

**COSTS—JOINT DEFENDANTS IN ACTION OF LIBEL—DEFENDANTS SEVERING IN PLEADING—JUDGMENT AGAINST BOTH DEFENDANTS WITH COSTS—LIABILITY OF ONE DEFENDANT FOR COSTS OCCASIONED BY CO-DEFENDANT.**

*Hobson v. Leng* (1914) 3 K.B. 1245. This was a libel action against two defendants, one of whom admitted his liability and pleaded an apology, and the other pleaded justification. At the trial judgment was given against both defendants with costs, and the judgment was so entered. The Judge at the trial refused to give any special direction as to the costs. On the taxation the defendant who pleaded apology objected to being charged with the costs occasioned by his co-defendant's plea of justification. The taxing officer disallowed the objection. Rowlatt, J., on appeal, allowed it, and the Court of Appeal (Buckley, Kennedy, and Phillimore, L.JJ.) affirmed Rowlatt, J.'s decision. It appears from this case that in England there is a difference of practice on this point in the King's Bench and Chancery Division. In the latter division the taxing officer taxes according to the judgment, and exercises no discretion as to the apportionment of costs, unless expressly directed so to do, whereas in the King's Bench Division under a judgment for costs in general terms the taxing officer applies Ord. lxv., r. 1. and apportions costs having regard to the issues in the action.

**DISCOVERY -- PRODUCTION OF DOCUMENTS -- PRIVILEGE FROM PRODUCTION—DOCUMENTS COMING INTO EXISTENCE IN CONTEMPLATION OF LITIGATION—DOCUMENTS OBTAINED FOR OBTAINING ADVICE FROM SOLICITOR.**

*Adam Steamship Co. v. London Assurance Corporation* (1914) 3 K.B. 1256. This was an action on a policy of marine insurance for a constructive total loss. The defendants on the happening of the loss instructed the Salvage Association to look after their interests. The defendants claimed that the communications by cable and otherwise which passed between them and the Salvage Association after notice of abandonment as a total loss and before action were privileged as having been procured for obtaining their solicitors' advice and to enable the solicitors properly to conduct the case. The Court of Appeal (Buckley, Kennedy, and Phillimore, L.JJ.), overruling Bailhache, J., held that the documents were privileged as claimed.