

judgment appealed from (the latter if it think proper), shall prepare a written statement (or *factum*) of the case, ten copies of which each of them shall transmit to the Secretary-Treasurer eight days at least before the hearing.

XVIII.

The Secretary-Treasurer shall keep a Special Register in which shall be registered all appeals, and all proceedings on them in the order of their date, and each appeal shall be proceeded with in its turn according to its place on the roll.

XIX.

The Council of the Section which rendered the judgment appealed from shall be represented by the *Syndic*, if it thinks fit to prosecute the said appeal, and to be heard before the General Council.

XX.

The Appellant as well as the Respondent may be heard either in person or by attorney.

XXI.

In no appeal shall more than two Counsel be heard in opening the case or in answer, and only one shall be heard in reply

ROLL AND CHANGES IN THE ROLL.

XXII.

The Secretaries of the Councils of Sections shall be bound, whenever required so to do by the Secretary-Treasurer, to transmit to the General Council a correct roll of the members of their respective Sections, which roll shall contain the name, christian name, residence and date of commission, of all the members of the said respective Sections, indicating whether such members are practising, or whether they have notified the Section that they have temporarily ceased to practice, or whether they have been suspended, and for what cause.

XXIII.

The Secretaries of the Councils of Sections are bound to notify the Secretary-Treasurer forthwith of the death of any member of the Section, of all notifications received from members temporarily ceasing to practice, or declaring that they resume practice, and also of suspensions, either temporary or permanent, and to specify whether such suspension has been pronounced by law, or by sentence of the Council of the Section.

TRADE MARK.

In a recent case in our Courts, there was a question whether a horse's head could be readily

distinguished from the head of a unicorn, (*Darling v. Barsalou*, 4 L. N., p. 37). A question somewhat similar arose in *Read v. Richardson*, 45 L. T. (N. S.) 54, in respect of the heads of a bull-dog and a terrier.

In this case the plaintiffs and the defendants were bottlers of beer for export. The plaintiffs' label consisted of a bull-dog's head on a black ground surrounded by a circular band on which were the words "Read Brothers, London. The Bull-dog Bottling." The defendants' label represented a rough terrier's head on a black ground surrounded by a red circular band on which were the words "Celebrated Terrier Bottling, E. Richardson." The plaintiffs' beer was well known in the colonies as the "Dog's-Head" beer, and they alleged that the defendants, by exporting to certain colonies beer with the terrier's head label, led to their beer being substituted and taken for the plaintiffs' beer. *Held* (reversing the decision of Jessel, M. R.), that the plaintiffs were entitled to an *interim* injunction restraining the continuance of the terrier's head on the label on the bottles of beer exported to such colonies by the defendants. Jessel, M. R., had observed below: "I should certainly never have taken one of these dogs' heads for the other, and I do not think anybody else would. With the exception of the one witness I have mentioned, nobody says he would. It is a very different animal. Of course they are both dogs and dogs' heads, but I think there the resemblance stops. They are differently coloured, one is yellow and white and the other is brown and tan. They are a very different kind of dog, remarkably different. This bull-dog's head is a most emphatic bull-dog's head, whereas the terrier is a remarkably mild species of terrier, and by no means so acute as a terrier generally is. They are very different animals indeed; in fact, the terrier looks something like a cat. It is a very mild specimen. The dogs, too, have different collars on. I do not think that ordinary people who cannot read, who are generally pretty observant, would take one of these for the other."

It appears, however, that on the appeal, the appellants relied chiefly on the fact that the beer was known to the colonists as "Dog's Head," without any distinction of canine breed, and this was supposed to give the bull-dog beer a quasi-monopoly of beer-labels bearing a dog's head. The logic of the decision is not quite convincing