

The committee regard the Act of 1889 as a retrograde protective action on the part of Canada, and contrary to the principles adopted at present throughout the British dominions, viz.:—

1. That a work shall be first or simultaneously *published* therein;
 2. That copyright shall be independent of the place of *printing*;
- and they earnestly beg your Lordship not to yield to the request contained in Sir John Thompson's despatch.

In all Acts giving self-government to a Colony, the subject of copyright has been expressly or impliedly reserved for Imperial legislation. Canada's request is contrary to the principle now in force, which was established, and is maintained, because it seems impossible honestly to protect it as property without a *uniform law* for all parts of the Empire. This principle was also upheld by Mr. Gladstone as recently as 1892, in the Home Rule Bill he introduced for the consideration of Parliament.

They desire to point out that Canada requests the Imperial Government to legislate so as to restrict and curtail rights which authors have enjoyed throughout the Empire ever since British copyright existed, *i.e.*, the right to prevent their writings being utilised without their sanction. They submit that the rights of self-government do not warrant the appropriation of other peoples property (*vide* para. 9 of Sir J. Thompson's despatch).

When the Colonial Office had this question before it in 1890, it felt constrained to refuse Canada's request that imperial sanction should be given to the Act of 1889, not only because it was *ultra vires* but also because it was impracticable, uncalled for, and unjust—impracticable, owing to the difficulty of arranging licenses in a manner equitable to the authors whose works were reprinted, and because it would sap the fundamental principle of the law of copyright, which is, to allow an author *full control over the product of his own labour*; uncalled for, because Canada already had cheap literature under the Act of 1847; and unjust as not allowing for the different values of author's writings.

The committee ask your Lordship to bear in mind that your predecessor was a member of the Royal Commission on Copyright, and they hope the Colonial Office will not be led to reverse its previous decision without fresh and far more cogent reasons than have yet been brought forward to justify such a step. The reply of the Colonial Office practically was: we have not the power to authorise this Act, and we should inflict an injustice on authors if we did. And the request preferred in the Despatch under consideration is that we should assist Canada to tamper with the rights of authors outside her dominion and not under her control.

Canada, on previous occasions, asked for cheap literature; she now asks the Imperial Government to help her to establish *commercial protection* for her printers, at the expense of the owners of the property she would thus, without their consent, utilise on her own terms.

They would also point out that the change proposed by Canada would jeopardize the rights of British and Canadian authors to copyright in the United States. Already the United States Government have taken action on the subject, and they are strongly urged by authors and publishers in America to withdraw the proclamation if our law is so altered as to admit of their copyrights being reprinted in the adjacent country without their sanction. In this connexion, they ask attention to the letter from Mr. Mills, Messrs. Longman's manager in New York, which is enclosed herewith, and especially to the reference to Canada's ignorance of the whole proceeding.

Reprinting in Canada is also at variance with England's declaration to the United States, and must lead to serious ill-will on their borders. If the United States withdraw their proclamation, this reprinting will expose British authors to two pirating countries, viz., the United States and Canada.

They submit also for your Lordship's consideration that we cannot accede to Canada, without doing the same to all the other Colonies and thus disintegrate the whole of the copyright law.

France, also, would have a grievance. Two millions of the population of Canada are of French extraction and read French copyright books.

The committee wish to point out to your Lordship that, in their opinion, every reasonable concession has been made to Canada already. She has all the benefits of copyright accruing to the United Kingdom, and her people have been specially considered in the Act of 1847 and consequent legislation, but, in this Despatch, Canada, for the first time, asks Great Britain to alter and curtail the area of those laws to enable her to provide extra employment for her printers.

The committee would, however, draw your Lordship's attention to the hindrance to providing cheap editions for Canada, found in the 15th clause of the Act of 1842. If an