

In other cases, English publishing houses have set up branches in New York, or other American cities, with the view of reprinting for the United States and Canada, the copyright works which they have issued in London.

It has been their interest to establish such branch houses in the United States, because they have obtained thereby the American market; whereas in Canada, even with the permission of the holder of the copyright, they would only have the Canadian public for purchasers; and, without that permission, could not set the type of a single page.

In many other well-known instances, American authors in the United States have availed themselves of the restrictions which fetter the publishing trade in Canada, under the Imperial Copyrights Act, in a manner which is most unjust to British subjects in Canada, and presents in a striking view the arbitrary and oppressive operation of those Acts. They do so in the following manner: the Imperial Copyright Act of 1842, as interpreted by legal decisions, enables any person who resides, even temporarily, in British dominions, to obtain copyright if he publishes his work in the United Kingdom, and such copyright has force throughout the Empire. "Publishing" had been held not to mean printing, necessarily, and residence may be of the most temporary character. The American authors above referred to, for the purpose of preventing their works being reprinted in the British dominions, cross the St. Lawrence, reside for a few days within Canadian territory, send to London a few copies of their works ready to be issued there, and thereupon obtain copyright throughout the Empire. They then return to their own country, where their works have been printed and copyrighted, and send into Canada those works, in the shape of foreign reprints of British copyrights, and on these the Canadian Government collects the impost in favour of the American publisher, who thus enjoys copyright in his own country, which is not open to any British subject, and enjoys in the British dominions, a right of reprinting which no colonist can obtain. While this state of the law is being constantly made use of by American authors, the United States decline to enter into any international arrangement with Great Britain, and have no interest in making any, because their people can thus use the British Empire for their market without restriction, while offering no advantages in their own market in return. On the contrary, they refuse copyright to any one who is not a citizen of the United States, or who is not able to show residence, in the sense of domicile.

An American publisher, if he desire to make any arrangement with the British copyright holder for the right to reprint the work of the latter, can easily outbid the Canadian publisher, not only on account of the greater facilities he possesses for the production of the book, and not only on account of the more extended market which he has in the United States, but because he will have the Canadian market of five millions of readers at his command, inasmuch as the Imperial Copyright Acts forbid the reprinting of copyrighted works, but permit the importation of the American reprints. In many modern instances the British copyright holder has preferred to sell his right to an American publisher rather than to a Canadian, and has bound himself by the terms of sale to prosecute any Canadian who may reprint his work for sale in Canada, which is the operation which the American sets himself about at once.

The instances in which Canadian publishers have been able to make arrangements with copyright holders in Great Britain have been comparatively few. It is unnecessary to seek for the reason of this. It is not because Canadian publishers are unwilling to make fair terms with the British copyright holder, but because American publishers have greater facilities, and because British authors prefer to deal with publishers in the United States. It is useless to say that it may be made their interest to deal with Canadian publishers, or to issue colonial editions. Pressure, for 40 years, by the people of British North America, and remonstrances from the Colonial Office, have been unavailing to change their practice in regard to a policy, so entirely prudent, as that of providing for the wants of the reading public of British North America.

Having stated these facts, illustrative of the inconvenience imposed on Canada by the Imperial Copyright Acts, your Lordship, I hope, will appreciate the urgent desire of the Canadian Government, that a remedy should be applied as soon as possible. If the principal supply, for the reading public of Canada must, by virtue of Imperial legislation, come from the United States, it follows that the business of publishing for Canada is far more restricted than it ought to be, considering the wants of the people of that country and the means they have of supplying themselves, and it follows that encouragement is continually being given, in an increasing degree, to all those who are engaged in any of the employments which form part of book-making, to seek a home for themselves and their families in the United States, in preference to Canada. Overweighted as we