board B. as long as she rented a house, and partly of a sum of money, of the disposition of which no account could be given; that the deeds of transfer were subsequently registered by B. on hearing that C. had been dismissed from his position; and that B. had for years boarded with C. and his wife free of cost, and was on terms of close intimacy with them. (*c*)

(*c*) *Embezzlement*—There is probable cause for a charge of embezzlement where the employee refuses to account for a missing sum of money which has been in his hands, (*d*) and where he has written the person to whom the money was to be handed, denying that he has received it, is sufficient to shew probable cause for a prosecution on a charge of misappropriation; (*e*) but not where the servant, a commercial traveller, has merely used for his own purposes a portion of the money received from the customers where he believes that he is entitled to do so and it is not certain which party is really indebted to the other, (*f*) nor where, at the time of the arrest, about two-thirds of the money entrusted to the employee to make purchases had been accounted for and the terms of the agreement are uncertain. (*g*)

(*d*) *Forgery*—Probable cause for a prosecution on this charge exists where the cashier of the bank where a forged check was cashed has identified the plaintiff as the person who cashed it; (*h*) but not where the only evidence to throw suspicion on the plaintiff is similarity of handwriting. (*i*) Nor is any probable cause established for prosecuting a young man of twenty years of age on a charge of having forged his father's name to a note where the proceedings were based merely upon evidence given by the son at the trial of a suit on the note, to the effect that he never intended to sign any such instrument, and that, if he actually did sign it, he did so in the belief that it was only a receipt for goods delivered by express, and upon the answer received by the prosecutor to an enquiry made from the agent of the express company, who informed him that there was a receipt, but that the signing was denied by the son, and the signature could not be sworn to. (*j*)

(*c*) *Isler* v. *Ross* (1894) Que. Off. R. 6 S.C. 312; aff'd by Q.B.

(*d*) *Patterson* v. *Scott* (1876) 38 U.C.Q.B. 642.

(*e*) *Kagar* v. *Dyett* (1831) 4 C. & P. 4 [nonsuit of plaintiff].

(*f*) *Mewell* v. *Lesser* (1879) 2 L.C. Leg. News 18 S.C. 108, per Johnson, J.

(*g*) *Lavergne* v. *Willett* (1874) 23 L.C. Jur. (Q.B.) 184. For a case in which the same court was divided on the question whether there was probable cause for an arrest on a charge of having converted to the plaintiff's own use goods bought by him with money furnished by the defendant, see *Copeland* v. *Forbes* (1886) 2 Mont. L.R. (Q.B.) 365.

(*h*) *Harrison* v. *National, &c., Bank* (Q.B.D. 1884) 49 J.P. 390.

(*i*) *Clements* v. *Wheley* (1847) 2 C. & K. 685.

(*j*) *Chamberlain* v. *Sawyer* (1897) 27 Can. S.C. 450.