

DIARY FOR NOVEMBER.

2. Saturday	Articles, &c., to be left with Secretary Law Society
3. SUNDAY	23rd Sunday after Trinity.
6. Tuesday	Chancery Examination Term, Goderich and Cornwall com.
8. Friday	Last day for setting down for hearing Chancery
10. SUNDAY	24th Sunday after Trinity.
11. Monday	Last day for notice of hearing Chancery.
13. Wednesday	Last day for service of Writ County Court.
17. SUNDAY	25th Sunday after Trinity.
18. Monday	MICHAELMAS Term beg. Chan. Hearing Term. com. Record- er's Court sits.
22. Friday	Paper Day, Q. B.
23. Saturday	Paper Day, C. P. Last day to declare County Court.
24. SUNDAY	26th Sunday after Trinity.
25. Monday	Paper Day, Q. B.
26. Tuesday	Paper Day, C. P.
27. Wednesday	Paper Day, Q. B.
28. Thursday	Paper Day, C. P.
30. Saturday	MICHAELMAS Term ends. Chancery Hear. Term ends. Clerks of Municipal Councils to return No. of resident Ratepayers to Receiver General.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Patton & Ardagh, Attorneys, Barrie, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses, which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

The Upper Canada Law Journal.

NOVEMBER, 1861.

RIGHT OF BRITISH AUTHORS TO COPYRIGHTS IN CANADA.

The Imperial Legislature by the act 3 & 4 Vic., cap. 35, commonly called the Union Act, empowered Her Majesty the Queen, within the Province of Canada, by and with the advice of the Legislative Council and Assembly of the Province, to make laws for the peace, welfare, and good government of the Province—such laws not being repugnant “to any act of Parliament made or to be made, which does or shall by express enactment or by necessary intendment extend to the Provinces of Upper and Lower Canada, or to the Province of Canada” (sec. 3).

The Queen, by and with the advice of the Legislative Council and Assembly of the Province, on 18th September, 1841, made a law entitled, “An Act for the protection of Copyrights in this Province” (4 & 5 Vic., c. 61).

By section 2 of the act last mentioned, “any person or persons resident in the Province, who shall be the author of any book or books, &c., which may be now made or composed and not printed or published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave, * * * any print or engraving, * * * shall have the sole right and liberty of printing, re-printing, publishing, and vending such book or books, &c., in whole or in part, for the term of twenty-one years from the

time of recording the title thereof in the manner after mentioned.”

By section 5 of the same act it is enacted, that “no person shall be entitled to the benefit of this act unless he shall, before publication, deposit a printed copy of the book or books, &c., in the office of the Registrar of the Province, which officer is hereby directed and required to record the same forthwith, in a book to be kept for that purpose,” in a given form of words; and by section 6, that “no person shall be entitled to the benefit of the act, unless he shall give information of copyright being secured, by causing to be inserted in the several copies of each and every edition published during the term secured, on the title page or page immediately following it if it be a book, the following words, “Entered according to act of the Provincial Legislature in the year —, by A. B., in the office of the Registrar of the Province of Canada.”

It is manifest upon a perusal of the act, that it was intended for the sole benefit of authors being residents of the Province; British and Foreign authors, so far as this act was concerned, were left without protection.

On 28th July, 1847, the 10 & 11 Vic, cap. 28, was passed by the Provincial Legislature. It was entitled, “An Act to extend the Provincial Copyright Act to persons resident in the United Kingdom on certain conditions,” and enacted, that “for and notwithstanding any thing in the said Provincial Act contained, the provisions thereof shall be, and the same are hereby extended to any person or persons being British subjects, and residing in Great Britain or Ireland, as if such person or persons were residents in this Province. *Provided always*, that to entitle any such literary production or engraving, as in the said act mentioned, being the work of any such person or persons so residing in Great Britain or Ireland, to the protection of the said act, it shall be printed and published in this Province, and shall, in addition to the words directed to be inserted by the 6th section of the said Provincial Act, and immediately following thereafter, contain the name and place of abode or business in this Province, of the printer or printers and publisher or publishers of every such literary production or engraving.”

So far, protection was given to British authors resident in Great Britain or Ireland; but the protection was only given upon certain specified conditions. Neglect to comply with these, was an answer to any claim of protection. The conditions were reasonable, viz, that no non resident, even though a British subject, should have copyright in this Province unless he printed and published his work in the Province, thereby giving some employment to the people of the Province, and in order to avoid mistake,