

under penalties for violating the Act, it suffers American reprints (which, in the main, pay no royalty to the author or copyright owner) to enter the country, and practically gives the supplying of the entire book market of Canada to a foreign people.

"That common sense as well as policy dictates that the privileges we give to the foreign manufacturer should be given to the native publisher, while the effect of this would speedily be seen in the development of our own publishing industries, and would enable the English author to derive some benefit from the sale of his works in Canada.

"That were the Canadian publishing trade free to reprint English copyrights, with due recognition of the author's rights, he would not only be in a position to supply the wants of our own people (now supplied by the foreigner), but it would be within his power to extend the area of his operations into the United States, and there endeavor to compete with the piratical American reprint.

"That the effect of this might sensibly aid the efforts now being made in Congress to do justice to the British author, by passing of an International Copyright Treaty.

"That so long as the United States makes no reciprocal concessions in the matter of literature to Britain or to British colonies, Canada should be exempt from respecting the copyright privilege granted by the mother country to American writers, who may produce their works first in England.

"That for all these reasons assigned, your memorialists pray your Honorable House to press upon Government the wisdom and policy of securing from the Home Government the right to legislate upon the whole subject of copyright, domestic and foreign, as may be deemed best for all interests concerned, and with due regard to Canadian publishing industries, and the intellectual and social benefit of the Canadian public."

Now, Mr. Speaker, I think that sets forth the case, from a Canadian point of view, in a very clear and unanswerable manner, and I do not see that there is any remedy possible for us, other than the one suggested by these resolutions, namely, that we should ask the Imperial authority to except Canada from the operation of the Copyright Act, so as to enable us to legislate for ourselves. I have read a story told of Mr. John Lovell, the well-known Montreal publisher, who went over to London, in 1873, to try to make arrangements with the firm of Longman's, for publishing some of their copyright works in Canada. His overtures were not at all favorably received. The member of the firm to whom he addressed himself is reported to have told him that he would not allow his books to be published in the colonies, and he added: "Thank God, he had got the power now, and he intended to keep it." Now, Mr. Speaker, if that language was used it was only the utterance of an individual and of a snob, and did not in any sense express the feelings of the English people towards Canada; and much less did it indicate the enlightened views with which British statesmen regard us to-day. All that is necessary is for us to point out to the Home Government that in order to remedy the grievances that are every day pressing injuriously upon the reading public, upon our large printing and publishing institutions, and upon Canadian authors, we absolutely require the right to legislate upon this subject of copyright ourselves. I would go a little further, Mr. Speaker, and I would represent to the Imperial Parliament that the people of Canada have understood, and understand now, that all matters relating to the peace, order, and good government of Canada should be legislated upon exclusively by this Parliament, and that this is one case in which we have not that power, and for practical business reasons we require to have that power now. I think we ought to unite in sending this message to our kin across the sea, and I am perfectly satisfied that the Parliament of England, sitting at Westminster, will give a prompt and speedy consideration to the fair and reasonable request that may be made by this Parliament of Canada sitting at Ottawa.

Mr. DESJARDINS: I have accepted with much pleasure the invitation to second the resolution moved by the hon. member for West Ontario (Mr. Edgar). I consider that if this resolution was carried by this House, and the Government were to act upon it, a further step would be taken in the extension of the National Policy of this country. I thank my hon. friend for having contributed, in this manner, his share towards fortifying the policy that we have been trying to consolidate since 1878.

It was easy for the hon. member to lend us his aid on this question, because it has always united both sides of the House, whenever the matter has been brought before us. In 1872 a Bill passed unanimously both Houses of Parliament, and was reserved for the sanction of Her Majesty. In 1874 a resolution was passed unanimously by both Houses, asking Her Majesty to confirm the Bill, and allow it to become the law of this country. So this cannot be considered a party question, and it is in that sense that I have seconded the resolution of my hon. friend, and in that sense, I am sure, he has proposed it. The reason given for reserving the Bill of 1872 was that it was *ultra vires*. It had been thought until then that copyright having been one of the matters mentioned in the 91st section of the British North America Act, as coming within the exclusive jurisdiction of the Federal Parliament, no more difficulty would arise if this Parliament legislated in respect to that matter than with respect to any of the other matters mentioned in that clause. Patent rights, for instance, were placed in the same category with copyrights, and the power of the Federal Parliament to legislate with regard to patent rights has never been questioned. Now, what is the effect of the interpretation given by the Imperial authorities as to the power of this Parliament to legislate in those matters? It has been this: that while our editors have been prevented from reprinting, under any condition, the works of English authors, we have been flooded with American editions, and American publishers have reaped all the benefits in our own country from the exercise of a privilege of which we have been denied. Under such circumstances it is not to be wondered at that all those who have had to deal with this question have come to the same conclusion, that since, according to Imperial interpretation, the British North America Act had not, in reality, conferred upon us the power to legislate on this question, as on others mentioned in the clauses to which I have alluded, the only remedy was to make another move: have a declaration made by this Parliament expressing our desire to that effect, and ask the Government to request the Imperial authorities to pass such legislation as would amend the British North America Act, so as to grant us the power that we understood we had obtained by that Act. In fact, what do we claim by the resolutions now being submitted to the House? We claim only to be put in the same position as the Americans now occupy in our markets. We claim to be subject to the same conditions for printing English or foreign works under international copyright in England as the Americans have been admitted in our markets; and this would have the effect of giving to parties interested in our publishing establishments the means of extending their business, and put them in a position strong enough to enable them to give that encouragement to our native literature which is so much needed, and so incidentally to grant such protection to the productions of native talent which would ensure success. Since Confederation we have obtained much from the Imperial Parliament. In fact, the British North America Act itself was a great step towards giving us independent power of legislation in this country in all matters of our own concern; every occasion that was offered since has been taken advantage of to develop that independence of legislation. In 1875-76 we obtained for our Government the right to advise the Governor General on and take the responsibility of exercising the prerogative of mercy, which was always before acknowledged to be a strictly Imperial power. From time to time our independent legislative power has been conceded, so that now, when we come to this simple question, we naturally ask why, when our right and power to legislate on matters that were certainly more important to English industries than the question of copyright, was acknowledged; when we have been conceded the power even to tax the products of England; when we have been conceded the right to legislate on patents and inven-