

strain the defendants, who owned a mill on the river, from impeding the passage of salmon up the river by increasing the diversion of the water from its natural channel into artificial channels for the use of their mill. The Court below granted the injunction, and the House of Lords affirmed the judgment.

SHIP—COLLISION—BOTH SHIPS AT FAULT—REOPENING QUESTION OF DAMAGE BY CARGO OWNERS—MERCHANT SHIPPING ACT, 1894 (57 & 58 VICT. c. 60), ss. 503, 504.

*Van Eijck v. Somerville* (1906) A.C. 489 was also an appeal from a Scotch Court in which the House of Lords (Lords Loreburn, L.C., and Lords James, and Robertson), reversed the Court appealed from. That Court had held that where a collision had taken place between two vessels and both ships were at fault, and the question of liability for damages had been settled in an action between the ship owners, it was not open to cargo owners thereafter to re-open the question of the amount of the liability imposed on the vessels respectively, but the House of Lords have reversed the decision holding that the cargo owners were not concluded by the previous adjustment made as between the ship owners to which they were no parties.

PARTNERSHIP—PURCHASE BY TWO PARTNERS WITHOUT KNOWLEDGE OF A THIRD—SCOPE OF PARTNERSHIP—RIGHTS OF PARTNERS.

*Trimble v. Goldberg* (1906) A.C. 494 was an action brought by a partner against his two co-partners in the following circumstances. The partnership was formed for the purchase of buying certain lands for the purpose of speculation. Two of the partners subsequently with their own funds bought certain other lands in the same neighbourhood, and for the like purpose, without giving their co-partner any share therein. There was nothing in the articles of partnership to preclude the partners from making such purchase on their own account. The Supreme Court of the Transvaal had nevertheless held that the purchase must be deemed to have been bought for the benefit of all three partners but the Judicial Committee of the Privy Council (Lords Halsbury and Macnaghten, and Sir A. Wilson and Sir A. Wills), could find no ground of law or equity to support the decision, and it was accordingly reversed.