

He referred to Galileo, who lived to seventy-eight, Newton to eighty-five, Franklin to eighty-five, Buffon to eighty, Faraday to seventy-six, Brewster to eighty-four years in harness and with unimpaired powers. He declared that hard-working judges habitually lived to a ripe old age, and were more exempt from dotage than any other class of the community.

Although the great majority of men are compelled by stern necessity to keep on working until grim death appears, it is a relief to be assured by so good an authority as Sir Jas. Crichton-Browne that what is defined in dictionaries as "the whitish, soft mass which constitutes the anterior or cephalic extremity of the nervous system in man and other vertebrates" may be used by any citizen of active habits so long as life lasts.

It is *moderation* by which this world stands, and, when we have learned this gracious lesson of moderation in all things, we have mastered the great secret of longevity, and distanced *Rasselas* in the search for happiness.

The Sanctity of Trade Marks. Imitation may be the sincerest form of flattery; but when, by imitation or marked similarity in the labels affixed

to any well-known article, the consuming public is deceived or misled as to the quality or character of the article offered for sale, it is pleasing to see the attempts at deception exposed in a court of law. Two recent decisions in the United States Circuit Court on injunction suits arising from alleged misuse of trade-marks or labels are more than usually interesting, as they grant to English firms an injunction restraining their rivals and imitators in the United States, from palming off an inferior domestic production as an imported article with an established reputation.

We have known the law to be successfully invoked for the protection of some well-known insurance or other company from having its name, or an imitation thereof, adopted by some new and yet untried corporation. In the instance under review, by Mr. Justice Lacombe of the United States Circuit Court, the plaintiffs sought and obtained an injunction restraining the defendants from using the word "Plymouth," on labels for gin sold by them. The judgment was a model of lucidity, and ought to comfort those who pride themselves upon the possession of a trade-mark or label, and also confound those who are engaged in making inferior domestic imitations of anything wanted by the public, and by using foreign geographical names thereon, selling same as the original and genuine article. Mr. Justice Lacombe said:—

"Whatever may be the decisions in the State courts it is abundantly settled by authority in the Federal courts that they will not tolerate a false use of a geographical name, when it is so used to promote unfair competition and to induce the sale of spurious goods. Nor do these courts require specific proof of purchases by individuals actually deceived when the labels themselves show an attempt at deception which

appears to be well calculated to deceive. In the case at bar it is conceded that the gin made and sold by defendants is not made at Plymouth, but is distilled in this country; they are seeking to palm off a domestic as an imported article. Inspection of the labels must carry conviction to any unbiased and intelligent mind that the later label was prepared by some one who had seen the earlier one, and that it was designed not to differentiate the goods to which it was affixed, but to simulate a resemblance to complainants' goods sufficiently strong to mislead the consumer, although containing variations sufficient to argue about should the designer be brought into court. This is the usual artifice of the unfair trader. It does not deceive the first purchaser from the manufacturer, but it is sufficient to mislead the subsequent retail purchaser, and thus, being sold at a less price than the genuine article, it eventually, if not enjoined, will interfere with the sales of the genuine article."

We trust this is the beginning of a period of protection to British and Canadian productions and labels in the United States.

Bidding for Bonds. At the opening of bids for an issue of bonds to the value of \$12,000,000 on

Monday last, the Comptroller of New York felt sufficiently puzzled over the position of affairs to warrant his reference of the problem presented to the Corporation Counsel. The Produce Exchange Trust Company bid unconditionally for all of the issue at 104.94. Two other bids from powerful syndicates for "all or none" of the bonds were received, the figures quoted being 105.03 and 104.79, with a stipulation that acceptance of the bonds would be subject to the opinion of their counsel. All city bonds are, or ought to be, sold subject to legality of their issue, and, in the event of dispute, if the issue is found by the courts to be legal, the bidders can be forced to take the bonds. The question submitted to the corporation counsel by the New York city officials was: "Does the stipulation of the highest bidder invalidate its bid, or is the city justified in awarding under these conditions?"

The Produce Exchange Trust Company sent a communication to the Comptroller declaring that theirs was the only valid bid for all of the bonds.

To those familiar with the custom and practice of prudent bankers and financiers, the reason advanced for failing to promptly award the bonds in this case to the highest bidder (the syndicate composed of Vermilye & Co., and others, offering 105.03), seems puerile; and bank managers in New York, when questioned, said they did not think the city would be justified in giving the bonds to the syndicate offering a lower price, but without the condition already referred to or, in fact, any conditions whatever. The bankers also added, for the benefit of the Comptroller, that no one would want bonds if their legality was questionable, and such a provision as that inserted by Messrs. Vermilye & Co. in their bid was as advantageous to the city as to the bidders. It was indeed a mere matter of form, for no person can be legally compelled to pay for illegally issued bonds.

In the meantime, the counsel for the corporation is to consider the point actually raised by the Produce Exchange Trust Co. (that theirs was the only valid bid for the bonds), and the Comptroller awaits the advice of counsel before awarding the issue to the highest bidders.