

Further, in *Humphrey v. Mitchell*, 2 Bing. N.C. 619, it was stated that where a first arrest was a false imprisonment, by reason of the wrongful act of the sheriff himself, or his officer, no subsequent conduct or act of his could legalize the continuance by him of that imprisonment. In this country *McGregor v. Scarlett*, 7 P. R. 20, shows conclusively that where an arrest has been compassed in an irregular way no expedient can be resorted to to rectify it.

The adjudication in *Southwick v. Hare* (an action for false arrest and imprisonment) was that the detention of the plaintiff after the time at which a warrant of commitment (under which he had been arrested in another county without a backing, for an offence punishable on summary conviction), was actually endorsed for execution in such county, was justifiable.

The importance of this decision, whether right or wrong, reaches far beyond a mere question of pecuniary damages, for it was decided by the Judge, before whom an application by the then defendant for his release from custody had come (and who happened, afterwards, to preside at the trial) that he could not be discharged; but must await, in gaol, the promised ceremony of endorsement of the warrant—a declaration that seems to impugn an imposing mass of English authority, as well as contradict no little of our own.

It might at this point be observed that it does not, of necessity, follow that a party—no matter what its foundation—may maintain an action for every unlawful detainer of his person, as, for instance, in the case of *Reg. v. Boyle*, 4 P.R. 256, where, although a person imprisoned under a warrant of a justice not fully qualified, was, on habeas corpus, conceded his freedom, his title to recover in an action was thought questionable. On the other hand, it is essential, of course, to be established in a suit of this description, that some illegal detention has been endured.

It might be said that *Southwick v. Hare* went on the ground that the bulk of the cases cited for the plaintiff had reference to dealings with civil process, and were, therefore, properly deemed inapplicable to that investigation. The impression, however, is apt to be formed that if an imprisonment grow-