

bach. The seamen were convicted, and the defendant was present in the Court, taking an interest in the proceedings. For this the plaintiff was paid the sum of \$35, and there is no dispute about that.

It will be necessary now to give some dates. The services before the magistrate were concluded the 11th June, 1906. There was an application on the part of the seamen to a Judge at Halifax, for a release in the nature of a habeas corpus, and the plaintiff attended and successfully opposed the application. Those services were concluded the 27th June. On the 29th of June, the master sailed from Lunenburg with the ship.

In the meantime the owners, on the 11th June, had changed the managing owner from the master to this defendant, but of this act the plaintiff had not notice. Then there was a fresh application for a discharge to come on before another Judge, on the 10th of July, notice of which was given on the 6th of July, and the seamen were discharged. Service of these papers was made at the house of Captain Walters, and he being away his daughter took them to this solicitor, the plaintiff, telling him the master had sailed. The plaintiff rang up the defendant upon the telephone, the master being away, and informed him of the application. He also informed the late C. Edwin Kaulbach, another part owner. This is what he testifies to. In cross-examination he says:—

“I had no particular reason for not communicating with the captain—he was not there. I called up Mr. Duff, for this reason, because he was one of the chief owners of the vessel, and he was attending at the magistrate’s Court nearly all of these days and was very much interested in the matter from the beginning. Mr. Griffiths was there several times. I said to Mr. Duff, I had received a notice of motion. I said that those sailors were making another application to get out of jail, and the papers had been left with me by Captain Walters’ family, that had been served at his house, and they were making another application. I informed him of that. He did not preserve a stony silence. I thought possibly he might be interested in the matter or have something to say, and his reply was that he had no instructions whatever from Captain Walters—and he was pretty short and to the point—and that was all the conversation passed between us. I did not tell him that I was com-