

SECTION 3. After the county court shall have by its order fixed a time and place and limited the time within which claims may be presented, examined and adjusted against any ward, as provided in this act, no suit shall be commenced and maintained in any court having common law jurisdiction against such ward upon any such claim, as the county court has exclusive jurisdiction of in the estates of decedents. Suit against ward, not to be begun.

SECTION 4. All acts and parts of acts, inconsistent with this act, are hereby repealed, and this act shall take effect and be in force from and after the day of its passage and publication.

Approved April 5, 1893.

No. 85, S.]

[Published April 8, 1893.

CHAPTER 104.

AN ACT to protect associations and unions of workmen in their labels, trade-marks, and forms of advertising.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any person, association or union of workmen have adopted or shall hereafter adopt, for their protection, any label, trade-mark, or form of advertisement announcing that goods to which such label, trade-mark, or form of advertisement shall be attached, were manufactured by a person, member or members of such association or union, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade-mark or form of advertisement. Every person violating this section shall upon conviction be punished by imprisonment in the county jail for not less than three months, nor more than one year, or by a fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment. Counterfeiting trade-mark, etc.

Penalty.

Knowingly to use counterfeit, a misdemeanor.

Trade-marks, &c., may be recorded with the secretary of state.

Actions may be brought.

SECTION 2. Every person who shall use any counterfeit or imitation of any label, trade-mark, or form of advertisement of any such person, union or association, knowing the same to be counterfeit or an imitation, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than three months, nor more than one year, or by a fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment.

SECTION 3. Every such person, association or union, that has heretofore adopted, or shall hereafter adopt a label, trade-mark, or form of advertisement as aforesaid, may file the same for record in the office of the secretary of state, by leaving two copies, counterparts or fac-similes thereof, with the secretary of state; said secretary shall deliver to such person, association or union so filing the same, a duly attested certificate of the record of the same, for which he shall receive a fee of one dollar. Such certificate of record shall in all suits and prosecutions under this act, be sufficient proof of the adoption of such label, trade-mark, or form of advertisement, and of the right of said person, association or union to adopt the same. No label so nearly alike one already of record as to be mistaken for it, shall be recorded.

SECTION 4. Every such person, association or union adopting a label, trade-mark, or form of advertisement as aforesaid, may proceed by suit, to enjoin the manufacture, use, display, or sale of any such counterfeits or imitations; and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display, or sale, and shall award the complainant in such suit, such damages, resulting from such wrongful manufacture, use, display or sale, as may by said court be deemed just and reasonable, and shall require the defendants to pay such person, association or union the profits derived from such wrongful manufacture, use, display or sale; and said court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

SECTION 5. Every person who shall use or display the genuine label, trade-mark, or form of advertisement of any such person, association or union, in any manner not authorized by such person, union or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than three months, nor more than one year, or by fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by any officer or member of such association or union on behalf of and for the use of such association or union.

Unauthorized use a misdemeanor.

Unincorporated associations, now may sue.

SECTION 6. Any person or persons who shall in any way use the name or seal of any such association or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor punishable by imprisonment in the county jail of not less than three months, nor more than one year, or by a fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment.

Unauthorized use of name of association a misdemeanor.

SECTION 7. The fines provided for in this act may be enforced before a justice of the peace in all cases where the party complaining shall so elect, and in case of conviction before such justice of the peace the offender shall stand committed to the county jail until the fine and costs are fully paid, or until otherwise discharged by due course of law.

Fines, how enforced.

SECTION 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.