

A LAWSUIT OVER A WORD.

St. Louis and Kansas City Cigar Firms at War in the Courts.

At Judge Henry's home, at Ninth street and Lydia avenue, this morning injunction proceedings brought by E. R. Rice & Co. of St. Louis against the James O'Brien Cigar Manufacturing company of Kansas City to restrain it from using the word "Americanite" as a brand for its cigars were heard. Boland & O'Grady appeared for Mr. O'Brien and Paul Bakewell of St. Louis and S. W. Moore for Rice & Co. Judge Henry granted a temporary injunction on the case made out in the petition and fixed the injunction bond at \$5,000. A similar proceeding against James O'Brien individually was heard by Judge Gibson yesterday afternoon and a like order was made. Both cases will be heard on their merits during the January term of the circuit court and should O'Brien win, he will claim heavy damages on the injunction bonds.

The St. Louis firm makes the "Mercantile" cigar and claims the word "Americanite" is so similar to "Mercantile" that it is an infringement of their trade mark. While the litigation is pending Mr. O'Brien will manufacture the same cigar under another name.