and collects and keeps there, anything which, if it escapes, will do damage to another, (subject to some exceptions for industrial interest), is liable for all consequences of his acts, and is bound at his peril to confine and keep it upon his own premises." Wood, Nuis., p. 115, § 111. We see no reason why this principle is not applicable to the parties in action.

NOTES. (1) In the present condition of electrical science, a telephone company cannot maintain a bill for an injunction against the operation of an electric railway to prevent damages incidentally sustained by the escape of electricity from its rails. "If in the case under consideration it were shown that the double trolley would obviate the injury to complainant without exposing defendants or the public to any great inconvenience or a large expense, we think it would be their duty to make use of it; and should have no doubt of our power to aid the complainant by an injunction; but, as the proofs show that a more effectual and less objectionable and expensive remedy is open to the complainant, we think the obligation is upon the telephone company to adopt it, and that defendants are not bound to indemnify it; in other words, that the damage incidentally done to the complainant is not such as is justly chargeable to the defendants. Unless we are to hold that the telephone company has a monopoly of the use of the earth and of all the earth within the city of Nashville, for its feeble current, not only as against the defendants but as against all forms of electrical energy which, in the progress of science and invention, may hereafter require its use, we do not see how this bill can be maintained." *Cumberland Telephone and Telegraph Co.* v. *United Electric Ry. Co.*, 42 Fed. Rep., 273.

(2) "The fact that a telephone company acquired and entered upon the exercise of a franchise to erect and maintain its telephone poles and wires upon the streets of a city prior to the operation of an electric railway thereon, will not give the telephone company, in the use of the streets, a right paramount to the easement of the public to adopt and use the best and most approved mode of travel thereon; and, if the operation of the street railway by electricity as the motive power tends to disturb the working of the telephone system, the remedy of the telephone company will be to readjust its methods to meet the condition created by the introduction of electro-motive power upon the street railway." *Cincinnati Inclined Plane Ry. Co.* v. *City and Suburban Tel. Ass'n.* Supreme Court of Ohio, June, 1891, 10 Ry. & Corp., L. J., 82.

TRIBUNAL OF COMMERCE OF TOURNAI.

BELGIUM, 16 Oct. 1891.

Robert Mullie v. *Dusançois.*

(Concurrence Déloyale).—Unfair Competition in Business.

TRADE MARK.

(*Translation*).

Competition is lawful and even advantageous to the public, so long as it is carried on in a spirit of fairness, but it ceases to be so when it acts in violation of good faith and without respect for the property of others.

Commercial honesty forbids that a merchant should seek to draw away custom from a place renowned for a certain manufacture, to his own locality by means of deceptions.

It has been settled by jurisprudence that the name of a place renowned for its manufactures, constitutes the collective property of the manufacturers of that place, and that they have a right to sue those who usurp the name, and to claim damages for the harm done by such unfair competition.

In opposing the claim of the plaintiffs, defendant states that he did not brand his lime *chaux de Tournai*, but *chaux du Basin de Tournai*, a designation which he claims the right to use because in reality his lime belongs geologically to the Tournai basin.

Plaintiffs claim the contrary, setting forth with well grounded scientific reasons, and the testimony of eminent