

lapse of time which has intervened has strengthened tenfold every one of the reasons which induced it to be made. At the date of that Despatch responsible government had hardly been established in the North American Colonies, now those Colonies have had 40 year's experience of self-government and have a United Parliament, under a most liberal constitution—a Parliament possessing great powers and responsibilities, among which is expressly mentioned the subject of copyright.

The experience which has been gained of Colonial legislation has, I hope, not lessened the confidence of Her Majesty's Government in the disposition of that Parliament to deal justly with the interests which have been entrusted to its care, and to carry out the views of Her Majesty's Government in matters of Imperial policy as far as possible.

Again, the inconveniences which were pressed on the consideration of Her Majesty's Government forty-seven years ago by the Colonial Legislatures have increased, notwithstanding the partial measure of relief which was accorded three years after Earl Grey's Despatch, and which permitted the importation of Foreign reprints of British copyright works. The price of British publications still exceeds six or sevenfold that for which reprints are purchased in America. The system of circulating libraries and periodical sales, which gives to the British reader the benefit of British literature, has found no place in the Colonies, while in Canada the means of reprinting British publications is now, though it was not then, entirely adequate to the wants of the reading public, if it be permitted to carry on operations, with a reasonable regard for the interests of British copyright holders.

In part fulfilment of the promise of Her Majesty's Government, made known through Earl Grey in the despatch above quoted, the Imperial statute of 1847 was passed, authorising Her Majesty, by Order in Council to suspend that portion of the Act of 1842 which prohibited the importation of foreign reprints of British copyright works, as to any Colony in which the proper Legislative authority should be disposed to make due provision for securing and protecting the rights of British authors in such possession.

In the years 1848–50 Her Majesty in Council made Orders in Council suspending the prohibition contained in the Act of 1842 against the importation of such foreign reprints, the Legislatures of the North American Colonies having, in the meantime, provided for the collection of an impost on such foreign reprints in favour of the author or copyright holder. This partial measure, although not a fulfilment of the promise of Earl Grey, met the principal grievance felt at that time in the North American Colonies, namely, the grievance of being deprived of British literature, which could practically only be supplied to the Colonies by American reprints, the publishing business of the Colonies being then in its infancy.

For a time, the complaints of the Colonies against the Act of 1842 ceased, in consequence of this remedial measure, but for the last twenty years and upwards, the operation of the Act of 1842 even with the remedial provisions of 1847, has been seriously felt and has formed the subject of almost constant complaint. In the quarter of a century which followed the Act of 1842 new conditions of trade and commerce developed. The people of the North American provinces had not only become used to self-government, by the liberal policy of Her Majesty's Government in giving them free legislative constitutions, but they had become more independent of American industries. The necessity for encouraging native industries, instead of relying on those of the United States, had also become very apparent.

The following are instances of the serious inconvenience experienced by the operation of the Imperial copyright laws in North America.

The reading public of what is now the Dominion of Canada has been principally supplied with British literature by American reprints. The high price of British editions has made this unavoidable. In spite of the pointed and repeated warnings to British publishers, given by the Colonial Office for 40 years, very little has been done to change this state of things by providing cheap editions of British works. Even to this day, the English editions cost from four to tenfold the price of American reprints. The result is that the business of publishing British literature for the Canadian reading public is done almost exclusively in the United States. The American publisher, unrestrained by any international copyright law or treaty, is free to reprint any British work and to supply it, not only to the reading public of the United States, but to the reading public of Canada, while the Canadian publisher is not free to reprint any such work on any terms, unless he can obtain the permission of the holder of the copyright in Great Britain. In some noted instances, this has actually led to the transfer of printing establishments from Canada to the United States.