

Q. B.]

THE QUEEN V. PLIMSOLL—REVIEWS.

with clean hands and be free from blame with reference to the transaction complained of; he must prove his entire innocence of everything imputed to him, and must produce to the Court such legal evidence of the offence having been committed by the defendant as would warrant a grand jury in finding a true bill against the defendants."

Now, having come to the conclusion that the loss of this ship was in consequence of her being overladen, I think we cannot, consistently with these rules, make this rule absolute. I have come to that conclusion. I must say very candidly, with diffidence, because I have had nothing but mere individual evidence before me, and conflicting evidence, and I know how difficult it is to come to a conclusion on that subject; but we have had to do it as well as we can, and upon these affidavits as they stand, upon the evidence which has been given, coupled with the admitted behaviour of the ship after her engines had broken down, I cannot satisfactorily to my own mind account for the loss of that ship within a few miles of the port of departure, and within a few days after she had sailed—I cannot come to any satisfactory conclusion in my own mind other than that the ship was overloaded, and so was unable to compete with what was not extraordinary weather at all by reason of her carrying too much cargo. I cannot leave out of my mind that which strongly enters it,—that the two stevedores, Anderson and Campbell, whose character has not been attacked that I can see, who loaded this vessel, and who are experienced both in seamanship and in loading ships, also say, "In our opinion, for the time of the year, the ship was very much and dangerously overloaded, and I would not have sailed three miles in the ship if I had to receive the whole ship and cargo as a present at the end of that distance." Now that is very strong, and therefore, having to come to the conclusion that this ship was so lost by overloading, I think we cannot, consistently with the rules of the Court, put the criminal law in motion against Mr. Plimsoll. Still, I must say, in conclusion, in justice to Mr. Norwood, that while we dismiss this information, I think there are expressions in this book greatly to be regretted. I think, even though we come to the conclusion that the *Livonia* was overloaded, it was very easy for Mr. Plimsoll to have ascertained that Mr. Norwood was away when that was done; it was very easy for him to ascertain that he bought the ship some years before, stipulating that she should carry 1,800 tons; and I must say myself that, looking at that fact as

proved, I think it no justification at all to Mr. Plimsoll for the expressions which he used. I think he has no right to draw an inference that Mr. Norwood is one of the "greatest sinners" in the trade, and that he does habitually send ships to sea overloaded, with a reckless disregard for the safety of the crew, knowing that in the event of loss of ship, he will not be out of pocket, because he is fully insured. That is a frightful charge, and as far as the evidence is before us, I must say wholly without justification. I think Mr. Plimsoll ought to remember, and I beg him to remember, that the best of causes may be injured by bad advocacy, and that these observations he has made are calculated to injure the cause he has at heart, which I am far from saying is not a good one. These gross charges which have been made appear, from the evidence which has been put before us, to have no ground for justification at all; and therefore I say I entirely concur in the judgment of my brother Blackburn; and to mark the sense of the Court I think we should make Mr. Plimsoll pay his own costs, and therefore the rule will be discharged without costs.

ARCHIBALD, J., delivered a judgment concurring with these.

REVIEWS.

THE PRAIRIE PROVINCE, with maps and illustrations. By J. C. Hamilton, M.A., LL.B. Belford Bros. Carswell & Co.: Toronto, 1876.

Since Manitoba became a part of the Dominion the want has often been expressed of a handbook for the emigrant and tourist to that region.

All who read the book now before us will, we think, admit that this has been supplied by Mr. Hamilton. A member of one of our oldest Toronto law firms, he turns his annual vacation trip to account, leaves "cap and gown and store of learned pelf," and makes his way by the Toronto, Grey and Bruce Railway, the north shore of Lake Superior, the Northern Pacific Railway and the winding Red River of the North to Winnipeg. Thence he makes excursions from that river through the famous Selkirk settlement to Lake