

An Interesting Case.

A VERY interesting case has recently been before the Court of Chancery in England. As a similar one had never been before the courts either in England or America, it had to be decided on principle, without any precedent to guide the Court in arriving at a conclusion. The facts were simple and undisputed. But quite a dispute and altercation arose as to the law applicable to the facts. It appears that a lady of wealth and beauty went to a photograph saloon in Rochester, England, and sat for a photograph; and subsequently obtained a number of pictures which she decided to send to her friends. The photographer, as customary, printed more pictures than his customer ordered. Some of these he exhibited in his show case and window as samples of his art and skill. Coming on Christmas, the enterprising photographer exhibited in his window a copy of the lady's picture and caused to be printed under it the words, "A Merry Christmas," intending probably to convey the idea that a person's photograph would be a good Xmas card to send to friends. The lady objected to having her photograph on exhibition, with the compliments of the season so prominently endorsed, and therefore consulted a London solicitor in regard to the matter. The solicitor sent his clerk to Rochester to purchase a copy of the picture, and immediately afterwards filed a Bill of Complaint in the English Court of Chancery, claiming an injunction to restrain the picture taker from exhibiting the lady's picture in his show case or window, and from selling or disposing of copies to any person whomsoever. The defendant resisted the application, and some of the most eminent Queen's Counsel in England were retained to fight out the case pro and con. Finally the case came on before Sir Ford North, one of the ablest Judges of the Court of Chancery in England. At the trial there was no dispute regarding the facts. The plaintiff—the lady—claimed that the photographer had no right, in the first instance, to print more pictures than she had ordered; that he had no right to exhibit the copies which she contended he had illegally printed; and finally, that under no circumstances could he dispose of her picture to any person without her previous order and consent. The defendant—the photographer—through his counsel, opposed the plaintiff's claim in toto, and contended that he owned the negative; that it was his absolute property with which he could do as he pleased; and that inasmuch as the photograph was admitted to be a good one, and in no sense a libel or caricature, he could in the way of his trade exhibit and, if need be, sell as many copies as he wished. The case was argued at great length, and the learned judge who presided, considering not only the novelty but importance of the case, took time to consider his decision. Subsequently Mr. Justice North delivered his judgment, sustaining the lady's claim in full, and granting a perpetual injunction restraining the photographer from printing any more pictures from the negative in his possession, from exhibiting or selling those which he had already printed, and condemning the picture man to pay all the costs of the proceedings.

The judgment of His Lordship and the reasons for his conclusions are given in full in an issue of the London Times, which came by the last English mail. The reasons occupy several columns of that paper. From the report as contained in The Times we learn that the distinguished Judge lays down the law to be that no photographer has the right to exhibit or sell a copy of a picture of a person who sat for a photograph. The language of the Judge, as reported in The Times, leaves no doubt on this point, for he says that the question, before him was whether a photographer, who has been employed by a customer to take his or her portrait, is justified in striking off copies of such photographs for his own use, and selling and disposing of them, or publicly exhibiting them by way of advertisement or otherwise, without the direct authority of such customer; and he declares that he has no hesitation in deciding that the photographer is not justified in so doing. The Judge gives his reasons for so holding on the ground that a contract exists between the person who desires the picture and the photographer. The object for which the photographer is employed and paid is to supply his customer with the required number of printed photographs. For this purpose the negative is taken by the photographer on glass, and from this negative copies can be printed in much larger numbers than are generally required by the customer. The customer who sits for the negative thus puts the power of reproducing the objects in the hands of the photographer; and Sir Ford North, in the case now referred to, expressly holds and decides that the photographer who uses the negative to produce other copies for his own use without authority abuses the power which was confidentially placed in his hands merely for the purpose of supplying the customer. He holds, further, that the bargain between the customer and photographer includes, by implication, an agreement that the prints taken from the

negative are to be appropriated to the use of the customer only. Finally, he holds that the photographer's contention was wholly untenable, and that he was entirely in the wrong; and he therefore gave judgment against him, with costs.

We refer to this case because of its novelty and importance, and because of the practice now existing among photographers of exhibiting and selling, indiscriminately, the pictures of persons who have sat for portraits. We admit that the exhibiting of pictures is not in itself a very great wrong, although according to law, as laid down by Mr. Justice North, it is not legal. But regarding the sale of photographs, a different rule should prevail. No photographer should sell or dispose of a customer's picture to any other person without the express authority of such customer. The law appears to be against such sale, and good sense as well as common etiquette is also against it. The fate of the English photographer should be a warning to others.

Notes and Clippings.

The Board of Education have authorized the use of Dr. Richardson's "Lessons on Temperance" in the public schools of this Province. We hope that the book will be carefully studied. Great part of the sin and folly of the world is due to ignorance. It is well that our children be taught what not to drink.

An Ottawa correspondent writes: "It is understood that the commons chamber will, in all likelihood, be enlarged and improved after the session. Sir Hector Langevin has been devoting considerable attention to this subject. The proposal is to remove the western corridor and extend the building further westward. An enlarged chamber is to be built, after the design of an amphitheatre, increasing the accommodation to 300 seats."

The Halifax Herald has collected the following statistics of Canadian coal sales: "In 1878, the year before a duty was imposed on foreign coal, the sales of Canadian coal were as follows: Nova Scotian mines, 633,511 tons; British Columbia mines, 171,000 tons; New Brunswick, 500 tons. In all, 804,511 tons. In 1888, the sales of Canadian coal were as follows: Nova Scotia mines, 1,585,500 tons; British Columbia, 495,241 tons; Northwest and elsewhere, 120,400 tons. In all, say, 2,200,000 tons."

That shows an increased sale of Canadian coal, in ten years, of 1,395,000 tons—or 154 per cent.

The traffic returns of the Canadian Pacific Railway from Jan. 14 to Jan. 21 were: 1889 \$189,000 1888 155,000

Increase for 1889 \$ 34,000

Above does not include earnings on South-Eastern Railway.

The traffic returns of the Grand Trunk Railway for the week ending Jan. 19 were: Passenger train earnings, \$ 96,539 \$ 92,708 Freight train earnings, 220,424 102,901

Total \$216,963 \$286,609

Increase, 1889 \$ 30,274

February Cleanings.

January 30 and 31 and February 1 are called in Brescia "I giorni della merla," (the blackbird's days). The story goes that this bird (the original color of which was white) became black, because once, for these three days, on account of the cold weather, he took refuge in a chimney.

All Christmas decorations of churches, schools and private houses should be removed previous to Candlemas Day (Feb. 2). The penalty for neglect has been told by Herrick in his lines on Candlemas Eve:—

"Down with the rosemary, and so
Down with the holly, ivy, all
Wherewith ye dress the Christmas Hall;
That so the superstitious find
None least branch there left behind;
For look how many leaves there be;
Neglected there (maid's trust to me)
So many goblins you shall see."

In Scotland, long ago, scholars used to make presents of money to their masters on Candlemas Day. St. Valentine was a priest of Rome, martyred in the third century, but he seems to have had no connection with the sentimental notions and practices to which his day in the calendar has since been given up.

Personal.

The King of Annan is dead. The Queen and Prince of Wales have sent condolences to Vienna.

Mr. John T. Hawke, editor of the Moncton Transcript, returned home from Ottawa on Friday.

Rev. E. Whitman, late of this city, is at present in Boston, and it is said may accept a tendered him by a church at Chelsea, Mass.

Mrs. James G. Blaine, jr., has signed a three years' contract with Manager Frohman. She will play the leading part in a new society drama.

We are glad to learn that Mr. A. R. Crosby, of the Medical Hall, who has been suffering from an attack of inflammation of the lungs, is convalescent.

Mrs. Hannah Burrows of Philadelphia who stabbed and killed her husband in August last while he was lying in bed, and last week pleaded guilty of the crime has been sentenced to be hanged.

Messrs. Allan Parsons, representing Hodgson, Somers & Co., Montreal, and P. J. Quinn from Manchester, Robertson & Allison, St. John, N. B., are among the guests at the Hotel Davies.

Professor D. A. Smith, of Mount Allison College, is no pessimist. He is delivering a lecture called "From the Past to the Future," in which he shows that the present generation is superior to any of its predecessors, physically, mentally and morally.

Hon. Donald Ferguson left this morning to join Mr. C. C. Gardner in a visit to the agricultural institutions of Ontario. Mr. Ferguson's visit is a private matter. But we have no doubt that the information he and his companion will gain will, in part at least, inure to the advantage of this agricultural Province.

WATER WORKS.—Dartmouth has voted \$100,000 for a system of water works.

LETTERS TO THE EDITOR.

The Proposed Philharmonic Society.

SIR,—I was very much pleased, indeed, to read your remarks, and also copies of the resolutions passed at the meeting held last Thursday, for the purpose of forming "a permanent" musical society in this city. I do not quite agree with some of the remarks of the speakers. It was stated at the meeting that I refused to have anything to do with it. This is not true. Some of the reasons I gave for not signing my name to the requisition, for the present, were: that I had quite enough of the late philharmonic, which was formed on a "firm basis" when started; that it was late in the season to start such a Society; that I was under a promise to the Y. M. C. A. and other institutions to superintend concerts the rest of the season; that about 40 ladies and gentlemen who would, in all probability, join a society, if properly started, say four months ago, would not be able to help in what I believe to be a good cause, without putting me to a serious inconvenience; that, as it was a matter of dollars and cents with me, I could not be expected to give up part of my living to make an experiment at an unreasonable time. I do not think that regular practice could be kept up any longer than the tenth day of May, at the very furthest, this season. My experience of 20 years has taught me that it is impossible, on the fine evenings of spring, after the long winter, to get the young, particularly, to attend practice. Hence, I say, this move should have been made last August, to start into work in September.

If the ministers of the different churches can be induced to hold their services on the same evening, and one evening selected for all the choir practices, such a move would be a great help towards the success of the society. At present there is only one night a week on which you can assemble a few people together.

All I can say is that I sincerely hope the move will be successful, and any influence or support that I can give, I will give heartily.

S. N. EARLE.

Still Braggwag.

SIR,—"Old Mortality," the Souris correspondent of the Patriot, writes to that paper to say that Dr. McIntyre was elected last session, and that he always sits upon his opponents at election times. We have had a great deal of blowing of late about his victory over opponents. I imagine that "Old Mortality" thinks that the Doctor is elected for life! Rather a strange infatuation this, when we remember that in 1878 Dr. McIntyre was over 800 votes behind one of his opponents, and about 700 behind the other. He got in last election by the skin of his teeth, being only about 30 votes ahead of his opponent, while Dr. Robertson led the poll. The time is not far distant when the electorate will be appealed to again. Until then let him cease bragging. What happened to him and his colleagues in 1878 should be a gentle reminder of what will happen to him again.

Yours,

CARDIGAN.

Outrageous, if True.

SIR,—A rumor is current that it is the intention of the new City Council to appoint a Board of Firewardens who will be favorable to the selection of a new City Engineer. I can hardly think that such a mad proposition could be for one moment entertained. It is a most serious thing to tamper with the efficiency of that important Department, and it would be a hard task to find a more competent official than Mr. Large. I trust there is no truth in the report.

CITIZEN.

Misses' and Boys' Felt Overshoes, only 85c. at R. K. Jos's.

J. H. MYRICK & Co. will commence cutting ice on Wright's Pond to-morrow. Parties requiring any would do well to commence hauling at once, as the season will likely be very short and the ice is now good.

CABLE NEWS.—It is reported in London that the government will recommend that parliament grant a subsidy to the International Cable Company. Sir William Armstrong, the president of the company, undertakes to lay a cable from Halifax to Bermuda, and two from England to Halifax, one direct and the other via Lisbon. The Bermuda cable will be extended to other West India islands, and will eventually be laid thence to Charleston, South Carolina. The promise is given that cables will be laid during the season, and another is contemplated by the same company between New York and Halifax direct, landing at Coney Island, and giving the United States another and independent line of telegraphic communication with Europe.

FIRE AT WOLFVILLE.—There was a big blaze at Wolfville, N. S. on Friday evening last. The fire broke out in B. G. Bishop's hardware store, destroying the shop and most of the contents. The store next door, owned by Dr. Bars, and just being occupied by A. M. Liddell as a musical instrument warehouse, was totally destroyed but the effects were all saved. C. A. Patriquin's harness shop and J. M. Shaw's barber shop and cigar store were badly damaged by fire and the effects badly damaged. The Acadian printing office and the Custom House were also badly damaged. A fearful storm of snow and sleet was raging at the time, and that with the tremendous efforts of the whole neighborhood saved this neat little village from being totally destroyed. Several men were badly hurt from falling timbers.

CLERICAL ASSOCIATION.—The services in connection with the P. E. I. Clerical Association and the Diocesan Church Society, will be held on Wednesday next at St. Peter's Church. Holy Communion will be administered at 8 a. m. Morning Prayer and Litany at 11 a. m., when the sermon will be preached by the Rev. John DeSoyres, of St. John's Church, St. John, N. B. Mr. DeSoyres has lately come from England, and is an eloquent speaker. The Rev. gentleman was the select preacher of the Hulsean Lectures before the University of Cambridge in 1886, and has held some important positions in the Old Country. Members of the Anglican Communion ought to make it their duty to hear him preach, and also to attend his lecture before the Diocesan Church Society in St. Paul's School room on Wednesday evening. The collection at St. Peter's Church and at the D. S. C. Meeting on Wednesday will be for the Diocesan Church Society.

P. E. Island Hospital.

THE P. E. Island Hospital has received the following: \$5.48 from St. John's Episcopal Church, Crapaud; \$4 from St. Elizabeth's Episcopal Church, Springfield; \$10.10 from Prince Street Methodist Church Union Prayer Meeting collections; \$21 from St. James' Presbyterian Church Union Prayer Meeting collections; \$10.50 from St. Eleanor's and Summerfield Episcopal Churches; \$16.55 from Cornwall Circuit Methodist Churches; \$14.37 from Second Methodist Church Union Prayer Meeting collections; \$2.31 from J. D. Bell, Esq., Montague, Church collection; \$9.61 from Baptist Church (city,) Union Prayer Meeting collections; \$10.80 from St. Paul's Church Union Prayer Meeting collections; \$16.75 from Zion Church Union Prayer Meeting collections; \$2.51 from Clyde River Presbyterian Church; \$2 from John Goff, Esq., Cardigan; \$10 from Presbyterian Church, Alberton. Also, the following collected by Charles Stewart, Esq., Lot 48; Albert Mutch, flour; Mrs. Albert Mutch, pair pillow slips and towels; Mrs. D. McLean, butter, meal, towel; A Friend, bottle preserves; Mrs. James Mutch, crock butter, crock preserves; Mrs. David Mutch, preserves, flour and butter; Mrs. Valentine Boyce, 1 pair towels, old linen; William Munn, flour, butter and soap; John Smallwood, meal, flour, cheese and preserves; Mrs. James Farquharson, flour, butter and towel; Mrs. Wm. Farquharson, flour; Mrs. Alex. M. Stewart, preserves, meal and soap; Miss Anna Stewart, raspberry wine; Mrs. H. McKenzie, meal, meat, butter preserves and soap; Samuel Wood, 25c.; Miss Lizzie Wood, 25c.; John McGregor, Sr., flour; John McGregor, \$1; Mrs. H. McGregor, preserves, flour, meat and soap; Robt. Boyver, \$1; Miss C. Crawford, 50c.; Mrs. D. Ferguson, flour, preserves and meat; Mrs. John Dewar, flour and meal; Mrs. James McCallum, flour, meal and soap; Mrs. Robt. Stewart, flour, meal, cheese, preserves; John Kennedy, biscuit.

NOTICE.

THE Subscriber having imported an Ice Plow, is prepared to supply all orders for ice which may be given him. The ice is cut in good blocks, and from the dam on my premises at Southport. Orders filled when required.

EDWARD KELLY, Southport.

feb4—1w pl

NOTICE.

The Last Term for the Season

—OF THE—

DANCING CLASSES

—AT—

TERPSICHOIRE HALL,

—WILL BE OPENED—

On Tuesday Next, 5th Inst.

E. BURRIS.

feb2—3y 2i

Glasgow Lead and Color Works,

MONTREAL.

THE "ELEPHANT" BRAND

—OF—

PURE WHITE LEAD

is now manufactured under the control of the original proprietors.

"ELEPHANT" Ready Mixed Paints, made up in all the choicest tints. Every packet is warranted to please. Every shade matched. Order early, as the Spring demand will be great. Only one quality made, the best.

"ELEPHANT" Patent Zinc Paint, snow-white, gives a beautiful and lasting finish.

"ELEPHANT" Water-color Paints super-sedex kalsomine for walls and ceilings.

"ELEPHANT" Colored Paints, in iron cans and kegs.

"ELEPHANT" Japan Colors, in all the newest and richest colors.

"ELEPHANT" Varnishes and Japans, superior to imported.

"ELEPHANT" Stains and Lacquers for finish and beauty.

"ELEPHANT" on the package is the only guarantee of really good paint.

The newest, most central and best equipped Paint Factory in Canada.

FERGUSON, ALEXANDER & CO.

feb2—3m eod

LECTURE.

THE REV. J. de SOYRES,

Late Hulsean Lecturer at Cambridge, and late Professor of History at Queen's College, London, will deliver a Lecture

In St. Paul's Schoolroom,

—ON—

Friday Evening, 8th instant.

Chair taken at 8 o'clock. Admission, 15c. By order,

L. C. DESBRISAY,

feb1

Vestry Clerk.

NOTICE.

THE ANNUAL GENERAL MEETING of the Diocesan Church Society will be held in St. Paul's Schoolroom on the evening of WEDNESDAY, the 6th of February, commencing at 8 o'clock.

The Rev. J. de SOYRES, Rector of St. John's Church, St. John, N. B., and late Hulsean Lecturer at Cambridge, has kindly consented to visit the Island for the occasion and deliver an Address.

The public are cordially invited to attend

By order,

jan30—dy tl dtc

PERCY POPE,

Secretary.

New Steam Laundry.

THE "CHARLOTTETOWN STEAM LAUNDRY" is now in running order, and prepared to do first-class work at low prices.

Give us a trial and we guarantee satisfaction.

Our team will respond to all orders sent in. Telephone connection.

E. D. STERNS,

jan30—dy 2w

Welsh & Owen's Building, Queen Street.

THE GOODS ARE FIRST-CLASS,

Prices Low and Variety Great,

—AT—

PERKINS & STERNS.

—[x]—

A Large Stock of Grey Cottons,

A Large Stock of White Cottons,

ENGLISH, CANADIAN AND AMERICAN PRINTS,

Canadian Shirtings and Gingham,

Black and Colored Dress Goods,

Table Linen, Towels, Towellings, Bed Tickings, Hessians, Counterpanes,

Toilet Covers, Cretannes, Sheetings, Table Napkins.

—[o]—

VERY BEST VALUE IN CARPETS AND OIL CLOTHS.

—[o]—

The above bought at the right time and place, and will be sold as we always do sell—CHEAP.

PERKINS & STERNS.

Charlottetown, Jan. 25, 1889.—ly & wky

B. S. DAVIES & CO.

—(x)—

PER CENT. 25 PER CENT.

—ON—

Overcoats, Ulsters, Reefers &

all Ready-made Clothing.

—(x)—

Our prices, without the benefit of discount, are guaranteed to be about 33 per cent. below competitors.

This 25 per cent. is given to clear out the Goods in this department, as we intend to give our whole attention to Custom Tailoring and Men's Furnishings.

Mr. Keith is at the head of our Tailoring Department, and we guarantee perfect satisfaction.

—(x)—

B. S. DAVIES & CO.,

CAMERON BLOCK.

jan5—eod&wky.

TEN DAYS!

For Ten Days we will give the Best Bargains in UNDER CLOTHING and TOP SHIRTS (with or without Collars), ever given in Charlottetown.

P. J. FORAN, Upper Queen Street,

jan9

Three Doors Above Apothecaries Hall.

SILVER!

Slaughter Sale of Silverware.

We wish to clear out our Entire Stock of SILVERWARE, and offer the whole at

20 PER CENT. DISCOUNT.

NO COMMON GOODS! Every article stamped and fully warranted. All Spoons and Forks the Celebrated ROGERS BROS., 1847, A1.

Now is the time for Bargains. Call early and get your ch. ice. Everything in the line at 20 PER CENT. DISCOUNT. All Goods marked in plain figures—CASH ONLY.

—(o)—

NORTON & FENNELL.

Jan. 11, 1889.—2aw & wky

pat jour

CHARLOTTETOWN.