

up near Hastings, and a bottle containing a G.N.S. Co.'s envelope with the words "Oriole sinking—torpedoed" in pencil, in the handwriting of a seaman on board her, was found on March 20 off the Channel Islands. Bailhaeche, J., balancing the probabilities, held that the loss was due to submarine attack, and found the defendants liable.

The requisition of a ship by the Government for war service raises the question whether the owner or the charterer is to suffer. In *Tamplin Steamship Co. v. Anglo-Mexican Petroleum Co.* (1915) 31 T.L.R. 543, 3 K.B. 668, Atkin, J., held that, where an oil vessel on time charter, which the charterers had power to sublet, was requisitioned for the conveyance of troops, the charter party was not put an end to, although a clause in the charter party included restraints of princes. The charterers, not the owners, were held entitled to the hire paid by the admiralty.

The requisitions of property necessarily made by the Government for carrying on of the war have led to some interesting cases. In one of these (*Shipton, Anderson & Co. v. Harrison Bros. & Co.* (1915) 3 K.B. 376, 31 T.L.R. 598) it appeared that a quantity of wheat lying in a warehouse was sold on Sept. 2, 1914, on the terms of cash against transfer order. On Sept. 4 the sellers gave the buyers a delivery order on the warehouse, but revoked it on the same day, because they heard that the wheat was requisitioned by the Government. The buyers claimed damages for non-delivery. It was held that the property not having passed, and the contract being for the sale of specific goods, the contract was made subject to the condition that, if the Government made delivery impossible, the sellers would be excused. "We are in a state of war," said Darling, J., in giving judgment, "and the requisition was made for the general good. *Salus reipublicæ suprema lex* is the rule applicable at such a time, and the enforcement of it gives no right of action to any one who may be injured by it."

It is an elementary principle that, on the outbreak of war,