

the accident passed a curve which, at its greatest degree of curvature, was one of  $6^{\circ} 52'$ . It was alleged that the persons in charge of the train were guilty of negligence in passing this curve and a switch near it at too fast a rate of speed. On that point the evidence was contradictory, and, having regard to the rule as to the burden of proof stated above, it was

*Held*, that a case of negligence was not made out.

Solicitor for suppliant: *P. A. Choquette*.

Solicitors for respondent: *O'Connor, Hogg & Balderson*.

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OTTAWA, Jan. 9, 1893.

*Coram* BURBIDGE, J.

THE AURORA (BERGMAN).

*Maritime law—Master's lien—Inland waters—R. S. C. cc. 74 and 75—The Colonial Courts of Admiralty Act, 1890—The Admiralty Act, 1891—Construction.*

The master of a vessel registered at the port of Winnipeg, and trading upon Lake Winnipeg had, in the years 1888, 1889 and 1890, no lien upon the vessel for wages earned by him as such master.

Even if such a lien were held to exist there was in the years mentioned no Court in the Province of Manitoba in which it could have been enforced, and it could not now be enforced under *The Colonial Courts of Admiralty Act, 1890* (53-54 Vic. (U. K.) c. 27), or *The Admiralty Act, 1891* (54-55 Vic. (Can.) c. 29), because to give those statutes a retroactive effect in such a case as this would be an interference with the rights of the parties.

*Wade & Wheeler* for plaintiff.

*Mather* for liquidators.

*Darby* for creditors.

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### RECENT ONTARIO DECISIONS.

*Railway Company—Ticket—Contract—Condition—Damages—“Via direct line.”*

A condition in a railway ticket as to travelling “*via direct line*” was rejected as meaningless, each of three possible routes being circuitous, though one was shorter in point of mileage than the others.—*Dancy v. Grand Trunk R. Co.*, Court of Appeal, Nov. 8, 1892.