

PHEN, J.) quashed the conviction, holding, upon the above facts, that the prisoner was not guilty of embezzlement.

Conviction quashed.

Crown Cases Reserved.

June 19, 1887.

REGINA v. LLOYD.

Perjury—Oath taken before Court of Competent Jurisdiction—Examination of Witness continued elsewhere.

This was a case reserved by DAY, J.

The prisoner was tried before the learned judge at the last Liverpool assizes, upon an indictment charging him with wilful and corrupt perjury, alleged to have been committed by him in the course of his examination as a witness in a case of bankruptcy, under section 27 of the Bankruptcy Act, 1883. The evidence for the prosecution showed that the prisoner was duly sworn before the registrar then sitting in the Bankruptcy Court; and a duly appointed shorthand writer made a declaration at the same time that he would take and transcribe the prisoner's evidence. After this both prisoner and shorthand writer retired to a room at the other end of the building, where the former was examined by the solicitor to the official receiver. The registrar was not present or within hearing at the time the answers were given by the prisoner upon which perjury was assigned in the indictment. The jury convicted the prisoner, but he was released on bail, pending the decision of the point reserved. The question for the Court of Crown Cases Reserved was, whether the said indictment was supported by evidence, having regard only to the facts that, although the oath was properly administered before a competent Court, the registrar was to the extent and under the circumstances above described absent when the particular questions were answered, on which answers the perjury was assigned.

The COURT (LORD COLERIDGE, C. J., DENMAN, J., POLLOCK, B., HAWKINS, J., and STEPHEN, J.) held that the examination as taken was not taken 'before' the Court, and that such an examination was not legally admissible against the prisoner.

Conviction quashed.

CHANCERY DIVISION.

June 18, 1887.

Before CHITTY, J.

OAKLEY & SONS v. DALTON.

Trade-mark—Action for Infringement—Survivor—Right of Executors to sue—'Actio personalis moritur cum persona.'

The plaintiff in an action for infringement of a registered trade-mark having died, it was contended by the defendant that the legal maxim 'Actio personalis moritur cum persona' was applicable, and that the action could not be continued by the plaintiff's executors.

CHITTY, J., said that the relief claimed by the plaintiff comprised an injunction, damages, and destruction of infringing documents. The statement of claim alleged loss to the plaintiff caused by the defendant. That being so, the cause of action survived to the executors, on the principle that the estate which had passed into their hands had suffered injury. It was unnecessary to decide any point as to whether the executors could sue for an injunction, although they did not appear on the register as the owners of the mark.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, July 9.

Judicial Abandonments.

D. Caron & Fils, district of Richelieu, July 7.
J. B. Leblanc, Quebec, June 30.
Henry R. McCracken, township of Hinchinbrooke, June 28.

Curators appointed.

Re Victor Aubut, Arthabaska.—Kent & Turcotte, Montreal, curator, June 28.
Re Joseph Corriveau, Magog.—J. J. Griffith, Sherbrooke, curator, July 2.
Re Louis Lavertu, East Angus.—H. A. Bédard, Quebec, curator, July 2.
Re Charles Marcotte.—J. E. Casgrain, l'Islet, curator, June 24.
Re J. T. Morey, Montreal.—John McD. Hains, Montreal, curator, July 5.

Dividends.

Re Joseph Boivin.—First dividend, payable July 25.
E. J. Angers, Quebec, curator.
Re Charles McCambridge.—First dividend, payable July 23, C. Desmarteau, Montreal, curator.