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NICKERSON *v.* MANNING

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH  
COLUMBIA

1927

\*Oct. 10.

*Malicious prosecution—Swearing out and executing search warrant—S. 73  
(1) Government Liquor Act—Reasonable and probable cause—  
Malice—Indirect and improper motive—Quantum of damages.*

APPEAL from the judgment of the Court of Appeal for British Columbia (1), affirming the judgment of the trial judge, D. A. McDonald J., and maintaining the respondent's action.

The respondent brought an action against the appellant for damages for maliciously and without reasonable and probable cause swearing out, obtaining and executing a warrant to search the house of the respondent. The appellant, a police officer and a member of the "dry squad," purported to act under s. 73 (1) of the *Government Liquor Act*, R.S. B.C., 1924, c. 146.

The trial judge found in favour of the respondent on the verdict of a jury and the judgment was affirmed by the Court of Appeal.

The appeal to the Supreme Court of Canada was dismissed with costs.

*Appeal dismissed with costs.*

*C. W. Craig K.C.* for the appellant.

*H. S. Wood* for the respondent.

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\*PRESENT:—Duff, Newcombe, Rinfret, Lamont and Smith JJ.

(1) [1927] 2 W.W.R. 623.