

Held, affirming the judgment of the Supreme Court of Prince Edward Island, Gwynne, J., dissenting, that taking the new note was giving time to the principal by which the surety would have been discharged, but that the evidence of the manager showed that when time was given to the principal debtor to pay, the remedy against G. as his surety was reserved and D. was entitled to hold his verdict.

Appeal dismissed with costs.

Stewart, Q.C., for appellant.

Peters, Q.C., Atty. Gen. P. E. I., for respondent.

HOUSE OF LORDS.

LONDON, 26 March, 1896.

REDDAWAY and F. REDDAWAY & Co. (LIM.), appellants v. G. BANHAM and G. BANHAM & Co. (LIM.), respondents. (31 L. J.)

Trade name—Name accurate description of goods—Right to use name after appropriation by another—Injunction.

A person is not entitled to call his goods by a name, even though that name be an accurate and true description, when the name has been associated with the goods of another, and the effect of such user of the name would be to mislead purchasers into the belief that they were purchasing that other person's goods. Injunction granted in the terms of *Johnston v. Orr Ewing*, 51 Law J. Rep. Chanc. 797; L. R. 7 App. Cas. 219.

Their Lordships (Lord Halsbury, L.C., Lord Herschell, Lord Macnaghten, and Lord Shand) reversed the decision of the Court of Appeal (64 Law J. Rep. Q. B. 321; L. R. (1895) 1 Q. B. 286), the respondents to pay the costs of the appellant both in this House and below.

QUEEN'S BENCH DIVISION.

LONDON, 10 February, 1896.

HANKS, appellant v. BRIDGMAN, respondent. (31 L. J.)

Tramway—By-law—Reasonableness—Construction—‘Deliver up his ticket . . . or pay the fare’—Passenger inadvertently destroying ticket without intent to defraud.

Case stated by metropolitan police magistrate.

An information was laid by the appellant, under the Tramways