

many important additions to the stock of the world's knowledge, many improvements and advances in science; and we may confidently look to the bench and bar of that country for works on jurisprudence equal to anything which has hitherto been produced in the mother country, or in the young republic."

These calm and well-considered words afford food for thought to those who fly to the conclusion that the Americans have surpassing advantages in their legal and administrative machinery. When an authority such as we have quoted perceives in our institutions benefits the absence of which in its own is, by implication, regretfully admitted, its utterances may well be taken to heart by Canadians, especially as they commend to those who, looking too eagerly for mere material progress, forget the nobler and grander advancement implied in a sound jurisprudence, science, and morality.

DECISIONS IN COMMERCIAL LAW.

CARSON V. URY.—A decision of interest was rendered by Judge Thayer of the United States Circuit Court at St. Louis, in the above case. The plaintiff, a member of the Cigar-makers' International Union, complained that the defendants had conspired to cheat and defraud members of the Union by making, selling and offering for sale labels for cigar-boxes which were *fac-similes* of the Union label. The defendants interposed a demurrer, setting up that they were engaged in printing labels only, not in selling cigars. Judge Thayer overruled the demurrer. He held that the protection due to a trade-mark could not be thrown about the Union label, but that the complainant was entitled to equitable relief as one damaged by the conduct of defendants. He said: "From the fact that they have made and sold spurious labels and advertised them for sale, the Court must presume that defendants intend that they shall be used on cigar-boxes by the persons who buy them, and they manufacture and sell them for that purpose. The conduct of the defendants is equally as culpable as that of manufacturers of cigars who buy and use the spurious labels, and the loss which complainant sustains by the use of same on cigar-boxes is as directly attributable to the persons who make and sell the counterfeit labels as to the dealers in cigars who buy and use them."

SHAW V. NORTHERN PACIFIC RAILWAY CO.—Plaintiff took passage by defendant railroad and delivered for transportation his baggage; but indicated, for the convenience of defendant, and not for his own purpose, that he did not care whether it was forwarded by the next train, which was soon to pass, as it would be several days before he would reach his destination. The baggage was not sent by the next train, but was put in defendant's baggage room, where it was next day destroyed by the burning of the building. The Supreme Court of Minnesota held that a common carrier is liable as such for the personal baggage of a passenger delivered to and received by it solely for transportation, and not for storage, even although for convenience of the carrier the passenger consents to some delay in the transportation.

RE YURUARI COMPANY, LTD., ex-parte MARKS.—In this case Mr. Justice Kay held that the directors of the defendant company had *bona fide* exercised a discretionary power given to them by the articles of association to "decline to register the transfer of a share on any of the following

grounds: . . . That the transferee is a person . . . whose interests in the business carried on by the company, or business of the same nature, render it undesirable, in the opinion of the board, that he should be a member." He therefore refused a motion to compel registration of the transfer.

ROGER WILLIAMS NATIONAL BANK V. GROTTON MANF'G CO.—The Supreme Court of Rhode Island has just handed down a decision of importance to the mercantile and banking community, as well as to all persons who are trustees under will or trust deeds. The firm Amos D. Smith & Co. failed, and the Court holds that on all the paper the trustees under the will of the late Amos D. Smith have made or indorsed "Francis M. Smith, Charles Morris Smith, trustees of the estate of Amos Smith," the trustees are personally liable. The amount of this paper now outstanding and on which these gentlemen are thus personally liable is between \$800,000 and \$900,000, and is held by many banks in Providence and elsewhere. The defendant trustees filed two pleas—one that their indorsements were simply a formality in the faithful discharge of their office as trustees under the will of the late Amos D. Smith, which should not hold them beyond the ability of the estate to pay; the second, that the plaintiff should seek relief in Chancery. The pleas were overruled, and though the Court deemed it hard for the trustees to punish them when they had only faithfully exercised their trust, it decided that the law could not be relaxed in their behalf.

CRUMP V. COMMONWEALTH.—B. Brothers were stationers and printers in Richmond, Va., and they refused, on the application of the Richmond Typographical Union No. 96, to make their printing office a "Union Office;" whereupon these printers and a trades union association, known as "Knight of Labor," the former numbering 100 members, and the latter several thousand men, declaring that they would destroy the business of B. Brothers by "boycotting" them, threatened a number of business men and others in Richmond with the loss of their business if they dealt in any way with B. Brothers, and that their names would be published in a "black list" in the *Labor Herald*. In this same *Labor Herald* the employees of B. Brothers were denounced so that public feeling should be directed against them, even to preventing them from obtaining food and shelter. B. Brothers made complaint of this combination against them by C. and others of the Typographical Union and the Knights of Labor, and they were indicted for criminal conspiracy. C. elected to be tried separately and was convicted. He carried his appeal to the Court of Appeals of Virginia, where the conviction was affirmed. Judge Fauntleroy, in the opinion, said: "The essential idea of 'boycotting' in Ireland or the United States, is a confederation, generally secret, of many persons, whose intent is to injure another by preventing any and all persons from doing business with him, through fear of incurring the displeasure, persecution and vengeance of the conspirators. A wanton, unprovoked interference by a combination of many with the business of another for the purpose of constraining that other to discharge faithful and long-trained servants, or to employ whom he does not wish or will to employ—an interference intended to produce annoyance and loss to that business—will be strained and punished by the criminal law as oppression to the individual, injurious to the prosperity of the community, and subversive of the peace and good order of society."

The legality of such an association will depend upon the means to be used for its accomplishment. If it is to be carried into effect by fair and honorable means, it is, to say the least, innocent; if by falsehood or force, it may be stamped with the character of conspiracy. Force may operate either physically or mechanically; or it may be coercion by fear, threat or intimation of loss, injury, obliquy or suffering. The acts of the defendant and his associates here are unlawful and incompatible with the prosperity, peace and civilization of the country; and if they can be perpetrated with impunity by combinations of irresponsible cabals or clique, there will be an end of government and of society itself. The motto of the law is, 'So use your own rights that you shall not injure others' rights.'"

THE EXPORT OF EGGS TO BRITAIN.

Among the things not generally known is the extent of the egg trade of Great Britain. According to the *London Daily News*, £21,000,000 sterling was paid by England last year to continental countries for dairy produce alone. The butter and margarine imported weighed over three million hundredweights and the cheese nearly two millions. The eggs numbered eleven hundred millions. From these figures the extent of the demand for eggs by the people of the United Kingdom may be judged. A letter of 4th instant written to the editor of the *Montreal True Witness* by a dealer in London, Mr. J. G. Curry, says:

"I have been associated with the trade for the last 25 years, both here and in connection with our French houses in Laigle, France. I am constantly handling goods (eggs) from France, Italy, Germany, Hungary, Russia, etc. Time occupied in transit of goods from Russia is at least ten days, and as yours would reach us in less than that time, there is no doubt of their being in good condition for sale here, and I can place any quantity weekly on the London markets of Canadian eggs, if sent fresh and properly packed."

"From samples of 185 cases Canadian eggs which I placed in our market here, the universal testimony of the buyers places them on an equality with the finest of our home products; and if goods of this character can reach us properly packed and uniform in quality in regular and weekly consignments, there is practically an unlimited field for them, and a brilliant future before the senders, as they will always command top prices. . . In fact we could absorb all your Canadian egg produce with the greatest ease, so that your people need not be alarmed about the effect of the McKinley tariff. The principal things to be avoided are bad straw, loose and careless packing and handling in transit. The straw best suited for packing is oat straw and husks, thoroughly dry and by no means to use barley straw."

The address of this dealer, who appears to have a thorough acquaintance with the trade, is 33 Borough High street, London, S.C., England. What is stated in his letter respecting Italian, Hungarian, and even Russian eggs, is suggestive. If these, some of which require ten days in transport, find ready market in London, why should there be any difficulty in placing Canadian eggs in the same market? The matter is well worthy the attention of our dealers in dairy produce.

We have just heard from Montreal that a produce dealer of that city, Mr. George Wait, sent last month a shipment of some 250 cases eggs to Great Britain. His account sales, received on Tuesday last, were very satisfactory. We are also told by a correspondent