

I am aware that Canada by her present Copyright Act enables Copyright owners in countries with whom Great Britain has Copyright conventions (but not British authors), to acquire a special local Copyright under it by republishing in that Dominion, and that therefore we might leave her becoming a party to the treaty to her discretion, and point out (if Canada persistently refused to join in the treaty) to the United States that her Copyright owners can compass the intention of the treaty by the simple act of republication in England; but this would hardly be satisfactory to the United States, and I think your Lordship may much prefer obtaining Canada's direct concurrence, unless she demands too high a price for it. It would, however, manifestly be futile to purchase a treaty with the United States, with the object of recognising the rights of literary property, at the cost of sanctioning a destruction of those rights within our own dominions.

Canada is, I know, anxious to acquire the right to legislate for herself on this subject, and the concession I have suggested would formally satisfy that ambition; but her further desire to be allowed to reprint British Copyright works without the author's sanction is so repugnant to the legislation of all civilised countries, and tends so much to weaken the very nature of Copyright property, that I hope it will never be conceded. And for the following amongst other reasons:—

Because it undermines the general recognition of the rights of Copyright property, which has now become almost universal.

Because it takes from the author the control of his own property, and hence hinders his improving or correcting his own writings.

Because it forcibly deprives him of the benefit now belonging to him in Canada under the Imperial Copyright Acts.

Because it sanctions the appropriation of his property by others without his, the legal owner's, consent.

Because it permits this appropriation on forced terms, and thus he is inadequately remunerated.

Because Canada has no claim on English Copyright property above other civilised nations, all of whom recognise the author's control over his own works.

Because all that Canada can fairly ask may be obtained by less violent and more suitable means.

Because the only advantage derivable from reprinting without the author's consent will accrue to book manufacturers in the Dominion at the expense of the author and the general public.

Because any such dealing with Copyright property in Canada will affect future arrangements with the Australian and other English-speaking possessions.

Because, if Canada be allowed to reprint without the author's sanction, English authors would be seriously injured thereby in their negotiations with the United States.

Because it interferes with the natural law between vendor and purchaser which prevails throughout every part of the British Empire in respect to Copyright, equally with all other personal property.

Canada has not the power to legislate generally on Copyright under the British North American Act of 1867. The Imperial Government, with, I think, much wisdom, retained control of this subject, because separate legislation, unless harmonious, would, practically, destroy the value of such property to authors and artists.

Separate legislations by separate possessions, unless harmonious, would also be inconsistent with, and would probably jeopardise, existing treaty rights on this subject; for although we may modify our Imperial law without affecting the spirit of those treaties, it is, I fear, a violation of them to reduce the area over which we have contracted to give Copyright, and such a change would probably necessitate the re-negotiating of all these treaties.

It must be borne in mind that Canada, under the United States treaty, would acquire the right of Copyright throughout the whole British dominions for American works copyrighted there, and that, from her proximity and greater intercourse with the United States, she will be in a position to compete advantageously with the English publisher for many United States Copyrights, and thus develop an increasing printing and publishing business. Also, that under the accompanying draft she can compete for all English Copyright works, and will be placed on the same footing as the English publisher.*

* This was accomplished by the Copyright Act of 1886. Copyright legislation was made use of instead of Treaty Arrangement with the United States.