

RENTON v. GALLAGHER.

1910

ON APPEAL FROM THE COURT OF APPEAL FOR MANITOBA. ^{*Oct. 25, 26.}
^{*Nov. 2.}

Malicious prosecution—Probable cause—Evidence—Onus—Honest belief—Practice—Questions for jury.

APPEAL from the judgment of the Court of Appeal for Manitoba(1), ordering that the judgment for the plaintiff, appellant, entered by Cameron J., at the trial, upon the verdict of the jury, should be set aside and that a nonsuit should be entered.

On the appeal to the Supreme Court of Canada, after hearing counsel on behalf of both parties, the court reserved judgment, and, on a subsequent day, the appeal was dismissed with costs, Idington J. dissenting.

Appeal dismissed with costs.

Trueman for the appellant.

Phillipps for the respondent.

[NOTE.—On the 15th of May, 1911, the Judicial Committee of the Privy Council refused leave for an appeal in *formâ pauperis*; 44 Can. S.C.R. ix.]

*PRESENT:—Sir Charles Fitzpatrick C.J. and Girouard, Davies, Idington and Anglin JJ.