

On the 21st February, 1890, it appeared that the box mentioned was in bond at a warehouse for packages used by the Grand Trunk Railway, at Point St. Charles, Montreal; and on that day the plaintiffs made an entry of the goods at the Customs House, and paid the duty thereon (\$107.10). On Monday, the 24th, the Customs officer in charge of the warehouse at Point St. Charles delivered the box to the foreman of the Customs House carters, who in turn delivered it to one of his carters who took it, with other parcels, and delivered it to a checker at the Customs Examining Warehouse. The box was then put on a lift and sent up to the third floor of the building, where it remained one or two days. It was then brought down to the second floor and examined, when it was found that the diamonds had been stolen,—the theft having been committed by removing the bottom of the box. Although the evidence tending to show that the theft was committed while the box was at the Customs Examining Warehouse at Montreal was not conclusive, the Court drew that inference for the purposes of the case.

Held,—That, admitting the diamonds were stolen while in the Examining Warehouse, the Crown is not liable therefor.

2. In such a case the Crown is not a bailee. The temporary control and custody of goods imported into Canada, which the law gives to the officers of the Customs to the end that such goods may be examined and appraised, is given for the purpose of the better securing the collection of the public revenue. Without such a power the State would be exposed to frauds against which it would be impossible to protect itself. For the loss of any goods while so in the custody of the Customs officers the law affords no remedy except such as the injured person may have against the officers through whose personal act or negligence the loss happens.

Curran, Q. C., for claimants.

Osler, Q. C., and *Hogg, Q. C.*, for the Crown.

ADMIRALTY DISTRICT OF NOVA SCOTIA.

Coram MACDONALD, C. J. (Local Judge).

The Ship "QUEBEC."

Salvage of ship and cargo—Principal and agent—Power of Attorney given by crew to agent of owners of salving vessel for purpose of adjustment of salvage claim—Construction of.

A crew of a fishing schooner had performed certain salvage