

rang off or whether I rang off; anyway his answer was abrupt. . . .”

Charles W. Lane, recalled by Mr. Mellish:—

“I was never advised of this meeting spoken of where the owners had decided to change the managing ownership. I knew nothing about it. I did not hear anything about it until to-day. Mr. Duff did not tell me that the owners had decided not to go any further. He did not tell me that at any time. He certainly did not tell me anything of the kind, that Captain Walters was deposed on account of bringing the action. I did not ask Mr. Duff if I should go to Halifax.

Q. You appreciate now that he said he actually told you so—that you actually asked him if you should go to Halifax? A. That is not a fact.

Q. Did he instruct you not to go to Halifax? A. I still say that is not a fact, that he did not at any time.

To the Court: It was incidentally that I spoke to Mr. Kaulbach. I spoke to Mr. Duff first. When I spoke to Mr. Kaulbach, I said to him I had been speaking to Mr. Duff. It was in the same day. I was going home, and I passed Kaulbach's office on my way home, and on that day I saw him (Kaulbach) standing in the window and I told him of my conversation with Mr. Duff, and Duff seemed a little short with me.”

I must go back to another incident. Before the master went to sea, and was about sailing, he in anticipation of the costs of the first application gave the plaintiff a note for the sum of \$50, and subsequently that note was paid by the defendant. The plaintiff has taxed \$85.76 in respect to these applications, at least, that is the sum sued for. I may say there was an application in the case of each one of the three seamen on both occasions.

The defendant, as a business man, would know that it is not the best thing to stay away when papers have been served, and there is litigation going on against him. Take this case. There might be a favourable termination, but if it was the other way there was still something to be said. It is a very usual thing to obtain a provision in the order against actions for false imprisonment and so on, and if there is not such a provision, such an action is an unpleasant one to defend.