

appellants, a municipal body created by statute, were by statute empowered to carry on a tramway business, or as we call it a street car business, as ancillary to this they also carried on an omnibus running in connection with the tramway. The present action was instituted by the Attorney-General on the relation of certain omnibus proprietors to restrain the appellants from carrying on the omnibus business as being ultra vires. It was contended that the Attorney-General ought not to have commenced the proceedings. Their Lordships, in affirming the decision of the Court below that the appellants' powers were strictly limited by the statute to running tramways which did not extend to or include the right to run omnibuses in connection therewith, took also occasion to lay it down that the discretion of the Attorney-General to institute proceedings where there is an excess of power by a public body which affects the public, is absolute and not subject to review by the Courts, although it may be the subject of comment in Parliament, when such right is harshly or oppressively or unnecessarily exercised.

**ACTION—WRONG COMMITTED OUT OF JURISDICTION—LEX LOCI—LEX FORI.**

*Carr v. Francis* (1902) A.C. 176, was an action brought to recover damages for the alleged wrongful seizure of the plaintiff's goods by an officer of the Royal Navy in the territorial waters of Muscat. The seizure was made under the authority of the Sultan, the sovereign ruler of Muscat. The Court of Appeal overruling Grantham, J., had given judgment in favour of the plaintiffs but the House of Lords (Lord Halsbury, L.C., and Lords Macnaghten and Lindley) reversed the Court of Appeal and restored the judgment of Grantham, J., dismissing the action, on the ground—that the act in question was a lawful act in Muscat where it was committed and that therefore no action would lie in England therefor. Lord Macnaghten says that in order to maintain an action in England for a wrong committed abroad two conditions must be fulfilled. "In the first place the wrong must be of such a character that it would have been actionable if committed in England; and secondly the action must not have been justifiable by the law of the place where it was committed."