

what had been recommended by the highest authorities in Great Britain, after most mature deliberation, should receive a favourable consideration at the hands of Her Majesty's Government when the Government of Canada asked for the assent of Her Majesty's Government to the issue of a Proclamation to bring it into force.

I respectfully refrain from discussing here the legal difficulties by which your Lordship has been impressed, as to the power of the Parliament of Canada to pass such an Act, because, I understand that I have your Lordship's permission, to discuss that subject separately, and because it in no way relates to the principle under discussion on this occasion.

Hitherto it has always been either assumed on the part of Canada and Great Britain, or distinctly asserted on the part of Great Britain, that Canada had not the power to pass such an Act, but hope has always been held out that Canada should obtain the power, and I therefore submit, that, if your Lordship should continue to be of the opinion that the power does not exist, you will promote legislation to set that question finally at rest, by conferring the power; and that, if you should be of the opinion that the power may exist, you will advise Her Majesty to consent to the issue of a Proclamation to bring the Act of 1889 into force, under the assurances which have been offered, that a most respectful consideration will be given to any suggestion for the improvement of the measure which your Lordship may think proper to make, after hearing all that may be advanced on both sides.

In the Despatch of the 25th March your Lordship suggested that the Government of Canada would doubtless fully consider whether it would not be well, and be desirable, to leave the law as it now stands, until it should be seen what action would be taken in the United States on the subject of copyright. The action of the United States has since been announced. It is the action which has followed every attempt to establish a copyright arrangement with the United States during the last 25 years. The only measure which has ever been offered in the United States Congress, looking to international arrangement, or forming, in any way, the basis for international arrangement, has exacted, as an indispensable condition to American copyright (whether treaty or statutory) reprinting in the United States. Those who are most intimately acquainted with the state of public opinion in that country are confident that that condition will never be dispensed with. We have seen that every measure looking to an international arrangement, even with that condition included, and even the measure which was pending when your Lordship's Despatch was written, has been rejected by Congress.

It is not too much then, I hope, to ask that a final decision of the case of Canada should no longer be postponed to await the action of the United States.

Permit me to add, in this regard, a repetition of two points, which I have already hinted at. First, that the present policy of making Canada a market for American reprints, and closing the Canadian press, for the benefit of the American press, in regard to British copyright works, has a direct tendency to induce the United States to refuse any international arrangement. Second. That, inasmuch as the existing Canadian copyright law affords protection to the copyright holder in every country which may make a treaty with Great Britain, it cannot be suggested, as it once was, that self-government in Canada, on this subject would, in the least, impede negotiations with the United States for an international arrangement.

I am, &c.

JOHN S. D. THOMPSON,
Minister of Justice of Canada.

No. 10.

COLONIAL OFFICE, to BOARD OF TRADE.

Sir,

Downing Street, July 17, 1890.

In reply to your letter of the 9th of July,* I am directed by Lord Knutsford to transmit to you, to be laid before the Board of Trade, a copy of the Canadian Copyright Act Amendment Act of 1889,† together with copies of the correspondence which has passed with the Governor General of Canada on the subject.

The question is still under the consideration of Her Majesty's Government.

I am, &c.

JOHN BRAMSTON.

* No. 8.

† No. 1.

‡ Nos. 2, 3, 6, and 7.