

SOLICITOR—LIEN FOR COSTS—SUCCESSIVE SOLICITORS, PRIORITY AS BETWEEN.

In re Knight, Knight v. Gardner (1892), 2 Ch. 368, Kekewich, J., reaffirms the well-established principle that where several solicitors are successively employed to carry on proceedings, they are entitled in inverse order (beginning with the one last employed) to priority in respect of their liens for costs.

The Law Reports for September comprise (1892) 2 Q.B., pp. 337-514; (1892) P., pp. 261-323; and (1892), 2 Ch., pp. 373-461.

EXECUTION—CONCURRENT WRITS OF FI. FA.

In *Lee v. Dangar* (1892), 2 Q.B. 337, strange to say, the question was raised whether an execution creditor is now entitled to issue concurrent writs of execution to different counties. The Court of Appeal (Lord Esher, M.R., and Fry and Lopes, L.JJ.) held that concurrent *fi. fas.* may issue now as formerly. The defendant's goods having been seized under both writs, and the money made under one of them, the sheriff holding the other writ had refused to withdraw from possession until paid his fees for mileage and levy, and he also claimed poundage, but he did not insist on payment of it, and eventually withdrew on payment of his fees. The action was to recover a penalty for overcharging, and in this way the validity of the concurrent writ came into question. The Court of Appeal upheld it, and though of opinion that the sheriff was not entitled either to his fees for mileage or levy, nor to poundage, yet, there being no evidence of malice, held the sheriff was not liable to the penalty, but only to nominal damages for not having sooner withdrawn than he did.

PENALTY—WRONGFUL ACT OF AGENT—PRINCIPAL, LIABILITY OF, FOR PENALTY.

Bagge v. Whithead (1892), 2 Q.B. 355, is another action against a sheriff to recover a penalty under the same statute as was in question in the preceding case. This statute provides: "If any person, being either sheriff, under-sheriff, bailiff, or officer of a sheriff, . . . is guilty of any offence . . . against this Act, he . . . shall be liable . . . to forfeit £200." The action was brought against the sheriff on the ground that his bailiff had, contrary to the Act, seized property which was exempt from seizure. The Court of Appeal (Lord Esher, M.R., and Fry and Lopes, L.JJ.) affirmed the judgment of Wills, J., in favour of the defendant, on the ground that the action would not lie against the sheriff for the penalty, but only against the officer who had actually committed the wrong.

JURISDICTION—TRESPASS TO LAND IN FOREIGN COUNTRY—DECLARATION OF TITLE TO LAND IN FOREIGN COUNTRY—PLEA TO JURISDICTION.

Companhia de Mocambique v. British South Africa Co. (1892), 2 Q.B. 358, is an important case. It was an action brought by the plaintiffs to recover damages for trespasses upon the plaintiffs' goods and lands and assaults upon their servants, also for a declaration of the plaintiffs' title to the lands upon which the