tence of reasonable and probable cause of the guilt of the defendant. This is on account of the criminal law having been actually set in motion; and then a duty arises from the individual to the State that nothing shall be done to intercept the course of criminal justice. In such a case it is of no consequence whether the person accused is innocent or guilty of the crime charged. To borrow the forcible language of Lord Denman: "if innocent, the law was abused for the purpose of extortion; if guilty, the law was eluded by a corrupt compromise, screening the criminal for a bribe": *Keir* v. *Leeman*, 6 Q. B. 308.

Of course, a mere threat of criminal proceedings, if there be no reasonable and probable cause for their institution, will not operate to avoid a compromise based on the relinquishment of such proceedings; though the party threatened may have a right to relief under another head of jurisprudence, if there has been duress, coercion, or intimidation.

The same principle also applies where the crime is itself of such a nature as to involve pecuniary loss to an individual, as, for example, in cases of embezzlement and forgery. In such a case the policy of the law is that the injured person cannot maintain his suit for the money demand until he has done his best to bring the guilty person to justice. This duty is sufficiently discharged if the person injured has preferred a bill of indictment which has been thrown out, or not proceeded with at the suggestion of the presiding judge, and he is thereupon remitted to his civil remedy: *Ex parte Ball, In re Shepherd*, 27 W. R. 563.

This last case we have cited is the most recent and perhaps the most instructive upon this subject. Bramwell, L. J., discusses most elaborately the reasons alleged for the opinion that the felonious origin of a debt is in some way an impediment to its enforcement, and fails to find a satisfactory solution in any of them. Baggallay, L. J., proceeds upon grounds hitherto recognised as sufficient, namely that the civil remedy is suspended only till public justice has been satisfied as laid down in *Dudley & West Bromwich R. R.* v. *Spittle*, 1 J. & H. 14. See *Reid* v. *Kennedy*, 21 Gr. 86.

Baggallay, L. J., also holds that the doctrine of suspension does not apply where the offender has been brought to justice at the instance of another person injured by a similar offence, or in which prosecution is impossible by reason of the death of the culprit, or of his escape from the jurisdiction before a prosecution could have been commenced by the exercise of reasonable diligence.

But upon this last point Bramwell, L. J., observed: "I am not sure that the law may not turn out to be this: that if the man goes abroad, and so the prosecution becomes impossible, that is the misfortune of the creditor, and he must wait till he comes back again. However that may be, there seems no doubt that when the crime has been committed in a foreign country, and the fruits of it are brought to this country, civil proceedings may be taken for their recovery in our Courts forthwith." This question arose in *The Merchants Express Company* v. *Morton*, 15 Gr. 274, and the present Chancellor then held that, in such a case, the reason of public policy that there must be prosecution to conviction, or acquittal, before a civil action could be maintained, did not apply. As observed by Wilson, J., in *Topence* v. *Martin*, 38 U. C. R. 411, the suspension of the civil remedy is a matter of local policy, and the courts of our country are not bound to vindicate the dignity of the foreign law.