

Britain are the same. This was a mistake, but it would seem to be hardly more than a detail of departmental management to have it rectified at once. Meanwhile I am much mistaken if "An Unfortunate Colonial" could not, by following the enactments of the British and American Statutes, have obtained all the rights which he complains that he is deprived of.

The Canadian Act of 1889 is indefensible. It requires an author to print and publish his work in Canada within one month of publication elsewhere, and in default his book is given to Canadian publishers on their own terms; which means practically that they can take it for nothing. (The proposed royalty is hardly worthy of consideration.) It may be answered that the American Act has a similar provision, but there is an immense difference between Canada and the States. It is not, of course, more justifiable for Americans to insist on books being set up by their own printers at the expense of the author, than for Canadians to do so, but owing to the large population across the boundary, the requirement there is not a harsh one. On the other hand, very few books could stand the expense of printing a special edition for the reading portion of 5,000,000 people, particularly when editions had already been printed in London, and in Boston or New York, from which all demands of the Canadian market could be easily supplied. There is another great objection to the Act. It would be almost impossible to exclude from the United States the cheap pirated editions sent out by the Canadian publishers, and this would seriously injure, perhaps irretrievably damage the sale of the authorized edition published by arrangement with the author. The Act is designed solely to enrich Canadian printers and publishers at the expense of British and American authors, while, if it should become law it might deprive Canadian authors of their rights in the United States. This is unjust, for copyright statutes exist for the benefit, not of publishers and printers, nor even primarily of the public, but only for the protection of authors.

A. WHEELER.

Winnipeg, 28th Feb., 1895.

[The writers of both of the above letters have taken up an untenable position in assuming that the *raison d'être* of a copyright law is the protection of authors; it is really the benefit of the public. Copyright is of comparatively modern enactment, and prior to its enactment no author had any protection in law. Spenser's "Fairie Queene," Shakespeare's plays and Milton's "Paradise Lost" might have been pirated with impunity, and, indeed, some of Shakespeare's plays were so. Mr. Wheeler puts his finger on the weak spot of the opposition to the Canadian Copyright Act of 1889 when he points out that "it would be almost impossible to exclude from the United States the cheap pirated editions sent out by the Canadian publishers." The British author can avoid this under the Act by publishing in Canada, and the people of Canada should not be called on to grant him any more protection than this privilege affords him. On the constitutional question Mr. Wheeler classes the British Copyright Act with the "Merchant Shipping Act of 1854," though they are not at all analogous; he would find a much closer parallel between Copyright and patent right in their nature, but he would find also that while the Canadian Parliament has absolute control of patent right it is alleged not to have such control of copyright, though the subjects are mentioned together with a list of those assigned to the Dominion Parliament by the British North American Act.—EDITOR THE WEEK.]

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Canada and Newfoundland.

SOME THOUGHTS ON THE SUBJECT SUGGESTED BY READING KINGSFORD'S HISTORY OF CANADA.—VOL. 7.*

INSTEAD of reviewing this volume at present, I propose simply to take a text from it bearing upon the important present-day question of the French claims to part of the Newfoundland shore. Dr. Kingsford states the facts clearly and so concisely that one wishes that he could have seen his way to similar treatment of other questions that are dead, as well as comparatively insignificant. This wish is expressed apologetically, because I have no desire to be included among the critics to whom he refers in his preface. "In some instances," he says, "remarks have been made upon the number of these volumes, as if it were a matter of wonder that Canada had any history at all. Such a criticism presupposes the idea that the received exemplar of what chronicle we possess should be contained in a small volume of a few pages, in which dates should figure as prominently as events; the

latter being related almost as briefly as they would appear in the summary of an almanac." It is not necessary, in order to escape from Scylla, to plunge into Charybdis. There is a way between the two. Let it be added, however, in justice to Dr. Kingsford, that it is a good thing that we should have at least one history of Canada, written in English, in which all the facts that affected our development are recorded; not only those which were internal but those also which were linked with the contemporaneous history of Great Britain, the United States and France. Such a work will be of practical use when more sparkling volumes, written for a generation in which "he who reads must run," have been consigned to the tomb of the Capulets.

No one should attempt to discuss the union of Newfoundland with Canada, or France's attitude in pressing her claims to part of the coast of the ancient colony, without keeping the irreducible facts of the case before his mind. It will help us little to talk of the folly of Britain in making certain concessions to France, in connection with the Treaty of Versailles. Treaties are dictated by one power to another, only when the latter is so completely humbled that she can no longer strike back. Then the only law is the moderation of the conqueror, and even should he gorge himself to the full he may feel, at a later day, as Warren Hastings did when at the bar of Parliament, astonished at his own moderation. Prostration, however, was not the position of France at the time. Rodney had indeed defeated her West India fleet, and Eliot had triumphed gloriously at Gibraltar. But Britain was more exhausted than her ancient enemy. She had held her own against France, Spain, Holland and the thirteen North American Colonies fighting on their native soil, and with Russia, Sweden and Denmark in an attitude of armed neutrality, a neutrality, that is, which might be exchanged in a moment for war. To suppose that in such circumstances it could be all "take" on her side and all "give" on the side of France is a delusion, pardonable only in the mind of a Jacky Tar, who believes as he sings:

One jolly Frenchman
Two Portugee,
One jolly Englishman
Lick 'em all three.

It is equally idle, it seems to me, to talk of the folly of Canada uniting with Newfoundland, unless and until Britain extinguishes the French claims to part of her coast. One has only to look at the map to see that Newfoundland geographically belongs to Canada. If she is unwilling to throw in her lot with us at present, and give her contribution to building up a great nation on British lines in North America, we must wait patiently till she comes to a saner and nobler mind. Her best men are already tired of isolation, and the mind of the best men becomes before long the mind of the people. But even if she wished—though it is almost an insult to suppose it—to throw herself into the arms of any other power, the Empire to which she belongs and Canada in particular would have to forbid the bans. We would agree to surrender Vancouver's Island, when we agreed to see Newfoundland part of France, or of the United States. This being so, we must accept Newfoundland as we accepted any other part of the Dominion, that is, with her debts and difficulties as well as her dowry, whenever she is willing to negotiate for union. "I will not marry you, until it is quite clear that there are no incumbrances on your estate," is not the kind of language that a pretty maid expects to hear; and if she does hear it, the answer is sure to be, "Nobody asked you, sir." Besides, why should it be thought the business of Britain to do all our dirty, difficult or disagreeable work? If it be said that she is responsible for the Treaty of Versailles, the contention would appear to be that because she obtained for us ninety-nine gifts she is bound to get us the hundredth also. Is it not about time that we should co-operate with our mother in securing what we believe to be our natural boundaries instead of throwing the whole responsibility on her and pretending that we are not yet of age?

There are people who fancy that, in order to induce the French to clear out, nothing is needed but tall talk from Great Britain. The sooner they are disillusioned the better. There are some things to which France attaches great importance. Sir Charles Tupper found that out when negotiating his little Treaty. As Mr. Foster put it, when explaining the Treaty to the House of Commons, and apologizing for its meagre list of benefits on our side, "you might as well expect to get blood from a stone" as expect France to reduce-

* "The History of Canada." By William Kingsford, LL.D. Vol. VII. (1779-1807). Toronto: Rowse & Hutchison. London: Kegan Paul, Trench, Trübner & Co. 1894.