

NOVATION—Continued.

of the old, whom it was intended to discharge, as evidenced in this case by a term granted by the creditor to the substituted debtor without the concurrence of the former debtor. *O'Brien & Sample*, 55.

OPPOSITION. See PROCEDURE.

OPPOSITION EN SOUS ORDRE. See PROCEDURE.

PATENT.

1. *Infringement.*] A patent of invention of machinery may be infringed by the use of a machine dissimilar in appearance, if the principle patented be interfered with. *Pinkerton & Coll*, 133.

— 2. *Measure of damages.*] The measure of damages for infringement of a patent of invention, by using a patented machine purchased of a manufacturer of the invention, and not the inventor, is not the profit which the purchaser derived from the use of the patent. The true measure is the loss suffered by the patentee. *Pinkerton & Coll*, 133.

PENALTY. *Action against secretary-treasurer.*] See SECRETARY-TREASURER, 1.

PERJURY.

1. *Deposition on which perjury is assigned—Proof that stenographer, who took deposition, had been sworn—Answers on 'faits et articles'—Notes of stenographer.*] The fact that the stenographer, who took a deposition in a civil case, on which perjury is assigned, has been sworn, must be proved by the record of proceedings in the case in which the deposition was taken. *Reg. v. Doumie*, 360.

— 2. A party summoned to appear in one division of the Superior Court, at Montreal, to answer upon *faits et articles*, and who has appeared and been sworn in another division of the same Court, where he has given his answers, may be convicted of perjury on the answers so given. *Ib.*, 360.

— 3. *Quere.*] Whether it is now necessary, under 47 Vict. c. 8, that the notes of the stenographer should, in all cases, be read to the witnesses? *Ib.*, 360.

PLEADING.

Misnomer.] A misnomer is ground for an exception to the form, and cannot form the subject of a plea to the merits,—more particularly where the error complained of is trivial and unimportant, *e. g.*, the description of the defendant as "La Corporation des Commissaires d'Ecole d'Hochelaga" instead of "Les Commissaires d'Ecole d'Hochelaga." *Commissaires d'Ecole d'Hochelaga & Montreal Abattoirs Co.*, 116.

PRESCRIPTION.

1. *Condition in Policy making claim void unless prosecuted within one year.* See INSURANCE, 293.

— 2. *Of three months under 42-43 Vic. (Q.) ch. 53, s. 12.*] See MONTREAL, CITY OF, 200.