

repetition of matter would obviously be out of place, and it may even become a question whether the publication of the head notes in advance is necessary. We would take this opportunity, however, to say to our readers outside of Montreal, that as the decisions of the Superior and Appeal Courts of this district alone form part of the system of the *Montreal Law Reports*, we shall be glad to receive for insertion in the *Legal News* notes of decisions given in other districts, which often involve very interesting questions and are treated in a very able manner by the learned judges who dispose of them. We are under obligations to our correspondent for a note of one of these cases.

CIRCUIT COURT.

MONTREAL, Jan. 26, 1886.

Before MOUSSEAU, J.

MITCHELL v. LAZARUS et vir.

Agency—Liability of Principal—Husband and Wife.

The defendant, a *marchande publique*, carried on business under the name of L. A. & Co'y; L. A., defendant's husband, being her general agent and business manager. The plaintiff sued for price of brass tubing furnished upon order of the husband.

The defendant's principal plea was that the tubing was ordered by the husband without her authority for a private enterprise of his own, which had nothing to do with the business of L. A. & Co'y, and that she could not be held liable.

The plaintiff proved that the goods were purchased in the ordinary course of business for L. A. & Co'y, that he was led to believe by the husband that the goods were so purchased, that no credit had ever or would have ever been given to the husband personally; that in this as in other transactions the plaintiff only dealt with him as representing L. A. & Co'y, and looked to the stock of that business as his security for the debt.

Held, that defendant was liable.

Action maintained with costs.

Hague & Hague, for plaintiff.

D. E. Bowie, for defendant.

(H. J. H.)

PATENT OFFICE, CANADA.

Before J. C. TACHÉ, Deputy Minister of Agriculture.

MITCHELL v. THE HANCOCK INSPIRATOR CO.

Patent Act of 1872—Importation—Combination of old elements—Costs.

Where a patent covers an invention which consists of a new combination of old elements, the importation of the elements in their separate state, to be merely put together in Canada, is an importation of the invention within Sect. 28 of the Patent Act of 1872.

No costs are allowed in cases before the Minister of Agriculture under the Patent Act of 1872.

The case was raised against the existence of Patent No. 7,011, granted the 24th January, 1877, to J. T. Hancock, for "The Hancock Inspirator," now owned by the Hancock Inspirator company of Montreal, for alleged forfeiture on the ground of non-compliance with section 28 of the Patent Act of 1872. It was heard before the deputy of the Minister of Agriculture. The petition addressed to the Minister of Agriculture contains allegations of non-manufacture and of illegal importation of the patented article. The case was fixed for the 14th October, 1885, for hearing; but through a series of adjournments, asked by mutual consent of the parties, was heard first on the 17th of November, and concluded on the 22nd December, the decision being reserved for a future day. The evidence consisted in the production of customs papers, business correspondence, statutory declarations and the verbal testimony of Messrs. Ora P. Patten, of Montreal; J. F. Wolfe, special agent of the Customs department, and James M. Betton, manager of the "Hancock Inspirator company."

Mr. *Fleet*, for the disputant, in substance, said that the case practically came before this tribunal on a reference from the Superior Court of Montreal. Mr. Mitchell, the disputant, having been sued by the Hancock company for infringement of their patent, to the amount of \$5,000, pleaded, besides other means of defence, the forfeiture of the said patent on account of illegal importation and non-manufacture in the terms of the 28th section of the Patent Act. This special pleading was met by a demurrer, to the effect that