

Lord Salisbury would suggest that the Board of Trade, the Incorporated Society of Authors, and the Copyright Association should be consulted before any decision is come to as to the course to be pursued; and his Lordship would be glad to be placed in possession of any observations which may be made on the subject by the Board of Trade or by the societies in question.

In view of the importance of the subject in regard to international copyright, his Lordship would be glad that no final decision should be taken without the concurrence of this Office.

No. 15.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, September 17, 1890.

With reference to your letter of the 1st instant,* and to previous correspondence respecting copyright in Canada, I am directed by Lord Knutsford to transmit to you, for communication to the Marquess of Salisbury, a copy of a letter† from the Board of Trade, and to state that the Copyright Association and the Incorporated Society of Authors have been invited to express their opinions on the subject.

I am to observe that the report of the Royal Commission on Copyright of 1878 and the unanimous recommendation of the Commissioners (p. xxxiii. of C.—2036, 1878), in favour of the introduction of a licensing system in the Colonies appear to have been overlooked. It is true that Mr. Daldy, one of the Commissioners, now takes a different view to that which he then apparently entertained, but Lord Knutsford sees no reason to withdraw his concurrence in that part of the Report which relates to Colonial copyright. The licensing system was recommended as a means of securing a supply of English literature at cheap prices for Colonial readers, and the International Copyright Act of 1886, although it removed one grievance, caused by the Copyright Act of 1842 (5 & 6 Vict. c. 45), by giving to a person who publishes a book in a colony the same privileges that he would have been entitled to by publication in this country, does not affect the question of supply of English works in the Colonies.

It was with a view to enabling the Colonies to obtain a cheap supply of such literature that the Imperial Act of 1842 was amended by that of 1847, as complaints of the operation of the former Act, the justice and force of which were admitted (*vide* paragraph 187 of the Copyright Commissioners' Report) were pressed upon Her Majesty's Government. The latter Act has, however, been confessedly a failure, and the question to be considered seems to be whether Imperial legislation should be resorted to to enable the Canadians to adopt a system recommended by the Royal Commission.

No doubt the condition attached by the Royal Commission to that recommendation, that a license should only be granted after a reasonable time after publication in England, is very important, and this point was pressed upon the Canadian Government in Lord Knutsford's Despatch of the 25th of March last.‡ But this is a matter for subsequent settlement, and does not interfere with the main principle; and Sir J. Thompson in his letter of the 14th of July last,§ remarks, with especial reference to this point, that "any details which are felt to be unfair or inadequate, in view of all the interests involved, will, I am sure, be reconsidered by the Parliament of Canada."

You will observe that the letter from the Board of Trade now communicated to you does not refer to the report of the Royal Commission.

I am, &c.

ROBERT G. W. HERBERT.

* No. 14.

† No. 12.

‡ No. 61.

§ No. 91.