

It is no concession at all as regards reprints, but a very valuable one as regards copyright pure and simple. Canada seems jealous of America and all countries which respect copyright as distinguished from reprinting.

21. Consideration was given to the report, but the proposals were *ultra vires* and unfair to the owners of copyright.

22. Copyright *property* only is made secure. *Trading* in it is *left free*. Canada has not been in the habit of applying in time. Active tradesmen watch the market. Canada asks for legislation to save herself the trouble of doing so. By her own showing, arrangements have been already made with American publishers *before* Canada made her offers.

23. Assent was withheld because the Act was *ultra vires* and unfair to owners of copyright. See par. 21.

24. The grievance has never been admitted *as stated*. England has never admitted any grievance which has not been remedied either by the Act of 1847, or that of 1886, or by the right given to Canada to legislate for her own authors.

25. It is most unfair and trifling with the subject gravely to put forward such a positive statement. Lord Grey said no more than he carried out. He said he "relied on the disposition of the Colonies to protect the authors of this country from the fraudulent appropriation of the fruits of labours upon which they are often entirely dependent." By the Act of 1847 he left to the local legislatures "the responsibility of passing such enactments as they might deem proper for securing the rights of authors, and the interest of the public." This Canada did in 1850, and the Act received the Royal Assent and became operative by an Order in Council, dated December 12th, 1850. The copyright law of this country then ceased to be operative, where repugnant, so far as excluding reprints from Canada. Practically, authors and the public were satisfied, and *are now*, for neither take any interest in Canada's trade demands, either from not being aware of any such demand, or from disapproval of it.

26. The Royal Commission only recommended the permission of licensed editions for the benefit of Colonial readers where the public were not able otherwise to be adequately supplied with any particular book. This condition is entirely omitted from the despatch, and therefore its bold assertion is both at variance with fact and misleading. No case has yet arisen to which the suggestions of the Commission would apply.

27. Canada was courteously asked if she would like to join the Berne Convention and elected to do so, and now, though it remains as it was formed at that time (1886), she desires to withdraw. Why this instability?

28. If Canada at that time desired the reprinting facilities she now asks for, why did she give her assent? Surely it is no argument for joining a convention, that you can withdraw afterwards. Great Britain is made the judge of the propriety of giving notice of the withdrawal of any of her Colonies; she may, of course, do so on their request, but it rests with the Imperial Government to decide.

29. Canada's withdrawal rests with England, and is now peculiarly wanton; for other countries, such as America, Austria and even Japan, though not members of the Convention, are making efforts in the opposite direction, viz., to strengthen the foundations of copyright property. Can Canada have realised that her withdrawal might exclude her from the benefits of the Act of 1886, and restrict the copyright of authors first publishing there to that Dominion? Surely this drives Canadian authors to publish outside the Dominion, and unnecessarily discourages her printers and publishers.

30. No one disputes Canada's right to ask for withdrawal, but, we repeat, the acting on that request rests with the Imperial Government, and by the Convention it is in England's power to decline to do so.

31. No. The publishing interest is improved, because, as a member of the Convention, the publisher can assure the author of the widest area for copyright if he is allowed to publish the book. It is only the reprinter, who wants to filch an interest in the copyright, who is injured. England regards the Berne Convention as favourable to authors and copyright considers their interests, not reprinters. The conditions of society surely have not greatly changed within the last eight years since Canada joined the Convention. Though Canada's population is sparse, literature is easily accessible in all parts, and the power of reprinting asked for would not improve matters. The absence of circulating libraries proves that the people are satisfied with present means of supply. France would naturally be annoyed by Canada's withdrawal, because two million Canadians are French and require French literature. There is no complaint from French Canadians that they cannot get the books they want.