pendent one, issuing for the first time on its date, and as all other than the first combination had been used for upwards of a year prior to the patent, he was not entitled to a patent therefor. (2), that the 5th combination of previously known articles, as applied to a baker's oven, which was productive of results which were new and useful to the trade, was a subject of a patent.

Some of the devices were in use before the patent, but numerous witnesses engaged in baking testified that they never knew of the combination before the plaintiff's invention.

Held, that the defence of want of novelty failed.

Held, also, that the first combination in the patent of 1880 was such an amendment as is contemplated by section 19 of the Act 35 Vict., ch. 26.

The defendant's oven was completed early in July, 1880, and before the re-issue of the plaintiff's patent; they had in use the first and fourth combinations, and continued to use them after such re-issue.

Held, that there was not any remedy for the intermediate user, as the patent was then inoperative; but as to any subsequent infringment, the user under the defective patent could not operate as a defence.

The plaintiff having succeeded as to part only of his claim, no costs were given to either party up to the hearing.

A reference as to damages having been directed, subsequent costs were ordered to abide the result.

W. Cassels, for plaintiff.

McMichael, Q. C., for defendant.

DICKSON v. MCMURRAY

Joint Stock Company—Election of directors—Scrutineers.

At a meeting of the shareholders of a company, the capital stock of which was held by a few, a chairman was elected by a majority of the votes of those present, without regard to the stock held by them. Two of the shareholders, who were also provisional directors, and who were candidates for re-election, were appointed scrutineers in the same manner, and directors were then elected, excluding the plaintiff. The plaintiff was President of the Company, and held a large amount of stock, sufficient with those who were favourable to him, to have controlled the vote if it had been taken according to shares. It was the duty of the scrutineers to decide as to what votes were valid, and they also, with the aid of legal advice, interpreted, an instrument under which the plaintiff had advanced a large sum of money to start the company, and which provided for the future disposition of the shares of the company held by the plaintiff as a security for his advances.

Held, that the duty of the scrutineers was so plainly in conflict with their interest as candidates for the directorate that they were disqualified from so acting, and the election was set aside, and a new election ordered.

W. Cassels, for plaintiff.

Maclennan, Q. C., for defendant.

VINDEN v. FRASER.

Fraudulent conveyance—Chose in action.

The defendant W. was married in 1849 without any settlement. He was appointed and acted as executor of the estate of his wife's father, and acting on behalf of his wife he received large sums from the estate which he borrowed from her:—£7,600 before 1859, and £2,800 in 1879; all such moneys being charged to the wife in the books of the estate. The conveyances impeached in this suit were of lands which, with other property, had been purchased by the husband with the moneys so received on account of his wife, the deeds for which, however, had been taken in the name of W. The mother of his wife had frequently requested W. to settle these properties on the wife, and which he promised to do, and in 1873, when he with his wife was about to visit Europe, W. did convey the property in question to the wife. In 1872 and 1873 W., jointly with one C., entered into extensive speculations and made a considerable amount of money. In 1873 W. endorsed C.'s note for $10,000, which C. discounted, and the same remained unpaid, and W. in 1874 gave his cheque to the plaintiff for $4,000 on which this suit was instituted.

Held, (1) that as to the £7,600, W. having acted for his wife in obtaining this money from her father's estate, and having never made any