

E. Meredith, K.C., and P. H. Bartlett, London, for plaintiff.

J. A. Robinson, St. Thomas, for defendant Cook.

J. M. McEvoy, London, for defendant Burke.

Joseph Montgomery, for defendant Robinson.

FERGUSON, J.—The jury answered a series of questions and made assessments. By consent, any part or parts of the case, whether of law or fact, not fully covered by the findings, were to be considered and determined by me. The undisputed evidence shews that defendant Burke was some years ago appointed American Consul at St. Thomas, and that he invited plaintiff, his first cousin and foster-sister, then living in Chicago, to come and live with him in his family, while he would hold the office, a period of about four years. The plaintiff accepted the invitation, and parted with a little business she had, and went to St. Thomas. The authorities shew clearly that plaintiff, notwithstanding, had no legal right to remain in defendant Burke's home against his will, no matter how commendable her conduct while there may have been. . . . Personal differences arose, and defendant Burke consulted a lawyer, defendant Robinson, who requested plaintiff to leave Burke's house, and she declined, no doubt thinking that owing to his invitation, and her coming from Chicago in pursuance of it, she had a right to remain. Robinson, still acting for Burke, employed defendants, Cook and Donahue, giving them full instructions not to use unnecessary violence in removing plaintiff from the house, and not to act unless under Burke's instructions. Cook and Donahue went to Burke, and told him their instructions, and he told them to remove the plaintiff, and to act in accordance with Robinson's instructions. The plaintiff was removed accordingly and in Burke's presence. I do not think Robinson is liable. He acted as a solicitor. It was Burke, the master and owner of the house, who ordered the men to expel plaintiff. Donahue's name has been stricken from the record. Cook is the one, who actually removed plaintiff. The jury have found that unnecessary force was used, and have assessed the damages at \$200, and on the authority of *Ferguson v. Roblin*, 17 O. R. 167, and cases there collected, I think defendants Cook and Burke are liable for this sum. The jury have also found \$300 damages for what occurred after the plaintiff passed the boundary of Burke's house. She was put and held in a cab, and driven to a Mrs. Peters' house. The