

at the same time. The Legislature has in this Act, planted one foot on the law of personalty and the other on the law of realty, and tried to make both steeds go the same way; but one is an old horse of very cumbersome gait, with all sorts of odd tricks and peculiarities, and the other is a young and skittish thing, all for going ahead, and it will be no wonder if the attempt to go round the ring on two such steeds at the same time should lead to curious results. This was clearly a subject which would have been far better dealt with by a legislative committee, than by the heterogeneous elements of which the House of Assembly is composed.

Another piece of recent legislation, involving important changes, was also one entirely beyond the competence of the Legislature to deal with it intelligently. We refer to the Judicature Act. We remember being present when some of the provisions of that statute were passing through the committee of the whole. About four persons were actually taking any interest in the matter, most of the members were absent, the rest of those present were entirely indifferent, and might just as well, and better for the country, have been in Hong Kong for all the practical use they were. And yet the country was paying the eighty-five gentlemen who took no interest in the matter about \$500 a day for their services.

### NOTES OF CANADIAN CASES.

PUBLISHED IN ADVANCE BY ORDER OF THE  
LAW SOCIETY.

#### SUPREME COURT OF CANADA.

Ont.] [March 1.

BALL V. CROMPTON CORSET CO.

*Patent—Infringement of—Mechanical equivalent—  
Substitution of one material for another.*

In a suit for the infringement of a patent, the alleged invention was the substitution, in the manufacture of corsets, of coiled wire springs, arranged in groups and in continuous lengths, for India rubber springs previously so used. The advantage claimed by the substitution was that the metal was more durable, and was free from the inconvenience arising from the use of India rubber caused from the heat from the wearer's body.

*Held*, affirming the judgment of the Court of Appeal for Ontario, 12 Ont. App. Rep. 738, FOURNIER and HENRY, JJ., dissenting, that this was merely the substitution of one well-known material, metal, for another equally well-known material, India rubber, to produce the same result, on the same principle in a more agreeable and useful manner, or a mere mechanical equivalent for the use of India rubber, and it is consequently void of invention, and not the subject of a patent.

Appeal dismissed.

Jessels, Q.C., and Akers, for appellants.

MacLennan, Q.C., and Osler, Q.C., for respondents.

Ont.] [March 4.

WHITING ET AL. V. HOVEY ET AL.

*Company—Directors of—Assignment of property by, for benefit of creditors—Ultra vires—Change of possession—R. S. O. c. 119—Description of property assigned.*

An assignment by the directors of a joint stock company of all the estate and property of the company to trustees for the benefit of