

work was ready for delivery, as it would respecting any other article; and, therefore, that the artist had no right to exhibit the painting, or make copies from it, whereby the rights of others, acquired under a contract, might be injured. The dissentient instanced a book, a piece of music, or a play, as kinds of property like paintings, which when once sold, could not be turned to subsequent profit by the producer.

It further appears that, in fact, the original draft has been all along in Mr. Sully's possession. From it, and from a lay figure, he has painted the picture held by himself, and that owned by the Society.

This is a case of some interest, in communities where artists and their rights are of consequence. The dissentient arbitrator argues that Artists themselves would be ultimately benefited by having their works subject to rules which affect literary property, yet it must seem hard, that after a happy exercise of skill and labour, a painter should, thus, get mere remuneration for the one work, and not be allowed to turn his studies of the subject, and his fortunate circumstances, to after account; but be obliged to sit silent, and see others reap ten times as much as he himself, from his labours. A book indeed is sold by an author, and he, in selling, gives up all property in that work,—but the sale necessarily includes all this,—no one would think that he purchased one copy only, when he purchased the copyright. A picture is a very different matter,—it is valuable in itself; and not as the manuscript, solely on account of the multitude of copies which can be cheaply made from it, and each one of which is of more individual value than the original draught. The multiplication of copies of the book, is a mere mechanical work,—while each picture requires the talent and labour of an artist, somewhat as the writing of the book does. The one is as a piece of elaborately carved work, desired on account of its rarity and excellence,—the other as a model by which a number of similar articles are to be easily cast. Why should they be judged, as of precisely the same character,—and why should the purchaser of the former (absolutely valuable article) claim all the rights of the proprietor of the other, the value of which consists in its relative efficiency? Deny all but fixed innate value to the buyer of the picture, and, except under express arrangements, he gets all that he has any reason to expect,—act similarly to the dealer in manuscripts, and his speculation becomes a gross mockery.

The New York Albion, on this subject, argues, in favour of the claims of the society,—that it was by their memorial solely that Mr. Sully obtained access to her Majesty,—that a person sent out from England to make a panorama of the Bay of New York, for purposes of exhibition, would have no claim beyond his payment, and that Sully's right to the picture—as regards invention, copies, or engravings from it—entirely ceased when the money was paid for which he gave particular services. But, it might be answered, that, if one party obtain an introduction for another, the introducer has not therefore a claim to all the benefits arising from that introduction,—Sully was not sent home by the society, he was about going when they commissioned him,—he was not employed to prepare a work, the exhibition of which would follow as a matter of course,—and instead of the artist's right over all the produce of his talents ceasing the moment his employers paid him, their rights might be considered satisfied the moment they received the picture for which they bargained. The question seems to turn solely on the agreement,—was he employed to paint a picture, of which the entire and absolute property, as regarded invention, copies, exhibition, and engraving, was to rest in his employers,—or was he engaged merely to furnish the society with a portrait of Queen Victoria? The facts make out the latter case. Neither the custom, nor the law, nor the reason, which rules literary works, appear to apply in this matter; for the nature of the works are different, and no express stipulations bring the one within the provisions of the other.

AERIAL TRAVELLING.—A Mr. Lauriat ascended lately from Chelsea, U. S. in a strong breeze. The Balloon came in contact with a tree, by which five of the cords that attached the car were severed. This placed the aerial voyager in a dangerous situation. He descended, the balloon dragged, two other cords were severed, and the car was left dangling by the netting only. In this state the unwieldy mass bounded to the water, and went playing its antics, sometimes skipping over the surface, at other times bounding a hundred feet in the air, making unusual varieties in the travelling line. Some vessels endeavoured to assist Mr. Lauriat, but in vain. He was thus driven eight or ten miles from land, but was ultimately relieved from his most perilous position by a boat sent from a vessel. Just as he was rescued, the balloon rolled from the netting, and soaring in the air, like an unchained eagle, was soon lost to view. Thus the aeronaut's fame and balloon have, for this time, given him the slip.

The expected arrival of a foreigner in London, is announced, who, it is said, has tamed an immense Condor, (the tip of the wings 33 feet apart) and trained it to carry, and to answer the wishes of its rider. A youth, so goes the paragraph, takes aerial excursions on the monster, moves among the clouds at will, and descends at pleasure. What, if, like Mr. Lauriat's balloon, the

condor should "run away" with its rider? Would the summit of the Andes, or the Mountains of the Moon bring him up? Supposing the truth of the account, how much of sublimity blends with such a mode of travelling! Will rail-road steam-cars ever become superseded by "Condors for hire?"

PRASEWORTHY.—The "fair ladies" of Cambridge, U. S., are arranging a "Ladies' Fair," to be held on the 17th and 18th of July, for the purpose of raising funds to be appropriated to a Lyceum Hall in that village. This seems eminently praiseworthy; the ladies thus, show their readiness, not only to lend a willing ear to the teachings of science and literature, but a willing hand in forwarding those important matters. The village was much in want of a lecture room, for purposes of literature and science, and instead of leaving the good work of procuring one, to depend altogether on the lords of creation, the ladies have made the first move. Some advocates of peculiar views argue, that the fair sex are abridged of many of the rights and privileges which should belong to them in civilized communities;—but how many rights and privileges, which would be at once conceded, are allowed to lie totally neglected and forgotten.

PHRENOLOGY.—Phrenology is made the butt of some sharp arrows, just now, in the U. States. Dr. Sewall of Washington, has published some lectures in which he makes warm attacks on the "science," so called,—and letters from some eminent individuals strongly confirm his views. [We will give extracts in the Pearl.] One correspondent of the Doctor, J. Q. Adams, says, "I thank you for furnishing me with arguments to meet the doctors who pack up the five senses in thirty-five parcels of the brain." Another says:

Phrenology must now be regarded as not only refuted by the logic of the metaphysician, but as absolutely demolished by the dissections of the anatomist. And we may indulge the hope that its mischievous influence, notwithstanding the zeal of its advocates, and the gullibility of the public, has been effectually counteracted. It would be strange, indeed, should it continue longer to be viewed by any of the intelligent and reflecting portion of mankind, in any other light than as an exploded humbug.

This is strong, and yet, we doubt not, it will be far from convincing some of the disciples of Coombe; these documents doubtless, will call forth something as energetic from the opposite side.

NEW YORK MIRROR.—This elegant periodical commenced a 17th volume, on June 29. The Mirror promises continued interest respecting original communications, and popular music,—six engravings are to accompany the volume, beside etchings on wood. The Mirror is too well known to need further description, it has been an efficient cultivator of literary taste, its price is \$5 a year, its size that of the Pearl.

NOTICE TO CORRESPONDENTS.—"Shongasson," published in last Times, has caused a brief critique, which came to hand too late for insertion in this day's Pearl. As such matters come legitimately within the sphere of the Pearl, and as the critique (judging by a very hasty perusal) appears of a temperate character, it will appear in our next.

MARRIED.

On Sunday evening, by the Rev. Archdeacon Willis, Mr. John Elford, Royal Sappers and Miners, to Miss Elizabeth Smith, of this place.

On Thursday, 3d inst. by the Rev. Archdeacon Willis, Dr. Wahab, of H. M. 37th Regt. to Miss Mary E. Hefnerman, of this town.

At Arichat, on the 4th inst. by the Rev. James A. Shaw, Mr. Benjamin Wellings, Merchant, of Shediac, N. B. to Elizabeth Maskell, fifth daughter of the late Robert Maskell, merchant, of Arichat.

DIED.

At Annapolis Royal, on Sunday the 30th June, Mrs. Mary Cutler, relict of the late Ebenezer Cutler, Esq. aged 77 years.

SHIPPING INTELLIGENCE.

ARRIVED.

Tuesday, July 9th—Brigt Reward, Forrester, Kingston, 22 days—to H. Lyle;—left barque Georgian, brig Fanny, and brig. London Packet hence; brig. Vernon, sailed 2 days previous.

Thursday, 11th—brig Scott, St. Vincent, 16 days, rum, to J. U. Ross.

Friday, 12th—schr Vernon, Cunningham, Kingston, 27 days, rum, to J. Strachan; brig. St. Patrick, Bryan, St. Johns, N. F. 9 days, dry fish to Creighton & Grassie.

CLEARED.

Wednesday, July 10th—schr T. Lowden, Allan, St. John, N. B. potatoes, by T. Mager, Meridian, Crowell, Bermuda, lumber, etc. by W. J. Starr; Am. brig. Sears, Ryder, Pictou, ballast; Am. schr Cyrus, Howard, St. John, N. F. flour, by S. Binney.

Thursday, 11th—schr Mary Ann, Vincent, Newfoundland, general cargo by J. H. Reynolds; Temperance, McPhee, Miramichi, do. by A. Fraser.

AUCTIONS.

BY JAMES COGSWELL,

At Commercial Wharf, to-morrow, Saturday at 12 o'clock

12 HIDS SUPERIOR BRANDY,
10 Qr. casks ditto
10 hds best Rotterdam GIN,
10 Qr. casks Tenerife Wine,
15 cases Sherry, 1 doz each,
10 barrels 3 doz each, Barclay's sup. Brown Stout.
20 barrels ditto Porter,
40 do Irish Mess PORK,
2 do Canada BEEF,
4 casks boiled Linseed Oil,
3 hds Putty,
Kegs black, white, yellow, and red PAINTS,
Tins green Paint, 7 lbs each,
100 boxes SOAP, 30 and 60 lbs each,
Window Glass, 7x9 to 10x14.
8 cases best Durham Mustard in lb and half to bottles,
20 kegs do 20 lbs each,
6 cases Pickles, 1 do Sauces,
50 chests TEA,
1 bale Cotton Warp,

July 12, 1839.

To be Let at Auction,

To-Morrow, Saturday, the 13th inst. at 12 o'clock, on the premises, if not previously let by private contract,

ALL that DWELLING HOUSE, SHOP, AND PREMISES, adjoining the Subscriber's Auction Room, eastwardly. The property is well calculated for a Boarding House, has large rooms and a great number of Bed Rooms. It is also well adapted for a

Grocery or a Confectionary,

Upon as extensive a scale as any in Halifax. There is a spacious front proof cellar, suitable for bottling liquor; and also a large oven, formerly used by a Confectioner. The property is in a good state of repair,—immediate possession will be given. The term proposed is one year and nine months. The premises may be viewed at any time previous to the letting, by applying to

July 12.

JAMES COGSWELL,
Auctioneer.

AT PRIVATE SALE.

THAT new and well finished Dwelling and Lot of Ground, in Argyle Street, south of the Wesleyan Chapel. The situation is very eligible. The house is contrived and finished in such a manner as to make it an uncommonly comfortable residence. Persons desirous of purchasing may inspect it on application to

June 20.

HENRY G. HILL.

NOTICE TO TEAMSTERS.

TEAMS are required for hauling from the Saw Mill on Grand Lake to Dartmouth about 250 thousand feet of Lumber, the distance is 16 miles, and the Lumber is all ready. Application to be made to

D. & E. STARR & CO.

July 11.

or to Wentworth Fleigher, at the Mills.
2w

Auctioneers and General Agents.

THE SUBSCRIBERS

BEG to make known to the Public, that they have entered into Co Partnership and intend conducting a General Auction and Commission Business, under the Firm of

PAW & TIDMARSH.

They have taken the store at the head of Clark's wharf, formerly occupied by Messrs. D. & E. Starr & Co. where any description of Business entrusted to their management, shall be strictly attended to.

GEORGE A. V. PAW.
THOMAS U. TIDMARSH.

June 14, 1839.

J. R. CLEVERDON,

WATCH MAKER,

HAVING commenced Business in the shop lately occupied by the late Mr. La Baume, begs leave to inform his friends, and the public in general, that he hopes by unremitting attention and long experience in the above business, (both in England and Halifax) to obtain a share of their patronage.

Jewelry, Watches, Clocks, etc. for sale.

May 31.

SPICES, DRUGS, &c.

RECEIVED by recent arrivals and for sale low by the Subscriber—bags of E. I. Ginger, Cloves, Pimento, Caraway Seed, black and white Pepper, cases Cinnamon, Liquorice and Indigo, barrels Raze Ginger, Nutmegs, Currants, Saleratus, Soda, blue Vitriol, Alum and Copperas, boxes Arrow Root, Lozenges, Sugar Candy, Raisins, Windsor Soap, Black Lead, Starch, and Crown Blue, Olive Oil, in small packages; kegs of Salt Petre and Mustard, with a general supply of Drugs, Chemical and Patent Medicines, Apothecaries' Glass, Trussers, Lancets, etc. (6m)

GEO. E. MORTON.

Halifax, May, 1839.

DRUGS, SEEDS, TEAS.

THE SUBSCRIBER having by the late arrivals completed his extensive SPRING SUPPLY of the above, together with Spices, Dye Stuffs, Perfumery, (Among the latter Farina's Eau de Cologne) Combs, Brushes, etc. PAINTS and OILS, etc.

The whole are offered for sale on the most reasonable terms, at his Drug Store, near the Market.

May 10

6w

JAMES F. AVERY.

SCOTT'S VENEERING, STAVE AND SIDING MILLS.

THE Subscriber having established the above Mills at Hillsborough, Bear River, Nova-Scotia, for the sole purpose of sawing Mahogany, Boards, Plank and Veneering of every description, and Staves for wet and dry Barrels, Hogsheads, ditto ditto.

Also, Siding from 5 to 18 feet long, and 4 to 10 inches wide, one edge thick the other thin.

The Machine for sawing Staves and Siding is of a different construction from any now in operation.

The Staves and Siding are much smoother than any ever sawed; the Staves will be sawed bilging, or straight and edged to suit purchasers. N. B.—The Subscriber will keep constantly on hand a good supply of wet and dry Barrels, Hogsheads, do. do.

All orders thankfully received and punctually attended to.

WILLIAM H. SCOTT.

For orders apply at the Mills at Bear River, or to Mr. Henry Blaklee, Agent, North Market Wharf, St. John, N. B. Halifax, April 5th, 1839.