

An. Code, sec. 50. 1904, sec. 44. 1892, ch. 357, sec. 1.

53. 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 and denoting that goods to which such label, trade-mark or form of advertisement shall or may be attached, were manufactured by such person or by a member or members of such association or union, it shall not be lawful for any person or corporation to counterfeit or imitate such label, trade-mark or form of advertisement; every person violating this section shall be deemed guilty of a misdemeanor and shall upon conviction by any court having criminal jurisdiction be punished by imprisonment in the city or county jail for not less than three months nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or both, in the discretion of the court.

This section referred to in deciding that a labor union, such as the United Mine Workers of America, is suable in the federal courts and their funds subject to execution. *United Mine Workers v. Coronado Coal Co.*, 259 U. S. 386.

An. Code, sec. 51. 1904, sec. 45. 1892, ch. 357, sec. 2.

54. Every person, corporation or association 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 imitation, shall be guilty of a misdemeanor, and shall upon conviction by any court having criminal jurisdiction, be punished by imprisonment in the city or county jail for a term of not less than one month nor more than one year, or by a fine of not less than one hundred dollars nor more than two hundred dollars, or both, in the discretion of the court, and the burden of proving that the defendant did not know the true character of the said label, trade-mark or form of advertisement, and that he used the same in good faith shall be on the defendant.

See notes to sec. 53.

An. Code, sec. 52. 1904, sec. 46. 1892, ch. 357, sec. 3.

55. 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, and said secretary shall deliver to such person, association or union so filing the same duly attested certificate of the record of the same, for which he shall receive a fee of one dollar. Such certificate of record shall be in all suits and prosecution under sections 53 to 58 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 shall be recorded that probably would be mistaken for a label already of record, of which question the said secretary shall be the judge.

See notes to sec. 53.