

## The Legal News.

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### JUDICIAL OVERWORK.

Never before were complaints of judicial prostration from the effects of overwork so universal. In the U. S. Senate, a few days ago, in the course of a discussion on a bill to provide an additional Circuit Judge, Senator Davis stated some facts illustrating the immense pressure on the Federal Judges. At the April term of the Circuit Court in New York, 444 jury cases were set down for hearing; on the Equity Calendar there were 116 cases. There were also 59 appeals in Admiralty, and 40 motions noticed. In Chicago, the accumulation of arrears was still more formidable. There were 3,500 cases on the docket other than bankruptcy cases, which, with Admiralty business, engage all the time of the District Court at that place.

To the increasing pressure upon the Judges is ascribed the large mortality in their ranks. The *Albany Law Journal*, in noticing the decease of Judge Allen, of the New York Court of Appeals, which occurred on the day following the death of Judge Dorion, of Montreal, remarks that of the seven Judges who formed the Court at its re-organization, under the amended judiciary article of the constitution, three have been removed by death—Judges Peckham, Grover, and Allen. Judge Johnson, who was appointed to fill a vacant place upon the bench, and who performed judicial duties for nearly a year, had also died. "None of these," remarks our contemporary, "were what could be called old men, not one of them having passed the constitutional limit of age for the judicial office. There is no doubt that the physical constitution of every one of these Judges was broken down by overwork in the performance of official duties, and that, except in the case of Judge Peckham, their deaths resulted from this cause." In England and Canada, the results of overwork on the bench have been equally apparent. In the present generation less able to stand pressure, or is the accumulation of case law, and the frequent change of statutes, in con-

junction with overweighted rolls, becoming too heavy a burden upon those called to administer the law? One thing at least is clear, that the judicial office is very far from being a sinecure, and instead of being eagerly grasped at, or accepted as a matter of course when tendered, should be undertaken only after the most serious consideration, and with a due regard to the sacrifices involved in the faithful and conscientious discharge of its duties.

### TRADE MARKS.

A decision given recently by the Chancery Division in England, in the case of *Siebert v. Findlater*, goes very far in protecting manufacturers in the enjoyment of the marks by which their goods are usually known. In 1830, the plaintiff manufactured certain bitters at Angostura, a town in Venezuela, and he called the article "Aromatic Bitters." It was not till 1876 that he adopted the name "Angostura Bitters." In 1863 these bitters had been introduced into England, and obtained the popular name of "Angostura" Bitters, which they always retained. The defendant was also a manufacturer of bitters. He commenced to manufacture them at Upata, about 200 miles from Angostura, in 1860. In 1870 he removed to Ciudad Bolivar (formerly called Angostura.) About the year 1874 the plaintiff brought an action in Trinidad to restrain defendant from using the word "Aromatic" to describe his bitters, which was successful. The defendant then adopted the name "Angostura," and on the 16th August, 1874, registered that name at Stationers' Hall. The plaintiff now brought this action to restrain defendant from using the name "Angostura," and from using bottles and wrappers resembling those used by him. The Court held that, as the bitters made by the plaintiff were known in the market as "Angostura" bitters, and as the bitters made by the defendant were not identical with those of the plaintiff, the defendant must be restrained from using the name "Angostura" in such a way as to induce the public to believe that they were purchasing the plaintiff's bitters. Thus not only the name first selected was protected, but that which appears to have been given by the public.