

them, but the Supreme Court of Nova Scotia discharged the prisoners. Eight of them now brought actions against defendant for false imprisonment. No malicious prosecution was alleged. Damages awarded plaintiffs. *Chen Fun v. Campbell*, 7 E. L. R. 147.

**Disease** — *Prohibition as to immigrants landing—Immigration Act—Amendment of 1902—Proclamation—Effect of—Deportation—Habeas corpus—Jurisdiction of Court.*—A proclamation was issued and published in the Canada Gazette, empowering the Minister of the Interior, or any officer appointed by him for the purpose, in pursuance of the amendment to the Immigration Act, 1902, c. 14, to prohibit the landing in Canada of any immigrant or other passenger suffering from any loathsome or infectious disease, and who, in the opinion of the Minister, or such officer, should be so prohibited:—*Held*, on appeal (affirming the order of Morrison, J.), that the statute and the proclamation issued thereunder merely authorised the deportation of the diseased person; but did not take away the right of the Court to decide the question of fact on a proper application; and the Judges are bound to inquire into the matter on an application for *habeas corpus*.—Parliament not having made the examination by the immigration officer final, the statute is not to be construed as ousting the jurisdiction of the Court to examine into the legality of the detention on a proper application.—*Effect of Cox v. Hakes*, 15 App. Cas. 506, discussed. *Ikzova v. Canadian Pacific Ric. Co.*, 12 B. C. R. 454.

**Immigrants detained on vessel for deportation** — *Habeas corpus* — *Escape—Liability for penalties.*—The owners, master and others of a vessel on which immigrants are detained for deportation, who land them and produce them in Court in obedience to a writ of *habeas corpus*, are not liable for the penalties imposed by the Immigration Act, R. S. C. c. 93, s. 64, if, in the interval of the landing, the immigrants, or any of them, escape without their aid or abetting. *Siftos v. Balls*, 35 Que. S. C. 259, 6 E. L. R. 222.

**"Passenger"** — *Resident of Canada* — A resident of Canada, returning from a visit abroad, is not a "passenger" or an immigrant who is subject to the provisions of the Immigration Act. *Re Chin Chee*, 11 B. C. R. 400, 2 W. L. R. 237.

See ALIENS—CONSTITUTIONAL LAW.

## IMMORAL CONSIDERATION.

See VENDOR AND PURCHASER.

## IMMORALITY.

See EVIDENCE—INFANT—INSURANCE.

## IMPERIAL DEBTORS ACT.

See JUDGMENT DEBTOR.

## IMPORTATION OF GOODS.

See SALE OF GOODS.

## IMPORTING ALIEN LABOURERS.

See ALIEN.—CRIMINAL LAW.

## IMPOSSIBILITY OF PERFORMANCE.

See CONTRACT.

## IMPOTENCE.

See HUSBAND AND WIFE—MARRIAGE.

## IMPRISONMENT.

See ARREST — BANKRUPTCY AND INSOLVENCY — CARRIERS—CRIMINAL LAW—COMPANY — CONTEMPT OF COURT — FALSE ARREST AND IMPRISONMENT — FISHERIES — INDIAN — INFANT—INTOXICATING LIQUORS—JUDGMENT DEBTOR—JUSTICE OF THE PEACE—LIQUOR LICENSES — MALICIOUS PROSECUTION AND ARREST — MUNICIPAL CORPORATIONS—SEAMEN'S ACT.

## IMPROVEMENTS.

**Allowance for** — Mistake—Title—Use and occupation—Interest—Parties. *Chandler v. Gibson*, 2 O. W. R. 843, 3 O. W. R. 414.

**Claim for** — *Bona fides* — *Notice of title being disputed.*—Good faith is the essential condition of the right of the possessor of immovable property to claim the value of improvements upon it. When he claims it by plea to a petitory action, it is a good answer that the improvements were made after notice to him by protest that his title was disputed. *Gervais v. Benjamin*, 35 Que. S. C. 479.

**Crown lands** — *Squatter* — *Sale of rights* — *Payment for improvements—Set-off of profits—Possession "in good faith."*—A person in possession of land is not a possessor in good faith, within the meaning of Art. 411, C. C., unless he is in possession *animo domini*. Therefore, a squatter who abandons or sells his rights in a lot which is part of the Crown domain, and who continues to occupy after his purchaser has obtained a title by letters patent from the Crown, is not in possession in good faith, and is not entitled to the issues and profits of the lands. He cannot, therefore, claim from the owner who revendicates it the cost of his improvements unless upon setting off the value of the profits received. *Ellard v. Milfour dit Minquette*, 16 Que. K. B. 545.

**Demand of possession** — *Subsequent improvements* — *Mistake of title* — *Delay in bringing action* — *Lien.*—The defendant