

ing of English publishers to consider what steps should be adopted.—Yours, &c.

W. CHAMBERS."

"Edinburgh, December 26."

The Editor of the *Athenæum* and his correspondent, Mr. W. Chambers, have wasted a great deal of wholesome indignation upon the Cape of Good for legalizing the import of foreign reprints of English Books. "This African Colony," as it is somewhat contemptuously styled, is only availing itself of a privilege sanctioned by law, in the same way as New Brunswick, Canada, and other colonies had previously done. Both writers appear to be ignorant of the legislation which took place some years ago respecting copyrights, and, indeed, we know that few, if any, of the publishers in England—the parties most interested in the matter—are any better informed.

The law is not "a sham" of provincial manufacture, as Mr. W. Chambers supposes, but emanates from a quarter for which he will doubtless entertain more respect. The Imperial Statute 10 & 11 Victoria, Cap. 95, enacts as follows:—"That in case the Legislature, or proper Legislative Authorities, in any British possession, shall be disposed to make due provision for securing or protecting the rights of *British Authors* in such possession, and shall pass an act, or make an ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such act or ordinance is sufficient for the purpose of securing to *British Authors* reasonable protection within such possession, it shall be lawful for Her Majesty if She shall think fit so to do, to express Her Royal approval of such act or ordinance, and thereupon to issue an Order in Council, declaring that so long as the provisions of such act or ordinance continued in force within such colony, the prohibitions contained in the aforesaid acts, and hereinbefore recited, and any prohibitions contained in the said acts, or in any other acts against the importing, selling, letting-out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards such colony; and thereupon such act or ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise

prescribed by such Order in Council, any single copy from Britain. Doubtless it was thought, that as it was clearly impossible to other act to the contrary notwithstanding." guard against smuggling along so vast a country, it would serve a good purpose to impose

The Canadian Parliament, as well as that of New Brunswick, Nova Scotia and other provinces, availed themselves of the provisions in the Imperial Statute. In Canada the Act 13 & 14 Victoria, Cap. 6, was passed, by which the Governor in Council was empowered to lay a duty, not exceeding twenty per cent, on foreign reprints of British works imported into the colony. This Statute was confirmed by the Queen, and duly published in the London Gazette. Copies laid on the tables of both Houses of Parliament, and all the terms prescribed in the English Statute strictly complied with. The Governor General being thus in a position to put the law in force, His Excellency with the advice of his Council, fixed an ad-valorem duty of 12½ per cent to be paid on the importation into Canada of foreign reprints of such copyright works—the amount of the duty, less the cost of advertising, postage, &c., was to be remitted yearly, on the 5th of January, to the Colonial Secretary, for payment to the parties beneficially interested in the copyrights of the works imported.

It is quite clear that if the "African Colony" makes the same provision for a duty to be paid on reprints as the American Colonies have done, the Law will be entitled to receive the sanction of the Queen. The wisdom and justice of the legislation we have described cannot be defended. It was bad enough for the Publishers in the United States to avail themselves of the rich products of the English press. In their case, however, it was "a spoiling of the Egyptians," but as respects the colonists, by their importing and using such foreign reprints they were taking advantage of their own bretheren and fellow subjects. We suspect that the peculiar position of Canada both as regards her intercourse with the United States and Britain had something to do in forcing legislation on the Imperial Parliament. Shut out for five months of the year from the means of direct importation from England, and bounded on a most extensive frontier by the United States, where books were produced at very low prices, it was not to be wondered at, that a large illicit traffic should have sprung up. Before the trade was legalized there were at least one hundred American volumes imported for one

single copy from Britain. Doubtless it was thought, that as it was clearly impossible to guard against smuggling along so vast a country, it would serve a good purpose to impose a duty which might be of some benefit to the holder of the copyright. The maximum named in the Canadian Act—20 per cent, should we think have been adhered to, and as it must be a matter of great difficulty to keep accounts for so large a number of parties interested, it would have been preferable if the total amount had been devoted to a fund, for the support of such authors and Publishers as might from age, and in different circumstances, or the misfortunes of trade require assistance. We suspect that the cost of collecting will pretty nearly balance the amount of duty, but we will make inquiry on the subject in the proper quarter, and report in our next.

The House of Lords having lately determined that Foreigners cannot protect their copyrights in England, a great deal of valuable literary property has been made available to the publishers of cheap editions. Among others, Messrs. Routledge & Co. issue in neat form the works of Fenimore Cooper the Novelist, Prescott and Bancroft, the Historians, at prices much below those charged by the publishers in the United States. So long as British authors were unprotected in America the question of an international copyright law was one exceedingly distasteful to our neighbours, but now that their own citizens are similarly treated in Britain, it may perhaps be more favourably entertained. Formerly the sums paid by London publishers to authors of the same standing as those we have named above were very large—indeed more, we believe, than what they received from their own countrymen. It is full time that this diamond cut diamond style of using the productions of the most eminent men of both countries should be brought to a close. An international law of copyright would not only effect this, but do away with the complaints against the colonies, noticed elsewhere, for permitting the importation of foreign reprints.

The Life and Correspondence of CHARLES Lord METCALFE, late Governor General of Canada, by John W. Kaye, 2 vols.—London, Bentley. Montreal, John Armour.

This is a most instructive work, and should