

were negligent in permitting him to be, and remain in charge of such boilers.

*Held*, affirming the Registrar's report, that the facts did not disclose a case of negligence for which the Crown should be liable under R.S.C. 1906, c. 140, s. 20 (c); and that the accident happened through deceased's own fault, and not through the neglect of his fellow-servants. The deceased knew as well as his fellow-servants the care that was required in his employment, and the danger to which he was exposed in case he neglected his duty.

*Martineau*, K.C., for supplicant, *Bérard*, for respondent.

Burbidge, J.]

[March 25.

UPSON WALTON COMPANY V. SHIP "BRIAN BORU."

*Shipping—Goods supplied to ship—Liability of owners—Credit advanced to ship.*

Appellants, who were ship-chandlers, had for a long period been in the habit of supplying the D. C. Company, with goods for use on their dredges, tug-boats and other contracting plant. The goods were generally supplied in small quantities, and paid for on delivery. It was not shown that there was ever an open account between the appellants and the company. In September, 1904, and later in that year the said company were working upon a breakwater, part of the plant with which that work was carried on consisted of a dredge, a tug-boat and two dump-scows. These vessels had been leased by the said company to the D. & S. D. Corporation. During the months of September, October and November 1904, the appellants supplied to the D. C. Company goods which were used on the said vessels or in connection with the work that was being carried on by means thereof. The goods were ordered by the D. C. Company's foreman, and were charged to that company in the appellants' books, and the accounts therefor were in the first instance made out to the D. C. Company. In that respect there was at the time no change in the manner of dealing between the appellants and the D. C. Company; but after such company had made an assignment, the appellants sought to enforce the claim against the defendant vessels.

*Held*, affirming the judgment of the local judge, that the