

nevertheless wrongful in Brazil, and might be punished there by criminal proceedings. But how this latter fact was shown does not appear by the report. The defendant contended that that was a question of Brazilian law and could only be determined on evidence. But the Court of Appeal (Lopes and Rigby, L.JJ.) held that the pleading objected to did not constitute a defence and ordered it to be struck out. The reasoning of the Court, if we may say so without presumption, does not appear to us quite satisfactory. It is based on the rule laid down by Willes, J., in *Phillips v. Eyre*, L.R. 6 Q.B. at p. 28, to the effect that to entitle a plaintiff to sue in England for a tort committed abroad, the act complained of must be wrongful according to the law of England, and secondly it must not have been justifiable according to the law of the place where it was committed. If the judgment had been based simply on the ground that the pleading in question did not show that the act was justifiable according to the law of Brazil, we could understand it, but that would rather savor of the old law of special demurrer, but the judgment is not explicitly based on that ground. The Court seems to assume as a fact that the act was not justifiable by the law of Brazil, of which there seems to have been no evidence, and no allegation in the pleadings one way or the other. This under the old law of demurrer would be inadmissible as constituting "a speaking demurrer" to the defence: but of course with the abolition of demurrers it is impossible to define the rule by which applications of this kind ought now to be disposed of.

LOG OF MAYFLOWER—DELIVERY TO UNITED STATES GOVERNMENT OF ARCHIVES  
OF HISTORICAL INTEREST.

*In re Log of Mayflower* (1897), P. 208 will be read with interest by those of an antiquarian turn of mind, as it is the decision of the Chancellor of the Diocese of London on the application of the late United States Ambassador to England, praying that the log of the historic Mayflower might be delivered out of the archives of the Consistory Court of London to him, for the purpose of being transferred to the