

died at the head of the Dominion Type Foundry in this city.

As time went on, these privileges were jealously guarded and distributed, doubtless by favour, to powerful companies. Thus Elizabeth granted Richard Tottal a monopoly of printing law books; Byrde, music books; Marsh, school books; Flower, grammars; Vautrotier, Latin books; Day, primers; Symcocke, all things printed on one side of a sheet, provided the other side was white paper. This the Queen did in spite of the Stationers' Company. At this point Mr. Dawson pauses to tell us that the people who got these exclusive rights of making money out of the public property of popular works were not authors but printers, and that, if authors did sometimes get such privileges, their rights flowed from the authority of the Crown, precisely as to-day they flow from the authority of Parliament.

It was during these Licensing Acts, during the Rebellion, that ownership in literary property began to take shape, and the first evidence of an author's right of copy is that of "Paradise Lost." The last of the Licensing Act was in 1679, and in 1708 the first Copyright Act was passed, and not repealed till 1842. With the passage of the statute of Queen Anne, in 1708, authors and publishers, who were benefited by it, assumed that, beside their statutory, they had a Common Law right to which the statute was an adjunct. An interesting trial of this point was in the publication of Thomson's "Seasons," in 1727, the poet, or his assign, enjoying the sole right of printing for fourteen years, until 1741. After that time Thomson's assignee kept on printing, relying on his Common Law right surviving the expiration of the Statute right, when, in 1763, Taylor reprinted "The Seasons," and Millar at once sued him. The case went to the King's Bench where it was decided, by three judges against one, that copyright existed at Common Law and that the Act of Queen Anne was a cumulative remedy against infringement. This was in 1760, when the question was reopened by Donaldson, a publisher, who reprinted a book of which Becket, a rival, claimed copyright at Common Law. The Chancellor having granted an injunction, Donaldson appealed to the Lords, and that body, after a memorable debate, came to a decision upon which the law now rests and may be abridged thus:

I. That an author's right over his unpublished book exists by the Common Law.

II. That publication by the author would not invalidate his Common Law right to copy.

III. That the statute takes away the author's Common Law right *after publication*, and substitutes in place thereof a statutory right.

It was during this debate in the Upper House that Lord Camden delivered his celebrated speech against the perpetuity of literary property, and was answered by Lord Lyttleton. A good deal of copyright legislation was passed from the enactment of the Act of 8th Queen Anne, in 1708, till the date of repeal and the Act of 1842, 5th and 6th Victoria. This Act forbade the reprinting of English books in the Colonies, as also the importation of reprints from foreign countries, and the colonists were cut off from their supply of books which they got much more cheaply from the United States. Of course, there was an outcry from Upper and Lower Canada, Nova Scotia and New Brunswick, but it resulted in no relief. Indeed, the exaction of the Customs, worked in the in-

terests of the English booksellers, led to a system of petty tyranny which to-day reads like fable.

At length, the Imperial Government were persuaded to move in the sense of reform and, in the roundabout system of those days, the Colonial Secretary, Mr. Gladstone, requested the Board of Trade to remind the publishers that it was important to provide for the intellectual needs of the Colonies. In 1847, Parliament passed an Act authorising the issue of an order in Council to suspend that portion of the Act of 1842 relating to the importation of reprints from abroad whenever any Provincial Government made provision for the rights of authors by imposing a special duty for their benefit. The Canadian Government imposed a duty of 12½ per cent. which still appears in our tariff, and was satisfactory to the British Government. The order was issued, and the only part of the Act of 1842, now in force in Canada, is that which forbids reprinting.

Having brought the history of Copyright down to our time, space obliges us to put off to next week, the consideration of the second part of this important subject, the Statute Law of Canada in the premises or, in clearer words. Copyright in Canada.

POINTS.

BY ACUS.

"To point a moral and adorn a tale."

—*Johnson: Vanity of Human Wishes.*

One of the penalties of greatness in these times is to see, in all the shop windows, portraits of oneself, ranging in expression all the way from absolute imbecility to almost supernatural profundity. History mentions a most luxurious crop of popular portraits in the time of John Wilkes. Everewhere busts and portraits of him were set up by an admiring populace; but as to returning their admiration, it seems he did not. The busts and portraits of John Wilkes have been supplanted by a long and numerous line of successors. And to the eminent has to some extent been given the "giftie," to see themselves as others see them. This is hardly, in all cases, a consummation devoutly to be wished. The newspaper portraits would, I think, convince us, if nothing else did, that this is a vale of woe. Perhaps some such consideration may have influenced Mr. Ruskin. Although his life-work has been among pictures, he steadily refused, for some time, to have any pictures taken of himself. But it appears that he has at last yielded to the popular demand, and been photographed, in his garden, with a background of ferns. A fault common to many popular portraits is an attempt to flatter, which often weakens the effect of an otherwise powerful and distinguished face. Like Cromwell, one might desire, after conflict and conquest, to have not one of the seams and wrinkles left out.

Politically the New York *Herald* and the *Tribune* are, of course, at daggers drawn. But, as is not usually the case with belligerents, they will sometimes unite in pitching into a third party. And they are now standing shoulder to shoulder in maintaining a strict code of dramatic criticism. The loss to the theatrical managers will be a gain to the public. Following this, one of our own papers came out with a rather novel announcement. No complimentary tickets will be accepted by the paper in question, in order that it may not be biased in the exercise of the critical faculty. It further adds, that the insertion of any complimentary comments from other papers must be paid for as advertisements. These are good signs. Many newspaper readers, I am sure, must often have turned with dissatisfaction from the ephemerical praises often bestowed upon very inferior performances. Certainly criticism, which the object of it pays for by the em, is not criticism at all. There is too little criticism in America; perhaps that is the reason why foreigners undertake so often to do it for us. It is to be hoped that the example of these papers may be

of some influence, and that we may look forward to having our errors of judgment rectified and our taste, where correct, gratified by proper dramatic criticism.

It has been said of Mark Twain that, although he has written many books, his best book is his scrap-book. It is a very good scrap-book, enabling one to arrange his clippings with neatness and despatch. But, for my part, I prefer the envelope system, which permits, perhaps, less neatness but more despatch. Neatly endorsed and properly classified envelopes will admirably answer the purpose. But some well-meaning persons make scrap-books not so much for the sake of the clippings as for the sake of the scrap-books. What fine frenzy it is to be imprisoned in a corner by one of these persons while unfolding the dismal labyrinths of such a scrap-book. Yawns are wasted on the desert air, the book must be waded through. If one betrays a lack of interest, it is ascribed, no doubt, to want of soul. Next to the scrap-book, in dullness, is the screen made of such a conglomeration of incongruities as almost to turn one's head. Life has so many cares and responsibilities that we ought to be given a helping hand, instead of being burdened by requests to look at screens and scrap-books. It may be inferred that I have been a sufferer. Yes, but it is my turn now. I am taking my revenge now. Ha, ha!

When modern spiritualism was founded by the Fox sisters, in 1848, the superstitious, no doubt, hailed it as a new thing under the sun. Its converts, clinging to it with a tenacity born of a cherished faith, have preserved it in spite of constant "exposures." But at last, from the very hands that exalted it, it has received a blow under which it must stagger. Mrs. Martha Fox Kane, one of the founders of spiritualism, is well on in years and will, ere long, know more about spirits than it is to be presumed she ever did here. So she has made a confession, and declared that the spiritualism which she helped to found is a fraud, a delusion and a snare. And it turns out that the mysterious rappings were produced by the skillful manipulation of a big toe. Could anything be less spiritual than a big toe? Ask the young and aching lover, who is all spirituality, how he feels about it. Well, the exposure seems to be complete. We are told that the Academy of Music, New York, was crowded to its utmost capacity, and that at times the wildest excitement prevailed. Hundreds had come to see the originators of their faith destroy it at one stroke.

The stale, flat and unprofitable remarks that are usually made upon the weather have very often the additional demerit of being untrue. With the wind chilling one's marrow, and the rain spoiling one's favourite coat, the well-meaning but misguided individual is in error when he says "nice day." This is an error into which I have occasionally seen people fall. The gentleman whose collar is like a concertina and whose face is like the proverbial beet, has a good deal to bear when asked: "Is it hot enough for you?" A gentleman in this condition was asked this question once, in my presence, last summer, and I immediately rebuked the interrogator. The same question had, no doubt, been pestering the sufferer a dozen times before, and besides, it was a self-evident proposition. Probably when some people reach the bourne of brimstone, their first question will be: "Is it hot enough for you?" But it is not everyone who can talk like Mr. Burroughs, about wind and weather, so we must be patient.

THE HALF-BREED BEAUTY.—Last week a small party of Eastern gentlemen on a hunting and pleasure expedition lost their way and wandered to the Indian agency. In the company was Henry Ashburton, a wealthy young man, of Leeds, Eng. Here he made the acquaintance of the daughter of the leading chief, which ripened into love, and they were married at once. The maiden is a Half-Breed about 18 years of age. Her face is white and delicate, and in society and fashionable garments no one would ever suspect that she was of Indian parentage.