

These remonstrances were replied to by a Circular despatch from Earl Grey (then Your Majesty's Principal Secretary of State for the Colonies) directed to all the Governors of the North American Colonies. The Circular was in the words following:—

SIR,

Downing Street, November 1846.

HER Majesty's Government, having had under their consideration the representations which have been received from the Governors of some of the British North American Provinces complaining of the effect in those Colonies of the Imperial Copyright Law, have decided on proposing measures to Parliament in the ensuing session which, if sanctioned by the Legislature, will, they hope, tend to remove the dissatisfaction which has been expressed on this subject, and place the literature of this country within the reach of the Colonies on easier terms than it is at present. With this view, relying upon the disposition of the Colonies to protect the authors of this country from the fraudulent appropriation of the fruits of labours upon which they are often entirely dependent, Her Majesty's Government propose to leave to the local legislatures the duty and responsibility of passing such enactment as they may deem proper for securing both the rights of authors and the interests of the public. Her Majesty's Government will accordingly submit to Parliament a Bill authorising the Queen in Council to confirm, and finally enact any colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country; it being provided by the proposed Act of Parliament that no such law or ordinance shall be of any force or effect until so confirmed and finally enacted by the Queen in Council, but that from the confirmation and final enactment thereof the copyright law of this country shall cease to be of any force or effect within the Colony in which any such colonial law or ordinance has been made in so far as it may be repugnant to, or inconsistent with, the operation of any such colonial law or ordinance.

I have, &c.

GREY.

The intention of Your Majesty's Government, as expressed in this Circular, has never been carried into effect. The importation from foreign countries of works copyrighted in the United Kingdom was permitted under certain conditions, but the republication of such works in the Colonies, even under any conditions as regards the holders of copyright, has never been permitted, nor has the right of the Legislatures of the provinces or of the Dominion of Canada to make enactments to regulate the law of copyright been recognised by Your Majesty's Government, unless such enactments could be shown to be consistent with and subordinate to the Act of the United Kingdom before mentioned.

Your Majesty's Parliament, in the year 1867, in establishing the Dominion of Canada, gave to its Parliament very extensive powers of government, including the right to legislate on this important subject. The Parliament of Canada has enacted several statutes regulating the law of copyright for Canada. These statutes adopted the provisions which the interests and welfare of the people of this country, as connected with this matter, seemed to require, and at the same time gave liberal protection to the interests of all such persons as had acquired, or might acquire, copyright in the United Kingdom. These statutes have always been regarded by Your Majesty's Government, however, as requiring sanction by the Parliament of the United Kingdom and the most recent of them—passed in Canada in the year 1889—remains inoperative for want of the assent of Your Majesty's Government to a proclamation which will bring it into force.

The provision of the Act of 1889 just mentioned are such as are required in the interests of the people of Canada, and its provisions have not been shown to be in any respect unfair as regards any portion of Your Majesty's subjects. The Act was passed unanimously by both Houses of the Parliament of Canada, and has been earnestly pressed by the Government of Canada upon the favourable consideration of Your Majesty's Government.

While your Memorialists hold the view that such a statute is within the competence of the Parliament of Canada, under the British North America Act, they have been informed that doubts upon that subject has been raised, and they humbly submit that such doubts should be removed by statute of Your Majesty's Parliament giving effect to the Canadian Copyright Act of 1889 at once, and confirming the right of the Parliament of Canada, according to the promise made by Your Majesty's Government in 1846, to make laws on the subject of copyright as may from time to time be required for the country, notwithstanding that such laws may be inconsistent with the provisions of Imperial Statutes passed before adoption of the British North America Act of 1867.

Your Memorialists beg to call attention to the fact that Your Majesty's Royal Commissioners on Copyright, in the year 1876, recommended that the Colonial Legislatures