

right in general, after execution and delivery to a *bonâ-fide* holder, in view of the citation by the Nebraska court of the Illinois decisions—although, it is true, not on the special point of revocation—and its ambiguous language regarding *notice* to the bank of the drawing, as shutting off the drawer's right of control, it is a difficult matter to say that the court did not intend to follow the view of the Supreme Court of Illinois in *Union National Bank v. Oceana County Bank*, above cited."

WE have received from Sir J. S. Winter, Q.C., the leading counsel for the plaintiff in the case of *James Baird and another v. Sir Baldwin Walker, Bart.*, a copy of *The Evening Herald*, of St. John's, Newfoundland, for the 30th March last, containing the judgment of the Supreme Court of that island, delivered by Mr. Justice Sir Robert Pinsent, on the 18th of that month, in this important case, with an expression of his belief that we might consider it, as we certainly do, of sufficient interest to give it some notice in our journal. The report is too long for insertion in full, but we copy and insert the statement of the case, and the conclusion to which the Court came, that the jurisdiction of the municipal courts of the place where the cause of action arose was not excluded by the fact that the trespass complained of was committed under the authority of the *modus vivendi* alleged by the defendant, in effect—that an agreement between the British Government and that of a foreign country cannot be enforced against or affect the rights or property of a British subject, unless sanctioned by an Act of the British Parliament or of the legislature of the colony or place where such rights or property exist; in which opinion we humbly concur, as we do in the confidence the court expresses, that inquiry and compensation to those who have suffered loss will follow, and that further litigation in the case will be found unnecessary.

In his judgment Sir Robert Pinsent says: "The statement of claim in this action charges the defendant with having, in June last, wrongfully entered the plaintiffs' messuage and premises, situate at Fishel's River, in Bay St. George, and with taking and retaining possession of the plaintiff's lobster factory, and of a large quantity of gear, materials and implements appertaining to the same, and with having prevented the plaintiffs from carrying on the business of catching and preserving lobsters; and the plaintiffs claim \$5,000 damages, and they pray for an injunction. The defendant, amongst other matters, pleads in effect that he was captain of one of Her Majesty's ships employed during the last season on the Newfoundland fisheries, and was senior officer on the station; that the Lords Commissioners of the Admiralty, by command of Her Majesty, committed to him 'the care and charge of putting in force and giving effect to an agreement embodied in a *modus vivendi* for the lobster fishery in Newfoundland during the said season, which as an act and matter of state and public policy had been by Her Majesty entered into with the Government of the Republic of France.' That the said agreement provided, amongst other things, 'that on the coast of Newfoundland, where the French enjoy rights of fishing, conferred by the treaties, no lobster factories which were not in operation on the first day of July, 1889, should be permitted unless by the joint consent of the commanders