

the 15th day of March, without payment of additional premium and leave first obtained, war risk and sealing voyages excepted."

It may be taken as against the plaintiff that the vessel left the port of Montreal on the 16th of November, 1867, for the port of St. John, Newfoundland, and that she was wrecked between the first and 5th days of December, 1867, about 20 miles below the west point of the Island of Anticosti, in the Gulf of St. Lawrence. (See plaintiff's declaration, record, p. 14, and his protest, record, pp. 19 and 20, par. 5, 7, 8 and 9.)

It was contended on the part of the plaintiff that notwithstanding the vessel was lost in the Gulf of St. Lawrence after the 15th of November, 1868, the case did not fall within that part of the warranty or condition by which it was declared that she was not to be in the said Gulf after the 15th November. The argument in support of that contention was that the words *to proceed to Newfoundland*, must according to the decision of *Colledge v. Harty*, 6 Exchequer Reports, 205, be read in the sense of *to proceed toward* or *to set sail for Newfoundland* and that if read in that sense it would be inconsistent to allow a vessel to set sail from Montreal to Newfoundland on or before the 1st of December and not to allow her to enter the Gulf of St. Lawrence after the 15th of November. It was, therefore, urged that the first part of the condition by which it was declared that the vessel was not allowed to enter the Gulf of St. Lawrence after the 15th November, applied only to the case of entering the Gulf for the purpose of proceeding upwards; and in support of that argument the evidence of *Bazil de Roy* was referred to, in which he stated that it was the custom of navigators to leave the port of Montreal at any time in the month of November, for the purpose of going down the Gulf, but that for the purpose of going up the river, they did not generally enter the Gulf later than the 15th November, and that the reason was that the ice then began to descend, and the navigation became dangerous. (Record, p. 77.)