

chant carrying on business in Toronto, and M. L. Willinsky, her husband, who assisted in the business, for malicious prosecution and for wrongfully causing a search warrant to be issued and the premises and property of the plaintiffs to be searched, and plaintiffs' goods to be seized and taken away.

The defendants were wholesale merchants, and on the 5th November, 1907, they laid an information against one Owens, a salesman in their employment, charging him with theft of a quantity of goods which he had sold to the plaintiff M. L. Willinsky, acting for his wife. The ground for the charge of theft appeared to be that Owens had, without authority, sold one lot of goods for \$5.70 which the defendants asserted, should have been sold for \$70.80, and another lot for \$43, which, the defendants said, should have been sold for over \$200. The evidence for the plaintiffs shewed that the goods had depreciated in value, and were what is known as "job lots," and were not worth more than the plaintiff agreed to pay. The goods were sold on credit and charged in the defendants' books to the plaintiff Sarah R. Willinsky.

The charge against Owens came before the police magistrate on the 21st November, 1907, when Owens was committed for trial. Both the defendants gave evidence, and either during or at the close of the investigation the police magistrate directed Mr. Corley, the Crown Attorney, to summon the plaintiff Sarah R. Willinsky on a charge of unlawfully receiving stolen goods.

The formal information or charge was, on the direction of the Crown Attorney, sworn to by one Newton, a detective, on the 22nd November, 1907. A summons upon this charge was thereupon served upon the plaintiff Sarah, and, when it came before the police magistrate on the 28th November, the information was amended so as to include her husband. Both were committed for trial on the charge of unlawfully receiving stolen goods.

Instead of laying before the grand jury indictments for theft and receiving, the Crown Attorney, after conferring with the Chairman of the Sessions, indicted the plaintiffs and Owens jointly for conspiracy to defraud the defendants. The grand jury returned a true bill. At the trial all the accused were found not guilty. The original charges were not otherwise disposed of.

On the information for theft being laid against Owens, the defendant Anderson laid an information before a justice of the peace charging that a quantity of his goods had been stolen, and that he suspected that they were concealed in the premises of the plaintiff Sarah R. Willinsky, upon which a search warrant was issued and placed in the hands of a detective, who, with the defendant Anderson, went to the plaintiffs' premises and seized and took away all the goods which the defendants said had been stolen by Owens.