

QUEBEC ADMIRALTY DISTRICT.

ROUTHIER, Loc.J.]

[August 3.]

BELL TELEPHONE COMPANY v. THE "RAPID."

*Trespass—Interference with submarine cable—Notice—Damages.*

By a regulation passed by the Quebec Harbour Commissioners in 1895, and subsequently approved by the Governor in Council and duly published, the Commissioners prohibited vessels from casting anchor within a certain defined space of the waters of the harbour. Some time after this regulation had been made and published the Commissioners entered into a contract with the plaintiffs whereby the latter were empowered to lay their telephone cable along the bed of that part of the harbour which vessels had been so prohibited from casting anchor in. No marks or signs had been placed in the harbour to indicate the space in question. The defendant vessel, in ignorance of the fact that the cable was there, entered upon the space in question and cast anchor. Her anchor caught in the cable and in the efforts to disengage it the cable was broken.

*Held*, that she was liable in damages therefor.

*C. A. Pentland* Q.C. for plaintiffs.

*A. H. Cook and Chas. Dorian*, for the ship.

Province of New Brunswick.

SUPREME COURT.

MCLEOD, J. }  
In Chambers. }

[Sept. 13.]

EX PARTE HAYDEN, IN RE AMLAND.

*Practice—Absconding Debtors' Act, Con. Stat., c. 44—Affidavits of witnesses.*

It is not sufficient that the affidavits of the witnesses in verification of the departure of a debtor under the above Act, swear that he has departed. Facts must be stated showing that his departure was with intent to defraud his creditors. Supersedeas granted.

*C. J. Coster and D. Mullin*, for the debtor.

*H. A. McKeown*, contra.

BARKER, J., }  
In Equity. }

[Sept. 21.]

FISHER v. FISHER.

*Practice—Order for appearance—Publication—53 Vict. c. 4, s. 18.*

On a motion in a partition suit to take the bill pro confesso, it appeared that an order for the appearance of some of the defendants by publication under 53 Vict., c. 4, s. 18, was published in each number of the Royal Gazette from the 12th of May to the 7th of July, inclusive of the issues of both dates.

*Held*, that the Act had been complied with in respect to the time of publication.

*Cockburn*, for the plaintiff.