

to cause all the Canada thistles growing upon the property of the said Railway Company within the limits of the said Municipality to be cut down as provided for in the first section of this Act, and in case such Station Master shall refuse or neglect to have the said Canada thistles cut down within ten days from the time of service of the said notice, then the Overseers of Highways of the Municipality shall enter upon the property of the said Railway Company and cause such Canada thistles to be cut down, and the expense incurred in carrying out the provisions of this section shall be provided for in the same manner as in the next following section of this Act.

4.—Each Overseer of Highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act, with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor, or occupier of such resident lands, requiring him to pay the amount: In case such owner, possessor, or occupier of such resident lands shall refuse or neglect to pay the same within thirty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said Council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for general purposes of the said Municipality. The said Overseer of Highways shall also present to the said Council a similar statement of the expenses incurred by him in carrying out the provisions of the said section upon any non-resident lands; and the said Council is hereby authorized and empowered to audit and allow the same in like manner: Provided always that if any owner, occupant, or possessor, amenable under the provisions of this Act, shall deem such expense excessive, an appeal may be had to the said Council (if made within thirty days after delivery of such statement) and which the said Council shall determine the matter in dispute.

5.—The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act, to be severally levied on the lands described in the statement of the Overseers of Highways, and to be collected in the same manner as other taxes; and the same when collected shall be paid into the Treasury of the said Corporation to reimburse the outlay therefrom aforesaid.

6.—Any person who shall knowingly vend any grass or other seed, among which there is any seed of the Canada thistle, shall for every such offence, upon conviction, be liable to a fine of not less than two or more than ten dollars.

7.—Every Overseer of Highways or other officer who shall refuse or neglect to discharge the duties imposed on him by this Act,

shall be liable to a fine of not less than ten nor more than twenty dollars.

8.—Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied, on conviction, before any Justice of the Peace; and all fines imposed shall be paid into the Treasury of the Municipality in which such conviction takes place.

## SELECTIONS.

### ADVERTISING "DODGES."

The case of *Glenny v. Smith* contains an important question as regards traders in these days of "advertising dodges," and artful ways of making money. His Honour in delivering judgment said:—The plaintiffs represent the well-known firm of Thresher & Glenny, hosiers of the Strand, and the defendant was for above two years in their employ. He then set up for himself at No. 122, Oxford-street, where he carries on the same species of business, and it was the mode in which he advertised his trade on his shop that is now the subject of dispute. On the upper part of the house were the words "shirt maker," in large characters; below that, and immediately over the shop (still on the wall) "and Indian outfitter." Then came a striped blind, on which were the words "from Thresher & Glenny," the words "Thresher & Glenny," being in large characters, and "from" in comparatively very small ones, and oblique in position; and the same thing was repeated on two brass plates—one beneath each window—the defendant's name being alone placed over the windows in large characters, but when the blind was down this could not be seen from the opposite side of the way, although it might by a person near the window looking up under the blind. The defendant had set up business in May last, and it appeared that a conversation had taken place between him and a person named Atkins, with reference to this use of the names of his employers. The plaintiffs filed their bill to restrain this use of their names by the defendant, and the Vice-Chancellor granted a perpetual injunction in the terms asked.

This case will, no doubt, be quoted hereafter as regulating the law on this subject, and it ought to be well understood that it is easy to go too far in indicating a former connexion with another firm in advertising a business.

The Vice-Chancellor, in his judgment, referred minutely to the various phases in which names exhibited might appear, observing that the plaintiffs and their predecessors had carried on business for a century and a-half, and for twenty-five years had done so with considerable reputation. "Lord Kingsdown, in the *Leather Cloth Company's case*, has laid down the principle that a man has no right to put up his goods for sale as the goods of a rival tradesman; and, though that was the case of rival