

DIARY FOR JUNE.

1. Wed.....First Parliament in Toronto, 1797.
2. Thurs.....Chancery Division H.C.J. sits.
4. Sat.....Easter term ends. Lord Eldon born, 1751.
5. Sun.....Whit Sunday. Battle of Stony Creek, 1813.
6. Mon.....Sir John A. Macdonald died, 1891.
8. Wed.....First Parliament at Ottawa, 1866.
11. Sat.....St. Barnabas. Lord Stanley, Gov.-Gen., 1888.
12. Sun.....Trinity Sunday.
13. Mon.....County Court sittings for motions in York.
14. Tues.....County Court sittings for trial except in York.
15. Wed.....Magna Charta signed, 1215.
16. Thurs.....Battle of Quatre Bras, 1815.
18. Sat.....Battle of Waterloo, 1815.
19. Sun.....1st Sunday after Trinity.
20. Mon.....Accession of Queen Victoria.
21. Tues.....Longest day.
24. Fri.....Midsummer Day. St. John Baptist.
25. Sat.....Sir M. C. Cameron died, 1887.
26. Sun.....2nd Sunday after Trinity.
28. Tues.....Coronation of Queen Victoria, 1838.
29. Wed.....St. Peter.
30. Thurs.....Jesuits expelled from France, 1880.

Reports.

EXCHEQUER COURT OF CANADA.

ADMIRALTY SIDE—TORONTO DISTRICT.
(Reported for THE CANADA LAW JOURNAL.)

"THE GLENIFFER."

*Maritime law — Salvage — Maritime lien —
Towage — Nature of services — Express agree-
ment for reward — Successful result — Posses-
sory lien — Priority of lien — Amount of sal-
vage award — Costs.*

A stranded vessel abandoned by the owners to the underwriters and sold by them was saved, and was brought by the purchasers to a shipwright for repairs.

Claim for towage of vessel from place where stranded to dry dock; *Held*, a salvage service.

Claim for use of anchor, chains, etc., used in saving vessel; *Held*, a salvage service.

Claim for personal services not performed on vessel; *Held*, not a salvage service.

Claim for services of tug in unsuccessful attempt to remove vessel; *Held*, not a salvage service. Salvage is a reward for benefits actually conferred.

Held, maritime liens prior to possessory liens to the extent of the value of the *res* at the time of delivery to the shipwright.

Held, following the usual rule, that not more than a moiety of the value of the *res* at the time when saved be awarded to salvors, there being no exceptional feature except the small value of the *res*. Costs of salvors awarded out of other moiety.

Costs of arrest and sale and of bringing fund into court paid in priority to claims out of fund, in proportion of the value of the *res* at the time of delivery to the Dry Dock Company and balance of the proceeds of sale which was not sufficient to pay claim of possessory lienholder.

[TORONTO, March 31, 1892.]

This was an issue between Frank Jackman, Patrick McSherry, A. B. Morrison, and Joseph Jackson, and the Toronto Dry Dock and Shipbuilding Company (Limited), in which said Jackman *et al.* set up that they respectively had valid and subsisting claims for salvage services performed on the ship, "The Gleniffer," and that their claims were entitled to rank on the proceeds of the sale of the said ship in priority to the claim of the company under a possessory lien for repairs and dockage charges.

The facts appear in the judgment. The issue was tried on affidavits on the 15th Feb., 1892.

Mulvey for the salvors.

The questions to be decided are whether the services performed give maritime liens, and whether the maritime liens should rank on the proceeds of the ship in priority to the possessory lien of the shipwright.

The services performed by Jackman and Morrison give a maritime lien. "The Catherine," 12 Jur. 682; "The London Merchant," 3 Hagg. 394; "The Princess Alice," 3 W. Rob. 138; "The Reward," 1 W. Rob. 174.

The services of Morrison give a maritime lien notwithstanding the fact that they were performed under an express agreement. "The Catherine," 6 No. Cas. Sup. 43; "The True Blue," 2 W. Rob. 176; "The Mulgrave," 2 Hagg. 77.

Jackson is entitled to a maritime lien for services rendered; although no immediate benefit accrued from his services, he was a party to the general successful result. "The Atlas," Lush. 523; "The Camillia," 9 P.D. 27; "The E.U.," 1 Spks. 66; "The Santipore," 1 Spks. 231.

When a ship is arrested by the marshal she is in the possession of the court, and the possessory lien is divested. "The Harmonie," 1 W. Rob. 178; "Ladbrook v. Crikett," 2 T.R. 649.

Possession is not required to support a maritime lien. The lien travels with the *res* into whosoever's possession it may come. It is inchoate from the moment the claim attaches, and when carried into effect by legal process relates back to the period when it first attached. "The Bold Buccleugh," 7 Moore P.C. 267.

A maritime lien is prior to a possessory lien. "The Gustaf," Lush. 506; "The Immaculata Concezione," 9 P.D. 37; "The Acacia," 4 Asp. M.L. 254 (n.).

The work done by the shipwright was done on personal security. There is no maritime