

schooner were both entitled to succeed against the owners of the tugs, for though those in charge of the tow were negligent, in not properly directing the tugs, yet an independent duty was cast on the owners of the tugs to exercise reasonable care and skill in keeping clear of the schooner, which on the evidence he found they had not done. He also held that the pilot cutter was not so identified with the tow as to be unable to recover. After the collision one of the tugs towed the schooner to Cardiff and claimed salvage, but the learned President held that though it was the duty of the tug to stand by the disabled schooner, and was debarred by negligence from recovering salvage, yet she was not bound to tow her to the port of destination, but having done so was entitled to payment therefor on ordinary towage terms.

MUNICIPAL BY-LAW — VALIDITY—REASONABLENESS—PROHIBITION OF SALE OF PAPERS ON STREET DEVOTED TO RACING TIPS.

Scott v. Pilliner (1904), 2 K.B. 855, was a proceeding to quash a municipal by-law prohibiting the sale on the streets and other public places of newspapers "devoted wholly or mainly to giving information as to the probable result of the races, steeple chases, or other competitions." Phillimore, J., thought the by-law not unreasonable, and therefore valid, but the majority of the Divisional Court (Lord Alverstone, C.J., and Kennedy, J.) held that it was too general in its terms and unreasonable. It may be doubted whether Lord Alverstone's dictum that "such by-laws should not make unlawful things which are otherwise innocent" is not altogether too wide. Judged by such a rule many by-laws would be invalid. It is an innocent thing to walk on the grass bordering a path, but if by so doing you spoil thousands of dollars worth of city property, as is the case in the city of Toronto, surely the city might pass a by-law to prevent it.

ADMIRALTY — MASTER'S DISBURSEMENTS — MASTER'S WAGES — BONUS TO MASTER — COSTS OF DEFENDING ACTION — MARITIME LIEN—MERCHANT SHIPPING ACT 1894—(57-58 VICT. C. 60) ss. 167-742.

The Elmville, No. 2 (1904), P. 422, is another admiralty case in which two points are decided by Jeune, P. P. D. (1) that costs incurred by the master of a vessel in defending an action brought against him on a dishonoured bill of exchange which he had drawn on the owners for the price of coals supplied to the vessel, are not "liabilities properly incurred by him (as master) on account of the ship" within s. 167 of the Merchant's Shipping