

Contract—Auction sale of government stores—Agreement by intending purchasers for a “knock-out”—Legality—Restraint of trade—Public policy.

Rawlings v. General Trading Co. (1921), 1 K.B. 635. This was an appeal from the judgment of Shearman, J. (1920), 3 K.B. 30, holding that it was illegal at an auction sale of government stores for persons to agree not to bid against each other, and that if the goods were purchased by one of them that they should be equally divided between them, the agreement being for what is in England called a “knock out.” The majority of the Court of Appeal (Bankes and Atkin, L.JJ.) held that the agreement was not illegal and reversed the decision of Shearman, J., but Sutton, L.J., dissented.

Admiralty—Salvage—Misconduct of master and crew of salving vessel—Forfeiture of salvage—Owners of salving vessel.

The Kenora (1921), P. 90. This was a claim for salvage. The defence was that the master and crew of the salving vessel had been guilty of larceny of stores and effects of the vessel salvaged and that the right to salvage was thereby forfeited. Hill, J., however, held that the owners, who had in no way contributed, or been parties to the misconduct in question, were not thereby deprived of their right to salvage.

Admiralty—Salvage—Rescue of vessel from Bolsheviks—Status of Bolsheviks—Comity of Nations.

The Lomonosoff (1921), P. 97. This was an action for salvage of a vessel in the following circumstances. The plaintiffs, two British and two Belgian officers, were in Murmansk and in danger of being captured and shot by Bolsheviks,—whereupon they took possession of the vessel in question, and which was also in danger of being captured by the Bolsheviks, and by means of the vessel escaped to a Norwegian port where they delivered up the vessel to the owners' representative. Hill, J., held that notwithstanding the plaintiffs in saving the vessel they were also effecting their own escape did not disentitle them to salvage—that the Bolsheviks were not acting with