

PRINCE EDWARD ISLAND.

PRINCE EDWARD ISLAND ADMIRALTY DISTRICT.

EXCHEQUER COURT.

NOVEMBER 19TH, 1910.

DANIEL MCGREGOR v. THE SHIP "STRATHLORNE."

Jurisdiction — Action in rem for Wrongful Delivery of Goods—Owners Domiciled in Canada—Colonial Courts of Admiralty Act 1890 (Imp.) sec. 2 (2)—Admiralty Act 1861 (Imp.), sec. 6 — The Admiralty Act, 1891 (Canada)—“British Possession”—Construction.

Motion to set aside the writ of summons, the warrant and all proceedings herein.

J. A. Mathieson, K.C., for plaintiff.

D. C. McLeod, K.C., W. E. Bentley, for defendants.

SULLIVAN, (C.J.), LOCAL JUDGE, now (November 19th, 1910), delivered judgment.

This is a motion on behalf of the owners of the ship "Strathlorne" to set aside the writ of summons, the warrant and all proceedings herein, on the ground of want of jurisdiction.

The "Strathlorne" is a British ship, registered in the registry of shipping at Halifax, Nova Scotia, Canada.

The action is in rem for damages for wrongful delivery at the port of Halifax, aforesaid, of the goods of the plaintiff, shipped at the port of Montague, Prince Edward Island.

By the Colonial Courts of Admiralty Act, 1890, (53-54 Vict. (U. K.), ch. 27), a Colonial Court of Admiralty has, subject to the Act, jurisdiction over the like places, persons, matters and things as the High Court in England has (sec. 2 (2)); and any enactment in an Act of the Imperial Parliament referring to the Admiralty jurisdiction of the High Court in England, when applied to a Colonial Court of Admiralty in a British possession, shall be read as if the name of that possession were substituted for England and Wales (sec. 2 (3)).

Prior to the enactment of the Admiralty Court Act, 1861, (23 Vict. (U.K.), ch. 111), the Court of Admiralty could not have exercised jurisdiction in regard to the claim which