

that, as "Trilby" did not come within either of those clauses, it should be expunged from the register. The plaintiffs then went up to the Court of Appeal, and that Court (consisting of Lindley, Kay and A. L. Smith, L.JJ.,—Kay, L.J., dissenting), allowed the appeal. Kay, L.J., states, in the course of his dissentient opinion, that this was the first time such a question came before the Court under section 64 of the Act, although it was the practice of the office to put names like this on the register. With all deference to the learned Judges who sat in the Court of Appeal it must strike the ordinary lay mind as somewhat farcical to hear them solemnly deliberating over Trilby's legal status in this wise: (Lindley, L.J.) "'Trilby' is clearly a word within sub-section (c) unless it is the name of an individual within (a), and I am not prepared to hold it within (a). . . . No doubt the registration of such a name as 'Trilby' would give rise to troublesome questions if a person of that name should hereafter make his (*sic!*) appearance and wish to carry on business under his own name, or to register his name printed in some distinctive manner under clause (a)." [*Quære*, would Svengali find Trilby's trade ventures more profitable than her vocal exploits?] . . . (Kay, L.J.) "Now, unquestionably 'Trilby' is a name. Otherwise it has no meaning whatever. Is it the name of an individual? . . . On the whole my opinion is that it is a 'name of an individual.' . . . If this were not so I should think it was an 'invented word.'" (A. L. Smith, L.J.) "That the name 'Trilby' is a word I do not doubt. . . . Is it, then, a word having reference to the character or quality of the goods, or is it a geographical name. I agree with North, J., in this, and I say it is neither."

The professional mind, versed in the niceties of statutory construction, will discern much wisdom in this apparent verbal jugglery—recognize in it, indeed, a structure of "Words well bedded in good Logic-mortar," as Herr Teufelsdröckh would say. But whether the Judges have written themselves down wisely or not too well, it is quite certain that Mr. Du Maurier's piece of decadent fiction has received some gratuitous advertising in a very unusual channel.