

"Lord Campbell in the case of *Broughton vs Dickson*, 21 *Law Journal R. Q. B.* 1852, p. 256, said. "The defendant in an action for malicious prosecution, should prove facts which would created a reasonable suspicion in the mind of an reasonable man."

"Again it was said: "Reasonable cause depends on the state of the defendant's mind and the information which is present to it at the time he institutes an action or starts a prosecution.

(*Delegal vs Higley*, B. M. C. 950 (1837.)

"Now as to the effect of a true bill. In *Saville vs. Roberts*, it was stated: "4. if a bill of indictment has been backed by a true bill, the defendant in an action for malicious prosecution shall not be obliged to prove a *probable cause*, but the plaintiff must show malice *espress*."

"In the present case, where the Magistrate committed after contradictory proof was given, the accused having examined witnesses, and after a true bill was found upon a Bill of Indictment, it does seem to me that meagre proof of reasonable and probable cause, in the absence of proof of express malice, is a complete bar to the action.

"In this case twice the defendant consulted his Counsel before instituting the prosecution, and laid all the facts before him and followed his advice.

In the case of *Ravenga vs Macintosh*, 2 B. & C. 693, 1824, Bailey J. said: "If a party lays all the facts before his Counsel, he is not liable to prosecution."

"I should not perhaps be inclined to go to the full extent of this holding. If a person did consult his Counsel, and he laid all the facts before him, but the Magistrate refused to commit, I would hesitate to deny an action: but where the Counsel's advice upon the facts is followed by the Magistrate, committing after the facts are proven under oath, and the Grand Jury find a True Bill, the defen-