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DECISIONS IN COMMERCIAL LAW

RICHARD COORTY, ET. AL. V. S.S. "GEORGE COLWELL."—This case was decided by the Admiralty Court at Quebec. The plaintiffs were, in the first one, Richard Coorty, et al., and in the second one George Eberwine, all of Marblehead, Ohio, and the defendant in both cases was the steamer "George L. Colwell," registered in the United States of America, whose owner is domiciled in Detroit, Michigan, and which was arrested in the port of Quebec.

The claims were for necessities supplied by the plaintiffs to the defendant, registered in the United States, at Marblehead, Ohio, and the question raised was one of jurisdiction. The defendant contended that the Court of Admiralty, sitting at Quebec, had no jurisdiction in such cases, where parties were foreigners, for a debt created in a foreign country against a foreign ship, although that foreign ship was arrested here. That question, said the judge, was long debated in England, and for more than thirty years, up to 1894, it looked to be a settled jurisprudence that the Court of Admiralty had no jurisdiction in such cases. In 1894, however, the question was raised again in the case of the "Mecca," and Judge Bruce in Admiralty decided again that the court had no jurisdiction. But the case was brought to appeal, and the Court of Appeal unanimously reversed the judgment, and held that the Court of Admiralty was competent in such a case of action in rem, against a foreign ship, for necessities supplied in a foreign country, when the owner of the ship was not domiciled in England or Wales. That case is reported in the Law Reports, Probate Division, 1895, p. 95. Judge Routhier stated the reasons of that decision that are decisive, in his opinion, and added that jurisprudence must be accepted here, where the law is absolutely the same. The motions for dismissal of actions must therefore be rejected.

SALE—SELLER'S LIABILITY FOR MISREPRESENTATIONS.

In the case of Cabaness v. Holland (47 S. W. Rep., 379), just decided by the Court of Civil Appeals of Texas, a seller is held to a somewhat stricter liability for misrepresentation than the courts have usually imposed. The Court holds that a material misrepresentation may be ground for rescission of the contract, though innocently made; that declarations made by the seller to witnesses relative to the merchandise sold a few days before he sold it to the plaintiff, and which the witnesses at his direction communicated to the plaintiff, were admissible against him in an action for fraud; that the fact of plaintiff's writing to certain persons enquiring about the merchandise, for the purchase of which he was negotiating, did not show that he was not relying upon the defendant's representatives as to it; and, finally, that the seller was liable for the misrepresentations made by the persons to whom he directed the buyer for information, though he had expressly refused to give any warranty whatever, and though he did not know, of his own knowledge, whether the representations were true or false.

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