

Correspondence

GORDON V. HORNE AND THE PRIVY COUNCIL.

To the Editor, CANADA LAW JOURNAL:

DEAR SIR,—I have read with interest Mr. Deacon's letter in your last issue as well as your editorial comments upon the case of *Gordon v. Horne*. May I be permitted to add my item to the discussion. I have read the evidence set out in the judgment of Clements, J., in 13 B.C. 140-141. It seems to me incomprehensible how any court composed of reasonable men could have come to any other conclusion than what was arrived at by the Supreme Court of British Columbia, and by the Judicial Committee of the Privy Council. It was not a question of conflict of evidence but one as to the evidence of the defendant himself. I cannot see how the Privy Council, the court of last resort, could have come to any other conclusion.

Yours, etc.,

K. C.

Toronto, Nov. 22.

ADMIRALTY LAW AND COMMON LAW.

To the Editor, CANADA LAW JOURNAL, TORONTO:

DEAR SIR,—In your issue of November 1st, at page 654, you cite *The Drumlanrig* (1910), p. 249, to shew "the difference between admiralty law and common law on the question of liability for negligence." May I suggest with all deference that your comments on this case do not define this difference in accordance with the cases? You contrast the common law rule of *Thoroughgood v. Bryan* with the admiralty rule adopted in *The Drumlanrig*, and point that while the common law-rule prevents a passenger injured in one of two colliding vehicles, equally in fault, from recovering damages from the driver or owner of the other vehicle, the cargo owner, on the other hand, under similar circumstances can recover half his damage from the owner of the other boat. You suggest that the cargo owner has a better remedy than the passenger. Is it not so that *Thoroughgood v. Bryan* was decisively overruled by the House of Lords in *The Bernina*, 13 A.C. 1, and that the doctrine that the passenger is always identified with his vehicle was emphatically condemned? And was not the main point in the *Drumlanrig*