unfortunate Kearney, trusted by his employers for over thirty years, was discovered to be dishonest at last, and to have disposed of large quantities of their property; from enquiry, it was found that the plaintiff, who is a carpenter, was one of those who had got some of it. The detectives were set to work, and they found that Kearney had really sold some of it to the plaintiff, who said he had sold it to one Segouin, a tinsmith. Segouin said the plaintiff, in offering it to him, had represented that he got it in payment of work he had done. He told another that he would sell at a loss. These and a number of other suspicious circumstances coming to the defendants' knowledge, one of them, Mr. Eadie, made his deposition, and the plaintiff was committed for trial and subsequently bailed, and indicted before the Grand Jury, who threw out the bills. But under the modern law I should be disposed to attach more importance to the commitment for trial by a Police Magistrate who can hear both sides of the story, than I should to the return of an unlettered Grand Jury. The criminal laws are made for the protection of life and property. If honest men cannot invoke them without paying damages in such a case as this, they become a nuisance instead of a benefit. Action dismissed with costs.

Mignault & Co., for the plaintiff.
Davidson, Monk & Cross, for defendants.

LEFEBVRE v. THE BEAUHARNOIS STEAM NAVIGATION CO.

Malicious Prosecution—Evidence—Reasonable and Probable Cause—Onus Probandi.

JOHNSON, J. This is another case of damages sought for a malicious arrest; and here the defendants plead that Filgate, who made the charge, was not authorized by the Corporation, but Filgate himself, in his evidence, admits the authority. At that time he was captain of the steamer Beauharnois, and also a stockholder in the defendants' company, and a large sum of money was stolen from the safe, and he procured the arrest of the plaintiff as the thief. The plaintiff himself furnished by his language and his conduct the defendant's best justification for the step he took in causing his arrest. The defendant's boat and the plaintiff's boat (the St. François), both left the Lachine wharf at the same time on the day that the money was taken. The plaintiff's boat took the direct line and got to Beauharnois first, while Filgate's boat had to go to Chateauguay, but finding on the road that he had been robbed, he returned to Lachine and got to Beauharnois about two hours after the plaintiff, who in the meantime had informed several people there of the event. He acted as if he was a most imprudent thief. He swaggered and boasted that he knew the thief, (which may have been true enough), but he added that he was searching for him, and hired a horse and buggy for the purpose, and told a man named Monarque that he had got rich and was going to build a new house. Upon this information, and also upon information given by a man named Archambault, to whom the plaintiff said that he was in search of the person who had stolen a large sum of money that day from his own boat, the defendant acted; and if the plaintiff has any cause of complaint it could only be against himself. Filgate, called as a witness, says all this, and his evidence is objected to, and rightly, to the extent of his competency to prove the truth of what he had heard; but he can prove that he heard it, which of itself would be something, and Archambault himself is then brought up and corroborates him. Mr. Elliott's evidence proves also that the plaintiff acknowledged he had brought all this on himself. There is no such thing as an action for false arrest merely because the party arrested is innocent. It must be shown that the party causing the arrest had no reasonable grounds for acting. This is elementary, and I am really tired of repeating it in cases of this sort.—Action dismissed with costs.

E. C. Monk for the plaintiff.
A. & W. Robertson for defendants.