

so low that the British publications have no chance of competing with them in Canada, and Canadian reprints being prohibited by the copyright law, the business of reprinting for Canadian readers is thus, to a great extent, thrown into the hands of American publishing houses, to the very great detriment of the publishing interests of Canada.

8. By the legislation of last session it is proposed that the persons having copyright under Imperial legislation or under any treaty arrangement with Great Britain may preserve the exclusive right as to Canada by publishing or republishing in this country within a certain time, and that if he does not so publish or republish his copyright shall still avail him to the extent of enabling him to collect a royalty on all republications made in Canada by any other person.

9. The evils before mentioned which have occasioned complaint will be augmented by the provisions of the Berne Convention, which extends the copyright privileges without publication in British possessions to authors of any country which has joined, or may join, the Copyright Union formed by that Convention.

10. For the benefit conferred on Canadian authors (who are comparatively a very limited class) of copyright in the countries comprised in the Berne Convention Union the business of publishing in Canada will be repressed as to works published in all these countries, and the United States publishers will be free from any restrictions of that kind, not only as to the vast markets of their own country, but as to Canada as well.

11. Parliament considered that the peculiar position in which Canada is placed on account of her proximity to the United States, and the copyright policy of the United States, demand peculiar treatment in legislation on this subject, and treatment different from both the Berne Convention and from the Imperial and Canadian Copyright Acts heretofore in force. The Canadian Parliament has on more than one occasion expressed this opinion, and did so emphatically at its last session by unanimously passing the Act now under consideration.

12. If it should seem to Her Majesty's Government that further explanations are needed to convince them of the expediency of the proposed change, or of the necessity of the Act of last session being allowed to go into operation, he trusts that a further opportunity will be afforded of making those explanations, as abundant material exists therefor in the experience of all who are interested in the publishing business in Canada.

13. The undersigned submits that the royalty provision of the Act of last session in favour of the holder of the British copyright is reasonable, and affords ample facilities for collection. The Government of Canada will be prepared to submit to Her Majesty's Government the regulations which may be adopted under the Act for securing the collection of the royalty and the payment thereof to the proper parties.

14. It only remains for the undersigned to observe, as regards the policy of permitting republication in Canada in consideration of such a royalty in favour of the holders of the copyright out of Canada, that under existing legislation the importation of foreign reprints into Canada is permitted on the imposition of a Customs duty in favour of the copyright holder.

15. The Act of last session will make the same provision in favour of the Canadian publisher, but under regulations which will restrain the influx of foreign reprints and afford a better means of collecting the compensation to the copyright holder.

16. The undersigned has reason to apprehend that a question may be raised as to the power of the Parliament of Canada to pass the Act in question, because he is aware that previous legislation on this subject has been stated to require the sanction of the Imperial Parliament, and because that view has been based on very eminent legal authority. On that subject he begs to present the following considerations.

17. The Act in question is understood not to conflict in any way with any Imperial legislation passed since the adoption of the British North America Act, 1867.

18. For that reason, as has been already intimated, no Proclamation will be issued bringing the Act into force until after the Imperial Copyright Act of 1886 giving effect the Berne Convention ceases to be applicable to Canada.

19. The remaining question, therefore, simply is as to the right of the Parliament of Canada under the British North America Act to make regulations in Canada regarding copyright in Canada, notwithstanding that these regulations may differ from those existing under Imperial legislation adopted prior to the British North America Act.

20. The view which the undersigned respectfully presents is, that, as regards all those subjects in respect of which powers were given to the Canadian Parliament by the British North American Act, the true construction of the British North America Act is that Parliament may properly legislate without any limitation of its competency, except-