

GRUDERICHE v. COMPTROLLER OF CUSTOMS

Supreme Court (Butler-Lloyd, Ag. C.J.): October 26th, 1928

- [1] International Trade — importation — woven goods — importation of rolled woven goods neither prohibited nor regulated by Folded Woven Goods Ordinance (*cap. 71*), s.3: The Folded Woven Goods Ordinance (*cap. 71*), s.3, whereby no folded woven goods may be imported unless folded in 36 inch lengths and marked with the number of yards contained in each piece, applies only to goods which are folded and neither prohibits nor regulates the importation of rolled woven goods (page 158, line 32—page 159, line 12). 5
- [2] Statutes — interpretation — every word presumed to have significance and should be given reasonable and natural meaning: When interpreting a statute every word must be presumed to have some significance and each should be given its reasonable and natural meaning so that the word “folded” in the Folded Woven Goods Ordinance (*cap. 71*) should neither be ignored nor given any but its usual meaning (page 158, lines 32—37). 10
- The appellant was charged in the police magistrate’s court with an offence against the Folded Woven Goods Ordinance (*cap. 71*), s.3. 15
- The appellant imported certain woven goods in rolls. He was charged and convicted of an offence under the Folded Woven Goods Ordinance (*cap. 71*), s.3, which provides that no folded woven goods shall be imported unless folded in 36 inch lengths and marked with the number of yards contained in each piece. 20
- On appeal to the Supreme Court the appellant contended that the importation of rolled woven goods was not regulated in any way by the Ordinance which applied only to such goods as were imported in folds, and that his conviction should therefore be quashed. 25
- In reply the Crown contended that the effect of s.3 of the Ordinance was to prohibit the importation of all forms of woven goods, apart from specified exceptions, unless folded and marked in accordance with the section. 30
- The court allowed the appeal and quashed the conviction. 35
- Legislation construed: 35
- Folded Woven Goods Ordinance (Laws of Sierra Leone, 1925, *cap. 71*), s.3:
 “No folded woven goods. . . shall be imported into the Colony unless the same shall be in folds or laps of not less than thirty-six inches in length and each piece thereof be marked with the number of yards and inches (if any) contained therein. . . .” 40

BUTLER-LLOYD, Ag. C.J.:

This is an appeal from a conviction by the police magistrate for an offence against s.3 of the Folded Woven Goods Ordinance (*cap.* 71).

5 The facts are not in dispute. The appellant who is the agent of the D.K.G. imported certain woven goods consisting of white cotton drill in the form of rolls and not folded or marked as required by the section.

10 The case for the Crown is that the effect of s.3 is to prohibit the importation of all forms of woven goods save the exceptions contained in the schedule unless folded in 36 inch lengths and marked in a certain manner.

15 The case for the appellant is that the Ordinance only applies to such woven goods as are in fact imported folded and that goods imported in roll form are excluded from its operation.

It is common ground that the object of the legislature in passing this Ordinance was to protect the native from the dishonest practice of selling as yards lengths which may be in fact some inches shorter.

20 In arriving at his decision the police magistrate appears to have relied upon the definition of "to fold" in *Webster's Dictionary* which is as follows — "to lap or lay in plaits or folds: to lay one part over another part; to double upon itself" — a definition which he considered applicable to the present case, but had he looked at
25 the definition of "to roll" in the same work he would have found — "to wrap round on itself or on something else," which seems to me to be as clearly distinguishable from the above as words can make it. If an article too big for handling extended *e.g.* a map, has to be reduced into a smaller compass, there are two ways of doing
30 it, namely folding and rolling, which seem to me to be the very antithesis of one another.

Had the legislature intended to regulate the importation of all woven goods the insertion of the word "folded," which it is to be
35 noted appears throughout in the text though omitted in the marginal notes, would have been both unnecessary and misleading. The word being there it must be presumed to have some significance. It was argued for the Crown that it was only inserted for the purpose of distinguishing goods in the piece from goods made up into articles such as shirts etc., but it seems to me that such a
40 distinction is unnecessary, since it would be obvious nonsense to require a shirt to be in folds of 36 inches or to be marked with the

number of yards it contains. In my view it is far more reasonable and natural to take it as meaning “folded” as opposed to “rolled.” Such an interpretation in no way diminishes the protection to be afforded to ignorant purchasers. It is impossible to pretend that the layers in a roll are of specific length and very difficult even to count them, and should any dishonest importer subsequently fold goods imported in rolled form into lengths less than the Ordinance requires, he will be committing an offence under s.5 of the Ordinance. 5

I therefore hold that goods imported in rolled form do not come within the operation of s.3 of this Ordinance, and the present appeal must be allowed and the conviction quashed. 10

Appeal dismissed.

BANKOLE-BRIGHT v. CROMPTON 15

Supreme Court (Butler-Lloyd, Ag. C.J.): November 16th, 1928

- [1] **Tort — damages — measure of damages — defamation — contemptuous, nominal, substantial and exemplary damages defined:** Damages awarded to a successful plaintiff in an action for defamation may fall into one of the following categories: (a) contemptuous damages, awarded when, although the defamation is proved, in the circumstances the action should not have been brought; (b) nominal damages, awarded when no special damage has been suffered by the plaintiff, but the action was justifiable to clear his name; (c) substantial damages, awarded to compensate the plaintiff for damage actually sustained; (d) exemplary damages, awarded to punish the defendant’s malicious conduct as well as to compensate the plaintiff. so the amount exceeds adequate compensation for the injury to the plaintiff’s reputation (page 162, line 27—page 163, line 15). 20 25 30
- [2] **Tort — defamation — apology — apology or offer to make apology may be pleaded in mitigation of damages:** The defendant to an action for defamation may plead in mitigation of damages any apology or offer to make an apology that he may have made to the plaintiff (page 162, lines 20—24). 35
- [3] **Tort — defamation — damages — measure of damages — contemptuous, nominal, substantial and exemplary damages defined:** See [1] above. 40
- [4] **Tort — defamation — damages — mitigation of damages — apology or offer to make apology may be pleaded in mitigation of damages:** See [2] above.
- [5] **Tort — defamation — interpretation by hearer — words spoken jocularly and intended to be interpreted as such by hearer not actionable:** It is a