

if, in fact, the initials are equivalent in the market to the name on the goods, and, if so, they will require the qualifying indication. Objection is not taken to the use of the words “patent,” “trade-mark,” “registered,” and “copyright,” as the statutes contemplate that they should be so used on foreign goods; but if those words are untruly applied, the goods are liable to seizure.

It is to be understood that any goods bearing a false trade description which the officers of Customs would not be able to detect without information may be stopped at the instance of and upon formal information by persons who are aware that such goods are falsely described.

Printed matter is included within the scope of the Merchandise Marks Act, and, consequently, any such matter, coloured or not, bearing any name of a British printer or publisher, or any indication by language of being British production, requires qualification. The qualification in the case of a book may—similarly to the statutory requirement as to imprint—be on the first or last leaf. When qualification of a mark or description is required, it should, as has been already stated, in strictness be required wherever and however many times the illegal mark or description occurs on the goods, but in practice rigid adherence to this requirement is waived, according to the facts of each case, so as to avoid as far as possible needless repetitions where one or two qualifications would be sufficient to meet the eye so as to cover at the same time several illegal marks.

In cases where a trader places on his goods the names of two or more places in different countries, he should add to those names a statement of the actual country in which the goods were made. For instance, if goods of Hungarian origin are marked “Pesth” and “London,” the word “Pesth” will not, without indication of make there, obliterate the illegal indication given by the word “London;” and the fact of the trader having a place of business in each of the countries will not alter this requirement.

Some trade descriptions are exempted from the Act—viz., such as, at the time of its passing, were lawfully and generally applied to goods of a particular class, or manufactured by a particular method to indicate the particular class or method; but if these descriptions include the name of a place or country, they must be clearly qualified by a statement of where the goods are made. There are also some descriptions which are not treated as trade descriptions within the meaning of the Merchandise Marks Act. For instance, the name of a port or place of destination applied to packing-cases in which goods are clearly not intended to be sold or exposed for sale does not render the goods liable to detention, nor does the name merely of a port of unshipment of goods, nor will inscriptions applied to goods by means of labels or tickets, or applied to boxes, cartons, parcels, or other ultimate packages containing goods, manifestly only for the purpose of distinguishing the goods for the convenience of dealers and shopkeepers, and not specially intended to attract the eye of the consumer whenever the inscription consists simply of the bare name of the goods, or indication of number, quantity, size, and the like. For instance: On hosiery—“Hose,” “White cotton, size 10.” On textile fabrics—“No. , quality , colour , dress , yards.” On goloshes—“1 doz. pairs men’s 2nd quality, No. 7.” Goods bearing labels, tickets, &c., of this character only are not to be detained, whatever may be the language in which the inscriptions are printed or written.

It is to be understood that the last three paragraphs do not apply to wording on the goods themselves, nor (with the exception of the name of the port of destination on packing-cases) to any wording which includes the name of a place or country, the name of any trader, manufacturer, or dealer, or a trade-mark. Neither will trade descriptions, &c., on “coverings,” or other such things, including boxes, bottles, and the like, imported alone and with the intention of being used as auxiliary means of carrying into the market goods really British or goods (such as wine) incapable of being mistaken as British goods, where the description applied to the coverings or such other things does not relate to them, but has reference to the goods which they are to cover to carry into the market; and packages used for the importation from any place of natural flowers, fresh fruit, vegetables, and potatoes, and bearing upon them marks which the officers are satisfied are merely address marks, such as “Wm. Evans, Leeds,” “Thos. Jones, London,” are to be treated as packing-cases. Moreover, such words as “Fast” and “Slow” on a watch, giving directions as to the mode of using the watch, and such a word as “Freezing,” at 32 degrees, on Fahrenheit’s thermometer, conveying necessary information as to the system on which the instrument is constructed, are admitted as being part of the goods themselves; but the use of such words must not exceed what is absolutely necessary for the due use of the goods on which they are placed.

No. 6.

(New Zealand, No. 4.)

MY LORD,—

Downing Street, 15th March, 1889.

I have the honour to acquaint you that an application has been received from the United States Chargé d’Affaires at this Court for the issue of an *exequatur* to Mr. J. Darcey Connolly, an American citizen, residing in the State of California, to enable him to act as Consul for the United States at Auckland, and I am to request you to report whether you are aware, or not, of any objection to this appointment, and if not you will recognise him provisionally in that capacity until the arrival of the *exequatur*.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.
