which he did by the authority of *Hendriks* v. *Montagu*. He thought that that case showed that it was not necessary for the plaintiffs to prove fraudulent intention on the part of the defendants. Whether or not Mr. Justice North was right in his view of what was laid down in *Hendriks* v. *Montagu*, it was perfectly evident that his decision in *Turton* v. *Turton* could not be allowed to stand. The Court of Appeal did not regard *Hendriks* v. *Montagu* as rendering it incumbent upon Mr. Justice North to decide *Turton* v. *Turton* as he did. Lord Justice Cotton observed that Mr. Justice North had founded his decision on *Hendriks* v. *Montagu* "without considering what was the subject the learned Judges were dealing with in their judgment when they used the expressions on which he relied." Lord Justice Cotton then proceeded to explain the *ratio decidendi* in *Hendriks* v. *Montagu*.

Among the cases relating to trade names decided this year, perhaps the most important is *Tussaud* v. *Tussaud*, 59 Law J. Rep. Chanc. 631; L.R. 44 Chanc. Div. 678. There Mr. Justice Stirling granted an interlocutory injunction to the plaintiff company, Madame Tussaud & Sons (Lim.), proprietors of the famous waxworks exhibition, to restrain the registration of a proposed new company, under the name of "Louis Tussaud (Lim.)," which was promoted by Louis Tussaud, and of which he was to be manager, for the purpose of carrying on a similar business or exhibition. The defendant had never carried on such a business on his own account. "It could not be doubted," said Mr. Justice Stirling, "that the name of Tussaud was well known and of high reputation in connection with waxworks, and that if another exhibition of a similar nature to that of the plaintiff company were to be established in London in the defendant's name the one would 'in the ordinary course of human affairs be likely to be confounded with the other,'" quoting the words of Lord Justice James in *Hendriks* v. *Montagu* (*supra*). It followed, in Mr. Justice Stirling's opinion, from the decisions in the two cases of *Burgess* v. *Burgess* (*ubi sup.*) and *Turton* v. *Turton* (*ubi sup.*), that the defendant, Louis Tussaud, was at perfect liberty to open on his own account and to carry on in his own name an exhibition of waxworks. Further, he might take partners into his business, and carry it on under the name of Louis Tussaud & Co. The learned Judge, without actually deciding the point, also gave it as his opinion that the defendant, having commenced business on his own account, might sell it with the benefit of the goodwill to third parties, who might continue to carry it on under the same name, and transfer the business and goodwill to a joint-stock company registered under the same name as had previously been used in connection with the business. But his lordship conceived it to be clear that the defendant could not confer on another person the right to use the name of "Tussaud" in connection with a business which the defendant had never carried on, and in which the defendant had no interest whatever; and the learned Judge came to the conclusion that the defendant could not confer that right on a company in relation to which he would stand simply in the position of a paid servant.

The above expression of opinion by his lordship bore fruit in a further attempt by the defendant to make use of his name in connection with a wa-