

The Legal News.

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THE TAX ON EXHIBITS.

The official text of the judgment of the Privy Council in *Loranger & Reed* (5 L. N. 397) has not yet been received, but it appears from the *Times'* report that their lordships have held the ten cent fee on filing exhibits to be an indirect tax. Their lordships apparently also hold that the Act imposing the ten cents did not relate to the administration of justice in the province nor to the maintenance of the provincial courts. The judgment of the Supreme Court of Canada, which reversed that of our Court of Queen's Bench, is affirmed. The final decision supports that rendered by Mr. Justice Mackay in the Court of first instance—(*Reed v. Roy*, 5 L. N. 101).

TRADE MARKS.

The question as to how far a person may be interfered with in the use of his own name came up lately in Wisconsin. The opinion of the Court (*Landreth v. Landreth*, U. S. C. C. E. D. Wis., 22 Fed. Rep. 41) was to the effect that while a party cannot be enjoined from honestly using his own name in advertising his goods and putting them on the market; nevertheless, where another person, bearing the same surname, has previously used the name in connection with his goods in such manner and for such length of time as to make it a guaranty that the goods bearing the name emanate from him, he will be protected against the use of that name, even by a person bearing the same name, in such form as to constitute a false representation of the origin of the goods, and thereby inducing purchasers to believe that they are purchasing the goods of such other person.

OBITUARY.

James Bethune, Q.C., a prominent member of the Ontario bar, died at Toronto, Dec. 18, of typhoid fever. Mr. Bethune was born in Glengarry county in 1840, and called to the bar in 1862. Within a very few years he acquired a leading position in the profession,

which he retained up to the time of his death. For five years he acted as county crown attorney for the united counties of Stormont, Dundas and Glengarry, where also for some time he performed the duties of deputy judge. Mr. Bethune was engaged in a great many of the most important cases that have come up in the sister province during recent years, and his services were highly esteemed. By the premature termination of his career the Ontario bar is deprived of one of its ablest members.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

QUEBEC, Dec. 6, 1884.

Before DORION, C. J., RAMSAY, TESSIER, CROSS and BABY, JJ.

DERY et al. (defts. below) Appellants, and
HAMEL (plff. below), Respondent.

*Sale of right to use invention — Warranty—
Denial of signature—Procedure—Damages
—Commercial matter.*

1. *Where two persons sued jointly on a writing, plead together to the merits, they cannot afterwards urge that the signature to the writing is not the signature of both or of either of them, more especially in the absence of an affidavit denying the signature as required by Art. 145 C.C.P.*
2. *The sale of the right to use an invention contains a warranty that the invention is new and useful.*
3. *The purchaser of such right is not required to have the patent set aside before he can recover the price paid by him.*
4. *The use of a patent for manufacturing purposes is a commercial matter.*

RAMSAY, J. A great number of questions have been raised in this appeal, which is from a judgment in an action to recover back a sum of money paid for the cession of the rights of patent to manufacture and employ the said invention in the parishes of Deschambault and Cap Santé, the patent for which was originally acquired by one Stone. The most important question raised is whether both the appellants ought to be condemned, or only one of them, Cyrien Dery. They say that the signature "J. & C. Dery," is not the