

SHIP—SALVAGE—SHIP SALVED THE PROPERTY OF THE CROWN.

Young v. S.S. Scotia (1903) A.C. 501, was an appeal from the Supreme Court of Newfoundland in an action to recover for salvage services rendered the Steamship Scotia. The court found that the ship at the time the services were rendered was and is still the property of the Dominion of Canada, and therefor the public property of His Majesty, and therefore not liable to claims, for salvage. The Judicial Committee (The Lord Chancellor and Lords Macnaghten, Shand, Davey, Robertson and Lindley, and Sir A. Wilson) held that the judgment was right, but at the same time expressed a strong opinion that the claim was a meritorious one and should be paid.

PATENT—INFRINGEMENT—COUPLER—NEW DEVICE FOR EFFECTING OBJECT COVERED BY PRIOR PATENT.

Consolidated Car Heating Co. v. Came (1903) A.C. 509, was an action to restrain the alleged infringement of a patent. The patent of the plaintiffs was for a coupler for hose attached to railway cars so as to secure a steam-tight fastening which would permit an automatic separation of the hose when the car was uncoupled. The defendant's coupler was in all respects the same as the plaintiffs' but produced the required result without one particular feature of the plaintiff's coupler called a rib or hinge joint, which was proved to have been a very material part of the plaintiffs' coupler and their specification shewed they never contemplated its omission. The Quebec Court of King's Bench held that there had been no infringement, because the defendant's coupler was a new way of accomplishing the end aimed at by the plaintiffs' coupler, and with this conclusion the Judicial Committee of the Privy Council (Lords Davey, James and Robertson, and Sir A. Wilson) agreed.

PRACTICE—LEAVE TO APPEAL TO PRIVY COUNCIL FROM SUPREME COURT—R.S.C. c. 135, s. 71.

In *Clergue v. Murray* (1903) A.C. 521, an application was made to the Privy Council for leave to appeal from a judgment of the Supreme Court of Canada. Under R.S.C., c. 135, s. 71, no appeal lies from such a judgment except by special leave of His Majesty in Council. The Judicial Committee (Lords Davey, James and Robertson, and Sir A. Wilson) refused leave following