

December, 1913. It was agreed at the time that Holden should be further secured by a policy of marine insurance upon the boat; and a policy was accordingly procured.

This insurance ran out, and a new policy was placed with another company, with the consent of both parties. When this insurance company found that the boat was being used to pick up logs in the Georgian bay, it deemed the risk unduly hazardous, and declined to carry it further, so long as that occupation was followed. The policy was therefore cancelled. Holden then became anxious as to his position, and determined that the boat should not be taken out until insurance was placed. In doing so, he was entirely within his rights; as, under the terms of the agreement, he was entitled to be secured by marine insurance. Holden and Truesdell together went, on the evening of the 9th of October, to the place where the boat was moored, and tied her up.

Much controversy took place at the trial as to what took place on that occasion. Truesdell gave Holden two keys to the cabin and the boat. Holden says that this was with the intention of placing him in control of the boat. Truesdell says the intention was that both parties should then be in joint possession of the craft. Both agree that whatever the intention was, the boat was to remain at its moorings until insured. The jury have taken the view that there was then an arrangement by which neither party should touch the boat, and that the keys were handed over by Truesdell as a guarantee that he would observe this agreement.

The same evening Holden went upon the boat and padlocked it with a new lock, of which he alone had the key; and he placed upon the boat a notice that he had seized it under his mortgage. He also further secured the boat by additional moorings.

The following morning Truesdell went to the boat, found what Holden had done, and, deeming it to be in breach of the agreement, he himself broke the agreement by taking possession of the boat, removing the lock placed upon it by Holden, and taking the boat away from her moorings. He returned with the boat, and tied it again. Holden, going in the afternoon to inspect, found Truesdell in possession and apparently about to start out with the boat again. Hol-