published of trade unions, of strikes and lock-outs and other important subjects. The staff comprises a controller-general (salary £1200 rising to £1500), a deputy controller-general and labour commis- sioner, a principal for statistics, a principal of the commercial depart­ment, an assistant labour commissioner, a chief staff officer for commercial intelligence, a chief labour correspondent, a special inquiry officer, and a staff of investigators and labour correspondents. The department also edits the *Board of Trade Journal* (started in 1886), giving items of commercial information, trade and tariff notices and various periodical returns. There are also branches which deal with the census of production, labour exchanges, &c.

2. *The Railway Department* was originally constituted in 1840, and performs multifarious duties under various railway acts, including the inspection of railways before they are open, inquiries into accidents, reports on proposed railways, approval of by-laws, appointment of arbitrators in disputes, as well as many duties under private railway acts. The inspection of tramways, their by-laws and “provisional orders” are all dealt with here, as are similar orders relating to gas and water schemes and to electric lighting. There is a special office of inspection of railways with a chief inspecting officer (salary £1400) and an assistant staff. Patents, designs and trade marks are now dealt with by the patent office under the charge of a controller-general (salary £1800), which is subordinate to the railway department, and copyright, art unions and industrial exhibitions are also among the matters dealt with by the department. Annual returns with regard to its business are published by the department.

3. *The Marine Department* was created a separate branch of the board of trade in 1850, about which time many new and important marine questions came under the board of trade, such, for example, as the survey of passenger steamers, the compulsory examination of masters and mates, the establishment of shipping offices for the engagement and discharge of seamen. Further work fell to the marine department by the act of 1853, which gave it the control of lighthouse funds, and to a certain extent of pilotage. The consolidating Merchant Shipping Act of 1854 and subsequent legislation so much increased the department that in 1866 it was divided into three, viz. the present marine department, which deals with ships and seamen, the harbour department and the finance department.

4. *The Harbour Department* was, as stated above, a branch of the marine department until 1866, so far as it is connected with the physical adjuncts of navigation, but various other matters have since been added, *e.g.* the charge of the foreshores belonging to the crown, formerly managed by the commissioners of woods and forests, and the protection of navigable harbours and channels, long under the control of the admiralty, provisional orders under the General Pier and Harbour Acts and under the Pilotage Acts, and the settlement of by-laws made by harbour authorities. Control over the lighthouse funds of the lighthouse authorities of the United King­dom, the registry of British ships, wreck, salvage and quarantine are all among the matters dealt with by this department, which also has charge of the standards department for weights and measures.

5. *The Finance Department* was, like the harbour department, separated in 1866 from the marine department. The accounts of all the branches of the board of trade are in its charge, including the subordinate offices. It also deals with the accounts of harbours, lighthouses and mercantile marine offices, and of the merchant seamen’s fund, and with the consuls’ accounts for disabled seamen abroad. Savings banks and seamen’s money orders are also among the accounts and payments with which it is charged, and outside these marine matters it has to prepare for parliament the life in­surance companies\* accounts and to take charge of the bankruptcy estate accounts.

6. *The Bankruptcy Department* was established under the 71st section of the Bankruptcy Act 1883. At its head is the inspector- general in bankruptcy (salary £1200). An account of the duties of the department will be found under Bankruptcy.

7. *The Fisheries Department.—*By an act of 1886 the powers of the home office over salmon and other fisheries were transferred to the board of trade, and a small department was consequently created charged with the care of those industries. But by an act of 1903 (3 Ed. VII. c. 31) the powers and duties of the board of trade under this department were transferred to the board of agriculture and fisheries.

**TRADE MARKS. A** “ trade mark ” may be defined as a symbol, consisting in general of a picture, a label or a word or words, applied or attached to the goods of a trader for the purpose of distinguishing them from the similar goods of other traders, and of identifying them as his goods, or as those of his successors, in the business in which they are produced or put forward for sale. A trade mark differs in its legal character both from a patent and from a copyright. In the case of a trade mark the property and the right to protection are in the device or symbol adopted to designate the goods to be sold, and not in the article which is manufactured and sold. The article is open to the whole world to manufacture and sell, and all that the owner of the trade mark is entitled to prevent is such use of his mark by other traders as will lead purchasers to buy, as his, goods which are not his. On the other hand, patent-right and copyright protect the substance of the article; and any unauthorized manufacture of it in the former case, or reproduction of it in the latter, while the protection lasts, is prohibited. The grounds, however, on which trade marks, patent-right and copyright obtain legal recognition, though they are to a certain extent dissimilar, have a common element. Patent-right and copy- right rest upon the view that the results of the original labour of the inventor and the author ought, as a matter alike of justice and of public policy, to be secured against piracy; while, as regards the proprietor of a trade mark, the question of originality does not arise so long as the mark is sufficiently distinctive really to identify his goods and, for purposes of registration, to satisfy the Trade Marks Acts. In truth, the registration of a trade mark is rather the recognition of a fact than the grant of a privilege (Kerly and Underhay, *Trade Marks Act,* 1905, p. 3). The law as to trade marks as well as that as to patents or copyright is based on a man’s rights to have guaranteed to him the profit derivable from his own property. “ No man,” said James (L.J.), in the case of the *Singer Manufacturing Co.* v. *Loog* (1880, 18 Ch. D., 412), “is entitled to present his goods as being the goods of another man, and no man is permitted to use any mark, sign or symbol, device or means, whereby, without making a direct false representation himself to a purchaser from him, he enables such purchaser to tell a lie or to make a false representation to somebody else who is the ultimate customer.”

I. *British Trade Marks before the Registration Acts.—*The existing law in the United Kingdom cannot be properly appre­ciated unless the subject is approached in the first instance from the historical side. English trade-mark law practically commences with the first years of the 19th century. The use of trade marks was indeed of far earlier date, for in 1742 we find Lord Hardwicke declaring that “ every particular trader had some particular mark or stamp.” But in the very case in which Lord Hardwicke made that statement *(Blanchard* v. *Hill,* 2 Atkyns, 484) he refused to protect the “ Great Mogul ” stamp on cards, being apparently under the influence of the notion that the legal recognition of trade marks would involve the creation of a new species of monopoly; and with regard to a case decided in the reign of James I. *(Southern* v. *How,* Cro. Jac. 471), in which a clothier had applied the mark of another clothier to his own inferior goods, the reports leave it doubtful whether the action was brought by the owner of the mark, or by a defrauded customer, in which latter event it would be merely an ordinary action for deceit. But although the actual law of trade marks cannot be traced farther back than the beginning of the 19th century, Lord Eldon repeatedly granted injunctions to restrain one trader from fraudulently “ passing off ” his goods as those of another, and thus laid a foundation on which the present law has been built up. The stages through which its development passed possess considerable interest, and may be described quite briefly. The first reported case—apart from the doubtful one in the time of James I. above referred to—in which the infringement of a trade mark (a label on blacking) was restrained by the court of chancery was *Day* v. *Day* (Eden on *Injunctions,* ed. 1821, p. 314) in 1816. In 1824 the common law courts, in the case of *Sykes* v. *Sykes* (3 B. & C. 541), established the right of the owner of an infringed trade mark to damages. In 1833 it was held by the court of king’s bench that it was not necessary for the plaintiff in an infringement action to prove that the defendant’s goods were inferior to his, or that he had suffered special damage by the infringement. Later this became a rule of equity as well as of law. On another point, however, the practice of the courts of common law and equity diverged for a time. It was decided by Lord Cottenham in 1838, in the leading case of *Millington* v. *Fox* (3 Mylne & Craig 338), that an injunction to restrain the infringement of a trade mark could be obtained, even although the defendant had acted without fraudulent intent. On the common law side, on the other hand, fraud was an essential ingredient in the cause of action, and