

MARITIME LIEN.—The plaintiff brought an action against the P. for wages and disbursements as master of the vessel. In answer to the master's request when abroad for a statement of his account and for payment, the managing owner sent the master his individual promissory note for \$800, payable with interest, on account of the wages. The managing owner subsequently became insolvent. The master, on his return to St. John, N. B., demanded payment from the owners of his wages and disbursements, the sum claimed including the amount of the promissory note. The owners, by their counter-claim, sought to set-off against the master's claim, among other things, the amount of the promissory note; but *Held*, That the master, under the circumstances of the case, had not lost his lien upon the vessel. The set-off was rejected, and the plaintiff held entitled to recover, with costs. *The Plover*, 129.

See note to this case, *ante*, 134, where the English, American and Canadian cases are cited.

2. The House of Lords, in *The Sara*, 14 App. Cas. 209, decided that a master had no lien for his wages and disbursements, but it was subsequently given by the Merchant Shipping Act, 1889 (Imp.), *ante*, p. 85. The same law now obtains by legislation in Canada as respects the inland waters. p. 370.

3. As to priorities of liens, see note to *The Borzone*, p. 118.

MARSHAL—Appointment of. See Admiralty Act, 1891, 402.

MISDEMEANOR.

See **INTEMPERANCE**.

MORTGAGE.—Vice-Admiralty Courts have jurisdiction in respect of any mortgage when the ship has been sold by a decree of the Court, and the proceeds are under its control. 3 & 4 Vict. c. 65, s. 3, p. 315; 24 Vict. c. 10, s. 11, p. 350.

MUTUAL FAULT.

See **DAMAGES**—DIVISION OF.

MOORING.—*The Frier*, 180.

NAVIGATION.—The same rules of navigation, and the same precautions for avoiding collisions and other accidents as are now adopted in the United Kingdom and other countries, are also adopted in the Dominion of Canada. R. S. C. c. 79, p. 372.

See **INLAND NAVIGATION**.

NECESSARIES.—As to priority of payment. *The Borzone*, 116, and note.

2. For present jurisdiction as to necessities, see 3 & 4 Vict. c. 65, s. 6, p. 316; and 54 & 55 Vict. c. 27, s. 2, sub-sec. 2, p. 387.

ORDERS IN COUNCIL.—Approving Rules of 1893, 409, 410.

PILOTAGE.—Vice-Admiralty Courts have jurisdiction in respect of pilotage (26 Vict. c. 24, s. 10). This Act is now repealed by Colonial Courts of Admiralty Act, 1890; but the Court has the same jurisdiction over pilotage as the High Court of Admiralty. Under the Merchant Shipping Act, 1854, s. 2, "seaman" includes pilot.

PIRACY.—See *The Chesapeake*, 208.

PLEADINGS.—It is a rule of the Admiralty that where there is a material variance between the allegations of the libel and the evidence, the party so alleging is not entitled to recover, although not in fault, and fault is established against the other vessel. *The Emma K. Smalley*, 106.

See note to this case, p. 114; also *ante*, p. 154.

2. Under R. 61, every action now shall be heard without pleadings unless the judge shall otherwise order. p. 425.

POSSESSION.—Power given to any Court, having Admiralty jurisdiction in any of Her Majesty's dominions, to remove the master of any ship, being within the jurisdiction of such Court, and to appoint a new master in his stead.

See 17 & 18 Vict. c. 104, s. 240.

2. By 26 Vict. c. 24, s. 10, the jurisdiction of the Vice-Admiralty Courts was extended to claims between owners of any ship registered in the possession in which the Court is established touching the ownership, pos-