

author prepare a special cheap Colonial edition of his work, he cannot exclude copies of it from his home market unless he takes out Canadian copyright, and this would not protect him in Australia or elsewhere. Would it not show Canada our desire to meet her readers' wishes, as far as possible, if a short Act were passed to exclude Colonial editions from the home market without the copyright owner's written consent, *even though lawfully printed within the British dominions?*

They feel, moreover, that the commercial desires of Canada would be gratified by such a course, and that it would remove some authors' objections to preparing a Colonial reprint, and also act as a stimulus to Canadian publishers to come forward and make arrangements with authors for both the Canadian and American markets. These markets are so intermixed that they cannot well be dealt with separately.

With every disposition to meet Canadian views, they desire to impress on your Lordship the urgent need and absolute necessity there is for maintaining *an author's control over his own works*. The reasons for this have been presented on several occasions, and a departure from this course would sap the very foundations of copyright, and would be so retrograde that it would, in their opinion, be unworthy of a highly civilised community such as the British Empire, and shake the confidence of other countries in England's fidelity to her engagements.

The committee venture also to draw your Lordship's attention to tariff and royalty legislation in Canada during the present year, and to ask you to point out to the Canadian Government that it will, if acted on, cause the Order in Council issued under the Act of 1847 and Canadian Act of 1850 to be inoperative, and consequently render the importation of *any foreign reprints* into that Dominion illegal.

I have, &c. **FREDERIC R. DALDY,**
Hon. Sec. of the Copyright Association. On

behalf also of the Society of Authors and the other bodies represented on the Joint Committee.

Enclosure 1 in No. 82.

NOTES and OBSERVATIONS on each Paragraph of the Despatch from Sir JOHN THOMPSON on Canadian Copyright, May 1894.*

1. Introductory.
2. The Imperial Statute of 1842 did not give the *publisher* any interest except such as the author might choose to sell to him. Copyright is in no sense a monopoly. It involves a new creation, whereas a monopoly implies an interference with a liberty previously enjoyed by all. Copyright property requires special protection, because it cannot be ear-marked, and is so easily filched.

The last lines appear to us to be a confusion between the title to, and the realisation of, property.

3. The publisher has no right to be dissatisfied—copyright only concerns the author and the reader. Unless a publisher buys an author's rights he has no *locus standi*, and then only as an author. The reader got his market satisfactorily supplied and has not expressed dissatisfaction.

The protests he referred to were satisfied by the Act of 1847, and the Canadian Act of 1850.

4. Earl Grey only speaks of the "rights of colonial authors and the interests of the colonial public." He does not consider the interests of the publishers or reprinters. These are left free, subject only to the legal rights of property.

5. When Earl Grey refers to "the Royal Sanction," he assumed it would be exercised with some discretion, and would be conditional on the rights of British authors being duly cared for. As stated in reply to par. 3, these rights were satisfied in 1847 and 1850.

6. This settled policy of the Imperial Government has not been interfered with. The assurance has been fulfilled, for England legislated and defined the limit to which a colony might legislate, and thus avoided the necessity for any Imperial veto.

7. We show that Earl Grey did legislate in accordance with the spirit of his despatch, and the result was substantially the same. The Act of 1847 was in satisfaction of this relief, and Canada was afterwards allowed to legislate for her authors (not ours) and her public.