

COMMENTS ON CURRENT ENGLISH DECISIONS.

The Law Reports for May comprise 24 Q.B.D., pp. 505-625; 15 P.D., pp. 49-65; and 43 Chy.D., pp. 469-637.

SOLICITOR AND CLIENT—ASSIGNMENT OF CHOSE IN ACTION—ASSIGNEE BECOMING SOLICITOR IN ACTION
—GARNISHEE—ORDER—PRIORITY.

Davis v. Freethy, 24 Q.B.D., 519, was an interpleader action. Davis, who was a solicitor, purchased from one Marks a claim, for which he had recovered a verdict of £250 in an action of *Marks v. Raphael*. After the assignment, a new trial was granted, and Davis then became the solicitor in the action, which resulted in another verdict for the plaintiff for the same amount. Freethy was a creditor of Marks, and, after the second verdict, attached the debt in *Marks v. Raphael*, and he claimed that the assignment from Marks to Davis was void, under the authority of *Simpson v. Lamb*, 7 E. & B., 84, in which it was decided that a solicitor could not legally take an assignment from his client of the subject matter of a suit in which he was acting as solicitor. But the Court of Appeal, though approving of *Simpson v. Lamb*, distinguished it from the present case, and upheld the assignment because it was made before the relation of solicitor and client existed; and a contract so made is not affected by that relation being subsequently entered into.

LITHOGRAPHED SIGNATURES.

In *The Queen v. Cowper*, 24 Q.B.D., 533, the effect of a lithographed signature was discussed. Under the County Court Rules, in order to entitle a plaintiff to costs of a solicitor, the solicitor is required to sign the particulars. In the present case the signature of the solicitor was lithographed. Fry, J., agreeing with the Divisional Court, held this was not a sufficient compliance with the rules. Lord Esher, M.R., however, dissented.

PRACTICE—INSPECTION—AFFIDAVIT OF DOCUMENTS.

In *Wideman v. Walpole*, 24 Q.B.D., 537, the plaintiff had made an affidavit of documents which contained the usual clause, that he had not in his possession or power any documents save those produced by him. The defendant now applied on motion for the inspection of a document which he stated was in the plaintiff's possession, and he believed contained matters relative to the case, founding his affidavit on the fact that, in the course of an examination of the plaintiff, she had produced the document for the purpose of refreshing her memory as to a date. The plaintiff made no counter affidavit in answer to the application, but relied on her former affidavit of documents. She was ordered to permit the defendant to inspect, and the order was affirmed by Huddleston, B., and Williams, J.

QUEEN'S PARDON—EFFECT OF.

In *Hay v. Justices of the Tower Division of London*, 24 Q.B.D., 561, a Divisional Court (Pollock, B., and Hawkins, J.) were called on to consider the effect