

the partnership, and if the whole concern and the good-will of a business had been sold, the name, as a trade-mark, would have been sold with it. If, by arrangement, one partner takes the whole concern, there must be a valuation of the whole, including the name or style of the firm. But if the partners merely divide the other partnership assets, then each is at liberty to use the name just as he did before.

"*Levy v. Walker*, 27 W. R. 370; L. R., 10 Ch. D. 436, seems to us, in the first place, to confirm the doctrine that a sale of the business and assets upon a dissolution carries the right (to the exclusion of all the partners) to use the name. 'The trade-name,' says Lord Justice James, 'was the name of the business, and that business was sold.' But the case is of more striking importance in regard to the other ground of decision which was taken by all the judges. Mr. Justice Lindley, in his book, devotes some observations to the apparent reason to be found for a retiring partner objecting to his name remaining in the style of the business from the consideration that it may involve him in risk. *Levy v. Walker* shows that a party raising this objection will be required to make out that it has substantial validity. The Master of the Rolls discountenanced the *dictum* of Lord Cairns that a man may, by virtue of some right of property in his name, restrain another from using it. Lord Justice James pointed out that there is no such property, unless the name can be set up as a trade-mark, which is the footing upon which the style or firm of a business is protected. We collect from the view taken by the members of the Court of Appeal of this subject, which has extensive ramifications, that too much caution cannot be used in acting upon decisions of the class of which *Routh v. Webster*, 10 Beav. 561, is an example, where, upon a motion to restrain directors of a company from using plaintiff's name without authority in a prospectus, Lord Langdale is reported to have used warm language: 'What! are they (the directors) to be allowed to use the name of any person they please, representing him as responsible in their speculations, and to involve him in all sorts of liabilities, and are they then to be allowed to escape the consequences by saying they had done it by inadvertence? Certainly not.'"

NEW PUBLICATIONS.

THE CODE OF CIVIL PROCEDURE OF LOWER CANADA; together with the amendments thereto made since its promulgation; the authorities, as reported by the commissioners; all Statutes referring to Procedure; the Rules of Practice of the several Courts; a classified digest of all reported decisions, arranged under appropriate articles; tables of the tariff of fees payable to advocates; and an analytical Index. By THOMAS P. FORAN, M.A., B.C.L., of the Bar of Montreal. Toronto, Canada, Carswell & Co., 26 & 28 Adelaide Street East.

One of the consequences of the numerous amendments to the Codes enacted by the Legislature, is that the editions embodying the amendments and decisions quickly pass out of date. Hence the appearance of the present work by Mr. Foran, which has been brought out expeditiously, and embraces references to the decisions up to, and including those reported in 22 L. C. Jurist, 4 Quebec Law Reports, and 1 Legal News, of the year 1878. The expansive tendency of these annotated editions may be perceived from the fact that the present work embraces over eight hundred pages, whereas Mr. Justice Taschereau's in 1876 did not exceed 511 pages. It is to be remarked, however, that Judge Taschereau's book only included references to the decisions subsequent to 1872, whereas the present work aims to present a summary of all the reported decisions on the subject of Procedure, arranged under the appropriate articles of the Code.

Time and use are necessary to test the accuracy of a work of this character, but a first examination has left a favorable impression. Probably some of the references might have been omitted without detriment to the usefulness of the book. For instance, the case of *McLennan v. Hubert* (Superior Court decision) is cited under Art. 613, and the decision in appeal in the same case is referred to under Art. 834. But upon the whole Mr. Foran seems to have acquitted himself of his task with careful attention to the exigencies of such a work,—and that is not saying a little, as those who have been engaged in similar labors will readily admit.