

communications that have been addressed to them before a Copyright Committee which has been formed by all the representative classes of copyright holders in the United Kingdom to watch the question of Canadian Copyright. As his Lordship's papers were sent to the Society, and to the Society alone, I do not feel entitled to take any steps without referring to his Lordship in the matter.

An early answer will oblige.

I am, &c.

G. HERBERT THRING.

No. 69.

THE SOCIETY OF AUTHORS to COLONIAL OFFICE.

(Received June 20, 1894.)

[Answered by No. 70.]

4, Portugal Street, Lincoln's Inn Fields, W.C.,

DEAR SIR,

June 19, 1894.

WITH reference to your letter to the Society of Authors of the 9th June,* containing a copy of the report of Sir J. Thompson dealing with the report of the Departmental Committee, I beg to inform you that the Society have placed all the papers before counsel to advise the Society on the action to be taken. Herewith I forward you the copy of counsel's opinion which has been taken by the Society, in accordance with the instructions of the Committee. The Committee instruct me to say that until and pending the opinion of the Joint Committee which has been formed and which will meet on the 25th of this month they do not think they can add anything further to the opinion put forward by counsel on the matter.

I beg to thank his Lordship the Marquess of Ripon and yourself for the kindness you have shown the Society in the matter in forwarding them papers.

I am, &c.

G. HERBERT THRING.

Enclosure in No. 69.

COUNSEL'S OPINION.

The new documents before me consist of (1) a copy of a memorandum by Sir John Thompson dealing with the report of the Departmental Committee on Canadian Copyright; and (2) a clause in the Canadian Tariff Bill which proposes, after 27th March 1895, to remove the *ad valorem* duty payable on foreign reprints payable under the Canadian Act of 1868.

Sir John Thompson's memorandum does not deal with the details of the Canadian Act of 1889, but is an attempt to answer some of the objections to the principle of that Bill set forth in the Departmental Committee's Report, and to show that the Canadian Legislature ought to be allowed to repeal the Copyright Act of 1842 so far as regards Canada, and to deprive the British author of his rights in order to foster the Canadian printing and publishing interests.

It does not appear to me that I can usefully follow all the arguments contained in the memorandum on the above question or that it is within the scope of my instructions to do so. They are all based on the fallacy that the Canadian publishers and printers have some inherent right to have the profit of publishing and printing the works of British authors, and that if the latter do not find it necessary or convenient to publish or print in Canada the Canadian Legislature has a right to make them do so, and that to deny them this right is to deprive them of the benefit of self-government. Such arguments (even when supported apparently by a threat of separation in case they are not yielded to (see p. 12, bottom)) do not appear to require to be answered at length. One argument which does perhaps require special notice is that drawn from the example of the United States. With regard to this it is to be observed that in the case of the United States the British author had, under the circumstances, to accept

* No. 67.