

given in section one (1) of said chapter thirty-three (33), whether such newspaper did in fact, at the time of such publication, fully conform to such description or not.

Provided, that nothing herein contained shall be construed to apply to any suit now pending which involves the legality or validity of any such publication.

SEC. 3. This act shall take effect and be in force from after its passage.

Approved April 8th, 1895.

S. F. No. 143.

CHAPTER 122.

Trade marks.

An act to amend an act entitled an Act relating to labels, trade marks and advertisements, and to provide for their protection and the punishment for counterfeiting the same or for using counterfeits of the same. Approved Aprilseventeenth (17th), (being chapter twenty-four (24) of general laws of Minnesota of 1893).

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section 1 of an act relating to labels, trade marks and advertisements, and to provide for their protection and the punishment for counterfeiting the same, or for using counterfeits of the same, (being chapter twenty-four (24) of the general laws of Minnesota of one thousand eight hundred ninety-three (1893), be and the same is hereby amended to read as follows, namely:

Protection.

"Sec. 1. Whenever any person, or any association or union of working men has heretofore adopted or used or shall hereafter adopt or use any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person, or association or union of workingmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement or to use, sell, offer for sale or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement."

SEC. 2. That section two (2) of the act above named be and is hereby amended to read as follows, namely:

"Sec. 2. Whoever counterfeits or imitates any such label, trade mark, term, design, device or form of advertisement, or sells, offers for sale or in any way utters or circulates any counterfeit or imitation of any such label, trademark, term, design, device, or form of advertisement; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor to which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; shall be punished by a fine of not more than one hundred (100) dollars or by imprisonment for not more than three months."

Penalty for counterfeiting or dealing in counterfeits.

SEC. 3. That section three (3) of said act be and the same is hereby amended so as to read as follows, namely:

"Sec. 3. Every such person, association or union that has heretofore adopted or used or shall hereafter adopt or use a label, trade mark, term, design, device, or form of advertisement, as provided in section one (1) of this act, may file the same for record in the office of the secretary of state by leaving two copies, counterparts or fac simile thereof with said secretary, and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed; the class of merchandise and a description of the goods to which it has been or is intended to be appropriated; stating that the party so filing or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed has the right to the use of the same; that no other person, firm, association, union or corporation has the right to such use either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the fac simile or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one (1) dollar. Any person who shall for himself or on behalf of any other person, association or union procure the filing of any label, trade mark, term, design or form of advertisement in the office of the secretary of state under the

Registry.

provisions of this act, by making any false or fraudulent representations or declaration, verbally or in writing or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction and shall be punished by a fine not exceeding one hundred (100) dollars or by imprisonment not exceeding three (3) months. Said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one (1) dollar. Any such certificate of record shall in all suits and prosecutions under this act be sufficient proof to the adoption of such label, trade mark, term, design, device or form of advertisement. Said secretary of state shall not record for any person, union or association any label, trade mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trade mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association."

SEC. 4. That section four (4) of said act be and is hereby amended to read as follows:

Prohibiting
Infringements.

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

SEC. 5. That section five (5) of said act be and the same is hereby amended to read as follows:

Penalty for
appropriating.

"Sec. five (5). Every person who shall use or display the genuine label, trade mark, term, design, device 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 for not

more than three (3) months or by a fine of not more than one hundred (\$100) dollars. 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."

SEC. 6. That section six (6) of this act may be and is hereby amended to read as follows:

"Sec. 6. Any person or persons who shall in any way use the name or seal of any such person, 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, and shall be punishable by imprisonment for not more than three (3) months, or for a fine of not more than one hundred (100) dollars."

Penalty for unauthorized use.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 23rd, 1895.

CHAPTER 123.

S. F. No. 170.

An act to amend chapter seven (7) of the general laws of eighteen hundred and ninety-three (1893) providing for the protection of employes.

Protection of employes.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section six (6) of said chapter seven (7) of the general laws of eighteen hundred and ninety-three (1893) is hereby amended by striking out the first sentence of said section six (6) and substituting therefor the following words, to-wit: "If in any factory, mill, workshop or other building of three or more stories in height, proper and sufficient means of escape in case of fire are not provided, as required by section five (5) of this act, the owner or occupant of said building, upon notice by the commissioner of labor or any factory inspector employed in the bureau of labor, shall construct one or more external fire escapes, as the same may be found necessary and sufficient. Said fire escape or fire escapes shall be provided on the outside of such factory, mill or workshop connecting with each floor above the first, well fastened and secured and of sufficient strength."

Fire escapes.

SEC. 2. That section seven (7) of said chapter seven (7) of the general laws of eighteen hundred and ninety-three (1893) is hereby amended by the addition of the