

should pay an excise duty of 12 per cent. for the benefit of the authors. It was alleged that by these means the Canadians would be able to undersell the Americans so effectually as to check smuggling; and further, that the British author would be secured his remuneration, as the money would be certain to be collected in the form of an excise duty, though it could not be collected by means of the customs. Objections, however, were made to the proposal, and it was not carried out.

"197. These considerations led to the suggestion that republication should be allowed in Canada under the author's sanction, and copyright granted to the authors in the Dominion; and upon this a question arose whether Canadian editions, which would be probably much cheaper than the English, should be allowed to be imported into the United Kingdom and the other colonies."

The report then proceeded to state the substance of the Canadian Act of 1875, and intimated, what was no doubt correct, that too short a time had elapsed, since its sanction, to ascertain its full effect.

In sections 206, 207 and 208, the following liberal recommendations were made in favour of the colonies:

"206 We recommend that the difficulty of securing a supply of English literature at cheap prices for colonial readers be met in two ways: 1st, by the introduction of a licensing system in the colonies; and 2nd, by continuing, though with alterations, the provisions of the Foreign Reprints Act.

"207. In proposing the introduction of a licensing system, it is not intended to interfere with the power now possessed by the colonial legislatures of dealing with the subject of copyright work, so far as their own colonies are concerned. We recommend that, in case the owner of a copyright work should not avail himself of the provisions of the copyright law (if any) in a colony, and in case no adequate provisions be made by republication in the colony or otherwise, within a reasonable time after publication elsewhere, for a supply of the work sufficient for general sale and circulation in the colony, a license may, upon application, be granted to republish the work in the colony, subject to a royalty in favour of the copyright owner of not less than a specified sum per cent., on a royalty price, as may be settled by any local law. Effective provisions for the due collection and transmission to the copyright owner of such royalty should be made by such law.

"208. We do not feel that we can be more definite in our recommendation than this, nor indeed do we think that the details of such a law could be settled by the imperial legislature. We should prefer to leave the settlement of such details to special legislation in each colony."

I am unable to find that these recommendations were dissented from by any member of the commission, even by the gentleman who represented the Copyright Association of Great Britain and whose letter is annexed to your lordship's despatch of the 25th March last.

The report seems to have been concluded on the 25th May, 1878, but the recommendations which I have noted, like so many others in favour of the colonies on the subject of copyright, have unfortunately not been carried into execution.

Your lordship cannot then be surprised that—after Earl Grey's promise more than 40 years ago, and after more than 22 years of agitation on the part of Canada, by addresses from both branches of our parliament, by memorandum from our ministers of finance and agriculture, by minutes of council and by statutes passed unanimously in both houses, introduced by three successive governments, representing opposite political opinions, and with encouragements held out at every stage of the agitation to expect a reasonable and favourable consideration of our representations by her majesty's government—the Canadian Parliament believed in 1889 that the act then passed to give effect to what had so often been asked for, to what had never been refused, and to what had been recommended by the highest authorities in Great Britain, after most mature deliberation, should receive a favourable consideration at the hands of her majesty's government, when the government of Canada asked for the assent of her majesty's government to the issue of a proclamation to bring it into force.