

by the Soviet Government and declared to be its property, and its agent took possession thereof and sold some of the plaintiff's goods to the defendants which the defendants imported to England. The plaintiffs claimed to recover the goods from the defendants, and as it appeared that His Majesty's Government had not recognised the Soviet Government it was held by Roche J. that the Courts could not recognise the Government or hold it had Sovereignty or was able by its decree to deprive the plaintiff of his goods, the judgment was accordingly given in favour of the plaintiff.

Lease for special purpose—Licence to lessee to carry on business—
Subsequent grant by lessor imperilling licence — Derogation
from grant.

Harmer v. Jumbil (1921) 1 Ch. 200. In this case the plaintiff was a lessee of part of a freehold estate for 21 years, to the knowledge of the lessor, for the purpose of an explosives magazine. The lease contained a covenant by the lessor for quiet enjoyment. In order that the lessee might carry on his business a licence was necessary, and this licence was liable to be revoked if buildings were erected on the adjoining land within a certain distance. Subsequently to the granting of the lease the lessor made a lease to the defendants for the purpose of working minerals, but in such a manner as not to interfere with the explosives magazine of the plaintiff. The defendants for the purpose of their business erected three buildings or sheds within distances prohibited by the plaintiffs' licences. This action was brought to restrain the defendants from allowing these buildings to remain on the ground within the area prohibited by the plaintiffs' licence. Eve J. who tried the action held that the plaintiff was not entitled to relief and dismissed the action, but the Court of Appeal (Lord Sterndale M.R. and Warrington and Younger L.JJ.) held that the acts complained of amounted to a derogation from the grant of the lessor to the plaintiff and that he was entitled to an injunction limited to the duration of the existing licence.