

Held, that accused could not set up s. 654 of the Code providing that a sworn information was necessary before the magistrate could issue a summons.

Bodwell, K.C., for applicant. *Maclean*, K.C., D.A.G., for the Crown.

Morrison, J.]

[Sept. 20.

RUSSIA CEMENT CO. v. LE PAGE LIQUID GLUE CO.

Trade name—Sale of good-will—Similar name—True personal name—Trade name of article—Tendency to deceive—Imitation—Fraud—Injunction.

While there is no property in the name of a manufactured article, yet where a particular article has for many years been manufactured and sold under a particular name, other persons fraudulently taking advantage of such name will be restrained.

A firm had for a number of years been manufacturing glue under the name of Le Page. They sold out their business and good-will to a company which continued the manufacture and name of the article. A member of the original firm, named Le Page, subsequently formed a company and manufactured and sold glue under the old name.

Held, that the term or name "Le Page" as applied to glue had acquired a trade distinctiveness, and that the plaintiffs were entitled to the relief asked for.

A. D. Taylor, K.C., for plaintiff. *Kapelle*, for defendant.

Book Reviews.

The Mining Law of Canada. By ALFRED B. MORINE, K.C., LL.B., of the Bar of Nova Scotia, Newfoundland and Ontario. 1909. Toronto: Canada Law Book Company, Limited, 32-34 Toronto Street. Philadelphia: Cromarty Law Book Company, 1112 Chestnut Street. 701 pages. Price, half calf, \$7.50.

This book is the only attempt within the last ten years to set forth the common and statute mining law of Canada.

During that time the Dominion and the provinces have adopted new statutes or materially modified existing acts, and