

on the other hand, contends that, although he undoubtedly might resort to the Exchequer Court, yet this court has a concurrent jurisdiction in all cases of negligence resulting in collision in inland waters. It is sought to renew the ancient and at one time bitter controversy between the Admiralty and Common Law Courts.

In the Fourth Institute, c. 22, will be found, under the head "Articuli Admiralitatis," the complaint of the Lord Admiral of England to the King's most excellent Majesty against the Judges of the Realm concerning prohibitions granted to the Court of Admiralty, and the answers of the Judges to such complaint. . . . Lord Coke triumphantly vindicates the exclusive jurisdiction of the Common Law Courts in all such cases, and the right to prohibit the encroachments of the "Admirall."

And see the statutes 2 Hen. IV. c. 11 and 15 R. II. c. 3.

Story, in his judgment in the celebrated case of *De Lovie v. Boit* (1815), 2 Gallison 398, defends the jurisdiction of the Admiral. . . . It is important to note that Story claims no more for the Maritime Courts than concurrent jurisdiction with the Common Law Courts.

Story's judgment, though at first not universally accepted, is now generally regarded as an authoritative exposition of the law upon the whole subject. Twenty-seven years later, in *Hale v. Washington*, 2 Story 176, he reaffirms what is stated in the earlier case. The most learned and hostile criticism is probably to be found in the judgment of Mr Justice Johnson, 12 Wheaton 611; but the point there in controversy is far removed from that now before me.

Statutes were from time to time passed in England enlarging the Admiralty jurisdiction; but, throughout, the concurrent common law jurisdiction, save as to occurrences on the high seas, was always recognized. These statutes may be found collected in the preface to the 1st edition, reprinted in the 3rd edition, of Pritchard's Admiralty Digest, and in the introduction to Roscoe's Admiralty Law.

In Ontario the High Court was given all the jurisdiction possessed by the Courts of Common Law in England on the 5th day of December, 1889. See the Judicature Act, R.S.O. 1887 c. 51, s. 25. This jurisdiction has been now vested in the Supreme Court of Ontario, R.S.O. 1914, c. 56, s. 3.

Before the 5th December, 1859, the Admiralty jurisdiction