

REVIEW OF CURRENT ENGLISH CASES.

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SHIP—SALVAGE AGREEMENT—PRINCIPAL AND AGENT—MASTER.

The Crusader (1907) P. 196. This was an appeal from the judgment of Barnes, P.P.D. (1907) P. 15 (noted ante p. 280); and the Court of Appeal (Lord Alverstone, C.J., and Moulton and Kennedy, L.JJ.) have unanimously affirmed his decision.

ADMIRALTY—COLLISION—TOTAL LOSS—PAYMENT OF DAMAGES BY WRONG DOER—RIGHTS OF INSURED AND INSURER IN MONEY RECOVERED FROM WRONG DOER.

The Commonwealth (1907) P. 216 was an admiralty case involving a point of insurance law. A vessel had been run down in a collision and was a total loss. The value was assessed by the Court at £1,000 which amount was paid into Court by the wrong doers. The vessel had been insured for £1,000 under a policy stating the value to be £1,350. The underwriters having paid the owners the amount of the insurance thereupon claimed the £1,000 paid into Court, but Deane, J., held, and the Court of Appeal (Barnes, P.P.D., and Moulton and Kennedy, L.JJ.) agreed with him, that the owners were entitled to be treated as their own insurers for £350, and that the money in Court was therefore divisible $\frac{350}{1350}$ ths to the owners, and the remaining $\frac{1000}{1350}$ th to the underwriters.

LANDLORD AND TENANT—COVENANT BY LESSOR TO PAY "ALL RATES AND TAXES"—WATER RATES.

Bourne v. Salmon (1907) 1 Ch. 616 was a summary application to determine the simple question whether water rates were included in the expression "all rates and taxes." The plaintiff's were lessees of certain premises under a lease whereby the defendants, their lessors, covenanted to procure to be paid "all rates and taxes" payable in respect of the demised premises; nevertheless they had claimed that the plaintiffs were bound to pay a proportionate part of the water rates. Buckley, J., following *Direct Spanish Telegraph Co. v. Shepherd*, 13 Q.B.D. 202, but against his own personal conviction, held that water rates were included and that the defendants were liable therefor, and