

evidence in support of either McAvoy's or Ferris' different statements as to the cause of the accident in consequence of the death of McTaggart, the lock-tender, the only other party present; the fact that the "M. C. Upper" was moored in the proper place, and the absence of any proof that her lines were not taut; the fact that Mr. McCallum had paid his canal dues, and that there was no negligence, contributory or otherwise, on his part, or on the part of those acting for or under him at the time of the accident, we have also come to the conclusion that there are substantial and fair grounds for the favorable consideration of the claim. All which is respectfully submitted.

WM. COMPTON,  
ISAAC BUCHANAN,  
J. SIMARD.

MONTREAL, 14th July, 1881.

(True Copy).

CHAS. THIBAUT, Secretary to the Official Arbitrators.

OTTAWA, October 10th, 1881.

*Re Claim L. McCallum.*

SIR,—As requested in your communication of the 29th September, I have considered this case with reference to the liability of the Crown for the claim. In my opinion the Crown is not liable. Treating the case as one between subject and subject, and giving to the claimant the same rights against the Crown that he would have were his claim against a subject, it is clear that unless the accident was caused by the defective state of the lock gates, or by the negligence of the officers of the canal, there would be no liability to indemnify Mr. McCallum for the losses sustained. The finding of the official arbitrators seems to be unanimous that the accident was caused by the negligence of those in charge of the schooner "Louise," and not by the defective condition of the gates. The Crown cannot be made answerable for the mismanagement of the "Louise." Papers returned.

Z. A. LASH, D. M. J.

T. F. BRAUN, Esq., Secretary, Railways and Canals Department.

I concur in this opinion.

(Signed)

ALEX. CAMPBELL,  
Minister of Justice.