

REVIEW OF CURRENT ENGLISH CASES.

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PETITION OF RIGHT—INTERNATIONAL LAW—ANNEXATION OF ENEMY'S TERRITORY—CREDITORS' RIGHTS AGAINST CONQUEROR —ACT OF STATE—MUNICIPAL COURTS.

West Rand Mining Co. v. The King (1905) 2 K.B. 391 is a case arising out of the late South African war: the suppliants filed a petition of right in which they alleged that gold, the produce of their mine situate in the late South African Republic, had been taken possession of by the Government of the Republic, and that by the laws of the Republic the Government was liable to return the gold, or its value to the suppliants: and they claimed that by reason of the annexation of the territories of the late Republic the obligation of the Republic towards the suppliants was now binding on His Majesty the King; but on the King's behalf the point of law was raised by demurrer that no such right could be enforced in any municipal Court, and the Divisional Court (Lord Alverstone, C.J., and Wills, and Kennedy, JJ.) held that it could not. In the judgment of the Court delivered by Lord Alverstone, is to be found an interesting discussion of the limitations of international law; and the distinction is pointed out between mere private rights of property in conquered territory, and the contractual obligations of the Government of the conquered territory; and while it is conceded that the former may be given effect to, so far as computible with the rights of the conqueror, it is shewn that no contractual obligation of the conquered Government can be enforced against the conqueror, in any municipal Court, except such as he expressly elects to assume: and that in taking possession of a conquered territory, there is no implied agreement on the part of the conqueror to assume any of the contractual obligations of the Government he has overthrown.

MORTGAGE—ENTRY OF MORTGAGEE—RELATION BACK OF RIGHT OF POSSESSION—TRESPASS ANTECEDENT TO ENTRY BY MORTGAGEE —RIGHT OF ACTION.

The Ocean Accident Co. v. Ilford Gas Co. (1905) 2 K.B. 493 was an action for trespass to land, and the only point in question was whether the plaintiffs were entitled to maintain the action. The damage was caused in June, 1903. The plain-