

of the mortgage. Afterwards the respondent brought the present action, claiming a declaration that he was entitled to the land free from the mortgage. The Judicial Committee of the Privy Council (Lords Shaw, Parker, and Sumner) held that under the deed of 1909 the legal estate passed to the nephew but subject to a trust for the respondent and that by accepting the deed of 1914 subject to the mortgage the respondent had elected not to keep alive as against the appellants his prior equitable estate, and that the appellants were entitled to the benefit of the transaction though they were not parties. The judgment of the court below was therefore reversed.

PRIZE COURT—NEUTRAL SHIP—CONTRABAND CARGO—NEUTRAL PORT OF DELIVERY—ENEMY DESTINATION—KNOWLEDGE OF SHIPOWNER.

The Hillerod (1918) A.C. 412. This was an appeal from a Prize Court condemning a vessel as prize in the following circumstances. The vessel in question was a Danish vessel bound from Philadelphia to Trondjern and Gothenburg with a cargo of lubricating oil which was contraband and which was on 16 November, 1915, seized at sea. The cargo was claimed by Westerberg a Swede by birth but naturalized in the United States and being the U.S. consular agent at Malmö in Sweden. His name appeared on the bill of lading as consignee and he purported by the charterparty to be the charterer of the vessel. Brix Hansen & Co., of Copenhagen, claimed to be owners of the ship. Evans, P.P.D., found as a fact that the cargo did not belong to Westerberg but that it had been acquired and shipped by Germans and was destined for Germany, and he condemned the ship because the contraband goods exceeded half the entire cargo, and the shipowners were consequently to be presumed to be parties to its ulterior destination, and also because Westerberg and the shipowners were associated with Westerberg in an attempt convey contraband to the enemy, and that they were endeavouring to mislead the court. It appeared that Westerberg's salary was only £200 per annum, and that he had engaged in no previous mercantile transactions, and no explanation was offered as to why the shipowners came to charter a vessel for £16,500 to such a man; that Westerberg had no knowledge of the purchase and had made no arrangement to receive the cargo, and that he was in fact a mere stool pigeon for the shipowners. The judgment of Evans, P.P.D., was confirmed by the Judicial Committee of the Privy Council (Lords Parker, Sumner, and Wrenbury).