

its transfer, and it is fair to assume that it was a chief factor in enabling the company to obtain so large a credit as \$100,000 which the evidence shews to have been its indebtedness at the time of its failure. The case relied on by the defendant's counsel is *Leconturier v. Rey*, 1910, A. C., already mentioned. All that case decides is this, that where a foreign manufacturer had acquired a reputation in England, it is beyond the power of a foreign Court or foreign legislature to prevent the manufacturers from availing themselves in England of the benefit of that reputation. As I have already pointed out, the benefit of the reputation is, as Lord Loreburn there says, not only property, but property in England, and therefore subject to English law. There does not seem to me any analogy between that case and this. The "Chartreuse" manufactured solely by the Carthusian monks was made according to a formula known for a long period only by two or three of the order. Under the legislation which took place in France in 1901 known as the Law of Associations, and which was directed against unlicensed religious associations, the monastery of La Grande Chartreuse was dissolved and their property in France including their distillery and French trade-marks were confiscated and sold. This however it was held did not include either the secret of the manufacture or the benefit of the reputation which the liqueur had acquired in England. Had these monks done what the defendant did with his business they would have stood in a different position. Had they organized a joint stock company for the purpose of taking over their business of making and manufacturing the "Chartreuse" made and manufactured by them for the benefit of the company in which they were, or might be interested, the company could scarcely carry out its purpose without using by right the word "Chartreuse" as indicating the article for sale, or without owning the right to use the process of manufacture which up to that time had remained a well guarded secret known only to two or three people at any one time. The case relied on by the defendant has not any bearing on this case, which is simply the case of assigning a registered trade-mark. This brings me to the Act of Parliament under which the mark was registered (c. 71, R. S. C. 1906). Section 13 provides that the proprietor of a trade-mark may on complying with certain regulations have it registered for his own exclusive use, and "thereafter such proprietor shall have the exclusive right to use the trade-mark to designate articles manu-