

34 "the Senior Officer present at any locality" may, on requisition from three justices of the peace, call out the troops in aid of the Civil power wherever a riot or disturbance of the peace has occurred or is anticipated.

Held, Brodeur, J., dissenting, that "the Senior Officer present at any locality" is not necessarily the senior officer of corps stationed at the place where the riot occurs or is likely to occur. The justices, in their discretion, may requisition the senior officer of any available force.

By s. 34, sub-s. 6, of the above Act the officer commanding the troops so called out may in his own name take action against the municipality in which the riot occurred to recover the amount of the expenses thereby incurred which are to be paid to His Majesty when recovered. By 4 Edw. VII. c. 23, s. 86, this right of action was vested in His Majesty.

Held, that an action was properly brought in the name of the Attorney-General of Canada to recover the expenses of calling out the troops on the occasion of an industrial strike in the city of Sydney, part of which expenses were incurred before, and part after, the last-mentioned Act came into force.

Appeal allowed with costs.

Newcombe, K.C., for appellant. *Finlay Macdonald*, for respondent.

Province of Ontario

SUPREME COURT.

Middleton, J.]

SHIPMAN v. PHINN.

[March 9.]

Supreme Court of Ontario—Jurisdiction as to negligence resulting in collision in inland waters—Concurrent jurisdiction of Exchequer Court of Canada, Admiralty Side.

The question in this case was whether the Supreme Court of Ontario had jurisdiction to entertain the action.

MIDDLETON, J.:—The defendant contends that this court has no jurisdiction over the subject-matter of the action, and that the plaintiff's remedy must be sought in the Exchequer Court of Canada, which is a Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890. The plaintiff,