

Bill. What we attempted to do, in the time to which the hon. member for Toronto (Mr. Robertson) has referred, which was the time when Mr. Newcombe's draft Bill was prepared and when he made his special visit to the Colonial Office, was, without taking issue on the general question of right, to try whether it was possible to obtain the assent of the Imperial authorities, not to the measure adopted here, subject to the Governor General's proclamation in 1889, but passing that by, not asking the full powers which we claimed through Sir John Thompson, that we possessed, but to such a measure as would be satisfactory to the publishers and authors in Canada, short of a full measure of what we asked. It was no doubt impossible to obtain that legislation. The draft Bill that my hon. friend from Toronto (Mr. Robertson) and the Minister of Agriculture referred to is a draft Bill of Mr. Newcombe's, which he thinks ought to be satisfactory to the Canadian interest, and which he has reason to believe will be satisfactory to the Colonial Office, but I was satisfied, after hearing Canadian interest, that that draft would not satisfy them at all. We talk of ourselves as a nation, and yet there is this extraordinary feature in connection with the British North America Act, according to the interpretation of the law officers of England and contrary to Sir John Thompson's opinion, that while we are admitted to have full powers with regard to legislation on patents, on an almost similar subject we are told that our wings are clipped and that we cannot legislate as the Canadian people desire. The reasons are notorious. I venture to say that they are not Imperial but are founded upon a very influential and selfish interest, the authors and publishers of London, who have been conspicuous in their opposition to any movement this country has ever made to obtain the powers we ought to have, as an independent self-governing country, in regard to all matters of this character. In everything else we are given authority, but the powerful influence, represented by some of the greatest names in literature, opposes us when we come to discuss this subject with the Colonial Minister. I venture to say that if that influence were out of the way, many a British Government that has resisted us, Conservative and Liberal, would willingly have acceded to the strong representations made. I would suggest to the Government to leave questions of detail and claim at the hands of the Imperial Government, declaratory legislation, if necessary, giving us the full powers, which we claim to hold, under the British North America Act, with regard to copyright just as we have with regard to patents.

The PRIME MINISTER (Sir Wilfrid Laurier). If I may be permitted just one word, I would say that my hon. friend from Toronto (Mr. Ross Robertson) suggested a

Sir CHARLES HIBBERT TUPPER.

moment ago that we had given notice of withdrawal from the Berne Convention and that, therefore, we have the remedy in our hands, so far as Canada is concerned—that we have only to insist to the Imperial authorities that we want effect given to the notice of withdrawal. But that notice was given seven years ago. If it was not acted upon there must have been some cogent reason for it. My hon. friend from Pictou (Sir Charles Hibbert Tupper) has just given the reason. The reason is that there are powerful interests, and interests which none can afford to disregard altogether, pressing upon the British Government to insist that the Berne Convention should not be altered. My hon. friend from Pictou has stated that some of the most illustrious names in literature take a deep interest in this matter, and up to the present time their representations have been strong enough to make the British very reluctant to have the Berne Convention interfered with. The Berne Convention was made principally for the protection of authors. It was the strong literary sentiment of Europe that brought that convention into existence. It is very unfortunate, I think, and very much to be deplored, that the United States have not been willing to join the Berne Convention. Had they done so all this trouble to us would have been avoided. But the United States have refrained from joining the Berne Convention, and so we find ourselves placed in a somewhat false position. But I understood that this matter was satisfactorily compromised, some few years ago, by what has been called the Hall Caine Convention. And, if I understood aright—and I wish to be corrected, if I am wrong—my hon. friend from Toronto (Mr. Ross Robertson) was satisfied with the Hall Caine Convention if brought into legislation.

Mr. ROSS ROBERTSON. We were satisfied with the arrangements made with Mr. Hall Caine at the interview held in the Department of Agriculture, at which my hon. friend from Pictou was present.

The PRIME MINISTER. I am satisfied with that. It is a satisfactory compromise, and I think we can give effect to it. My hon. friend from Toronto, if I understood him, thinks that the recent legislation introduced in England by Lord Herschell would make it impossible to carry into effect the Hall Caine Convention. That is the burden of the impression he has attempted to make upon the Government. So far as his question is concerned, the Department of Justice do not agree with my hon. friend; they take issue with him directly. The Department of Justice and Mr. Newcombe, who has given great attention to this subject, I can speak with authority when I say, are clearly of opinion that the Act introduced by Lord Herschell will not interfere with the arrangement known as the Hall Caine arrangement, but that that arrangement can be given effect to by legislation. That is the