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TORONTO, FEBRUARY, 1895.

MR. HOWLAND, in our leading article for the month, makes an important contribution to Canada's case on the copyright question. So soon as the public, both of England and of Canada, come to understand that the true question is, whether, under the guise of protecting the British publisher, the Imperial Parliament can constitutionally impose a tax upon Canada without its consent—in that hour the question will find immediate answer. The clear, dispassionate statement of the case by Mr. Howland will do much to satisfy all Canadians of the justness and importance of Canada's contention, and will, therefore, strengthen the hands of our representatives. The public is apathetic so long as the issue is believed to affect merely a single trade, and to not involve principle. The public will not be indifferent to the question of principle involved when the real issue is understood. To assist the general reader, we print a note of the leading events in the controversy since the passage of Lord Mahon's Act.

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RE-STATED, Canada's case is, that in refusing to sanction the Canadian Act of 1889, England is, in effect, through

the Berne Convention, taxing Canada for the benefit of certain privileged Englishmen, or aliens, and compelling the officers of a self-governing colony to enforce and collect the tax. Under no guise whatever can England constitutionally lay an impost upon Canada, or use the machinery of the Canadian Government for its collection. As pointed out by Mr. Howland, it has been merely courtesy, and a spirit of deference, which has hitherto prevented the Canadian authorities from stating the case bluntly. Many private representations have been made to our Government by friends of Canadian enterprise to take this strong ground. Now that the deferential spirit has failed in results, it is to be hoped that the claim of right will be asserted.

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HISTORICALLY, we know that copyright is only a survival of a particular form of taxation, which reached its most obnoxious form in the reigns of Elizabeth and the first James. Under the name of patents, or monopolies, this form of taxation was then resorted to for the benefit of the public exchequer, or of the sovereign personally, or of particular privileged persons. Copyright still retains all the essential characteristics of the former patent, or monopoly, and cannot possibly be divested of its character of tax.

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THE English defenders of copyright have never denied that copyright is a tax. In his speech on Talfourd's Copyright Bill in the House of Commons, Macaulay said:—

“The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The