

A letter written between co-defendants respecting a matter in litigation, with direction to forward it to their joint solicitor:—*Held*, privileged from production. *Jenkyns v. Bushby*, Law Rep. 2 Eq. 547.

*Partnership—Business of Solicitor.*—Where one of a firm of solicitors received from a client a sum of money for which a receipt was given in the name of the firm, stating that part of the money was in payment of certain costs due to the firm, and that the residue was to make arrangements with the client's creditors, and the solicitor misappropriated the money:—*Held*, that the transaction with the client was within the scope of the partnership business; and that the partners in the firm were jointly and severally liable to make good the amount:—*Held* also, that all the partners were necessary parties to a suit for that purpose. *Atkinson v. Mackreth*, Law Rep. 2 Eq. 570.

*Corporate Plaintiff—Foreign State.*—The United States of America suing in the Courts of England, and thereby submitting themselves to the jurisdiction, stand in the same position as a foreign sovereign, and can only obtain relief subject to the control of the Court in which they sue, and pursuant to its rules of practice; according to which every person sued in the Court of Chancery, whether by an individual, by a foreign sovereign, or by a corporate body, is entitled to discovery upon oath touching the matters upon which he is sued. Sir W. Page Wood, V.C., remarked in the course of his judgment:—"The question in this case is one in some degree novel, but the general principles applicable to it are sufficiently established. Where the suitor is an individual, although he may be the sovereign of a foreign country, and may of himself in reality represent the whole country of which he is sovereign, this Court has refused to acknowledge him when he comes here as a suitor in any other capacity than as a private individual. It has been determined by the highest authority that he must conform to the practice and regulations for administration of justice of the tribunals to which he resorts for relief; and, among other things, as was determined in *The King of Spain v. Hallett*, he is obliged to answer upon oath.

It is also established that all persons sued in this country as a body corporate are amenable to the process of the Court, and must answer by one or other of their officers upon oath, inasmuch as it is considered essential to justice that answers shall be made upon oath. I say essential to the interests of justice, because I believe the only exception to this is in the case of the Attorney General, where I apprehend it arises from the dignity of the Crown, to which the Court is obliged to have regard, and, accordingly, officers of the Crown in this country are not put to make discovery upon oath. . . . . What, then, is to be done in the case of a bill filed by a political body, such as the United States (not a physical but a metaphysical entity), proceeding as a sovereign state, and endeavoring to assert its rights in this country? Is there any reason why the defendant in the original suit should be deprived of those privileges which are enjoyed by every other party to a suit, or why either he or the Government suing here should not be dealt with according to the rules by which all other individuals, including the sovereign of any other state, must be dealt with when they seek to obtain relief in this Court? It appears to me there is no sound ground for saying that the rule is not to be applied. There may be difficulties in this case in selecting the person who is to make the answer. It is quite impossible, on any principle of analogy, to say that the President has been properly selected, or that he is the person for whose answer upon oath the United States must wait before they proceed in their original suit. I cannot make any order that the proceedings in the original suit be stayed until the President has put in his answer. No doubt ways and means are to be found for getting the discovery sought. I can do no more than make an order staying proceedings until the answer of the United States is put in." *Prioleau v. United States, and Andrew Johnson*, Law Rep. 2 Eq. 659.

*Freight—Assignment—Priority.*—The assignee of a particular freight who gave to the charterers notice of his security:—*Held*, entitled in priority to the general assignee of all freight to be earned by the same ship,