

to vote, and, therefore, that the votes in question were properly rejected, and that the licence to carry on business as bankers in England did not include the right to vote as shareholder of an English company; and with this conclusion the Court of Appeal (Lord Cozens-Hardy and Pickford and Warrington, L.JJ.) agreed.

COMPANY—WINDING-UP—DECEASED INSOLVENT—SHAREHOLDER INDEBTED TO COMPANY—EXECUTORS' RIGHT TO SHARE IN SURPLUS ASSETS OF COMPANY—SET-OFF.

In re Peruvian Ry. Construction Co. (1915) 2 Ch. 144. This was an application in a winding-up proceeding. One Alt, a shareholder of the company in liquidation, was a debtor of the company. His estate was insolvent. His estate was entitled to a share of the surplus assets of the company: the liquidator claimed that against this share must be set off the debt due by the estate to the company. The executors of Alt, on the other hand, contended that all that could be set off was the amount of the dividend which Alt's estate was able to pay in respect of the debt to the company, and this was the view upheld by Sargant, J.

WAR—TRADING WITH THE ENEMY—PAYMENTS MADE IN ENGLAND IN DISCHARGE OF LIABILITY OF ENEMY DEBTOR.

King v. Kupfer (1915) 2 K.B. 321. This was a prosecution for trading with the enemy contrary to Trading with the Enemy Act (4-5 Geo. 5 c. 87), ss. 1 (1(b)), 2, and the Royal Proclamation of September 2, 1914. The facts were that the defendant and two brothers, all being naturalized British subjects, carried on business in Frankfurt and London. Two of the brothers managed the Frankfurt business and the accused managed the London branch. The Frankfurt business contracted a debt to a Dutch merchant, and, in order to discharge this debt, the accused, at the request of the Frankfurt branch, paid the amount into a bank in England, with instructions to credit the Dutch creditor therewith. This was done, and was held to be a breach of the Act and Proclamation, as it had the effect of increasing the resources of individuals in Germany and diminishing those of individuals in Great Britain. The accused was found guilty, and a month's imprisonment awarded, and the conviction was affirmed by the Court of Criminal Appeal (Lord Reading, C.J., and Ridley and Atkin, J.J.). The Chief Justice, in delivering the judgment of the Court, said: "We desire to make it quite plain in this Court that the offence of trading with the enemy is a serious offence, and should be dealt with seriously by those whose duty it is to try these cases."