

REVIEW OF CURRENT ENGLISH CASES.

(Registered in accordance with the Copyright Act.)

PRACTICE—COSTS—SOLICITOR—TAXATION OF COSTS AFTER PAYMENT—THIRD PARTY LIABLE TO PAY—"SPECIAL CIRCUMSTANCES."

Hirst v. Fox (1908) A.C. 416 is a case known in the court below as *Re Hirst* (1908) 1 K.B. 982 (noted ante, p. 451) and it is somewhat surprising that it should have been thought of sufficient importance to be carried to the House of Lords, and it is not surprising to find that their Lordships regarded the appeal, which took the greater part of two days, as a waste of their valuable time. The whole question was as to whether or not a solicitor's bill was liable to taxation. The costs were costs of an action which had been compromised, the defendants agreeing to pay the plaintiff's costs as between solicitor and client. The plaintiff paid her solicitors' bill without taxation, and the defendants subsequently applied as third parties liable to pay for an order to tax it. This was granted by the Court of Appeal (see ante, p. 451) and it is from that decision that the present appeal was brought by the solicitors. Their Lordships (Lord Loreburn, L.C., and Lords Ashbourne and Macnaghten) affirmed the order for taxation, but in doing so they dealt the appellants a backhanded stroke by varying that part of the order appealed from which had directed the client to pay the costs of the prior appeal, by ordering the solicitors themselves to pay them.

TRADE MARK—INFRINGEMENT—ASSIGNMENT OF TRADE MARK—CAUSE OF ACTION.

Ullmann v. Leuba (1908) A.C. 443. This was an appeal from the Supreme Court of Hong Kong. The action was brought to recover damages for infringement of a trade mark. The facts of the case as found by the Judicial Committee of the Privy Council (Lords Robertson, Atkinson and Collins, and Sir A. Wilson) were, that the plaintiffs were manufacturers of watches in Switzerland. They sold watches for the purposes of trade to a firm in Hong Kong, carried on by one Madame Bovet, who, for the purpose of trade had them marked with the trade mark in question. This trade mark had been assigned to the plaintiffs. The court below had granted the plaintiffs relief, being of