specially assigned, in one division rather than in another. In our review of Mr. Holmested's Manual of Practice in our last issue, we called attention to a similar suggestion made by him. The learned writer will be glad to see his views borne out by such high authorities.

RECENT DECISIONS.

The first case in the October number of the English Law Reports, Chancery Division, Vol. 17, p. 721-844 is *Nobel's Explosive Co.* v. *Jones, Scott and Co.*, which raises two somewhat novel and somewhat difficult questions in relation to the law of patents. These two questions are as follows: (1) Is the importation into England of a material manufactured abroad by a process patented in England, although for the purpose only of transhipment for exportation, and not for the purpose of having the material landed and stored in England, to be considered a continuing user in England of the invention, and hence an infringement? (2) Where the alleged infringers have acted merely as agents (*e.g.* as Custom House agents for an importing firm), and without having any personal interest, can they be held to have incurred any liability in respect to the infringement? The first question Bacon, V. C., decided in the affirmative on the authority of *Betts* v. *Neilson*. L. R. 3 Ch. 429, and because, having regard to the nature of the invention, and that its most essential quality was that it acquired for nitro-glycerine "the property of being in a high degree insensible to shocks," it appeared to him impossible to tranship or in any manner to handle or move the commodity made according to the invention without at the same time using the invention. It may be observed that the nature of the patented article in *Betts* v. *Neilson* was somewhat similar to the nature of the patented article in this case, and possibly the law in such cases may turn upon the nature of the patented article in each particular case: (see as to this *per* Baggallay, L. J. p. 744).

The second question Bacon, V. C., also decided in the affirmative. The learned V. C. grounded his views upon the law as laid down by Wood, V. C., in *Betts* v. *DeVitre*, 11 Jur. N. S. 9, 11, where he says: "This Court has always been in the habit of holding that anybody who takes part in a wrong of this description, is liable to be restrained from committing the wrong, and is answerable.' The Court of Appeal, however, over ruled his decision as to this. James, L. J., says (p. 741): "Can anybody say that going to the Custom House and writing to the Custom House for Krebs & Co., (the importing firm) for a "warrant to discharge things from a ship into a barge is making the invention? Is it using it—is it exercising or vending it? . . . . A man who has no possession of the thing, and has no control over it, and who has no dominion or power to deal with it, to whom the safety or the want of safety is not of the slightest consequence, cannot be said to be using the invention; and that is the only way in which it could be said that these letters patent were infringed. . . . . The Court of Chancery has always held a hand over agents, but then it appears to me they must be actually agents. They must be agents who are agents in the making, in the using, in the exercising, or in the vending of the invention. They must be actually agents whose agency is directly in the making, using, exercising, or vending." Baggallay, L. J. and Lush, L. J. concurred.

In *Re Gosman*, p. 771, Jessel, M. R. held that the Crown could not be charged with interest on the rents and profits received from the property of an intestate, while that property was in its possession, pending the establishment of their claim by the next of kin. "Interest," said he, "is only payable by statute or by contract."

A few pages on there come a succession of will cases. The first of these is *In re*