on an application made through the Company's agent in Montreal, is a Canadian policy within the meaning of the Dominion Statute 40 Vict. ch. 42, the contract is, nevertheless, a New York one, and payment of the amount covered by the policy must be demanded there before the Company can be considered in default. Nevertheless, in case of the insolvency of the company the assured would have a right to rank with Canadian policyholders on the special deposit made under said Statute.—*The Equitable Life Assurance Co. of the United States & Perrault es qual.*, (Q.B.) 26 L.C.J. 382.

2. Although the assured died in Montreal, payment under judgment of the Superior Court of New York to the administrator of the assured's estate in New York was a complete bar to any suit for the recovery of the amount of the policy in Montreal.—*Ib.*

ASSUMED NAME OF AUTHOR NOT A TRADE MARK.

For the first time we find "Mark Twain" engaged in serious business, namely, a lawsuit. He sued Belford, Clark & Co., of Chicago, to restrain them from publishing a book written by another person under the assumed name of "Mark Twain." The decision made by Judge Blodgett, in the United States Circuit Court, for the Northern District of Illinois, is given in the *Chicago Legal News*, of January 20th, and sustains a demurrer to the bill. The court, after showing that no question of infringement of copyright arises under the pleadings, remarks: "The position assumed by the complainant in this bill is, that he has the exclusive right to the use of the *nom de plume*, or trade-mark of 'Mark Twain,' assumed by him, and that defendants can be enjoined by a court of equity from using such name without the complainant's consent or license. It does not seem to me that an author or writer has or can acquire any better or higher right in a *nom de plume*, or assumed name, than he has in his Christian or baptismal name. When a person enters the field of authorship he can secure to himself the exclusive right to his writings by a copyright, under the laws of the United States. If he publishes anything of which he is the author or compiler, either under his own proper name or an assumed name, without protecting it by copyright, it becomes public property, and any person who chooses to do so has the right to republish it, and to state the name of the author in such form in the book, either upon the title page or otherwise, as to show who was the writer or author thereof. * * * The bill rests then upon the single proposition that the complainant is entitled to invoke the aid of this court to prevent the defendants from using the complainant's assumed name of 'Mark Twain' in connection with the publication of sketches and writings which complainant has heretofore published under that name, and which have not been copyrighted by him. That he could not have done this if these sketches had been published under complainant's proper name is clear from the authorities I have cited, but the complainant seems to assume that he has acquired a right to the protection of his writings under his assumed name as a trade name or trade-mark. This is the first attempt which has ever come under my notice, to protect a writer's exclusive right to literary property under the law applicable to trade-marks. Literary property is the right which the author or publisher of a literary work has to prevent its multiplication by copies or duplication, and is from its very nature an incorporeal right. William Cobbett could have no greater right to protect a literary production, which he gave to the world under the fictitious name of 'Peter Porcupine,' than that which was published under his own proper name. The invention of a *nom de plume* gives the writer no increase of rights over another who uses his own name. Trade-marks are the means by which the manufacturers of vendible merchandise designate or state to the public the quality of such goods, and the fact that they are the manufacturers of them. And one person may have several trade-marks designating different kinds of goods or different qualities of the same kind; but an author cannot, by the adoption of a *nom de plume* be allowed to defeat the well-settled rule of the common law in force in this country, that the 'publication of a literary work without copyright is a dedication to the public, after which any one may republish it.' No pseudonym, however ingenious, novel or quaint, can give an author any more rights than he would have under his own name. The policy of the law in this country has been settled too long to be now considered doubtful; that the