

be glad to be informed whether the memorandum submitted was sufficient to enable their lordships of the board of trade to form an opinion on this question.

On the 21st July, 1868, his grace informed the governor general of Canada that he was in communication with the board of trade with regard to the recommendation of the senate, and would apprise his excellency of the result as soon as he was placed in possession of their lordship's views.

The reply of the board of trade, dated 22nd July, 1868, was that the question raised was far too important and involved too many considerations of imperial policy to render it possible to comply with the desire expressed by the address of the senate that legislation should be obtained during the then present session of parliament.

It was further stated to be most desirable that the Canadian question should be considered in connection with any negotiations with the United States with regard to copyright. The letter contained the following paragraph, which stated, in substance, the disposal of the question at that time :—

“ My lords, however, fully admit that the anomalous position of Canadian publishers, with respect to their rivals in the United States of America, is a matter which calls for careful inquiry ; but they feel that such an inquiry cannot be satisfactorily undertaken without at the same time taking into consideration various other questions connected with the imperial laws of copyright and the policy of the international copyright treaties, and they are, therefore, of opinion that the subject should be treated as a whole, and that an endeavour should be made to place the general law of copyright, especially that part of it which concerns the whole continent of North America, on a more satisfactory footing.”

The Duke of Buckingham and Chandos, on the 31st July, 1868, sent the governor general of Canada the following formal reply :—

“ Your lordship will perceive that any immediate legislation on the matter was impossible, but that the anomalous position of the question in North America is not denied, and that it is admitted that the law of copyright generally may be a very fit subject for future consideration.”

On the 9th April, 1869, the government of Canada again moved in the matter, transmitting to the colonial office a memorandum by the minister of finance, in reply to the communication from the board of trade above referred to, and on the 27th of July, 1869, the board of trade made an extended reply, to which I beg to refer your lordship as showing that the request which had been made from Canada in 1868, and which is still being pressed, was not controverted on its merits, but was deferred in the hope that presently some international arrangement might be made with the United States, and under the impression that it would be unwise to deal with the Canadian question while the probability of such an arrangement was in view. The following passage from that communication bears this out, and sets forth a summary of the conclusions at which the board of trade had arrived :—

“ Under these circumstances the balance of argument is, in the opinion of the lords of trade, against any immediate adoption of the Canadian proposal. The truth is that it is impossible to make any complete or satisfactory arrangement with Canada unless the United States are also parties to it. Whatever protection is to be given to authors on one side the St. Lawrence must, in order to be effectual, be extended to the other ; and it is consequently impossible to consider this question without also considering the prospects of an arrangement between Great Britain and the United States. There are symptoms of the possibility of such an arrangement. In 1853-54 an international copyright convention was signed between the two governments, but was allowed to drop. In the last session of the United States congress a bill was introduced providing for international copyright in the United States. It required republication and reprinting in the United States as a condition of copyright there, and was in this respect objectionable. But the correspondence showed that there was a considerable interest in the question, and it was evident that the Americans were feeling the want of an international arrangement on the subject.”