

CONFLICT OF LAWS—LIVES OF THE LORD CHANCELLORS.

is accepted as well as drawn in France, the law of France must prevail, and an indorsement invalid by the French law is insufficient to give a right of action in England.

Bradlaugh v. De Rin is therefore an intermediate case between *Lebel v. Tucker* and *Trinbey v. Vignier*. The majority of the Court held that it fell within the principle of *Trinbey v. Vignier*, and that the plaintiff could not recover. M. Smith, J., differed from this view, and held that as the acceptance was an English contract, it must follow the rule of *Lebel v. Tucker*.

There appear to us to be much stronger reasons for holding the opinion of M. Smith, J., than that of the majority of the Court. In the first place the acceptance in England clearly creates an English contract, and it would seem on principle that this contract would create the same obligation as between the acceptor and subsequent indorsees, whether it be written upon an English or a French bill. The drawing, the acceptance, and the different endorsements upon a bill are all different and entirely distinct contracts, and may be, and not unfrequently are, governed by entirely different laws; but the fact that the drawing of the bill is a French contract ought not to affect the liability or rights upon an English acceptance.

The question might be tried in this way:—Suppose a blank acceptance given in England and afterwards properly filled up by a drawer: would it make any difference to the acceptor's liability to subsequent indorsees whether the bill were in fact drawn in France, America, or Austria? Yet, according to *Bradlaugh v. De Rin* the acceptor's liability might be different in each of these cases. Again, suppose a bill drawn in France and accepted in England, and then indorsed, as suggested by M. Smith, J., in his judgement, in Vienna or America? what law is then to govern the indorsement: Is it that of the place of the indorsement, or of the drawing, or of the acceptance? If the principle of *Lebel v. Tucker* were followed, these difficulties would not arise. In any case, an English acceptance would give rise to the same rights and liabilities without being affected by the law of the place where the bill was drawn. M. Smith, J., notices at the end of his judgement that he differs from the opinion of the other learned judges, "with less reluctance than I should otherwise feel, because it seems to me that it would place the acceptors of bills in a position of great peril and difficulty if the law of the country of the indorsement, whatever it may be, and not the law of the place of acceptance and payment, is to govern" his liabilities.

In conclusion we may notice that *Bradlaugh v. De Rin* is not in terms opposed to *Lebel v. Tucker*, the judgments of which are carefully restricted to the precise facts before them. The principle, however, of that case seems to have a much wider application.—*Solicitors' Journal*.

LIVES OF THE LORD CHANCELLORS.

Mr. Murray's list of forthcoming books opens with the announcement of "The Lives of Lord Lyndhurst and Lord Brougham, forming the concluding volume of the 'Lives of the Lord Chancellors,' by the late Lord Chancellor Campbell." The volume will be in one respect unique in the history of literature. The death of Lord Campbell preceded by about two years the death of Lord Lyndhurst, and that of Lord Brougham by about five years. It has seldom happened to the biographer, if we may coin such a term, to survive the biographer. The Xanthos of one of Mr. Browning's poems, who "died and could not write the chronicle," would scarcely have had that palliation of his literary inactivity allowed by a man of the late Lord Campbell's energy. He should have written the chronicle as that noble and learned lord wrote his lives of Lord Brougham and Lord Lyndhurst, before he died.

On one occasion in the House of Lords, Lord Lyndhurst expressed the alarm with which, on biographical considerations, the possibility of his death before that of Lord Campbell affected him, and Lord Campbell gave him a reassuring reply; and all the while Lord Campbell was composing his noble and learned friend's biography. Dr. Johnson, as is well known, said that if he thought Boswell had any idea of writing his life, he would take Boswell's. But this justifiable homicide, this man-slaughter in self defence, would have been no use against Lord Campbell. The lives were written.

It is curious to think of him returning home from the House of Peers after a sharp brush with Lord Brougham, to add a new touch to his noble friend's portrait, to give a turn to a feature and to deepen a shade, or heighten a color. Luther spitting on the portrait of Erasmus, or Dante depicting in his *Inferno* the likeness of his living enemies, would afford some parallel to Lord Campbell's literary labors, if Lord Campbell had not been too calm tempered and fair minded a man to misuse his pen for the gratification of personal resentment.

After all, the careers of Lord Brougham and Lord Lyndhurst were over before Lord Campbell set about writing their lives. The impartiality of history, if such a thing exists, is out of the question. By way of counterpoise, the judgment of a contemporary, actively engaged in law and in politics, upon the men and events of his own time, and a lawyer's and politician's estimate of his great rivals in law and politics, possess a degree of interest which does not always attach to the premature birth of contemporary biography.—*Daily News*.