

costs, paid Pugh, who was in distressed circumstances, a small sum in settlement of the taxation, which was consequently dropped. Margetson thereupon applied to Kekewich, J., for an order to compel Jones to pay his costs up to the time of the compromise, which was granted—the Judge being of opinion that Jones as a solicitor must have known from the circumstances of Pugh that the money paid by him would not be applied towards payment of Margetson's costs. A point of practice arose also in the case which is worth notice. The case of the applicant was not made out on his own affidavits, but affidavits were filed in answer, which he claimed to be entitled to read, and which supplied what was lacking in his own affidavits. The respondents objected, but Kekewich, J., held that the applicant was entitled to use his opponent's affidavits to make out his own case.

PATENT LAW—INFRINGEMENT — FOREIGN MANUFACTURER — SENDING INFRINGING ARTICLES FROM FOREIGN COUNTRY BY POST—PLAINTIFF OUT OF JURISDICTION—JUDGMENT FOR PLAINTIFF AT TRIAL—SECURITY FOR COSTS—RETENTION OF COSTS IN COURT PENDING APPEAL.

Badische Anilin v. Johnson (1897), 2 Ch. 322, was an action by a plaintiff resident abroad to restrain the infringement of an English patent. The defendant was a foreign manufacturer, and the infringement complained of was his sending into England by post in response to an order from a trader in London, a parcel containing articles which were an infringement of the patent. North, J., was of opinion that the plaintiff was entitled to succeed, and he granted an injunction and an inquiry as to damages. The majority of the Court of Appeal (Lindley and Smith, L.J.J.) were, however, of the opinion that the action could not be maintained. They considered that the defendant's part of the transaction ceased when he delivered the package to the post office, and that he could not be held responsible for its being imported or carried into England. Rigby, L.J. dissented from this, and thought that the defendant was responsible for the importation of the package into England, and its carriage there as being a necessary consequence of his initial act, in depositing it in the post office for that purpose. The plaintiffs had been required to