of trust. Their lordships, however, affirmed the judgment of the Court of Appeal, and dismissed the present appeal with costs."

TRADE MARK.

It appears by the following notice of a recent case that a man may use his own name so as to be a fraudulent appropriation of the trade mark of another firm:—"Mr. Justice Chitty gave judgment on Wednesday in an action of *Clayton* v. *Bell*, which was brought by the present proprietor of the business of Day and Martin, blacking manufacturers, for an injunction to restrain two men named Enoch Day and Thomas Martin from using the words "Day & Martin" on labels for bottles or packages of blacking. Day was an assistant to an ironmonger in Southsea, and Martin the keeper of a small shop at Southsea, for the sale of sweets and ginger beer. Mr. Justice Chitty said he was satisfied that the defendants intended fraudulently to appropriate the name of the plaintiff's firm for the purpose of obtaining a sale of blacking made by the defendants, and he granted the injunction with costs."

A CHEQUE CASE.

The Lord Chancellor and Lords Blackburn, Watson, and Fitzgerald had before them in the House of Lords recently the case of *John McLean* v. *The Clydesdale Banking Company*. It was an appeal from a decision of the Court of Session in Scotland, affirming two orders of the Sheriff's Court which were in favor of the respondents. The question was whether the appellant was entitled to countermand payment of a cheque after it had been endorsed to a third party for value. It appeared that a person named Cotton kept an account with the Clydesdale Bank in Glasgow, and on the 14th of January, 1882, the sum at his debit amounted to £1,970. In the course of the day sums amounting to £1,941 were paid in, including a cheque for £265 2s. 6d., drawn by John McLean in favor of Cotton. This cheque was, to the extent of £250, an accommodation bill given by the appellant to Cotton. When the cheque was presented to the Bank of Scotland, the bank refused to honour it in consequence of instructions received from the appellant. The appellant did not dispute his liability on the cheque to the extent of £15 2s. 6d., being the amount for which he received value, but he denied any liability for the remaining £250. The respondents contended that the appellant was not entitled to stop payment of the cheque after it was endorsed to them for value. Their lordships, without calling on the counsel for the respondents, gave judgment, dismissing the appeal with costs. In their lordships' view there could be no doubt that cheques under the existing laws of England and Scotland were negotiable, and the property in them would be passed by endorsement for value. In this case the payee had endorsed the cheque over to the bank, and the consequence was the respondents stood now in the position of owners of the cheque and entitled to sue upon it."

THE LAW'S DELAY.

There is so much clatter over delays in the administration of justice, that the minds of people receive a very distorted impression of the facts. It is not uncommon to hear people speak as if a determined fight in the courts meant at least ten years' litigation, and timid persons are no doubt often frightened into compromise or abandonment of their lawful rights rather than run the risk of having a suit hanging like a mill-stone round their necks. In particular the Court of Appeal of late has been held up as a bugbear. Celerity, of course, is desirable, so long as the work is well done. But let us take an illustration of the actual delay. The case of *Arpin & Robillard* was decided by the Superior Court, 9th January, 1883; the appeal from that judgment was heard in its turn on the roll on the 15th December, 1883, and was decided 21st December, 1883. This does not indicate extraordinary delay. Doubtless, it may be said with truth that the same result could have been attained within two months instead of twelve, if the roll had been clear; but our impression is that in the olden time, when there were not more than twenty-five or thirty cases on the roll, the same delay often occurred between the judgment of the the first Court and that of the Court of Appeal. Of course, if the lawyer for the appellant takes six or eight months to prepare his factum, the case will not get its proper