

Canada on the 1st of July 1870, stating that while there could be no objection to the proposed Bill, making publication in the Colony equivalent to publication in the United Kingdom, taking into consideration the suggested repeal of the Imperial Copyright Act of 1847, it was highly inexpedient that legislation should take place at that time.

Lord Kimberley requested the Governor-General of Canada on the 29th July 1870 to forward to him a full statement of the views of the Canadian Government on the question, in order that it might be considered before the next Session.

Accordingly, on the 30th November 1870, a joint report of the Ministers of Finance and Agriculture was adopted by his Excellency in Council, the substance of which is contained in what here follows:—

“What the undersigned would venture to suggest is, that the duty on the reprints of books first published either in Great Britain or its dependencies, when imported from foreign countries, should be materially increased; and that it should be levied in all cases for the benefit of the author or owner of the copyright, should such exist; and that to prevent evasion of the law a declaration should be required from importers that any works which they may claim to import free of such duty have never been published either in Great Britain or British dependencies; that foreign reprints of works published in Canada should be wholly prohibited; that any author publishing in Canada should be, as at present, protected in his copyright, but that, unless British copyright works should be published concurrently in Canada, licensed Canadian publishers should be allowed to publish, paying, for the benefit of the author or owner of the English copyright, an excise duty, which could be collected by means of stamps as easily as other duties of a similar kind. The undersigned have no doubt that such a scheme as that which they have suggested could be carried into practical effect with great advantage to the English authors, who, as a rule, would sell their copyrights for Canada to Canadian publishers. It is true that British publishers would not gain that Colonial circulation which they have long tried to obtain without success; but it is vain for them to expect that the expensive editions published in England can meet a sale in any part of the American continent.

“The undersigned, therefore, recommend that your Excellency should acquaint Her Majesty's Principal Secretary of State for the Colonies that there is no probability of the Dominion Parliament consenting to any measure for enforcing British copyright in Canada unless it provides for local publication; and that, while the Canadian Government will be ready to introduce a measure that will be of great advantage to British authors, they must, in reference to foreign reprints, have regard to the interests of Canadian as well as of British publishers.”

In 1872, the Government of Canada were still without a definite reply to the request which had been made by the Address of the Senate in 1868, and which had been reserved, as above stated, by Her Majesty's Government until further information could be gathered, and until the result of negotiations with the United States might be known.

On the 14th of May of that year the following report of a Committee of the Privy Council of Canada was approved of by the Governor-General and transmitted:—

“On a Memorandum, dated 10th May 1872, from the Honourable the Ministers of Finance and Agriculture, reporting that much anxiety has been manifested by Houses of the Canadian Parliament on the unsatisfactory state of the Imperial Copyright Act; that, as no reply has yet been received to the approved Report of the Committee of the Privy Council, dated 1st December 1870, they think it desirable that the attention of Her Majesty's Government should again be called to the subject.

“That they have reason to believe that a good deal of discussion has taken place in England among the parties interested in copyright, and that the result of that discussion has been a considerable accession to the ranks of those who are in favour of the proposition submitted by them in the report already referred to.

“That it is apparent that the class which alone has a just claim to protection, viz., authors, have at length been convinced that their interests are not promoted by the maintenance of the present system.

“That it is no doubt true that the principal owners of copyright are the London publishers, but it is, they state, equally true that those publishers have never paid to the authors one single pound more for their copyrights in view of circulation in Canada.

“That it cannot be denied that the Canadian demand for concurrent publication in Canada should alone entitle the author to the benefit of copyright. That under the present system, which is wholly indefensible, and which is objected to, as well by the English publishers as by the Canadian publishers, the latter are treated with the greatest injustice.