

continued, in and out of Congress. Against the annexation of Cuba Congress is pledged; but time, which works many changes, may change all this.

The trustees of Massey Hall, in asking the city of Toronto to release them from the obligation of paying taxes on that property, were not long in finding imitators. When a private citizen makes a gift of public property for the convenience of the citizens he is certainly entitled to some consideration. The real question is whether there is in this case any contract which calls for exemption. The late Mr. Massey was too shrewd a business man to leave a privilege of this kind in an uncertain condition. The court which has passed on the claim finds no evidence to support it. Massey Hall is not conveyed to the city; the trustees are reported to threaten that if the building be not freed from taxes they will sell the property. They could probably do so, and this fact, if it be a fact, shows that there is no such dedication to the city as would entitle the property to an exemption when there is no contract by which it can be enforced. Of course an Orange Hall is not quite in the same position, but it is near enough to found some sort of a wild claim upon.

THE COPYRIGHT QUESTION.

At a meeting in Toronto of the Canadian Society of Authors newly formed, Hon. G. W. Ross presiding, resolutions were offered for consideration on the somewhat vexed question of Canadian copyright. They are in these words:

"If within a period of thirty days there is registered at the proper office of any colony in which a colonial copyright Act is in force a reprint of any book first published in Great Britain or simultaneously published in Great Britain and in the said colony, with a certificate that the authors approve of such reprint, then each and every copy of the book originally copyrighted in Great Britain shall be excluded from the markets of said colony." "Where no proceedings as aforesaid have been taken, and no such reprint registered as herein provided for, then such original copyright shall prevail, subject to the provisions of this Act."

These resolutions are not intended as the basis of legislation in Canada, but to be offered as an amendment to Lord Herschell's copyright bill introduced into the Imperial Parliament last session. The precise effect intended to be produced by the proposed amendment is not, to our comprehension, quite clear. The difficulty we feel is in the reference to colonial copyright laws. It can scarcely be intended to give vigor to such laws, which are not rehearsed, by a side-wind. Is it then intended to give effect to the amendment, notwithstanding any local laws to the contrary? That, we apprehend, would be the effect; and if so, the amendment would put an end to the hopes of those persons in Canada who have been trying to legalize the appropriation of the product of the labor of English authors on terms dictated by themselves. It is time an end were put to this scandal; and if it can be done in the way suggested, the compromise ought to stand a fair chance of acceptance in the absence of a better. If the English author sells his rights in Canada to a publisher here, he would not and could not in fairness desire also to send in the English edition, and no outside person ought to be permitted to do so. The proposed amendment would make this prohibition certain. But if he did not desire to publish a separate edition here his British copyright would avail him in Canada.

It is desirable to avoid, if possible, any conflict of legislative jurisdiction between Canada and Great Britain. The plan proposed by Mr. Ross of trying to obtain an amendment to the Imperial bill introduced by Lord Herschell, would avoid any present conflict, but would it

afford any guarantee for the future? Precisely a similar case in precedent may be quoted. Under the constitutional Act of 1791 the Canadian Legislature had authority to "vary or repeal" the provisions of that Act setting apart lands for the support of a Protestant clergy. Attempts were repeatedly made to vary or repeal this provision; on sixteen several occasions the House of Assembly passed bills for this purpose, but they were all rejected by the Legislative Council. Legislation in Canada being found impracticable the two Houses addressed the Crown, asking the intervention of the Imperial Parliament. Such intervention did take place, but the result was not satisfactory to Canada, and a desire to proceed on the authority of the constitutional Act of 1791 to secularize these clergy lands acquired great ascendancy in the public mind. But if it was found that the Imperial statute, passed at the instigation of the Canadian Parliament, blocked the way, and it was necessary to recover from the Imperial Parliament a right of legislation which had been given away. We do not know with equal certainty whether there is the same right to give away in the present case. Certainly we have not now, as we had then, express authority to repeal a part of an Imperial Act; whether the authority can be implied to override Imperial legislation which we ourselves invite must be more than doubtful. Imperial legislation would be the easiest way of dealing with the question of copyright at present, but if we once asked for and accepted such legislation, what position should we be in, supposing, as in the case of the Clergy Reserves, we found the Imperial Act did not, in practice, meet our expectations?

What are our present rights of legislation on copyright? Opinions on this subject have been expressed by able men, but we have had no judicial interpretation of the conflicting claims by the highest tribunal in the realm. What is the precise extent of our rights no man can undertake to say with certainty. There seems to be a notion that we can now invoke Imperial legislation, and if we fail to get what we ask we can fall back on our own constitutional powers of legislation. This something more than assumes a concurrent right of legislation to the extent contemplated in the proposed petition for intervention; but the matter is very far from being free from doubt, as the "fifty years of conflict," now given in recital, witness. The whole trouble has hitherto been made by persons who have no standing ground in the premises; Canadian printers who have been seeking to obtain possession of other people's property on terms dictated by themselves. The Canadian right of legislation, to whatever extent it may go, will of course be strictly preserved. But how far does it go? That is the point which it is desirable to have settled. Why not submit a case to the Privy Council for decision? If this is not done now such decision may be forced at a later date, when much mischief, difficult or impossible of repair, may have been done?

QUEBEC PROVINCE FINANCES.

Since our reference last week to the financial showing of the Province of Quebec, the Premier of that province has made his speech in the legislation in explanation of the finances. Mr. Marchand describes the task of balancing of revenue and expenditure, and doing away with the abnormal increase of Quebec's debt as a difficult, even a painful one, and he asks for the continued generous and patriotic support in the performance of it. He takes credit for having, during a single year, reduced the \$810,000 deficit of his predecessor to something under \$200,000 by economies without resorting to new loans or new taxes, and for this painstaking he is surely entitled to take credit.