

I am desired by the Association to thank your Lordship for your courtesy in submitting these documents to their consideration, and to offer to your Lordship on their behalf the following observations respecting them.

Noting their sequence, with reference to the subject under consideration, I would first draw your Lordship's attention to the observation in paragraph 3 of Sir J. Thompson's Report to the Canadian Privy Council, that "important interests are involved," to enable me to ask what are those interests which are so important to Canada?

It cannot be the interests of the Canadian public and readers, for they are amply provided for by the Act of 10 & 11 Vict. cap. 95, and consequent Canadian legislation, and no complaint whatever is made that the Canadian public is debarred from getting cheap editions of English books, and if the Canadians are anxious to cheapen books to the Canadian public why do they impose a 15 per cent. customs duty on all imported copies.

Neither can it be the interests of Canadian authors, for the proposed Bill would effectually restrict these interests by limiting Canadian Copyright to the Canadian Dominion, whereas it now extends to Great Britain and all the rest of the British Dominions, and also throughout the countries in the International Copyright Union.

These important interests can, therefore, only be the printing and publishing interests in Canada.

I think it very desirable to draw your Lordship's close attention to this point, because it demonstrates that the whole demand for injuring British authors' interests is made for the commercial benefit of Canadian printers and publishers. It enables me also to remind you that the only object of copyright legislation throughout the civilised world has hitherto been the protection of the authors' rights, untrammelled by commercial considerations. Even in the protective legislation of the United States of America no provision is made for compelling an American author to *print* his work in his own country.

I feel, therefore, that I am justified in earnestly requesting your Lordship not to take any steps to derogate from the present rights of all British authors, merely for the problematical advantage of Canadian printers.

I say problematical advantage because their legitimate commercial aspirations can be fairly satisfied by other means—to wit, by the Canadian Government carrying out their Act of 1850. The royalty levied by that Act is $12\frac{1}{2}$ per cent., and the customs duty on imported books is 15 per cent., making together a protective duty of $27\frac{1}{2}$ per cent. in favour of the Canadian printer and publisher. I cannot realise that any printer or publisher has a right to expect, for his own benefit, more protection than this; and in connexion with this request from Canada I may observe, that it was in deference to her wishes that the Act of 1847 was passed, and that it removed her complaint that her people could not get their literature at a sufficiently cheap rate.

In paragraph 7 Sir John Thompson charges British authors and publishers with greatly abusing their rights by the sale of their copyright privileges to the United States. He must be aware that English authors have not any copyright privileges in the United States, and that the privilege of selling their editions in Canada is only resorted to by bargain with the American publisher, because no effort worth notice has been made by the Canadian publisher to buy the right to issue them. In the instances in which Canadian publishers have offered satisfactory arrangements, before the American publisher intervened, he has generally succeeded. Messrs. Lovell, of Montreal, and Mr. Bryce, of Toronto, have made such arrangements, but *direct with the author* or his representative, not by forcibly depriving him by Act of Parliament of all control over the fruit of his own labour. The difficulty of the Canadian publisher, which he hopes to overcome by the Bill under consideration, is mainly of his own creation. The present law enables him to publish any author's work if he will, as all other publishers do, make it to the author's interest to do so; and even if authors became blind to their own interests, it is hardly the function of a hostile Act of Parliament to insist on their accepting the views of the Canadian publisher as to what their interests are. He has the right to sell his property to what he considers his best advantage without being charged with abusing the law.

Paragraph 6 undoubtedly refers to a blot in our copyright laws of 1842 which ought to be remedied, and I should be glad to see this complaint met by Her Majesty's Government enacting that the citizens of any country not belonging to the International Copyright Union can only acquire copyright within the British Empire on the terms on which the said country grants copyright to authors belonging thereto.

Paragraph 17 to the end deals with a subject which I think it is rather beyond our province to go into with your Lordship. It has had the attention of the Copyright Association, as is evident by their procuring the opinion of Lord Selborne and Lord