

IT WILL NOW BE EVERY CREDITOR FOR HIMSELF.

Chief Justice Sir Thomas Galt gave a judgment on Wednesday last which practically knocks the bottom out of the Ontario Act respecting assignments and preferences by insolvent persons. He decided that clause 9 of that Act, which provides that assignments shall take precedence of judgments and executions, was ultra vires. As the British North America Act says that the Dominion Government only shall have the power to deal with bankruptcy and insolvency, the Provincial Governments must not make laws taking away the priority of an execution creditor, as such would be legislation relating to bankruptcy and insolvency. In the case in which His Lordship gave decision one Neville, an Ottawa merchant, was in business difficulties. The Union Bank got an execution against him and seized his stock. Shortly afterwards he made an assignment to John Moran. Under the authority of this assignment Moran demanded possession of the stock. Under the Ontario Act he was entitled to it, but Mr. Meredith, who represented the Union Bank, took the case into court. In Chambers decision was given against him. He then took it before the Chief Justice, who decided as above. Mr. H. T. Beck, who represented the trustee Moran, as well as the Attorney-General of Ontario, will carry the case to the Court of appeal. In the meantime Sir Thomas Galt's decision stands. If a creditor now gets his execution in he retains the right to realize on the goods seized entirely for his own benefit. It will be a race between creditors as to which shall get in the first execution.

BUYING FROM STOCK.

Every trader ought to visit from time to time the wholesale house or houses with which he deals. It will pay him better than to maintain the distance which intercourse through traveling salesmen alone will always keep him at. He wants other goods as well as those he can buy from the travelers' samples. The samples to be seen on the road contain what is newest in the forthcoming season's trade, but they are no guide to the retailer in sorting up. On the other hand, because of the impossibility of despatching through the country samples of stock that is kept constantly on hand, the wholesale trade have no means of bringing that stock before the eyes of retailers, unless retailers themselves come in and look through it. The wholesale trade get pretty well through with all new goods, as they import them according to and on the strength of advance orders from the trade. They are not obliged to carry any, therefore, if there are no failures in the meantime or no orders cancelled. But it is different with other goods which are kept in stock, and in which there may often be a bargain for the retailer

if he could but see them. He ought to go to the city now and then to see if there is not in stock something that he could handle to advantage. The stock will suggest wants and satisfy them.

Retailers who buy from travelers' samples solely are likely to have a very stereotyped assortment of stock. The best way to avoid the sameness that is apt to exist between one's stock and the stock of neighboring competitors is to buy occasionally at the warehouse of one's wholesalers. Everybody will have the same new things unless this is done now and then. The way to get the best assortment for any given season is to buy part of it from stock. And it does the retailer good every time he visits the jobbing houses of the city.

A POPULAR BOOKSELLER DEAD.

The trade will regret to learn of the death since our last issue of one of the leading retail merchants in the province—Mr. Wm. Middleton, Kingston. He was stricken down after a couple of weeks' illness with typhoid fever. He was a native of Kingston and only thirty-five years of age. The *Whig* says he was educated in the public schools and began his career with John Henderson & Co. After a brief stay he was put in charge of the Napanee branch which he successfully conducted for five years, when Mr. Henderson's death called him to Kingston to take charge of the business. He was one of the brightest of business men. The latter day success of the firm of John Henderson & Co. was due to his wise management. The new store was of Mr. Middleton's conception and was undoubtedly the finest and most complete stationery store in Eastern Ontario. He has left the business financially strong and with a large and valuable trade. He was a prominent member of the Association. He also belonged to several fraternal societies and was also identified with Chalmers Church, sang in its choir, and sang well too, was the moving spirit in St. Andrew's Society, took a deep interest in politics as a Reformer, and at one time ran as alderman on the temperance ticket. In society deceased was very popular, his geniality and wit giving vent to a strong social nature drew many warmly to him.

NEW CHRISTMAS LINES.

The Art Lithographic Publishing Company has its lines of Christmas cards and novelties now ready, and they are well worthy the inspection of buyers. The card lines are much more extensive than heretofore and are just brimful of new ideas, which are put in shape in a very clever and unique manner. In this department there are *cameo*, mechanical, jewel, folding and flat cards, the merits of which are only perfectly appreciated when one makes a personal examination of the sample books. The booklets are

tastefully designed, beautifully illustrated, and should have a ready sale. We are pleased to know that Messrs. W. J. Gage & Co., with their usual enterprise, have secured the market for Canada for their lines. We direct attention to their advertisement in this number.

CANADA WILL BE SHUT OUT.

Unless definite action is taken very shortly with regard to the copyright legislation now awaiting confirmation by the English authorities, the Canadian publisher and printer will be at the mercy of the English and American publisher and printer. A case has just developed that shows how close to the wind claimants for copyright can sail, and by a mere subterfuge not only claim but receive it from the Department at Ottawa.

In sec. 5, ch. 62, 49 Vic., the condition for obtaining copyright as stated is, "The condition for obtaining copyright shall be that the said literary or artistic work shall be printed and published, or reprinted or republished in Canada." The reader will bear in mind that the work must be reprinted, not a portion of the work. This is as the law stands.

Some days ago a Canadian bookseller printed a few copies of the first chapter of a book which is copyrighted in England, but not copyrighted in the United States. Desiring to retain the Canadian market without the expense of reprinting or re-publishing the entire work which he proposed to sell, he prints a few hundred copies of the first chapter of the book, sends this down to Ottawa and copyrights it, and then imports a full stock of the English edition, making it serve the purpose of the Canadian edition, which he should have published in this country in order to have a bona fide copyright. The first chapter of the book he keeps in stock and either sells it or gives it away. In the meantime an edition of this book is printed in the United States, another Canadian bookseller is desirous of importing the same, and though he is willing to pay the 15 per cent. ad valorem and the 12½ per cent. specific duty, yet this alleged copyright bars him out and nothing short of a law suit will settle the matter. The Department apparently has no power to right the wrong and it has to be left to the courts. As a serial publication, the copyright would hold, but when the book is completed and issued the best legal advice in Canada states that the original copyright becomes void.

This was not only claimed but proved in connection with Picturesque Canada. The publishers copyrighted in Canada several of the first parts, and when the book was completed were under the impression that the copyright would hold for the entire book, but after consultation with the best counsel in Canada, it was unanimously decided that the claim for copyright would not stand.

There must be clearly some decision made at once in connection with our copyright law. The department, we think, in this case should enquire of the publisher for full information on what grounds he claims this copyright. It must be settled one way or the other, because, under the new American copyright law, aided by the Imperial Act, Canada will be shut out of the publishing field until our proposed legislation comes into force.—Telegram.