

EXCHEQUER COURT OF CANADA.

11 Oct. 1897.

Before BURBIDGE, J.

THE DOMINION ATLANTIC RAILWAY COMPANY, claimant; and
HER MAJESTY THE QUEEN, defendant.

*Practice — Submission to arbitration—Award—Rule of Court—
Judgment.*

The Exchequer Court has no jurisdiction to entertain an application to make an award under a submission to arbitration by consent in a matter *ex foro* a judgment of the Court.

C. J. R. Bethune for motion to make award judgment of Court.

F. H. Gisborne, contra.

 QUEBEC ADMIRALTY DISTRICT.

3 August, 1897.

Before ROUTHIER, L. J.

THE BELL TELEPHONE COMPANY OF CANADA, Limited, plaintiffs,
and THE BRIGANTINE "RAPID," HER CARGO
AND FREIGHT.

Trespass—Interference with submarine cable — Notice—Damages.

By a regulation passed by the Quebec Harbour Commissioners in 1895 and subsequently approved by the Governor in Council and duly published, the Commissioners prohibited vessels from casting anchor within a certain defined space of the waters of the harbour. Sometime after this regulation had been made and published the commissioners entered into a contract with the plaintiffs whereby the latter were empowered to lay their telephone cable along the bed of that part of the harbour which vessels had been so prohibited from casting anchor in. No marks or signs had been placed in the harbour to indicate the space in question. The defendant vessel, in ignorance of the fact that the cable was there, entered upon the space in question and cast anchor. Her anchor caught in the cable and in the efforts to disengage it the cable was broken.

Held, that she was liable in damages therefor.

Caron, Pentland & Stuart, for the plaintiffs.

Miller & Dorion, for the ship.