

REVIEW OF CURRENT ENGLISH CASES.

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ADMIRALTY — COLLISION — BOTH VESSELS IN FAULT — DAMAGE—
LIMITATION OF LIABILITY—CARGO OWNER—DIVISION OF LOSS
—ADMIRALTY RULE AS TO DAMAGES.

The Drumlaurig (1910) P. 249 is a decision which shews the difference between admiralty law and common law on the question of liability for negligence. By the common law according to *Thoroughgood v. Bryan*, 8 C.B. 115, where two vehicles come into collision through the negligence of the respective drivers of them, a passenger is so identified with the vehicle in which he is travelling and affected by the negligence of its driver that he cannot sue the driver or the owner of the other vehicle for damages caused by the collision, but it appears this rule has not been adopted in admiralty law, and under that law where two vessels collide, each being in fault, the cargo owners on one ship can recover against the owners of the other ship half of the damage they sustain. By the English Judicature Act, 1873, c. 25 (9), it is provided, "In any cause or proceeding for damages arising out of a collision between two ships, if both ships shall be found to have been in fault, the rules hitherto in force in the Court of Admiralty, so far as they have been at variance with the rules in force in the courts of common law shall prevail." The rule above referred to is by the Court of Appeal (Williams, Moulton and Buckley, L.JJ.) held to be one of those rules in force in the Court of Admiralty, and that which governs the liability of ship-owners to cargo owners in the case of a collision where both vessels are in fault. And inasmuch as our local Courts of Admiralty are to exercise their jurisdiction "in like manner" as the High Court in England: see Imp. Stat. 53-54 Vict. c. 27, s. 2(1). It seems to follow that this case would govern the practice in Canadian Admiralty Courts.

COPYRIGHT—INFRINGEMENT—INJUNCTION—STUD BOOK—LIST OF
BROOD MARES—DAMAGE.

Weatherby v. International Horse Agency (1910) 2 Ch. 297 was an action to restrain the infringement of a copyright. The plaintiffs were the proprietors of a publication known as the "General Stud Book" which was published every four years and gave detailed particulars of thoroughbred stud