

GOODWILL—SALE OF BUSINESS—VENDOR SOLICITING OLD CUSTOMERS.

In *Curl v. Webster* (1904) 1 Ch. 685, the defendant had sold a business carried on by him to the plaintiffs, and he subsequently organized a limited company for the purpose of carrying on a similar business, and thereafter solicited custom from some of the customers of his former business for the new company. The action was, therefore, brought to restrain the defendant from soliciting business from his former customers, and the only question was as to the form of the injunction. For the defendants it was contended that it should be limited so as not to prevent the defendant soliciting old customers, who, of their own accord, had become customers of the new company before any solicitation was made to them, but Farwell, J., decided that there should be no such limitation and granted the injunction in general terms, restraining the defendant from soliciting or directing, or suggesting solicitation by travellers, or other agents of the company, of any of the customers of the business sold by him to the plaintiff.

COSTS—TAXATION—INSPECTION OF PROPERTY IN QUESTION BY CONSENT—RULE 659—(ONT. RULE 1096.)

In *Ashworth v. English Card Clothing Co.* (1904) 1 Ch. 702, an inspection of the property in question in the action had been arranged between the solicitors without any order being obtained under Rule 659 (Ont. Rule 1096), and on a taxation of costs the Master had disallowed the costs incurred in the inspection. On appeal, however, to Joyce, J., he held that such costs were properly taxable and considered it would be the worst possible precedent to disallow such costs merely because the inspection was made without an order of the Court being obtained.

COSTS REFUNDED ON REVERSAL OF JUDGMENT—INTEREST.

S.C., p. 704. Another point of practice is dealt with by Joyce, J., concerning the right to interest on costs. The action was dismissed with costs, and these costs were paid by the plaintiff to the defendants with interest to date. The Court of Appeal subsequently reversed the judgment and ordered the costs so paid to be refunded, and the defendants repaid the sum they had received with interest to date. Upon a further appeal, the House of Lords restored the original judgment, dismissing the action, and the