

The Union S.S.CO. of BRITISH COLUMBIA, LD.,

v.

Messrs.BOW,MACLAGHLAN & CO.LD.,

in the case of the s.s."CAMOSUN", built by the latter firm  
for the Pursuers in 1905.

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With reference to the above case I beg to report that, in accordance with the Secretary's instructions, I attended this morning with Mr.Howden, of Messrs'Parker, Garrett & Co., the Society's Solicitors, before Mr.Finney, the Commissioner appointed by an Interlocutor of the Lord Ordinary of the Court of Session, to receive the production of the documents asked for by Messrs.Wright Johnston & Mackenzie, Solicitors of Glasgow, who are acting for the builders.

Mr.Howden explained that the formal subpoena sent by the Glasgow Solicitors requiring the Society to produce the documents in question was not, in his opinion, binding in this country, nor in the proper sense a subpoena at all, as it bears no seal of the Courts. He asked Mr.Finney whether he could say that it was an equivalent to a subpoena, but the Commissioner said that his first impression was that the document was not of that nature. Mr.Howden thereupon said that in the circumstances he must decline to produce any documents except, as explained in the Secretary's letter to Messrs' Wright Johnston of the 30th ultimo, upon the receipt of a summons subpoena, which would be binding in this country.

A gentleman present, whose name we were not supplied with, stated that he was there on behalf of the Owners, and offered no objection to the production of the documents. The representative of the Board of Trade <sup>who</sup> was also there stated that he was willing to show what papers the Board had received in the case, but he did not think they were of any relevance.

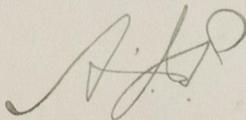
Mr.Howden, however, stated that he could not advise the Committee to depart from their invariable practice in this

case. He explained that it was in no spirit of discourtesy or with any desire to hinder the proceedings that the Committee took up the position they did in the matter, but that they looked upon themselves as trustees of confidential documents which they were not prepared to disclose except upon the direct order of the Courts. Mr.Howden appealed to me in confirmation of this having been the Committee's practice at all times, and the Commissioner took a note of our joint objection.

The gentleman representing the Owners thereupon intimated that perhaps they might, as the most convenient course to adopt, subpoena the Society's Surveyors at Glasgow to produce the documents, and Mr.Howden said that if a proper subpoena was served in that way it was possible that the Committee might consent to allow the Surveyors to produce the documents, but he could not definitely say.

In returning from the interview Mr.Howden said that from his perusal of the documents it appeared to him that inasmuch as both sides were anxious to have all the information disclosed, the Committee might be well-advised to sanction the Surveyors producing the papers so as not to appear to be placing any obstacles in the way of the Court.

Mr.Howden stated that his firm knew well Messrs.Wright Johnston & Mackenzie of Glasgow, as a very high class firm of Solicitors, and he suggested that a friendly statement of what had occurred should be written to them in reply to their last letter.



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