

resolution in question was a resolution assuming to rescind all action theretofore taken, but it appears from the proceedings that the *procès-verbal* in question had been completed, *i.e.*, made and homologated, and notice of the homologation given months before this resolution. In this matter I am not now called upon to decide as to the legality of the resolution, but simply to declare whether an appeal is the proper mode of attacking it. I think not; I think it does not come under the provision of the Code, and consequently the appeal is dismissed with costs.

Maclaren & Leet, for appellant.

H. B. Brown for respondent.

RECENT ENGLISH DECISIONS.

Trade mark—Innocent purchaser for private use liable for infringement.—In an action by a firm of cigar manufacturers for an injunction to restrain the defendant, who had bought 5,000 cigars for private purposes, from selling or parting with them in boxes bearing a colorable imitation of the plaintiffs' registered mark or brand; for the destruction of the boxes, and for damages; and where the plaintiffs on having learnt that the boxes bearing the spurious marks were warehoused at the docks to the order of the defendant, had served him with the writ in the present action without notice; and where the defendant had already assented to an order being made against him in the terms asked by the plaintiffs; the defendant moved the court that he might not be compelled to pay the plaintiffs' costs as he was ignorant of all matters concerning the alleged spurious trademarks, and was an innocent purchaser of cigars for his own private purposes, and had committed no infringement. Held, that the defendant had used the plaintiffs' particular trade-mark, and was guilty of infringement; that it was not necessary and would have been unwise of the plaintiffs to have given the defendant notice before the issue of their writ in this action; that though the defendant might be an innocent purchaser, and never have intended to infringe the plaintiffs' trade-mark, he must pay the plaintiffs' costs. (Ch. Div., June 22, 1883.) *Upmann v. Forester*. Opinion by Chitty, J. (49 L. T. Rep. [N.S.] 122.)

Conflict of law.—Legacy to alien female infants married.—A legacy had been paid into court, to which, on the death of the tenant for life, two female infants, who were French subjects by birth, and resident in France, became absolutely entitled. They were both married, and by the French law under the settlements made on their respective marriages, their husbands were absolutely entitled to receive their shares of the fund. One of the infants had since attained twenty-one. Held, that the infants not being subjects of or domiciled or resident in England, the court had a discretion as to whether or not they should be treated as wards of court, and that the money might therefore be paid out to the husbands. (Ch. Div., Aug. 3, 1883.) *Brown v. Collins*. Opinion by Kay, J. (49 L. T. Rep. [N.S.] 329.)

GENERAL NOTES.

The throne of England, so splendid when covered with silk velvet and gold, is in fact only an "old oak chair" over 600 years in use for the same purpose. Its existence has been traced back to the days of Edward I. The wood is very hard and solid; the back and sides were formerly painted in various colours, and the seat is made of a slab of rough-looking sandstone, 25 inches in length, 17 inches in breadth, and 19½ inches in thickness, and in this stone lies the grand peculiarity of the chair. Numberless legends are told in connection with it, the truth probably being that it was originally taken from Ireland to Scotland, and served at the coronation of the early Scottish Kings.

The annual report of the Montreal Board of Trade contains the following on the subject of insolvent legislation:—"At the last session of Parliament a bill was introduced by Mr. Curran to provide for the equitable distribution of the assets of insolvent estates. It had the approval of your Council, but the late date at which the measure was introduced prevented its being dealt with before Parliament rose. Since then, in connection with a similar measure prepared under the direction of a committee from the Boards of Trade of Toronto and Hamilton a conference was held at Toronto, at which this board was represented. A committee representing the three boards was then appointed to consider the points of difference in the two bills with a view to their amalgamation. The result has been to unite all parties upon one measure which has been submitted to the ministers at Ottawa by a deputation on which the committee on insolvency of your Council acted. The necessity for the enactment of the measure was fully set forth and there is reason to hope that the Government will not permit the coming session of Parliament to pass without legislating for the removal of the injustice at present suffered by the mercantile community in consequence of the absence of such a measure as that which has been prepared."