

LICENSE TO USE WALL—SUBSEQUENT LEASE OF WALL—REFUSAL OF LESSEE TO PERMIT USE OF WALL BY LICENSEE—LICENSEE'S RIGHT OF ACTION AGAINST LICENSOR—INTEREST IN LAND.

*King v. Allen* (1916) 2 A.C. 54. This was an appeal to the House of Lords (Lords Buckmaster, L.C., Loreburn and Atkinson) from the Irish Court of Appeal. The case was a simple one. King, being the owner of a building, gave to the plaintiffs a licence to use the wall for advertising purposes at a rent of £12 per annum; he subsequently leased the building without any reservation of the right of the licensees, and the lessees refused to permit the licensee to continue to use the wall, who brought the present action against King, their licensor, for breach of the agreement. Judgment having been given in the Court below for the plaintiffs, the defendant appealed, contending that the licence gave the plaintiffs an interest in land which was unaffected by the lease, but their Lordships agreed with the Court below and dismissed the appeal, holding that the licence did not create any interest in land, but was a mere personal agreement, which the defendant had, unfortunately and unintentionally, deprived himself of the means of making good.

PRACTICE—SERVICE OUT OF JURISDICTION—WRIT ISSUED AGAINST TWO DEFENDANTS BOTH OUT OF THE JURISDICTION—ACCEPTANCE OF SERVICE BY ONE DEFENDANT—SERVICE OF CONCURRENT WRIT ON THE OTHER DEFENDANT—SETTING ASIDE SERVICE, RULE 64—(Ont. Rule 25 (a)).

*Russell v. Cayzer* (1916) 2 A.C. 298. This was an appeal from an order setting aside the service of the writ of summons out of the jurisdiction. The plaintiffs issued a writ of summons against two Scotch companies to recover damages for the loss of certain goods. One of the companies accepted service of the writ by their solicitors in England, and the plaintiff then obtained leave to serve a concurrent writ on the other company as being a necessary party to an action properly brought against the co-defendant, under Rule 64(g), (Ont. Rule 25(g)). An application was then made by the company served with the concurrent writ to set aside the service. Rowlatt, J., refused the application, but the Court of Appeal reversed his decision, and the House of Lords (Lords Haldane, Sumner, Parmoor and Wrenbury) have affirmed the Court of Appeal. As their Lordships point out, the action could not be properly brought against either company in England; and the mere fact that one of the companies chose to submit to the jurisdiction of the English Court could not give the Court jurisdiction over the other company. Lord Wrenbury expressed the doubt whether the writ ought to have been issued at all without leave, both defendants being styled therein as "of Glasgow in Scotland."