

taking the accounts on the footing of the contract upon the basis set out by Ferguson, J., in *Re Cornish*, is charged with a specific lien. It cannot be paid away to the contractor, but it may be in existence as owing to him. But if no such fund remains, the specific lien upon that amount is a charge upon a non-existent fund, as many a lien upon a fund assigned by a debtor turns out to be. Giving a lien upon a fund cannot create that fund; it must be found and established before the lien operates upon it. And when found, it is in the hands of the owner subject to his superior equity.

FRANK E. HODGINS.

---

Benjamin Franklin once said that there never was a good war or a bad peace. Certainly such of the nations of men as stand outside the immediate influences of the Russo-Japanese war cannot find anything bad in the Peace of Portsmouth, which has just been concluded. True the press of the two countries directly involved are busily demonstrating the injustice, one way or the other, of the terms agreed upon; but that is to be expected; even the stoicism and reticence of the Japanese character not being proof against the tendency to become petulant under the nervous strain of ending a great war. That Japan has won in the Conference as well as on field and flood is clear to the thoughtful observer. Russia has conceded Japan's preponderant influence in Korea. Manchuria is to be governed by China according to the pledges made by Russia in 1902, and the "open door" policy for the country is to be maintained. Russia transfers to Japan Port Arthur, Dalny, and the Blonde and Elliott islands contiguous to the Liao Tung peninsula. The southern branch of the Manchurian railway from Port Arthur to within ten miles from Harbin is to be under the control of the Japanese; and fishermen of that nation are to have the right to fish in the waters of the Russian littoral from Vladivostok to Behring Strait. Japan is to have a moiety of Sakhalin island. In view of these facts, how can it be said that Russian diplomacy has undone the effect of the reverses of the war? The railway