

That it has long been the custom for the owners of English copyright to sell to American publishers advance sheets of their works, and when Canadian publishers have offered to acquire copyright in Canada by purchase, they have been told that the arrangements made between English and American publishers were such as to prevent any negotiations with Canadians.

"That Canada has passed a law by which British authors can secure copyright in Canada, and has further expressed a readiness, where authors do not choose to take out copyright, to secure adequate compensation to them by means of an excise tax on all English copyright works for the benefit of the authors.

"They, the Ministers, recommend that a further appeal be made to Her Majesty's Government to legislate upon this subject without further delay.

"The Committee concur in the foregoing report, and submit the same for your Excellency's approval."

In the Session of the Canadian Parliament of 1872 a Copyright Bill was passed, in substance and principle like the Act of 1889. This was reserved by the Governor-General for the signification of Her Majesty's pleasure.

In May 1874, the pleasure of Her Majesty not having been communicated, and in view of the fact that the two years within which the Royal Assent might be given to it would expire on the 14th of June 1874, addresses to his Excellency the Governor-General were presented by the Senate and by the House of Commons respectively, asking him to convey to Her Majesty's Principal Secretary of State for the Colonies the respectful expression of the necessity felt by the Senate and House of Commons that the Bill 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 connexion 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 connexion 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 authorised 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