

IN RE

1915
 Feb. 18.

251 BARS OF SILVER *ET AL.*,

(DEFENDANTS) APPELLANTS;

AND

THE CANADIAN SALVAGE ASSOCIATION,

(PLAINTIFFS) RESPONDENTS.

No. 2.

Admiralty Law—Shipping—Salvage—Release and Bail—Competency of incorporated company to contract as Surety—Practice.

Held, that in a salvage case arising in the Quebec Admiralty District an incorporated company duly authorized by law to carry on the business of suretyship may be accepted as bail for the purpose of releasing the property salvaged.

THIS was a motion by way of appeal from an interlocutory order of the Local Judge of the Quebec Admiralty District refusing the bond of an incorporated company, authorized to carry on the business of suretyship in Canada, offered as bail for the release of 251 bars of silver bullion salvaged from the wreck of the *Empress of Ireland*.

February 18th, 1915.

The appeal was argued before the Honourable Mr. Justice Cassels at Ottawa.

George F. Gibsone, K.C., in support of appeal.

A. C. M. Thomson, contra.

CASSELS, J:—There is no rule or practice forbidding a surety company duly authorized by law to carry on business in Canada being accepted as bail in a proceeding in the Quebec Admiralty District. Rules 45-52 respecting bail do not attempt to exclude such companies, and while the forms of the bond and affidavits of justification are made to apply to individual sureties, it must not be overlooked that the interpretation clauses to the rules declare that "person" shall include a body corporate.

There will be an order declaring the sureties offered by appellants not to be incompetent by reason of their being incorporated companies; and that the proceedings for release and bail be remitted to the Registrar of the Quebec Admiralty District to be continued before him in due course as to the sufficiency of the security.

Appeal allowed.

1915
 251
 BARS OF
 SILVER
 v.
 THE
 CANADIAN
 SALVAGE
 ASSOCIATION.
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 Reasons for
 Judgment.
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