

COPYRIGHT (COLONIES).

COPIES of or EXTRACTS from CORRESPONDENCE
between the Colonial Office and any of the Colonial
Governments on the subject of COPYRIGHT, and
of COLONIAL ACTS relating to COPYRIGHT which
have been allowed by Her Majesty.

(*Mr. Edward Jenkins.*)

Ordered, by The House of Commons, to be Printed,
13 April 1875.

COPYRIGHT (COLONIES).

RETURN to an Address of the Honourable The House of Commons,
dated 1 March 1875 ;—for,

“ COPIES of or EXTRACTS from any CORRESPONDENCE between the
Colonial Office and any of the Colonial Governments on the subject of
COPYRIGHT:”

“ And, of any COLONIAL ACTS relating to COPYRIGHT which have been
allowed by Her Majesty.”

Colonial Office, }
April 1875. }

J. LOWTHER.

(Mr. Edward Jenkins.)

Ordered, by The House of Commons, to be Printed,
13 April 1875.

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COPIES of or EXTRACTS from any CORRESPONDENCE between the Colonial Office and any of the Colonial Governments on the subject of COPYRIGHT; And, of any COLONIAL ACTS relating to COPYRIGHT which have been allowed by Her Majesty.

I.

C A N A D A.

I
CANADA.

CORRESPONDENCE with the Governor General of CANADA, in continuation of Correspondence laid before Parliament, 29th July 1872 (House of Commons Paper, No. 339, of 1872).

No. 1.

Governor the Right Honourable Lord *Lisgar* to the Earl of *Kimberley*.—
(Received, 27 June 1872.)

Government House, Ottawa,
7 June 1872.

No. 1.
The Lord *Lisgar*
to the Earl of
Kimberley.
7 June 1872.

My Lord,

I HAVE the honour to forward herewith a copy of a Minute of the Privy Council of the Dominion, from which your Lordship will perceive that the Government have decided on introducing a Bill in Parliament respecting copyright, and that the last clause of the Bill will provide that it shall come into force only on proclamation of the Governor General.

6 June 1872.

The Minute further states, that as the Bill if passed into law will conflict with Imperial legislation, the proclamation contemplated by the last clause will only be issued with the sanction of Her Majesty's Government.

2. I beg to enclose a copy of the Bill as introduced in the Senate by the Postmaster General, Mr. Campbell.

The Right Hon. the Earl of *Kimberley*,
&c. &c. &c.

I have, &c.
(signed) *Lisgar*.

Enclosure 1, in No. 1.

COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General on the 6th day of June 1872.

Encl. 1, in No. 1.

ON a Memorandum, dated 6th June 1872, from the Honourable the Postmaster General, who has been charged with the introduction into the Senate of a Bill to amend the Act respecting copyright, submitting to your Excellency in Council that the ultimate clause in the Bill provides that it shall come into force only on the proclamation of your Excellency, and suggesting that, inasmuch as the existing Copyright Acts of the Imperial Parliament expressly run into the Colonies of the Empire, and as this Bill, should it receive the sanction

of the Parliament of Canada, will conflict with that legislation, the proclamation contemplated by the last clause of the Bill should only be issued with the sanction of Her Majesty's Imperial Government.

The Committee concur in the above recommendation, and submit the same for your Excellency's approval.

Certified,
(signed) *Wm. H. Lee,*
Clerk Privy Council.

Enclosure 2, in No. 1.

Encl. 2, in No. 1.

BILL.

AN ACT to amend the Act respecting COPYRIGHTS.

[NOTE.—*The words and clauses printed between brackets, thus [], are proposed to be struck out at the third reading.*]

Preamble.

WHEREAS it is expedient to make provision for securing and protecting in Canada the rights of authors in works wherein the copyright is subsisting in Great Britain, and whereas under Imperial Acts anterior in date to the British North America Act, 1867, copyrights granted in the United Kingdom were declared to extend to Her Majesty's Colonial Possessions, and the importation into the British Dominion for sale of foreign reprints of copyright works was absolutely prohibited, but provision was made that in case the Legislature of any British Possession should be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and should pass an Act for that purpose, it should be lawful for Her Majesty, if she should approve of the nature of such provision, to issue, if she should think fit, an Order in Council removing the prohibition to import foreign reprints of copyright works in such possession, so long as such provision for securing or protecting British authors should remain in force therein; and whereas Her Majesty has seen fit, with reference to the Dominion of Canada, to act upon the authority so conferred upon Her, and foreign reprints of British copyright works are now permitted to be imported into Canada upon the payment of a duty collected on behalf of the owners of such copyrights of twelve and one-half *per centum ad valorem*, but nevertheless reprints in Canada of such British copyright works have not heretofore been permitted, and whereas by the British North America Act, 1867, express power is given to the Parliament of Canada to legislate upon the subject of copyright, and whereas provision for securing and protecting authors of British copyright works can be much more effectually made by authorising the reprinting and publication of such works in Canada on the terms in this Act contained, and whereas it is but just that Her Majesty's subjects in Canada should be allowed, on such conditions as will sufficiently protect and secure the authors of such copyright works, the advantages accorded to aliens and foreigners in respect of the reprinting of British copyright works therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

What works may be reprinted in Canada.

1. Works of which the copyright has been granted, and is subsisting in the United Kingdom, and copyright of which is not subsisting in Canada, may be reprinted, published, and sold in Canada; but only on the conditions and under the restrictions hereinafter contained.

On what condition.

2. No person shall reprint or publish any such copyright work without the license of the Governor General for that purpose.

The Governor in Council may make regulations.

3. The Governor General in Council may make regulations for the licensing of persons to engage in the work of reprinting and publishing in Canada British copyright works [but before obtaining such license every such person shall enter into bonds with sufficient sureties to the satisfaction of the Minister of Inland Revenue, for the payment to Her Majesty of all duties of

of excise, which under this or any other Act of the Parliament of Canada may be payable in respect of such reprints.]

4 Any copyright work reprinted in Canada, and intended to be published under this Act, shall before publication be registered in the office of the Minister of Agriculture, who shall for the purpose of this class of registrations cause to be kept in his office a book to be called the "Register of Reprints of British Copyrights" [and the sum of *one dollar* shall be payable to Her Majesty in respect of every such registration by the person desiring the same.]

Registration of reprints of British copyrights.

5. [There shall be imposed, levied, and collected for the account and benefit of the owners of the British copyright therein on all reprints in Canada of works wherein or whereof the copyright is subsisting in Great Britain, an *ad valorem* duty of excise of *twelve and one-half per centum* on the retail value of such works, under and in accordance with such rules, and in such manner and at such times as regards publication as may be laid down by regulations to be made by the Governor General in Council.]

Excise duty on reprints in Canada of British copyright works.

6. [The duty of excise so to be imposed, levied, and collected, shall be paid to the party, or distributed among the parties beneficially interested in the British copyright, under regulations in that behalf to be made by the Governor General in Council, and approved of by one of Her Majesty's Principal Secretaries of State.]

Payment of amounts, &c., collected to parties interested.

7 [From and after the passing of this Act, the importation into Canada of foreign reprints of works of which the copyright is subsisting in Great Britain, and which have been registered here under section 4 for republication in Canada, shall be, and is hereby prohibited]

Importation of certain foreign reprints prohibited

8 The word "work" in this Act shall include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan, separately published

Interpretation.

9. This Act shall come into force only from and after the date of any proclamation by the Governor General to that end.

Commencement of Act

No. 2.

Governor the Right Honourable the Earl of *Dufferin* to the Earl of *Kimberley*.
—(Received, 9th August 1872.)

No. 2.
The Earl of *Dufferin* to the Earl of *Kimberley*.

My Lord,

Riviere du Loup en bas, July 22 1872.

REFERRING to previous correspondence on the subject of copyright, I have the honour to transmit herewith a certified copy of a Bill, intituled "An Act to amend the Act respecting Copyright," passed in the last Session of the Dominion Legislature, and reserved by Lord Lisgar for the signification of Her Majesty's pleasure.

22 July 1872.

The Right Hon. the Earl of *Kimberley*,
&c. &c. &c.

I have, &c.
(signed) *Dufferin*.

Enclosure in No. 2.

AN ACT to amend the ACT respecting COPYRIGHTS.

Enclosure in No. 2.

WHEREAS it is expedient to make provision for securing and protecting in Canada the rights of authors in works wherein the copyright is subsisting in Great Britain; and whereas under Imperial Acts anterior in date to the British North America Act, 1867, copyrights granted in the United Kingdom were declared to extend to Her Majesty's Colonial Possessions, and the importation into the

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British Dominions for sale of foreign reprints of copyright works was absolutely prohibited, but provision was made, that in case the Legislature of any British Possession should be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and should pass an Act for that purpose, it should be lawful for Her Majesty, if she should approve of the nature of such provision, to issue, if she should think fit, an Order in Council, removing the prohibition to import foreign reprints of copyright works in such Possession so long as such provision for securing or protecting British authors should remain in force therein, and whereas Her Majesty has seen fit, with reference to the Dominion of Canada, to act upon the authority so conferred upon Her, and foreign reprints of British copyright works are now permitted to be imported into Canada upon the payment of a duty collected on behalf of the owners of such copyrights of twelve and one half *per centum ad valorem*; but, nevertheless, reprints in Canada of such British copyright works have not heretofore been permitted; and whereas by the British North America Act, 1867, express power is given to the Parliament of Canada to legislate upon the subject of copyright; and whereas provision for securing and protecting authors of British copyright works can be much more effectually made by authorising the reprinting and publication of such works in Canada on the terms in this Act contained, and whereas it is but just that Her Majesty's subjects in Canada should be allowed, on such conditions as will sufficiently protect and secure the authors of such copyright works, the advantages accorded to aliens and foreigners in respect of the reprinting of British copyright works. Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows

1 Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured and subsisting in Canada, under any Canadian or Provincial Act, or which have not been *bonâ fide* printed and published in Canada, under the copyright so subsisting there, within one month from the time at which copyright may have been secured in Canada, may be reprinted, published, and sold in Canada, but only on the conditions and under the restrictions hereinafter contained. Provided always, that the period of one month, in this clause mentioned, may be extended by the Minister of Agriculture, on proof that the publisher has made satisfactory progress with the printing of the work.

2 No person shall reprint or publish any such copyright work without the license of the Governor General for that purpose.

3 The Governor General in Council may make regulations for the licensing of persons to engage in the work of reprinting and publishing in Canada, British copyright works; but before obtaining such license every such person shall enter into bonds, with sufficient sureties to the satisfaction of the Minister of Inland Revenue, for the payment to Her Majesty of all duties of excise, which, under this or any other Act of the Parliament of Canada, may be payable in respect of such reprints

4 Any copyright work reprinted in Canada, and intended to be published under this Act, shall before publication be registered in the office of the Minister of Agriculture, who shall for the purpose of this class of registrations, cause to be kept in his office a book to be called the "Register of Reprints of British Copyrights;" and before registration shall be completed the person seeking for the same shall deposit with the Receiver General the sum of 100 dollars, to be returned to such person on proof that printing and publishing have *bonâ fide* taken place, and the sum of 1 dollar shall be payable to Her Majesty in respect of every such registration by the person desiring the same; provided always that every such registration shall be absolutely null and void if the work therein referred to be not *bonâ fide* printed and published by the person making the registration within one month thereafter, unless the Minister of Agriculture shall have, for the like reason as is mentioned in Section 1, extended the time for such printing and publishing, which he is hereby authorised in that case to do.

5 There shall be imposed, levied, and collected for the account and benefit of the owners of the British copyright therein on all reprints in Canada of works wherem or whereof the copyright is subsisting in the United Kingdom, an
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ad valorem duty of excise of twelve and one half *per centum* on the highest whole-sale value of such works, under and in accordance with such rules, and in such manner and at such times as regards publication, as may be laid down by regulations to be made by the Governor General in Council.

6 The duty of excise so to be imposed, levied, and collected, shall be paid to the party or distributed among the parties beneficially interested in the British copyright under regulations in that behalf to be made by the Governor General in Council, and approved of by one of Her Majesty's Principal Secretaries of State.

7 From and after the passing of this Act, the importation into Canada of foreign reprints of works of which the copyright is subsisting in the United Kingdom, and which have been registered here under Section 4, for republication in Canada, shall be and is hereby prohibited, and the Governor in Council may make regulations for ascertaining whether prohibited reprints are being sold, and for preventing the same.

8. On the foregoing provisions becoming law, all works published in the United Kingdom shall as regards the importation thereof into Canada, be deemed to be British copyright works, whether they be or be not mentioned in any list furnished to the collectors of customs at the places of importation unless the importer makes a solemn declaration that they are not so.

9 The word "work" in this Act shall include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan, separately published.

10. This Act shall come into force only from and after the date of any proclamation by the Governor General to that end.

I do hereby certify the foregoing Bill to be a true copy of the original, now of record in my office, and passed by the Senate and House of Commons of Canada in the fifth Session of its first Parliament, in the 35th year of Her Majesty's reign, and reserved by the Governor General for the signification of the Queen's pleasure thereon, on Friday, the 14th day of June 1872.

Office of the Clerk of the Parliaments, Friday, 5th July 1872.

Robert Le Moine,
Clerk of the Parliaments.

No. 3.

Governor the Right Honourable the Earl of *Dufferin* to the Earl of *Carnarvon*.—
(Received 1 June 1874.)

Government House, Ottawa,
16 May 1874.

My Lord,

I HAVE the honour to transmit herewith, for your Lordship's consideration, attested copies of Resolutions adopted by the Senate and House of Commons of Canada, respectfully urging the assent of Her Majesty's Government to a Bill intituled "An Act to amend the Act respecting Copyrights," passed in the Session of 1872, and reserved by Lord Lisgar for the signification of Her Majesty's pleasure. If not assented to within two years, the Act will expire on the 14th of next month.

I communicated to your Lordship to-day by telegraphic message the substance of these Resolutions.

I also beg to enclose an extract from the "Globe" newspaper, containing a report of the debate on the introduction of the Resolution into the House of Commons.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

I have, &c.
(signed) *Dufferin*.

No. 3.
The Earl of Dufferin to the Earl of Carnarvon.
16 May 1874.

Enclosure 1, in No. 3.

Encl. 1, in No. 3.

RESOLUTION adopted by the House of Commons of Canada.

House of Commons,
Wednesday, 13 May 1874.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that his Excellency will be pleased to convey to Her Majesty's Principal Secretary of State for the Colonies the respectful expression of the anxiety of this House that a Bill intituled, "An Act to amend the Act respecting Copyrights," passed in the Session of 1872, and reserved on the 14th June in that year for the signification of Her Majesty's pleasure thereon, should not be allowed to lapse by the expiry of the two years' limitation specified in the 57th section of "The British North America Act, 1867," and further to assure his Excellency that important interests in this Dominion are prejudiced by the absence of legislation such as this Bill contemplates.

Ordered, That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Privy Council.

Attest,
Alfred Patrick,
Clerk of the House.

RESOLUTION adopted by the Senate of Canada

The Senate, Tuesday, 28 April 1874.

Resolved,—That an humble Address be presented to his Excellency the Governor General, praying that his Excellency will be pleased to convey to Her Majesty's Principal Secretary of State for the Colonies, the respectful expression of the anxiety of this House that a Bill intituled, "An Act to amend the Act respecting Copyrights," passed in the Session of 1872, and reserved on the 14th June in that year for the signification of Her Majesty's pleasure thereon, should not be allowed to lapse by the expiry of the two years' limitation, specified in the 57th section of "The British North America Act, 1867," and further to assure his Excellency that important interests in this Dominion are prejudiced by the absence of legislation such as this Bill contemplates.

Ordered,—That the said Address be presented to his Excellency the Governor General by such Members of this House as are Members of the Privy Council

Attest,
Robert Le Moine,
Clerk Senate.

Enclosure 2, in No. 3.

Encl. 2, in No. 3.

EXTRACT from the "Globe" Newspaper, 14th May.

THE COPYRIGHT LAW.

MR. DYMOND said he was quite aware of the equivocal welcome members were likely to receive who brought forward a motion requiring verbal explanation at this late period of the Session. The question to which he desired to call the attention of the House, however, was one that was not likely to cause any contention, as he had only to ask the present House of Commons to endorse the legislative

legislative action of the first Parliament of Canada. The resolution which he intended to propose was identical with one which had been unanimously passed recently, with the assent of the Government in the Upper House. It was, "That an humble Address be presented to his Excellency the Governor General praying that his Excellency will be pleased to convey to Her Majesty's Principal Secretary of State for the Colonies the respectful expression of the anxiety of this House that a Bill entitled 'An Act to amend the Act respecting Copyrights,' passed in the Session of 1872, and reserved on the 14th June in that year for the signification of her Majesty's pleasure thereon, should not be allowed to lapse by the expiry of the two years' limitation specified in the 57th section of the British North America Act of 1867; and further to assure his Excellency that important interests in this Dominion are prejudiced by the absence of legislation such as this Bill contemplates." The Bill referred to having been reserved on the 14th June 1872, it was necessary in order that it should not be void, that the Royal Assent should be obtained before the 14th June 1874. That must be his excuse for bringing the subject before the House at this time as a matter of urgency. The clauses of the Act which contained its gist or essence were these. The first clause read "Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured and subsisting in Canada under any Canadian or Provincial Act, or which has not been *bonâ fide* printed and published in Canada under the copyright subsisting there within one month from the time at which a copyright may have been secured in Canada, may be reprinted, published, and sold in Canada, but only on the conditions and under the restrictions hereinafter contained, provided always that the period of one month in this clause mentioned may be extended by the Minister of Agriculture on proof that the publisher has made satisfactory progress with the printing of the work." These restrictions and conditions, so far as they bore on the present discussion, were contained in the 5th clause: "There shall be imposed, levied, and collected for the account and benefit of the owners of the British copyright therein on all reprints in Canada of works wherein or whereof the copyright is subsisting in the United Kingdom an *ad valorem* duty of excise of $12\frac{1}{2}$ per centum on the highest wholesale value of such works, under and in accordance with such rules, and in such manner, and at such times as regards publication, as may be laid down by regulations to be made by the Governor General in Council." The Imperial Copyright Act of 1842 granted copyright to persons resident at the time of publication in Great Britain and all parts of the British Dominions. It extended, therefore, to Canada, but up to the present time no judicial decision had been given in any Court which questioned the right of that Act to run through the whole of the British Dominions, as indicated by its terms. The Act of 1842 also imposed pains and penalties on all persons who should introduce into any part of the British possessions any works which were copyrighted under its powers. A very liberal construction had been given to the law of copyright by British judges, for whereas, in the United States no one who was not a citizen could obtain copyright protection, any person, from whatever part of the world he might come, by residing in England at the time of the production of the work, could obtain a copyright throughout the whole of the British Empire. Previous to the year 1847, notwithstanding the Act of 1842, owing to our geographical position, large numbers of American reprints of English works found their way into Canada. Of course, they were sold at the peril of the vendors, but at the same time, seeing that we had at that period hardly any book trade or literature of our own, there was an obvious reason for encouraging the sale of current literature, which was published on much lower terms in the United States than in Great Britain. Accordingly, in 1847, an Act was passed which practically admitted American reprints into Canada on payment of a customs duty of $12\frac{1}{2}$ per cent. *ad valorem*. He believed that Sir Francis Hincks was the minister mainly instrumental in obtaining the passage of the Canadian Act which was necessary to give effect to this Imperial legislation. He understood that at that period an attempt was made to induce Sir Francis Hincks, as a member of the Government by whom the Act was passed, to place Canadian publishers on the same footing as their foreign rivals, but in consequence of the book trade in Canada being at the time insignificant in extent, Sir Francis Hincks declined to accede to the request. He was bound to say in justice to

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that honourable gentleman, that by his exertions to bring the matter before the British Government and people during the last few years, he had done much to redeem what they now saw to have been a mistake. By the Confederation Act of 1867 the power to grant copyrights was given to the Canadian Parliament. It was a moot question which had never yet been decided by a court of law whether that Act over-rode or superseded the Imperial Statute of 1842. It was singular that we had legislated in our exclusive interest with respect to patents of invention and discovery under the same section of the Confederation Act which gave us power to legislate with respect to copyrights. It remained to be explained how it had come to pass there was exclusive jurisdiction in the one case, and only jurisdiction subject to the superior authority of Imperial legislation in the other. But few Canadian authors had taken advantage of the Canadian Copyright Act of 1868, although he believed that some publishers had been printing here to a limited extent the works of British authors by agreement with those authors. Practically, however, we were flooded at the present time by American reprints of British authors, the publication of which might be piratical, or by agreement with the original producer, while our publishers were prevented from reprinting these works in Canada on the same terms as the publishers of Boston or New York. The remarks which he had made applied, of course, more to current literature than to standard works. A practice had grown up in the United States of the leading publishers competing for advance sheets in the English market, so that while occasionally an English author found his work reproduced without compensation to himself, in very many instances the author, or those who had the copyright, were paid for the right to reprint. These arrangements, coupled with the fact that the Canadian sale was small in comparison with that in the United States, had probably prevented the English author from coming to terms with Canadian publishers. He would mention the results of the experience of one gentleman who was well known, not only as an enterprising publisher, but as one of the most loyal and patriotic Canadians. He referred to Mr John Lovell of Montreal. Mr Lovell had been in business since 1835, and during the whole of that period had been desirous of giving Canada a cheap current literature of her own, or at any rate of her own production. A few years ago Mr Charles Reade's work "Foul Play" was published by an American firm. It did not enter Canada as an English reprint, but as an American copyright work. To test the state of the law, Mr. Lovell printed and published about 3,000 copies of that work at 25 cents, the American edition being sold in Canada at 75 cents. This left an admirable profit both for himself and the retail dealer. He was, however, threatened by Mr. Reade with an action at law, and although the action was never tried, he thought it better to place the profits to the credit of those who might be declared legally entitled to them, and there the money remained to this day. Mr. Lovell desired to publish another work of Mr Reade's, "Put Yourself in his Place," but on applying to Sheldon & Co. of New York for permission to publish it in Canada, he was told that he might do so for the trifling sum of twenty thousand dollars. This was not the only case in which the disadvantages of the present law had been shown. Mr. Lovell, however, was desirous of rendering his best assistance as a well-known Canadian publisher to induce the English publishers, who were our chief opponents in this matter, to withdraw any opposition which they might be disposed to offer to the Act of 1872, now awaiting the Royal Assent. He went to England and had an interview with Messrs. Longman and a number of other English firms. He reminded Mr Longman that he had offered to pay him 100*l.* for the privilege of publishing "Colenso's Algebra" in Canada, but Mr. Longman adhered to the determination that none of his copyright works should be published, as he said, by a colonist, and ended by the exclamation, "Thank God, we have got the power and we intend to keep it." We had to see whether we had not power and a cause so just to lay before the Imperial authorities as to break down Mr. Longman's resolution. Mr. Lovell, disheartened at the discouragement he had received for so many years, determined to circumvent the obstacles in another way. He established a printing office at Rouse's Point, set up his types in Montreal, took them to Rouse's Point, printed his sheets there, and sent them into Canada, paying the 12½ per cent. *ad valorem* customs duty. The American publishers, however, offered him so large an amount of business that he found he could more profitably employ his hands

hands in printing American reprints of English works at Rouse's Point than carry out his original intention of printing for the Canadian market. He would be able to turn out something like one book a day, and had now from a Boston firm one order amounting to some 40,000 dollars. In the course of a few months he would employ 500 hands, who would otherwise have been employed on Canadian soil, but would now be engaged on American territory, and he supposed in time would drift into the position of citizens of the United States. The Act of 1847, giving the English author the right to a 12½ per cent. customs duty, to be collected on the frontier, had practically been a dead letter. There was an amount of routine necessary which enabled the American publisher to obtain an advantage over the Canadian publishers, and to anticipate the action of the customs authorities. There was a great difficulty in collecting this. That was the case with Mr Disraeli's novel "Lothair." A direct application had been made to the customs department to collect the 12½ per cent. on this work as reprinted in the States, but the officials had received no instructions, and the edition was circulated in Canada before any action could be taken. There were practical difficulties, too, in the way of collecting the duty, as book parcels were often of a very miscellaneous character, and amongst a large number of other works were perhaps only a few dozens of reprints, and it was said that in some parts parcels were never opened to ascertain if they were subject to the author's copyright duty. The whole sum collected in 1872-73 under this head amounts to a trifle over 400 dollars. There was no intention, in the legislation proposed, to interfere with any special arrangements that might be made between the publishers of Canada and copyright owners in Great Britain. The law would only take effect in cases where such arrangements had failed to be made, or had been refused. He had received a communication from a large publishing firm in Toronto, Hunter, Rose & Co., who, he was bound in fairness to mention, were somewhat opposed to the views he had advocated. They stated that for the last three years they had been publishing a number of works by arrangement with English authors, including the late Lord Lytton, the present Lord Lytton, Mr. Charles Reade, Mr. George Macdonald, Mr. F. W. Robertson, Mr. Wilkie Collins, Mrs. Oliphant, and others. These arrangements, however, appeared to have been of comparatively recent origin; during the time in fact that the Honourable Senator Ryan, Sir F. Hincks, and other persons, had pressed upon the Government of Canada, and through them upon the Imperial Government, the importance of legislation in the sense of the Bill now advocated. It was worth remarking, too, that while some English authors opposed this legislation, its most active supporter in Great Britain was Sir Charles Trevelyan, the executor of Lord Macaulay and trustee of that nobleman's copyrights, as disinterested an advocate, therefore, as could be found. He (Mr. Dymond) believed that if the Bill in question became law, they would find a large number of favourable arrangements entered into between English authors and Canadian publishers. It would induce the publishers here to obtain the earliest advices of English works likely to be put to press, or advance copies for publication in this country. Mr. Lovell had assured him that if such a law as this were sanctioned, not only would the Canadian publishers enter into the publication on a large scale of these works, but by a system of book canvassing there would be no village, farm, or store throughout the Dominion that would not be sought by the book agents. As an instance of the want of legal protection for British authors under the present law, he mentioned that "Todhunter's Arithmetic" had been published in Canada by some one who had substituted dollars and cents for pounds, shillings and pence, and placed another name than the original author's on the title page. There would be no inducement to this species of piracy if a fair and equitable system of reprinting under legal agreements existed between the authors in England and the publishers of Canada. After a careful investigation of this subject, and after having been, long before he had the honour of a seat in that House, in communication with Canadian publishers on this subject, he (Mr. Dymond) believed that if this right were given to them they would be able to supply not only the Canadian but also the American market. All the expenses of production were far less in Montreal and Toronto than in Boston or New York, and he was told that very important results might accrue to the trade in this country if the legislation they sought were accorded to them. He repudiated any idea that because he had crossed the Atlantic he was less anxious than before to preserve the rights of his fellow-countrymen at home; and in

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bringing this subject before the House he had been actuated with the hope that some little asperities on the other side might be smothered, and that our good faith might not be any the more readily doubted because it was brought before the Parliament of Canada by one who had still about him some flavour of the old sod.

Mr. *Holton* thought the phraseology of the proposed address was open to doubt as to the meaning of its terms

Mr. *Makenzie* said that the subject had been surrounded with difficulties, and while some British authors were quite willing to assent to such legislation as was embodied in the Act of 1872, others were violently opposed to it. The Imperial Government had made suggestions on the subject, but he (Mr. Makenzie) did not see any way of meeting the question except by the Bill to which the motion referred. He was glad the subject had been brought forward, and hoped the action of the House would prove effectual.

The motion was then agreed to

No 4.

The Earl of *Carnarvon* to Governor the Right Honourable the Earl of *Dufferin*.

No 4.
The Earl of Carnarvon to the Earl of Dufferin.
15 June 1874

My Lord,

Downing-street, 15 June 1874

I HAVE to acknowledge the receipt of your Despatch of the 16th ultimo,* transmitting for my consideration attested copies of Resolutions of the Parliament of Canada, urging that Her Majesty's assent should be given to a Bill entitled "An Act to amend the Act respecting Copyrights," passed in the Session of 1872, and reserved by Lord Lisgar.

2. I have felt myself unable to advise Her Majesty to assent to this Bill; and I now proceed to state shortly to you the grounds upon which I have reluctantly, though without any doubt, been compelled, after taking the advice of the Law Officers of the Crown, to tender this advice to Her Majesty.

3. The Imperial Copyright Act, 5 & 6 Vict. c. 45, is, as you are aware, still in force in its integrity throughout the British Dominions, in so far as it prohibits the *printing* in any part of such Dominions of a book in which there is subsisting copyright under that Act, without the assent of the owner of the copyright, although the provision in that Act which prohibits the *importation* of foreign reprints of British copyright works has been modified by the subsequent Act, 10 & 11 Vict c 95.

4. There is a recital in the Canadian Bill that by the British North America Act, 1867, express power is given to the Parliament of Canada to legislate upon the subject of copyright, but it is to be observed that the section (the 91st) containing this provision is one of several having reference (under the 6th general head of the Act) to "the distribution of legislative power," and provides that "copyrights," amongst other subjects, are to be dealt with by the Parliament of Canada, while other subjects (under section 92) are to be exclusively dealt with by the Provincial Legislatures.

5 The effect of the Imperial Act is to enable the Parliament of Canada to deal with Colonial copyrights within the Dominion, but it is clear that it was not contemplated to interfere with the rights secured to authors by the Imperial Act of 5 & 6 Vict. c. 45, or to override the provisions of that Act.

6. Upon

6. Upon this point I am supported not only by the opinion of the present Law Officers of the Crown, but by the opinion of those eminent lawyers, the present Lord Selborne and Mr. Herschell, Q.C., whose reports will be found in the copyright paper presented to Parliament in 1872, a copy of which I annex for your information.

7. I may further observe, if confirmation of this view were needed, that the Report of the Committee of your Privy Council of the 6th June 1872, enclosed in your Despatch of the 7th June,* admits that the provisions of the Canadian Bill are in conflict with Imperial Legislation.

8. In these circumstances I have had no alternative but to advise Her Majesty that Her assent could not properly be given to the Canadian Bill; and I may add that the validity of this Bill would not have been established even if Her Majesty had been pleased to assent to it, inasmuch as by the 2nd section of the Colonial Laws Validity Act (28 & 29 Vict. c. 63), any part of a Colonial law which is repugnant to an Imperial Act, extending to the colony in which such law is passed, is *pro tanto* absolutely void and inoperative.

9. I am aware that the subject of Colonial copyright has long been under consideration, and that attempts were made by Her Majesty's late Government, in connection with yourself and your ministers, to arrive at a settlement of this difficult but most important question. I will only now express my readiness to co-operate, and my confident hope that we may without difficulty be able to agree in the provisions of a measure which, while preserving the rights of the owners of copyright works in this country under the Imperial Act, will give effect to the views of the Canadian Government and Parliament.

To the Right Honourable
The Earl of Dufferin.

I have, &c.
(signed) *Carnarvon.*

L
CANADA.

House of Com-
mons, 339, July
1872.

Page 74.

No. 5.

Governor the Right Honourable the Earl of *Dufferin* to the Earl of *Carnarvon*.
—(Received 4th March 1875.)

Canada, Government House, Ottawa,
16 February 1875.

My Lord,

I HAVE the honour to transmit herewith, for your Lordship's information, certified copies of a Bill which has recently been introduced into the Canadian Legislature respecting copyrights.

The Right Honourable
The Earl of Carnarvon,
&c. &c. &c.

I have, &c.
(signed) *Dufferin.*

No. 5.
The Earl of Duf-
ferin to the Earl of
Carnarvon.
16 February 1875.

Enclosure in No. 5.

B I L L.

AN ACT respecting COPYRIGHTS.

Enclosure in No. 5.

[NOTE.—*The clause and part of a clause printed between brackets, thus [] are proposed to be struck out in Committee.*]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Minister of Agriculture shall cause to be kept in his office books to be called the "Registers of Copyrights," in which proprietors of literary, scientific, and Registers of copy-
rights.
artistical

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artistical works or compositions, may have the same registered in accordance with the provisions of this Act.

Minister of Agriculture to make rules, &c.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act.

Penalty for printing MSS without owner's consent.

3 If any person prints, or publishes, or causes to be printed or published any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any court of competent jurisdiction.

Who may have copyright.

4. The person who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched, or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific, or artistical works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the copyright thereof in the manner hereinafter directed.

Condition for obtaining copyright

2. The condition for obtaining such copyright shall be that the said literary, scientific, or artistical works be published or produced in Canada, whether they be so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere. Provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired everywhere else

Exception.

3 No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific, or artistical work, shall be the legitimate subject of such registration or copyright

Renewal of copyright

5 If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors, when the work has been originally composed and made by more than one person, be still living, or being dead, has left a widow or a child, or children, living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children (as the case may be) for the further term of fourteen years, but in such case within one year after the expiration of the first term the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright

Record of renewal to be published.

6. In all cases of renewal of copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the "Canada Gazette."

Deposit of copies in the Minister of Agriculture's office.

7. No person shall be entitled to the benefit of this Act, unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving; and in case of paintings, drawings, statuary, and sculptures, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made, from time to time, as hereinbefore provided.

One to be sent to the Library of Parliament.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving aforesaid, to be deposited in the library of the Parliament of Canada.

Notice of copyright to appear in work

9. No person shall be entitled to the benefit of this Act, unless he gives information of the copyright being secured, by causing to be inserted in the

several

several copies of every edition published during the term secured, on the title-page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title-page or frontispiece thereof, the following words, that is to say: "Entered according to Act of Parliament of Canada, in the year

by A. B., in the office of the "Minister of Agriculture."

But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship. Exception.

10. Pending the publication or republication in Canada of a literary, scientific or artistical work, the author or his legal representatives may obtain an interim copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publication or republication in Canada, the said title or designation to be registered in the Interim Copyright Register in the said office, to secure to the author aforesaid the exclusive rights recognised by this Act, previous to publication or republication in Canada, the said interim registration, however, not to endure for more than three months from its date of entry in the said interim register. Interim copyright

2. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of this Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, and that every separate article so published is preceded by the words, "Registered in accordance with the Copyright Act of 1875"; but the work when published in book or pamphlet form shall be subject, besides, to the other requirements of this Act. Registration of work first published in separate articles

11. If any other person, after the recording of the title of any book according to this Act, within the term herein limited, or after the copyright is secured and for the term or terms of its duration, prints, publishes, or reprints, or republishes, or imports, or causes to be so printed, published or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof, first had and obtained by assignment, or knowing the same to be so printed or imported, publishes, sells, or exposes for sale or causes to be published, sold or exposed for sale any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported or exposed for sale, contrary to the intent of this Act such sum, not being less than 10 cents nor more than one dollar, as the court shall determine; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such copyright, and such penalty may be recovered in any court of competent jurisdiction. Penalty for the infringement of copyright of a book

12. If any person, after the recording of any painting, drawing, statuary or sculpture work, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in whole or in part, copies of the said works of art, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale contrary to the true intent and meaning of this Act such sum, not being less than 10 cents nor more than one dollar, as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction. Penalty for the infringement of copyright of a painting, &c.

13. If any person after the recording of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with in-

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tent to evade the law, or prints, or reprints or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any part thereof, without the consent of the proprietor or proprietors of the copyright thereof, first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut, or engraving which may be found in his or their possession, printed or published or exposed to sale, contrary to the true intent and meaning of this Act such sum, not being less than 10 cents nor more than one dollar, as the court shall determine, and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction

Proviso

14 Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object

Protection against negligent or unwilling author.

15 If, through the neglect or unwillingness of an author to obtain in the manner herein pre-cribed, the copyright of his work, or through the want of republishing and registering in Canada, within the three months, a work having been the subject of an interim copyright, any person has undertaken the republication of such work, or has imported foreign reprints of such works after paying the royalty prescribed in virtue of any Imperial law on the subject, such person shall have acquired the privilege of disposing by sale or otherwise of the number of copies thus actually reproduced or in process of being reproduced, or thus imported, the proof, however, in such a case shall lie with such person to establish the extent and regularity of the transaction.

Copyright to assignee of author

16. Whenever the author of a literary, scientific or artistical work or composition which may be the subject of copyright, has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is by the said transaction virtually transferred to the purchaser, who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

Penalty for falsely pretending to have copyright

17 If any person not having legally acquired the copyright of a literary, scientific or artistical work, inserts in any copy thereof produced, reproduced or imported, or impresses on any such copy, that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, every person so offending shall incur a penalty not exceeding 300 dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

Copyright and right to obtain it assignable.

18. The right of an author of a literary, scientific or artistical work, to obtain a copyright, and the copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate and to be recorded in the office of the Minister of Agriculture, on production of both duplicates [and payment of the fee hereinafter provided]. One of the duplicates shall be retained in the office of the Minister of Agriculture, and the other returned, with certificate of registration, to the party depositing it

Cases of conflicting claims in respect of copyright to be settled before a court

19 In case of any person making application to register as his own the copyright of a literary, scientific or artistical work already registered in another person's name, or in case of simultaneous conflicting application, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the party so applying shall be notified that the question is to be settled before a court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced

produced maintaining, cancelling, or otherwise settling the matter; and this registration, or cancellation, or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision.

20. Clerical errors happening in the framing or copying of any instrument drawn in the office of the Minister of Agriculture shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture. Clerical errors.

21. All copies or extracts certified from the office of the Minister of Agriculture shall be received in evidence, without further proof and without production of the originals. Copies or extracts.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the copyright owner of the complaint and of the fact, and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a license to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the copyright owner. Provision for the case of a copyrighted work being out of print.

23. The application for the registration of an interim copyright, of a temporary copyright and of a copyright, may be made in the name of the author or of his legal representative, by any person purporting to be the agent of the said author, and any fraudulent assumption of such authority shall be a misdemeanour, and shall be punished by fine and imprisonment accordingly, and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any court of competent jurisdiction. Application for registration may be made through an agent

24. If any person shall wilfully make or cause to be made any false entry in the registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanour, and shall be punished accordingly. Penalty for making false entries, &c.

25. If a book be published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be. Anonymous books may be entered in the name of first publisher.

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books, unless the same shall contain very important alterations or additions. Second and subsequent editions.

27. No action or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arose. Limitation of actions

[28. The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say:— Fees payable under this Act.

	<i>Dls. cts.</i>
On registering a copyright - - - - -	1 00
On registering an interim copyright - - - - -	0 50
On registering a temporary copyright - - - - -	0 50
On recording an assignment - - - - -	1 00
On certified copy of registration - - - - -	0 50
On registering any decision of a court of justice, for every folio - - - - -	0 50

On office copies of documents not above mentioned the following charges shall be made:—

	<i>Dls. cts.</i>
For every single or first folio certified copy - - - - -	0 50
For every subsequent 100 words (fractions from and under 50 being not counted, and over 50 being counted for 100) - - - - -	0 25

2. The said fees shall be in full of all services performed under this Act by the Minister of Agriculture or by any person employed by him in pursuance of this Act. Proviso.

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Proviso

3. All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of exemption in favour of any person; and no fee, exacted by this Act, once paid, shall be returned to the person who paid it.]

Repeal of inconsistent Acts

29. "The Copyright Act of 1868," being the Act 31 Vict. c. 54, and all other Acts or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

Unexpired copyrights to continue unimpaired

30 All copyrights heretofore acquired under the Acts or parts of Acts repealed, shall in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend, and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

Short title.

31 In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

I, Robert Le Moine, Clerk of the Parliaments and of the Senate of the Dominion of Canada, certify the foregoing to be a true copy of the original Bill, intituled "An Act respecting Copyrights," introduced in the Senate, and read the first time on Friday, the twelfth day of February instant.

Given under my hand and seal at Ottawa, Canada, this Eighteenth day of February, One thousand Eight hundred and Seventy-five.

Robert Le Moine.

L. S.

II.
V I C T O R I A.

II.
VICTORIA.

REPLY to CIRCULAR DESPATCH of the 1st June 1870, in continuation of those of which copies, or the substance, were laid before Parliament, 29th July 1872.—(House of Commons Paper, No. 339 of 1872.)

No. 1.

(Circular.)

The Earl *Granville*, K.G., to the Governors of certain Colonies.

No. 1.
Earl *Granville*,
K.G., to Governors
of certain Colonies.
1 June 1870.

Sir,

Downing-street, 1 June 1870

THE attention of Her Majesty's Government has recently been directed to the operation of the Imperial Copyright Act of 1842, as it affects persons publishing in the Colonies.

It appears from the decision in *Low v. Routledge* in the House of Lords, that while on the one hand publication in the United Kingdom gives copyright throughout the British Empire, on the other hand, publication in a Colony only confers such copyright within the Colony as may be afforded by the local law.

It appears to Her Majesty's Government very proper that this inequality should be removed, and I transmit to you the draft of a Bill which they are prepared to introduce into Parliament to effect that object; but before this step is taken I should be glad to be favoured with any suggestions or observations either upon this Bill or upon the general question of copyright, which you (or your Responsible Ministers) may desire to offer.

I have, &c.
(signed) *Granville*.

Enclosure in No. 1.

DRAFT of a BILL to amend the LAW relating to COPYRIGHT.

A D 1870.

WHEREAS the author of a book is entitled, if the book is first published in the United Kingdom, to copyright in the book in every part of Her Majesty's Dominions, but is not so entitled if the book is first published in any Colony, and it is expedient that he should be enabled to acquire the same right, whether the book is first published in a Colony or in the United Kingdom:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act shall be construed as one with the Act of the Session of the fifth and sixth years of the reign of Her present Majesty, chapter forty-five, intituled "An Act to amend the Law of Copyright" (in this Act referred to as the principal Act), and with the Act of the Session of the tenth and eleventh years of the reign of Her present Majesty, chapter ninety-five, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," and the said Acts, together with this Act, may

Construction and
short title.

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be cited as the Copyright Acts, 1842 to 1870, and each Act may be cited separately as the Copyright Act of the year in which it was passed.

Definition

2. In this Act the term British Possession means any part of the British Dominions other than the United Kingdom

Right of person to copyright where book first published in a British Possession.

3. Where a book has been first published, either before or after the passing of this Act, in a British Possession, and such book is entered in the registry book of the Stationers' Company in manner provided by the principal Act, every person shall (unless it is shown that the law of such British Possession relating to copyright has not been complied with in the case of such book) be entitled in respect of such book to the same right of copyright, and the same benefits as he would have been entitled to under the principal Act, if such book had been first published in the United Kingdom.

The provisions of this section with respect to copyright in a book, shall extend, *mutatis mutandis*, to the liberty of representing or performing any dramatic piece or musical composition, the first public representation or performance of such piece or composition being equivalent to the first publication of a book

Amendments of
5 & 6 Vict c. 45

4 For the purpose of better carrying into effect this Act, the following amendments shall be made in the principal Act, namely,—

(1.) In Section 3 the words "in any part of the British Dominions" shall be inserted after the word "published," wherever it occurs in that section :

(2) Copies of books or editions required to be delivered for certain libraries under Section 8, shall, if published in a British Possession, be delivered within six months after demand made thereof in writing, as mentioned in that section :

(3) The value and sum mentioned in Section 10, may be recovered in any British Possession, either in a summary way in the same court, or before the same justices or magistrates, and in the same manner as a summary penalty may be recovered in such Possession, or as near thereto as circumstances admit, or as a debt in any competent court in such Possession, or in such other manner as any Act or Ordinance having the force of law in such Possession may from time to time provide

(4.) In Section 17, after the words "published in any part of the said United Kingdom," there shall be inserted the words, "or of any British Possession."

Amendment of
16 & 17 Vict c. 107,
s 44.

5. The provisions of the Customs Consolidation Act, 1853, with respect to the importation of books, shall extend to books whether first composed, written, or printed in the United Kingdom, or in any British Possession.

Exception of books
not registered

6 Nothing in the principal Act, or in the Customs Consolidation Act, 1853, or in this Act, shall be construed to apply to any book, dramatic piece, or musical composition first published, represented, or performed in a British Possession, unless such book, dramatic piece, or musical composition has been entered in the registry book of the Stationers' Company in manner provided by the principal Act

No. 2.

Viscount Canterbury, K.C.B., to the Earl of Kimberley.
6 November 1872

No. 2.

Governor the Right Honourable Viscount *Canterbury*, K.C.B., to the Earl of *Kimberley* — (Received 23 December 1872.)

Government Offices, Melbourne,
6 November 1872.

My Lord,

ON the receipt of the Despatch (Circular, 1st June 1870), I referred it to my Responsible Advisers for any observations they might wish to offer on the Draft Bill, enclosed in the Despatch, relating to copyright, proposed to be introduced into the Imperial Parliament.

Several

Several changes of administration have occurred since the Despatch was thus referred by me; but this morning I have received from the Attorney General a Memorandum on the subject, and I beg to forward a copy of it for your Lordship's information.

II.
VICTORIA.

6 November 1872.

The Right Honourable
The Earl of Kimberley,
&c &c. &c.

I have, &c.
(signed) *Canterbury*

Enclosure in No. 2.

MEMORANDUM.

Enclosure in No. 1.

6 November 1872.

THE proposed Bill is, I think, one which, if it becomes law, will be beneficial and appreciated in the Colony. I may point out that one Copyright Act (No. 350) is an adaptation of the English law.

I have no suggestion to make as to the proposed Bill, but I agree with the suggestion made by the Registrar of Copyrights, that it would be of advantage to the Colony to be furnished from time to time with information of all copyrights registered in London.

(signed) *J. W. Stephen.*

The Private Secretary.

III.

III.
TASMANIA
and
NEW ZEALAND.

TASMANIA AND NEW ZEALAND.

REPLIES to CIRCULAR DESPATCH of the 29th July 1873, in continuation of those presented to Parliament July 1874 [c. 1067].

No. 1.

No. 1.
Governor Du Cane
to the Earl of Carnarvon.
8 August 1874.

Governor *Du Cane* to the Earl of *Carnarvon*.—(Received, 6 October 1874.)

Government House, Tasmania,
8 August 1874.

My Lord,

I HAVE the honour to forward to your Lordship a Memorandum addressed to me by the Colonial Secretary, in reply to Lord Kimberley's Circular Despatch of the 29th of July 1873, inclosing the Draft of a Bill to amend the "Copyright Act of 1842," and requesting to be furnished with any suggestions which my Responsible Ministers may desire to offer upon it.

2. Your Lordship will see that my Advisers have no suggestions to offer upon the provisions of this Bill, which, in the opinion of the Attorney General, appears to afford a suitable means of obtaining protection for Colonial authors.

The Right Hon. the Earl of Carnarvon. I have, &c.
(signed) *Charles Du Cane*.

Enclosure in No. 1.

MEMORANDUM.

Enclosure in No. 1.

Colonial Secretary's Office, 8 August 1874.

THE Colonial Secretary has the honour to return herewith the Circular Despatch from the Right Honourable the Secretary of State of the 29th July 1873, requesting to be furnished with any suggestions your Excellency's Responsible Advisers might desire to offer upon a Draft Bill to amend the "Copyright Act of 1842," copy of which accompanied the Despatch. Ministers desire to offer no suggestions upon the provisions of the Bill, and, in the opinion of the Attorney General, it appears to afford a suitable means of obtaining protection for Colonial authors.

Should the proposed measure receive the sanction of the Imperial Parliament, it will be necessary to introduce a Bill into the Tasmanian Legislature bringing his Colony within the beneficial provisions of the English Act.

His Excellency the Governor. I have, &c.
(signed) *Thos. D. Chapman*.

No. 2.

Governor the Right Honourable Sir *James Fergusson*, Bart., to the
Earl of *Carnarvon*.—(Received 15 December 1874.)

No. 2
Sir James Fergusson, Bart., to the
Earl of Carnarvon.
26 October 1874.

Government House, Wellington, New Zealand,
26 October 1874.

My Lord,

THE Earl of Kimberley addressed to me, on the 29th July 1873, a Circular Despatch on the subject of the state of the law affecting international copyright, together with the draft of a Bill to amend the Copyright Act of 1842.

2. I referred his Lordship's Despatch to my Advisers for their consideration. They desire to express their regret for the unreasonable delay which has occurred in giving a reply, and now request me to intimate to your Lordship their general approval of the proposed Bill.

The Right Hon. the Earl of Carnarvon,
&c. &c. &c.

I have, &c.
(signed) *James Fergusson*,
Governor.

IV.
COLONIAL
COPYRIGHT ACTS

IV.
COLONIAL COPYRIGHT ACTS.

NEW ZEALAND

COPYRIGHT ORDINANCE passed the 15th day of March 1842, in the Fifth Year of the Reign of Her Majesty Queen Victoria.

(Confirmation notified in "Government Gazette. 3rd April 1843)

ANALYSIS

Title	1	Period of Protection.
Preamble	2	Penalty.

AN ORDINANCE to secure the COPYRIGHT of PRINTED BOOKS to the Authors thereof

Preamble.

WHEREAS it is desirable that the Copyright of Books should be secured by law to the authors thereof Be it enacted, by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows.

Period of protection

1. The author of any book which shall hereafter be printed and published, and his assignees, shall have the sole liberty of printing and reprinting such book for the full term of twenty-eight years, to commence from the day of first publishing the same, and also if the author shall be living at the end of that period for the residue of his natural life

Penalty

2. If any person shall, during the period or periods aforesaid, print, reprint, or import, or cause to be printed, reprinted, or imported any such book, without the consent in writing of the author or assignee of the copyright thereof, or shall, knowing the same to have been so printed, reprinted, or imported without such consent as aforesaid, sell, publish, or expose for sale, or cause to be sold, published, or exposed for sale, or have in his possession for sale any such books, without such consent as aforesaid, every such person shall be liable to an action at the suit of the author or assignee, in which action double costs of suit shall be allowed, and shall also, upon a verdict being given against him in such action as aforesaid, forfeit and pay the sum of fifty pounds to the use of Her Majesty, Her heirs and successors, for the public uses of the colony, and the support of the Government thereof.

W. Hobson, Governor.

Passed in the Legislative Council the Fifteenth day of March, in the year of our Lord One thousand Eight hundred and Forty-two

J Coates, Clerk of Council.

BERMUDA

1848—No. 9.

AN ACT to regulate the Importation of Books, and to Protect the BRITISH AUTHOR — [16th June 1848]

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WHEREAS under the provisions of the Act of the Imperial Parliament, made and passed in the tenth and eleventh years of Her Majesty's reign, intituled "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.

Preamble.

I We therefore, &c, and be it enacted, &c, 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 book or books first composed, written or published in Great Britain or Ireland, and protected at the time of such importation by the laws of copyright, passed by the Imperial Parliament now in force and as hereinafter provided; and that the said books, save and except the reprints as aforesaid, shall be admitted into these islands duty free

All books may be imported duty free, except reprints of protected British publications.

II And be it, &c, that on the importation from any foreign country 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 such importation by the Acts of the Imperial Parliament to enforce the law of copyright, there shall be paid an *ad valorem* duty on the value of such reprints of fifteen per centum. Provided always, that such duty shall not be paid on newspapers or other periodicals containing extracts only from such books or reviews as aforesaid; and the said duty shall be paid into the public treasury of these islands, and after making the deduction therefrom hereinafter provided for, shall be remitted by the Governor of these islands to the Commissioners of Customs at London, with a detailed account thereof, at least once a year, in order that the said nett duty may be duly paid over to the registered proprietors of the copyright of such books or reviews respectively. Provided also, 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 Act of the Imperial Parliament made in the fifth and sixth years of Her Majesty's reign, intituled "An Act to amend the Law of Copyright". Provided also, that in order to provide a fund for remunerating the officers who shall collect and keep the account of such *ad valorem* duty as aforesaid, there be deducted and retained in the public treasury of these islands, out of the duty so collected and paid in there as aforesaid, five per centum on the amount of such duty

Ad valorem duty of 15 per cent. on the importation from foreign countries of reprints of protected British books.

Proviso as to extracts.

Duty, how paid, and remitted to London

Proviso. Reprints of registered books only liable.

Proviso 5 per cent. to be deducted out of duty for collecting it

III And be it, &c., 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 these islands for use, sale, or hire, any reprint referred to in the foregoing clause of this Act, 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 for sale, or let to hire, or have in his or her 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 of the proceeds thereof to be applied to the use of the officer of revenue 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 these islands, shall for every such offence forfeit the sum of five pounds, and double the value of every copy of such reprint which he or she shall so import, or cause to be imported into these islands, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall have in his possession for use, sale, or hire, contrary to the true intent and meaning of this Act, two pounds thereof to the use of such officer of revenue,

Penalty on illegally importing, selling, hiring, or having for use such reprints

How applied.

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and the remainder of such penalty to be paid into the public treasury, and remitted for the use of the proprietor of the copyright, in the same manner as in the second clause of this Act is provided.

Reprints when entered for duty to be stamped.

IV. And be it, &c., that at the time of the entry of any reprint of any book or review, it shall be lawful for the officer passing such reprint to stamp the same. and the public treasurer of these islands shall furnish, at the public expense, to the several officers who may require the same, the form of stamps necessary for such service

Value of reprints how ascertained

V. And be it, &c., that for the purpose of computing the duty payable on any reprints imported as aforesaid, the value thereof shall be ascertained by the declaration in writing made and subscribed, before the public treasurer, or other proper officer, receiving the entry of such reprints, by the importer of such reprints, or his known agent, specifying the invoice price thereof, and that he verily believes such invoice price was the true value thereof at the place from whence the said reprints were imported; and such invoice price shall be deemed to be the value of the said reprints upon which the duties imposed by this Act shall be charged and paid: Provided always, that if it shall appear to the public treasurer, or other proper officer, that such reprints have been invoiced below the real and true value thereof at the place from whence the same were imported. or if the invoice price is not known, the said reprints shall in such case be examined by two competent persons to be nominated and appointed by the public treasurer, and such persons shall declare in writing, before the public treasurer or other proper officer what is the true and real value of such reprints in these islands, and the value so declared shall be deemed to be the true and real value of such reprints, and upon which the duties imposed by this Act shall be charged and paid

Suspending clause

VI. And be it, &c., that this Act shall not go into operation until Her Majesty's assent thereto shall be had and made known in these islands.

[Confirmed by the Crown, 13th February 1849.]

NOTE.

Acts to the same effect have been passed in Jamaica, 22 Vict. c. 21, British Guiana, No 14, of 1851. Bahamas, 11 Vict. c. 6, St. Vincent, No. 88, of 1852. Cape, No 4, of 1854; Natal, No. 14, of 1856; Mauritius, No. 24, of 1851; Barbados, No 257, of 1848, St Lucia, No 1, of 1850; Antigua, No. 110, of 1850: St. Kitts, No. 85, of 1849 The rates of duty imposed by these Acts vary from fifteen to twenty-five per cent *ad valorem*.

C A N A D A

CAP LIV.

AN ACT respecting COPYRIGHTS — (Assented to 22nd May 1868.)

Preamble

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Register of copyrights

1 The Minister of Agriculture shall cause to be kept in his office a book, to be called the "Register of Copyrights," in which proprietors of literary, scientific, and artistical works or compositions, may have the same registered in accordance with the provisions of this Act.

Minister of Agriculture to make rules, &c

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act, such regulations and forms being circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed according the same, and accepted by the said

Their effect.

said Minister of Agriculture, shall be held valid, so far as relates to all official proceedings under this Act.

3. Any person resident in Canada, or any person being a British subject, and resident in Great Britain or Ireland, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture, or photograph, or who invents, designs, etches, engraves, or causes to be engraved, etched, or made from his own design, any print or engraving, and the legal representatives of such persons, shall have the sole right and liberty of printing, reprinting, publishing, reproducing, and vending such literary, scientific, or artistical works or compositions, in whole or in part, and of allowing translations to be made of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the title thereof in the manner hereinafter directed: but no immoral or licentious, treasonable, or seditious book, or any other such literary, scientific, or artistical work or composition, shall be the subject of such registration or copyright.

Who may have
copyright in
Canada

Proviso.

4. If, at the expiration of the aforesaid term, such author, or any of the authors, where the work has been originally composed and made by more than one person, be still living and residing in Canada, or in Great Britain or Ireland, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children (as the case may be) for the further time of fourteen years; but in such case, within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyrights

Renewal and con-
tinuation of copy-
right

Condition.

5. In all cases of renewal of copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the "Canada Gazette"

Record of renewal
to be published

6. No person shall be entitled to the benefit of this Act, unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculptures, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the same to be recorded forthwith in a book to be kept for that purpose, in the manner prescribed by the rules and forms which may be made from time to time, as heretofore provided; for which record the person claiming such right as aforesaid shall pay into the hands of the Minister of Agriculture one dollar, and the like sum for every copy actually given to such person or his legal representatives; and the sums so paid shall be paid over to the Receiver General to form part of the Consolidated Revenue of Canada.

Deposit of copies
in the office of the
Minister of Agri-
culture

7. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving aforesaid, to be deposited in the library of the Parliament of Canada

One to be sent to
Library of Parlia-
ment.

8. No person shall be entitled to the benefit of this Act unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving, or photograph, by causing to be impressed on the face thereof; or if a volume of maps, charts, music, or engravings, upon the title or frontispiece thereof, the following words, that is to say: "Entered according to Act of the Parliament of Canada, in the year

Notice of copy-
right to appear in
work

, by A B., in the office of the Minister of Agriculture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

Exception.

9. To entitle any such literary production or engraving as is in this Act mentioned, being the work of any such person residing in Great Britain or Ireland, to the protection of this Act, the same shall be printed and published in Canada, and shall, in addition to the words directed to be inserted by the last section of

Publication in
Canada required.

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this Act, and immediately following thereafter, contain the name and place of abode or business in Canada of the printer and publisher thereof.

Penalty for infringement of copyright of books

10. If any other person, after the recording of the title of any book according to this Act, within the term or terms herein limited, prints, publishes, or imports, or causes to be printed, published, or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof, first had and obtained by deed duly executed, or, knowing the same to be so printed or imported, publishes, sells, or exposes to sale, or causes to be published, sold, or exposed to sale, any copy of such book without such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the copyright thereof, and shall forfeit and pay two dollars for every such copy which may be found in his possession, either printed or printing, published, imported, or exposed to sale, contrary to the intent of this Act; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such copyright, to be recovered in any court of competent jurisdiction.

Penalty for infringement of copyright of painting, &c.

11. If any person, after the recording of any painting, drawing, statuary, or sculpture work, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in part or in the whole, copies of the said works of art, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed, or photographed to the proprietor or proprietors of the copyright thereof, and shall further forfeit two dollars for every sheet of the same reproduction so published or exposed to sale contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

Penalty for infringement of copyright of print, &c.

12. If any person, after the recording of the title of any print, cut, or engraving, map, chart, musical composition, or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells, or copies, or causes to be engraved, etched, or copied, made, or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the law, or prints, or imports for sale, or causes to be printed, or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copyright thereof, first obtained, as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells, or exposes to sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit two dollars for every sheet of such map, musical composition, print, cut, or engraving which may be found in his or their possession, printed, or published, or exposed to sale, contrary to the true intent and meaning of this Act, and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

Temporary registration to secure copyright.

13. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of the present Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, the registration fee be duly paid, and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1868"; but the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act.

No copyright of any scene or object

14. Nothing herein contained, however, shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object.

15. Whenever

15. Whenever the author of a literary, scientific or artistical work or composition, which may be the subject of copyright, has executed the same for another person, or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

Copyright of work
made to order, &c.

16. If any person prints or publishes any manuscript whatever in Canada, or the same having been printed or published elsewhere, offers it or causes it to be offered for sale in Canada, without the consent of the author or legal proprietor first obtained, such author or proprietor being resident in Canada, or being a British subject resident in Great Britain or Ireland, such person shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any court of competent jurisdiction.

Damages for in-
fringement of copy-
right.

17. If any person prints, publishes or reproduces any book, map, chart, musical composition, print, cut, or engraving, or other work of art or photograph, and not having legally acquired the copyright thereof, inserts therein, or impresses thereon, that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding sixty dollars (one moiety thereof to the person who sues for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

Penalty for falsely
pretending to have
copyright.

18. No action or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arose.

Limitations of
actions

19. Chapter 81 of the Consolidated Statutes of the late Province of Canada, and chapter 116 of the Revised Statutes of Nova Scotia (third series), and all other Acts or parts of Acts, inconsistent with the provisions of the present Act, are hereby repealed, subject to the provisions of the next section.

Repeal of former
Act.

20. All copyrights heretofore acquired under the Acts or parts of Acts hereby repealed, shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the province or provinces to which they now extend, and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

Unexpired copy-
rights continued.

21. In citing this Act, it shall be sufficient to call it "The Copyright Act of 1868"

Short Title.

C A N A D A

CAP. LVI

AN ACT to impose a DUTY on FOREIGN REPRINTS of BRITISH COPYRIGHT
WORKS — (Assented to 22nd May 1868).

WHEREAS by an Act of the Parliament of the United Kingdom, passed in the Session held in the tenth and eleventh years of Her Majesty's reign, intituled, "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is provided, that in case the Legislature of any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act for that purpose, and transmit the same, in the proper manner, to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty should be of opinion that such Act is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty to express Her Royal approval of such Act, and thereupon, by Order in Council, to suspend, so long

Preamble.

Imperial Act,
10 & 11 Vict. c. 95.

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Act of Canada,
31 Vict. c. 7

as the provisions of such Act shall continue in force in such colony, the provision contained in the Imperial Acts in the said above-recited Act mentioned, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing, foreign reprints of books first composed, written, printed or published in the United Kingdom, and entitled to copyright therein: and it is expedient to pass such Act as aforesaid, to the end that foreign reprints of such works may, under the provisions of the said Imperial Act, be lawfully imported into Canada, on conditions common to the whole Dominion; and to remove doubts as to the intent of the Act passed in the present Session of the Parliament of Canada, intituled, "An Act imposing duties of Customs with the Tariff of Duties payable under it;" Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.—

Governor in Council
may impose a duty
on such reprints
of British copyright
works for the benefit
of the authors

1 It shall be lawful for the Governor in Council to impose upon books imported into Canada, and being copies printed or reprinted in any other country than the United Kingdom, of books first composed, or written, or printed, or published in the United Kingdom, of which the copyright shall be still subsisting, and with regard to which the notice to the Commissioners of Customs required by any Act of the Parliament of the United Kingdom in that behalf, shall have been given, an *ad valorem* duty, not exceeding twenty per cent, and from time to time, to alter the said duty (not exceeding in any case the rate aforesaid) and, from time to time, to establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom then in force, as he may deem requisite and equitable, with regard to the admission of such books, and to the distribution of the proceeds of such duty to or among the party or parties beneficially interested in the copyright, and such duty shall be collected in like manner as duties of Customs, and under the provisions of the Acts relating to such duties

Interpretation

2 The word "book" in this Act shall include every volume, part or division of a volume, pamphlet, sheet of letter press, sheet of music, map, chart or plan, separately published

When to come into
force

3 The foregoing provisions of this Act (except in so far as it may be otherwise directed in any such order as aforesaid of Her Majesty in Council) shall come into operation upon, from, and after the day to be appointed for that purpose, in any Proclamation of the Governor, signifying Her Majesty's Royal Approval of this Act, and the issuing of such Order of Her Majesty in Council, and not before

Former duty to
remain until a duty
is imposed under
this Act

4. And it is hereby declared, that it was not the intent of the Act of the Parliament of Canada, cited in the Preamble to this Act, that any duty imposed on foreign reprints of such British copyright books as are mentioned in the foregoing sections of this Act, by any Act of the late Province of Canada, or by any order of the Governor of that Province in Council, made or to be made under such Act, or by any Act of the Legislature of the Province of Nova Scotia, or of New Brunswick for the purpose of being distributed to or among the party or parties beneficially interested in the copyright, should be repealed, and any such duty shall continue to be collected for the purposes aforesaid, until a duty shall be imposed for like purposes under this Act, after which it shall cease

CAPE OF GOOD HOPE

No 2 of 1873

ACT to protect and regulate the Rights of AUTHORS in respect of their
WORKS

[This Act will be found printed in Command Paper, c 1067 of 1874,
page 21]
