

and the company, and the question presented for the decision of Stirling, J., was whether the company was entitled to the whole of the rents and profits of the leasehold during George's life, or whether the rule laid down in *Howe v. Dartmouth*, 7 Ves. 137 a, did not apply, and the leaseholds be deemed to have been converted at the end of a year from the testator's death; the applicants claiming, that the assignees of George should be declared entitled only to a sum equal to the dividends which would be payable had the leaseholds been sold at the end of the year from the testator's death, and the purchase money invested in Consols. It was contended on behalf of the company that the direction to pay rents, and the granting of a power of distress to the annuitants, were indicative of an intention on the part of the testator that the property was to remain in specie, but Stirling, J., was of opinion that the authorities were against that contention, and that the use of the word "rent" where there were both freeholds and leaseholds afforded no sufficient indication of intention that the leaseholds should not be converted, and in like manner he considered the giving of a power of distress might be referrable to the freeholds, and therefore no indication of an intention that the leaseholds were to be enjoyed in specie.

TRADE NAME—TRADE MARK—PASSING OFF GOODS AS THOSE OF ANOTHER—INJUNCTION—ACCOUNT OF PROFITS—EVIDENCE.

*Saxlehiner v. Apollinaris Co.*, (1897) 1 Ch. 893, was a case in which it was sought to enforce the principle laid down in the well known case of *Reddaway v. Banham*, (1896) A.C. 199 (noted ante vol. 32, p. 578), to the effect that "nobody has any right to represent his goods as the goods of somebody else." The plaintiff was the owner of a bitter spring in Buda Pesth, and the defendants had for many years acted as her agent for the sale of the water from this spring, in the United Kingdom and other places. The spring and the water were known as Hunyadi Janos, the name having been given to the spring and the water by the plaintiffs' husband, and meaning John Hunyadi, the name of a Hungarian patriot who died in the