

In your Lordship's Despatch of the 25th of March 1890,* in reply to the observations in that report, you called the attention of the Government of Canada to some provisions of the Copyright Act of Canada of 1889, to which you stated that special objection was felt by the proprietors of copyright in Great Britain. One of these was the limit of time (one month), allowed for the British author or publisher to republish in Canada, after publication in Great Britain. Your Lordship had been assured that, in a great majority of cases, it would be impracticable, within the period of one month, to make the necessary arrangements for re-publication in Canada, and expressed the hope that, upon further consideration, it might be recognised that the time proposed was insufficient. Upon this point, as well as to other details of the Act, it is unnecessary to trouble your Lordship with any argument at the present moment. The questions to be settled first, and to which I understand your Lordship to wish that I shall address myself, relate to the principle of the Act and to the power of the Government of Canada to pass it. Any details which are felt to be unfair or inadequate, in view of all the interests involved, will, I am sure, be reconsidered by the Parliament of Canada. At the same time, I may observe that it is contended on the part of those who are interested in the publishing business in Canada that the time referred to is not unreasonably short, and that the holder of copyright in the United Kingdom can easily make arrangements for simultaneous production in the two countries, so as to have re-publication made in Canada within the time specified in the Act. The time for re-publication must necessarily be of short duration, because, during that period, the importation of foreign reprints of the work, as well as the re-publication in Canada by other than the copyright holder in Great Britain is prevented, pending the exercise of the option by him as to whether he will avail himself of the Canadian copyright law or not.

On this, and on all other matters of detail, any suggestions which your Lordship may think proper to make will, I am sure, receive the earnest and respectful attention of the Canadian Government.

Your Lordship's Despatch refers his Excellency's Government for some particulars of the objections which had been pressed on you to a letter dated Aldine House, Belvedere, Kent, February 20th, 1890, supposed to have been addressed to me, signed by Mr. F. R. Daldy, Hon. Secretary of the Copyright Association, but I have been unable to gather much information from that letter as to the objections which are entertained in England with regard to the Canadian Act of 1889. Mr. Daldy, and the association which he represents, are hostile to any measure by which the right of any Colony to self-government on this subject may be asserted or conceded, and his letter suggests an entire abandonment of the legislation of 1889, and the adoption of further measures to carry out more strictly the existing law, which is so unsatisfactory in Canada. I may mention here, in case the fact should be of any importance, that I know of Mr. Daldy's letter only by the copy appended to your Lordship's Despatch. If Mr. Daldy has ever sent such a letter, it has never reached me.

Coming now to a statement, more in detail than could be made at our interview, of the views which prevail in Canada on this subject, I am charged by the Canadian Government to express to your Lordship, in the strongest terms which can be used with respect, the dissatisfaction of the Canadian Government and Parliament with the present state of the law of copyright as applicable to Canada, and to request most earnestly from Her Majesty's Government, that they will apply a remedy, either by giving approval to a proclamation to bring the Canadian Act of 1889 in force, or by promoting legislation in the Parliament of Great Britain to remove any doubt which may exist as to the power of the Parliament of Canada to deal with this question fully and effectually.

Your Lordship is aware that the Statute of 1842 (5 & 6 Vict. chap. 45), is the Imperial statute by which copyright in Great Britain is extended to all the Colonies and dependencies of the Empire.

Any principles of common law by which authors and publishers might have claimed copyright were superseded by that Act, and copyright was given to any person who should publish a literary work in the United Kingdom, if he should be a subject of Her Majesty, or a resident of any part of Her Majesty's dominions.

I need not remind your Lordship that the operation of that Act was immediately attended with great hardship and inconvenience in the North American Colonies.

The Legislature of the Province of Canada, in the year 1843, passed a series of resolutions expressing a strong remonstrance, and nearly all the other Legislatures in North America followed.