

*Addison, on Torts, 7th Ed., p. 222.*—"In determining whether or not there was a probable cause for the arrest, the Judge has to ask himself, whether a reasonable man in the position of defendant, and having the knowledge which defendant in fact had or could and ought to have had, would have supposed at the time of the prosecution that the prisoner was guilty."

19 *Am. and Eng. Ency.*, 657:—"Though there are many verbal differences in the definition of probable cause in the present connection, there is a substantial agreement among the cases that the probable cause for the institution of a criminal proceeding is the existence of facts sufficient to induce, in the mind of a reasonable man, a belief in the guilt of the accused, but in order to exonerate himself from liability the defendant must have acted upon all the facts within his knowledge, he cannot justify the prosecution by showing *prima facie* circumstances of guilt, but excluding those within his knowledge, tending to prove innocence."

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### COUR SUPERIEURE.

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Billet promissoire. — Endossement faux. — Paiement.  
— Statut impérial. — Omission. — Obligation.

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MONTREAL, 10 avril 1911.

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BRUNEAU, J.

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LA SOCIÉTÉ PERMANENTE DE CONSTRUCTION DU DISTRICT D'IBERVILLE *vs* ISRAËL LONGTIN *et al.*

JUGÉ.—1o. Que celui dont l'omission d'un fait cause un tort à autrui n'est civilement responsable du dommage qui en ré-