

ADMIRALTY—COLLISION BETWEEN STEAMSHIP AND LADEN BARGE IN
TOW OF TUG—BOTH VESSELS TO BLAME FOR COLLISION—AP-
PORTIONMENT OF DAMAGES—CLAIM BY OWNER OF CARGO.

The Umona (1914) P. 141. In this case the facts were that a steamship had come into collision with a barge while in the tow of a tug whereby the owners of the cargo on the barge suffered loss. It was found that both steamship and tug were to blame and the damages were apportioned to be borne according to the Maritime Conventions Act, 1911, ss. 1, 9(4), three-fourths by the steamship and one fourth by the tug. The owners of the cargo claimed as innocent parties to recover their whole loss from the steamship. But Evans, P.P.D., held that as the barge was in part to blame the principle laid down in *The Milan* (1861), Lush. 388, applied, and the owners of the cargo could only recover three-fourths of their loss from the steamship.

ACTION FOR INJUNCTION TO RESTRAIN INTERFERENCE WITH FERRY
—DISMISSAL OF ACTION—DECLARATION OF RIGHT—RULE 289
—(ONT. JUD. ACT, s. 16(b)).

Dysart v. Hammerton (1914) 1 Ch. 822. This was an action for an injunction to restrain interference with plaintiff's ferry. The action failed because no interference was proved; but Warrington, J., though dismissing the action, made a declaration that the plaintiff was entitled to the ferry as claimed. The Court of Appeal (Cozens-Hardy, M.R., and Buckley and Phillimore, L.JJ.) reversed his judgment on the merits and held the plaintiffs entitled to the relief claimed, and express the opinion that if Warrington, J., were right in his view of the merits his judgment would be wrong in making any declaration of right while dismissing the action.

WILL—GIFT OF SPECIFIC PROPERTY "FREE OF LEGACY DUTY"—
FRENCH MUTATION DUTY—DUTY WHETHER PAYABLE BY
LEGATEE OR EXECUTORS.

In re Scott, Scott v. Scott (1914), 1 Ch. 847. Under the will in question in this case the testator bequeathed to a legatee "free of legacy duty" all his pictures, engravings, furniture, etc., and "works of art" of every description, wherever situate with certain exceptions. Part of the property thus bequeathed was in France and subject to a mutation duty, and the question Warrington, J. had to decide, was whether this French mutation