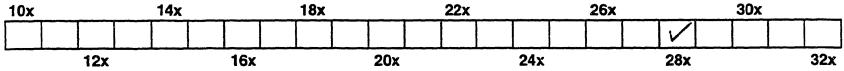
Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.		été p plaire ogra ou q	L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exem plaire qui sont peut-être uniques du point de vue bibli ographique, qui peuvent modifier une image reproduite ou qui peuvent exiger une modification dans la métho de normale de filmage sont indiqués ci-dessous.	
	Coloured covers /		Coloured pages / Pages de couleur	
لـــا	Couverture de couleur	H	Pages damaged / Pages endommagées	
	Covers damaged /	لــا	r ages damaged / r ages endommagees	
	Couverture endommagée		Pages restored and/or laminated / Pages restaurées et/ou pelliculées	
	Covers restored and/or laminated /	·····	rages restaurces evou pelilouices	
	Couverture restaurée et/ou pelliculée		Pages discoloured, stained or foxed /	
		V	Pages décolorées, tachetées ou piquées	
	Cover title missing / Le titre de couverture manque		r ages according to prique to	
	g. De une en e		Pages detached / Pages détachées	
	Coloured maps / Cartes géographiques en couleur		- 3	
			Showthrough / Transparence	
	Coloured ink (i.e. other than blue or black) /			
	Encre de couleur (i.e. autre que bleue ou noire)		Quality of print varies /	
		V	Qualité inégale de l'impression	
	Coloured plates and/or illustrations /			
	Planches et/ou illustrations en couleur		Includes supplementary material /	
			Comprend du matériel supplémentaire	
	Bound with other material /			
لــــا	Relié avec d'autres documents		Pages wholly or partially obscured by errata slips	
	Out and the annual test of	البيسييا	tissues, etc., have been refilmed to ensure the bes	
	Only edition available /		possible image / Les pages totalement ou	
	Seule édition disponible		partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à	
	Tight binding may cause shadows or distortion along		obtenir la meilleure image possible.	
\checkmark	interior margin / La reliure serrée peut causer de		obtenii la memedie image possible.	
	l'ombre ou de la distorsion le long de la marge		Opposing pages with varying colouration of	
	intérieure.		discolourations are filmed twice to ensure the bes	
			possible image / Les pages s'opposant ayant des	
	Blank leaves added during restorations may appear	•	colorations variables ou des décolorations son	
	within the text. Whenever possible, these have been		filmées deux fois afin d'obtenir la meilleure image	
	omitted from filming / Il se peut que certaines pages		possible.	
	blanches ajoutées lors d'une restauration			
	apparaissent dans le texte, mais, lorsque cela était			
	possible, ces pages n'ont pas été filmées.			
	Additional comments /			
	Commentaires supplémentaires:			
	Commentance supplementance.			
This i	item is filmed at the reduction ratio checked below /		·	

Ce document est filmé au taux de réduction indiqué ci-dessous.



No. 131.

2nd Session, 5th Parliament, 19 Victoria, 1856.

BILL.

An Act for the protection of Copyrights.

Received and read, first time, Monday, 31st March, 1856.

Second reading, Wednesday, 2nd April, 1856.

Mr. CASAULT.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act for the protection of Copyrights in this Province.

THEREAS it has become necessary to make more effectual Legis- Preamble. lative provision for the protection of Copyrights in this Province; Therefore Her Majesty, &c., enacts as follows:

- I. Copyright is the exclusive right which belongs to an author residing What is copy-5 in this Province, over the works which he has composed.
 - II. The exclusive right enjoyed by an author to publish a work, is Term of copyguaranteed to him during his lifetime, upon his conforming to the con-right. ditions hereinafter laid down, and this right shall date from the day of the. deposit of the title of the work as hereinafter mentioned.
- III. After his death this right shall pass to his widow, heirs, legatees or Duration after other representatives in conformity with the rules of Law touching civil decease of rights, and shall last for fifty years, to be computed from the day of the decease of the author.
- IV. The extended term of fifty years granted by the third section shall condition of 15 only be allowed, on condition of the reprinting of the work within the such duration. period of twenty years at the most, after the death of the author.
 - V. The proprietor by succession or other title, of a posthumous work, Proprietor by shall enjoy the right of publishing it or permitting its publication, on com-succession. plying with the conditions hereinafter mentioned.
- VI. The author may by authentic act or by deed, sell, give, cede, or con- Author may vey the exclusive right of publishing his works or any part thereof, either for dispose of the entire period granted to himself, his heirs or representatives by the 2nd copy-right. and 3rd sections or for a shorter period; the parties mentioned in sections 3 and 5 shall have the same right.

VII. The said exclusive right shall belong to authors of written works of What works every description. The words written works of every description, shall be con-shall be the strued to extend to compilations, and to translations of works which shall subject of copy-right.

- have become public property: They shall also extend to notes and commentaries made upon and in respect of such works, but in the latter 30 case the copyright shall be limited to the notes and commentaries accompanying the said works: Copyright shall also be granted for lectures given by professors of Law or Medicine or of other branches of Science or Art, and also by public Lecturers.
- VIII. In order to the preservation of his exclusive right, the author Title of work 35 shall deposit a statement in writing in the office of the Provincial Regis- to be deposittrar, of the title in detail of the work he is about to publish, also, whether ed with Provincial Regis-

the said work is to be published in volumes or in distinct parts, or by numbers, or by a series of articles in some periodical magazine or in a Newspaper.

Duty of Regis-IX. Upon the production of the title of the work, the Registrar shall trar. enter in a register to be kept for that purpose, the title of the work as 5 deposited with him, and the year and day of the month upon which the deposit thereof shall have been made, and he shall give to the author, if he shall require it, a certificate in the form hereinafter prescribed, setting forth the said deposit.

Certain en-X. The entries made in the register and the certificates given by the 10 tries &c., to be Registrar or the person authorized by him, shall be evidence of what is evidence. therein stated in any Court of Justice in this Province.

Notice of such XI. The title of the work having been deposited as aforesaid, it shall be copy-right to sufficient for the author, in order to the preservation of his right of property. be given on if it be a work published in one or more volumes or in numbers, to insert 15 title page. upon the title page or upon the reverse thereof, the words following:-Deposited in conformity with the law, in the Office of the Provincial Registrar 185 , and if it be any work, day of article, or writing published in a magazine or newspaper, it shall be sufficient to insert at the head thereof, after the title, the words following: 20 Deposited in conformity with the law, and the republication hereof is prohibited.

XII. If the work be published in one or more volumes or in numbers Two copies to be deposited so as to form one or more volumes, the author or his legal representative in the Library shall, within three months after the printing and publication of each of Parliament volume, deposit two copies thereof in the Library of Parliament and one 25 and one with the Provincial in the office of the Provincial Registrar, under pain of forfeiting his copy-Registrar. right, and the Librarian of Parliament and the Provincial Registrar, upon receipt of each volume, shall give to the author or his legal representative. a certificate setting forth the deposit required by this section.

XIII. The foregoing provisions shall apply to all geographical maps, 30 Application of foregoing pro-plans or charts, designs, engravings, lithographs, and musical compositions, drawn, made, or composed in this Province, for which copyright shall have been obtained, and every work of the description referred to in this section, shall contain in some conspicuous part thereof, the words following: Deposited in conformity with the law, in the Office of the Provincial 35 Registrar on the day of 185 , and three copies shall be deposited and a receipt given as hereinbefore is provided.

XIV. In all cases in which a copyright shall have been obtained, In pase of in any work which shall have become public property before the day upon which the deposit of the title of such work shall have been made. 40 or in any work published under a title differing from that under which grieved. it was theretofore known, or in case any one shall have fraudulently obtained a right of property contrary to the provisions and intention of this Act, any person who shall be grieved by the obtaining of the said right may, in Lower Canada, by action in the Supe- 45 rior Court for the Judicial District within which the person who shall so have obtained the right shall reside, or in Upper Canada by action in any Superior Court of Civil Jurisdiction, require that such person be ousted of such copyright and that the same be declared null and of no effect, and the

said Court upon satisfactory proof of the allegations of the Plaintiff, shall 50

visions.

fraud in obtaining.copyright, remedy of parties ag

pronounce judgment in conformity with the conclusions of the declaration. and shall further condemn the Defendant to the payment of a fine not exceeding fifty pounds currency, and costs of suit.

XV. Whoever shall translate or case to be translated, or shall print, or In case of 5 publish, or cause to be printed or published, in this Province, without the publication or sale of pirated express consent in writing of the author or artist or of his legal representations of tive, any work whatsoever, the copyright or exclusive right over which works. shall have been obtained as hereinbefore provided, or who shall import or cause to be imported, or cause to be sold in this Province, a pirated edition 10 of such work, shall, upon action of debt instituted for that purpose, in Lower Canada, in the Superior Court for the Judicial District within the limits of which the person contravening this enactment shall reside, or in Upper Canada, in any Superior Court of Civil Jurisdiction, be condemned to pay to the author or artist or his legal representative the sum of ten 15 shillings currency, as and for damages for each copy of any such work which shall be found in his possession contrary to the provisions of this Act.

XVI. It shall be lawful for any Judge of the Court, in the case of the Search for prosecution referred to in the next preceding section, upon the declarated works may
to tion on oath of the author or artist or his legal representative, to the effect
the works may
be made in that a depository of copies of any work printed, published or pirated as certain cases. mentioned in the preceding section, exists in any locality or place whatsoever, or in the custody of any person whatsoever, within the judicial limits of the said Court, to order the issue of a writ for the search and examination of such place and for the seizure of each and every such copy, and to cause them 25 to be conveyed to and deposited in the office of the Clerk or prothonotary of the said Court, there to remain until judgment shall be obtained, and also at the same time to issue an order of summons to compel the said person so found in possession of the said copies, to appear before the said Court upon the day fixed by the said writ, to answer to the demand contained in 30 the Plaintiff's action.

XVII. In the case mentioned in sections 15 and 16, in default of the Burden of Defendant's establishing the legality of the act complained of by the proof to rest Plaintiff, he shall be condemned to pay to the Plaintiff the sums mentioned with Defendant. in the 15th section, and the said Court by its judgment may order the Clerk 35 or Prothonotary to destroy each and every copy which shall have been deposited as provided by section 16.

XVIII. Any author residing in the United Kingdom of Great Britain On what conand Ireland, who shall comply with the foregoing requirements of the Act, dition authors and shall print and publish his work in this Province, shall during Kingdom may 40 his lifetime have the copyright thereof as defined in this Act; but the obtain copyrigh hereby vested in any person not resident in this Province, shall right here. not be given, sold or transferred either wholly or partially, except to a person resident therein.

XIX. Whoever shall falsely assert in any work by him written, composed, Persons false-45 printed or published, in any manner whatsoever, that he has obtained by asserting copyright in respect of such work in conformity with the provisions of this sess copyright Act, or who shall employ or make use of expressions which might lend to her dealt the belief that he has obtained such right, shall incur a penalty not exceed. with. ing £25 currency, and costs, upon proof of the offence made before a Court of competent Civil Jurisdiction, by the oath of one or more credible

witnesses, other than the prosecutor, and in such case the onus of proof that he has obtained the said copyright, shall be upon the Defendant.

Application of SXX. The fine mentioned in the preceding section and in section 14, shall belong, one-half to Her Majesty and one-half to the prosecutor, and shall be levied by execution and sale of the property and goods of the Defendant in accordance with the rules prescribed by the law in like cases.

In case of counterfeit or alteration of certificate. XXI. Whosoever shall counterfeit, alter or change any certificate required by this Act, shall be guilty of forgery, and shall upon conviction be liable to the punishment provided for the crime of forgery.

Limitation of actions.

XXII. Every action or prosecution by virtue of this Act, shall be pre- 10 scribed at the expiration of two years to be computed from the date of the cause of such action or prosecution.

This Act to apply to copyrights already obtained.

XXIII. The foregoing provisions shall apply to works published heretofore in this Province, the authors of which or their legal representatives,
shall have obtained copyright in conformity with the laws in force before 15
the passing of this Act; and the said authors or their legal representatives,
upon observance of the formalities required by this Act, shall, for all purposes whatsoever, enjoy all and every the rights and advantages conferred
by this Act, in the same manner as though the copyright of the said works
had been obtained in conformity with the provisions herein contained.

Fees to Regis- XXIV. The Provincial Registrar shall be entitled to receive the fees trar. following:

Certain Acts repealed. XXV. The Act of the Legislature of Lower Canada passed in the second 25 year of the reign of King William the fourth, and intituled, "An Act for "the protection of copyrights;" the Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, and intituled, "An Act for the pro"tection of copyrights in this Province;" and the Act passed in the session held in the tenth and eleventh years of Her Majesty's reign, intituled "An 30 Act to extend the Provincial copyright Act to persons resident in the United Kingdom on certain conditions, shall be and remain repealed, as shall the Acts repealed by them.

Public Act. XXVI. This Act shall be a public Act, and the Interpretation Act shall apply thereto.

FORM REFERRED TO IN SECTION 9.

Office of the Registrar
For the Province of Canada.

Be it known that on the day of , in the year , A. B., of , in the District of , (Profession of Depositor,) has deposited in my Office the Title of a Work, (here mention whether the Work is to be published in volumes, in numbers, or in a Magazine, or whether it is a Geographical Map, Plan, Design, Engraving, Lithograph, or Musical Composition,) which is in the following words:—(here insert the Title as given by the depositor,—and, for which he claims a copyright as author,—(or as purchaser, as the case may be.) Given in the city of , on the day and year aforesaid.

(Signed,) F. G.

B230