

78. Self-government only within her own dominion and subject to existing laws and rights.

This was for valid reasons. The Act of 1875 indicates how Canada would use unrestrained liberty. In section 4, subsection 2, we read that "in the case of works of art, under which term original paintings, drawings, statues, sculptures, or photographs, etchings, and engravings are classed, they must be produced or reproduced in the country." Can we imagine Sir J. E. Millais reproducing a painting, or F. O. Murray an etching, in Canada, for the sake of Canadian copyright therein? And yet both are seriously injured by unauthorised photographs or other reproductions. Statesmen understand what Canada asks for, but cannot lend themselves to the promotion of such barefaced injustice.

79. The probability is that "works of fiction" are here referred to, as they have a more widespread sale in Canada than other books. Now these are being copyrighted in the United States so generally that the American reprint will soon become a thing of the past. Canada's past conduct has destroyed English authors' faith in her honesty, and has not prompted them to look favourably on more important concessions, even if Canada guaranteed the proceeds, which she shrinks from doing.

80. Who is to fix the retail price—the author? or is it to be done in spite of him? How provide against licensed editions, each less in price than the last? How provide against stories in a cheap form being *given* away as a supplement to a newspaper or as a bonus on other goods, and *no price* asked for it?

81. But we do. We attach importance to and differ from the Despatch on both points.

Smiles *v.* Belford and the opinions of our Lord Chancellor and of Lord Selborne have settled this point. What Canada desires is that we should give her power to legislate on our copyrights as well as on her own, and the conduct of Canada throughout this controversy in setting herself in opposition to the laws and tendencies of all civilised nations, merely for the doubtful gain of the printing interests of her Dominion, compels us to resist this.

82. The Report of the Royal Commission on Copyright was only favourable to Canada in so far as it suggested a way by which her *readers* might, if necessary, secure cheap literature. No necessity has ever arisen for acting on the suggestion, for cheap books are abundant.

Enclosure 2 in No. 82.

15, East 16th Street, New York,
October 16, 1894.

DEAR MR. LONGMAN,

I THINK you are interested in all copyright matters, and, of course, you are pretty well informed as to the working of the recent Copyright Act here in connexion with our own operations. It has occurred to me, however, that perhaps you have not had your attention called to one of our recent experiences, which is interesting as a comment upon what would have been in the absence of international copyright. The success of Mr. _____ books here, as well as in England, has had its effect, naturally, upon such of them as were published prior to the Copyright Act. "The _____," for example, before the success of "_____" dragged along rather slowly in spite of its acknowledged merit; but we were succeeding in working up a very respectable sale for it when "the pirates" discovered that it was not copyrighted. A 50-cent edition was announced by a Chicago house, but before it could be placed upon the market, another house offered a 25-cent edition, and within a couple of weeks copies of the book were sold at wholesale for 3 cents! Although our sale has not entirely stopped, it has, of course, been very seriously affected, and I suppose, except for the start we achieved before the reprinters got wind of the book, we should have failed to sell more than a very small edition. Of "_____" a book of similar size, we have already sold nearly 12,000 at \$1.25, and the royalties to be paid to Mr. _____ amount to about 450%.

It would seem, therefore, that copyright has been a very distinct benefit to the English author who had something good to offer, and it would be a very serious blow to English authors generally were anything to occur to interfere with the smooth working of the copyright understanding between the United States and England. I imagine there are always influences at work here to discover some means of nullifying this understanding; "the pirates" opportunities are gradually diminishing in number, and, from their point