

Mr. DALDY.—Quite so. The points to be considered would be merely small questions of drafting. We have practically agreed as to all the rest.

Sir CHARLES HIBBERT TUPPER. Has any gentleman present given attention to the point in connection with the Berne Convention. For instance, the exclusion of the colonial edition, supposing that edition to be one lawfully published in England. Might not the point be raised that this is inconsistent with the treaty of Berne as excluding a copyrighted book from one of the countries included in the convention?

Mr. ROSE.—I may say that in our discussion at Toronto with Mr. Hall Caine, we stated to him that we did not claim to be posted on constitutional or law questions. Mr. Hall Caine, I think, will agree that he has given us to understand that the bill as expressed here will not necessitate our retiring from the Berne Convention.

Mr. HALL CAINE.—That is my general view. At the same time I do not wish to express any legal opinion. It is for the law officers to speak on that point. While entirely feeling the justice and fairness of Sir Charles Hibbert Tupper's statement and sympathizing with it absolutely I want to say that whatever conclusions I have reached as to the Berne Convention have been based on the clear statement of it made at the end of the departmental report.

Sir CHARLES HIBBERT TUPPER.—Suppose, for instance, that it is discovered upon consideration that the clause I refer to would be inconsistent with the Berne Convention and would bring us face to face with the difficulty we have met in England, are you sufficiently anxious to carry out the rest of the compromise that you would approve of the bill with such amendments as would allow the colonial editions to come in?

Mr. ROSE.—Speaking from my own point of view, I should say certainly not. On the importation clause hangs the whole value of the bill. In the discussion in Toronto this was a point that took up a great deal of time, and, if you wish, I would like to give, as shortly as possible, the reasons for arriving at the importation clause as it stands. Mr. Daldy, in his remarks, said he was willing to prevent the importation of the colonial edition if it were an arrangement between the author and the Canadian publisher.

Mr. DALDY.—And, allow me to add, if it was lawful.

Mr. ROSE.—We say that we consider that an unfair system. We claim that we purchase the Canadian market. The English publisher purchases the English. We pay our money for the Canadian market just as he pays his for the English market. Why should he be at liberty to sell books in the market which he has not bought but which we have bought and paid for? All we ask is fair play. But we allow a privilege that the English publisher does not allow. The English Act prohibits the importation of the colonial edition of a book. We say we will allow two copies of any book to be brought in by a reader, thus allowing the English as well as the Canadian edition.

Sir CHARLES HIBBERT TUPPER.—I understand you to say that this matter is of such importance that should it be found impossible to include that in the bill your whole compromise falls to the ground?

Mr. ROSE.—The clause reads "from the date of the registration of any book and during the existence of the copyright of said book the importation of any copies of said book, or any edition or editions thereof, shall be and is hereby prohibited." That is to protect us against the English or American publisher. He may have in stock, probably thirty days ahead of publication, a whole edition to put on our market. Knowing that he will not register in Canada, he ships into this country say 5,000 copies specially printed for the Canadian market prior to the date of registration. And, when these books are offered for sale it becomes useless for the Canadian publisher to ask for a license. For instance, Mr. Irving buys 1,000 copies of "Marcella" and imports them into Canada. In the contract it is agreed that the English publisher shall not send the colonial edition into Canada. But I wire to John Smith, a dealer in London, to buy 1,000 copies of "Marcella" and send to me. He does so, the books come in and the 1,000 purchased by Mr. Irving are made unsaleable. As to Mr. Daldy's suggestion regarding private contracts, it will be seen