

was non-existent. Lord Strathcona, in securing for Col. Hughes a place in his mounted cavalry, after all that had passed, threw oil on the waters which the Colonel had lashed into a wild rage by the fury of his breath. In doing this he showed prudence as conspicuously as he had previously shown his munificence.

The three directors of a projected railway, who, the other day, voted on a question in which the company was interested, excused themselves on the alleged ground that they had no interest in the project, were less audacious than other members, who, without excuses or compunction, vote themselves, besides valuable franchises, bonuses out of the public treasury. It is time the rules of Parliament ceased to sanction such unseemly transactions. Men who make the laws should not make laws to put money into their own pockets, by way of special privilege. There is quite as much reason why they should not do so, as that judges should not hear cases in which they personally are interested. The late Chief Justice Robinson set an example and expressed an opinion which should be a light to guide the path of every judge, for all time. As a director of the Welland Canal, when it was in the hands of a company, he had subscribed for stock which he held at the time of his appointment to the Chief Justiceship. In a letter to Mr. Merritt, in 1841, he said: "As to my own trifling amount of stock, I should always have been disposed to part with it at par from the time of my becoming judge, because every now and then something was coming up in the court in which I presided, and in which the company was more or less concerned, although the interest was too minute to be talked of. I need not tell you that we live in an ill-natured world, and I should always have been better pleased at being free, as I ought to be, of all pecuniary interest in the company. As soon as I was told of a person who would give £200 for my stock, I did not hesitate to part with it."

#### THE COPYRIGHT QUESTION.

As we hinted last week, Canada and England are not quite at one on the question of copyright. Sir Hibbert Tupper, the question being before the House, expressed the opinion that if Lord Monkswell's bill became law, Canada would be in a worse position with regard to the exercise of the right to legislate than she is now. Mr. Fisher, in whose department copyright is, did not think the passage of the bill would prejudice Canada's right; but he suggested two ways of guarding against such a possibility; either to insert a clause in the Canada copyright bill, or to protest against Lord Monkswell's bill, by an address to the Crown. New difficulties seem to spring up where least expected. The bill before the Canadian Parliament is intended to secure to a Canadian publisher, who purchases the right to print and publish an English copyright book in Canada, what he pays for; and it proposes to secure this end by excluding the British edition. But it is quite possible that the English publisher, when he made his bargain, took into account the general sale of the book throughout the world. If this were the fact, and the author parted with his right on this understanding, he would have nothing to sell to a colonial publisher; and the Canadian publisher in dealing with him would purchase something, the title of which the seller had pre-

viously parted with. There is here scarcely a question of copyright at all, but of selling a second time what had ceased to be the seller's to sell. A colonial or a foreign house might bargain for the whole output by an individual or firm of a particular article; if the seller sold part of it a second time, he would be liable to be punished for fraud. If a Canadian publisher purchased something to which the seller had no title, at the time of the purchase, could he get a Parliamentary title from Ottawa? Clearly not; for the question on the facts would be judicial, not Parliamentary. In the case supposed, it is clear the Ottawa bill would be inoperative; not on any question of the right of Canada to legislate on the subject, but on the ground that the Canadian publisher had purchased something to which the seller had no title. The fraud would vitiate the transaction.

#### GOVERNMENT BY COMMISSION.

We cannot say that we are greatly indebted to the gentlemen, whose opinions have been published by interviewers, on the question of transferring the management of municipal Fire Departments to commissioners. We seldom get reasons for the conclusions arrived at; we are simply expected to accept hastily-formed views, without the aid of investigation, as authority, the title to which is not always apparent. To whatever extent possible, the question should be considered from the point of view of experience. A point of capital importance appears to have been missed by all who have spoken on the subject; and that is that an administrative commission is not a conspicuously responsible body. In ante-responsible government days magistrates in Quarter Session used to do certain acts which now fall to municipal councils, on whom responsibility falls when the time for their re-election or rejection, as the event may be, comes round. Most of those who have spoken on the subject see all sorts of evil in this responsibility to the electors. Undoubtedly there are evils, but the good exceeds the evil, or popular government is a mistake. Who would go back to magisterial government, in Quarter Session, for local affairs?

What do the various administrative commissions which this part of Canada have seen teach? Lord Sydenham thought, and many thought with him, that Public Works should not be under a political head. The reason given for this exception from direct responsibility was that Public Works take years to construct, and that the chief engineer should not be subject to change with changing administration. This reason was sound, but it was applied to Public Works only because an engineer, Mr. Killaly, was substituted for a political head. We have discovered the true remedy since, in a departmental head for political responsibility, and engineers to do the work proper to engineers. No one pretends that it would be safe to except the Public Works Department from responsibility to Parliament. A thousand reasons, derived from past experience, tell us that it would not. Part of the Sydenham loan of \$7,500,000 was spent under commissioners. Were there no complaints? How did the experiment work? We tried a commission to manage the waterworks of Toronto; were there no whisperings of jobbery then, no scandals, nothing about how the chairman of the board was selected? We abandoned the experiment as a failure. Ontario once tried the experiment of excluding