

a new company to be organized in which the respondent was to have a large interest. The manager, who was a creditor of the company, was to have his debt secured and to receive an allotment of shares in the new company proportionate to those held by him in the insolvent company, and he agreed that he would not reveal this understanding to the other shareholders.

Held, affirming the judgment appealed from (11 B.C. Rep. 406), SEDGEWICK, J., dissenting, that the agreement could not be enforced as the consideration was illegal and a breach of trust by which the other shareholders were defrauded. Appeal dismissed with costs.

Wilson, K.C., for appellant. Ewart, K.C., and Morphy, for respondent.

Ex. C. Adm.] SHIP "NORTH" v. THE KING. [April 6.
Constitutional law—Illegal fishing—Three-mile limit—Legislative jurisdiction—Continuous chase—Capture on high seas.

The Dominion cruiser "Kestrel" sighted the American schooner "North" on the fishing grounds in Quatsino Sound within the three-mile limit off the coast of British Columbia, having four dories out and evidently engaged in fishing for halibut contrary to the provisions of the Act, R.S.C. c. 94. On being chased by the cruiser the schooner picked up two of her dories and stood out to sea. The cruiser kept up a continuous chase (picking up one of the dories on the way), overhauled and seized the schooner on the high seas, some distance outside the three-mile limit, and towed her into port at Winter Harbour, B.C., where she was properly attached and libelled in the Exchequer Court of Canada. At the time of seizure freshly caught halibut were lying upon the deck of the schooner and there were other evidences present shewing that she had been recently engaged in fishing.

Held, affirming the judgment appealed from (11 B.C. Rep. 473), GIROUARD, J., dissenting, that the Parliament of Canada, under the provisions of the British North America Act, 1867, has exclusive jurisdiction to legislate with respect to fisheries within the three-mile limit off the coast of Canada; that the cruiser had the right to immediately pursue the schooner sighted within the three-mile limit beyond that limit on to the high seas for the infraction of a municipal regulation of Canada; and that the seizure there made was justified by the rules of international law. Appeal dismissed with costs.

Chas. Wilson, K.C., for appellant. Newcombe, K.C., for respondent.