

PATENT—INFRINGEMENT—INFRINGEMENT ARTICLES SENT ABROAD—USER—POSSESSION OF INFRINGING ARTICLES.

British Motor Syndicate v. Taylor (1900) 2 Ch. 122, was an appeal from the judgment of Stirling, J. (1900) 1 Ch. 577 (noted ante vol. 36, p. 412). The case was for infringement of a patent, the plaintiff had obtained judgment for assessment of damages, and on the reference it appeared that the defendants had purchased infringing articles in England, some of which they sold in England, and the rest they sent for sale to defendants' branch business house in Paris. Stirling, J., held, that the defendants were properly charged with all of the articles so purchased, and the Court of Appeal (Lord Alverstone, C.J., Rigby and Williams, L.J.J.) have affirmed his decision. In doing so the court discusses the question how far innocent possession of an infringing article is "user," and also whether transportation from place to place is necessarily a "user."

PRACTICE—ACTION OF DECEIT—INJUNCTION—EVIDENCE—VIEW BY JUDGE.

In *London General Omnibus Co. v. Lavell* (1901) 1 Ch. 135, the plaintiffs claimed an injunction to restrain the defendants from running omnibuses in such a manner as to prove a colourable imitation of the plaintiff's omnibuses. At the trial Farwell, J., proposed to view two rival omnibuses of the plaintiffs and defendant, and with the consent of the parties he made the view, and on returning to court stated that he was satisfied without any further evidence that the defendant's omnibus was so painted and lettered as to be calculated to deceive the casual passenger, and relying on this the plaintiffs gave no evidence of any person having been actually deceived, and judgment was given in their favour for a perpetual injunction. The defendant appealed, and the only question argued was whether, the action being for deceit, the injunction could be supported in the absence of evidence of actual deception, and the Court of Appeal (Lord Alverstone, C.J., and Rigby and Williams, L.J.J.) held that it could not, and the action was dismissed, a new trial being refused.

STATUTE OF LIMITATIONS—"CONCEALED FRAUD"—POSSESSION BY PERSON HAVING NO NOTICE OF FRAUD—REAL PROPERTY LIMITATION ACT, 1833. (3 & 4 W. 4, c. 27), s. 26—REAL PROPERTY LIMITATION ACT, 1874. (37 & 38 VICT., c. 37), s. 1—R.S.O. c. 171, s. 31.

In *re McCallum, McCallum v. McCallum* (1901) 1 Ch. 143, the Court of Appeal (Lord Alverstone, C.J., and Rigby and Williams,