

families, the land became filled with demoralized wild-cat money, issued by worthless and irresponsible banks, and again bankruptcy of people, states and nation.

In 1861 the Republican party—the party for protection—obtained control of the Government, which was the signal for great increase in all manufacturing industries. This party continued in power almost uninterruptedly until last year—and during that period American workmen were paid the highest wages ever paid to labor in the history of the world. There was plenty of employment, prosperity and plenty prevailed the land, a uniform value of money was established, eight hours were declared a day's work, and the number of homes owned by American workmen became greater than the number of homes owned by all the workmen of all other countries.

In 1893 the Democratic free trade party, under Mr. Cleveland again came into power, and remembering past experiences, even before the promised free trade could be made a reality, idleness, poverty, soup-houses, low wages, bankruptcy, loss of confidence and paralysis of trade settled down upon the whole land like a black incubus.

In 1841, after nine years of Democratic free trade the United States Government were unable to place a loan of \$10,000,000 in Europe wherewith to meet current expenses; and upon a loan of only \$250,000, taken at home, from eight to thirty-two per cent. interest was paid. In 1860, after 12 years of free trade, as much as twelve per cent. was paid upon part of a loan of \$12,000,000.

When Mr. Cleveland became president ten months ago the wealth of the United States had increased nearly five fold since 1860; during which time most of the cost of putting down the slaveholders' rebellion was paid. The treasury became filled, and the Government could borrow all the money it wanted at two and a half per cent. per annum. When the protectionist Government went out of power last March there were no soup-houses in the land, and every workman who wanted to labor could find work at remunerative wages. To-day, after ten months of threatened free trade, two-thirds or more of all the workmen in the United States are in enforced idleness; and the great problem now staring the American people in the face is: How shall the idle poor be housed and clothed and fed this winter?

Which of the conditions do Canadian workmen wish to prevail in this country? Prosperity and protection, or poverty and free trade? Like causes produce like results.

UNFAIR BUSINESS COMPETITION.

Quite a number of American manufacturers are complaining that certain foreign manufacturers, notably in Germany, making cheaper and inferior imitations of their goods, and flooding the American market with them, selling at exceedingly low prices, not only depriving them of the legitimate sale of their goods but imposing upon the public lots of worthless stuff under the names and styles of the superior and well-known American makers. This is a device whereby the goods of the foreign manufacturer are foisted upon unsuspecting purchasers for the goods of the home manufacturer, in fraud upon the public and of those whose goods are thus displaced. The de-

VICES most frequently resorted to in such cases are the simulation of labels, the imitation of styles of putting up goods and the reproduction of form and general appearance of both goods and packages.

The New York Indicator, speaking of this unfair competition in business, says that "within recent years a distinction has been made by the authorities between this class of controversies and technical trade-mark cases. The principles that are common to trade-mark law are thus narrowed, and to the subject of unfair competition in business, are also applicable to competition in other kinds of business besides the sale of articles of merchandise. The correspondencies between the two classes of cases are more numerous than their differences. As in cases of trade-marks, so in cases of unfair competition in business, the object and purpose of the law is, first, to secure to him who has been instrumental in bringing into market a superior article of merchandise the fruit of his industry and skill, and, secondly, to protect the community from imposition. As in one, so in the other, the underlying principle is that one man is not to sell his own goods under pretense that they are the goods of another; and as in one, so in the other, the violator of another's rights pirates upon the good will of that other's friends and customers, or the patrons of his trade and business, by sailing under his flag without his authority or consent. There is this difference however: The law of trade-mark is designed primarily to protect a property right, and, as incidental thereto, gives redress for injuries resulting from invasions of the right, a distinct, technical trade-mark being in itself evidence, when wrongfully used, of an illegal act; while the jurisdiction exercised over cases of unfair competition in business is grounded in the prevention of fraud. Where no trade-mark has been infringed or involved, courts of equity have granted injunctions on more than one occasion against the use upon goods of certain marks, labels, wrappers, show-cards, &c., when the evident design of such use was to deceive the public by concealing the true origin of the goods and making it appear that they were the product of some other manufacturer of established reputation, thereby depriving the latter of a portion of the patronage that would otherwise go to him.

It has been said that the principle in these cases is this: That no man has the right to sell his own goods as the goods of another. But the same principle may be expressed in a different form by saying that no man has a right to dress himself in colors, or adopt the bare symbols to which he has no peculiar or exclusive right, thereby personating another for the purpose of inducing the public to suppose either that he is that other person, or that he is connected with and selling the manufacture of such other person, while he is really selling his own.

If the general effect is such as to deceive an ordinary observer, having no cause to use more than ordinary caution, being acquainted with the first manufacturer's package and label, and never having seen his competitor's package and label, and not expecting to see it, so that he must be, on seeing the latter, misled into thinking it is what he has known as former's, that is sufficient to entitle the former to an injunction. A party is not compelled to file his bill at once, but may lie by until sufficient time shall elapse to enable him to gather the requisite proof."