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FOREIGN ENLISTMENT ACT.

In rendering judgment in the case of the *Atalaya*, the Judge of the Vice-Admiralty Court at Quebec directed attention to what he considers a defect in the operation of the Foreign Enlistment Act. The 23rd Section of the Act of 1870 confers upon the Executive authority power to seize and detain a ship and cargo, and upon a Court of Admiralty power to release them and award compensation in costs and damages in respect of their detention. The learned Judge pointed out the absence of an effectual check against the undue procuring of a warrant of search and detention, and further remarked:—"The 23rd Section provides only that if the Chief Executive authority is satisfied as to there being reasonable and probable cause to believe in 'equipping,' he may issue his warrant. A perusal of the depositions of Count Premio Real, the Spanish Consul-General, and his detective, will satisfy any reasonable person that there was such cause to be found in them for believing that the *Atalaya* was laden with arms and munitions, 'equipped' in the sense of the Act; and at the same time it is to be observed that the vessel had commenced her voyage, and had she escaped with them, and the slaughter of Spanish loyal subjects been the consequence, there would have been a reclamation from Spain for an indemnity, the responsibility for which would have rested with the Chief Executive authority. His Excellency the Governor-General, therefore, could not possibly do otherwise than issue his warrant. But if the evidence to satisfy the Chief Executive authority was sufficient, which it undoubtedly was, then it is quite certain that the information upon which the Consul-General of Spain acted was most defective, and that his relying upon the erroneous representations of another has been the detention of the *Atalaya* without reasonable or probable cause. If it can be left to a detective, in the working up of what he may call the case, so to influence the political or commercial agent of a foreign country, as to set in motion against a subject of

a friendly nation so dangerous an engine of power as the Foreign Enlistment Act, 1870, there must be some deficiency in the enactment. The official correspondence published in the case of the *Alabama*, between Earl Russell, Secretary of State, and Mr. Adams, Ambassador of the United States, shows the danger of tardy action where a vessel escaped, and this case the danger of haste where one was detained. The difficulty thus presented is one of the most serious nature even where neighboring countries are at peace, but in times of internal commotion such as have existed in this country and the United States, or when they are at war, the danger becomes indefinitely magnified. The coasts of the Dominion on the Atlantic extend from Maine to Cape Breton, their line runs along the Gulf and the great estuary of the St. Lawrence, and its border line passes through the St. Lawrence and the Great Lakes, across a continent to the Pacific Ocean, and if from any point communication by the electric wire can procure the seizure and detention of a ship and cargo owned by a subject or a foreigner, there is no amount of loss to which the Imperial Treasury may not be exposed."

IMPERIAL DISTINCTIONS.

The honor of knighthood has been conferred upon Chief Justice Ritchie, of the Supreme Court of Canada. As this distinction has been lavishly bestowed of late years upon our public men, it is not going far to add to the list of knights the highest judicial officer of the Dominion, and we presume that Sir W. G. Ritchie's successors will usually be accorded the same title. But while we notice with pleasure that Canadian Judges are not overlooked in the distribution of Imperial honors, we could have wished that the present list had included the name of one other, than whom none more worthy. We hope that in connection with the proposed changes in our Superior Court, and the creation of a new Chief Justiceship, the omission will be corrected, and that the honor of knighthood will be conferred on the present Chief Justice, whose brilliant career at the bar and long and honorable service on the bench would render such a distinction peculiarly appropriate. Doubtless no one has occasion to care less for such a mark of recognition, for his record lives in the hearts and memories of a