

## JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, Aug. 6, 1892.

Present: LORD HOBHOUSE, LORD HERSCHELL, LORD MACNAGHTEN,  
and LORD MORRIS.

WALKER V. BAIRD et al.

*International law—Prerogative of Crown—Act of State—Personal responsibility of agent of Crown.*

This was an appeal from a judgment of the Supreme Court of Newfoundland (see 14 Leg. News, 300) given in favor of the respondents, Messrs. Jas. Baird and Edward Leroux, on certain questions of law in an action brought by them against the appellant, Captain Sir Baldwin W. Walker, R.N., of her Majesty's ship *Emerald*, for wrongfully entering, on June 25, 1890, the respondents' premises, situated at Fishell's river, in Bay St. George, in Newfoundland, and taking possession of their lobster factory and the materials therein, and preventing the respondents from carrying on the business of catching and preserving lobsters.

The Attorney-General, Mr. Staveley Hill, Q.C., and Mr. A. T. Lawrence, were counsel for the appellant; Sir James S. Winter, Q.C. (of the Newfoundland Bar); Mr. J. E. C. Munro and Mr. T. Arnold Herbert for the respondents.

The arguments were heard on July 19 and 20 before a committee consisting of Lord Watson, Lord Hobhouse, Lord Herschell, Lord Macnaghten, Lord Morris, Lord Hannen, Sir Richard Couch and Lord Shand, when judgment was reserved.

LORD HERSCHELL, in now delivering their lordships' judgment, said :

This is an appeal from an order of the Supreme Court of Newfoundland. The respondents, by their statement of claim, alleged that the appellant wrongfully entered their messuage and premises, and took possession of their lobster factory and of the gear and implements therein, and kept possession of the same for a long time, and prevented the respondents from carrying on the business of catching and preserving lobsters at their factory. By his statement of defence, the appellant said that he was captain of Her Majesty's ship *Emerald* and the senior officer of the ships of Her Majesty the Queen employed during the current season on the Newfoundland fisheries; that to him, as such senior officer and captain, was committed by the Lords Commissioners