

usage or custom which had given to a c.i.f. contract the meaning that the vendee was bound to pay the price on production of the documents before seeing the goods.

CRIMINAL LAW—CONSENT OF ATTORNEY-GENERAL TO PROSECUTION—ABSENCE OF CONSENT—NO SUBSTANTIAL MISCARRIAGE OF JUSTICE.

*The King v. Bates* (1911) 1 K.B. 964. This was a prosecution under the Explosive Substances Act, 1883, which requires that the consent of the Attorney-General so be obtained to the preferring of an indictment under the Act. The required consent had not been obtained, but the defendant had been convicted, and on appeal from the conviction the Court of Criminal Appeal (Lord Alverstone, C.J., and Lawrance and Pickford, J.J.), quashed the conviction on the ground that, in the absence of the consent, the court had no jurisdiction and that it was impossible for the court to treat the absence of the consent as involving no substantial miscarriage of justice.

SOLICITOR—PERSONAL LIABILITY OF SOLICITOR FOR COSTS—COSTS—APPEARANCE ENTERED FOR NON-EXISTING PARTY—WARRANTY BY SOLICITOR OF HIS AUTHORITY.

*Simmons v. Liberal Opinion* (1911) 1 K.B. 966. This was an action for libel published by a newspaper called *St George's and Wapping Progressive Champion*, purporting to be published by "Liberal Opinion, Limited," named as defendant. An appearance was entered for "Liberal Opinion, Limited" by a solicitor, and a statement of defence put in and affidavit of documents sworn by a person who described himself as managing director of the defendant company. The plaintiffs subsequently searched in the proper office, and found that no such company was in existence of the name of the defendant company, and informed the solicitor who had acted for the defendant, and asked for explanation, to which he impertinently replied that they had better continue their search. The case went to trial and a verdict was given for the plaintiff for £5,000 but it was then definitely ascertained that there was in fact no such company, and in consequence thereof all the proceedings were futile. The plaintiffs then applied to Darling, J., for an order to compel the solicitor who had purported to act for the defendant, personally to pay the costs which had been thus thrown away: he refused the application; but the Court of Appeal