

passed in the session of 1872 should not be allowed to lapse by the expiry of the two years' limitation, specified in the 57th section of the British North America Act of 1867, and begging to assure his excellency that important interests in the Dominion were prejudiced by the absence of legislation such as that bill contemplated.

The answer was communicated on the 15th of June, 1874, by Lord Carnarvon, stating that the imperial act of 1842 was still in force throughout the British dominions, in so far as to prohibit the printing of a book on which copyright subsisted under that act; and that he had been advised that it was not competent for the parliament of Canada to pass such a measure as the act of 1872, inasmuch as its provisions would be in conflict with imperial legislation, and that he had no alternative but to advise her majesty that her assent could not properly be given to the bill.

Lord Carnarvon closed his despatch with the following paragraph, which, I respectfully submit, is a renewal of the promises often made in connection with this subject:

"I am aware that the subject of colonial copyright has long been under consideration, and that attempts were made by her majesty's late government, in connection with yourself and your ministers, to arrive at a settlement of this difficult and most important question. I will only now express my readiness to co-operate and my confident hope that we may without difficulty be able to agree in the provisions of a measure which, while preserving the rights of the owners of copyright works in this country under the imperial act, will give effect to the views of the Canadian government and parliament."

Pending the fulfilment of the promises thus renewed by Lord Carnarvon, the parliament of Canada, in 1875, passed a bill on the subject of copyright in Canada, which was carefully drawn, to avoid as far as possible conflict with imperial legislation. In order to remove any doubts as to the validity of this bill, an imperial statute was passed to authorise its being assented to. This latter is known in Great Britain as the "Canadian Copyright Act of 1875." It authorized her majesty to assent to the reserved bill, but forbade the importation into the United Kingdom of colonial reprints of any work which might be copyrighted in Canada, and for which copyright subsisted in the United Kingdom. It placed, practically, the production of such works in Canada on the same footing as foreign reprints. The Canadian act of 1875 then received the royal assent.

It is unnecessary that I should refer in detail to this act, but it may be proper to state that it seems most liberal and fair in its provisions. It permits an author at any time, having printed his book in Canada, to obtain copyright there. It permits the original author's edition to be imported at all times so that superior and revised editions may always be procured. It established interim copyright, so as to protect a work while passing through the press. It provided for temporary copyright, to cover the case of works published in serial form, and it extended all the privileges of copyright in Canada to any British subject, and to the subjects of any country which has a treaty on this subject with Great Britain, and thus removed one of the objections which had been taken in earlier 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.