

ministerial officer and the commencement of the proceedings before the judicial officer. . . . It may very well happen in the Superior Courts which have jurisdiction over both descriptions of actions, when the plaintiff, at once having been taken before a magistrate, may be content to bring his action for false imprisonment only. In such a case—which must be within the memory of all of us—the Judge would tell the jury to give damages for the false imprisonment only, and not for what came under the cognizance of the magistrate.”

Under the principles which are established in these cases, I think that the defendant is not liable in damages in respect to that fine which never reached him. It cannot be said in law or in fact that he directly “set in motion” the County Court Judge to impose the fine.

The appeal to that extent must be allowed with costs of the appeal.

The learned Judge, over and above this, has allowed for damages the sum of \$16, and I think, whatever view may be taken of the case, this allowance is not excessive or unjustifiable in law, even if the excessive detention after arrest without warrant is the only cause of action against him.

The plaintiff will have judgment for \$16 with costs to be set off.

This judgment governs the seven cases argued before us on notice of appeal.
