

of rents, etc., was not collected personally by the trustee, but by agents employed for that purpose who paid over the collections directly to the parties interested and received a commission of five per cent. therefor.

Held, 1. The trustee had the right to employ agents for the purpose of making such collections and would have been liable to the cestuis que trustent for the acts of the agents and obliged to make good any loss, but could not be required to pay the agents out of his own pocket.

2. The trustee was entitled to claim commission on the gross amount of income collected and not merely upon such moneys as technically came into his own hands.

3. The trustee was not entitled to interest on commissions which he should have deducted from time to time as collected.

R. E. Harris, K.C., for cestuis que trustent. *H. Mellish*, for trustee.

Province of New Brunswick.

EXCHEQUER COURT.

ADMIRALTY DIVISION, DISTRICT OF NEW BRUNSWICK.

McLeod, L.J.]

THE PAWNEE.

[Jan. 6.

Collision—Fog—Sailing rules—Art. 16.

The defendant steamer, bound for St. John, while steering in a dense fog a N.W. by N. course, heard three blasts of a fog horn from the plaintiff's vessel a little before the beam on the port side. The steamer was then going at a speed of from 4 to 6 knots an hour, and kept on her course. Plaintiff's vessel continued sounding her horn at regular intervals, and was proceeding on a northerly course before a light wind, barely sufficient to enable her to keep steerage way. About ten minutes after the horn was heard by the steamer she struck the vessel on the starboard side and sunk her.

Held, that the steamer was solely to blame as she had infringed art. 16 of the regulations by not stopping after the horn was heard.

McLean, K.C., for plaintiffs. *C. J. Coster*, for steamer.