

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

[Feb. 21.

MCDONALD v. DOMINION COAL COMPANY'S RELIEF FUND.

*Miners' Relief Society—Right of member to participate in fund—Construction of rule.*

The 12th rule of defendant's society, "No member shall participate in the benefits of the society until two full months after the date of his first payment."

*Held*, per TOWNSHEND J., RITCHIE, J., concurring, that a member was absolutely excluded from any participation in the benefits of the society in case of illness or accident happening within the period of two months, and that the right to participate only began in cases where the inability to work was due to cases arising after the lapse of two months.

*Held*, per GRAHAM, E. J., MCDONALD, C. J., concurring, that the only effect of the rule in question was to delay the right to participate until two full months from the date of the first payment, and that if it was the intention to exclude a member from participation in respect to an incapacity subsequent to the two months because it was due to an accident or illness which first commenced within that period, it should have been expressly so stated.

Robertson, for appellant. O'Connor, for respondent.

EXCHEQUER COURT.

Burbidge, J.]

THE "DAVID WALLACE" AND BAIN.

[March 9.

*Admiralty law—Foreign vessel—Necessaries—Charter party—Authority of master—Liability of owner.*

Appeal from the Nova Scotia Admiralty District. —The action was brought by the plaintiff against a foreign vessel and owners for necessaries supplied on her account at a Canadian port. At the time the necessaries were supplied the vessel was under charter, the owner having by the charter party transferred to the charterers the possession and control of the vessel. The charterers appointed the master, and he for them the crew. The charterers paid the wages of the master and crew and the running and other expenses of the vessel. The plaintiff knew that the vessel was under