ing out of a civil matter—by exposing its tainted origin—may be shown to be invalid, a fortiori one connected with a criminal charge (where the loss of liberty would, in general, be more prolonged or reveal conditions of greater severity), ought not to be supported. Furthermore, in a contrast of their salient events, neither *Lyford* v. *Tyrrell*, nor *Wells* v. *Gurney*—both crucial authorities—can be distinguished from a case presenting purely criminal features. There are, besides, several cases in our own Courts, which, in another, though closely related, aspect of the discussion, seem exactly in point.

Trespass ab initio is a cognate theme, and its bearing on the inquiry here is impossible to be escaped. In *Kerby* v. *Denby*, 1 M. & W. 326 (an action for breaking into and entering the plaintiff's dwelling and for false imprisonment) it was decided to have been an appropriate direction to the jury that the defendants, having become trespassers ab initio by the breaking open of the door, they could give damages for the later grievance. And in *Hooper* v. *Lane*, 6 H. L. C., 535, it was announced that where a wrongful entry had been consummated, a legal arrest could not afterwards be effected.

In *Morris* v. *Wise*, 2 F. & F. 51, where a constable, in carrying a prisoner to jail, took him half a mile extra viam, Byles, J., intimated that damages might be awarded—not for the unwarrantable deflection alone—but also for the periods of detention that preceded and followed it; an instruction plainly implying that the custody on which was thus impressed, and to which adhered the stamp of illegality, had suffered vitiation, likewise, at its source.

In *Clark* v. *Woods*, 2 Exch. 402, a party whose goods had been distrained under a warrant of a Justice of the Peace, which contained an unauthorized award of costs, was held entitled to recover the whole sum directed to be levied, though part of the amount was rightfully due; while the magistrate who had endorsed the warrant for execution in another county, was relieved from liability.

The judgment in our own Courts which most authoritatively expounds this doctrine is *Hoover* v. *Craig*, 12 App. R. 72. There, the defendant, Hunter (a constable), armed with