

Herschell (which have in times past been sent to your Lordship). They consider these opinions sound and trustworthy, and they are strengthened in that view by the recent opinion of the Law Officers of the Crown, referred to in the second paragraph of your Lordship's Despatch of March 25th, 1890.

I venture now to make some references to Sir John Thompson's Memorandum on Copyright, dated July 14, 1890. My references are to the printed copy which I herewith enclose.

On page 7 I am said to be "hostile to any measure by which the right of any colony to self-government on this subject may be asserted or conceded." I certainly think that on such a subject as copyright, the author's rights, both by common law and by statute, should remain in their essential features uniform throughout the whole British dominions. They are so in every other country, and for very good reasons. It has been felt that the principle of protecting an un-earmarked property is peculiar, but thoroughly consonant with the due necessity for protecting the fruit of a man's brain; that grievous wrongs have resulted from the non-recognition of this principle, and that separate and multiplied legislation in each Colony would irrevocably undermine those common rights which are recognised in every civilised country. Especially do I feel that it is unwise to break that uniformity in such a case as the present, in which the whole of the British dominions are treated by the Imperial Parliament exactly alike.

If any new principle required discussing and incorporating in our copyright legislation, I would suggest that a Commission, including some representatives of the Colonies, should meet to consider it, but no principle of copyright is involved, but only that local printers should, under certain circumstances, have a right conferred on them by Act of Parliament to print and publish an author's works without his consent; and on terms dictated therein. I regard this as an unwarrantable and un-called for interference with the right of freedom of contract. Nothing is to be gained by it, but, as I have said before, the problematical advantage of the printer and publisher, who will not take the trouble to buy and sell in the open market, as every other trader does.

I need not refer to what has taken place in correspondence with Canada (*see* page 8), beyond repeating that the Act 10 & 11 Vict. satisfied, and I have reason to believe still satisfies, Canadian readers, and was a fulfilment of the promises made by the Imperial Government to Canada, but I must add that the printer's grievances have to a great extent arisen from the neglect of Canada in carrying it out.

I do not underrate the difficulty of the Canadian frontier, but as I pointed out to Sir John Thompson in the letter to which he refers on page 7, if the Canadians adopt the plan used in most of the other Colonies they can easily overcome them and do more justice to British authors, who look askance at Canadian legislation when they find its government so continuously neglecting an Act it has already passed, and they naturally shrink from placing themselves at the mercy of further similar legislation. Notwithstanding the surrounding difficulties Canada could by reasonable exertion have made arrangements to prevent the pecuniary injuries inflicted by studious neglect of their own agreement. Nearly all the Colonies to which the Act is applied stamp each imported book, and if Canada did so, and rendered each unstamped copy liable to seizure by any person when exposed or offered for sale, and would give that person the book seized on his getting it stamped, the result would be a more honourable carrying out of the Act, and the Canadian publisher who wished to issue an edition by arrangement with the author would have more encouragement to do so. Sir John Thompson writes (on page 16) as if we legislated for the United States, and complains that United States editions are introduced into Canada; but we cannot control the municipal legislation of the United States, and it was at the express request of Canada that the Act admitting United States editions under certain conditions was passed.

As to the American publisher outbidding the Canadian publisher (*see* page 18), it must be borne in mind that this arises from the difference in population. Canada has less than 3,000,000 of English-speaking inhabitants (not 5,000,000, as Sir John Thompson says), and the United States 40,000,000 to 50,000,000. Yet, if the Canadian publisher exerted himself as the American publisher does, he could, and Messrs. Lovell & Co. and Mr. Bryce do, often issue a Canadian edition for the author, and exclude thereby the United States edition. He need not go to Parliament for powers to do this.

I do not think I need answer Sir John Thompson in further detail, because nearly all the Canadian complaints arise from their not carrying out the Act of 1847 (10 & 11 Vict. c. 95). If they now suffer from this cause, at least I think we may call on them to carry it out fully, and ascertain the result before asking the Imperial Government to help them in disintegrating the law as it now stands.