

CAP. IX.

An Act to regulate the Importation of Books, and to protect the British Author.

(Passed the 21st day of March, 1848.)

Preamble.

WHEREAS, in consequence of the passage of the Act of the Imperial Parliament, made in the Tenth and Eleventh Years of Her Majesty's Reign, entitled, 'An Act to amend the Law relating to the protection in the Colonies of Works entitled to protection in the United Kingdom,' it is expedient to legislate on the Law of Copyright :

Books, except Reprints of British Works protected by Imperial Copyright Laws, to be duty free.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the time when this Act shall go into operation, it shall be lawful to import all Books of whatsoever nature or kind, and from whatsoever Country the same shall be imported, save and except the Reprints of any Books first composed, written, or published, in Great Britain, and protected at the time thereof by the Laws of Copyright, passed by the Imperial Parliament, now in force, and as hereafter provided, and that the said Books, save and except the Reprints, as aforesaid, shall be admitted into this Province duty free.

Reprints of Books protected by Copyright Laws to pay an *ad valorem* duty of 22½ per cent.

II. And be it enacted, That on the importation of any Reprint of any Book or Review, bound, or in covers, of whatsoever nature or kind the same may be first composed, written, or published, in the United Kingdom of Great Britain and Ireland, and protected at the time of importation by the Acts of the Imperial Parliament, to enforce the Law of Copyright, whether imported from the United States, or other Foreign Countries, there shall be paid an *ad valorem* duty on the *bona fide* price of such Reprints, of Twenty per cent. : *Provided always,* that said duty shall not be paid on Newspapers, or other regular Periodicals, containing extracts only from said Books or Reviews, as aforesaid ; and after collection by the proper Officers, the said duty shall be paid into the Treasury, and then remitted by the Governor to the Commissioners of Customs at London, with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered Proprietor of the Copyright of said Books or Reviews, respectively : *Provided always,* that before the Reprint of any Book or Review, be made liable to such *ad valorem* duty, as aforesaid, the said Book or Review shall have been duly registered according to the provisions of the Imperial Act, made in the Fifth and Sixth Years of Her Majesty's Reign, entitled, 'An Act to amend the Law of Copyright.'

Not to apply to Periodicals containing only extracts from protected Works.

Application of Duties
Proviso

Penalties for infringement of Act.

III. And be it enacted, That after this Act shall go into operation, it shall not be lawful for any person to import, or bring, or cause to be imported, or brought, into this Province, for use, sale, or hire, any Reprint referred to in the said foregoing Clause, and therein and thereby made liable to Duty, contrary to the true intent and meaning of this Act, or knowingly, to sell, publish, or expose to sale, or let to hire, or have in his possession, for use, sale or hire, any such Reprint ; and every such Reprint, so imported, or brought, sold, published, or exposed to sale, shall be forfeited and sold, one half the proceeds thereof to be applied to the use of the Officers of Customs or Excise, seizing the same, and the other half to the registered Proprietor of the Copyright of the Book from which such Reprint is made ; and further—every person so offending, being duly convicted thereof, before any two Justices of the Peace in the County where the seizure is made, which said Justices are hereby empowered to try the same according to the form of the Acts provided in ordinary cases of debt, shall, for every such offence, forfeit the sum of Five Pounds, and double the value of every copy of such Reprint which he shall so import, or cause to be imported, into this Province ; or shall knowingly, sell, publish, or expose to sale, or let to hire, or shall have in his possession

Recovery of Penalties, and application thereof.