

a trustee, and as it appeared that the items disallowed related to the duties of G. in that capacity, the referee could properly deal with them.

*Held*, further, that the Supreme Court would not reconsider the items dealt with by the referee, as he and the Supreme Court of New Brunswick had exercised a judicial discretion as to the amounts, and no question of principle was involved.

The plaintiffs' bill in the equity suit set out a letter written by G. to one of the plaintiffs, threatening if proceedings were taken against him to make disclosures of malpractice by the testator which might result in heavy penalties being exacted from the estate.

*Held*, that this was such an improper act by G. that the court should have immediately removed him from the trusteeship of the estate.

Appeal dismissed with costs.

*McLeod, Q.C.*, and *Palmer, Q.C.*, for the appellants.

*Hazen*, for the respondents.

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May 1, 1894.

Exchequer Court.]

CARTER v. HAMILTON.

*Patent of invention—Novelty—Infringement.*

C. & Co. were assignees of a patent for an article called "The Paragon Black Leaf Check Book" used by shopkeepers to prepare duplicate accounts of sales, and the invention claimed was "In a black leaf check book composed of double leaves, one half of which are bound together while the other half folds in as fly leaves, both being perforated across so that they can readily be torn out, the combination of the black leaf bound into the book next the cover and provided with the tape bound across its end, the said black leaf having the transferring composition on one of its sides only." What was alleged to be new in this patent was the device, by means of the tape across the end of the black leaf, by which it could be folded over without soiling the fingers or causing the leaf to curl up.