

"Section 195. A counter-complaint was advanced by the Canadians. They contended that although they might still import and sell American reprints on paying the duty, they were not allowed to re-publish British works, and to have the advantage of the trade, the sole benefit of which was, in effect, secured for the Americans; in defence of themselves against the charge of negligence in collecting the duty, they alleged that, owing to the vast extent of frontier and other causes, and also from the neglect of English owners of copyright to give timely notice of copyright works to the local authorities, they had been unable to prevent the introduction of American reprints into the Dominion.

"196. The Canadians proposed that they should be allowed to re-publish the books themselves under licenses from the Governor-General, and that the publishers so licensed 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, and so effectually 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 re-publication should be allowed in Canada under the authors' 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, 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 provision be made by re-publication 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 an application, be granted to re-publish 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 the retail price, as may be settled by any local law. Effective provision 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 of March last.

The report seems to have been concluded on the 25th May 1878, but the recommendations which I have quoted, 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 of 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 memoranda 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 opinion, 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