

the lessee to go under that area. This amendment is simply to overcome such difficulties.

Mr. GUTHRIE: Is it intended that this amendment shall give the lessee the right to go under the body of water in mining?

Mr. STEWART (Argenteuil): Yes, without reference to the Irrigation Act

Mr. STEVENS: Does it affect any other waters besides those under the Irrigation Act? For instance, mining properties frequently go under waters along the shore. Has the proposed legislation any effect in such cases?

Mr. STEWART (Argenteuil): Under the Irrigation Act the reference is as follows:

Any river, stream, watercourse, lake, creek, spring ravine, canyon, lagoon, swamp, marsh or other body of water, or in or with respect to the water contained or flowing therein, or any exclusive or perpetual property, interest or privilege in the land forming the bed or shore thereof.

The amendment has particular reference to section 7 of the old Irrigation Act.

Section agreed to and bill reported.

Mr. SPEAKER: When shall the bill be read the third time?

Mr. STEVENS: I would ask that the bill stand for third reading at the next sitting of the House.

Mr. SPEAKER: Next sitting of the House.

COPYRIGHT ACT, 1921, AMENDMENT BILL

Hon. J. A. ROBB (Minister of Trade and Commerce) moved the second reading of Bill No. 24, to amend The Copyright Act, 1921.

Motion agreed to, bill read the second time, and the House went into committee thereon, Mr. Gordon in the chair.

On section 2—Licenses; importation:

Mr. GUTHRIE: Will the minister make some explanation of these clauses that are repealed?

Mr. ROBB: The clauses referred to, 13, 14, 15 and 27 of the Copyright Act of 1921, relate to the importation of copyrighted matter printed in countries other than Canada, particularly in the United States. Although this act was passed in 1921, it was never proclaimed. Certain restrictions were provided by that measure respecting the admission of copyright into Canada, Canadian printers and publishers being given the right, on applica-

tion to the commissioner and the payment of a license fee, to print the matter so imported, either in serial form or in book form. This, apparently, was contrary to the provisions of the Berne convention. It is contended on the one hand by the authors that the work of the author is the product of his brain and his ingenuity, that it should be his property and that he should have the right to say who should print it, where it should be printed and what sort of book form it should assume. On the other hand the printers of Canada contend that if the work of an author is not printed in Canada they should have the right, upon the work being sold in Canada and upon the payment by them of an adequate royalty, to publish that work either in serial or in book form, without any regard to the method of binding or the style of printing adopted in the book itself. Now, it is the desire of Canada to come in under the Berne convention, but we cannot do that with these clauses in the act; so it is proposed to repeal them.

Mr. GUTHRIE: The minister says we cannot become parties to the Berne convention so long as these clauses remain in our Copyright Act. Will he be so good as to give us his authority for that statement?

Mr. ROBB: We are admitted to the Berne convention through the British authorities, and they have intimated that the act as it now stands will not be acceptable.

Mr. GUTHRIE: My information is that there has been no such intimation on the part of the British authorities, but that a certain individual in the city of Ottawa has undertaken to say that probably there would be objection. This individual has also communicated with certain unofficial papers in Switzerland suggesting that there would be objection. But my information is that no objection has been taken as is suggested. Will the minister inform the committee by whom the objection has been made?

Mr. ROBB: This is the memorandum prepared for me by the commissioners who have the matter in charge, and it seems to me we should accept the statement of our own Canadian officials:

The authorities of the International Bureau at Berne have definitely stated that the licensing sections referred to are not in harmony with article 4 of the convention, which provides that authors who are subjects or citizens of any of the countries of the union shall enjoy in countries other than the country of origin of the work the rights which the respective laws grant to natives as well as the rights specially granted by the convention. The enjoyment and the exercise of these rights shall not be subject to the performance of any formality.