

withstanding his agreement as to insurance, and in open defiance of the rights of the mortgagee.

This state of affairs continued until the 25th of October; when the mortgagee, conceiving himself entitled to possession of the boat, arose very early in the morning and took possession in a way which would be free from ambiguity. He thought he had arranged with the Collingwood Shipbuilding Company to lift the boat from the water and place it upon a car; he also thought he had arranged with the Grand Trunk Railway to supply the car. He then took the boat into the Collingwood Shipbuilding Company's dock and had it lifted from the water and placed on the shore. It would have been placed upon the car, but the car had not yet been brought into the dock-yard.

When Truesdell went to the moorings for the purpose of taking the boat out in the morning he found that she was gone. He immediately and not unnaturally suspected Holden. He then searched for the boat, and by chance, looking into the dock-yard, saw her apparently awaiting the arrival of a car. He then resorted to the police magistrate, and laid an information against Holden for stealing the boat; whereupon the chief of police went to the dock-yard and forbade the manager of the dock from letting anyone remove the boat. The manager of the company, notwithstanding Holden's protests, refused to allow the boat to be shipped; and Holden countermanded the order for the car. His intention had been to have the boat shipped to his own premises at Nottawa some three miles away.

On Holden's appearance before the police magistrate the case was enlarged from Friday October the 26th until the following Tuesday; the boat being during that interval in the possession of the dry-dock company who claimed to hold it by virtue of the "injunction granted by the chief of police at the instance of Truesdell."

On the Tuesday, without taking evidence, the police magistrate announced his decision that the matter was a civil one and that the boat should be restored to the one last in possession. On the Thursday, Truesdell had gone upon the boat in the yard and he now claimed to be entitled under this adjudication. When the decision was pronounced he and Holden again raced for possession. Truesdell's youth and bicycle were strong elements in his favour. He