

Irving, J.]

MCGREGOR v. MCGREGOR.

[March 3.]

*Replevin—Whether it is an action for tort—Can husband maintain it against his wife—Married Woman's Property Act, R.S.B.C. 1897, c. 130, s. 13.*

This was a replevin action, in which the husband sought to recover from his wife certain furniture admittedly the property of the wife. The defence was that such an action cannot be brought by a husband against his wife. By Married Women's Property Act, (R.S.B.C. 1897, c. 130, s. 3) "Every woman . . . shall have in her own name against all persons whomsoever, including her husband, the same remedies for the protection and security of her own separate property as if such property belonged to her as a feme sole, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort."

*Held*, that a replevin action is an action for a tort and therefore a husband cannot maintain it against his wife. Appeal dismissed.

*Martin*, Attorney-General, for appellant. *Hall*, for respondent.

Full Court.]

[March 9.]

SHORT v. FEDERATION BRAND SALMON CANNING CO.

*Patent—Infringement—Venue—Practice—Company—Head office and place of business—R.S.C. 1886, c. 61, s. 30.*

Appeal by plaintiff from an order of IRVING, J., changing the place of trial of the action, which was one for the infringement of a patent, from Vancouver to Victoria. The head office of the company was at Victoria. It had canneries at other places. The plaintiff complained that an infringement of his patent in respect of soldering cans took place at one of these places. The ground of the appeal was that the Patent Act, R.S.C. 1886, c. 61, relating to the issue of the writ and the place of trial of actions thereunder was satisfied by laying the venue at Vancouver.

*Held*, that in an action against a company for infringement of a patent the venue should be laid at the place of the registry which is nearest the head office of the company.

*Martin*, Attorney-General, for appellant. *Hall*, for respondent.

POWELL v. RUSKIN.

In this case, noted ante p. 241, the decision was upheld on appeal, by MEREDITH, J., on the authority of an unreported decision by ARMOUR, C.J. In the last paragraph of the note on p. 241 the names plaintiff and defendant should be transposed.