on the 19th May, 1868, and *thereupon* left the notification and protest with the company's agent at Montreal. This document does not appear to have reached the company's head office at Toronto until the 10th of June following."

Mr. McCuaig, the agent, however, gave evidence to the effect that the notice of abandonment was, to the best of his knowledge, served upon him on the 19th May, 1868. and that the said paper was sent by him to the head office of the company at Toronto on t! ᵛ same day or the next day (record, p. 82.)

Their lordships see no reason to doubt the truth of that statement. Mr. Crocker, who was a director and the manager and agent of the company up to the month of August 1870, when examined as a witness for the defendants. declared that the copy of the notice of abandonment was received at the office of the defendants in Toronto on the 18th June 1868 (record, page 64, line 20). On cross-examination, however, he stated that he did not receive a copy of the notice through Mr. McCuaig, that he received it from Mr. McGregor, who sent it to him from Quebec. That copy, if sent by Mr. McGregor from Quebec must have been a different copy from that sent by Mr. McCuaig. Indeed, one of the learned counsel for the respondents was forced to admit upon the argument that the copy notice sent by Mr. McGregor and the notice of which Mr. McCuaig spoke, must have been different copies. The protest and notice of abandonment is set out at page 19 of record. It gave notice of the time and place of the wreck, demanded payment of the $5,000 for which the vessel was insured and relinquished and abandoned to the defendants all the rigths. claims, title and interest of the plaintiff in the said vessel.

Both the Superior Court and the Court of Queen's Bench on appeal, found that the abandonment was accepted by the defendants. Two of the learned judges of the Court of Queen's Bench dissented from the judgment of that Court; Mr. Justice Monk, however. dissented only on the question of damages; Mr. Justice Badgley alone dis-