

ing of about 26 inches in width and 7 feet long—these planks, running fore and aft, were connected by two pieces of wood nailed across their top. It was not to be expected that any one should pass from one port to the other; and, consequently, at least until the opening of the port gangway, no negligence can, I think, be charged against the defendants.

Anderson did not interfere with the hatch, but left it open as described, although he did not close the port gangway which he had opened.

The locus was not very well lighted, and it was most natural for any one . . . seeing the opposite port opened to think the proper way to cross the vessel was straight across.

On the same day, William King, who had been employed as engineer on the "Ionic," left his home in Sarnia shortly before 11 a.m. and did not return. The alarm being given, his body was, on the following day, about one or two p.m., found in the hold of the "Huronic" below the hatchway, having apparently fallen the sheer 17 feet from the main deck through the hatch. His skull and neck were fractured, as also some of his ribs. The medical man thought that the skull and neck had been broken by the 17-foot fall, and the ribs by striking something when falling through the hatch—and that is most probably the case. No suggestion is made as to any other cause of death—and, on the principle of *McArthur v. Dominion Cartridge Co.*, [1905] A.C. 72, the jury were justified in finding that the death of King was due to this fall. Any other verdict would be absurd. Much argument was addressed to the learned trial Judge and to us that the exact cause of the death had not been proved; but none of the many cases cited goes as far as this; and I am of opinion that it is no mere conjecture to say that a cause proved to exist, which might have produced the result, is the cause of the result, where no other cause can be reasonably suggested. . .

The main contention of the defendants is, that King was a mere trespasser. He had been employed by the defendants for the season of 1910 as engineer on the "Ionic," the season terminating on the 31st December. . . . There was nothing he was called upon to do on the "Ionic" for the defendants as their servant until the 1st April. . . .

The facts . . . not justifying King in being upon the "Huronic," I think he must be considered a trespasser, unless the other facts of the case shew him to have been a licensee.

There are circumstances under which the owner of property cannot hold another person a trespasser, even if there be no express invitation or permission. *Lowery v. Walker*, [1911] A.C. 10, is an extreme instance of such a case. . . .