

It interferes with the law of vendor and purchaser which prevails throughout the British Empire in respect to Copyright equally with all other personal property.

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

It forcibly deprives him of the benefit now belonging to him in Canada under the Imperial Copyright Acts, and is thus a breach of faith.

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

It weakens his title to his own property.

It injures his reputation by allowing the continued circulation of unimproved editions, even if the author enlarged his work.

It injures the value of his British edition, because the Canadian edition could be imported into the United Kingdom and the other Colonies, and compete with it.

It substitutes for trade contracts, on agreed terms, an inadequate royalty not guaranteed.

It clogs his property with the condition of local manufacture.

It was not recommended by the Royal Commission for cases where readers were adequately supplied.

It is at variance with the Free Trade principles of Great Britain.

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

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

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.

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

It would probably destroy our present means of securing Copyright in the United States of America.

It diminishes the Copyright interests of all who belong to the Berne Convention.

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Enclosure 2 in No. 88.

(Private and Confidential.)

Art Journal Office, 294, City Road, London,

April 3, 1883.

MY LORD,

I HAVE the honour of drawing your Lordship's attention to the subject of Copyright, because you will in the immediate future have to decide questions connected with it which seriously affect Copyright property, and because circumstances have created an opportunity of improving our present Imperial legislation, and of determining the relations respecting Copyright which shall in future exist between the Colonies and the Mother Country.

Your Lordship is doubtless aware that a treaty between the United States and ourselves is under the consideration of both Governments. Also that Canada has requested us, as a condition of her becoming a party to that treaty, to repeal the present Copyright Act of 1842 so far as it affects that Dominion.

Knowing that Canada seeks the power to reprint English Copyright works on forced terms without the author's sanction, I venture humbly to submit to your Lordship that an unmodified compliance with Canada's request will be disastrously unjust to the Copyright owner. Also that many advantages will attend grappling with the whole subject, by consolidating and improving our present laws, as in the draft sent herewith, or in a somewhat similar Act, and providing, as in the Extradition Act of 1870, that Canada, or any Colony, may legislate herself out of this consolidated Act by making similar provisions through its own Parliament. See Section 24 of enclosed draft. The consolidation of these laws was recommended by the Royal Commission, which reported on this subject in 1878.

I had the honour of assisting Mr. Sackville West in preparing the draft treaty he has submitted to the United States Government, and I can assure your Lordship that the consent given to it (with some modifications not yet received) by that Government is essentially influenced by the fact of its extending to Canada and all other British possessions.