

#01429

S.C.A.

J.D.E.

Anheuser-Busch Brewing
Association

vs.

Edmonton Brewing & Malting Co.
Limited.

J U D G M E N T .

Supreme Court, Alberta
FILED
FEB 24 1911
FILED

SHORT, CROSS, BIGGAR & COWAN.

IN THE SUPREME COURT OF ALBERTA.
NINTH JUDICIAL DISTRICT OF EDMONTON.



THE HONORABLE MR. JUSTICE STUART, EDMONTON,
Saturday the 11th day of February, 1911.

Between,--

Anheuser-Busch Brewing
Association,

-- Plaintiff,

- and -

Edmonton Brewing and Malting
Company Limited,

-- Defendant.

This action having come on for trial before this Court sitting without a jury, on the 14th and 15th days of November, 1910, in presence of counsel for all parties, upon hearing read the pleadings and proceedings had and taken herein, and upon hearing the evidence adduced at the trial as well for the plaintiff as for the defendant, and upon hearing what was alleged by counsel aforesaid and judgment having been reserved until this day, and the same coming on this day for judgment,

THIS COURT DOETH ORDER AND ADJUDGE that the defendant, its officers, attorneys, agents, servants and workmen, be perpetually enjoined and restrained from making, using, selling or offering for sale, or causing to be made, used, sold or offered for sale, beer(not being beer manufactured for or by the plaintiff) in

bottles bearing on the same or anywhere in connection therewith body labels or any body label of the form of any of the body labels marked as exhibits 18 to 25 inclusive at the trial hereof, or body labels or any body label in any form in simulation of or only colorably differing from the body label of the plaintiff marked as exhibits 1, 3, 4, 5, and 6 on the trial hereof and described in the statement of claim herein, or body labels or any body label bearing upon the same or any of them the characteristics of the said body label of the plaintiff or any body label in any form calculated or intended to pass off or enable others to pass off such beer as or for the beer of the plaintiff,

AND THIS COURT DOTH FURTHER ORDER AND DIRECT that the defendant do deliver up to the plaintiff to be cancelled and destroyed all labels, whether affixed to bottles or otherwise, in the possession of or under the control of the defendant, its servants, agents or workmen, in simulation of or only colorably different from the body label of the plaintiff as hereinbefore described, which said body labels of the defendant are complained of in this action, together with all dies, plates, tools or instruments intended for use in the making or reproduction of further quantities of the said body label of the defendant so complained of,

AND THIS COURT DOTH FURTHER ORDER that the defendant do

pay to the plaintiff the costs of this action to be taxed.

Amey Taylor
C.S.C.

Entered February 24th, 1911,

Amey Taylor
C.S.C.