

CAPITOL BEER LABELS ARE TOO MUCH LIKE THOSE OF BUDWEISER

Permanent Injunction Against Edmonton Brewing and Malting Company Granted Anheuser-Busch Brewing Association of St. Louis, Restraining Local Brewing Company From Using Labels in Imitation of Those on Budweiser Bottles—Edmonton Company Must Account for Profits on Sales of Beer So Labeled.

Capitol beer, brewed and bottled by the Edmonton Brewing and Malting Company, may no longer be sold in bottles labeled similarly to those containing Budweiser beer, the product of the Anheuser-Busch Brewing Association of St. Louis. Mr. Justice Stuart has handed down his decision in the interesting case, Anheuser-Busch Brewing Association vs. The Edmonton Brewing and Malting Company, Ltd., tried in the Supreme Court here in November last, granting the St. Louis Corporation a permanent injunction restraining the Edmonton company from using similar labels upon bottles containing beer manufactured and sold by them under the name "Capitol Beer," upon the ground that the use of these labels in this way constitute a representation of the defendants goods as those of the plaintiffs. The injunction restrains the defendants from using their present body label or any other resembling imitation of the plaintiffs' body label. The judgment provides for an account to the St. Louis association of profits made upon the sale of all beer bearing the label complained of, and the plaintiffs are awarded their costs of the action.

Mr. Justice Stuart, in giving reasons for his judgment, finds that the objection that the labels of the plaintiffs are not registered in Canada under the Trade Mark and Design Act, does not defeat the plaintiffs' action, as it is clear by authorities that the Court of Appeal in England would consider an imitation, misrepresentation quite sufficient to exclude the necessity of registration. In giving judgment, Mr. Justice Stuart says:

"I do not think that the present defendants can be heard to say that they did not intentionally produce a colorable imitation of the plaintiffs' trade mark, or that they did not intentionally pass off or attempt to pass off their goods as being the goods of the plaintiff. Their manager, Lines, who gave the instructions to the lithographers, acknowledged that he took the plaintiffs' label as a model. In his letter of instructions of September 11th, 1909, he says: '(4) Insert the words 'trade mark registered' on white letters on red stripes on each side of centre, same as on the enclosed Budweiser label.' And again in his letter of August 25th, 1909, he said: 'One object, as you will readily see, is to have a label similar to Budweiser's, but not one that will

leave us open to infringement.' It is beyond question that such a proceeding cannot be allowed. In the face of that language any assertions of innocence must be greatly discounted. I cannot give the defendants or their manager credit for such outwitsness as not to see that they were, in fact, doing what they said they did not intend to do. They were trying to come as near to the forbidden line as they could without passing it, and that very circumstance, in my opinion, carries them beyond it.

Aside from the writing upon the label, the whole general arrangement of the label of the defendants is such under the name "Capitol Beer," many cases be mistaken for the other.

"With regard to the neck labels, I am unable to discover any cause of complaint. The printing of the word 'Capitol' in larger and very plain letters, is in my opinion sufficient, so far as the neck labels taken separately are concerned, to indicate a distinction. But the trouble is that the eye may fall upon the body label alone and the result in such case must, in my view, very often be an assumption on the purchaser's part that he is getting Budweiser beer. If the words 'Capitol Beer' had been printed somewhere upon the body of the label itself so prominently as to catch the eye at once, even of a careless tippler, there would, I conceive, have been less ground for complaint, but the word on the neck is too far removed, and the printing on the body label is too minute to prevent deception. Persons drinking beer are not inclined to examine documents, as a rule."

THE CITY WITHDRAWS ITS CASE UNDER THE NEW MARKET BY-LAW

City Solicitor Explains Withdrawal of Charge Against George Middleton for Infringing the By-law in Offering Produce for Sale Without Having First Weighed it—Will Not Submit to Regulations Imposed—Another Case Will Result.

The case against George Middleton, the farmer who refused to weigh on the city scales on First street on Tuesday last, was withdrawn by the city solicitor on Saturday. No reasons were given at the time, but it is understood that as far as the by-law is concerned it failed to cover the case. Mr. George Middleton, the principal in the case, stated to the Bulletin this morning his reasons for defying the law.

THE GOVERNMENT ROAD TO GRANDE PRAIRIE TO BE FINISHED IN MARCH

Road From Medicine Lodge, on the Grand Trunk Pacific, Will Be Completed in a Month's Time—Will Be Further Improved During Next Summer—New Road is Joined by the One From Edson and Either of These Places May Be Used as Point of Departure.

Grande Prairie, in three weeks' time will be but 150 miles' travel by trail from a railway. It is announced by the Department of Public Works that the government road from Medicine Lodge, on the G.T.P., 152 miles west of Edmonton, will be completed by the contractors early in March. On this road, work has been going on steadily since the summer of last year. It was thought that it would be completed in time for use last month, but the work of construction proved to be more difficult than was anticipated, and travel to and from Grande Prairie this winter has had to take the long way round Lesser Slave Lake.

THINKS STIPEND TOO LARGE

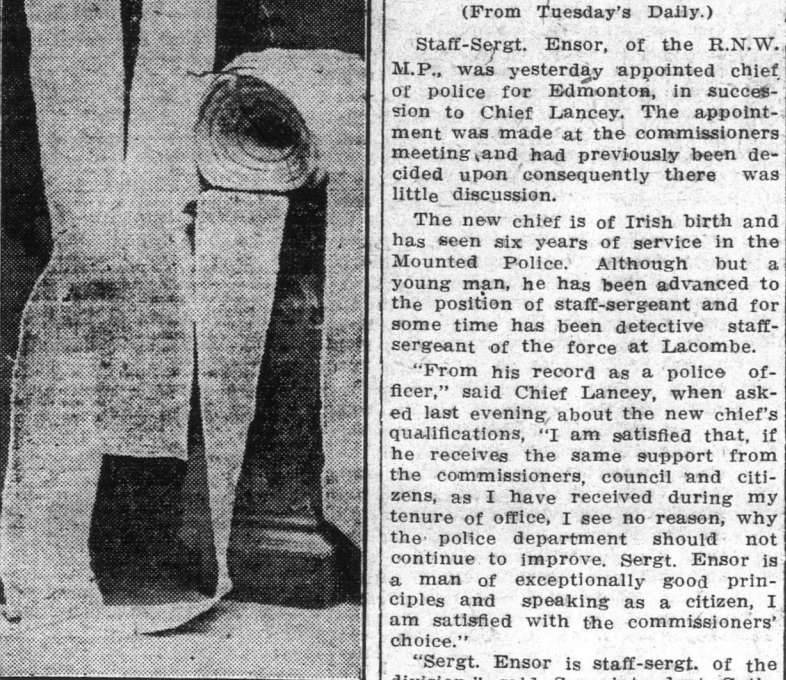
Birmingham Pastor Accepts Call But Asks That Salary Be Cut.

New York, Feb. 15.—The Rev. Dr. Jewett, pastor of Carr's Lane church, Birmingham, England, in his formal acceptance of a call to the Fifth Avenue Presbyterian church in this city, which was read to the congregation, stipulated that he desire to receive less than half of the \$12,000 salary offered him. In his letter he says:

"I am pleased to be allowed to add that I shall not need the large stipend you so graciously offer me. When I meet the officers of the church I shall seek their judgment as to what is the equivalent to the stipend I am receiving in my present charge. This will make me perfectly happy in my work."

STAFF SERGT. ENSOR NEW CHIEF OF POLICE

Well-Known Officer of the R.N.W.M.P. Has Been Selected as a Successor to Chief Lancy—Will Take Charge of the Force Next Week.



TRULY, SOME PETITION—This picture gives some notion of the length of the petition signed by sixty-thousand Montreal workmen in favor of the early building of the Georgian Bay canal.

It is quite probable that Staff-Sergeant Ensor will be able to do his duty as well as he has done his previous one.

TWO BANKS MUST PAY MONEY INTO COURT

An Order Issued on Saturday by Mr. Justice Beak—The Money Will Bear Interest at 3-1/2 Per Cent Until Suit Ends.

All order for the payment into court of all the A. & G. W. bond money which is now deposited in the Dominion bank and the Union bank, was made by Mr. Justice Beak in the Supreme court chambers on Saturday in the fight of the Province to secure the money held by banks.

NINE MANAGERS HAVE ORGANIZED

Association Has Been Formed in the South of the Province to Take Action on the Proposed Bill for Improvement of the Mine Conditions.

Barnis, Alta., Feb. 12.—A meeting of nine managers from this district called Wednesday afternoon at the Imperial Hotel, Frank, Alta., by Mr. R. D. Tighe, president of the organization of the Alberta Mine Managers' association.

WAS TOWED INTO HALIFAX.

Steamer Rappahannock Rescued by the Friedrich.

Halifax, N.S., Feb. 15.—For a second time last night the Rappahannock, of the Furness Line steamship company, was rescued by the Friedrich, of the Scotia coast with her tall shaft broke, but, battered hither and thither with the changing winds she had covered a greater mileage.

TO INTRODUCE VETO BILL NEXT MONDAY

Premier Asquith Makes Announcement in House of Commons—Government Proposing a Bill of 500 New Peers to be Appointed in the Event of Opposition by Lords.

London, Feb. 13.—Premier Asquith announced in the House of Commons today that he would introduce the government's veto bill next Monday.

THE CITY WILL FIGHT C.N.R. BILL AT OTTAWA

Will Ask That Its Rights Be Protected in the Proposed Charter, Another Gas Franchise Asked—Work of the United Aids Discussed.

The commissioners at yesterday's meeting, decided to oppose the passing through the Dominion House of Bill 81, incorporating the Canadian Northern Branch Lines Co. because clause 13 granted that company the power to develop and sell electric power at all points along their line, even in direct competition with municipal plants.

FIVE HOMELESS BARRIERS.

The office of the superintendent of dependent and neglected children makes the following appeal for homes for five children in their charge.

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SEMI-WEEKLY EDITION

VOLUME V.

THRILLING IN DELIVERANCE

Two Young Brothers Fort Vermilion After Terrible Trip.

FEET OF DOGS FREEZE AND TRAVEL IS IMPOSSIBLE.

Older Brother Saves Little Younger when Both Bady Frozen.

Bulletin Special.

Peace River Crossing, Feb. 15.—Through the freezing of the dogs in the train, the two young men, who arrived here last night, were in a very bad way. The older brother, who was in charge of the two dogs, had to travel nearly two weeks in the train to the far north of the province, where the dogs were frozen and the younger brother was saved by the older brother.

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ABSORBINE

Will relieve itching, burning, stinging, sore, cracked, chapped, and raw skin. It is the best remedy for all skin troubles.

They are enjoying Boyd's

CHOCOLATES

The sweetest delight of children. The purest confections made.

W.J. BOYD CANDY CO. WINNIPEG

MINNAPOLIS

THE ORIGINAL AND ONLY GENUINE

Beware of imitations sold on the merits of Minnapolis Liniment.

Having no axe to grind, we have no bias. We have only the best of the best.

City Harness Shop

413 Jasper East

Good Hand-Made Harness Our Specialty

Goods at Any Price. Vastly Cheaper than Factory.

Repairing on Short Notice.

J. A. LOOBY, Proprietor, Alberta Hotel Block (Corner Namoy)

WILSON'S DOLLAR SPECIALS

20 lb. pail Corn Syrup \$1.00

20 lb. Good Cooking Beans \$1.00

20 lbs. best Japan Rice 1.00

7 lbs. Finest Evaporated Apples \$1.00

12 lb. best cooking Flg 1.00

Special in bulk Tea, extra good quality, 3lb. \$1.00

Good Coffee, fresh ground, 3 pounds \$1.00

It pays you to buy at H. WILSON'S

44 Queen's Ave. Be sure to call.

READ THIS

WE HAVE 100 LADIES HAND BAGS

Ranging in Price from \$1.00 to \$4.50

Which we are offering this week at

50c

CALL AND EXAMINE BEFORE THEY ALL GO.

GEO. H. GRAYDON

KING EDWARD PHARMACY 260 Jasper Avenue, East.

Could Not Bunco This Man

Has No Use For Peddlers Selling Worthless Medicines

Joseph Stevenson, of the National Drug Co. of Canada, Limited.

Please read the following carefully.

"I was pestered last week with a travelling agent who said he had heard that I was troubled with Rheumatism. I told him I had been and he wanted to sell me some medicine. I answered that I was taking GIN PILLS, the only medicine that did me any good.

I told him that I had tried various other medicines but none had done me any good but GIN PILLS and that I always kept a box in the house. GIN PILLS have done me more good than any other medicine I have ever taken. You are at full liberty to use this letter for the benefit of all concerned."

DON'T BE IMPOSED UPON. Don't accept substitutes. If your dealer won't supply you with GIN PILLS, at the regular retail price of 50c a box, for \$2.50, send direct to us. Sample box free if you mention this paper, and money promptly refunded if GIN PILLS do not give you relief. National Drug and Chemical Co., Dept. A. D. Toronto.

Mango-Tone Blood and Nerve Tablets are the best all round tonic for pale, thin, bloodless people, especially valuable for correcting female troubles. They purify and enrich the blood, and help to build up the whole system. 50c a box at all dealers.

KING'S CLASS COACH

Vehicle 200 Years Old Destroyed.

London, Feb. 16.—The only coach belonging to the King's household, which was destroyed by fire in the Coronation procession here in 1838, was destroyed by a fire in the coach house at Windsor on Tuesday last.

The coach was very valuable. It was the 20-called Acorn coach, which was built in 1711. It was 200 years old. It was made of English ash, and weighed 2,000 lbs. It was at the carriage shop of the late King George III. Its purpose was being varnished.