

medical history in Abernethy. It is quite possible that the dead Russian savant was familiar with the history of our own eccentric physician, and moulded himself somewhat on the same methods. Originality in that line of conduct which enables a man to ignore the ethics of polite society and adopt a brutal, rude exterior and manner is happily rare, and when adopted is not infrequently a departure from the true workings of a character for the sake of notoriety, if no more. Zaccharin's negligence in the matter of dress, and his blunt rudeness of demeanor to all classes of persons alike, from the crowned head to the peasant, is familiar reading. He was one of your really undesirable individuals, it would appear, who "spoke his mind" and said "just what he thought at the moment," peculiarities which now-a-days rarely commend themselves to the community, despite the immense ability which may be the portion of their practitioner. Amongst other crazes Zaccharin is said to have been consumed with a holy horror of dogs. To such an extent was this aversion carried that he would decline to enter a house until assured that no dog was within it. Noises of all kinds were again his pet abhorrence. Clocks must not strike—they must be stopped entirely—and bells disconnected, lest the worthy doctor's ears should be assailed with any disturbance, however slight. Fresh air was another of his weaknesses, and in this, perhaps, he will command support from free-thinkers of all hues and in all countries. Doors and windows he would have wide open. Fresh air was the creed emblazoned on his banner of hygiene, and fresh air he would have at any cost. No practitioner has more stoutly demanded the assistance of this valuable aid to nature's recuperation, and his insistence doubtless occasioned much hearthurning amongst his patients, who, like many others in our own country, have a great fear of fresh air for the sick room. Zaccharin entertained no such qualms, and with brusque petulance insisted on doors and windows being opened. When he visited the dying Czar he found him surrounded by the Czarina and other members of the family, and on entering the sick room, ignoring the presence of the exalted individuals, he loudly demanded air, remarking, at the same time, in tones of deep reproach, "What an atmosphere! It is disease-breeding. And in this air you allow Russia's little father to lie!" And then, without more ado, he roughly tore down

the curtains, and threw open the windows. Later on, when invited by the Czarina to lunch with her, he flatly declined, observing, "I never eat with women." Zaccharin's garb was as uncouth as his manner. He invariably wore high boots of the moujik order, or huge felt slippers, with a coat somewhat resembling a dressing gown. It was in this attire he waited upon the Czar in the fatal illness, despite the fact that the other doctors and attendants were obliged to appear in uniform or evening dress. He would conform to no such observances, and if his services were required they could only be obtained on his own terms. Absolute obedience to his dictum, in the treatment of the patient, was a gospel with this strange individual; and once, when a deviation was made from his prescription for the Czar, he threatened to throw up the case, in fact did so, and announced his determination to leave the city, being only restrained by the officer in command, who, as a quietus, firmly informed him that force would be adopted to prevent such a mad step. Such we read was the style of the man. Of exceptional ability, the Russians regarded him as pre eminent in his profession, and submitted to his crazy vagaries. A radical of radicals, he cared naught for persons or positions, and estimated every man from his own strange standpoint of reasoning. A John Blunt, of the call-a-spade-a-spade order, such was the dead Zaccharin.

Trade-Marks in the Patent Office.

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Under the common law, as is well known, the owner and proprietor of a trade mark is entitled to the exclusive use thereof, the courts affording him a remedy for infringement not only by awarding him damages, but also by injunction against further use by the infringer. Registration, in the Patent Office, therefore, is not absolutely necessary to perfect one's right to a trade-mark, although it possesses certain important advantages of which few merchants are aware, but which all owners of valuable marks will readily appreciate.

In the first place, registration in the Patent Office is *prima facie* evidence of ownership, thereby throwing the burden of disproving title upon the person denying the same. The advantages of being on the defensive in a priority contest will be readily appreciated. Again, the U.S. (Federal) courts have original and appel-

late jurisdiction in actions for the infringement of registered trade-marks without regard to the amount in controversy; an advantage that at times is exceedingly important and will be fully appreciated by lawyers. And furthermore, some foreign countries require registration in this country before granting protection there.

Not all trade-marks, as is well known, are capable of exclusive appropriation. The general rule is that the word or symbol used as a mark be arbitrary, that is, not descriptive of the article. For instance, "dessicated," "granulated," "dried," and similar words are not good trade-marks because descriptive. Such words, however, as "Ideal," "Eureka," "Boss," etc., are good marks, although indicative of a desirable quality. However, it is impossible to lay down a comprehensive rule, as each case must be decided on its own merits.

The Government fee for registration is \$25, and the protection runs thirty years and may be extended for a like period.

We are also satisfied that but few merchants appreciate, until too late, the advantage of registering their marks in foreign countries. Perhaps the value of foreign registration will be best understood from a quotation from the Commissioner of Patents' report for the year ending December 31st, 1897:

"The importance of having trade-marks protected, and in many countries registration is necessary to protection, has been forcibly impressed upon American manufacturers who, sending their goods into some foreign country, have found the very trade-mark which has become of value to them registered in that country to some citizen of that country who made application for registration for no other purpose than to enable him to demand of the American manufacturer a price for the right to sell goods marked with that trade-mark in that country. As in a number of European countries registration of a trade-mark is attributive of property in such mark and is granted, not to the first adopter and user of the mark, but to the first applicant for registration, and as in these countries the registrant can under the laws there in force forbid the importation of goods marked with the trade-mark registered by him, or even compel the seizure of such goods, it is evident that such registrant has the manufacturer, who is the rightful owner of the mark, completely at his mercy so far as trade in that country is concerned.

"I am informed that in at least one