

STATUTE OF LIMITATION.—SIMPLE CONTRACT DEBT—ACKNOWLEDGMENT—UNCONDITIONAL ACKNOWLEDGMENT OF DEBT COUPLED WITH HOPE TO PAY SAME.

In *Cooper v. Kendall* (1909) 1 K.B. 405, Darling, J., came to the conclusion that under *Chasemore v. Turner* (1875) L.R. 10 Q.B. 509, the following acknowledgment of a debt was insufficient to stop the running of the Statute of Limitations, 21 Jac. 1, c. 16, s. 3 (R.S.O., c. 324, s. 38), viz., "I admit I owe your client the sum of £210 5s., but I cannot meet this liability at the moment, although I hope to call upon you within fourteen days to make a definite proposal for repayment of that amount with interest from date of loan." The Court of Appeal (Cozens-Hardy, M.R., and Buckley, L.J.), however reversed his decision, they being of the opinion that there was nothing in the acknowledgment to negative the implication of an unconditional promise to pay.

COPYRIGHT—MUSIC—"PIRATED COPY OF MUSICAL WORK"—PERFORATED MUSIC ROLL, FOR USE ON INSTRUMENT.

In *Mabe v. Connor* (1909) 1 K.B. 515, a Divisional Court (Lord Alverstone, C.J., and Bigham and Walton, JJ.), hold that a perforated roll of music for use on a piano for reproducing the music of a copyright song is not "a pirated copy" of the work within the Music Copyright Act of 1902, following *Boosey v. Wright* (1900) 1 Ch. 122 (noted, ante, vol. 36, p. 207).

SOLICITOR AND CLIENT—BILL OF COSTS—ORDER FOR TAXATION ON APPLICATION OF CLIENT—SUBMISSION TO PAY—EXCLUSION OF STATUTE BARRED ITEMS—STATUTE OF LIMITATIONS.

In *re Brockman* (1909) 1 Ch. 354. This was a special application by a client to tax his solicitor's bill, and it was claimed on the client's behalf that a special direction should be inserted in the order, directing the taxing officer to disallow statute barred items. This Warrington, J., held could not be done, because according to the practice of the court when a client applies to tax his solicitor's bill the order must contain a submission to pay what may be found due, irrespective of the Statute of Limitations. If the client desires to raise that defence, he must have the solicitor to bring an action, in which the defence may be pleaded, but it is not pleadable in a proceeding initiated by himself. In these circumstances the applicant abandoned the application.