

such terms as were offered, but that such acceptance did not in any way involve a recognition of the justice of those terms, and it would be most unfortunate if this exceptional case were to be drawn into a precedent. If it were it might become necessary for a work to be reprinted and published separately in every British Colony. The Society will no doubt itself consider the memorandum and would have no difficulty in drawing up a full reply if thought advisable, but I cannot see that the arguments contained in it were such as to require a detailed reply. All that it seems to me to be necessary for the Society to do at present is to submit to the Home Government that Sir John Thompson's memorandum affords no answer whatever to the reasons given in the report of the Departmental Committee against the passing of an Act to confirm the Canadian Act, pointing out that the demand for legislation appears to come solely from the Canadian printer and publisher, and that it would be most unfair that their industries should be fostered and protected at the expense of the rights of authors as established by Imperial Legislation and the Berne Convention. A protest should also be added against the case of the United States being turned into a precedent for Imperial or Colonial Legislation. The result of the system of protection insisted on there is no doubt unfortunate for the Canadian printers and publishers, but that is not, or ought not to be, a reason for extending it to Canada or elsewhere; the endeavour should rather be to induce the United States to abandon its present policy.

There is no sign in the memorandum that Canada would be prepared to accept any such licensing system as that suggested in paragraphs 55 and 56 of the Departmental Report, and it therefore does not seem necessary to deal with it at present. The objections to it would appear to be the difficulty in fixing the amount of the royalty and in securing its collection when fixed, but if it would solve the present difficulty it might be worth acceptance.

If the memorandum is dealt with shortly, as I have suggested, the Society should, of course, intimate that if there are any particular points on which further information is desired or which are thought to require a further answer it would be glad of an opportunity of considering them.

With regard to the proposed repeal of the *ad valorem* duty in foreign reprints it appears that the Colonial Office has already pointed out that such repeal would, or might, be invalid, as repugnant to the order made under the Foreign Reprints Act on the faith of such duty being imposed. The Society should, I think, consider whether there is any objection to that order, so far as it affects Canada, being repealed, if Canadian Government should insist on doing away with the duty. So far as I can see there is none. The only person who would have any reason to complain would be the Canadian reader, for whose especial benefit the Foreign Reprints Act was passed. I ought, perhaps, to point out that it is not at all clear that the repeal of the *ad valorem* duty would be invalid. Under the Foreign Reprints Act the Order in Council only authorises the admission of reprints so long as the Colonial Act affording protection to British authors is in force, from which it would seem that the Colony is at liberty to repeal the protection if it is prepared to give up the benefit of the Order in Council. I think it would be as well for the Society to endeavour to find out what is the object of the Canadian Legislature in repealing a duty they do not appear to have ever collected, except in very few cases, and in thereby depriving Canadian readers of the benefit of an Act supposed to have been passed for their special advantage.

J. ROLT.

4, New Square,
Lincoln's Inn, W.C.
18.6.94.

No. 70.

COLONIAL OFFICE to the SOCIETY OF AUTHORS.

SIR,

Downing Street, June 26, 1894.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 19th instant* enclosing copy of counsel's opinion on the Canadian Copyright Question.

His Lordship desires me to convey to you his thanks for this communication.

I have, &c.

JOHN BRAMSTON.