

It is impossible to believe that the defendants could have considered themselves entitled to take exclusive possession of a portion of a great international river to prevent or seriously obstruct its navigation by the plaintiffs' steamer when engaged in carrying passengers, mails and goods, and to dislocate and injure their business with impunity.

All these circumstances are proper elements for consideration in assessing the plaintiffs' damages and it is no answer to say that the difficulty in determining the amount with precision disentitles the plaintiffs to substantial damages. On this point the reasoning adopted in *Chaplin v. Hicks*, L. R., [1911] 2 K. B. D. 791, which was an action for breach of contract is equally applicable where the action is in tort.

With respect I think the plaintiffs were entitled to substantial damages for the wrongs inflicted upon them by the defendants and that the learned trial Judge should have awarded to the plaintiffs damages to the extent of at least \$500 with costs and therefore the judgment appealed from should be set aside and judgment entered for the plaintiffs for that sum, with costs of the action, and of this appeal.

HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND and HON. MR. JUSTICE LEITCH agreed.
