

274

RETURN to an Address of the Honourable The House of Commons,
dated 12 April 1872;—for,

“COPIES or EXTRACTS of CORRESPONDENCE between the Colonial Office,
the Board of Trade, and the Government of *Canada*, which preceded the
passing of the ACT 10 and 11 Vict. c. 95 :”

“And, of any recent CORRESPONDENCE on the Subject of that Act and of
Proposals for amending or extending the same, including the LETTER of
the 27th day of July 1869, No. 687-69.”

Colonial Office, }
July 1872. }

E. H. KNATCHBULL-HUGESSEN.

(*Sir Charles Adderley.*)

Ordered, by The House of Commons, to be Printed,
29 July 1872.

SCHEDULE.

No. in Series.	From Whom.	Date and Number.	Colony.	SUBJECT.	Page.
1	The Viscount Falkland to the Lord Stanley.	30 April 1845 (No. 309.)	Nova Scotia -	Encloses Address to the Queen from House of Assembly, with a Report of the Select Committee of that House on the subject of Copyright.	1
2	Colonial Office to Board of Trade.	10 June 1845	Nova Scotia -	Encloses copy of above Despatch - -	6
3	Board of Trade to Colonial Office.	5 Nov. 1845	Canada - -	States that they are glad of the efforts made for reducing the price of works intended for sale in the Colonies, but cannot hold out any hope of advising the Legislature to alter the determination taken of protecting the authors of this country; but that they are directing their attention to the Copyright Law, in order to discover whether there are in it any details which may be amended, so as to afford relief to the Colonies.	6
4	The Lord Stanley to the Viscount Falkland.	27 Nov. 1845 (No. 256.)	Nova Scotia -	Acknowledges Despatch, No. 309. Cannot hold out any hope of advising the Legislature to alter determination taken of protecting the authors of this country; but states that the attention of the Government is being directed to the state of the Copyright Law.	7
5	Colonial Office to Board of Trade.	29 Nov. 1845	Canada - -	Agrees with proposal in Letter of the 5th inst., to obtain from publishers in this country representations as to the mode in which the Post Office might afford facilities in the conveyance of publications to the Colonies.	8
6	Sir W. Colebrooke to Mr. Secretary Gladstone. (Extract.)	27 April 1846 (No. 33.)	New Brunswick	Expresses opinion that the Copyright Act ought to be amended, and that English Copyright ought not to extend to the North American Provinces, except in virtue of Provincial Acts, by which the high charges on English publications would be abated.	8
7	The Viscount Falkland to Mr. Secretary Gladstone.	1 May 1846 (No. 32.)	Nova Scotia -	Encloses Report of a Committee of the House of Assembly on the subject of the present Law of Copyright, being a remonstrance on the decision come to by Lord Stanley on a previous Address on the same subject.	8
8	Mr. Secretary Gladstone to Sir W. Colebrooke. (Extract.)	23 June 1846 (No. 39.)	New Brunswick	With reference to above Despatch, states that communication is being made with another Department on the subject, but is unable to say if it will lead to an alteration of the Statute. States that the present stringent provisions of the law did not originally proceed from any proposal from Her Majesty's Government.	10
9	Colonial Office to Board of Trade.	27 June 1846	Canada - -	Encloses Copy of Nova Scotia Despatch, No. 32, and Extract of New Brunswick Despatch, No. 33, referred to above, and suggests that all the complaints which have been transmitted to the Board of Trade should be brought to the knowledge of publishers and the trade.	10

No. in Series.	From Whom.	Date and Number.	Colony.	SUBJECT.	Page.
10	Sir W. Colbrooke to Mr. Secretary Gladstone. (Extract.)	28 July 1846 (No. 73.)	New Brunswick	Points out that the copyright question merits the early attention of Her Majesty's Government, and expresses his belief that the Copyright Laws are at present extensively evaded along the whole inland frontier.	10
11	Colonial Office to Board of Trade.	26 Aug. 1846	New Brunswick	Encloses copy of above Extract, and calls attention to Colonial Office letter of the 27th June last.	11
12	Mr. MacKellan to Earl Grey -	15 Oct. 1846	Canada - -	Calls attention to the evil influences which the British Copyright Act is exercising in Canada, and details the working of the supply of magazines, &c., before and after the passing of the Act.	11
13	Board of Trade to Colonial Office.	19 Oct. 1846	Canada - -	Acknowledges letters of 26th August and 27th June, and states how difficult it is to deal with the question satisfactorily without being in possession of much local knowledge, and suggests that the Colonies should legislate for themselves in the matter, and that for this purpose an Act should be passed authorising the Queen in Council to confirm any colonial law, notwithstanding any repugnancy to the law of this country.	12
14	Colonial Office to Board of Trade.	30 Oct. 1846	Canada - -	States that the Secretary of State concurs in the views expressed in their letter of the 19th instant, and requests that a Bill may be prepared accordingly.	13
15	Earl Grey to Governor of the North American Colonies.	5 Nov. 1846 (Circular.)	General - -	States that Her Majesty's Government have decided on proposing measures to Parliament, enabling the Colonies to pass local laws for securing the rights of authors and the interests of the public; such laws to be of no effect until confirmed by the Queen in Council.	13
16	Earl Grey to the Earl of Elgin	30 Dec. 1846	Canada - -	Informs him of receipt of Mr. MacKellan's letter, and states that measures had already been resolved upon for remedying the inconvenience pointed out.	14
17	Lord Monck to the Duke of Buckingham.	27 May 1868 (No. 91.)	Canada - -	Transmits Minute of the Privy Council on the subject of the Act to impose a Duty on Foreign Reprints of British Copyright Works.	14
18	Colonial Office to Board of Trade.	16 June 1868	Canada - -	Encloses copy of above Despatch, and a Draft Order in Council for suspending certain provisions in Imperial Acts during continuation of Canadian Act.	16
19	Board of Trade to Colonial Office.	18 June 1868	Canada - -	Cannot give an opinion upon Draft Order for suspending certain provisions of Imperial Acts, referred to that Department in Letter of 16th June, without further information.	17
20	John Rose, Esq., to the Colonial Office.	1 July 1868	Canada - -	Encloses Memorandum stating the objects sought by the Canadian Government.	17
21	Colonial Office to John Rose, Esq.	2 July 1868	Canada - -	Encloses Draft Order, and asks for information on the subject for Board of Trade.	19
22	Colonial Office to Board of Trade.	3 July 1868	Canada - -	Transmits the reply of Mr. Rose - -	19
23	Order in Council - - -	- - -	Canada - -	Order in Council "For suspending certain provisions in Imperial Acts relating to the reprints of copyright works during the continuance of an Act passed by the Senate and House of Commons of Canada."	19
24	Order in Council - - -	- - -	Canada - -	Order in Council approving of an Act passed by the Parliament of Canada, intituled, "An Act to impose a Duty on Foreign Reprints of British Copyright Works."	20

No. in Series.	From Whom.	Date and Number.	Colony.	SUBJECT.	Page.
25	Colonial Office to Board of Trade.	21 July 1868	Canada - -	States that both the above Orders in Council have been approved by Her Majesty, and that it remains to be considered what course should be taken with regard to the recommendation of the Senate of Canada, that Colonial reprints of Copyright Works should be placed on the same footing as foreign reprints in the Dominion.	20
26	The Duke of Buckingham to Viscount Monck.	21 July 1868 (No. 150.)	Canada - -	States that Colonial Office is in communication with the Board of Trade with respect to the recommendation of the Senate, and encloses the two Orders in Council passed in accordance with that recommendation.	21
27	Board of Trade to Colonial Office.	22 July 1868	Canada - -	Report on Mr. Rose's letter, and on the subject of Copyright generally. States, with reference to Mr. Rose's Memorandum, that the subject is too important to dispose of by legislation in present Session of Parliament, and suggests that the question should be dealt with as a whole, and should be placed on a more satisfactory footing. Refers to the fact, that communications with the Government of the United States have recently taken place with a view to the resumption of negotiations for the conclusion of a Copyright Treaty.	21
28	The Duke of Buckingham and Chandos to Viscount Monck.	31 July 1868 (No. 168.)	Canada - -	Encloses copy of above Letter from Board of Trade; and also a copy of Mr. Rose's Letter. Points out that immediate legislation was impossible, but that the anomalous position of the question is not denied.	23
29	Viscount Monck to the Duke of Buckingham.	28 Sept. 1868 (No. 177.)	Canada - -	Replies to Despatch, No. 150, of 21st July, enclosing Orders in Council, and encloses Gazette proclaiming Act, and bringing it into operation from 28th September.	23
30	Colonial Office to Board of Trade.	20 Oct. 1868	Canada - -	Encloses copy of above Despatch - -	25
31	Sir John Young to the Earl Granville, K.G.	16 April 1869 (No. 40.)	Canada - -	Encloses Minute of Privy Council of Canada in reference to Board of Trade Letter of 22nd July 1868.	25
32	Colonial Office to Board of Trade.	22 May 1869	Canada - -	Transmits, for the consideration of the Board of Trade, copy of above Despatch.	26
33	Board of Trade to Colonial Office.	27 July 1869	Canada - -	Acknowledges Colonial Office Letter of 22nd May. Encloses Report, and, at considerable length, submits views of Board of Trade, both as regards the operation of the Copyright Laws in Canada, but also with regard to their effect in relation to the United Kingdom and the Colonies.	26
34	Colonial Office to Board of Trade.	9 Oct. 1869	Canada - -	Acknowledges above Letter, and submits draft of a proposed Despatch to Canada, and requests that a Bill may be prepared to carry out the amendment of the law as regards the particular point on which its amendment is promised, but thinks it should extend to all the Colonies.	30

No. in Series.	From Whom.	Date and Number.	Colony.	SUBJECT.	Page.
35	The Earl Granville, K.G., to Sir John Young, Bart.	20 Oct. 1869 (No. 193.)	Canada - -	Acknowledges Despatch, No. 40, of 15 April, enclosing Minute of Council, &c. and states that the matter is of some difficulty, and that further information will be required before finally deciding on the proposals of the Canadian Government; but points out one particular defect in the law, which it is proposed to remedy during next Session of Parliament.	30
36	Board of Trade to Colonial Office.	16 Oct. 1869	Canada - -	Acknowledges Letter of 9th October, and approves of proposed Despatch to Governor General, and states that they have asked the Treasury to instruct the Government draftsman to prepare a Bill as suggested.	31
37	Foreign Office to Colonial Office	23 Nov. 1869	Canada - -	States that Lord Clarendon has received privately from Her Majesty's Minister at Washington, the draft of a Convention which has been confidentially communicated to the Board of Trade. Encloses reply of Board of Trade on the subject.	31
38	Sir John Young, Bart., to the Earl Granville, K.G.	20 Dec. 1869 (No. 159.)	Canada - -	Transmits additional copies of the correspondence respecting the Copyright Law in Canada with reference to his Despatch, No. 40, of 15th April 1869.	32
39	Colonial Office to Foreign Office	19 Jan. 1870	Canada - -	Acknowledges Letter of 23rd November, and states that Lord Granville proposes to send a copy of Foreign Office letter of 23rd November to Governor General of Canada, and of this reply to it.	37
40	Foreign Office to Colonial Office	5 Feb. 1870	Canada - -	Acknowledges letter of 10th January, and states that Her Majesty's Minister at Washington will be furnished with authority to sign a Convention with the United States in the terms of the Draft which he sent privately to Lord Clarendon. Sees no objection to copy of Foreign Office letter of 23rd November last being sent to Government of Canada.	37
41	The Earl Granville, K.G., to Sir John Young, Bart.	17 Feb. 1870 (No. 43.)	Canada - -	Encloses copy of Foreign Office letter, and of Colonial Office reply, for information of the Canadian Government.	38
42	The Earl Granville, K.G., to Sir John Young, Bart.	17 Feb. 1870 (No. 44.)	Canada - -	Encloses copy of above letter of 5th February 1870.	38
43	Colonial Office to Foreign Office	19 Feb. 1870	Canada - -	Asks for copy of Convention referred to in Foreign Office letter of the 5th of February.	38
44	The Earl Granville, K.G., to Sir John Young, Bart.	5 Mar. 1870 (Confidential.)	Canada - -	With reference to above Despatches, encloses copy of Draft Convention with the United States.	39
45	Board of Trade to Colonial Office.	7 March 1870	General - -	Encloses, for approval, a Draft Bill enabling a person publishing in a Colony to obtain Imperial Copyright.	41
46	Colonial Office to Board of Trade.	31 Mar. 1870	General - -	States, in reply to above, that several alterations appeared necessary, and encloses Draft of a Bill prepared by Mr. Jenkins, with a Memorandum by him explaining nature of proposed Bill.	42
47	Board of Trade to Colonial Office.	25 April 1870	General - -	Transmits Messrs. Longman's letter of 29 March, addressed to Mr. Gladstone, submitting Resolutions passed at a meeting by a number of authors and gentlemen, and suggests that before proceeding with the proposed Bill, whether it would not be desirable to ascertain the views of the Canadian Dominion on the subject.	44

No. in Series.	From Whom.	Date and Number.	Colony.	SUBJECT.	Page.
48	Foreign Office to Colonial Office	30 April 1870	Canada - -	Encloses copy of Despatch from Her Majesty's Minister at Washington relative to the proposed Convention in reply to instruction; copy of which is enclosed.	47
49	The Earl Granville, K.G., to Sir John Young, Bart.	11 May 1870 (Confidential.)	Canada - -	Transmits copy of above letter from Foreign Office of the 30th of April.	49
50	The Earl Granville, K.G., to the Governors of certain Colonies.	1 June 1870 (Circular.)	General - -	Encloses Draft Bill, and requests suggestions or observations either upon the Bill or upon the general question of Copyright.	49
51	The Earl Granville, K.G., to the Governors of certain Colonies.	2 June 1870 (Circular.)	General - -	Transmits copy of letter from Board of Trade, enclosing letter from Messrs. Longman, and requests Report whether, in view of the benefits intended to be conferred upon British authors and publishers by the proposed Bill, any objection will be offered to the proposed repeal of the Act of 1847.	50
52	Colonial Office to Board of Trade.	9 June 1870	General - -	States that a copy of their letter of 25 April has been sent with a copy of Draft Bill to Governors of the Colonies, for their report, and suggests that it will be better to postpone the introduction of the Bill into Parliament, until the replies have been received.	50
53	Sir John Young, Bart., to the Earl Granville, K.G.	6 July 1870 (No. 151.)	Canada - -	Acknowledges Circular Despatch of 1 June 1870, and encloses Minute of Privy Council, recommending Her Majesty's Government not to legislate on the subject this Session.	50
54	Sir John Young, Bart., to the Earl Granville, K.G.	6 July 1870 (No. 152.)	Canada - -	Acknowledges Circular Despatch of 1 June 1870, and encloses Minute of Privy Council, deprecating Imperial legislation during the present Session of Parliament.	51
55	The Earl of Kimberley to Sir John Young, Bart.	29 July 1870 (No. 200.)	Canada - -	Acknowledges Despatches, 151 and 152, and requests a full statement of the views of the Canadian Government on the subject.	52
56	Colonial Office to Board of Trade.	30 July 1870	Canada - -	Transmits copy of Despatches, No. 151 and No. 152, of 6 July.	52
57	Colonial Office to Board of Trade.	20 Oct. 1870	General - -	Transmits Abstract of replies to Circulars received from the following Colonies: Mauritius, Ceylon, British Guiana, Barbados, St. Vincent, Bermuda, Gibraltar, Malta, St. Helena, West Africa Settlements, South Australia and Western Australia, and copy of two Reports of Attorney General of Bermuda on the subject.	52
58	Lieutenant Governor Mundy to Governor Rawson, C.B.	25 Oct. 1870 (No. 82.)	Grenada - -	In reply to Circulars, states that no objection will be offered to the proposed amendment of the Law.	55
59	Colonial Office to Board of Trade.	22 Nov. 1870	General - -	Encloses Abstract of further replies to Circulars from the following Colonies: New South Wales, Newfoundland, Labuan, British Honduras, St. Lucia, Turks Islands, with copy of a letter from the Acting Queen's Advocate of the Turks Islands.	56
60	The Lord Lisgar to the Earl of Kimberley.	6 Dec. 1870 (No. 282.)	Canada - -	In reply to Despatch 200, of 29 July 1870, transmits Minute of Privy Council, and Memorandum of Minister of Finance and Agriculture, containing the views of the Canadian Government on the subject of Copyright.	57
61	Sir G. F. Bowen to the Earl of Kimberley.	23 Sept. 1870 (No. 120.)	New Zealand - -	The Governor of New Zealand reports that his Ministers see no objection to the Bill, and have no suggestions or observations to make on the question.	59

No. in Series.	From Whom.	Date and Number.	Colony.	SUBJECT.	Page.
62	Colonial Office to Board of Trade.	16 Dec. 1870	New Zealand -	States that the Governor of New Zealand has reported that his Ministers see no objection to the proposed Bill: and that the Lieutenant Governor of Grenada has also reported that no objection will be offered to the proposed amendment of the law.	59
63	Colonial Office to Board of Trade.	7 Jan. 1871	Canada -	Transmits copy of Despatch from Lord Lisgar (No. 282, 6th Dec. 1870), enclosing a Minute of his Privy Council containing the views of the Canadian Government.	59
64	Colonial Office to Board of Trade.	10 Jan. 1871	General -	States the nature of the replies received from Queensland, Cape, and British Columbia, and encloses copy of the Report of the Attorney General of the latter Colony.	60
65	Lieutenant Governor Keate to the Earl of Kimberley.	21 Feb. 1871 (No. 22.)	Natal -	States that there is no valid objection to the repeal of the Imperial Statute of 1847, so far as that Colony is concerned, and encloses Report of the Attorney General.	62
66	Sir James Walker, C.B., to the Earl of Kimberley.	24 Feb. 1871 (No. 535.)	Bahamas -	States, in reply to Circulars, that the Colony has little interest in the question, and will offer no objection to the repeal of the Act of 1847.	63
67	Lieutenant Governor Keate to the Earl of Kimberley.	21 May 1871 (No. 54.)	Natal -	In reply to Circular of 2nd June, encloses Report of Attorney General on proposed Bill, and states that that officer has no observations to make upon the Draft Bill.	63
68	Sir J. P. Grant, K.C.B., to the Earl of Kimberley.	7 July 1871 (No. 88.)	Jamaica -	Replies to Circulars of 1st and 2nd of June 1871, and transmits opinion of the Attorney General. Is of opinion that the Act which it is proposed to substitute for that of 1847 would be injurious to the Colony.	64
69	Lieutenant Governor Robinson to the Earl of Kimberley.	7 Aug. 1871 (No. 61.)	Prince Edward Island.	Transmits Report of Attorney-General on proposed Copyright Bill. Amendment intended appears to be judicious	65.
70	Messrs. Longman and Murray to the Earl of Kimberley.	26 Mar. 1872	General -	Request to be informed what has been done in the matter, and point out, as an instance of the failure of the Act of 1847, the work by Mr. Disraeli, entitled "Lotkair," and encloses a letter from Mr. Disraeli, showing that he had not received anything on account of the American reprint of that work.	65
71	The Colonial Office to Messrs. Longman and Murray.	4 April 1872	General -	In answer to their letter, states that Circulars dated 1st and 2nd of June 1870 were sent to Governors, the replies to which have been sent to Board of Trade, with whom the matter rests.	78
72	Colonial Office to Board of Trade.	4 April 1872	General -	Transmits copy of letter, of 26th March, from Messrs. Longman and Murray, and specifies the Colonies which have not answered the Circulars of 1st and 2nd of June 1870, and states the nature of the reply which has been returned to Messrs. Longman.	78.
73	The Lord Lisgar to the Earl of Kimberley.	21 May 1872 (No. 136.)	Canada -	Forwards Minute of Privy Council of the Dominion, setting forth their views on the question of Copyright, and expressing the hope that "Her Majesty's Government will legislate on the subject without further delay."	78
74	Colonial Office to Board of Trade.	18 June 1872	Canada -	Transmits the above Despatch, and requests the opinion of the Board of Trade.	79.

COPIES or EXTRACTS of CORRESPONDENCE between the Colonial Office, the Board of Trade, and the Government of *Canada*, which preceded the passing of the Act 10 & 11 Vict. c. 95 :—And, of any recent CORRESPONDENCE on the subject of that Act and of Proposals for Amending or Extending the same, including the Letter of the 27th day of July 1869, No. 687-69.

— No. 1. —

(No. 309.)

The Viscount *Falkland* to the Lord *Stanley*.

My Lord,

Government House, Halifax, 30 April 1845.

AT the request of the House of Assembly of Nova Scotia, I herewith forward an Address to the Queen relating to the existing Law of Copyright, together with a copy of the Report of a Select Committee of that House on the subject, in which the Committee have set forth their reasons for the necessity of a change in the existing law, by which change the importation into Nova Scotia from the United States of reprinted British works, now prohibited by the law of copyright, would be permitted. The Committee have stated, at considerable length, the reasons why the alteration which they contemplate is desirable; and I conclude it will be the province of Her Majesty's Government to weigh their reasons against the claims to protection urged by the British author.

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

No. 1.
Viscount Falkland
to Lord Stanley.
30 April 1845.

Enclosure 1, in No. 1.

'To the Queen's Most Excellent Majesty.

The humble Address of the House of Assembly of the Province of *Nova Scotia*.

Encl. 1, in No. 1.

May it please your Majesty,

WE, your Majesty's faithful and loyal subjects, the representatives of the people of Nova Scotia, approach the Throne with feelings of sincere attachment to your Majesty's person, and to the Constitution which, under your Majesty's auspices, secures to us so many inestimable privileges.

This House, looking to the past history and present position of their fellow subjects at home, are satisfied that much of their distinction, property, and greatness is attributable to the encouragement given to the national literature and to the wide circulation of the popular publications of the age. This House having lately caused a full inquiry to be made into the law of copyright, as now in force in the United Kingdom, and extended to these Colonies, are satisfied from the review given to these statutes, and the evidence collected, that while their operation has a most injurious effect in curtailing in British North America the circulation and influence of modern English literature, in affecting the tone of sound feeling, and impeding the advancement and refinement of the provincial mind, they confer no adequate or corresponding protection on the British author or publisher. This House, therefore, most respectfully solicit your Majesty's gracious consideration to the facts and opinions contained in the accompanying report of a Committee of this House, and pray that your Majesty may be graciously pleased to direct your Majesty's advisers to refer this question to the consideration of the Imperial Parliament, in order that the existing law of copyright may be so modified as to relieve your Majesty's faithful and loyal subjects in British North America from the serious evils inflicted by said statutes, and the provincial mind improved and elevated by the more extensive circulation of the best publications of the British press.

(signed) *W. Young*, Speaker.

House of Assembly,
14 April 1845.

Enclosure 2, in No. 1.

Encl. 2, in No. 1.

THE Committee appointed to inquire into the question of the copyright referred to in the Petition of *Arthur W. Godfrey* and others, beg to report as follows:

That your Committee conceive it to be the duty of the Legislature to exercise the same vigilance and care in protecting and encouraging the literature of the Province as in founding and improving a general system of education. That in some of the best systems of education introduced into the older countries of Europe, and the States of the neighbouring Republic, provision has been made for the establishment of school and parish libraries; and your Committee are satisfied, from the peculiar circumstances of this Province, from the want and defects of the educational establishments in former years, that much benefit would result to our adult population from a wide dissemination of the cheap and popular literature of the age.

That your Committee have made inquiry into the law of copyright, as it exists now in Great Britain and in these Colonies, and are satisfied, from the evidence put before them, that the statute passed by the Imperial Parliament in 1842 has a tendency to affect our revenue, and to encourage an illicit trade, while it yields no protection to the British author or publisher. That under the regulations of the present law all books prohibited to be imported into the United Kingdom are prohibited here. These restrictions extend to all books in which the rights of the author, as secured by the law of copyright, now exist. If any reprint of these works, although contained in the trunk of a traveller, and imported from a foreign country even for his own use, were seized by an officer of the Customs, the instructions are to destroy it. All foreign editions of English works where the term of copyright has expired, or which have not been duly enrolled as required by the statute passed in 1842, and all American and foreign books which are not the reprints of English books prohibited by law, are admitted in this Province on a payment of seven per cent. duty *ad valorem*.

That your Committee find that the cheap people's editions of standard works, in regard to which the copyright has expired by efflux of time, published in Great Britain by Chambers, Moxon, Smith, and others, are more extensively sold and preferred here to the American editions of the same; and although both are admitted free of duty, that the British publishers not only hold equal ground, but maintain an ascendancy.

That many causes operate here to prevent the sale and circulation of the late English works. In the first place, the style of publication, the printing, types, and binding are suited to a more aristocratic taste and a richer people than exist here. That their prices, including of course a suitable compensation to the author, come far beyond the means of our population, and hence if our sources of literature were confined to them, the mass of the people would in fact be entirely deprived of the productions of the English press. That in addition to the first cost, there is to be added the expense, the difficulty, and delay of importation; in a seaport such as Halifax, Pictou, Liverpool, or Yarmouth, for example, a new book cannot be procured from England until three and often six months after publication (for no facilities exist in transmitting even English periodicals by the mail steamers from Liverpool); but as regards the inland towns of our Province, Annapolis, Amherst, and others; and in the neighbouring Colonies of New Brunswick and Prince Edward Island the expense and delay are so great, especially in the winter months, that the sale of the new works of English literature are entirely prevented.

That your Committee are aware that the high price of English books and the monopoly of the London publishers are felt as a serious grievance even in the United Kingdom. That these evils are there practically alleviated by the periodical sales held by Murray and others, and by the wide establishment of circulating libraries, clubs, and reading societies, by which a command of the fresh literature is obtained on cheap and easy terms; but these facilities do not exist here, and hence the importation of the English editions of new books is confined to a few copies for the use of libraries and of wealthy individuals, who, although the American reprints were admitted free of duty, would still prefer the clearer type and more elegant binding of an English copy.

That from the proximity of these Colonies to the United States, and from the extensive and frequent intercourse maintained between the seaports of the Republic and the harbours of our Atlantic coast, the Bay of Fundy, Basin of Minas, Pictou, and Sydney, Cape Breton, American reprints are introduced here in large quantities, and come so rapidly after their appearance from the American press, that your Committee are satisfied a new English work is often read here nearly as soon as it has reached the most distant parts of the United Kingdom. That complete copies of them appear in American, as well as in provincial newspapers, causes which operate to render the law of copyright nugatory and void; but in addition, the Committee have to remark that the public feeling is against it, that it is regarded as oppressive and impracticable in its provisions, and they are satisfied that under present circumstances, no statute; however binding, and no regulations, however stringent, could enforce it, and even if possible to enforce it, that it would prevent the sale of American reprints, but would not extend the sale of English copies beyond the present demand.

That your Committee annex in the Schedule marked (A.), a statement of the comparative prices of books in London, Halifax, and New York markets. It has been stated to them that although the novels of Bulwer, James, and the works of Dickens and Sam Slick are
sold

287

sold here by hundreds, and the standard works of Allison, Hallam, and Macaulay are extensively circulated, that few English copies of them are sold in the Province. One publisher has said that he does not believe a dozen is sold in all of any single book.

Your Committee are glad to find that some of the English publishers—Murray, by the publication of the "Home and Colonial Library," and Knight, by his "weekly volume"—are trying to suit the Colonial demand by less costly editions; but the first of these are too high in price, and the latter does not give a class of books fitted for general circulation. Your Committee have been also informed that the publishers of "Blackwood's Magazine" and the "Dublin Magazine" have lately published an edition for the Colonies, and that the price of the "North British Review" has been reduced in Halifax from 30 s. to 16 s.; and that in consequence of these arrangements, a large increase has taken place in the circulation of these periodicals.

Your Committee beg to recommend to the adoption of the House the following suggestions:

That an Address be sent to the Crown, praying that the Imperial Act may be so modified as to permit the importation here of American reprints of all English works on the payment of a protecting duty, say to the extent of 25 to 30 per cent. if in pamphlet shape, and 15 to 20 per cent. if in volumes bound. In the event of an international law of copyright being established so as to secure to the English author compensation from the reading public of this continent, your Committee would recommend that the edition published in the United States for his benefit should be admitted here free of duty, or under the present duty of 7 per cent., to protect the English publishers; for the Committee in seeking a modification of the law, justified as they think it is by the facts above stated, fully recognise the rights of an author to intellectual property, and would rejoice to see an international law of copyright carried in Congress, so that we would be enabled to contribute to those rewards to which the labours of genius and research are clearly entitled. Upon this subject there are some views entitled to the grave consideration of this Legislature and the Imperial Government. The influence of popular literature upon the cultivation of the mind, the tone of moral feeling and political opinion is too obvious and direct to require illustration. Now the practical operation of the present law has a tendency to encourage in these Provinces the wide circulation of the literary periodicals, newspapers, and other light literature issuing from the American press, and thus places in the hands of our population works often spurious in their morality and propagating political opinions not favourable to British Institutions; against the circulation of these, the laws raise no check, while British works of the same class, whose morals are unobjectionable, and whose political references are intended to inculcate sound loyalty and reverence to the Crown and the Constitution, are excluded from general circulation as issued from the English press, by prices and other causes, and in the form of reprints they can only be had by a violation of the law. There is no comparison between the facilities which exist in the United States and these Colonies for obtaining a command of English and other European literature, and if in the Northern States their population are superior to those of the Colonies in extent of knowledge, sagacity, and enterprise, their superiority may be attributed as much to the literary advantages they enjoy, as to their educational institutions. By obtaining a modification of the law, your Committee are satisfied that the circulation of the American reprints of English books would be incalculably increased; and while, therefore, the present restrictions, although founded in a just and generous policy, afford no protection, in fact, either to the British author or publisher, they have a most injurious influence by encouraging a taste for inferior literary productions, by sapping those principles which are the real strength of a Government, and by checking a more general cultivation and refinement of mind. And your Committee earnestly press the change proposed, because, in addition to the view above stated, it will curtail, if not destroy, an illicit trade, increase the Provincial revenue, and hold out an inducement to the United States to do an act of justice by introducing a law of international copyright.

Your Committee beg to state, although it cannot be made the subject of legislation, that they are satisfied the British publisher could remedy the existing evils, and derive a large profit from sales in the Colonies, if cheap editions of the new publications were got up expressly for the colonial trade, and that if the publishers of the leading British periodicals, the Edinburgh, Quarterly, Westminster, and others, would furnish the supply through local agencies, at the price of 15 s. to 16 s. currency per year, the price at which the North British Review is now sold in Halifax, that some hundreds of subscribers would be obtained in this Province alone, and would entirely exclude the competition of the American reprints. Your Committee have had access to a very valuable correspondence addressed by Mr. Reade, the Provincial secretary of New Brunswick, to Lord Ashburton, while at Washington in 1842, and have selected some extracts in the Appendix annexed, marked (B), to which they invite the attention of the House. All which is respectfully submitted.

(signed) *Geo. R. Young*, Chairman.
H. Huntington.
J. C. Hall.
James B. Uniacke.

Halifax, 11 March 1845.

APPENDIX A.

	Retail Prices in London.	Retail Prices in Halifax,	Retail Prices in New York.
	£. s. d.	£. s. d.	£. s. d.
Colburn's New Monthly Magazine - -	1 10 -	2 2 -	- - -
Blackwood's Magazine - - - -	- - -	1 4 -	- 12 6
Bentley's Miscellany - - - -	1 10 -	2 2 -	1 5 -
Metropolitan Magazine - - - -	2 2 -	3 - -	1 - -
The four Reviews* Blackwood's Magazine, Metropolitan Magazine, and Bentley's Mis- cellany (* Edinburgh, London Quarterly, and Dublin)	- - -	7 10 -	5 - -
Jack Hinton, or the Guardsman - - -	- 15 -	- 15 6	- 1 9
Harry Lorrequer - - - -	- 13 -	- 14 6	- 2 6
Charles O'Malley - - - -	1 4 -	1 9 -	- 2 6
Dickens' American Notes - - - -	- 10 6	- 15 -	- - 7½
Attaché, Sam Slick - - - -	- 10 6	- 15 -	- - 7½
Liebig's Chemistry applied to Agriculture -	- 10 6	- 15 -	- 1 3
Zanoni, by Bulwer - - - -	1 11 6	- 15 -	- 1 3
Bianca Cassello, Lady Bulwer - - - -	1 11 6	- 15 -	- 1 3
Nabob at Home - - - -	1 11 6	- 15 -	- 1 3
Percival Keene, Marryat - - - -	1 11 6	1 1 -	- 1 3
Byron's Poems, complete - - - -	1 - -	1 0 -	- 7 6

Sir,

Halifax, 7 March 1845.

You have above a few books with the prices in London, New York, and Halifax; from these you may draw a comparison of the whole.

I am, &c.
(signed) Arthur W. Godfrey.

G. R. Young, Esq., M.P.P. &c.

APPENDIX B.

EXTRACT from A. F. Reade, Esq.'s Letter to Lord Ashburton, dated at. Washington, August 1842.

A few observations may be sufficient to illustrate the disadvantages under which the Colonies labour by the extension to them of the copyright law, under the same limitations as in England.

In the first place, let us briefly advert to the situation of the reading public in England. There, by means of book societies, clubs, and circulating libraries, all new works can be read at a cost of little more than from 1*d.* to 3*d.* per volume, so that, with very few exceptions, the perusal of new works, of whatever character, is within the reach of all for a quarter of a dollar, and many may be perused for half that sum. Again, in England purchasers of books always obtain a deduction in the price of new works of from 12 to 20 per cent. discount for ready money. Again, from the number of copies of works taken by the circulating libraries, clubs, and other reading societies, which demand a constant succession of new literature, and which are ascertained to sell off the surplus copies after a few months*; there are few works which may not be purchased at from one-half to two-thirds the price, after six or nine months from their first publication. Thus the very high price at which books are published in England is comparatively but little felt; the perusal of works, the purchase of which would be beyond the means of any but the rich, being obtained at a very cheap rate.

Now, from all these advantages the British Provinces are, by the action of the copyright, wholly excluded. Their scattered population renders the formation of book societies in any but the large towns impracticable, and even in these the high price of the publications in England, added to the charge of conveyance, insurance, &c., place them wholly beyond the means of the inhabitants. So completely has this been found to be the case, that several book societies have been compelled to discontinue taking in the periodical reviews and magazines,† the cost of the conveyance of which alone has at times amounted to 4*s.* sterling for

* Persons in the country in England may, for a subscription varying from 2*l.* 6*s.* per annum, obtain supplies of books every month or fortnight free of all expense. Parties may also club together and, by a subscription of 15*s.* or 14*s.* each, obtain the same advantages. This is, of course, chiefly owing to the facilities and cheapness of transport.

† In the Report of the Post Office Commissioners at Quebec it is stated that the difficulties and expense of procuring the English periodicals in the British Provinces amounts to a total prohibition of them.

289

for a single copy. For five months in the year the British Provinces may be said to be almost excluded from ship communication with England, so that for that period the only mode of obtaining access to the new works is through the United States. Now, while we are subject to all these disadvantages for the nominal protection of the English author or bookseller, it may be worth while to inquire what the advantages in reality are which are thus obtained in his favour at the sacrifice of the interest of the people; and the answer to this is just nil. The whole amount of books imported from England in a year would not value in the Province of New Brunswick 500 *l.*, and the value of new works would probably be found under 100 *l.* Nor can this be a matter of surprise to anyone who compares the means of the mass of people with the price charged for books in England, and add thereto the risk and expense of conveyance, the trouble of writing to England, and the delays which must ensue before the execution of a small order, averaging from three to five months, the expense of procuring them by the steamer, added to that of forwarding them from Halifax, a distance of 300 miles, being an entire barrier to any such attempt.

But suppose that the publisher and author did in reality derive great benefit from the restriction, the Colonists would be at least entitled to some consideration in the matter, and may fairly demand that the benefits should in some respects be mutual. But what is the fact? why, just this, viz., that while the British publisher refuses to let us have the works at a cheap rate, *i.e.*, to take an instance, he demands from us for the reviews, 5 *s.* to 6 *s.* each number, to which must be added from 2 *s.* 6 *d.* to 4 *s.* more for the expense of the conveyance, the same publisher is supplying the United States market with these same reviews at 3 *s.* to 3 *s.* 6 *d.* per number, including all the expenses of transit, &c. Is this fair? Is this just? Is this honourable? If the British publisher can afford to send these works to the States at this rate, surely he can afford, and should be compelled (if the copyright law is to be in force here) to supply the Colonists as advantageously. Are the interests of these countries, as Colonies of the British Empire, to be sacrificed to the supposed pecuniary interests of publishers and authors? Are we prepared to act on a principle which, in truth, strikes at the nationality of our country? Are we to say to our Colonists, you are perfectly free to read American books of whatever kind and description you please, at the cheap rate you may procure such works in the States, but the works of British authors, inculcating those constitutional principles and those feelings (which it should be our desire to cherish amongst the people of our widely extended Empire, as it is our pride to entertain ourselves), you shall not read? We know you can't afford to buy these books at the price asked in the London market, and it is not worth our while to supply you more cheaply.

Is an inhabitant of these Provinces, because a British subject, to be denied access to British, and to be offered a premium on the perusal of American, literature? Shall he continue in the position of finding his American neighbours profiting so largely from the results of the genius of his own country, and himself debarred from it.

It has been justly remarked that literature in this reading age has more to do with the government of the people than the laws. Is there not here a warning to us? Shall we in this view encourage the circulation of a foreign or of our own literature? God forbid that the foreign should be prohibited, for it is better to get foreign works than to get none at all, as it would be better to live under a foreign code of laws than under no laws at all. Will anyone, looking at the condition of the United States and our own Colonies, and weighing the immense advantages the latter possess in their exemption from the taxes to which our neighbours are subject, and yet seeing how much in advance of us they are, doubt that this is partially, nay, in a great measure, attributable to the literary as well as commercial intercourse subsisting between the two countries; and surely it ought to be our pride to think that the whole of that vast country is inundated, as it were, and pervaded by works inculcating British feelings and British interests, even though purchased at the loss of some few hundreds of pounds to some dozen or two of authors and publishers. Shall literature be degraded in these days to a mere trade. Political trading is bad enough and rife enough. Heaven defend us against a trade in literature.

One great advantage of the newspaper form of publication consists not merely in the cheapness of the works published, but in the great facility offered through the post for their distribution; the importance of which in a thinly peopled country, where regular communication between distant places is unfrequent, the expense of sending parcels very great, and their conveyance very uncertain, and often not practicable except at long intervals, can hardly be over-estimated. A volume, however cheaply it might be imported from England, could not, in the winter, reach its destination in the distant parts of the Province under an expense of from 2 *s.* to 5 *s.* and often even more, thus making the conveyance alone more than equal to the expense of the work coming in a different form through the Post Office. These, it will be admitted, are serious detriments to the encouragement of a taste for reading, and I would ask whether or not it be desirable to foster such tastes in a young country, or at least whether it is wise to put such check upon it; and considering the question in a mere commercial point of view, I would ask, how can the admission of reprints affect the interests of the English publisher? Let us inquire of any bookseller making his arrangements for the publication of a new work in England, and estimating the number of copies which must be sold to remunerate him, how many he sets down for these Provinces, and what profit he reckons he may derive from the increased sale of his work in them. This is the fair way to look at the matter, and then let an estimate be made of what he might make if he chose to enter into arrangements with any of the New York or Boston publishers for the supply of the British Provinces at a cheap rate. There are many publishers in the

States who would be quite willing and glad to make such arrangements as would secure to an author or publisher at home a fair remuneration for the privilege, and bring a not inconsiderable revenue to the Post Office for the transmission of the papers, or let an agent be appointed in the Province who shall be authorised to sell these reprints, with a commission on the sale.

In the foregoing observations I have endeavoured to show the extreme hardship to the colonists of enforcing the copyright law, which cuts them off from all access to British periodical and other literature, its extreme impolicy in a national point of view, as offering a premium on the introduction of the works of American authors: that it in reality affords no protection to the British author or publisher, because the prices charged for the English edition, added to the difficulty and cost and uncertainty of getting them out, altogether prevent their introduction, and it is, therefore, not a question of purchasing the expensive copy from the London bookseller or the cheap American reprint, but the cheap reprint or none at all, that if the British publisher has the benefit of the operation of the Act, he should be bound to furnish a supply of works at a price within the means of the Colonists, the more particularly as he at this moment supplies the United States market with the periodicals of all kinds at little more than half their London prices; that the admission of these works in the newspaper form, under proper regulations, would prove a source of considerable revenue to the Post-office, there being scarcely any limit to the demand for literature in the British Provinces, when procured so cheaply and with so little difficulty. And I would here add two remarks; first, that their admission would be a source of general satisfaction throughout the Provinces, and would be regarded as a proof of the real desire of the British Government to foster and encourage attachment to the parent country, and to place them in a position in which, as Lord Durham said, they shall have nothing in which to envy their neighbours; secondly, that if it be not conceded, these papers will be introduced surreptitiously, and perhaps to as large an extent as if under no prohibition, for there is scarcely an individual who thinks it either wrong to possess them himself, or to be the means of enabling their possession by others. They are felt to be a want almost equal to the necessaries of life; and being ready and cheerful to pay any reasonable demand for them, they can see only injustice in being called on to suffer a privation which is a source of benefit to none."

— No. 2. —

Colonial Office to Board of Trade.

No. 2.
Colonial Office to
Board of Trade.
10 June 1845.

Sir,

Downing-street, 10 June 1845.

I AM directed by Lord Stanley to transmit to you, for the early consideration of the Lords of the Committee of Privy Council for Trade, the copy of a Despatch from the Lieutenant Governor of Nova Scotia, enclosing an Address to the Queen from the House of Assembly of the Province, together with the Report of a Committee of that House, praying for a modification of the law of copyright, in order that cheap reprints of English works may be allowed to circulate in British North America.

I have, &c.
(signed) *James Stephen.*

No. 309, 30 April
1845, page 1.

— No. 3. —

(1192.)

Board of Trade to Colonial Office.

No. 3.
Board of Trade to
Colonial Office.
5 Nov. 1845.

Sir,

Office of Committee of Privy Council for Trade,
Whitehall, 5 November 1845.

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 10th June last.²

My Lords are fully sensible of the disadvantage at which the memorialists and other distant colonists are placed by the circumstances of their position, which necessarily enhances the naturally high price of books published in this country, by the amount of the cost of conveyance, and they are also aware that the absence of circulating libraries, which in a thinly peopled country must be comparatively rare, causes that high price to be more severely felt than it is in England. They rejoice, therefore, to perceive the exertions which some of the leading publishers in this country are making to reduce the price of works intended for sale in the Colonies to the lowest possible scale, and they will ever be ready to listen to, and, if possible, to adopt, any suggestions pointing out means by which they may

* *Supra.*

291

may assist in the endeavour to supply the colonists with a cheap English literature.

My Lords cannot, however, hold out any expectation that they will recommend the Legislature to alter the determination which it has deliberately taken, of protecting the authors of this country in their right of property in their own productions. They feel that even could it be established that English authors have not been benefited by the enforcement of the Copyright Laws, it would be impossible for them to sanction a departure from the principle which has been laid down, conceiving, as they do, that it is a principle not of expediency but of justice; and they must add that from inquiries which they have made, they are led to believe that those of our authors who devote themselves principally to the lighter literature of the day have already experienced very considerable benefit from the exclusion of pirated editions of their works from the colonial markets.

Although my Lords fear that their adherence to this principle will disappoint the expectations which the memorialists may have formed, they indulge the hope that the position of our colonists will gradually improve. They believe that the colonial booksellers might advantageously put themselves in communication with the leading publishers and with the popular authors of this country, who would, as my Lords are convinced, be ready to co-operate with them in any practicable arrangements.

My Lords are directing their attention to the state of the copyright law, in order to discover whether there are any particulars in which its details may be so amended as to afford any relief to the Colonies; and, finally, they desire me to request that you will submit to Lord Stanley that they have received representations from the publishers of this country that considerable assistance might be rendered to them by the Post Office, and they think that if Lord Stanley approves, it might be desirable to obtain those representations in a convenient form, and to bring them under the consideration of the Postmaster General, with the joint recommendation of this Board and of the Colonial Office.

I am, &c.
(signed) J. MacGregor.

— No. 4. —

(No. 256.)

The Lord *Stanley* to the Viscount *Falkland*.

No. 4.
Lord Stanley to
Viscount Falkland.
27 Nov. 1845.

My Lord,

Downing-street, 27 November 1845.

I HAVE to acknowledge the receipt of your Lordship's Despatch, No. 309* of the 30th April last, forwarding an Address to the Queen from the House of Assembly of Nova Scotia relating to the existing law of copyright, accompanied by a copy of the Report of the Select Committee of that House on the subject.

I have laid the Address before the Queen, and Her Majesty was pleased to receive it very graciously.

Her Majesty's Government are fully sensible of the disadvantage at which the inhabitants of distant Colonies are placed by the circumstances of their position, which necessarily enhances the naturally high price of books published in this country by the amount of the cost of conveyance, and they are also aware that the absence of circulating libraries, which, in a thinly peopled country, must be comparatively rare, causes that high price to be more severely felt in the Colonies than it is in England. It is therefore a subject of satisfaction to perceive the exertions which some of the leading publishers in this country are making to reduce the price of works intended for sale in Her Majesty's Foreign Possessions to the lowest possible scale; and Her Majesty's Government will ever be ready to listen to, and, if possible, to adopt, any suggestions pointing out means by which they may assist in the endeavour to supply the colonists with a cheap English literature. Her Majesty's Ministers cannot, however, hold out any expectation that they will recommend Parliament to alter the determination which it has deliberately taken of protecting the authors of this country in their right

* Page 1.

of property in their own productions. Even could it be established that English authors have not been benefited by the enforcement of the Copyright Laws, it is felt that it would be impossible to sanction a departure from the principle which has been laid down, as it is conceived to be a principle not of expediency but of justice. It must be added that the inquiries which have been made induce the belief that those of our authors who devote themselves principally to the lighter literature of the day have already experienced very considerable benefit from the exclusion of printed editions of their works from the colonial markets.

Although Her Majesty's Government fear that their adherence to this principle will disappoint the expectations which may have been formed by the House of Assembly, they indulge the hope that the position of the colonists will gradually improve. They believe that the colonial booksellers might advantageously put themselves in communication with the leading publishers and with the popular authors of this country, who would doubtless be ready to co-operate with them in any practicable arrangements. In the meantime the attention of Her Majesty's Government is being directed to the state of the copyright law, in order to discover whether there are any particulars in which its details may be so amended as to afford any relief to the Colonies.

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

— No. 5. —

Colonial Office to Board of Trade.

Sir,

Downing-street, 29 November 1845.

I HAVE laid before Lord Stanley your letter of the 5th instant,* relative to the effect in the Colonies of the Law of Copyright, and I am to acquaint you, in answer, for the information of the Lords of the Privy Council for Trade, that his Lordship concurs in the proposal to obtain, in a convenient form, representations from the publishers of this country as to the mode in which the Post Office might afford facilities in the conveyance of publications to the Colonies, and that when so obtained, the representation should be brought under the consideration of the Postmaster General with the joint recommendation of their Lordships and of this department.

I have, &c.
(signed) *James Stephen.*

— No. 6. —

No. 6.

Sir W. Colebrooke
to Mr. Secretary
Gladstone.

27 April 1846.

EXTRACT of a DESPATCH from Sir *W. Colebrooke* to Mr. Secretary *Gladstone*, dated Fredericton, New Brunswick, 27th April 1846, No. 33.

"I AM further of opinion that the Copyright as well as the Post Office Acts, ought to be amended, and that English copyright ought not to extend to these Provinces except in virtue of Provincial Acts by which the high charges on English publications would be abated, which are so much beyond the means of the people, and so disproportioned to those in the United States, even where copyrights are taken out for English works."

— No. 7. —

(No. 32.)

The Viscount *Falkland* to Mr. Secretary *Gladstone*.

No. 7.

Viscount Falkland
to Mr. Secretary
Gladstone.

1 May 1846.

Government House, Halifax,
1 May 1846.

Sir,

I HAVE the honour to transmit a Report from a Committee of the House of Assembly of Nova Scotia on the subject of the present law of copyright; the
Report

Report being in effect a remonstrance on the decision come to by Lord Stanley on a previous Address on the same subject, forwarded by me last year with my Despatch, No. 309,* dated 30th April, which decision was communicated in his Lordship's Despatch, No. 256,† dated 27th November, sent down to the House of Assembly during the late Session of the local Legislature.

* Page 1.
† Page 7.

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

Enclosure in No. 7.

In the House of Assembly, 13 March 1846,

THE Committee to whom the questions relating to the law of copyright were referred beg leave to report as follows:—

Enclosure in No. 7.

That your Committee having given due attention to the reasons contained in the Despatch of the Right Honourable Lord Stanley, bearing date the 27th day of November last, on the present bearings of the law of copyright, and are satisfied that whatever effects the existing statutes may have had in advancing the interests of the authors "who have devoted themselves to the lighter literature of the day," they afford no protection and yield no profit in this and the other Colonies of British North America. Their practical effect is to curtail the sale of reprints; to deprive the people of the blessings of literature whose means render them unable to purchase the costly books issued from the English press; to diminish the revenue, and to encourage smuggling; and while they entail these lamentable evils, their enforcement produce no corresponding benefit to the author.

They have reviewed the facts and arguments set out in the Report of the Committee made last year, and to be found at page 131 in the Appendix to the Journals, and believe them to be sound and unanswerable.

Your Committee have had under their consideration the Report of a Committee appointed by the United Assembly of Canada in 1843, to inquire into the effects of excluding American reprints, &c. They give below the resolutions passed by that body:—

1. That the importation of English literature direct from Great Britain has not at all increased under the operation of the English Copyright Act.

2. That the free admission into this Province of American reprints of English works of art and literature would not lessen the profits of English authors and publishers, because although the reading population of the Province is great in number, yet the circumstances of the population generally are so limited in their means that they are unable to enjoy English literature at English prices; that owing to that inability to pay for such works of art and literature, there has never been a demand for those works, and consequently no supply.

3. That the exclusion of American reprints of English literature, if possible, would have a most pernicious tendency on minds of the rising generation in morals, politics, and religion; that American reprints of English works are openly sold, and are on the tables, or in the houses of persons of all classes in the Province; that a law so repugnant to public opinion cannot and will not be enforced; that were that exclusion possible, the Colonists would be confined to American literary, religious, and political works, the effect of which could not be expected to strengthen their attachment to British institutions.

In these resolutions, so far as above cited, your Committee entirely concur; and as it appears by the Despatch that this subject is under the consideration of Her Majesty's Government, and that "attention is now being directed to the state of the copyright law in order to discover whether there are any particulars in which its details may be so amended as to afford any relief to the Colonists," they recommend that Her Majesty's Government be earnestly solicited to reconsider the views contained in the report of last year, and to give due weight to those stated in this, in order that a law so barren in advantages to the author, and so disastrous to Her Majesty's subjects in these Colonies, by curtailing the demand for English literature by obstructing the introduction of libraries in our villages and districts, by encouraging the sale of American books, by affecting the provincial revenue, and fostering a system of smuggling necessarily injurious to the public morals, may speedily be amended.

All which is respectfully submitted.

(signed) *George R. Young.*
H. Huntington.
J. C. Hall.
Edmund M. Dodd.
James B. Uniacke.

Halifax, 11 March 1846.

— No. 8. —

No. 8.
Mr. Secretary
Gladstone to Sir
W. Colebrooke.
23 June 1846.

EXTRACT of a DESPATCH from Mr. Secretary *Gladstone* to Sir *W. Colebrooke*, dated Downing-street, 23rd June 1846, No. 39.

“ WITH regard to your remarks on the operation of the law of copyright, I have to acquaint you that I am at present in communication with another Department of Her Majesty’s Government on this subject, and that I shall be careful to apprise you of the result. I cannot, however, lead you to anticipate that this correspondence will enable Her Majesty’s Government to announce to you their intention to propose an alteration in the Statute; and I must take this opportunity of explaining to you that the present stringent provisions of the law did not proceed originally from any proposal from Her Majesty’s Government, but were adopted by Parliament on the suggestion of an individual Member of the House of Commons in deference to a strong public sentiment, and to the arguments by which it was sustained.”

— No. 9. —

No. 9.
Colonial Office to
Board of Trade.
27 June 1846.

• Page 6.
† Page 8.

No. 32, 1 May
1846, page 8.

No. 33, 27 April
1846, page 8.

Colonial Office to Board of Trade.

Sir,

Downing-street, 27 June 1846.

WITH reference to your letter of the 5th of November,* and to my answer of the 29th November 1845,† on the subject of the effect in the North American Colonies of the Imperial Copyright Act, I am directed by Mr. Secretary Gladstone to transmit to you the accompanying copy of a Despatch and its enclosure from the Lieutenant Governor of Nova Scotia, and also an extract of a Despatch from the Lieutenant Governor of New Brunswick, dated respectively the 1st May and 27th April 1846, containing remonstrances against the extension of this law to British North America.

Mr. Gladstone requests that these papers may be submitted for the consideration of the Lords of the Committee of Privy Council for Trade, and that you will inform their Lordships that, in his judgment, it would be very desirable that the whole of the complaints which have been transmitted from this office to the Board of Trade at different times on this subject should be communicated to some of the principal publishers in London, through whom they might be made known to the trade. Mr. Gladstone thinks that the trade should be informed that it is the opinion of Her Majesty’s Government that unless vigorous and decided efforts be made by the publishers to meet the views expressed in the annexed passage from the Report of the Committee of the House of Assembly at Halifax, the result will be an increase of dissatisfaction on this subject in the North American Provinces, and a diminution of whatever limited benefit the English authors and publishers now derive from the exclusion of the American reprints of English works. Mr. Gladstone desires me to state that, in his opinion, a representation to the trade, couched in pointed and not in qualified terms, would be highly conducive to Colonial interests, and to the interests of the publishers themselves, should it have the effect of inducing them to modify any exclusive views which may still prevail in reference to this important subject.

I am, &c.

(signed) *James Stephen.*

— No. 10. —

No. 10.
Sir W. Colebrooke
to Mr. Secretary
Gladstone.
28 July 1846.

EXTRACT of a DESPATCH from Sir *W. Colebrooke* to Mr. Secretary *Gladstone*, dated Fredericton, New Brunswick, 28 July 1846, No. 73.

“ IN regard to the Copyright Acts, their application to the Provinces is also a subject which would merit the early and considerate attention of Her Majesty’s Government, and although, as you have observed, the present stringent provisions of the law did not proceed originally from any proposal from Her Majesty’s Government, yet, where Acts of Parliament conflict with the interests of

295

of Her Majesty's subjects in the Provinces, who are led by their operation in any manner to contrast unfavourably their situation with that of their fellow subjects who emigrate to the United States, where their access to the literature of their country is not so restricted, they not unnaturally appeal to Her Majesty's Government to obtain for them a relief from the operation of such statutes; and I have no reason to suppose that if left to legislate themselves on such matters, that they would fail to consider what would be just and reasonable to English publishers; and as Provincial Acts are subject to confirmation in England, they would be open to revision if found to be defective. I have reason to believe that these laws are at present extensively evaded along the whole inland frontier."

— No. 11. —

Colonial Office to Board of Trade.

Sir,

Downing-street, 26 August 1846.

I AM directed by Earl Grey to transmit to you an extract of a Despatch from the Lieutenant Governor of New Brunswick, dated the 28th ultimo, upon the subject of the operation in that Province in the English Copyright Laws; and I am to request that you would direct the attention of the Lords of the Committee of Privy Council for Trade to the letter addressed to Mr. MacGregor from this office on the 27th of last June,* and acquaint me, for the information of Lord Grey, whether their Lordships have availed themselves of the suggestion contained in that letter, to open a communication with the publishers in London, with the view of ascertaining whether some of the inconveniences alleged to be experienced in consequence of the present state of this law might not be remedied.

I am, &c.
(signed) *B. Hawes.*

No. 11.
Colonial Office to
Board of Trade.
26 Aug. 1846.

No. 73, 28 July
1846, page 10.

* Page 10.

— No. 12. —

Mr. Mackellan to Earl Grey.

My Lord,

Hamilton, Canada West, 15 October 1846.

ALTHOUGH an obscure individual, and therefore by name having no weight with your Lordship, I venture to address you on the evil influence which the British Copyright Act is exercising over the intellectual advancement of the people of Canada.

The booksellers of the United States reprint the British magazines and other works at a very moderate price, and previously to the passage of the Copyright Law, they were purchased largely by the people of Canada. The magazines, in particular, were the means of keeping up and improving the general knowledge of the inhabitants. After the Copyright Act came into operation, the British periodicals were forwarded by the Royal Mail steamers to Halifax, and thence to Quebec; during the summer, by the Unicorn, and in winter, across New Brunswick with the mails; but from the time the mails were landed at Boston the supply has been cut off, as the United States levied their duties on them as foreign books, and on their entrance into Canada they were again charged as foreign books, because they had passed through a foreign country. The Americans, it is true, returned all their duty except 2½ per cent., but the combined Imperial and Provincial duties on them were so high as to amount to a prohibition, and their importation ceased.

A great many American reprints are brought into the Province surreptitiously and illegally, but those persons who are too conscientious to adopt this mode of obtaining them are deprived of their perusal. The British publisher thus ceases to derive any benefit from the law as far as Canada is concerned, while the colonist is deprived of that intellectual food so necessary to prevent him from retrograding in civilisation and refinement.

0.94.

B 2

There

No. 12.
Mr. Mackellan to
Earl Grey.
15 Oct. 1846.

There are two modes of remedying the evil complained of; either to allow the British periodicals to be imported through the post office at the newspaper rate of postage, or to modify the Copyright Act so far as to permit the reprints of such works (of all works would be still better), to be admitted into the Province at the Provincial duty.

My apology for the liberty I have taken in addressing your Lordship must be that the complaint of the inhabitants of the Colony, through their newspapers, not having been attended with any beneficial results, I ventured to hope, that bringing the subject more immediately before a nobleman so well known for his desire to promote the mental cultivation of the people might be of some avail.

I have, &c.
(signed) *John Mackellan.*

— No. 13. —

No. 13.
Board of Trade to
Colonial Office.
19 Oct. 1846.

Board of Trade to Colonial Office.

Office of Committee of Privy Council for Trade,
Whitehall, 19 October 1846.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge your letter of the 26th August,* referring to Mr. Stephen's letter of the 27th June preceding,† relative to copyright in the British North American Colonies.

* Page 11.

† Page 10.

The subject to which these communications relate has for a considerable time occupied the attention of their Lordships, and they have felt it to be one both of importance and of difficulty.

My Lords are fully alive to the force of the considerations which have more than once been pressed upon the Home Government by the Legislature of Nova Scotia, as tending to show the injurious effect produced upon our more distant colonists by the operation of the Imperial law of copyright; and they are extremely desirous to adopt any measures consistent with justice which may place the literature of this country within the reach of its dependencies on easier terms than at present. With this view my Lords have attentively considered the possibility of modifying the Imperial law in such a manner as to meet the just demands of the colonists without sacrificing the rights of the author; but they have found it extremely difficult to decide upon any arrangement which might reasonably be expected to accomplish both these objects. For devising such an arrangement a knowledge of local circumstances and local feeling is required, which they are conscious that they do not possess in a sufficient degree; and they entertain great apprehensions that were they to attempt to legislate with a view to it, they might create alarm or dissatisfaction here, without accomplishing their purpose of benefiting the Colonies.

Under these circumstances, my Lords see no course so likely to be successful as that of inviting the Colonial Legislatures themselves to undertake the task of framing such regulations as they may deem proper for securing at once the rights of authors and the interests of the public. My Lords feel confident that they may rely upon the Colonies being animated by a sense of justice, which will lead them to co-operate with this country in endeavouring to protect the author from the fraudulent appropriation of the fruits of labours upon which he is often entirely dependent; while they entertain a sanguine hope that methods may thus be discovered of accomplishing this important object with the least possible inconvenience to the community.

I am accordingly directed to request that you will suggest, for Lord Grey's consideration, whether it might not be desirable to obtain from Parliament an Act authorising the Queen in Council to confirm, and finally enact, any Colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country, it being provided by the proposed Act of Parliament that no such Colonial law or ordinance should

should be of any force or effect until so confirmed and finally enacted by the Queen in Council, but that, from the confirmation and final enactment thereof, the copyright law of this country should cease to be of any force or effect within the Colony in which any such Colonial law or ordinance had been made, in so far as it might be repugnant to, or inconsistent with, the operation of any such Colonial law or ordinance.

I am, &c.
(signed) *Stafford H. Northcote.*

— No. 14. —

Colonial Office to Board of Trade.

Sir,

Downing-street, 30 October 1846.

I HAVE laid before Earl Grey your letter of the 19th instant,* respecting the operation of the Imperial law of copyright in the British North American Colonies.

His Lordship directs me to acquaint you, for the information of the Lords of the Committee of Privy Council for Trade, that he concurs in the views expressed in your letter on this subject, and that it is, in his opinion, preferable, after the repeated remonstrances which have been received from the North American Colonies on the subject of the circulation there of the literary works of this kingdom, to leave to the Colonial legislatures the duty and responsibility of enacting the laws which they shall deem proper for securing the rights of authors and the interests of the public.

Lord Grey therefore directs me to request that you would move the Lords of the Committee of Privy Council for Trade to take such measures as may be expedient for submitting to the consideration of Parliament in the ensuing Session a Bill authorising the Queen in Council to confirm and finally enact any Colonial law or ordinance which may be passed respecting copyright, notwithstanding the repugnancy of any such law or ordinance to the copyright law of this country, and containing also the provisions mentioned in your letter in respect to the period at which such Colonial law should come into operation.

I am &c..
(signed) *B. Hawes.*

No. 14.
Colonial Office to
Board of Trade.
30 Oct. 1846.

* Page 12.

— No. 15. —

Earl Grey to the Governors of the North American Colonies.

CIRCULAR.

Sir,

Downing-street, 5 November 1846.

HER Majesty's Government having had under their consideration the representations which have been received from the Governors of some of the British North American Provinces, complaining of the effect in those Colonies of the Imperial Copyright Law, have decided on proposing measures to Parliament in the ensuing Session, which, if sanctioned by the Legislature, will, they hope, tend to remove the dissatisfaction which has been expressed on this subject, and place the literature of this country within the reach of the Colonies on easier terms than it is at present. With this view, relying upon the disposition of the Colonies to protect the authors of this country from the fraudulent appropriation of the fruits of labours upon which they are often entirely dependent, Her Majesty's Govern-

0.94.

B 3

ment

No. 15.
Earl Grey to the
Governors of the
North American
Colonies.
5 Nov. 1846.

ment propose to leave to the local Legislatures the duty and responsibility of passing such enactments as they may deem proper for securing both the rights of authors and the interests of the public. Her Majesty's Government will, accordingly, submit to Parliament a Bill authorising the Queen in Council to confirm and finally enact any Colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the Copyright Law of this country; it being provided by the proposed Act of Parliament that no such law or ordinance shall be of any force or effect until so confirmed and finally enacted by the Queen in Council, but that from the confirmation and final enactment thereof, the Copyright Law of this country shall cease to be of any force or effect within the Colony in which any such Colonial law or ordinance has been made, in so far as it may be repugnant to, or inconsistent with, the operation of any such Colonial law or ordinance.

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

— No. 16. —

(No. 8.)

Earl *Grey* to the Earl of *Elgin*.

No 16.
Earl Grey to the
Earl of Elgin.
30 Dec. 1846.

My Lord,

Downing-street, 30 December 1846.

I HAVE received from Mr. Mackellan, of Hamilton, Canada West, a letter on the subject of the injurious effects produced in the Province by the Imperial Copyright Act. I have to request your Lordship will acquaint Mr. Mackellan that several weeks before the receipt of his letter Her Majesty's Government had resolved on, and as far as possible had taken, such measures as I trust will provide an effectual remedy for the inconvenience of which he complains.

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

— No. 17. —

(No. 9.)

Lord *Monck* to the Duke of *Buckingham and Chandos*.

No. 17.
Lord Monck to the
Duke of Bucking-
ham.
27 May 1868.

Government House, Ottawa, Canada,
27 May 1868.

My Lord Duke,

I HAVE the honour to transmit, for your Grace's information, a copy of an approved Minute of the Privy Council of Canada on the subject of the Act passed in the late Session of Parliament, intituled "An Act to impose a Duty on Foreign Reprints of British Copyright Works."

I have also the honour to transmit three copies of the Act referred to, and a copy of an Address from the Senate of Canada on the same subject.

I shall feel much obliged if your Grace will cause to be procured from the Board of Trade, and transmitted to me, such information as may be necessary to enable the Government of Canada to carry into effect the intentions expressed in this Minute, and to obtain the consent of the Board of Trade for the regulations proposed to be established.

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

294.

Enclosure 1, in No. 17.

COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 27th May 1868. Encl. 1, in No. 17.

ON the recommendation of the Honourable the Minister of Customs, the Committee advise that on the transmission to his Grace the Secretary of State for the Colonies of the Act passed during the recent Session of the Parliament of this Dominion, intituled "An Act to impose a Duty on Foreign Reprints of British Copyright Works," in order that the same may be submitted to Her Majesty, his Grace be informed that it is the intention of your Excellency in Council, when Her Majesty shall have expressed Her Royal approval of such Act, to impose upon books imported into Canada, and being copies printed or reprinted in any other country than 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 uniform *ad valorem* duty throughout this Dominion of 12½ per cent., being the rate fixed and collected in the Province of Canada previous to the confederation of the Provinces, and to establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom then in force as may be deemed 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.

Certified.

(signed) W. H. Lee, Clerk, P. C.

Enclosure 2, in No. 17.

AN ACT to impose a Duty on FOREIGN REPRINTS of BRITISH COPYRIGHT WORKS.

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 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:

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 20 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.

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

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

0.94.

B 4

signifying Her Majesty's Royal approval of this Act, and the issuing of such Order of Her Majesty in Council, and not before.

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.

As keeper of the laws of the Dominion of Canada, I do hereby certify the foregoing to be a true copy of the original enactment now in my possession, which received the Royal Assent on Friday the twenty-second day of May, in the year of our Lord One thousand eight hundred and sixty-eight.

Office of the Senate of Canada, Ottawa,
26 May 1868.

(signed) *John F. Taylor.*
Clerk, Senate.

Enclosure 3, in No. 17.

Encl. 3, in No. 17.

The Senate, Friday, 15 May 1868.

RESOLVED.—That an humble Address be presented to his Excellency the Governor General, praying that his Excellency would be pleased—

10th and 11th.

1st. To call the attention of Her Majesty's Government to the provisions of the Imperial Act 10 & 11 Vict. c. 95, by which power is given to Her Majesty to approve of any Act passed by the Legislature of any British Possession, admitting into such possession foreign reprints of British copyright works, provided that reasonable protection to the authors is, in Her Majesty's opinion, thereby secured to them.

2nd. To impress upon Her Majesty's Government the justice and expediency of extending the privileges granted by the above cited Act, so that whenever reasonable provision and protection shall, in Her Majesty's opinion, be secured to the authors, Colonial reprints of British copyright works shall be placed on the same footing as foreign reprints in Canada, by which means British authors will be more effectually protected in their rights, and a material benefit will be conferred on the printing industry of this Dominion.

Ordered, That such Members of the Privy Council as are Members of this House do wait on his Excellency the Governor General with the said Address.

Attest.

(signed) *F. Taylor,* Clerk, Senate.

— No. 18. —

Colonial Office to Board of Trade.

No. 18.
Colonial Office to
Board of Trade,
16 June 1868.

Sir,

Downing-street, 16 June 1868.

I AM directed by the Duke of Buckingham and Chandos to transmit to you, for the consideration of the Lords of the Committee of Privy Council for Trade, a copy of a Despatch from the Governor General of the Dominion of Canada, with its enclosures, respecting the recent Act of the Canadian Parliament, "To impose a Duty on Foreign Reprints of British Copyright Works."

I am at the same time to transmit a Draft Order,* prepared in this Department, for suspending (under the provisions of the Imperial Act, 10 & 11 Vict.) prohibitions against selling works in the Colonies entitled to copyrights in the United Kingdom, and I am to state that his Grace would be glad if it should be in their Lordships' power to favour him, in time for the Council of Friday next, with any observations that may occur to them on the subject.

I am, &c.

(signed) *T. Frederick Elliot.*

No. 91,
27 May 1868,
page 14.

* Vide No. 23.

— No. 19. —

Board of Trade to Colonial Office.

301
No. 19.
Board of Trade to
Colonial Office.
18 June 1868.

Office of Committee of Privy Council for Trade,
Whitehall, 18 June 1868.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 16th instant,* transmitting, by direction of the Duke of Buckingham, for the consideration of this Board, a copy of a Despatch from the Governor General of Canada, with its Enclosures, respecting the recent Act of the Canadian Parliament "to impose a Duty on Foreign Reprints of British Copyright Works."

* Page 16.

I am also to acknowledge the receipt of a Draft Order in Council prepared by your Department for suspending prohibition against selling works in the Colony entitled to copyrights in the United Kingdom.

In reply to the request that his Grace should be favoured with any observations which may occur to my Lords on the subject of the proposed suspension, I am to request that you will state that, without fuller information of the circumstances under which the former Colonial Act or Acts was or were passed, and concerning their practical effect in preventing piracy, the Board of Trade are unable to form any trustworthy opinion as to the efficacy or expediency of the measures now proposed.

I am, &c.

(signed) *Robert G. W. Herbert.*

— No. 20. —

John Rose, Esq., to the Colonial Office.

No. 20.
J. Rose, Esq., to
Colonial Office.
1 July 1868.

Sir,

London, 1 July 1868.

WITH reference to the address of the Parliament of Canada, respecting the Imperial Copyright Act, and to your request, that I would furnish you with any information on the subject, I have now the honour to enclose a memorandum, which will, I trust, place you in possession of the object sought to be obtained by that address, and I would venture very earnestly to express the hope that legislation, in the sense indicated, may be obtained during the present Session.

I have, &c.

(signed) *John Rose.*

Enclosure 1, in No. 20.

CANADIAN COPYRIGHT.

THE object sought to be obtained by the address to the Parliament of Canada on the subject of the Imperial copyright law, is simply this: under the existing law, English copyrights, which are reprinted in the United States of America, may be imported into Canada, subject to the same rate of duty as other imported articles, but these copyrights may not be reprinted at all in Canada.

Encl. 1, in No. 20.

The consequence is, that the Canadian public is entirely dependent for its supply of reprints on the United States, and that the English author is seriously injured, inasmuch as not one-tenth part of the reprints which find their way into Canada are entered at the Custom House, or pay duty.

If it were permitted to reprint these English copyrights in Canada, the whole of the Canadian public would not only be supplied by Canadian publishers, but a large portion of the issue would find its way to the United States, owing to the superior facilities and cheapness of publishing in Canada.

It is proposed, in order perfectly to secure the English author, that every Canadian publisher who reprints English copyrights should take out a license, and that effectual practical checks should be interposed, so that the duty on the number of copies actually issued from the press should be paid into the Canadian Government by such publishers for the benefit of the author. It is believed that the English author would profit enormously by the proposed change. At present the amount received by Canada for duty on English copyrights,

0.94.

C

and

and paid over to the Imperial Government for the benefit of the English authors, is a mere trifle, but if the change in the law now asked for were once carried into effect, English authors would get the duty, not only on all copies of works used in Canada, but on the considerable quantity which would undoubtedly find their way from Canada into the United States.

Appended to this is a letter from one of the largest and most respectable publishers in Canada, and I would earnestly urge on the Imperial Government the extreme desirability of making the requisite change in the law this Session. It is believed that a short Bill of one clause would be all that is necessary to remove the anomaly which now exists, and the operation of which is so injurious alike to English authors and Canadian publishers.

41, Clarges-street, 30 June 1868.

(signed) *John Rose.*

Enclosure 2, in No. 20.

Encl. 2, in No. 20.

Sir,

Montreal, 11 June 1868.

HAVING just heard that you leave for England to-morrow, and knowing the great interest you take in everything that tends to advance the material prosperity of the Dominion, I do not hesitate to solicit the exercise of your great influence in the way of securing to the printers of this country the privilege of reproducing English copyright books *on the same conditions as are accorded to the printers of the United States.*

The able and satisfactory manner in which the Honourable Thomas Ryan has recently brought the matter, here referred to, before the Parliament of this country, and the pleasing result of his energy and perseverance, ending in the adoption of an Address to Her Majesty, will, it is hoped, be the means of forcibly bringing the matter before Her Majesty's Government.

I look upon your present visit to England as a most fortunate occurrence, because I know you will take advantage of what has been already done, and press the matter before the authorities at home.

In 1849, I believe, the Government of Canada, with the sanction of Her Majesty the Queen, gave United States publishers the right to bring reprints of English copyright works into this country on payment of a customs duty of 15 per cent., which has since been reduced to 12½ per cent., the proceeds of the duties to be forwarded to the English authors as a compensation for the privileges secured to the American publishers.

The people of the Dominion, and especially the printing and publishing interests, feel that they ought to possess at least equal privileges to those conceded to the foreigner. There are several establishments in the Dominion that would esteem it a great boon to be allowed to reprint English copyrights on the same terms as are now secured to United States publishers, and would gladly pay the 12½ per cent. to the English authors on the *total number* of copies printed; sure to be very considerable. At present only a few hundred copies pay duty, but many thousands pass into the country without registration and pay nothing at all; thus having the effect of seriously injuring the publishers of Great Britain, to the consequent advantage of those of the United States. I may add that, on looking over the Custom House entries to-day, I found that not a single American reprint of an English copyright (except the reviews and one or two magazines) has been entered since the 3rd of April last; though it is notorious that an edition of 1,000 of a popular work coming under that description has been received and sold within the last few days by one bookseller in this city.

It is undeniable that Canadian printers would be enabled to comply with the requisite conditions and produce books, thanks to local advantages, at a much cheaper rate than they can be produced in the States, and so bring about a large export business. This would have the happy effect of bringing back a large number of our skilled workmen who have been forced to leave the Dominion to find a remunerative field of labour. Indeed it is not too much to say, that as things are at present, our very best compositors are constantly leaving with a view to improving their condition on the other side of the line. This is a most serious evil, which can only be remedied by a removal of the disabilities under which the Dominion publishing interest languishes.

I feel assured, sir, that this matter need only be explained to British authors and publishers, to ensure their cordial co-operation in the revision of the Copyright Treaty between England and the States in so far as affects this country. The number of English editions imported into the Dominion is exceedingly small, entirely through the encouragement so universally extended to the foreigner, and I am persuaded that under the new system of Confederation, offering, as we do, a market of nearly three millions of English-speaking people, it will be a matter of serious consideration whether it is not now desirable for the English publishers to produce copyrights in this country independent of the editions emanating from home presses.

As it is, the publishers of the United States are seriously injuring those of Britain and Canada, while our best workmen are being induced to seek another field for their industry.

To the Honourable John Rose,
Minister of Finance,
&c. &c. &c.

I have, &c.
(signed) *John Lovell.*

— No. 21. —

Colonial Office to *John Rose*, Esq.

Sir,

Downing-street, 2 July 1868.

WITH reference to the Act recently passed by the Parliament of Canada upon copyright, I am directed by the Duke of Buckingham and Chandos to transmit to you the enclosed Draft Order in Council, and also the copy of a letter from the Board of Trade. I am directed to inquire whether it is in your power to favour his Grace with the information which the Board of Trade is desirous to obtain, in order to arrive at a satisfactory opinion on the subject.

I am, &c.

(signed) *T. Frederick Elliot*.

No. 21.
Colonial Office to
John Rose, Esq.
2 July 1868.

Order in Council.
See No. 23.

Board of Trade,
18 June, page 17.

— No. 22. —

Colonial Office to Board of Trade.

Sir,

Downing-street, 3 July 1868.

WITH reference to your letter of the 18th ultimo,* stating that some further particulars would be required before the Board of Trade could express a final opinion on the address of the Parliament of Canada, respecting the Imperial Copyright Act, I am directed by the Duke of Buckingham and Chandos to acquaint you that as Mr. Rose, the Canadian Minister of Finance is in England, advantage has been taken of his presence to apply to him for information on the subject.

I am desired to enclose a copy of the letter received from him, and I am to request that you will submit to the Board of Trade Mr. Rose's observations, which will doubtless be taken into due consideration.

I am, &c.

(signed) *T. Frederick Elliot*.

No. 22.
Colonial Office to
Board of Trade.
3 July 1868.

* Page 17.

1 July 1868,
page 17.

— No. 23. —

ORDER IN COUNCIL for suspending certain Provisions in Imperial Acts relating to the Reprints of Copyright Works during the continuance of an Act passed by the Senate and House of Commons of Canada.

WHEREAS by an Act passed in the Session of Parliament, holden in the 10th and 11th years of Her present Majesty, 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, amongst other things, enacted, that in case the Legislature or proper legislative authorities in 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 or make an Ordinance for that purpose, and shall 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 shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony, the prohibitions contained in certain Acts thereinbefore recited, and any prohibitions contained in the said Acts 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, shall be suspended so far as regards such Colony, and thereupon such Act or Ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council. And whereas by an Act passed by Her Majesty's Government, with the advice and consent of the Senate and House of Commons of Canada, intituled, "An Act to impose a Duty on Foreign Reprints of British Copyright Works," due provision has been made for securing and protecting the rights of British authors in Canada, and Her Majesty has been pleased to express Her Royal approval of such Act:

No. 23.

o.94.

c 2

Now,

Now, therefore, Her Majesty in Council, by and with the advice of Her said Council, doth order and direct that so long as the provisions of the said last-mentioned Act continue in force within Canada aforesaid, the prohibitions contained in certain Acts recited in the hereinbefore-mentioned Act of the Imperial Parliament, and any prohibition contained in the said recited Acts, 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, shall be suspended so far as regards Canada.

And the Most Noble the Duke of Buckingham and Chandos, one of our Principal Secretaries of State, is to give the necessary directions herein accordingly.

— No. 24. —

No. 24.

ORDER in COUNCIL, approving of an Act passed by the Parliament of Canada, intituled, "An Act to Impose a Duty on Foreign Reprints of British Copyright Works."

WHEREAS by an Act passed in the Session of Parliament holden in the 10th and 11th years of Her present Majesty, 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 amongst other things enacted, that in case the Legislature or proper legislative authorities in 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 or make an Ordinance for that purpose, and shall 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 shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony, the prohibitions contained in certain Acts thereinbefore recited, and any prohibitions contained in the said recited Acts, 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, shall be suspended, so far as regards such Colony; and thereupon such Act or Ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council. And whereas, by an Act passed by Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, intituled, "An Act to impose a Duty on Foreign Reprints of British Copyright Works," due provision has been made for securing and protecting the rights of British authors in Canada. And whereas the said Act as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Act should be approved of by Her Majesty as aforesaid: Now, therefore, Her Majesty, in pursuance of the said Act, and in exercise of the powers thereby given to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her approval of the said Act of the Dominion of Canada.

And the Most Noble the Duke of Buckingham and Chandos, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

— No. 25. —

Colonial Office to Board of Trade.

Downing-street, 21 July 1868.

Sir,

WITH reference to the correspondence noted in the margin, I am directed by the Duke of Buckingham and Chandos to acquaint you, for the information of the Board of Trade, that Her Majesty has, on his Grace's recommendation, signified Her approval, by Order in Council, of the Act recently passed by the Legislature of Canada, "to impose a Duty on Foreign Reprints of British Copyright Works."

Her

No. 25.

Colonial Office to
Board of Trade.
21 July 1868.

Colonial Office to Board of Trade,
16 June 1868, page 16.

Board of Trade to Colonial Office,
18 June 1868, page 17.

Colonial Office to Board of Trade,
3 July 1868, page 19.

Her Majesty has also passed a further Order for suspending, under the provisions of the Imperial Act, 10 & 11 Vict., so far as regards Canada, prohibitions against the importing, selling, &c., of foreign reprints of British copyright works

It remains to be considered what course should be taken with regard to the recommendation of the Senate of Canada that Colonial reprints of copyright works should be placed on the same footing as foreign reprints in the Dominion.

His Grace would be glad to be informed whether the Memorandum furnished by Mr. Rose, at the request of his Grace, is sufficient to enable their Lordships to form an opinion upon this question, or whether further information is desired by their Lordships.

I am, &c.
(signed) *T. Frederick Elliot.*

— No. 26. —

(No. 150.)

The Duke of *Buckingham and Chandos* to Viscount *Monck*.

No. 26.
Duke of Buckingham to Viscount Monck.
21 July 1868.

My Lord,

Downing-street, 21 July 1868.

* Page 14.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 91,* of the 27th of May last, enclosing a transcript of an Act recently passed by the Canadian Legislature "to impose a Duty on Foreign Reprints of British Copyright Works," together with a Minute of the Privy Council on the subject, and an address from the Senate recommending that Colonial reprints of British copyright works should be placed on the same footing in the Dominion as foreign reprints.

I am in communication with the Board of Trade with respect to the recommendation of the Senate, and I shall apprise you of the result so soon as I am placed in possession of their Lordships' views.

In the meantime I have recommended Her Majesty to approve the Act which you have now transmitted, and I have the honour to transmit to you an Order of Her Majesty in Council passed in accordance with that recommendation.

I also enclose a further Order of Her Majesty in Council suspending, so far as regards Canada, certain provisions in Imperial Acts relating to the reprints of copyright works during the continuance of the Canadian Act.

I have, &c.
(signed) *Buckingham and Chandos.*

Order in Council,
page 20.

Order in Council,
page 19.

— No. 27. —

Board of Trade to Colonial Office.

Office of Committee of Privy Council
for Trade, 22 July 1868.

No. 27.
Board of Trade to Colonial Office.
22 July 1868.

Sir,

I HAVE laid before the Lords of the Committee of Privy Council for Trade your letter of the 3rd instant,* transmitting, for their observations, with reference to previous correspondence, by direction of the Duke of Buckingham and Chandos, a communication from Mr. Rose, the Canadian Minister of Finance, on the subject of an Address of the Canadian Parliament respecting the Imperial Copyright Act.

* Page 19.

In reply, I am to request that you will state to his Grace, with reference to Mr. Rose's expressed hope, that legislation in the sense indicated in the memorandum, may be obtained during the present Session of the Imperial Parliament, that the question raised is far too important, and involves too many considerations of Imperial policy to render this possible.

My Lords, however, fully admit that the anomalous position of Canadian publishers with respect to their rivals in the United States of America, is a

o.94.

c 3

matter

matter which calls for careful inquiry; but they feel that such an inquiry cannot be satisfactorily undertaken without at the same time taking into consideration various other questions connected with the Imperial laws of copyright, and the policy of International Copyright Treaties, and they are therefore of opinion that the subject should be treated as a whole, and that an endeavour should be made to place the general law of copyright, especially that part of it which concerns the whole continent of North America, on a more satisfactory footing.

The grievance of which the Canadian publishers complain, has arisen out of the arrangement sanctioned by Her Majesty's Government in 1849, under which United States reprints of English works entitled to copyright in the United Kingdom, were admitted into Canada on payment of an import duty, instead of being, as in the United Kingdom, absolutely prohibited as illegal.

My Lords would observe, with respect to this arrangement, that it was, in its nature, essentially of an exceptional and provisional character, and one which could not, without seriously compromising the principles of copyright, both municipal and international, be made the foundation of future Colonial legislation.

My Lords will briefly advert to one or two considerations which, in their view, would render it very undesirable to accede to the Canadian proposal at the present moment.

In the first place, the statement made in the enclosure to Mr. Rose's letter, to the effect that United States reprints are largely smuggled into Canada, leads the Board of Trade to doubt whether, in the face of that smuggling, the Canadian publishers, if burdened with 12½ per cent. duty, could maintain a successful competition with their United States rivals.

In the second place, as the Duke of Buckingham is aware, communications have recently taken place between Her Majesty's Government and the Government of the United States, with a view to the resumption of negotiations for the conclusion of a Copyright Treaty.

If such a Treaty should be concluded, its main stipulation would doubtless be the reciprocal extension to the authors of both countries of the prohibition afforded by their respective laws, in which case British authors would enjoy, in the United States, the absolute monopoly given to American authors during the existence of their copyright.

If under such circumstances Canadian publishers were enabled to reprint the works of British authors on payment of 12½ per cent., it is probable that a contraband trade would spring up across the United States frontier, and that they would be enabled to undersell the works of such authors legally circulating in those States; a consideration which can hardly fail to operate in deterring the United States Government from concluding a Treaty with this country.

It is obvious that, looking to the geographical position of the United States, and the North American Confederation, any arrangements with respect to copyright which does not apply to both, must be always imperfect and unsatisfactory; and it is therefore extremely desirable, if possible, that the Canadian question should be considered in connection with any negotiations conducted with the United States Government.

Another serious objection to the sanction by Her Majesty's Government of such a proposal appears to my Lords to be, that while the public policy of the mother country enforces an absolute monopoly in works of literature for a term of years, it is very undesirable to admit in British Colonial Possessions an arrangement, which whatever advantages it may possess (and my Lords fully admit that much may be said in its favour) rests upon a wholly different principle.

It would be difficult, if such a principle were admitted in the British Colonies to refuse to recognise it in the case of foreign countries, and thus it might come to pass that the British public might be called upon to pay a high price for their books, in order to afford what is held to be the necessary encouragement to British authors, while the subjects of other countries, and the Colonial subjects of Her Majesty, would enjoy the advantages of cheap British literature provided for them at the expense of the inhabitants of the United Kingdom.

I have, &c.
(signed) *Louis Mallet.*

307

— No. 28. —

(No. 168.)

The Duke of *Buckingham and Chandos* to Viscount *Monck*.

My Lord,

Downing-street, 31 July 1868.

IN my Despatch, No. 150,* of the 21st inst., I mentioned that I was in communication with the Board of Trade upon the recommendation of the Senate of Canada, that Colonial reprints of British copyright works should be placed on the same footing in the Dominion of Canada as foreign reprints.

I received from the Honourable John Rose the accompanying letter affording some useful explanations, which letter I caused to be communicated to the Board of Trade.

I now have the honour to transmit to you the enclosed copy of the reply received from the Board of Trade, which is the Department of Government more immediately charged with business relating to copyright. Your Lordship will perceive that any immediate legislation on the matter was impossible, but that the anomalous position of the question in North America is not denied, and that it is admitted that the law of copyright generally may be a very fit subject for future consideration.

I have, &c.
(signed) *Buckingham and Chandos*.

No. 28.
Duke of Buckingham and Chandos to Viscount Monck.
31 July 1868.

* Page 21.

1 July, page 17.

22 July, page 21.

— No. 29. —

(No. 177.)

Viscount *Monck* to the Duke of *Buckingham*.

My Lord Duke,

Quebec, 28 September 1868.

WITH reference to your Grace's Despatch, No. 150,* of July 21st, enclosing an Order of Her Majesty in Council approving of the Act of the Dominion of Canada (31st Vict. c. 56) "to impose a duty on foreign reprints of British copyright works," and also a further Order of Her Majesty in Council suspending, so far as regards Canada, certain provisions in Imperial Acts relating to the reprints of copyright works during the continuance of the Canadian Act, I have the honour to transmit a copy of "The Canada Gazette," which contains a proclamation issued by me on the 24th instant, in accordance with the 3rd section of the Act, declaring that its provisions shall come into operation on the 28th day of September instant.

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

No. 29.
Viscount Monck to the Duke of Buckingham,
28 Sept. 1868.

* Page 21.

"Canada Gazette,"
26 Sept. 1868.

Enclosure in No. 29.

EXTRACT from "The Canada Gazette," 26 September 1868.

PROCLAMATION.

Encl. in No. 29.

(L.S.) Monck.

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

To all to whom these presents shall come, or whom the same may in any wise concern, Greeting:

John A. Macdonald, Attorney General, } WHEREAS, by a certain Act of Our Parliament of the United Kingdom of Great Britain and Ireland, made and passed in the Session thereof, holden in the tenth and eleventh years of Our Reign, and 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, amongst other things, in effect, enacted, that in case the Legislature or proper legislative authorities, in 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, or make an Ordinance for that purpose, and shall transmit the same, in the proper manner, to the Secretary of State in order that it may be submitted to Us; and, in case We shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing

0.94.

C 4

securing to British authors, reasonable protection within such Possession, it shall be lawful for Us, if we shall think fit so to do, to express Our Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that, so long as the provisions of such Act or Ordinance continue in force within such Colony, the prohibitions contained in the said Act, or in any other Act, 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, shall be suspended so far as regards such Colony; and thereupon such Act or Ordinance shall come into operation, except so far as may be otherwise provided therein or as may be otherwise directed by such Order in Council: And whereas, by an Act of the Parliament of Canada, passed in the Session thereof, held in the 31st year of Our Reign, and intituled, "An Act to Impose a Duty on Foreign Reprints of British Copyright Works," after reciting certain parts of the hereinbefore recited Imperial Act of the tenth and eleventh years of Her Majesty's Reign, it is by the said Act of the Parliament of Canada, amongst other things, in effect enacted, that 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 20 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: And it is further, by the said Act of the Parliament of Canada, amongst other things, in effect enacted, that the word "book" in the Act now in part recited shall include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published: And it is further, by the said Act of Parliament of Canada, amongst other things, in effect enacted, that the foregoing provisions of the Act now in part recited (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 Our Royal approval of the said Act, and the issuing of such Our Order in Council, and not before. And whereas by a certain Order of Our Privy Council for Canada, bearing date the second day of June now last past, it was ordered that on the transmission to his Grace Our Secretary of State for the Colonies of the Act passed by the Parliament of Canada, and hereinbefore in part recited, in order that the same might be submitted to Us, his Grace should be informed that it was the intention of Our Governor in Council, when we should have expressed Our Royal approval of such Act, to impose upon books imported into Canada, and being copies printed or reprinted in any other country than the United Kingdom of which the copyright should be still subsisting, and with regard to which the notice of the Commissioner of Customs required by any Act of the Parliament of the United Kingdom, in that behalf, should have been given, a uniform *ad valorem* duty throughout Our said Dominion, of twelve and one-half per cent., being the rate fixed and collected in the Province of Canada previous to the Confederation of the Provinces (meaning thereby the Provinces whereof Our Dominion of Canada is composed) and to establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom then in force as might be deemed requisite and equitable with regard to the admission of such books, and to the distributing of the proceeds of such duty to or among the party or parties beneficially interested in the copyright: And whereas the said Act of the Parliament of Canada, hereinbefore in part recited, together with Our Order of Our Privy Council for Canada of the second day of June, also hereinbefore recited, was transmitted through Our Governor General of Canada, to the Most Noble the Duke of Buckingham and Chandos, one of Our Principal Secretaries of State, and the same were respectively submitted to Us in Our Privy Council at Our Court at Windsor, on the seventh day of July last. And We, thereupon, in pursuance of the said Act of the Parliament of Our United Kingdom of Great Britain and Ireland, and in exercise of the powers thereby given to Us as aforesaid, did, by an Order, bearing date on the day and year last aforesaid, made and passed by and with the advice of Our Privy Council at Our Court at Windsor, and reciting that due provision had been made for securing and protecting the rights of British authors in Canada, and that it was expedient that the said Act should be approved of by Us, declare our approval of the said Act of the Parliament of the Dominion of Canada: And whereas, on the seventh day of July now last past, by and with the advice of Our said Council at our Court at Windsor, We did order and direct that so long as the provisions of the said last-mentioned Act should continue in force within Canada aforesaid, the prohibitions contained in certain Acts recited in the hereinbefore-mentioned Act of Our Imperial Parliament, and any prohibitions contained in the said recited Acts, 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 Our United Kingdom, and entitled to copyright therein, shall be suspended so far as regards Canada; now, therefore, know ye, and We do, by and with the advice of Our Privy Council for Canada, and in pursuance of the last-recited Act of the Parliament of Canada, proclaim
and