

Enclosure in No. 5.

Aldine House, Belvedere, Kent,

February 20, 1890.

DEAR SIR JOHN,

I HAVE delayed writing to you till I could assure myself that the Copyright Act passed last year by the Canadian Legislature was *ultra vires*, and therefore could not obtain the Royal Assent without Imperial legislation. From the eminent opinions I have privately obtained, I am now quite satisfied on the point, and I write under the impression that the Law Officers of the Crown will not differ from that view.

The question, therefore, will arise of the course you wish to take respecting your Copyright Act of 1889; and, in view of it not being necessary for you to legislate on account of your having joined the Berne Convention, I ask you, amongst other courses, to consider fully that of letting the subject drop altogether; or, at least for the present, because the legislation and other consideration of Copyright Law now taking place in the United States may considerably modify, if not entirely obviate, the necessity for your dealing with it by legislation at all. I do not know what value attaches to the statement, but I am justified in telling you that the American Copyright League have learned that the most prominent Minister in the United States Government has under consideration the making of a special treaty with Great Britain, after the Bill sanctioning the principle of protection for the property of foreign authors has become an Act.

Should you decide on this course, you have still to consider what steps you will take for the better collection of the author's royalty, under the Act of August 10, 1850.

I think I drew your attention to the fact that out of 20 Colonies, which have passed similar Acts, 17 have made due provision for stamping each imported copy as it passes through the Custom House, and every unstamped copy is liable to seizure and forfeiture. This prevents smuggling, especially if you authorise any person to seize unstamped copies and to retain them as their own on payment of the duty and getting them stamped, for you thereby secure the aid of the booksellers who have honestly paid the duty, because they are naturally anxious to prevent others under-selling them.

The trouble this would impose on the Custom House officers is more apparent than real, for, when several copies are imported in sheets, as only the title-page has to be stamped the stamping will not take long, and in the case of bound-up volumes, those in paper covers can be stamped on the outside, and those in cloth or other binding on the title-page. If you shrink from the expense you can easily make the duty 15 per cent. and retain 2½ per cent. for Customs expenses.

To assist the Custom House officers I would suggest that an alphabetical register be printed of all books liable to duty to date, and that you print annually, for Customs use, an alphabetical supplement; and once in five or seven years you could bring out a new edition of the catalogue incorporating these supplements.

For this register you have the materials in the Customs notices you have received from time to time, and need only arrange the books in alphabetical order.

Our Commissioners of Customs have very kindly agreed to accept entry of a work as soon as it is in the press, to enable them to give you notice for your Customs by the time it is published.

An important advantage of stamping imported copies will be the encouragement of reprinting English copyright works in Canada, because the imported copies will be weighted with 15 per cent. author's royalty, and 15 per cent. Customs duty, together 30 per cent., in favour of those publishers who like to bring out Canadian editions of suitable works by arrangements with their authors; and, if, even now, Messrs. Lovell and Son, of Montreal, Mr. Bryce, of Toronto, and others produce authors' editions of several copyright works, with such a stimulus they would produce many more.

The Governor in Council has not hitherto sent with his remittances under this Act the name of the work on which the duty is paid, and as a consequence it is often very difficult to assign them to the right author, as the publisher to whom it is sent is not told the name of the author to which it belongs. This might be remedied by adopting a form somewhat like the enclosed—I make it as short and simple as possible:—

Name of Book.	English Publisher.	Amount.
"Cleopatra" - - - -	Longmans & Co. - - - -	£ s. d. 0 0 0