

but offered no personal or actual violence to defendant or to any of the officers. I believe the defendant and his witnesses when they swear that plaintiff was much under the influence of liquor at the time. After much altercation defendant arrested the plaintiff, who no doubt struggled and resisted so much that defendant called on the others to assist him. Defendant then put handcuffs on plaintiff, took him out of the hotel, placed him in a cab, and put him in the town lock-up. This was on Saturday evening about nine o'clock, and plaintiff was kept in custody from that time until Monday morning. On Monday morning defendant went before the Stipendiary Crowe and laid an information against plaintiff that "he did wilfully obstruct Herbert H. Johnson, additional license inspector of the town of Truro, in the execution of his duty in making a search for liquor within the Windsor Hotel in Truro aforesaid under the provision of the Liquor License Act. Under this charge plaintiff was brought before the stipendiary, who heard the witnesses and dismissed the charge.

These are the circumstances substantially detailed in the evidence and I find the following facts:—

(1) That there was no interference or obstruction by the plaintiff with Johnson, or defendant, or the other officer, in the discharge of their duty—mere blustering words, foul language or empty threats of an intoxicated man do not amount to obstruction.

(2) That so far as the search of the plaintiff's room and trunk were concerned the examination had been completed before plaintiff's arrest, and that nothing he did prevented any further search the officers desired to make.

(3) That there was no necessity at the time or afterwards for defendant arresting the plaintiff on the alleged charge.

(4) I am of the opinion that neither the defendant nor any of the officers were alarmed or frightened by anything the plaintiff did or said while making the search. The fact that the stipendiary magistrate, after hearing the evidence, dismissed the charge, strongly confirms me in the conclusion at which I have arrived. The affair was then recent, and he probably knew more of the parties than I could possibly know.

I think plaintiff's arrest was not only unjustifiable in law, but the manner in which it was carried out was harsh and inexcusable. Even if plaintiff had obstructed him, the