

COUR SUPÉRIEURE.

MALBAIE, 10 septembre 1890.

Coram GAGNÉ, J.

J. COUTURIER v. J. COUTURIER, et DUFOUR et
COUTURIER, opposants.*Société—Saisie de la partie indivise d'un des
co-associés.*Jugé :—*Que les biens d'une société, ni la partie
indivise d'un des co-associés, ne peuvent être
saisis, pour la dette d'un des co-associés.*

Jugement —

“ Considérant que les effets saisis en cette
cause sont la propriété des opposants, savoir,
la société commerciale “ Dufour & Couturier,”
et qu'ils l'étaient lors de la dite saisie ;

“ Considérant que le jugement obtenu par
le demandeur, n'a pas été rendu contre la
dite société, mais contre l'un des associés seu-
lement, savoir, le dit défendeur ;

“ Considérant que le demandeur ne peut
faire saisir les biens de la dite société, ni
même la partie indivise du défendeur dans
les effets saisis ;

“ Maintient l'opposition en cette cause, etc.”

Angers & Martin pour les opposants.

J. S. Perrault pour le demandeur.

(C. A.)

QUEEN'S BENCH DIVISION.

LONDON, Oct. 28, 1890.

THE MAYOR, ALDERMEN, AND CITIZENS OF
MANCHESTER v. WILLIAMS.*Libel—Corporation—Power to Maintain Action.*

Point of law set down to be disposed of
before trial.

Action by the mayor, aldermen, and
citizens of Manchester to recover damages
from the defendant for a libel written and
caused by him to be printed in the *Manche-
ster Examiner and Times*, meaning as the
plaintiffs alleged, that bribery and corruption
existed in three departments of the Man-
chester City Council, and that the plaintiffs
were either parties thereto or culpably igno-
rant thereof, and that the said bribery and
corruption prevailed to such an extent as to
render necessary an inquiry by a parliamen-
tary commission.

The defendant objected that a municipal
corporation could not sue in its corporate

capacity in respect of the alleged words in
the sense complained of.

The Court (DAY, J., and LAWRENCE, J.) held
that the action was not maintainable, and
gave judgment for the defendant.

CHANCERY DIVISION.

LONDON, Nov. 10, 12, 1890.

Before KAY, J.

RICHARDS v. BUTCHER.

*Trade-mark — Special and distinctive Words
used before 1875—User as a Trade-mark—
Association with other Words and Marks.*

This was a motion to expunge two trade-
marks, “ Monopole ” and “ Dry Monopole,”
used in connection with champagne, and
registered on July 28, 1882, by Messrs. Heid-
sieck & Co., of Rheims, under the Registra-
tion of Trade-marks Act, 1875, s. 10, as “ a
special and distinctive word or words used as
a trade-mark before the passing of this Act.”
The motion was made on the grounds (1)
that the words were not special and distinc-
tive, and (2) that the words had not been
used alone, but always in association with
other words or marks. The alleged user
related to labels, wrappers, corks, and cases.
The label on each bottle bore the words
“ Monopole ” or “ Dry Monopole ” in Roman
letters, with the words “ Heidsieck & Co.,
Rheims, established 1875,” underneath in a
running hand. The wrapper round each
bottle was substantially similar to the label.
The corks were branded on the sides with
the words “ Monopole ” or “ Dry Monopole,”
and on the bottom with a comet with “ Heid-
sieck & Co.” around it. The cases in which
the wine was sold bore on one side the brand
of “ Monopole,” and at one end the brand of
“ Heidsieck & Co.,” in a circular or semi-
circular form, and the word “ Rheims ” run-
ning across an anchor.

KAY, J., said that in order to register a
word or words of this kind, not being fancy
words, it was necessary that they should
have been used, and used by themselves, as
trade-marks before the passing of the Act ;
that the user of the word as a trade-mark
meant the impressing of that word either on
the goods or some wrapper or case containing
the goods in such a way as that the public