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DECISIONS IN COMMERCIAL LAW.

BICKNELL V. PETERSON—An appeal by plaintiff, whose action was dismissed. The action was brought to restrain the infringement of a patent, and for damages. The trial Judge held that the alleged invention was not patentable. The article in question is a set of irons used for the purpose of oscillating a beam which is part of the machinery in use in drawing oil from the wells in the neighborhood of Petrolia. The Court of Appeal held that the patent was perfectly good, and allowed the appeal, and gave judgment to be entered for plaintiff for an injunction and damages.

WOOD V. LONDON STREET RAILWAY CO.—An appeal by defendants from a verdict for plaintiff for \$1,500 given at the trial, and motion for a new trial on the ground that verdict was against evidence. Plaintiff was crossing Dundas street line of defendants' electric railway in the City of London, seated in a buggy, when the hind wheel was struck by a car of defendants, and plaintiff was thrown out and injured, and his property was damaged. The evidence was that the car was going at the rate of from twelve to fifteen miles an hour. Defendants contended that the rate of speed was not excessive, and that at all events the speed was not the cause of the accident, but the plaintiff's own negligence in attempting to cross in front of the car. The Court of Appeal affirmed the verdict.

ROBINSON V. DUN.—Appeal by R. G. Dun & Co., the defendants, from judgment in favor of plaintiff in action of libel tried with a jury at London. The defendants sent the statement complained of to a few subscribers on their personal application. The plaintiff, R. S. Robinson, was a trader in Stratford, and the information on which the statement complained of was founded, in reality related to another person of the same surname as plaintiff. The statement was that plaintiff "is said to have a very easy way of swearing in court, and locally the fullest confidence is not felt in him." The Chancellor held that the publishing of the information was a matter of qualified privilege, but that the want of reasonable care in collecting the information was evidence of malice which destroyed the privilege. Held by the Court of Appeal that under the circumstances want of care could not be regarded as evidence of malice, and malice was not otherwise shown, and the occasion was privileged. Appeal allowed and action dismissed.

RYAN V. SHIELDS.—An appeal by A. G. Clements, claimant in an interpleader issue from an order dismissing a motion for a new trial of the issue, which had been determined in favor of the execution creditors. The appellant's claim was under a chattel mortgage with the following description: "All and singular the stock-in-trade and fixtures now contained in the store premises hereinafter mentioned, and known as number 380 Queen street west, Toronto, and all additions thereto or substitutions thereof hereafter at any time made by the said mortgagor or any one on her behalf." The learned judge held that the description covered only goods which might thereafter be brought on the premises, 380 Queen street west; and, it being admitted that some of the goods seized were bought after the execution debtor had moved from 380 Queen street west to other premises, the claimant could not hold these as against the execution creditors. A Divisional Court decided that the Judge had properly so held.

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