

that the plaintiffs had failed to satisfy the onus of proving what was essential to establish their claim. In the view he took, it was unnecessary to discuss the effect of sec. 14 of the Navigable Waters' Protection Act, R.S.C. 1906 ch. 115, invoked by the plaintiffs—that enactment had no application to the circumstances of the present case.

RIDDELL, J. (dissenting), was of opinion, for reasons stated in writing, that the ship was in the channel when the accident happened; that the boulder which caused the accident was placed where it was by the defendants; that sec. 14 of the Act did not apply; but that at common law the channel was a highway, and no one had any right to obstruct it; that at one time the builder was protected by a buoy, which disappeared at least $2\frac{1}{2}$ hours before the accident; that the whole duty of the defendants was not performed by placing the buoy without provision that it should remain where it was; that $2\frac{1}{2}$ hours was an unreasonable time to allow an obstruction to remain without notice, and much more than a reasonable time to allow the defendants, if necessary, to discover the absence of the buoy, and certainly to replace it; and, therefore, the plaintiffs were entitled to succeed.

Appeal dismissed with costs; RIDDELL, J., dissenting.

NOVEMBER 25TH, 1915.

CROCKER v. GALUSHA.

Contract—Sale of Company-shares and Money-claim—Terms of Payment—Acceleration—Forfeiture—Findings of Fact of Trial Judge—Appeal.

Appeal by the defendant Galusha from the judgment of SUTHERLAND, J., 8 O.W.N. 610.

The appeal was heard by FALCONBRIDGE, C.J.K.B., RIDDELL, LATCHFORD, and KELLY, JJ..

A. C. Heighington, for the appellant.

J. H. Coburn, for the plaintiff, respondent.

The judgment of the Court was delivered by RIDDELL, J., who said that he was unable to find any error in the judgment