

times to the effect which Canadian copyright legislation might have on negotiations with the United States, if such legislation should permit the reprinting of works copyrighted in the United States.

It was felt that, pending the question of the Dominion being free to legislate on the subject of copyright generally, it was important to have a Canadian copyright system, inasmuch as, since the Imperial Act of 1842, works published in the United Kingdom had copyright in all the Colonies, while for a work published in any one of the Colonies, it was impossible to obtain copyright in the United Kingdom. Our Act, consequently, gave local copyright, protecting the work printed in Canada, and prevented the importation of re-publications of any such work after it should have obtained the local copyright, as the Imperial Act prevented the importation of works which had obtained a British copyright.

I now beg to refer your Lordship to the proceedings of the Copyright Commission of 1876, of which your Lordship was a very prominent member, and in which Canada was represented by the late Sir John Rose. In the portion of the Report of that Commission which deals with the branch of the subject falling under the head of "Colonial copyright," some most important statements and recommendations are made.

First, at section 184, it is admitted that "it is highly desirable that the literature of this country should be placed within easy reach of the Colonies, and that, with this view, the Imperial Act should be modified so as to meet the requirements of colonial readers."

In sections 186, 187, and 188, the following passages occur, which I now beg to cite as confirmation of the narrative which I have given in the early part of this letter, of the effects which immediately followed the Imperial Act of 1842, and as showing that the Canadian Government is now but reiterating an oft-repeated statement the truth of which has long been established and admitted.

"186. These means are not available, and indeed are impracticable owing to the great distances and scattered population in many of the Colonies, and until the cheaper English editions have been published the colonial reader can only obtain English copyright books by purchasing them at the high publishing prices, increased as those prices necessarily are by the expense of carriage and other charges incidental to the importation of the books from the United Kingdom.

"187. Complaints of the operation of the Copyright Act of 1842 were heard soon after it was passed, and from the North American provinces urgent representations were made in favour of admitting into those provinces the cheap United States reprints of English works. In 1846 the Colonial Office and the Board of Trade admitted the justice and force of the considerations which had been pressed upon the Home Government, 'as tending to show the injurious effects produced upon our more distant colonists by the operation of the Imperial law of copyright.' And in 1847 an Act was passed 'to amend the law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom.'

"188. The principle of this Act, commonly known as the Foreign Reprints Act, is to enable the Colonies to take advantage of reprints of English copyright books made in foreign States, and at the same time to protect the interests of British authors."

The result of the "Foreign Reprints Act" is thus stated in sections 193 and 194:—

"193. So far as British authors and owners of copyright are concerned, the Act has proved a complete failure. Foreign reprints of copyright works have been largely introduced into the Colonies, and notably American reprints into the Dominion of Canada, but no returns, or returns of an absurdly small amount, have been made to the authors and owners. It appears from official reports that during the 10 years ending in 1876, the amount received from the whole of the 19 Colonies which have taken advantage of the Act was only 1,155*l.* 13*s.* 2*d.*, of which 1,084*l.* 13*s.* 3*d.* was received from Canada, and that of these Colonies seven paid nothing whatever to the authors, while six now and then paid small sums amounting to a few shillings.

"194. These very unsatisfactory results of the Foreign Reprints Act, and the knowledge that the works of British authors, in which there was copyright, not only in the United Kingdom, but also in the Colonies, were openly reprinted in the United States, and imported into Canada without payment of duty, led to complaints from British authors and publishers; and strong efforts were made to obtain the repeal of the Act."

The request which I have been pressing in this letter, and the grievances which the Canadian Copyright Act of 1889 was intended to remove, are thus summarised in section 195:—