formation, etc., and we have done so. Mr. Justice Middleton informs us that he considered that the defendant believed in the guilt of the plaintiff, but not on sufficient grounds.

In my view, we are not called upon to pass upon the question, "If the facts are placed fully and fairly before experienced counsel or even the County Crown Attorney and a prosecution is advised, does this constitute reasonable and probable cause?" As at present advised, I am not able to assent to an answer in the affirmative to that question, at least if the complainant does not himself believe in the guilt of the accused. The advice of counsel after disclosure of all facts is cogent evidence of the existence of reasonable and probable cause; but, if the complainant does not believe in the guilt of the accused, there is no reasonable and probable cause for him: Connors v. Reid (1911), 25 O.L.R. 44. This is implied by the terminology to be found everywhere in cases and text-books: that the prosecution must be bonâ fide. A prosecution must necessarily be malâ fide which is conducted by a prosecutor who does not believe in the truth of the charge he makes.

Here, however, the defendant believed that the plaintiff was guilty; and, if he had reasonable grounds for such belief, he is excused.

The facts are not very numerous or complicated. I propose to exclude everything but what bears on the present question. The defendant came into possession of certain letters. His solicitor recommended that the letters should be submitted to a well-known expert on handwriting for report as to whether they were the production of either of two women suspected. The report was in the negative, and the matter dropped. Afterwards, a subpœna, with admitted handwriting of the plaintiff, came to hand; and the expert was confident that the letters were written by the same hand. The plaintiff denied this on oath, and another expert was consulted, who agreed with the first. Thereupon the solicitor advised that the matter should be laid before the Crown Attorney. This was done. The first expert attended before Mr. Corley, and that very efficient Crown officer was convinced by the experts' reasoning that the handwritings were identical.

We are pressed with the statement of Lord Denman, C.J., in Clements v. Ohrly (1847), 2 C. & K. 686, at p. 689: "In my opinion, similarity of writing is not enough to constitute probable cause for charging a person with forgery without evidence of other circumstances, and parties cannot create probable cause by