

BOOK REVIEWS—FLOTSAM AND JETSAM.

Parliament, the Queen was advised to assent to it, and the following year it became law.

The first principle underlying the Canadian Act is that of reciprocity. It concedes to other nations the same privileges which other nations concede to Canadians. The United States demand that all who avail themselves of their law shall be citizens or residents, and they refuse international copyright to other nations. The Canadian Act, in describing the status of those who come under it, specifies:—"All persons domiciled in any part of the dominions of Great Britain, or who are citizens of any country which has an International Copyright Treaty with Great Britain," and only those who shall share in the benefits of the Act. Mark Twain did not fall under either of these categories, and the Canadian authorities were quite right in refusing his copyright. If the papers had been issued they would have been perfectly worthless at law. Those who advised the Government in drawing up the Canadian Act, knew that the word *resident* was interpreted by the United States courts in the narrowest sense—to signify a person residing in a country *animus manendi*; and they knew also that the English courts held the word in its widest possible meaning to signify the mere momentary presence of the author at the moment of publication. They crossed the word *resident* out of the draft bill and inserted the word *domiciled*, for the purpose of making the law in Canada precisely correspond to the law in the United States. In making his first application, Mr. Clemens acted under the advice of a distinguished Boston lawyer, who was not aware of the distinctness and precision of the word 'domicile' in the Civil Law. He was misled by a false induction from our Patent Act, and by a false induction from the case of *Low v. Roulledge*, which had no reference to our statute. He was misled, as all lawyers will be misled who (even if they live in Boston) presume to advise upon the laws of foreign countries. Mr. Clemens, however, could fall back upon the Imperial Act, by virtue of which he now holds his book. We are then face to face with a startling anomaly—the Copyright which our Parliament refuses, the English Parliament grants, and the book which cannot be printed in Canada without the author's consent, can be imported from abroad.* In many respects Mr. Clemens is entitled to sympathy; for the Toronto people were very aggressive, even advertising in the United States papers to supply their cheap editions by post on receipt of the twenty or thirty cents of price. But then the Americans have the remedy in their own hands. The moment an International Treaty is made they will come under our Statute by its very terms. They cannot hoodwink the Canadians as they do the English people, and I am sure they will never get from

the Canadian Parliament anything but reciprocal rights. . . . It might be asked, where is the need of a Canadian Act if the Imperial Act is in force in Canada? It is needed because the English Act is drawn solely in the interests of British publishers. If a Canadian author publish his book first in Canada he loses Imperial copyright. Consequently our Act was passed to confer local copyright, conditioned on local publication; and, moreover, it is only under our local law that importation can be prevented. Consequently, if a Canadian author takes the option of publishing under the English Act alone, his book may be set up say at Rouse's Point, and imported on payment of a duty of 12½ per cent. additional to the regular 15 per cent. on all books."

CHAPTERS ON THE LAW RELATING TO THE COLONIES, with a topical index of the cases, decided in the Privy Council on appeal from the colonies. By James Tarring, of the Inner Temple, barrister-at-law. London: Stevens & Haynes, Bell Yard, Temple Bar, 1882.

One might have thought that the elaborate works of Mr. Alpheus Todd had given all necessary information on questions of colonial law and the relations of the colonies to the parent state, but though much that is said in the book before us has been better and more fully set out by Mr. Todd, there are several matters of much practical interest to lawyers to be found in it. We refer especially to the collection of cases which are referred to firstly in the chapters which compose the body of the work and again in the Topical Index which is a compendious guide to the volumes of the Privy Council reports so far as they are concerned with the various dependencies of the British crown. Additional elements of usefulness are a chapter containing the Imperial Statutes relating to the colonies, table of cases, topics of English law dealt with in these cases, etc.

FLOTSAM AND JETSAM.

The following is a verbatim extract from a report of a wife-beating case in one of the London police courts the other day:—"John Smith, witness for prosecution, is under examination, "Now, what do you know of the matter, Mr. Smith?" "I know everything. I seed Brown beat his wife." "How did he beat her?" was the text of the question put by the magistrate. "How did he beat her?" exclaimed the witness with a look of scorn, "How would you beat your wife?" This to the worthy magistrate, who desired the witness to answer the question. "Well," at length said the witness. "Brown uses his boots, as I never do. I only uses my fists. I have often told him those here boots would get him into trouble." The worthy Smith was immediately turned out of the court by order of the magistrate.

* This has, in fact, been since done. Debarred by the Act of 1842 from printing this book in Canada, the work was printed out of the country, and the sheets worked off there, were then imported into Canada on payment of the 12½ per cent. duty previously referred to.