

TRADE NAME.—NAME INDICATING MANUFACTURER—DESCRIPTION OF GOODS—IMITATION—TENDENCY TO DECEIVE.

*Reddaway v. Banham*, (1895) 1 Q.B. 286; 14 R. Mar. 205, was an action for an injunction to restrain the defendants from calling goods manufactured by them "camel-hair belting." The plaintiffs had for many years been sole manufacturers of a hair belting for machinery, which they had advertised and sold as "camel-hair belting," and their belting had become so well known under that designation that the term "camel-hair belting" was understood in the trade to be belting made by them. The defendants had commenced the manufacture of the same kind of belting, which they also advertised and sold as "camel-hair belting." The defendants claimed that their belting was made substantially of camel's hair, and that in describing it as such they were stating what was true, which they contended they were entitled to do. The action was tried before Collins, J., with a jury, and the jury found that "camel-hair belting" meant belting made by the plaintiffs—and not belting of a particular kind without reference to the maker—and that the defendants so described their goods as to lead purchasers to buy them as and for the belting of the plaintiffs, and that they passed off their goods as the goods of the plaintiffs so as to deceive purchasers, but for this latter finding there was no evidence except the use by defendants of the name of "camel-hair belting." Collins, J., upon these findings granted an injunction against the defendants. But, on appeal by the defendants, the Court of Appeal (Lord Esher, M.R., Lopes and Rigby, L.JJ.) reversed the judgment, and gave judgment dismissing the action. *Reddaway v. Banham*, (1892) 2 Q.B. 639, was distinguished on the ground that there the court came to the conclusion that the name used was a fancy name, and not a true description of the goods.

MARRIED WOMAN—JUDGMENT AGAINST—DEATH OF HUSBAND.

*In re Hewett*, (1895) 1 Q.B. 328; 15 R. Mar. 352, Williams, J., decided that where a judgment has been recovered against a married woman during coverture, she does not, on the death of her husband, become personally liable so as to entitle the judgment creditor to issue a bankruptcy notice against her under such judgment.