

## To Goldwin Smith.

(Mr. Goldwin Smith contributed to a late number of the London *Illustrated News* a review of the life of Sir John Macdonald which is little else than a severe arraignment of the character of the great Statesman.)

'Tis a precept "de mortuis  
Nil nisi bonum scribere,"  
Which not to keep when you ought to is  
Corruption worse than bribery.

With insults heaped upon your head  
You stand it from the living,  
But turn and blacken him that's dead!—  
You might be more forgiving!

Oh, Goldwin Smith! oh, Goldwin Smith!  
How came you to belittle  
The memory of our hero with  
The venom of your spittle?

We're perfectly aware that he  
Had weaknesses and failings,  
But will the course of History  
Be altered by your railings?

We fear it is a grudge you bear:  
He built us up a nation,  
And thus postponed for many a year  
Your scheme of Annexation.

THE DOGGEREL BARD.

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## Letters to the Editor.

## CANADIAN COPYRIGHT.

To the Editor of The Week:

Sir,—There is one important point which has been overlooked during this discussion. Certain Canadian printers are anxious to obtain upon their own terms (practically "heads I win, tails you lose") the property of British authors and publishers. One Canadian printer who publishes cheap reprints has generously suggested, as an alleviation, that British authors should be allowed a royalty of ten per cent. on the price of the copies of such reprints sold—mind not upon those printed—but upon those sold and paid for. All who know anything of the trade are aware, to use the vernacular, that such a royalty would not amount to a row of pins. In *Hudibras* it is humorously said "that a man convinced against his will—is of the same opinion still." So a man sought to be made honest against his will is of the same opinion still. Such a royalty would be very difficult to prove, and would cost more to collect than it would amount to. Suppose A printed, sold, and got the cash for 1,000 copies, and say that the price of such cheap reprints, to dealers was twenty cents. The royalty would be \$20, for which it would be necessary either to take A's assurance—an "unknown quantity"—or, if a court of law gave power, to wade through, say, thirty running accounts in the ledger, such items being mixed up with other debits. It would take a practised accountant days to sift these accounts, especially if A was—unlike Mrs. Gamp—not "so disposed." The offer is absurd. A common trouble in England has been—and yet survives—of publishing in shares: author and publisher to share gains or losses. The practical working has often been that the publisher, by discounts, has made a small profit but that the author has got nothing. This illustrates the difficulty of getting the reprinter to bear his fair share of suffering when raking out the chestnuts.

Mr. Edgar states that our M.P's are unanimous against the British authors and publishers. The latter, unfortunately for their rights, have no votes in our constituencies, but those who seek their property have, and they know how to influence patriotic M.P's; and the difficulties of the unjust steward appeal strongly to struggling politicians hunting for votes. As I ventured to observe in *The Week* for January 11, Mr. Edgar's insinuation in the London *Times* that Canadians are determined to shed their blood to enable a few printers to exploit British authors is laughably incorrect. See, also, Mr. Blake Crofton's observations in your issue of March 1. Outside the parties directly or indirectly interested, and the few who are lovers of justice for its own sake, Canadians neither know nor care a cent about the question; but it is the cheapest vote-getting cry of our time, and, as such, deserves a gold medal. Mr. Daldy, the champion of the British authors and publishers, quotes, in the London

*Times* of Jan. 10, a letter from a large publishing agency in New York: "I have been rather surprised to find . . . that the agitation is confined to a very small section of the people (in Canada). . . . More than one bookseller has expressed positive opposition to the general idea."

I am not an author, therefore I have no interest in the matter; but I will show that the liberty to plunder British authors would result in a serious injury to our own Canadian aspirants for fame, and would work a similar injury here, as the same sort of morality did in the States. The principal reason why the United States occupies a confessedly lower position in the literary world than other great countries is, that (until recently) so long as publishers can steal from British authors and publishers they were disinclined to pay native writers. "You say that this history of England has taken you two years to write and you actually ask me to give you \$3,000 for your M. S. Why, my dear sir, I can steal Macaulay's or Green's or any other history without paying a cent!" What inducement had struggling American men of genius to devote their time to writing certain books, knowing, as they did, that American publishers could get similar European works for nothing? So it will be in Canada if the English authors are allowed to be pillaged.

Complaints are made that very little encouragement is shown to Canadian authors. There would be still less if Canadian publishers are allowed to get similar works from abroad for nothing. Practically—although unintentionally—the Copyright Act, if it becomes law, will be a deadly blow to our rising Canadian literature, and will blight the career of many of our authors. As I said before, I have no interest in the matter other than a love of justice. Dodging for votes is not statesmanship, and ought not to be made the high road to justice. The attempt, so far as politicians are concerned, brings to mind the scornful observation of the great Swedish Chancellor to his son, when the latter was about to set out on his travels, "Go forth, my son, and see with how little wisdom this world is governed."

FAIRPLAY RADICAL.

Toronto, March 4.

To the Editor of The Week:

Sir,—I have just read a letter signed "An Unfortunate Colonial," in your issue of the 22nd inst., which is likely to convey a false impression to your readers. It is not the case that if an author "resides in a British Province, no copyright can be taken out in the United States." Since 1st July, 1891, the author of any book has copyright in the United States, provided the country of which he is a subject gives reciprocal protection to the American citizens. (See *Copinger on Copyright*, 1893 edn., pp. 912 and 922.) It is true that certain conditions are imposed. Two copies of the book must be deposited with the Librarian of Congress, the type must be set in the United States, and so forth. As, however, "An Unfortunate Colonial" actually did print his book in the States, he cannot complain of the conditions.

The only difficulty in connection with the Copyright Question arises from the action of the Dominion Parliament. If they had left the whole thing alone, there would have been no trouble at all. The Imperial Act fully protects authors in all parts of the Empire, and by the late treaty with the United States authors are enabled also to obtain an American copyright. You, sir, if I remember rightly, have suggested that in refusing their assent to the Canadian Act of 1889, the Imperial authorities have run counter to the provisions of the British North America Act. Everybody knows that that Act assigns copyright to the jurisdiction of the Dominion. So, too, is navigation and shipping assigned to the same jurisdiction, but nobody has ever pretended that Canada has, therefore, the right to repeal "the Merchant Shipping Act, 1854." It has always, I believe, been the practice to reserve Copyright and Shipping Acts for the expression of Her Majesty's pleasure. As the sovereign is still one of the estates of the realm, what objection can be offered to this, especially when one party claims that injustice and robbery will thus be prevented?

*Copinger* states (p. 925) that the Dominion authorities have refused to carry out the treaty between Great Britain and the United States, and that a Canadian paper has said that they are "right in form though wrong in substance." President Harrison's proclamation bringing the treaty into force, assumed that the law in Canada and the law in Great