

CRIMINAL LAW—AUTREFOIS ACQ IT—PERIL OF CONVICTION ON PREVIOUS CHARGE—TWO OFFENCES SUBSTANTIALLY THE SAME.

*The King v. Barron* (1914) 2 K.B. 570. The defendant in this case had been previously indicted for sodomy and acquitted. He was charged in the present case with committing an act of gross indecency with another male person. The facts proved were admittedly the same as those on which the previous charge was based; the defendant pleaded *autrefois acquit* and gave the former charge and acquittal in evidence, but it was held by Ridley, J., that the plea was not proved, and the defendant was convicted. The Court of Criminal Appeal (Lord Reading, C.J., and Lawrence and Lush, JJ.) affirmed the conviction, holding that to establish a plea of *autrefois acquit*, it must be shown either that the defendant had been previously acquitted for the same offence, or could have been convicted at the previous trial of the offence with which he is subsequently charged. Here the Court held that on the charge of sodomy the defendant could not have been convicted of gross indecency and, although the prior charge necessarily involved gross indecency, yet the acquittal for the graver offence did not necessarily involve an acquittal for the minor offence.

PRACTICE—COSTS—TAXATION—PLAINTIFF'S TRAVELLING EXPENSES—CONDITION OF ALLOWANCE—JURISDICTION OF TAXING MASTER.

*Harbin v. Gordon* (1914) 2 K.B. 577. This case turns on a simple question of practice. On a taxation between party and party a charge was made for the travelling expenses of the plaintiff which the taxing officer allowed, subject to the condition that the plaintiff's solicitors should produce to him either a receipt by the plaintiff of the said sum from his solicitors or a letter from the plaintiff showing that he knew that the amount had been allowed to him. The plaintiff appealed, but the Court of Appeal (Williams, Buckley and Kennedy, L.JJ.) held that the taxing officer had jurisdiction to impose the condition. Williams, L.J., however, dissented, thinking the taxing master's condition had the effect of casting an uncalled-for slur on solicitors as a profession.

PRINCIPAL AND AGENT—HOUSE AGENT—LEASE OF HOUSE—SUBSEQUENT SALE TO TENANT—COMMISSION ON SALE—"EFFICIENT CAUSE OF SALE."

*Nightingale v. Parsons* (1914) 2 K.B. 621. This was an action by a house agent to recover a commission on the sale of a house in