

The jury found against the defendant, and assessed the plaintiff's damages at \$400.

The defendant, before instituting the prosecution against the plaintiff, consulted counsel; and the main issue at the trial was, whether the defendant had fairly and fully laid the facts and circumstances before counsel, and in good faith acted upon his advice in instituting and promoting the criminal proceedings complained of. From the evidence of the defendant and the gentleman referred to, it was manifest that all the material facts and circumstances were not placed before the latter.

Aside from the claim for injured reputation and loss of earnings, estimated by the plaintiff in thousands, he was at an actual expense, in journeying to several sittings of the Court, far beyond the amount of damages awarded. If he was entitled to damages at all—and the learned Judge thought the plaintiff was so entitled—he was entitled to a substantially larger sum than \$400. When he sued, if he believed in the justice of his claim, he was justified in expecting a sum beyond the jurisdiction of a County Court.

There should be judgment for the plaintiff for \$400, with costs according to the tariff of the Supreme Court of Ontario.

CORRECTION.

IN PETERSON v. BITZER, ante 231, on p. 232, 20th line from top, after "was" insert "not."