

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Que.] INVERNESS RY. CO. v. JONES. [March 23.

Maritime law—Material men—Supplies furnished for "last voyage"—Privilege of dernier équipier—Round voyage—Charter-party—Personal debts of hirers—Seizure of ship—Construction of statute—Ordonnances de la Marine, 1681.

A steamship lying at the port of Liverpool was chartered by the owners to P. for six months, for voyages between certain European ports and Canada, the hirers to bear all expenses of navigation and upkeep until she was returned to the owners. The ship was delivered to the hirers at Rotterdam, where she took on cargo and sailed for Montreal. On arriving at Montreal she unloaded and re-loaded for a voyage to Rotterdam, with the intention of returning to Montreal, and obtained a supply of coal from the plaintiffs which was furnished on the order of the hirers' agent at Montreal. The ship sailed to Rotterdam and returned to Montreal in about one month touching at Havre and Quebec, discharged her cargo and proceeded to re-load, obtaining another supply of coal from the plaintiffs in the same manner as the first supply had been furnished. Within a few days, the price of these supplies of coal being still owing and unpaid, the hirers became insolvent, and the plaintiffs arrested the ship at Montreal, claiming special privilege upon her as derniers équipiers in furnishing the first supply of coal on her last round voyage, the right of attachment before judgment in respect of both supplies, and seizing her under the provisions of articles 2391 of the Civil Code and 931 of the Code of Civil Procedure.

Held, per FITZPATRICK, C.J., and DAVIES, MACLENNAN and DUFF, JJ., that the voyage from Montreal to Rotterdam and return was not the ship's "last voyage" within the meaning of article 2383(5) of the Civil Code; that the voyage out from Montreal and that returning from Rotterdam did not constitute one round voyage but were separate and complete voyages, and that, consequently, there was no privilege upon the ship for the