

appellant; *Tilley*, K.C., and *Atkin*, for the Lake Superior Paper Co., respondent.

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EXCHEQUER COURT OF CANADA.

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Cassels, J.]

[April 19.

MOODIE v. CANADIAN WESTINGHOUSE COMPANY.

*Patent for invention—Infringement—Strict construction—Discretion of Court to discriminate between claims as to validity.*

In an action for the infringement of a patent for electric toasters, it appeared that the plaintiff's patent contained five separate claims. At the opening of the trial the first claim was abandoned, and the case confined to infringement of the balance of the claims.

*Held*, that the patent was one requiring strict construction, and that as an element specifically claimed by the patentee as essential to his invention was omitted from defendant's machine; there was no infringement.

*Quære*: Whether where three out of five claims are held void the Court should discriminate and sustain the patent under the remaining claims.

*R. S. Smart*, for plaintiff.

*A. W. Anglin*, K.C., for defendant.

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Bench and Bar

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CANADIAN BAR ASSOCIATION.

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ANNUAL MEETING

HELD AT OSGOODE HALL, TORONTO, JUNE 15, 16.

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*June 15—Morning Session.*

At the request of the President (Sir James Aikins, K.C.), Mr. R. C. Smith, K.C., of Montreal, Vice-President for Quebec, took the chair.

Addresses of welcome were delivered by Dr. John Hoskin, K.C., Treasurer of the Law Society of Upper Canada, and by Mr. E. F. B. Johnston, K.C., Vice-President for Ontario. These