

**CANADIAN COPYRIGHT IN ITS CONSTITUTIONAL AND
INTERNATIONAL ASPECTS.****I. THE SUBJECT OF THIS ENQUIRY.**

Many years have elapsed since Lord Camden's eloquent argument in which he declared, with respect to copyright, that "Glory is the reward of science and those who deserve it scorn all meaner views." Since that time something more material than glory has fallen to the lot of the literati, and one of the great objects of the Canadian people is to secure the recognition of their right to the emoluments consequent upon their efforts in the wide field of literature. But far transcending in importance the mere financial aspect is the great principle involved in the determination of the enquiry whether the Canadian people have in fact accepted a constitution different from that which they were led to believe, and did believe, they were receiving. In this enquiry several other questions of prime importance suggest themselves for consideration, notably that indicated by the late Sir John S. D. Thompson, whether the colonies are to be preserved only for the benefit of the producers in the British Isles, and whether the inhabitants of those colonies have no rights of self-government or otherwise which are inconsistent with the interests of British producers (a).

The chief feature, however, to be dealt with here is one that should be approached with judicial poise, untinged by the Zeitgeist, which demands that Canada be allotted her place among the nations of the earth without further parley, as a "daughter in her mother's house," it may be, but in the full determination to be "mistress in her own." It is difficult to sever the legal from the national view, but, in so far as the severance can be made, the point for consideration, shortly stated, is, "Has Canada the right to pass copyright legislation for Canada irrespective of Imperial enactments upon the same subject?"

The correspondence between the Home Government and the Governor-General for Canada developed two phases of that question, viz.:

What was the effect of the British North America Act

1. Upon the powers of the Canadian Parliament with respect to existing imperial legislation in force in Canada; and

(a) See Hodgins' *Dom. and Prov. Legislation, 1867-1895* (1896), at p. 1299.