

and the Attorney-General was an unnecessary party. Their Lordships were of the opinion that in the circumstances the Attorney-General was both a proper and a necessary party, as if the impeached grant were set aside then the reservations contained therein in favour of the Crown would become nugatory. The order of MacDonald, J., was therefore restored.

SHIPPING—COLLISION—PROCEEDS OF SALE OF SHIP TO BLAME—
ABSENCE OF PROCEEDINGS TO LIMIT LIABILITY—LOSS OF
LIFE AND PROPERTY—DIVISION BETWEEN CLAIMANTS—MER-
CHANT SHIPPING ACT, 1894 (57-58 VICT. C. 60, IMP.)SS. 503,
504.

Canadian Pacific Ry. v. S.S. Storstad (1920) A.C. 397. This is a case which arose out of the loss of the *Empress of Ireland* through a collision with the *Storstad* in the *St. Lawrence*. The *Storstad* was found to have caused the collision and she was sold under the order of the Court and the division of the proceeds, \$175,000, was now the question at issue. The claims proved amounted in the aggregate to \$3,069,483.94, of which \$469,467.57 was for loss of life and the residue for loss of property. The claimants for loss of life contended that in distributing the proceeds the Court must have regard to ss. 503, 504 of the Imperial Merchant Shipping Act, 1894 (57-58 Vict. c. 60) and that they were, under s. 503, entitled to a preference in respect of 7/15 of the proceeds over the claimants for loss of property. The Supreme Court of Canada gave effect to this contention; but the Judicial Committee of the Privy Council (Lords Haldane, Dunedin, Atkinson and Sumner) were of the opinion that this was erroneous, and that in the absence of any proceedings on the part of the owners of the vessel sold to limit their liability, the proceeds were divisible *pro rata* among all claimants.

JUDICIAL COMMITTEE OF PRIVY COUNCIL—SPECIAL LEAVE TO
APPEAL—FAILURE TO MENTION MATERIAL STATUTE—RESCIS-
SION OF ORDER.

Emmerson-Brantingham Co. v. Schofield (1920) A.C. 415. In this case special leave had been granted by the Judicial Committee of the Privy Council to appeal from a judgment of the Supreme Court of Canada. On the application the applicants neglected to call the attention of the Committee to an Act of the Province of Saskatchewan passed after the commencement of the action, which was material to the question whether leave should be granted. Counsel for the petitioners did not know of this statute, but