

COPYRIGHT (WORKS OF ART) BILL.

[BILL No. 49.]

ORDER FOR COMMITTEE DISCHARGED. BILL
COMMITTED TO A SELECT COMMITTEE.

EARL GRANVILLE said, that in accordance with what appeared to be the general feeling of their Lordships, he proposed to move that this Bill be referred to a Select Committee. He thought that would be the best mode of dealing with the complicated details of the question.

THE EARL OF ELLENBOROUGH said, he would not oppose the reference to a Select Committee, but thought that the required amendments could have been made in the Bill in a Committee of the Whole House. He would suggest, however, that the Committee should consider whether, in giving new protection to painters and engravers, it would not be well to give similar protection to sculptors.

LORD CHELMSFORD said, he approved the reference to a Select Committee, because he thought that before the Bill became law it would require to undergo very material alteration. At the same time he would venture to suggest the necessity for an inquiry into the law of artistic copyright generally, which appeared to him to be in an unsettled and unsatisfactory condition. This Bill only proposed to deal with drawings and paintings, leaving the question as concerned sculpture unchanged. He thought the existing law with regard to engravings and sculpture required amendment. The law of copyright affecting engravings depended upon an old Act of 1735, called "Hogarth's Act," which gave engravers a copyright in their works for fourteen years, afterwards extended to twenty-eight years. In order to obtain that privilege, however, it was requisite that each engraving should bear the name of the engraver and the date of the first publication, which requirement was, of course, not fulfilled in the case of artists' proofs and proofs before letters. As the term of copyright in engravings was not the same as that of literary copyright, in the case of engravings illustrating a work a question arose whether the engravings were governed by the Literary Copyright Act. Under the Literary Copyright Act, no preliminary conditions were prescribed, and copyright was given to the author during his life, and for seven years afterwards; or for a total period of forty-two years, if his life should not extend to

that period. But engravings published in illustrated works did not fall within the terms of the Literary Copyright Act, and therefore they were governed by the Engravings Act, which only gave a copyright of twenty-eight years, under certain conditions. In this Bill it was proposed to give to engravers a copyright during the author's life, and for seven years afterwards; but not to give the alternative period of forty-two years. Under the Designs Act, sculptors could register their works, and recover penalties in case of piracy; but the law in respect to sculpture differed from the law relating to painting and engravings. The result was an uncertain and incomplete state of things. He could not but think that it was desirable to establish the same law in reference to all artistic and literary productions. He thought, also, that the question of international copyright should be considered, together with the whole subject of domestic copyright, before they proceeded to fresh legislation; and he would suggest that a Select Committee be appointed to inquire into the law of copyright in general, and that this Bill should be referred to that Committee.

LORD TAUNTON said, he believed his noble Friend the President of the Council had exercised a very wise discretion in referring the Bill to a Select Committee. He believed that the Bill pushed the principle of protection to a most extravagant point. He should despair of making the measure a reasonable one in a Committee of the Whole House, but he hoped that in a Select Committee they would be able to give to it that character.

EARL STANHOPE trusted that the inquiry before the Select Committee would be proceeded with immediately after the Whitsuntide recess; for he should consider it a great misfortune if the Bill, which had already received the assent of the other House, should, in consequence of any unnecessary delay, be dropped for the present Session.

EARL GRANVILLE was afraid, that if the Select Committee were to enter into the consideration of all the subjects adverted to by the noble and learned Lord (Lord Chelmsford), a great delay must take place.

LORD CHELMSFORD said, that what he desired was, that the different laws with respect to artistic works should be assimilated.

EARL GRANVILLE said, he would endeavour to name the Committee before the House adjourned.

Order of the Day for the House to be put into a Committee on this Bill *discharged*; and Bill *referred* to a Select Committee:

The Lords following were named of the Committee; the Committee to meet on *Monday* the 16th instant, at Four o'Clock, and to appoint their own Chairman:

Ld. Chancellor.	E. Ellesmere.
Ld. President.	Ld. Chamberlain.
Ld. Privy Seal.	V. Hardinge.
M. Westminster.	V. Stratford de Redcliffe.
Ld. Steward.	L. Overstone.
E. Derby.	L. Cranworth.
E. Stanhope.	L. Wensleydale.
E. Carnarvon.	L. Chelmsford.
E. Grey.	L. Taunton.
E. Sommers.	
E. Ellenborough.	

RED SEA AND INDIA TELEGRAPH COMPANY BILL.

[BILL NO. 70.] SECOND READING.

Order for the Second Reading read.

THE DUKE OF ARGYLL, in moving the second reading of the Bill, said that its object was to make the best of a bad bargain. In 1858, the late Government entered into an agreement with a Company which had engaged to establish an electric telegraph communication between England and India. By that agreement the Company were guaranteed an annual payment of 4½ per cent on any sum up to £800,000 which they might expend on the work, provided they succeeded in establishing such a communication. The Company laid down the communication, and for a short time each separate part was in successful operation, and messages were for some days transmitted from England to Kurrachee. The Company had therefore fulfilled the condition. But very soon after the line had been brought into working order, some of the most important of its links became defective, and had never since been restored. The Government nevertheless were still bound to pay the stipulated 4½ per cent per annum. Under these circumstances the whole matter was then thrown upon the Government, who declined to attempt to restore the telegraphic communication themselves, but entered into an agreement with a new Company, by which that Company were to be remunerated from the profits of the undertaking, so that their profits would

depend on the successful operation of the telegraphic communication.

Moved, That the Bill be now read 2^a.

THE EARL OF ELLENBOROUGH observed, that electric telegraph communication with India was not merely of commercial importance, but of the highest political importance also. If the matter were left to the management of a Company, he had no great hopes of the success of the scheme. The line must pass through the territories of foreign rulers. A Company would hardly be able to carry out the object without the intervention of the Government. He therefore thought it would have been better if the Government had kept the whole matter in their own hands.

LORD LYVEDEN said, he did not agree with the noble Duke in thinking that all that now remained to be done was to make the best of a bad bargain. He wished to know whether the Government had gone into the question, whether or not the electric telegraph to be established under the Bill would form the best line of communication with India? Suppose this Company should fail, were Government to take no other steps to complete telegraphic communication with India? Had they considered whether this scheme was feasible? The correspondence which had taken place between the two Companies was very meagre, and there had been no declaration by the Government as to what the contract was.

THE DUKE OF ARGYLL thought his noble Friend misunderstood the whole transaction. The arrangement as to the payment of the late Company was not altered. They were absolutely entitled, under a Report made to the House of Commons, and by a vote of that House, to every farthing of money that was given to them by this Bill. There was a provision in the Bill, however, for converting that payment into annuities, and for their redemption by Government. The new Company, at their own risk and with a large expenditure of capital, offered to fish up the Red Sea cable and complete the line of communication with India, without any advance or guarantee from the Government, and only stipulating for the profits of the line if they succeeded. He thought such an arrangement, so far as the Government were concerned, was making the best of a bad bargain; and he was not sure that, after all, this was not the most certain mode of establishing telegraphic communication