(c) *The reasonableness of defendant's belief* in the justifiability of the proceedings is also a question for the jury. "The belief of the accuser in the guilt of the accused; his belief in the existence of the facts on which he acted, and the reasonableness of such last-mentioned belief, are questions of fact for the jury, whose findings upon them become so many facts from which the judge is to draw the inference, and determine whether they do or do not amount to reasonable and probable cause." (*d*) The rule is the same whether a question is made as to the reasonableness or otherwise of the

(1868) 1 Han. (N.B.) 227: *Abell* v. *Light* (1868) 1 Han. (N.B.) 240. In an action for maliciously causing the plaintiff to be adjudicated a bankrupt, it is proper to take the opinion of the jury upon the question whether the plaintiff really believed the proceedings taken were well-founded: *Johnson* v. *Emerson* (1871) L.R. 6 Exch. 329 (p. 351) [a case where the proceedings had been stopped pending appointment by the registrar for the examination of sureties]. In an action for maliciously procuring an order for the arrest of a debtor, on the ground that he is about to quit the country with intent to defraud the complainant, the judge should not undertake to rule on the question of probable cause without taking the opinion of the jury, whether the defendant honestly believed that the plaintiff was going away with intent to defraud; and, secondly, whether he had reasonable grounds for so believing: *Erickson* v. *Brand* (1888) 14 Ont. App. 614.

(*d*) *Hicks* v. *Faulkner* (1881) 8 Q.B.D. 167. In *Davis* v. *Russell* (1829) 5 Bing. 354, the plaintiff, an elderly woman, had been lodging with one, H., at the time the trunk of the latter had been broken open and certain articles taken therefrom. After her removal from the house a letter arrived for her, and the defendant, R., a constable, was induced to break it open by her declaration that she believed, from her examination of the ends of the letter (this was before the days when letters were commonly enclosed in envelopes)—that it contained some allusion to the robbery. The letter purported to be from an accomplice demanding money from the plaintiff as a joint perpetrator, and, upon reading it, R. arrested the plaintiff. Held, that, upon these facts, a nonsuit would have been improper, and that it was necessary to leave it to the jury to say whether, admitting the facts, the defendant acted honestly, or, in other words, whether, under the same circumstances, they would have done as he did. An instruction, putting these questions to the jury, was held to be, in effect, an intimation that, if they were of opinion that an affirmative answer should be returned, the defendant stood excused. In an action for wrongful arrest on the ground that the plaintiff was about to leave the country with intent to defraud, &c., where it is shewn that the defendant suppressed certain facts known to him which might, if stated, have satisfied the judge that the plaintiff was not about to leave the country, the question of probable cause cannot be decided until the jury determines (1) whether or not the defendant, in spite of his knowledge of the facts, honestly believed the plaintiff was going away with intent to defraud his creditors, and (2) whether he had reasonable ground for so believing: *Erickson* v. *Brand* (1888) 14 Ont. App. 614. A burglary had been committed in the defendant's store, and on the floor was found a bill of an account due from the plaintiff to the defendant. The paper was soiled and crumpled, and looked as if it had been carried for some time in some person's pocket. The defendant thereupon procured a warrant for the search of the plaintiff's premises. On the trial of the action for damages evidence was given both that the document had, and that it had not, been sent to the plaintiff. Held, that the judge, instead of dismissing the action on the ground that there was no evidence of a want of probable cause, should have taken the opinion of the jury on these four questions: (1) whether the account had, in fact, been sent to the plaintiff; (2) whether it had been found, as alleged, after the burglary, in the shop; (3) if it had not been sent, did the defendant believe that it had been sent; (4) if he did so believe, were the circumstances on which his belief was based such as to warrant a reasonable man of ordinary prudence in forming such a belief: *Young* v. *Nichol* (1885) 9 Ont. R. 347.