The punishment for manslaughter being imprisonment for life under section 236 of the Code, section 958 does not apply and a fine cannot be imposed in lieu of imprisonment. The general provision of section 639 that in case of the conviction of a corporation, the court "may award such judgment and take such other and subsequent proceedings to enforce the same as are applicable to convictions against corporations," could not be interpreted so as to affect or modify the positive enactment of section 236.

Patterson and *A. J. Andrews*, for the Crown. *Howell*, Q.C., for defendant.

Province of British Columbia.

SUPREME COURT.

Full Court.] SULLIVAN *v.* JACKSON. [Jan. 9.

Practice—Application to dismiss for want of prosecution after notice of trial—Rule 340.

Appeal to the Full Court by defendant from an order of Forin, Loc. J.S.C., dated 22nd December, 1899, dismissing defendant's summons to have the action dismissed for want of prosecution. The local judge held that once notice of trial has been given it is not open to the defendant to apply to have the action dismissed for want of prosecution.

Held, allowing the appeal, that a judge sitting in Chambers has power to dismiss an action for want of prosecution, notwithstanding that the action has been entered for trial.

Galt, for appellant. *A. E. McPhillips*, for respondent.

Full Court.] BAKER *v.* KILPATRICK. [Feb. 22.

Malicious prosecution—Reasonable and probable cause—Belief of defendant—Malice—Questions to jury.

In an action for malicious prosecution the judge intimated that he thought there was no evidence to go to the jury but he decided to let the case go to the jury so that the Full Court might have the benefit of the findings in case an appeal was taken. The jury found that the defendant had not taken reasonable care to inform himself of the facts before he proceeded against the plaintiff, and that he did not honestly believe in the charge, being actuated by an indirect motive, viz.: to obtain recompense for the loss of his horse. Damages were assessed at $200.00.