

wisdom of taking that attitude. The question is one which each must decide for itself. Outside interference is generally resented; and the would-be mediators, not always quite disinterested, are liable to share the fate of interlopers. If the interference be encouraged by one party, it is more likely to be repelled by the other.

The tendency of unionism is to create a dead-level of mediocrity. To insist on uniformity of pay, as unions sometimes do, for services of very different values, is to violate all the rules of equitable dealing. It is unjust to superior workmen. No man rises above his fellows, in the great industrial struggle in which most people, in this country, are engaged all their lives, without doing something more than they. Each man's rise is the reward of true merit; and whatever tends to prevent a man putting forth his full powers, is an injury both to him and to the public. When unionism says that a first-rate workman shall receive only the average wages, it takes from him one of the motives to put forth his full powers. If unionism is to develop its full possible strength, it must free itself from trammels which work injustice, in any direction. At present there are no indications that it is prepared to take this course. One thing is certain: any demand which does not rest on justice, will always be difficult to enforce, and the task will often be impossible.

TRADE MARKS.

The right to use trade marks has in all ages and lands given rise to a great deal of difficulty and litigation. A rather novel case on the subject is that of *Warren vs. Warren Thread Co.*, recently decided by the Supreme Judicial Court of Massachusetts. The action was one brought to restrain the defendants from the use of certain trade marks, the exclusive right to which was claimed by the plaintiff. It appears that in December 1879 the plaintiff took the benefit of the Insolvent laws of the State of Massachusetts. Before his insolvency he carried on the business of manufacturing thread in Ashland and used and had the exclusive right to use certain trade marks. These trade marks his assignee in insolvency claims to have become entitled to under the insolvency laws. It was pointed out by Chief Justice Morton who delivered the judgment of the Court that the trade marks in question were not mere personal trade marks, the use of which by any other person than the plaintiff would operate as a fraud upon the public. The plaintiff's name did not appear upon any of them except one, and in that it occupied a subordinate position. They are all stated to have been designs or symbols designating the place or establishment at which the thread is manufactured, and not implying any peculiar skill in the plaintiff as their manufacturer, or importing necessarily that the goods are manufactured by him.

Under these circumstances it is laid down as settled law that the right to use such a trade mark in connection with the business in which it has been used is property which will be protected by the courts and which may be sold and transferred. And applying

this to the insolvent law of the State it is held that the right to use the trade mark passed, by the insolvency proceedings, to the assignee. The provision of the law applicable to the point is that the assignment shall vest in the assignee all the property of the debtor, real and personal, which he could have lawfully sold, assigned or conveyed. This, it is held, was sufficient to pass his manufacturing establishment, machinery, tools and fixtures, manufactured goods, and the right to use the trade marks in connection with the establishment and goods.

The court carefully guards itself from expressing any opinion upon what the rights of the parties would have been had the trade marks in question been strictly personal in their nature. On this point there is room for future difficulty. It will further require to be noted that the judgment proceeds upon the language of the Insolvent Act of the State of Massachusetts which is perhaps somewhat broader in its terms than the corresponding provisions of some of the bankrupt laws of other states and countries.

Barr Robertson, who had set up a place of business in Toronto, was recently fined \$500 for counterfeiting the trade mark of J. C. Ayer & Co., patent medicine manufacturers, New York. All his stock-in-trade, labels and dies, were confiscated and consigned to the flames. The counterfeit was probably an imitation, such as a chemical analysis would enable any one to make. In Canada, trade marks are protected by statute, as Robertson probably knew. The policy of the Canadian law seems to be sound. The trade mark, after long use, becomes known as covering a particular commodity, the value of which is fixed in the public mind. It is the policy of the law to see that every one who buys by weight or measure gets the quantity he bargains for, and that goods are what they profess to be, free from adulteration; and the law under which the fine in this case was imposed is consistent with our general policy. Purchasers who fancied they were getting an article familiar to them were getting something else, and their right to some sort of protection was clear. More indefinite offences of a similar kind have sometimes been committed. English blankets have occasionally been imported under the pretence that they were Canadian. If no particular trade mark was infringed, the offence was moral only, not legal. It is, however, a sort of offence which ought not to be countenanced.

THE DRY GOODS TRADE.

The present season offers a marked contrast with last year in several important particulars. For example, in August 1882, crops being abundant and the feeling being buoyant, goods were freely sold; orders for heavy woollens, tweeds and staple dry-goods generally were taken, indeed, in July and August in advance of buyers' wants.

This fall, there is good reason to conclude the situation is different and the movement much smaller. Among the causes are: first, the 'scare' in cottons during the early summer or spring months. Those retail dealers who bought cottons in March could not but be chagrined to find their

neighbors buying the same goods in June at prices twelve or fifteen per cent. lower. And they naturally resolved not to be so caught again. Hence, when asked to buy blankets or knit goods this month they resolve to wait until September or October.

Again, the apprehension as to the harvest, arising from cold and wet weather, prolonged till late in the season, made retail buyers timid, and it is as well that it did so. The uncertainty on so vital a point, coupled with the depressing influence of the fall in cottons upon other lines of dry goods, and sympathetically upon other branches of wholesale trade, had reduced the output of goods from warehouses nearly everywhere.

There has been, too, indisposition on the part of some houses to fill all the orders taken by their travellers. This was wise, in many cases, doubtless, and not to be wondered at; for the collapse of values in Manitoba lots came about mid year and the failures in Winnipeg were enough to frighten any one. Some houses have found their sales thus far less than last year. But this experience is not universal; other houses find their sales at mid-August nearly or quite up to last year's. They admit, however, that this was only achieved by much pushing, and by getting numerous small orders from new customers. If sales are behind those of last year, no one should, however, feel badly at this. It is rather to be welcomed as helping to cure the bad system of dating-ahead. The aggregate of interest upon merchandise brought across the Atlantic in July and to be delivered—or to begin to date—in October, is a consideration of some gravity to wholesale dealers, and if the merchandise remains, as this year much of it does, in the warehouses and under their eyes, the folly of the system of forcing, dating forward and overlapping of credits will come home to them with more emphasis.

The trade will come, later on in the fall, and will be the more healthy because done at a proper time. A much better feeling pervades the retail trade than that which prevailed a month ago. Some weeks of beautiful weather has allowed the harvest of wheat, and hay, and barley to be garnered, and although wheat will be a limited yield, the total cereal crop will be a generous one. As to stocks in retailers' hands, the backward weather hindered the sale of spring goods, and many are left with quantities of light summer stuffs and prints on hand. But on the whole, stocks in country stores are not heavy, and the imports were prevented from being excessive by the gloomier outlook for trade when buyers were abroad. We believe that good has come out of what appeared to be an evil, and that all departments of business will benefit by the check which came in time to prevent importers over-importing, and retailers over-stocking.

THE IRON TRADE IN BRITAIN.

Partly from the reduced production of iron because of the strike in Staffordshire, and partly from other causes, a slight improvement in values has come about since the beginning of June. The natural effect must be to raise values a little for some time to come, inasmuch as the strike has caused