

either overruled or is sustained and judgment ordered thereon, notice of the entry of judgment shall be sent immediately by the clerk to the parties or to their attorneys; and an appeal, if any, shall be claimed within thirty days from the time of such entry of judgment.

SECTION 2. In all actions at law in the superior court in which an agreed statement of facts is filed and judgment ordered for either party, notice of the entry of judgment shall be sent immediately by the clerk to the parties or to their attorneys; and an appeal, if any, shall be claimed within thirty days from the time of such entry of judgment.

Appeals in actions at law upon agreed facts.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1899.

AN ACT TO PROVIDE FOR THE PROTECTION OF HISTORICAL MONUMENTS.

Chap.358

Be it enacted, etc., as follows:

Whoever wilfully or maliciously removes, displaces, destroys, defaces, mars or injures any monument, tablet or other device erected to mark an historic place or to commemorate an historic event, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding one year. *Approved May 10, 1899.*

Penalty for injury, etc., to historical monuments.

AN ACT RELATIVE TO THE REGISTRATION AND PROTECTION OF LABELS, TRADE-MARKS, STAMPS AND FORMS OF ADVERTISEMENTS.

Chap.359

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and sixty-two of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 1.* Any person, firm, association, union or corporation may adopt a label, trade-mark, stamp or form of advertisement not previously owned or adopted by any other person, firm, association, union or corporation, and may file such label, trade-mark, stamp or form of advertisement for record, by depositing two copies or facsimiles thereof in the office of the secretary of the Commonwealth, one of which copies or facsimiles shall be attached by the secretary of the Commonwealth to the certificate of record hereinafter referred to; and shall file therewith a certificate specifying the name or names

1895, 462, § 1, amended.

Adoption of labels, trade-marks, etc.

Adoption of labels, trade-marks, etc.

of the person, firm, association, union or corporation so filing such label, trade-mark, stamp or form of advertisement, his or its residence, situation or place of business, the kind of merchandise to which such label, trade-mark, stamp or form of advertisement has been or is intended to be appropriated, and the length of time, if any, during which it has been in use. In case such label, trade-mark, stamp or form of advertisement has not been and is not intended to be used in connection with merchandise, then the particular purpose or use for which it has been or is intended shall be stated in the certificate. Such certificate shall be accompanied by a written declaration, verified under oath by the person or by some member of the firm, or officer of the association, union or corporation by which it is filed, to the effect that the party so filing such label, trade-mark, stamp or form of advertisement has a right to use the same, and 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 copies or facsimiles filed therewith are true and correct. The secretary of the Commonwealth shall issue to the person, firm, association, union or corporation depositing such label, trade-mark, stamp or form of advertisement, a certificate of record, under the seal of the Commonwealth, and the secretary shall cause the certificate to be recorded in his office. Such certificate of record, or a certified copy of its record in the office of the secretary of the Commonwealth, shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, stamp, trade-mark or form of advertisement, and of the existence of the person, firm, association, union or corporation named in the certificate. The fee for filing the certificate and declaration and issuing the certificate of record herein described shall be two dollars. No label, trade-mark, stamp or form of advertisement shall be recorded which could reasonably be mistaken for a label, trade-mark, stamp or form of advertisement already on record.

Secretary of the Commonwealth to issue a certificate of record.

Proof of adoption of label, etc., existence of person, etc.

Fee for filing.

Certain labels, etc., not to be recorded.

1895, 462, § 2, amended.

Rules, regulations and forms for filing, etc.

SECTION 2. Section two of said chapter four hundred and sixty-two is hereby amended by inserting after the word "trade-marks", in the third line, the word:— stamps,— so as to read as follows:— *Section 2.* The secretary of the Commonwealth is authorized to make

rules and regulations, and prescribe forms for the filing of labels, trade-marks, stamps and forms of advertisement under the provisions of this act.

SECTION 3. Section four of said chapter four hundred and sixty-two is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 4.* Every person who, without authority from the owner of a label, trade-mark, stamp or form of advertisement recorded as aforesaid, shall make, use, sell, offer for sale, or deal in, or have in his possession with intent to use, sell, offer for sale, or deal in any counterfeit or imitation of such label, trade-mark, stamp or form of advertisement, knowing the same to be counterfeit or imitation, and every person who, without authority from such owner shall affix, impress or use such label, trade-mark, stamp or form of advertisement upon any goods, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

1895, 462, § 4,
amended.

Penalty for un-
authorized use
of labels, etc.

SECTION 4. Every person who shall, with intent to defraud any person or persons, knowingly and wilfully cast, engrave or manufacture, or have in his possession, or buy, sell, offer for sale or deal in, any die, plate, brand, mould, or engraving on wood, stone, metal or other substance, of any label, trade-mark, stamp or form of advertisement recorded pursuant to the statutes of this Commonwealth, or any printing presses, types or other tools, machines, or materials provided or prepared for making any counterfeit or imitation of such label, trade-mark, stamp or form of advertisement, shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Penalty for the
manufacture,
etc., of dies,
engravings, etc.,
with intent to
defraud.

SECTION 5. Any person who shall, with intent to defraud any persons, knowingly and wilfully aid or abet in the violation of any provision of this act or of said chapter four hundred and sixty-two shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Penalty for aid-
ing, etc., in the
violation of
certain provi-
sions of law.

SECTION 6. Section six of said chapter four hundred and sixty-two is hereby amended by inserting after the word "trade-mark", in the third line, the word:— stamp,— also by inserting in the last line, after the

1895, 462, § 6,
amended.

Defendant in any suit, etc., may show prior ownerships.

word “person”, the word:—firm,—and also by striking out the words “or union”, in the last line, and inserting in place thereof the words:—union or corporation,—so as to read as follows:—*Section 6.* In any suit or prosecution under the provisions of this act the defendant may show that he or it was the owner of such label, trademark, stamp or form of advertisement prior to its being filed under the provisions of this act, and that it has been filed wrongfully or without right by some other person, firm, association, union or corporation.

1895, 462, § 7, amended.

Repeal, etc.

SECTION 7. Section seven of said chapter four hundred and sixty-two is hereby amended by inserting in the fifth line, before the word “advertisements”, the words:—forms of,—so as to read as follows:—*Section 7.* Chapter four hundred and forty-three of the acts of the year eighteen hundred and ninety-three is hereby repealed. But this repeal shall not affect any legal proceedings, civil or criminal, instituted under or by virtue of said act; and all labels, trade-marks, stamps and forms of advertisements already recorded according to the provisions of section four of said chapter, shall be deemed to have been duly recorded according to the provisions of this act.

P. S. 212, § 2, etc., amended.

SECTION 8. Section two of chapter two hundred and twelve of the Public Statutes, as amended by section two of chapter three hundred and forty-two of the acts of the year eighteen hundred and eighty-five, and by chapter two hundred and eighty-four of the acts of the year eighteen hundred and ninety, is hereby further amended by adding thereto the following, namely:—Tenth, To search for counterfeits or imitations of any label, trade-mark, stamp or form of advertisement recorded pursuant to the statutes of this Commonwealth; any goods upon which any such counterfeit or imitation has been impressed, affixed or used; and any dies, plates, brands, moulds, engravings, or printing presses, types, or other tools, machines and materials prepared or provided for making any such counterfeit or imitation.

Search warrants for counterfeits or imitations of labels, etc.

Approved May 11, 1899.