

involving what appeared to be an invasion of the Royal prerogative. He had no inclination to oppose the introduction of the measure, with the understanding that he was not thereby committed to its approval.

MR. HENNESSY asked, how it happened that the power of attaching the Royal sign manual did not already exist? He believed that the House was trenching on the royal prerogative in proposing to pass a Bill to give certain powers to the Queen in Council; and he believed that the Queen had full powers at present to delegate her sign manual.

THE SOLICITOR GENERAL said, that the Royal prerogative of the sign manual was exercised "as had been the custom." If that custom were departed from, questions might arise as to the legality of the sign manual. It was therefore prudent and constitutional to make the alteration by an Act of Parliament.

MAJOR PARKER said, that when the Indian army was under the Court of Directors only the highest officers in it held commissions under the Royal sign manual.

Leave given.

Bill to enable Her Majesty to issue Commissions to the Officers of Her Majesty's Land Forces and Royal Marines, and to Adjutants and Quartermasters of Her Militia and Volunteer Forces, without affixing Her Royal Sign Manual thereto, ordered to be brought in by Sir GEORGE LEWIS and Viscount PALMERSTON.

Bill presented, and read 1<sup>o</sup>; to be read 2<sup>o</sup> on Monday next, and to be printed.

#### COPYRIGHT (WORKS OF ART) BILL.

LEAVE. FIRST READING.

Order for Committee read.

House in Committee.

THE SOLICITOR GENERAL said, he rose to move for leave to bring in a Bill to amend the law relating to copyright in works of fine art. The law on that subject was at present in a very imperfect and anomalous condition. Copyright had been created in books and other subjects. With respect to the fine arts, two series of Acts had been passed, giving a copyright of a limited and special nature. In 1735 an Act was passed at the instance of the celebrated Hogarth, giving a copyright in prints and engravings, but awarding no protection to the pictures from which they were taken. In the present reign that protection was extended to lithographs. Another series of Acts gave copyright to sculp-

*Sir John Pakington*

tures, models, and casts. That was the extent to which works of fine art were protected in this country. It might appear a singular thing, that while an engraving enjoyed protection, the picture from which it was taken should be without of any protection at all. Yet that was the present state of the law. This, the principal evil he proposed to remedy, was almost peculiar to England. In most European countries the principle of copyright extended through the whole range of the fine arts, and especially existed in regard to pictures; and if we had a similar copyright, the benefit of the laws of the different countries with whom we had connections under the International Copyright Acts would be obtained by our artists. The periods for which copyright were given in this country varied rather arbitrarily. He had taken as the period of copyright for pictures, drawings, and photographs the period of life and seven years beyond. That was one of two alternative periods adopted in Mr. Serjeant Talfour's Act giving a copyright in books. He believed that such a limited protection for life and seven years beyond would be satisfactory to artists, and that protection would extend to every painting, drawing, and photograph now in existence, or which might be hereafter made, and which had not already been sold or disposed of. He had not thought it expedient to make the Act retrospective, so as to give a copyright either to the painter or the purchaser of pictures, &c., already parted with. The Bill did not propose, when a picture was sold, to give any copyright as against the purchaser, unless the copyright were especially reserved by the author at the time of sale. He did not propose to extend the protection beyond paintings, drawings, and photographs. The Bill would give the ordinary legal remedies and penalties to secure copyright. Another object was to put a stop to a considerable trade which had grown up in spurious pictures, the manufacturers of which counterfeited the marks and monograms of artists of eminence, whose reputation suffered from the fraud while the public were imposed upon. The Bill proposed to make that offence a misdemeanour and to protect artists against frauds. The Bill differed considerably from that of last year. It was simplified, and some of the more questionable provisions of the measure of last year were omitted. In the previous Bill

there was a provision that even in cases where there was no subsisting copyright, and where any one was at perfect liberty to engrave a work, the name of the author should not be affixed to any copy or engraving. That did not appear to him a reasonable provision, and he had not retained it. In other respects the Bill was much simplified. The penalties would be found to be not so severe as before, some having been omitted and others modified. It was of considerable importance in the present year that such a Bill, if the principle was approved by the House, should be passed with despatch; otherwise foreign artists, who had a copyright in their own country in those works which we were most anxious to see in the Great Exhibition, must either withhold their contributions or expose themselves to the danger of having their rights invaded. He begged to move for leave to bring in the Bill.

SIR MATTHEW RIDLEY said, he regretted that the Bill did not include any provision with regard to works of plastic art.

THE SOLICITOR GENERAL said, that protection was at present afforded by law for fourteen years at all events, and if the author were living, for a further similar period, making altogether twenty-eight years after the first production or publication to works of sculpture, casts, and models. The natives of countries which have treaties of international copyright with England enjoyed the benefit of that protection.

SIR MATTHEW RIDLEY observed, that the present state of the law was most unsatisfactory both to the professors and patrons of that branch of art.

*Resolved,*

“That the Chairman be directed to move the House, That leave be given to bring in a Bill for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the commission of Fraud in the production and sale of such works.”

*House resumed.*

*Resolution reported.*

Bill ordered to be brought in by Mr. MASSEY, Mr. SOLICITOR GENERAL, and Mr. ATTORNEY GENERAL.

Bill for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the commission of Fraud in the production and sale of such works, *presented*, and read 1<sup>o</sup>.

House adjourned at a quarter after Eleven o'clock.

HOUSE OF LORDS,

*Friday, February 28, 1862.*

MINUTES.]—PUBLIC BILL.—2<sup>a</sup> Gardens in Towns Protection.

UNITED STATES—BLOCKADE OF THE SOUTHERN PORTS — THE CORRESPONDENCE.—QUESTION.

THE EARL OF CARNARVON said, that within the last twenty-four hours various papers had been laid upon the table in reference to the blockade of the Southern Ports. Those papers, no doubt, contained a great deal of valuable information; but they were also remarkable for the absence of information upon certain points of too great importance to be passed by. They contained Reports from the various consuls as to the adequacy or inadequacy of the existing blockade; they specified cases in which British vessels had broken it, together with a statement of ships that had been allowed to pass without let or hindrance from the cruisers of the Government of the Northern States; but they did not contain any information with respect to any communications which had passed between Her Majesty's Government and the Governments of foreign States in regard to the blockade. He wished to ask the noble Earl the Foreign Secretary, Whether any such communications had passed; and, if so, whether there was any objection on the part of the Government to lay those papers, or extracts from those papers, before the House? He did not complain of the course which the Government had adopted in issuing the papers now before their Lordships, but there was great inconvenience in discussing a subject of this character upon papers presented in a fragmentary form. There was some excuse at the close of a Session for papers being so presented; but when neither the public offices nor the Parliamentary printers were overtaxed, it would be desirable to have the papers laid on the table as a whole, in order that a satisfactory judgment might be pronounced upon them.

EARL RUSSELL said, that Her Majesty's Government had not had any formal communications with foreign Governments on the subject of the blockade. From time to time the French Ambassador and some other representatives of maritime States had asked him what course the British Government intended to pursue. His reply to