

reception of guests on 2nd March; there was no unreasonable or unnecessary delay in removing the quarantine, and any delay there was after the 2nd March in the opening of the hotel for business was the result of the act of Ward himself, and not of defendants; this is shewn by the testimony of Dr. Marr, to which there is no reason for not giving full credit.

There is no ground for finding that defendants or any of them were guilty of a conversion of any of Ward's property; there was no interference by any of them with the supplies that were in the hotel when it was first placarded, and such of them as were consumed appear to have been used under the direction of Ward's own employees and servants, and indeed partly at all events by members of his own family, and most probably partly by himself.

The claim for the value of the articles destroyed is untenable; they had been exposed to infection, and the board had authority, by sec. 100, to direct the destruction of them, and was not bound to compensate Ward for the loss of them; whether it should do so or not is, by sec. 100, left to the discretion of the board. There was also on this branch of the case evidence sufficient to warrant a finding that what was done was done with the consent of Ward.

The claim for the value of the articles taken to the hospital appears to me a preposterous one. These were blankets and other articles in which the sick persons were wrapped when being taken to the hospital. The sick persons were members of Ward's household, and the blankets and most, if not all, of the other articles had been in use about the bodies of the sick persons while they were at the hotel, and after they had been disinfected Ward was notified that they were ready for him, and he might take them away, but he appears to have chosen not to go or to send for them.

There remains . . . the ground . . . that defendants were not shewn to have acted maliciously and without reasonable and probable cause. I agree with the Chief Justice that this also is a complete answer to most, if not the whole, of Ward's claim. It may be that it would not afford any answer to the claim for using the hotel as a place for the persons who had been exposed to contagion; and it would not, I think, if that were a thing which defendants had no right to do; and if defendants were without any defence to that branch of the claim, I would, for the reasons I have already mentioned, assess Ward's damages at 25 cents and direct judgment to be entered for him against defendants the members of the board for that sum without costs.