

the cargo of the said barge "Jet" when the collision in question occurred; and do order that defendant pay to the intervenant the costs of his said intervention up to the date of its allowance.

Judgment accordingly.*

DOMINION OF CANADA.

EXCHEQUER COURT.

NOVEMBER 23RD, 1909.

THE SHIP "NORWALK" v. THE MONTREAL TRANSPORTATION COMPANY AND ALEXANDER D. THOMSON.

Shipping—Collision—Negligence—Evidence—Costs.

An appeal from Deputy Local Judge in Admiralty for Quebec.

Clarke, K.C., for appellant.

Howard, for respondents.

CASSELS, J.:—The appeal in this case is on behalf of the ship "Norwalk" from a judgment of Mr. Justice Dunlop, Deputy Local Judge in Admiralty for the Admiralty District of Quebec, delivered on the 12th May, 1909. (Reported above).

The appeal was argued before me on the 14th of September last.

Counsel for both the appellant and respondents, after shortly stating their points, requested that I should read the arguments of counsel before the local Judge and consider them as addressed to me.

These arguments had been taken by the stenographer and extended. Mr. Holden, K.C., and Mr. Howard argued the case for the plaintiffs, and Messrs. Clarke, K.C., and Angers, K.C., for the defendant.

Since the argument I have read and re-read these arguments.

Each of the counsel presented the case for his respective client in a very able way, sifting the conflicting testimony and urging the respective views, and also dealing with the legal questions.

If the local Judge has erred in his conclusion it is not because of want of assistance of counsel.

*EDITOR'S NOTE.—Confirmed on appeal to the Judge of the Exchequer Court, see below.