

insufficient for both, when the loss has resulted from the negligence of the shipowner's servants, for which he is not responsible under the Act.

6. *General average*.—Several questions arise as to the respective rights and obligations of shipowner and cargo owner of a more or less complicated character, which also await decision.

7. *Conclusion*.—On the whole, it would appear that the new legislation will be beneficial to Canadian trade; and, while opposed and severely criticized by shipowners, it may prove ultimately of benefit to them.

I have endeavoured, in the foregoing memorandum, to limit its matter to new questions, which may arise under the new Act; and, in doing so, I have sought to make it of some service to shipowners, shippers, and possibly to the legal profession.

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The *Law Times* (Eng.) copies in full the article which appeared in our issue of May 2nd, discussing *Mercier v. Campbell* which turned upon the construction of the Statute of Frauds (see ante p. 273). After setting forth the facts and summarizing the arguments our contemporary speaks as follows:

"The decision is one which seems to be in accordance with one already on the Canadian Law Reports (*Canadian Bank of Commerce v. Perran*, 31 O.W.R. 116), and it seems to mark a departure from a long line of American cases. It would appear as though some confusion has arisen in these latter cases through a lack of distinction between the words 'void' and 'voidable,' but the American decisions seem somewhat variable. The case brought to our notice in the *Canada Law Journal* seems to have abundant support in English decisions, but we rather gather that it marks a departure from the accepted law obtaining in Canada. It would seem as though the Canadian decisions