

should be given the right to pass statutes embodying principles precisely the same as those which form the basis of the Canadian Act of 1889 before referred to.

We, therefore, humbly pray, that Your Majesty will be graciously pleased to invite such legislation in the Parliament of the United Kingdom as will remove the doubts herein-before referred to, and explicitly confer upon the Parliament of Canada the power to legislate in the interests of the people of the Dominion on all matters relating to the subject of copyright, without regard to the statutes which may have been in force when the Parliament of Canada was established.

We further pray that, in order to give effect to the Act of the Parliament of Canada of 1839 aforesaid, notice may be given by Your Majesty's Government of the withdrawal of Canada from the Berne Copyright Convention.

The Senate,
Wednesday, 30th September 1891.

JOHN ROSS,
Speaker of the Senate.

House of Commons,
Tuesday, 29th September 1891.

P. WHITE,
Speaker of the Commons.

No. 26.

COLONIAL OFFICE to BOARD OF TRADE and FOREIGN OFFICE.

[Answered by No. 27 and 28.]

SIR,

Downing Street, December 7, 1891.

THE Board of Trade are aware from previous correspondence, that in 1889, a THE Marquis of Salisbury is Copyright Act Amendment Act was passed in Canada which was only to come into force upon proclamation by the Governor-General.

This Act was referred to the Board of Trade in the letter from this Department of the Foreign Office 17th of July 1890|| and, after full consideration, Her Majesty's Government decided 11th of March 1890¶ to refuse to instruct the Governor-General to bring it into operation.

This decision was conveyed to the Dominion Government in a Despatch dated the 25th of March 1890,* in which two points were stated for the further consideration of the Dominion Legislature.

(a.) That one month only was allowed for the republication of an Imperial Copyright work so as to secure copyright in Canada, and that in the great majority of cases it would be practically impossible within that time to make the necessary arrangements;

(b.) That the system of licensing was to be allowed without the condition attached to it by the Royal Commission of 1878.

The Dominion Minister of Justice, Sir J. Thompson, replied to these points in his memorandum of 14th of July 1890,† a copy of which was communicated to you in the letter from this Department of the 5th of the following month, and after giving an historical review of the copyright question in Canada since 1842, he asked that power should be given to Canada by Imperial legislation to deal with copyright questions, and that consent should be given to the bringing into operation of the Canadian Act of 1889.

This memorandum was also referred to the Foreign Office and to the Society of Board of Trade Authors and the Copyright Association, copies of whose replies‡ are enclosed.

In despatches§ since received from Canada, of which copies are enclosed, Her Majesty's Government are again asked to introduce legislation declaring the full authority of Canada to legislate with regard to Copyright in the Dominion, and to ratify and confirm the Canadian Act of 1889 by Imperial legislation.

I am to draw particular attention to the Despatch from the Governor-General No. 274 of the 19th of October, enclosing an address to the Queen from the Senate and House of Commons of Canada containing a prayer to the above effect, and further praying that notice may be given by Her Majesty's Government of the withdrawal of Canada from the Berne Copyright Convention.

Lord Knutsford desires me to state that, as at present advised, he thinks the first request of the Dominion Government should not be acceded to, and that for the reasons stated

* No. 6.

† No. 9.

‡ Nos. 12, 14, 21, and 18.

|| No. 10.

§ Nos. 13, 22, and 25.

¶ Not printed.