

committed them for trial, after preliminary hearing, and the County Judge thought so who tried them, and imposed a penalty of \$100 each, which was paid.

Subsequently, the conviction having been subject to review by the Supreme Court on a reserve case, the full bench decided that the Act charged and proved did not constitute a criminal offence and the discharge of all the prisoners was ordered.

Eight of them have now brought action against the defendant Campbell for false imprisonment. No malicious prosecution is alleged. If the action had been for malicious prosecution in my judgment it must have failed, for I have no doubt defendant acted upon reasonable and probable cause and had no object but the discharge of official duty imposed upon him by his superiors. But in the case of false imprisonment where it has been held that the prisoners were held without any criminal charge having been made, my view is that the defendant, under the law, becomes liable for any actual damages which plaintiffs suffered as a result of the imprisonment, even though he acted in good faith.

One of these actions, *Sam Chak v. Campbell*, was tried before me with a jury. Under my instructions they gave a verdict against defendant for \$40, amount paid to solicitor for procuring his release from custody, and \$7 for loss of time.

After this cause had been disposed of the counsel for both parties agreed that I should dispose of the remaining seven causes upon practically the same evidence taken in *Chak* case. I thought the jury in the *Chak* case gave rather too small damages for legal expenses because the whole case has been brought out on *Chak* case, which was made a test case, and therefore the legal expenses were only nominal in the other cases, although plaintiffs' solicitor deposed that he prepared papers in all the cases. I think it would be fair to allow solicitors' fee of \$15 in each of the other seven cases. Having some discretion in regard to allowing for loss of time, which the jury fixed at \$7, I am not disposed to allow any but nominal damages on this account. These men were clandestine intruders who did not shew me that they had any employment provided for on their entrance into the province. They may not have committed a crime, but they did knowingly evade the law, avoided the Customs House and paid no head tax. They