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CANADA'S CASE RE COPYRIGHT.

WE print in this issue the balance of Mr. Howland's article on the Constitutional Rights of Canada in support of Canada's right to legislate upon copyright untrammelled by the Berne Convention. It is only a fine feeling of deference to Imperial authority which has prevented our Government from claiming as a matter of right what has hitherto been sought as a necessary concession to our local needs. As we have already pointed out, the English claim involves an attempt to reimpose upon Canada in respect of copyright and the numerous interests swept into that term by the Berne Convention, such a monopoly or exclusive privilege as was characteristic of the old colonial system of England and France, but which has by England been long since abandoned in respect of all other commodities than books.

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IT is not the policy of any Canadian legislature to reproduce here the social conditions of European countries, with their dangerous antagonisms of classes and masses, of vast wealth and profound destitution, of privileged intellect and brute ignorance. England and the other European countries that framed the convention for their own convenience took no account of any other continent than Europe. Therefore the convention had in view conditions of society happily very different from those in Canada. In those countries of Europe the population is dense. In London, or Paris, or Berlin, he that would read may, and generally does, borrow from a book club or library. In Canada, owing to the great dispersion of the people, he that would read must buy. In European countries, the reading classes form but a small fraction of the whole population; in the English-speaking provinces of Canada, the reading class means the whole population.

It is the duty of the Parliament of Canada to see that under color of any international convention, our social and economic conditions are not prejudicially interfered with.

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THE Judicial Committee of the Privy Council has laid it down in various cases that franchises created by Imperial acts, must, when attempted to be exercised in Canada, be exercised in subordination to our domestic law. Parsons v. Queen Insurance Co. (7 App. Ca. 96), and the Bank of Toronto v. Lambe (15 App. Cas. 575), are types of these decisions. The largest and most important interests created by Imperial charter have been held to be within the rule. Why should the solitary interest of copyright be without the rule? To explain this anomaly it is suggested that copyright represents an interest of a higher