

The Legislature of Nova Scotia in 1845 memorialised Her Majesty for a modification of the Act. They stated that the high price of English books, and the monopoly of London publishers, which were felt to be serious grievances in the United Kingdom, but mitigated there by the periodical sales by some of the publishers, and by the wide establishment of circulating libraries, clubs, and reading societies, were intensified in the Colony, where the importation of English editions of new books was confined to a few copies for the use of libraries and wealthy individuals; that the readers of the Colony were usually supplied by American reprints of English books, and that any law of copyright to prevent the importation of such reprints could not be enforced and would be ineffectual, even to extend the sale of English copies beyond the previously existing demand.

The Legislature of Nova Scotia at that time pressed upon Her Majesty's Government, not only a consideration of the general advantages of literature upon the minds of the people, but the evil tendency of literature of a foreign, and often hostile country, like the United States, in forming the political opinions and the tastes of the people in the provinces.

On November 27th, 1845, Lord Stanley, Her Majesty's Principal Secretary for the Colonies, replied to this memorial from Nova Scotia, intimating that the attention of Her Majesty's Government was being directed to the state of the copyright law, in order to discover if there were any particulars in which the law might be so amended, as to afford any relief to the Colonies, "without promising that Parliament would be recommended to alter its determination to afford protection to the authors and publishers of Great Britain, of their right of property in their own productions."

On the 13th March 1846, the Legislature of Nova Scotia again adopted a report, which was transmitted to the Right Honourable the Secretary of State for the Colonies.

That report stated that attention had been given by the Committee to the Despatch of Lord Stanley dated the 27th November 1845, and that they were convinced "that the practical effects of the Copyright Act were to deprive the people of the Colonies of literature, whose means rendered them unable to purchase costly books issued from English publishing houses, to diminish the revenue, and to encourage smuggling, without producing any corresponding benefit to the author."

These remonstrances drew from the Right Honourable Mr. Gladstone, the Secretary of State for the Colonies, a representation to the publishing trade in England, that "they must be induced to modify any exclusive view which might still prevail with regard to this important subject."

At length, on the 19th October 1846, Sir Stafford H. Northcote, by direction of the Lords of the Privy Council for Trade, reviewing the contentions which had been thus pressed upon the Home Government by the Legislatures of the Colonies, made the following recommendation to the Colonial Office:—

"Under these circumstances, my Lords see no course so likely to be successful as that of inviting the Colonial Legislatures themselves to undertake the task of framing such regulations as they may deem proper for securing at once the rights of authors and the interests of the public. My Lords feel confident that they may rely upon the Colonies being animated by a sense of justice which will lead them to co-operate with this country in endeavouring to protect the author from the fraudulent appropriation of the fruits of labours upon which he is often entirely dependent, while they entertain a sanguine hope that methods may thus be discovered of accomplishing this important object with the least possible inconvenience to the community."

"I am accordingly directed to request that you will suggest, for Lord Grey's consideration, whether it might not be desirable to obtain from Parliament an Act 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 colonial law or ordinance should 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 should cease to be of any force or effect within the Colony in which any such colonial law or ordinance had been made, in so far as it might be repugnant to, or inconsistent with, the operation of any such colonial law or ordinance."

I am, &c.

STAFFORD H. NORTHCOTE."