or putting them together, so as to make an incandescent electric lamp, such as that described and claimed in the patent held by them and now in dispute.

The two cases of *Ayer* and *Grinnell* in the *Supreme Court*, referred to at the argument, but not yet reported, do not apply to the present case, as those two suits were brought under the *Customs Act*, in virtue of which the defendants had a perfect right to import the articles separately, and if afterwards, by compounding or combining these together, they manufactured an article, or commodity, of greater commercial value, subject to a higher tariff duty, they contravened no section of the *Customs Act*, giving them the exclusive right to manufacture, on condition that they should not import, such as that in *The Patent Act*, which gives the inventor the exclusive right to manufacture his invention, on condition that he shall not import it; there is, therefore, no analogy between those two cases, and the one now under consideration.

I therefore hold, that the patentee and his representatives have imported into Canada, since the 17th of November, 1880, and still continue to import, the various elements and parts comprising the invention claimed in the patent No. 10654, in a manufactured state; and that they have not, at any time since the date thereof, manufactured the invention in Canada.

In view of the above, I do not consider it necessary to do more than refer to the other point raised in this case—that of refusal to sell, and even if I had to pronounce upon this point, it is more than probable I would entertain a view adverse to that ably contended for by the respondents.

Considering that the Commissioner of Patents is presumably the parent and natural protector of patents, and should extend a liberal interpretation to matters urged in their defence, consistently with a just appreciation of public interests, and in view of the importance of this case, and the large interests involved, I have bestowed upon it all the care, study and consideration which my time and ability permitted, in the endeavor to arrive at a sound, just and equitable conclusion.

I accordingly decide that the Patent granted to Thomas Alva Edison, on the 17th November, 1879, under the number 10654, for the *Edison Electric Lamp*, has become null and void, under the provisions of the 37th section of *The Patent Act*.

Patent annulled.

Z. A. Lash, Q.C., (Toronto), *R. D. McGibbon* (Montreal), *L. E. Curtis* (New York), and *T. B. Kerr* (Pittsburg), counsel for Petitioners.

Hector Cameron, Q.C., (Toronto), *D. Macmaster, Q.C.*, (Montreal), and *R. N. Dyer*, (New York), counsel for Respondents.

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*SUPERIOR COURT, MONTREAL.**

Quebec Controverted Elections Act—Mise en cause—Jurisdiction.

Held:—That where a person has been brought into an election case, under the provisions of 38 Vict. (Q.) ch. 7, s. 272, and the evidence on the charge against the *mis en cause* has been taken before the trial judge, that the determination of such matter is within the competence of the Court sitting in Review upon the merits of the petition.—*The Laprairie Election Case, Brisson* v. *Goyette, and McShane, mis en cause*, Loranger, J., February 6, 1888.

Composition — Authority to accept — Clerk — Novation.

Held:—1. That the authority of a clerk to bind his employer to agree to a composition with a debtor must be of an express and unequivocal character. A clerk attending a meeting of creditors on behalf of his employer will not be assumed to possess such power.

2. The assent of a creditor, at a meeting of creditors, to a composition, even if proved, would not bind him to accept the terms of a deed of composition and discharge by which the original claims of the creditors are novated, and replaced by composition notes. —*Vineberg* v. *Beaulieu et al.*, Davidson, J., June 28, 1888.

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* To appear in Montreal Law Reports, 4 S.C.