

## CHANCERY DIVISION.

LONDON, June 1, 1892.

*Before KEEWICH, J.*

VENABLES v. BARING BROTHERS &amp; Co.

*Negotiable instrument—American railroad bond—‘Bonâ fide’  
holder for value.*

This was an action by the plaintiff to establish his title to certain American railway bonds. In November, 1883, 105 Six per Cent. First Mortgage Sinking Fund loan bonds of the South and North Alabama Railroad Company, which are guaranteed by the Louisville and Nashville Railroad Company, were stolen from Messrs. Baring Brothers in London. On March 2, 1891, the plaintiff in Paris advanced to Mr. E. Wunder a sum of 50,000 francs on the security of a deposit by Wunder with the plaintiff of twelve of the above-mentioned bonds. It was subsequently discovered that ten of the bonds so deposited were among those stolen in 1883. This action was then brought by the plaintiff against Messrs. Baring and the railroad companies asking for a declaration that he was entitled to the bonds. The bonds were to bearer, but contained a provision entitling the holder to the benefit of a collateral mortgage vested in trustees. The defence was that the bonds were not negotiable instruments, and that the plaintiff had notice of the robbery, and, owing to his negligence, was not entitled to relief.

KEEWICH, J., held that the bonds were negotiable instruments according to the law merchant, and that at the date of the advance the plaintiff had no knowledge that the ten bonds were stolen. In his lordship's opinion the plaintiff had not conducted the transaction in such a way as to deprive him of his rights. There must, therefore, be a declaration that the plaintiff was entitled to the bonds as against the defendants, and the defendants must pay the costs of the action.

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**RECENT UNITED STATES DECISIONS.**

*Religious societies—Incorporation—Notice—Withdrawal of faction.*—Where there are two factions in a church, each claiming to be the true church, and entitled to the enjoyment of its temporalities, the members of one faction, by keeping up a separate organization, holding separate services under another pastor, and supporting only their own organization, do not thereby with-