

## RECENT LEGAL DECISIONS.

**POWELL vs. PECK.**—The Court of Appeal has affirmed the decision of Mr. Justice Proudfoot in this case as to the rate of interest in mortgages. After maturity of the mortgage the legal rate only can be charged, unless it is expressly provided for in the mortgage that the named rate shall continue to be paid after maturity. The words "and eight per cent. till paid" are not sufficient to continue the higher rate.

**IN re ALPHA OIL COMPANY.**—In winding-up proceedings, if a contest arises as to the appointment of a liquidator, the court will not lay it down as a rule that the nominee of the petitioning creditors should have a preference, but will look into the affairs and ascertain what parties are most interested in the due administration of the estate in liquidation, and, other things being equal, will act on their recommendation.

**Re DWIGHT AND MACKLAIN.**—During the trial of an election petition, under the Ontario Act, a telegraph operator was sworn as a witness, and asked to produce the originals of certain telegrams, which he had been subpoenaed to produce, and which were alleged to have been sent, on the day of the election, to certain voters by the respondent. On examination the operator swore that the telegrams asked for should have been destroyed before he was served with the subpoena to produce them, according to a standing rule of the company; but that he had neglected to do till after the trial had begun and he had been subpoenaed to produce them. He did this on instructions, by telegram, of the General Manager of the company which employed him. A motion was made to commit the general manager of the telegraph company and the operator for contempt of court, when it was shown that no original subpoena had been produced to the operator at the time he was served with a so-called copy, and it was contended that destroying messages was not a contempt of court, unless the witness was properly subpoenaed to produce them. The Court of Appeal held that the question was not one of proper or improper service, but one as to whether there had been an interference with evidence, which but for the interference would have been before the court, and that inasmuch as during the trial, documents were destroyed which would otherwise have been in existence, the general manager and operator were guilty of contempt, since they hindered the prosecution of an investigation of a public nature. No privilege attaches to telegrams in the hands of a telegraph company.

**SMITH vs. FAIR.**—S., a cigar manufacturer, sued F. to restrain him from infringing certain trade-marks belonging to S., consisting of a seal with portions of ribbons attached, and the letters R. S. forming a monogram above, below and beside it, and the words "Red Seal"; and also a like seal, made of wax, surrounded as above. Mr. Justice Proudfoot decided that a plain seal of wax to be used on a cigar box is a good trade-mark within the terms of the statute; and that the foregoing combinations constituted a good trade-mark. Single or more letters may form a trade-mark, and more especially when combined, woven or entwined in a monogram. The word "Red" and the word "Seal" are both public property; but where combined and applied to a specific manufacture they cease to be so, and can well be admitted as a trade-mark. Under our act,

as under the Imperial act, a trade-mark may be registered in any color, and registration gives the registered owner the exclusive right to use the same in that or in any other color. It was further held that the account of the profits which S. was entitled to, should not be limited to the date of registration, since the infringement of the trade-mark had not been innocent, but wilful.

## LOBSTERS.

There are some three hundred and fifty lobster factories in the Maritime Provinces, according to the *Halifax Herald*. Quite fifty of this number are owned and operated by Americans. From \$1,250,000 to \$1,400,000 is invested in the industry, which gives employment, during a season of three months, to 5,000 persons. Last year's catch is estimated at 225,000 cases of 48 cans each. This represents about 70,000,000 lobsters. A few years ago it took only from three to four lobsters to fill a one-lb. can: now, owing to reckless slaughter, the majority of the catch being young fish, from seven to twelve are necessary. At \$5.50 per case, the average price of last season's catch, the aggregate value would be \$1,337,000. Halifax is, and always has been, the headquarters of this important industry, and of the total catch she exported 150,000 cases. Twelve years ago the value of the lobsters sent out from the port of Halifax was \$309,750; to-day the value is estimated at \$884,797. In a dozen years nearly \$8,500,000 worth of this single article was exported from that city. Where do they all go? Well, Great Britain took upwards of \$6,000,000, the United States \$1,500,000, and other countries about \$380,000. The largest and best lobsters come from Newfoundland, where some enterprising Halifax dealers started factories a few years ago, and, in the opinion of the *Herald*, the ancient colony bids fair, at an early date, to take the place now occupied by Halifax. Our contemporary closes its rather interesting account of an immense industry by saying: "Nova Scotia has long been Canada's lobster factory," and asks, "Is there any reason why she should not become Canada's fruit and corn canning factory?"

## MONTREAL BOARD OF TRADE.

On Tuesday last the annual meeting of the Montreal Board of Trade was held, when over three hundred members were present. It is described by our correspondent as an unusually large and influential gathering, as indeed we judge it to have been as from the list of names sent us.

Mr. George A. Drummond, the president, occupied the chair. The minutes of last meeting were taken as read, so was the annual report, of which we acknowledge receipt of a copy. It was intimated at an early stage that Mr. Drummond was not a candidate for re-election. Mr. W. W. Ogilvie, Mr. J. P. Cleg-horn and Sir Donald Smith were the other names proposed for the presidency. The first named gentleman declined, but Mr. Drummond was repeatedly and strongly pressed to stand for a third term.

The attention of the meeting was drawn by Mr. Alexander Mitchell to an important matter, not dealt with in the report, namely, the deepening and enlarging of the Canadian canal system between Kingston and Montreal to the same depth and capacity as the Welland canal. Mr. D. A. P. Watt, after congratulating the council on its work for the year said that the efforts of the board to obtain free navigation

on the St. Lawrence had been unsuccessful for the charges had not been so reduced as to enable the large body of traffic to pass through the St. Lawrence. This might partly be blamed on the harbor of Montreal, because of excessive ship dues, and because of excessive pilotage fees. One mode by which it was hoped to reduce these burdens was by the Government assuming the Lake St. Peter debt. Mr. Hugh McLennan, one of the Harbor Commissioners, upheld the condition of Montreal harbor, which afforded as good accommodation as any British port, but declared the necessity of further enlargement and the reduction of fees. "The policy of the charge placed on this harbor was always unwise, and is unjust to-day inasmuch as taxes do not accrue to the harbor of Montreal. The port of Three Rivers is doing its share of business to-day because of those charges on the harbor of Montreal. I have no doubt that by the agitation going on and the wisdom of the Government, they will relieve us of the channel debt. I believe the charges in the port could be reduced one-third if the harbor was relieved of the Lake St. Peter debt. I believe it would be wise to appropriate some of the money to the enlargement of the harbor."

Mr. Drummond reviewed the deliberations of the council and the general work of the board. He reminded the meeting that the council had urged on the Government the assumption of the harbor and channel debt. It was their opinion that this question was one of the most important which could occupy them and they had given it a good deal of attention. Several times they formed deputations to Ottawa and met with cordial assistance from the city members.

The result of election of officers was partially announced, when it was found that Mr. Drummond had been re-elected president, while the first vice-president was Jacques Grenier; second vice-president, Alexander Murray, and treasurer, Robt. Archer.

## MONTREAL CORN EXCHANGE ASSOCIATION.

The annual meeting of the Corn Exchange Association of Montreal was held on the 25th January, the retiring president, Mr. W. W. Ogilvie, in the chair. The chairman made a brief address, referring to the prosperous position of the Association, which was now a branch of the Montreal Board of Trade; to its increased membership, the establishment of its library, &c.

The secretary, Mr. George Hadrill, read the annual report, which contained references to the accession of membership, the changes in the inspection of flour, carried through parliament by the influence of a strong delegation from Montreal, together with representatives from the Toronto, London, Hamilton and Quebec Boards of Examiners. We find that the report also referred to the threatened changes in classification of Manitoba wheat, which was prevented by strong representations made to the Government.

Mr. Gould's report, as representative of the Association on the Harbor Commission, was also incorporated. The work of deepening the rock cut at Cap a la Roche and Cap Charles to a uniform depth of 27½ feet will be pushed on, says the report, and, when completed, ocean vessels will be able to navigate it at all hours without reference to the tides. The report pointed out that the advantages of the new ships' channel between Montreal and Quebec would be largely neutralized by the want of sufficient harbor accommodation. Until that