

I am sure that a re-perusal of the Act of 1850 will satisfy you that Canada undertook efficiently to carry out its intentions, and I do not know a simpler or more effective form of so doing, or one entailing less trouble on all concerned in its administration than the above scheme.

I shall be much gratified if these suggestions help you to put this troublesome subject on a proper footing.

The Hon. Sir John Thompson,
Minister of Justice,
Ottawa, Canada.

Believe me, &c.
F. R. DALDY.

No. 6.

LORD KNUTSFORD to LORD STANLEY OF PRESTON.

MY LORD,

Downing Street, March 25, 1890.

IN reply to your Despatch of 26th August,* I have to state that I have given very careful consideration to the arguments put forward in the able report of the Minister of Justice, in which the Privy Council concurred, with reference to the Act of the last session of the Dominion Parliament to amend the Copyright Act (cap. 62, Revised Statutes of Canada), but I regret to say that I am unable to authorise you to issue a proclamation to bring that Act into force.

I am advised by the Law Officers that the powers of legislation conferred upon the Dominion Parliament by the British North America Act, 1867, do not authorise that Parliament to amend, or repeal, so far as relates to Canada, an Imperial Act conferring privileges within Canada.

This advice, as your Ministers will observe, by reference to the Parliamentary Paper (Copyright Colonies)† of April 1875, is in entire accordance with the advice tendered by former Law Officers—now Lords Selborne and Herschell—in 1871, and by the Law Officers in 1874 and 1875, and I may add with the judgments of two judges in the case of *Smiles v. Bedford* on Appeal 1, Upper Canada Reports 436. The reasons upon which this view is based are very clearly stated by Lord Carnarvon in his Despatch of 15th June 1874,‡ and I have only to express my concurrence in those reasons.

This important subject will doubtless receive further consideration by your Ministers; and it may, therefore, be perhaps not out of place if I call attention to two provisions in the Act passed last session by the Dominion Parliament, which have been directly brought under my notice, and to which special objection is felt by the proprietors of copyright in this country.

In the first place it has been pointed out, that, under the Canadian Copyright Act of 1875, which had effect given to it by the Imperial Act of 1875, no limitation of time for printing and publishing, or reprinting and republishing, in Canada was imposed, whereas by the fifth section of the Act of the last session, one month only is allowed for such proceeding; and I am assured that in the great majority of cases, it would be practically impossible within that time to make the necessary arrangements. I should hope, therefore, that upon further consideration, it may be recognised that the time proposed is insufficient.

The second provision to which objection is strongly felt, is that which empowers the granting of licenses to print and publish works for which copyright might, but for neglect or failure, have been obtained. I am aware that the principle of granting such licenses was affirmed by the Royal Commissioners on Copyright in their report of the 24th May 1878, and that they recommended such grants “in case no adequate provision” be made by republication in the Colony or otherwise, within a reasonable time after “publication elsewhere, for a supply of the work sufficient for general sale and circula-

* No. 3.

† [H. C. 144] April 1875.

‡ No. 4 in [H. C. 144] of 1875.