

COPYRIGHT.

MEMORANDUM.

In answer to your enquiry as to the record in relation to Copyrights, that was placed before Sir John Macdonald, when, on June 10th, 1886, he sent from his library at Ernscliffe, the following telegram to Sir Charles Tupper.

"Canada consents to enter Copyright Convention."

The first paper shown to Sir John was a copy of a telegram framed on the advice of Dr. Taché, and signed by you, addressed to Sir Charles Tupper, on March 19th, 1886, in the following words:-

"The Canadian Government concurs in joining the Mother Country to permit England and Colonies to enter Copyright Union, subject to saving of existing rights and power to legislate on points not affecting Imperial legislation or Union."

Sir John was further shown by me, during your absence from the city, a report by Dr. Taché, concurred in by Mr. Pope, and sanctioned by Order-in-Council, dated July 23rd, 1883, also an Order-in-Council on a report by Mr. Pope, drafted by Dr. Taché, in November, 1882, on the subject of a Copyright Convention between Great Britain, the United States and Canada, the whole proceeding on the principle that the author's interest should be primarily considered in all Copyright arrangements, the publisher's interest being a matter for Tariff legislation, and that Canada should be in accord with the Mother Country in the matter of Copyright.

The whole of the Departmental action since 1872, as shown by me to Sir John Macdonald, established a principle, of which the Berne Convention was a logical extension.

I also took to Sir John, Sir Charles Tupper's letter to him, dated March 20th, 1886, on the subject of Copyright, which was filed in the Department of Agriculture, asking to be furnished with instructions on the subject by the Government as early as possible.

I further took to him Earl Granville's despatch to the Governor General referred to the Minister of Agriculture on June 8th, 1886, in which Earl Granville expressed a hope that he should be informed, by telegraph, of the desire of the Canadian Government that Her Majesty's Government should accede to the Berne Convention on the behalf of the Dominion of Canada.

Sir John Macdonald, on a consideration of these papers, sent, on the spot, the telegram which I have above quoted, signed by himself to Sir Charles Tupper, I pointed out, at the time, the reservation in the telegram of March 19th above quoted, when agreement was sent to enter into the negotiations at Berne.

Sir Charles immediately communicated this message to the Colonial Office, as appears by the printed Imperial papers, and the Colonial Office communicated it to the Foreign Office as an Act of the Canadian Government.

Respectfully submitted,

*(sgd) J. Lowe*

To the Hon. John Carling,  
Minister of Agriculture,

Department of Agriculture,  
February 9th, 1889.

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