

case that the cargo owner could recover only half of his damages from the owner of the other boat? Is it not the fact that the difference between the admiralty and common law rules is, in this light, rather the reverse of what you suggest?

Then, too, when you say that it seems to follow that this (*The Drumlanrig*) case would govern the practice in Canadian Admiralty Courts, because the Colonial Courts of Admiralty Act (Imp.) permits our Court of Admiralty to exercise its jurisdiction "in like manner" as the High Court in England, do you not overlook section 918 of the Canada Shipping Act (R.S.C. 1906, c. 113), which gives us express legislation on the point?

I hope you will not think me too critical, and that you will believe me as thankful as your many other readers for the uniform accuracy and interest of the JOURNAL's articles and reviews.

Faithfully yours,

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[Notwithstanding what is said by the House of Lords in *The Bernina*, 13 A.C. 1, regarding their Lordships' disapproval of the principle on which *Thoroughgood v. Bryan* was decided, it is an arguable point whether that case is not still an authority at common law. (See per Williams, L.J., p. 262, per Moulton, L.J., p. 265.) The reporters say it was overruled, but it must be remembered that the point actually decided by the House of Lords was merely that the rule laid down in that case did not apply in Admiralty. The English Court of Admiralty is, as Mr. King is aware, a Division of the High Court of Justice, and that being the case, R.S.C., c. 113, s. 918, to which he refers, merely shews, as was stated in the note, that *The Drumlanrig*, is an authority in our Courts of Admiralty. As the law stands, we think, with all due respect to Mr. King, that the comment to which he objects, though perhaps not free from question, can hardly be said to be manifestly incorrect. We are rather inclined to think it would require a decision of the House of Lords expressly on the point involved in the case of *Thoroughgood v. Bryan* before that case could be considered by any inferior Court to be overruled. See *Parent v. The King*, ante, p. 694. —EDITOR, C.L.J.]