

His lordship was of opinion that it might be feasible to get parliament to pass an act authorizing the royal assent to be given to such a statute as the Canadian Act of 1889, permitting licenses to be issued for reprints of British copyrighted works.

His lordship intimated that, as regards this course, he would require that his hands should be strengthened as much as possible by the Canadian government.

His lordship was pleased with my suggestion that I should state in writing, and at large, the views which I had urged upon him as to the merits of the Canadian statute of 1889, it not being considered necessary that I should add anything on the constitutional points presented in my reports and interviews. Hence my letter to Lord Knutsford of the 14th July, 1890, which your lordship, I believe, has seen, and of which council approved before my return to Canada, by order in council of 7th August, 1890.

My report of the 3rd August, 1889, and my letter of the 14th July, 1890, give all the facts and arguments which I feel able to present to your excellency now.

In this connection, however, I beg to call your excellency's attention to the despatch recently received from the colonial office, transmitting to your lordship a letter from Mr. W. Oliver Hodges, Honorary Secretary to the Copyright Committee of the Society of Authors, dated 3rd November, 1890. That letter indicates, I think, that the Society of Authors had received an intimation from Lord Knutsford that he would favour the ratification of the Canadian Act of 1889. The society, therefore, tenders two or three suggestions as to an improvement of the act, but does not renew its request for disallowance nor does it now attack the principle of the act.

As an illustration of the unreasonableness of the English copyright acts, in their operation as to Canada, in enabling American authors to get copyright all over the empire (which British subjects cannot get in the United States), I beg to submit an extract from the *London Law Journal* of the 29th November last:—

“An American or other alien author can obtain British copyright in a work by first publishing it in the British dominions; but is it also necessary that the alien author should at the time of publication be resident in those dominions? This was a question left undecided by the house of lords in the celebrated case of *Routledge v. Low*, 37 Law J. Rep. Chanc. 454, in which Lord Cranworth and Lord Chelmsford, following *Jeffryes v. Boosey*, 24 Law J. Rep. Exch. 81, held that such residence was necessary, and Lord Westbury and Lord Cairns held that it was not. Looking to the preamble of the Copyright Act, 1842, and the terms of the Naturalisation Act, 1870, by which property, with certain exceptions of which property in copyright is not one, may be held by aliens in the same manner as by natural born British subjects, we have no reasonable doubt that the view of Lord Westbury and Lord Cairns is the correct one. But it is expedient that all doubt should be removed upon so important a point; and we understand, with no small satisfaction, that the new Copyright Bill drawn up the Society of Authors, and shortly to be introduced by Lord Monkswell in the house of lords, contains a few short words which will give to alien authors a title to copyright without qualifications, and relieve the American *litterateur* from many a trip to Canada at present undertaken in order to ensure an indisputable legal position in the matter.”

It is rather disappointing to find that such a publication (instead of presenting the unreasonableness of the American author, by a sham residence in Canada, closing the press of Canada and obliging her to collect a customs duty in his favour when we import his work), seems to consider it a hardship that the American author should be obliged to be put to the inconvenience of making a trip to Canada.

I may refer your excellency also to a recent statement of the views of the Society of Authors, as expressed in a recent number of the *Author*, from which quotations are made in the *Canadian Gazette* of 27th November. I hope to have the article itself in a day or two.

The argument on behalf of Canada is further aided by the bill which has been recently introduced into the congress of the United States. It will be seen that now, as well as on all former occasions, as I pointed out in my letter to Lord Knutsford, the only copyright measure projected in the United States is one which contains the condition of reprinting as ours does. There can, therefore, be now no reason to await the