

demande this matter be disposed of at the earliest possible moment and it would be a crime to delay when I have what appears to be an opinion that cannot very well be shaken by the authorities cited. They have not been discussed or criticized by Mr. Reid.

This action, therefore, will have to be dismissed with the usual order for costs.

If there are any questions of fact that I can pass upon that I have omitted, in order to bring the matter properly before another Court, you may mention them so that I can make my finding.

MR. REID: I do not know of any. The question of fact, you have founded on, is the question of the evidence, although possibly it does not go far enough to show that the northern shore belongs to the harbour, although the southern does.

THE COURT: Yes, if it covered the north shore I think I would be governed by it. I don't feel at all sure that the evidence was admissible, but assuming it is, it does not go far enough.

MR. MAYERS: Your Lordships will make the usual order as to costs, they will follow the event.

THE COURT: Oh, yes. The action will be dismissed. I don't know that there is any difference in the action being dismissed, from judgment for the Defendant with costs.

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