

APRIL 12TH, 1902.

C. A.

MACLAUGHLIN v. LAKE ERIE AND DETROIT
RIVER R. W. CO.

Patent for Invention—Contract—Construction of—License—Right to Alter or Vary Patented Article — Main Consideration for License may be Proved, where not Inconsistent with Consideration Stated.

Appeal by defendants from judgment of MEREDITH, C.J., (2 O. L. R. 190), in favour of plaintiffs in action to restrain the infringement of a patent air brake invented by plaintiff MacLaughlin, who had assigned the patent to the plaintiff company, and for damages for infringement and misrepresentations made by employees of defendants respecting the brake.

W. Cassels, K.C., and A. W. Anglin, for defendants.

J. H. Rodd, Windsor, for plaintiffs.

THE COURT (ARMOUR, C.J.O., OSLER, MACLENNAN, MOSS, J.J.A.) held, ARMOUR, C.J.O., dissenting, that upon the proper construction of the agreement (set out in the report in 2 O. L. R.), the defendants were justified in making certain important changes in the mode of construction of the brake and in using the brake so altered, whether or not they were using and claiming to use it as the plaintiff MacLaughlin's invention and so describing it.

Fleming, Wigle, & Rodd, Windsor, solicitors for plaintiffs.

Blake, Lash, & Cassels, Toronto, solicitors for defendants.

BRITTON, J.

APRIL 14TH, 1902.

WEEKLY COURT.

RE SALTER AND TOWNSHIP OF BECKWITH.

Municipal Corporation — By-law—Local Option—Posting in Public Places—Directions to Voters—Omissions not Cured by R. S. O. ch. 223, sec. 204.

Motion by a ratepayer of the township of Beckwith to quash local option by-law No. 328 passed under sec. 141 of the Liquor License Act

G. H. Watson, K.C., for applicant.

J. J. McLaren, K.C., for corporation.

BRITTON, J.—It was objected that the council did not post up a copy of the by-law at four or more of