

## AMERICAN SHIPS UNDER BRITISH COLOURS;—FRENCH VIEW OF LORD BROUGHAM.

cipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid.

19. [The clerks of municipalities to furnish returning officers with six copies of Act]

## SELECTIONS.

## AMERICAN SHIPS UNDER BRITISH COLOURS.

One of the items of damages claimed by the United States under the Alabama Convention consists of losses sustained by the transfer of American ships to the British registry. We believe that during the war more than seven hundred American merchantmen were transferred to our registry, and became British ships for the express purpose of escaping the Confederate cruisers. Assuming that this head of damage is within the treaty, and also capable of proof, we may suggest, on the part of Her Majesty, an objection to the claim which, in the majority of cases, will, we believe, prevail. If the British registry be inspected, it will be found that opposite to many of the ships are placed the names of American mortgagees. The names of the transferees are never given on the registry, but they could be easily ascertained. Now where the names of transferors and mortgagees are identical, there arises the presumption that there was no absolute sale of the ship, but only a colourable transfer. So also if in other cases it be found that the transferred ships were held upon trust for the former owners, there again the claim would fail, because, there being no *bona fide* sale, there could be no loss. To these objections, founded upon general principles, must be added one of a more important character, based on the British Merchant Shipping Act 1854. By section 56 of that Act, every person, before being registered as transferee of a ship or share of a ship, must make a declaration that he is qualified to be registered as owner as owner of a British ship, and also that, to the best of his knowledge and belief, no unqualified person is entitled as owner to any legal or beneficial interest in the ship or any share therein. A false declaration constitutes a misdemeanour, and by section 103, if any unqualified person acquires as owner any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, such interest shall be forfeited to Her Majesty. Persons qualified to be owners of British ships are British-born subjects who have not sworn allegiance to a foreign State, denizens, and naturalised person. If, therefore, upon the evidence in any cases under this head of damage, it turns out that an American citizen has retained or acquired after transfer to the British registry any beneficial interest in the ship transferred, that share will be forfeited to the Queen, and no claim against the Crown for damage can be founded on a

transaction which in itself constitutes a violation of the municipal laws of the United Kingdom.

It is impossible to believe that in four years ships showing an aggregate burthen of half a million tons were bought out and out by subjects of the Crown, but the American claim rests entirely upon the hypothesis that such was the fact. The alternative hypothesis, which is much more probable, not only defeats the claim, but entitles the Crown to confiscate to its own use an enormous mass of property of the highest value.—*Law Journal*.

## A FRENCH VIEW OF LORD BROUGHAM.

At the annual public meeting of the Académie des Sciences Morales et Politiques, a branch of the French Institute, held on Saturday last, M. Jules Simon read a report on the various essays sent in competition for the prizes offered by the Academy. The feature of the day, however, was an address delivered by M. Mignet upon the career and character of the late Lord Brougham, which occupied the attention of the assemblage for more than an hour and a half, and was listened to throughout with the closest attention. M. Mignet said:—"Lord Brougham was the oldest as he was the most illustrious foreign associate of the Academy. He was Lord High Chancellor of England when, in 1832, the Académie des Sciences Morales et Politiques was re-established, and he was immediately admitted to its ranks, and with indisputable titles. A celebrated and an intellectual writer, he had since the beginning of the century applied his powerful faculties and his varied talents to the propagation or defence of the noblest and most humane ideas. He had cultivated with an aptitude that was in some degree universal the vast field of social science, after having in his earlier day traversed not without distinction, the field of physical and mathematical sciences.

A great advocate, he pleaded the greatest causes with earnest speech and vigorous dialectics, and he acquired by his eloquence an imperishable renown. A political orator of extraordinary fertility, and not less remarkable for the loftiness of his views as for the brilliancy of his talents, he was placed from 1810 to 1830 at the head of that party in the House of Commons which desired to improve the laws and to extend the public liberties. An enterprising Minister and a reforming Chancellor, he effected in the Government and in the administration of justice those happy changes, equally prudent and just, which he had recommended while in Opposition." The talents and tastes of Lord Brougham were displayed at an early age, and M. Mignet dwelt at some length upon this portion of Brougham's career, recounting many anecdotes which have become familiar to the English public. After alluding to Brougham's advocacy on behalf of Queen Caroline, and to the famous speech demanding