

this Court would, in the absence of the jury's verdict, have no hesitation in holding that the documents were by the same hand.

In that state of facts, how can it fairly be said that there were not reasonable and probable grounds for the honest belief of the defendant? With great respect, I think the learned trial Judge sets too high a standard for this defendant, and that it should be found that the belief of the defendant was upon reasonable and probable grounds.

I am not losing sight of the contention that the defendant should have made further inquiry. In *Lister v. Perryman*, L.R. 4 H.L. 521, there was a contention that further inquiry should have been made. No doubt in that case it was reasonable that further inquiry should have been made, but the "very sensible view" of Mr. Baron Bramwell was adopted, i.e., "it would have been a very reasonable thing . . . to do, but it does not therefore follow that it was not reasonable not to have done so" (p. 533).

It is very often taken for granted and oftener argued that when a certain course of conduct is admitted or proved to be reasonable, the opposite must be unreasonable. Of course that is not so; the real test is rather negative than positive; and, if one avoids all that to be reasonable a man should avoid, he cannot be charged with unreasonable conduct. . . .

Sufficient evidence to satisfy a reasonable man being available and at hand, there is, speaking generally, no need to make further inquiry. Of course, if there is a belief, or perhaps even suspicion, that inquiry will displace the evidence already found, it would or might be different. That would in itself go to bona fides. Nothing of the kind is to be found in the present case.

Here then, in my view, we have the four essentials in such a defence as laid down by Hawkins, J., in *Hicks v. Faulkner* (1882), 46 L.T.R. 127, at p. 129: (1) an honest belief in the guilt of the accused; (2) this belief being on reasonable conviction of the existence of the circumstances which led the accuser to that conclusion; (3) this belief based on reasonable grounds, i.e., such as would lead any fairly cautious man in the defendant's situation so to believe; and (4) the circumstances so believed and relied on such as amount to reasonable ground for belief in the guilt of the accused.

It must not be forgotten that it is not knowledge that is required, but belief. We know when we (1) believe (2) on reasonable grounds (3) what is in fact true. The third element is