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and declare that such of the provisions of the said Act of the Parliament of Canada made and passed in the 31st year of Our reign, intituled, "An Act to impose a Duty on Foreign Reprints of British Copyright Works," as are herebefore recited, and as are preceding and foregoing the third section of the said Act, shall come into operation upon, from, and after the twenty-eighth day of September instant. And We do hereby proclaim, declare, and signify Our Royal approval of the last-mentioned Act of the Parliament of Canada, and the issuing of Our Orders in Council at the Court of Windsor, on the seventh day of July last, hereinbefore recited. Of all which Our loving subjects will take notice and govern themselves accordingly.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed: Witness, Our Right Trusty and Well Beloved Cousin the Right Honourable Charles Stanley Viscount Monck, Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of Ireland, and Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of Canada, &c. &c. &c. At Our Government House, in Our city of Ottawa, in Our Dominion, the Twenty-fourth day of September, in the year of Our Lord One thousand eight hundred and sixty-eight, and in the Thirty-second year of Our Reign.

By Command,

*Hector L. Langevin,*  
Secretary of State.

— No. 30. —

Colonial Office to Board of Trade.

No. 30.  
Colonial Office to  
Board of Trade,  
20 October 1868.

Sir,

Downing-street, 20 October 1868.

WITH reference to the letter from this Department of the 21st July,\* I am directed by the Duke of Buckingham and Chandos to transmit to you, for the information of the Lords of the Committee of Privy Council for Trade, a copy of a Despatch from the Governor General of Canada, forwarding a copy of "The Canada Gazette," which contains a Proclamation declaring that the Act of the Dominion "to impose a duty on foreign reprints of British copyright works" should come into operation on the 28th ultimo.

\* Page 20.

No. 177, 28 Sept.  
1868, page 23.

I am, &c.

(signed) *Frederic Rogers.*

— No. 31. —

The Right Hon. Sir *John Young*, Bart., G.C.E., to the Earl *Granville*, K.G.

(No. 40.)

Government House, Ottawa, Canada,  
15 April 1869.

My Lord,

I HAVE the honour to transmit, for your Lordship's information, a copy of an approved Minute of the Privy Council of Canada, in reference to the communication from the Board of Trade of 22nd July last,\* and other documents on the subject of the present state of the law in reference to copyright, and to request the consideration of Her Majesty's Government to the subject, which is one about which much interest is felt throughout the Dominion.

No. 31.  
The Right Hon.  
Sir J. Young,  
Bart., G.C.E., to  
the Earl Granville,  
K.G.  
15 April 1869.

9 April 1869.

\* Page 21.

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

Enclosure in No. 31.

COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor General on the 9th of April 1869.

Encl. in No. 31.

THE Committee have had under consideration the Despatch, No. 168, dated 31st July 1868, from the Right Honourable the Secretary of State for the Colonies, transmitting a communication from the Board of Trade, and other documents, on the subject of the present state of the law in reference to copyright in Canada, and the reasons advanced by

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the Board against any immediate alteration of the Imperial Copyright Law, as urged in the address of the Senate adopted during the last Session of the Parliament of Canada.

They have also had before them the accompanying report of the Honourable the Minister of Finance to whom the above Despatch and enclosures were referred; and they respectfully submit their concurrence in the views expressed in that report, and recommend that a copy thereof be transmitted by your Excellency to the Secretary of State for the consideration of Her Majesty's Government.

Certified,  
Wm. H. Lee, Clerk,  
Privy Council.

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— No. 32. —

Colonial Office to Board of Trade.

No. 32.  
Colonial Office to  
Board of Trade,  
22 May 1869.

\* Page 21.

No. 40, 15 April  
1869, page 25.

Sir,

Downing-street, 22 May 1869.

WITH reference to your letter of the 22nd of July last,\* respecting the operation in Canada of the laws affecting the reprint of British copyright works, I am directed by Earl Granville to transmit to you, for the consideration of the Board of Trade, the enclosed copy of a Despatch from the Governor General of Canada, with its Enclosures, having reference to that communication.

I am desired to state that Lord Granville would be glad to be favoured with the views of the Board of Trade on the Memorandum now forwarded of the Canadian Minister of Finance.

I am, &c.  
(signed) F. R. Sandford.

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— No. 33. —

Board of Trade to Colonial Office.

No. 33.  
Board of Trade  
to Colonial Office,  
27 July 1869.

(687.)

Office of Committee of Privy Council  
for Trade, 27 July 1869.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade, to acknowledge the receipt of your letter of the 22nd May last,\* transmitting, by direction of the Secretary of State for the Colonies, a copy of a Despatch from the Governor General of Canada, respecting the operation in the Dominion of the laws affecting the reprint of British copyright works.

In reply, and with reference to your statement that Earl Granville would be glad to be favoured with the views of the Board of Trade on the Memorandum drawn up by the Canadian Minister of Finance, my Lords desire me to request that you will draw his Lordship's attention to the following observations which they wish to offer on the subject.

It is impossible, the Lords of Trade are of opinion, to do justice to this case, without considering the general state of the law of copyright as it affects the United Kingdom and the Colonies.

The present law of copyright in books depends principally on the Statute 5 & 6 Vict. c. 45, and the effect of this Statute, as explained by the recent case of *Routledge v. Low*, 1868, 3 Law Reports, House of Lords, p. 100, is as follows:—

Any British subject can, on publishing a book in the United Kingdom, obtain copyright throughout the British Empire.

Any foreigner, if resident at the moment of publication, within the British Dominions, though only for a day, can, on publishing a book in the United Kingdom, obtain copyright throughout the British Empire; and according to Lords Cairns and Westbury, though not according to Lords Cranworth and Chelmsford, the foreigner can obtain such copyright by publishing in the United Kingdom, even though resident at the time in a foreign country.

No one can, however, on publishing in a Colony, obtain copyright, except according to the law of the Colony, and within the limits of the Colony.

The provisions of the above-mentioned Copyright Act (5 & 6 Vict. c. 45), forbidding the importation of pirated works into a British Colony, have been subsequently

subsequently strengthened by 8 & 9 Vict. c. 93 (a Customs Act), re-enacted in 16 & 17 Vict. c. 107, s. 44.

Whether the full effect of the Copyright Act, as explained in the case of *Routledge v. Low*, was understood at the time of its passing, appears to my Lords to be doubtful, but it was obvious that the Act prohibited the importation of reprints of British copyright books into the Colonies. This was the professed intention of the Act, and was a special object with the British authors and publishers, at whose instance it was passed.

As soon as it came into force, loud remonstrances were at once received from the North American Colonies. The complaints were not complaints by the Colonial publisher, but by the Colonial reader. It was represented that booksellers in the United Kingdom published at a price beyond the power of the Colonial purse; that the North American Colonies were supplied at a cheap rate with United States reprints; that to stop the importation of these reprints, whilst works by United States authors were admitted, would be to deprive the Colonists of the healthy reading supplied by British authors, and to reduce them to read United States works, against which there was no prohibition, and which, in point of morals, politics, and religion, were unfavourable to British institutions.

In short, the Colonists said that the prohibition on importing the reprints of English books neither could nor would be carried into effect in the Colonies. The Home Government at first stood firm, but at last gave way. (*See Correspondence between Colonial Office and Board of Trade, 1845 and 1846.*)

The Board of Trade, which had introduced the Act 5 & 6 Vict. c. 45, after many representations from the Colonies, suggested that each Colony should take its own steps to protect the British author, and that on its so doing, Her Majesty's Government should be enabled to suspend the operation of the Imperial Act in that Colony.

Finally, an Act was passed (10 & 11 Vict. c. 95), by which provision was made, suspending the prohibition of the importation of foreign reprints of English books into a Colony in cases where the Colony might make due provision for protecting the rights of the author, such provision to be approved by Her Majesty in Council.

In carrying this Act into effect, a suggestion made, my Lords believe in the first instance by the Board of Trade, was acted on; a duty was imposed by the several Colonies on foreign reprints imported into the North American and some other Colonies; and this duty was to be remitted to this country for the benefit of the owner of the copyright. Canada at first proposed a different plan, viz., to protect in the Colony, by the duty in question, such books only as might be published in the Colony, but on this being objected to, she imposed the duty generally on all foreign reprints of British copyright books. After some discussion, the duty was fixed at 12½ per cent. It appears from a Return to the House of Commons, printed 25th August 1857, No. 303 (Sess. 2), that Orders in Council under 10 & 11 Vict. c. 95, have been issued in the case of 19 Colonies, including Canada; but the duties inserted in that Return were, in some cases at any rate, higher than the present actual duty, which certainly in Canada, and probably in the other Colonies, does not exceed 12½ per cent.

The Acts in question have proved a complete failure, under them the Colonists collect next to nothing for the British author, and are supplied with United States reprints, which are smuggled across the border, without paying duty.

It appears from the last return (which is for 1866), that in that year 145*l.* 0*s.* 9*d.* was received from the whole of the 19 Colonies which have taken advantage of the Act, of which 117*l.* 1*s.* 6*d.* was remitted by the Colonists now forming the Canadian Dominion.

The complaint from Canada now assumes another form, and is from a different quarter, viz., the Canadian publisher: Canada now wishes the Imperial Parliament to enable Canadian publishers to reprint books, having British copyright, on the condition of their paying 12½ per cent. to the British author. In support of this, Mr. Rose says that the present state of the law is bad for every one; for British authors, since Canada is supplied with United States reprints, which pay them nothing, and for Canadian publishers, since they cannot, under any circumstances, reprint British books; nor can they, if first publishers, obtain a copyright beyond the limits of the Colony.

Mr. Rose goes on to say that Canadian publishers, even with the 12½ per cent. charge,

charge, would undersell the United States publishers in their own market, as well as in Canada.

This last statement seems to the Lords of Trade to be very doubtful, though in the complaints Canada makes concerning the disabilities of her publishers, there is some justice. It is obvious that if, by Imperial law, copyright is to be enforced in the Colonies, and if, at the same time, the publication by which such copyright is obtained is confined to the United Kingdom, the Colonies are not treated on fair and equal terms. To give the London publisher copyright in Canada, and to refuse the Canadian publisher copyright in England, is an inequality, of which the Canadian publisher, and possibly also the Canadian author and reader, may justly complain.

However, as above pointed out, the plan adopted to satisfy Canada in 1847 was not addressed to this injustice, but to the hardship on Colonial readers, arising from the special circumstance, that Canada was then supplied with cheap books from the United States; and what Canada now asks, is not for a reconsideration of the Imperial law concerning publication, but for an extension of the principle of the Act 10 & 11 Vict. c. 95, by permitting Canada to republish, as well as import British copyrights, on payment of the 12½ per cent.

In favour of this it is said:—

1. That the present system has failed to protect the British author.
2. That the proposed plan, if it succeeds, will benefit the Canadian publisher.
3. That it will also benefit the British author.

Against it there are the following considerations:—

1. That it is at least doubtful whether it will succeed, and whether smuggled United States reprints will not undersell Canadian reprints, especially when the latter are burdened with the 12½ per cent. duty. This of course would, if it stood alone, be no reason for refusing to try the experiment.

2. That as the Canadian Government have failed to collect the 12½ per cent. customs duty on United States reprints, it is at least doubtful whether they will effectually collect the new 12½ per cent. duty, which will be in the nature of an excise duty on their own publishers.

3. That the substitution of a duty to be collected by Government on behalf of authors, for the power which, under the general copyright law, authors possess of protecting themselves, is a serious innovation on the principle of the law of copyright, and requires careful consideration, before giving it the large extension now proposed.

4. That the proposed plan may have the ultimate effect of making British copyright books cheaper to the inhabitants of the Colonies than to those of the United Kingdom, and in fact may make the latter pay the author a monopoly price, whilst the former may pay him comparatively little.

5. That the proposed plan might, and probably would, if, as alleged, it is for the benefit of the British author, have been tried already without legislation.

For if an author suffers from the present system, and would gain by allowing a Canadian publisher to print and sell at a charge of 12½ per cent., there is nothing in the present law to prevent him and the Canadian publisher from entering into such an arrangement. The first publication must be in the United Kingdom, but a Canadian firm might easily make arrangements for an original publication in London, though also publishing, printing, and selling in Canada.

6. That the proposed plan will stand in the way of any copyright arrangement with the United States. The United States will never allow a British author the right of prohibiting the publication of his works in New York or Boston, whilst every publisher in Montreal can reprint them on payment of a moderate per-centage without the author's leave, and can smuggle them into the United States; Mr. Rose says, that the arrangement may be brought to an end when Her Majesty's Government makes a Copyright Treaty with the United States. But in the present relations between the mother country and the Colonies, it is scarcely possible to secure the power of putting an end to such an arrangement, if the Colonies find it to their interest to continue it.

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7. In considering this question, moreover, the international copyright obligations of this country form a serious element.

If the provisions of 10 & 11 Vict. c. 95, were extended to Colonial reprints of British copyright, it is not improbable that the foreign nations (France, Belgium, Prussia, &c.) with whom England has copyright conventions, would put an end to such conventions by notice.

Provided that no distinction is made between British authors and the authors of those nations with whom we have made conventions, this extension of the Imperial Act would not be at law a breach of the conventions, though it may be questioned whether Her Majesty's Government might not fairly lay themselves open to blame for taking such a step without communication with those Foreign Nations. But it is quite possible that those nations would terminate the Conventions, and this, of itself, would be a great misfortune.

Under these circumstances the balance of argument is, in the opinion of the Lords of Trade, against any immediate adoption of the Canadian proposal. The truth is that it is impossible to make any complete or satisfactory arrangement with Canada unless the United States are also parties to it. Whatever protection is to be given to authors on one side the St. Lawrence must, in order to be effectual, be extended to the other; and it is consequently impossible to consider this question, without also considering the prospects of an arrangement between Great Britain and the United States. There are symptoms of the possibility of such an arrangement. In 1853-54, an international copyright convention was signed between the two Governments, but was allowed to drop. In the last Session of the United States Congress, a Bill was introduced providing for international copyright in the United States. It required republication and reprinting in the United States as a condition of copyright there, and was in this respect objectionable. But the correspondence showed that there was a considerable interest in the question, and it was evident that the Americans were feeling the want of an international arrangement on the subject.

Some American authors are now much read in England, and American authors are of course, and have long been, in favour of International Copyright, but have not been strong enough to carry their point.

"But," says Mr. Rose, "after the decision in *Routledge and Low*, American authors have no interest in international copyright, so far as England is concerned. They have only to cross the St. Lawrence for a day, and publish in London, and they will have copyright throughout the British Empire."

There is some truth, my Lords are willing to grant, in this argument, but it overlooks two important considerations.

The one is, that whilst American publishers can publish British books without paying anything for copyright to the British author, they are not likely to pay any considerable sums for copyright to American authors.

The other, and not less important consideration, arises out of the interest of the American publisher. The effect of the decision in *Routledge v. Low*, is to encourage publication in the United Kingdom, and consequently to attract the business from foreign publishers. This was expressly stated by Lords Cairns and Westbury to be the intention and policy of the English Statute, and though my Lords do not believe this to be the case, but are of opinion that the true intention was, and is, to encourage authors and thus benefit readers, there can be no doubt that the effect of the Statute, as expounded by the House of Lords, is to encourage publication by foreign authors in London.

The American law differs from our own by giving no copyright to the foreigner, unless he is a citizen, or actually resident in the United States; and even if their courts were to put as lax an interpretation on "residence" as the House of Lords have done here, it would, under the physical circumstances of the two countries, be of little benefit to an author living in England.

Under these circumstances, my Lords cannot but think that it will be to the interest of the American publishers to press for an international arrangement.

The project of such an arrangement is, therefore, far from hopeless, and I am desired to request that under these circumstances you will bring the above considerations to the notice of Earl Granville as a strong reason why Mr. Rose's proposal should not be acceded to, and suggest, at the same time, that the papers should be sent to Her Majesty's Secretary of State for Foreign Affairs, with a proposal that Lord Clarendon should consider whether negotiations may not be re-opened with the United States.

The grievance already pointed out, viz., that whilst publication in the United Kingdom gives copyright throughout the British Empire, publication in a Colony cannot give copyright beyond the limits of the Colony, should, in the opinion of the Lords of Trade, be remedied as soon as possible, even if no further steps are taken by Her Majesty's Government in this matter.

This, as above stated, appears to my Lords to be a simple act of justice to the Colony.

I am, &c.  
(signed) *G. Shaw Lefevre.*

— No. 34. —

Colonial Office to Board of Trade.

No. 34.

Colonial Office to  
Board of Trade.  
9 October 1869.

\* Page 26.

Sir,

Downing-street, 9 October 1869.

WITH reference to your letter of the 27th of July last,\* respecting the state of the Imperial law affecting copyright works, especially as regards its bearings on Canadian interests, I am directed by Earl Granville to transmit to you, to be laid before the Board of Trade, a copy of a Despatch which, with the concurrence of the Board, he proposes to address to the Governor General of the Dominion.

His Lordship desires me to request that the Board of Trade will be so good as to cause the necessary draft Bill to be prepared, in order to carry out the amendment of the law as regards the particular point on which its amendment is promised; and he presumes that this amendment should not be made merely in favour of Canada, but should be extended to all the Colonies.

I have, &c.  
(signed) *Frederic Rogers.*

— No. 35. —

(No. 193.)

The Earl *Granville*, K.G., to the Right Hon. Sir *John Young*, Bart., G.C.B.

No. 35.

Earl Granville,  
K.G., to the Right  
Hon. Sir J. Young,  
Bart., G.C.B.  
20 October 1869.

† Page 25.

Sir,

Downing-street, 20 October 1869.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 40,† of the 15th of April last, enclosing a Minute of your Privy Council, and a Report from the Minister of Finance, urging the amendment of the Imperial law, with a view to Canadian publishers being placed on an equal footing with publishers in the United States as regards British copyright works.

The anomalous position of this question is adverted to in the Despatch of my predecessor, of the 31st of July 1868;‡ but the matter is one of some difficulty, and Her Majesty's Government find it necessary to collect further information on it before deciding finally on the proposals of the Canadian Government.

In the meantime, there is one point in the operation of the Imperial law as it now stands which is not affected by the difficulties which surround the general question, viz., that whilst by the present law publication in the United Kingdom gives copyright throughout the British Empire, publication in a colony cannot give copyright beyond the limits of the colony.

This disability, no doubt, operates unfairly on Colonial interests, and Her Majesty's Government are prepared to take steps during the next Session of Parliament with a view to the amendment of the law in this particular.

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

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-- No. 36. --

(No. 1266.)

Board of Trade to Colonial Office.

No. 36.  
Board of Trade to  
Colonial Office.  
16 October 1869.Office of Committee of Privy Council for Trade,  
16 October 1869.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 9th instant,\* transmitting, by direction of Earl Granville, with reference to previous correspondence on the state of the Imperial law affecting copyright, especially as regards its bearings on Canadian interests, a copy of a Despatch, which his Lordship proposes to address to the Governor General of the Dominion of Canada on the subject.

\* Page 30.

In reply, I am to request that you will state to Lord Granville that my Lords quite concur in the terms of the proposed Despatch, and that they have requested authority from the Lords Commissioners of Her Majesty's Treasury to instruct the Government draftsman to prepare a Bill, in order to carry out the amendment of the law indicated in Lord Granville's Despatch to the Governor General.

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

-- No. 37. --

Foreign Office to Colonial Office.

No. 37.  
Foreign Office to  
Colonial Office.  
23 Nov. 1869.

Sir,

Foreign Office, 23 November 1869.

I AM directed by the Earl of Clarendon to acquaint you, for the information of Earl Granville, that he has received from Her Majesty's Minister in the United States, the draft of a Convention for the reciprocal protection of copyright, which he thinks the American Government might be willing to conclude with this country. Lord Clarendon has communicated the draft to the Board of Trade, and the Board agree with him in opinion that the terms of the draft would secure all the substantial objects at which Her Majesty's Government have aimed in endeavouring to conclude a treaty of copyright with the United States.

Lord Clarendon would therefore have been disposed to instruct Her Majesty's Minister at Washington, after asking for explanations with regard to one or two points of no practical importance, at once to sign the convention if he found the Government of the United States ready to do so. There is, however, a question connected with this subject to which the Board of Trade have called Lord Clarendon's attention, namely, the proposal submitted by the Canadian Government in the course of the present year with respect to the state of the copyright law in the Dominion. This proposal led to a correspondence between the Colonial Office and the Board of Trade, and to a suggestion by the latter that the copyright law of this country should be so amended as to give to works published in Canada the protection now given only to works published in the United Kingdom; that is, the privilege of copyright throughout the British Empire.

Lord Clarendon desires me to transmit, for Earl Granville's perusal, a copy of the letter which has been received at this office from the Board of Trade on the subject, and to state that he proposes to instruct Her Majesty's Minister at Washington to make a communication to the Government of the United States in the sense suggested in the letter of the Board of Trade. Should his Lordship concur in this course, it will be for him to consider the further suggestion of the Board of Trade, that the Canadian Government should be made acquainted with the course which Her Majesty's Government propose to take in this matter.

I am, &c.  
(signed) *Arthur Otway.*

18 Nov. 1869.

## Enclosure in No. 37.

Sir,

Board of Trade, 18 November 1869.

Encl. in. No. 37.

In reply to your letter of the 9th instant, I am directed by the Lords of the Committee of Privy Council for Trade to state, for the information of the Earl of Clarendon, that after a complete examination of the provisions of the Draft Copyright Convention with the United States of America, transmitted in your letter, they concur with his Lordship in the opinion that all the substantial objects at which Her Majesty's Government has aimed in endeavouring to conclude a copyright treaty with the United States of America would be secured by the terms of the draft in question, and that it might therefore be accepted as it stands.

The two points to which my Lords referred in the concluding paragraph of their letter of the 6th inst. do not appear to them to be of any practical importance, and it will be sufficient, in their opinion, that Mr. Thornton should be instructed to inform Her Majesty's Government as to the reasons on account of which the provisions to which they relate have been omitted.

With respect to the provision in Article III. in the matter of imitations or adaptations of dramatic works which it has been proposed to modify in our existing treaties of copyright, I am to observe that my Lords have never attached much importance to the proposed modification, and as the French Government appear to have dropped the subject, it seems scarcely necessary to revive it.

There is another question, however, connected with this subject to which my Lords desire to call Lord Clarendon's attention.

A correspondence took place this year between Her Majesty's Secretary of State for the Colonies and this Board, upon a proposal submitted by the Canadian Government with respect to the state of copyright law in the Dominion, which led to a suggestion by my Lords, that the copyright law of this country should be so amended as to give to works published in Canada the protection now only given to works published in the United Kingdom, viz., the privilege of copyright throughout the British Empire.

This suggestion was made by my Lords on grounds of equity towards Canada, and irrespective of all international arrangements between this country and the United States of America with respect to copyright, but in the event of such arrangements being made the reasons in favour of the proposed amendment of the Imperial law will become more than ever urgent.

The Bill which, as Lord Clarendon will perceive from the enclosed correspondence, is now in course of preparation, is directed to an amendment of Imperial law in this respect, and my Lords are of opinion that this point should be clearly explained to the Government of the United States in any negotiation on this subject, and that Mr. Thornton should be authorised, if desired by the Government of the United States or by the Government of Canada, either to insert an Article in the convention binding Her Majesty's Government to propose to Parliament the extension of Imperial copyright to publications in all British Possessions, or providing that the ratification of the convention itself should be made subject to the adoption by Parliament of the measure in question.

My Lords are inclined to fear that, unless this course be taken, the convention would fail to satisfy the United States, and at the same time create much dissatisfaction in Canada, and lead to the discussion of questions of constitutional right which it is on every ground important to avert.

For the same reason my Lords would submit that the Canadian Government should be made acquainted with the course which Her Majesty's Government proposes to take in this matter.

I have, &c.  
(signed) *G. Shaw Lefevre.*

The Under Secretary of State, Foreign Office.

## — No. 38. —

(No. 159.)

No. 38.  
The Right Hon.  
Sir J. Young, Bart.,  
K.C.B., to Earl  
Granville, K.G.  
20 Dec. 1869.  
† Page 25.

The Right Honourable Sir *John Young*, Bart., G.C.B., to the Earl *Granville*, K.G.

Government House, Ottawa, Canada,  
20 December 1869.

My Lord,

WITH reference to my Despatch, No. 40,† of the 15th April last, I have the honour to transmit herewith additional copies of the correspondence respecting the copyright law in Canada.

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

15 May 1868.



## Enclosures in No. 38.

CORRESPONDENCE respecting the Copyright Law in *Canada*, laid before Canadian Parliament by command of His Excellency the Governor General.

Encls. in No. 38.

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,

1st. To call the attention of Her Majesty's Government to the provisions of the Imperial Act, 9 & 10 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) *J. F. Taylor*,  
Clerk, Senate.

Sir,

London, 3 July 1868.

In reply to your letter of the 2nd instant, respecting the Act recently passed by the Parliament of Canada on copyright and the enclosure which you have been good enough to forward to me, I have the honour to state that I have already submitted to Mr. Elliot a memorandum on the subject of the operation of the existing law respecting copyright as it affects the English author. The object of the Act to which you refer was to extend to the whole Dominion of Canada the provisions of a similar statute which had for many years been in force in the late Provinces of Canada.

The Customs authorities of Canada have hitherto made, and will continue to make, every effort to prevent the importation of pirated copies without the payment of duty, but as I had the honour of informing Mr. Elliot, it is next to impossible, practically to enforce the law.

I take the liberty of referring you to my former letter to Mr. Elliot and to the memoranda accompanying it.

Sir Frederic Rogers.

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

Mr. Lovell to Mr. Rose.

[This letter forms Enclosure 2 in Mr. Rose's letter of 1st July 1868, page 17.]

Governor General's Office, Ottawa,  
25 February 1869.

Sir,

I HAVE the honour to enclose copies of a Despatch and Enclosures from the Secretary of State for the Colonies, in reply to the Address of the Senate of the 15th May last, respecting the Imperial copyright laws, and copy of an address from the Montreal Typographical Union, and Sir John Young's reply. His Excellency wishes these papers to be laid before the Privy Council, and to be informed whether they desire any action to be taken on them, as, if so, it will be better to move at once—in the early part of the Session of the Imperial Parliament.

W. H. Lee, Esq.,  
Clerk of the Privy Council.I have, &c.  
(signed) *H. Cotton*,  
For the Governor's Secretary.The Duke of  
Buckingham to  
Lord Monck,  
No. 168.  
31st July 1868,  
page 23.

## ADDRESS of the Montreal Typographical Union.

To His Excellency the Right Honourable Sir *John Young*, Bart., G.C.B., G.C.M.G., &c. &c.,  
Governor General of the Dominion of Canada, and Governor General and Commander  
in Chief of the Island of Prince Edward, &c.

May it please your Excellency,

WE, the members of the Montreal Typographical Union, desire to tender to your Excellency a hearty welcome to the commercial metropolis of Canada. When we heard that our beloved Queen had been pleased to appoint your Excellency to be Her representative

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tative in this country, the intelligence brought to us nothing but feelings of unmixed satisfaction. The profession to which we belong affords us frequent opportunities of becoming acquainted with the public career of Great Britain's foremost men, and all that we had heard and read of your Excellency's services as Her Majesty's representative in Australia and in the Ionian Islands convinced us that you were in all respects well qualified to occupy the vice-regal chair of our New Dominion.

In common with all classes of Her Majesty's subjects, we have reason to be grateful for the unequalled civil and religious liberty which we enjoy, as well as for the progress in material prosperity which has been achieved by Canada during the past few years. Among the free institutions which we possess, none is more precious than a free press, which not only serves to protect the interests of all classes, but has been the means of finding employment for a large number of printers throughout the country. In this connection, however, we would wish to direct your Excellency's attention to the existing condition of the copyright law. Under the present regulations Canadian publishers are forbidden to print the works of English authors, and the consequence is that the American publisher, on payment of our Customs duties, introduces his books into the Canadian market. Thus the English author derives no benefit, the Canadian public are compelled to pay nearly twice as much for their books as they would have to do were Canadians permitted to publish them, and a large number of Canadian printers, who otherwise would be able to find employment in this country, are driven to the United States in search of occupation.

Once more we desire to offer you a hearty welcome to this city and to this Dominion, and while doing so we desire also to express our warmest wishes for the health and welfare of yourself and Lady Young. We sincerely trust that your first visit to our city may prove an agreeable one, and that you may for many years be spared to serve Her Majesty with the same loyalty and devotion which have characterised your past career.

On behalf of the Montreal Typographical Union, No. 97.

(signed) *Pierre Griffard*, President.  
*Rollo Campbell.*  
*William Wilson.*  
*Stephen C. Kyte.*  
*John Watkins.*  
*P. A. Crossby.*

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#### REPLY.

The President and Members of the Montreal Typographical Union, No. 97.

Gentlemen,

I ACKNOWLEDGE, with many thanks, the heartiness of your welcome, and the only too flattering terms in which you are pleased to speak of my past services.

Your appreciation of the liberty you enjoy, and your estimation of the progress which Canada has achieved in material prosperity, are satisfactory in themselves, and as evidence of the feelings entertained throughout the community.

I will not fail to draw the attention of the Privy Council to the important point you mention in reference to the copyright law, and I assure you that Lady Young and I are very grateful for the good wishes you so warmly proffer for our health and welfare.

(signed) *John Young.*

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#### COPYRIGHT LAW IN CANADA.

THE undersigned has had under consideration the Despatch of the late Secretary of State for the Colonies, covering a communication from the Board of Trade, and other documents on the subject of the present state of the law in reference to copyright in Canada; all of which were referred to him for report on the 1st instant.

The communication of the Board of Trade (the immediate subject of the present reference) is, in effect, the answer of the Imperial Government to the Address adopted by the Senate during the last session of the Parliament of Canada, urging the necessity of an early modification of the Imperial Copyright Act, 10 & 11 Vict. cap. 95, with a view to placing Canadian publishers on the same footing with publishers in the United States, *quoad* English copyright works.

Before proceeding to consider the arguments advanced by the Board of Trade against any immediate alteration of the Imperial copyright law, in the sense indicated by the Address of the Senate, it seems desirable, with a view to a better understanding of the question, to explain briefly the injurious operation of the copyright law as it now stands, especially as regards the printing and publishing interests of the Dominion of Canada.

Under the provisions of the above cited Act, and the Canadian Statute giving effect thereto, publishers in the United States can send into Canada reprints of English copyright works,

works, on the payment of 12½ per cent. Customs duty. Canadian publishers, on the other hand, would appear to be prohibited, under heavy penalties, from publishing such works.

The consequence of this anomalous state of the law is that Canada receives large supplies of American reprints of English copyright books, which are sold at a much higher rate than if printed in Canada, while at the same time, so generally is the payment of the 12½ per cent. Customs duty evaded, and so trifling is the whole amount realised from that source (the total received last year for the whole Dominion of Canada being only 799 dols. 43 c. or 164 l. 5 s. 3 d. sterling, the average of the preceding four years being only 115 l. 1 s. 3 d. sterling), that so far as regards the pecuniary or other interests of English authors, for whose protection the duty was imposed, and in whose behalf it is collected, the effect is practically the same as if the reprints were avowedly admitted duty free.

But while the present copyright law thus operates in effect as a tax upon the reading public in Canada, without securing any countervailing advantage to the British author, it is felt, by those directly interested, to bear with especial severity on the printing and publishing interests here—interests not only large and in themselves important, but equally so perhaps in their connection with the development and growth of literary talent and pursuits in the Dominion.

Such being the very unsatisfactory results of the present copyright law, so far as British authors, the Canadian public, and Canadian publishers and printers especially are concerned, the subject was brought during the last Session under the notice of the Senate, and resulted in the adoption by that body of their Address, already referred to, praying that the Imperial copyright law be so amended as to place Canadian publishers on the same footing as publishers in the United States, *quoad* English copyright books—or, in other words, that Canadian publishers should be permitted to print and publish British copyright works upon payment, under proper restrictions, of an excise duty of 12½ per cent. for the benefit of the British authors.

It is believed that if this privilege were extended to Canadian publishers they would avail themselves of it to a very large extent, and as the excise duty of 12½ per cent. could, under proper regulations, be very easily levied, a substantial revenue would accrue therefrom for the benefit of English authors; and further, that a great impetus would be given to the interests of printers, publishers, paper manufacturers, type founders, and other important kindred branches of material industry, and indirectly to the interests of literature and literary men.

In remonstrating against the operation of the present copyright law, and seeking its amendment, Canada does not sue for any favour, or ask for any protection, but only that she may be relieved from the grave disabilities under which she now labours, and placed upon the same, but no better, footing, as the citizens of a foreign country; and this it is contended may be done without the violation of any sound principle of political economy or injury to any interest.

In considering the application of the Senate, the Board of Trade “fully admit that the anomalous position of Canadian publishers with respect to their rivals in the United States, is a matter which calls for careful inquiry,” but they allege that there are considerations of an Imperial character, “which would render it very undesirable to accede to the Canadian proposal at the present moment.”

These considerations, stated briefly, are:

1st. That it is doubted whether, in the face of the extensive smuggling of American reprints of English copyright works into Canada, Canadian publishers, if burdened with 12½ per cent. excise duty, could maintain a successful competition with their United States rivals.

2nd. The proposed modification of the existing copyright law could hardly fail to operate in deterring the United States Government from concluding an International Copyright Treaty with England.

3rd. That the proposed arrangement rests upon a principle essentially different from that which the public policy of the Mother Country enforces in reference to copyright, inasmuch as it trenches upon the absolute monopoly which the English law secures for a term of years to authors; and further, that if the right to publish in the British Colonies were admitted, it would be difficult to refuse to recognise it in the case of foreign countries.

In reference to the first of the preceding objections, the undersigned must premise that he is unable to see how the presumed inability of Canadian publishers to compete successfully with their foreign rivals in the United States can fairly be advanced as a reason for refusing to relieve them from their present disabilities, and for a denial of the same privileges which their foreign rivals are impliedly permitted to enjoy.

But, irrespective of its bearing on the argument, the undersigned believes it to be the unanimous opinion of the publishing houses in Canada, that Canadian publishers, if placed by the law on an equal footing with their American rivals, could not only compete with them successfully, but would probably be able to undersell them in their own markets. The cheapness of labour and material, and the lightness of taxation in Canada, as compared with the United States, make this hardly a matter of doubt.

In reference to the second objection urged against the desired change in the law, the undersigned is ready to admit that Canada ought not to ask for and should not expect to receive any privilege which could reasonably be held to prejudice, or postpone the satis-

factory adjustment of the great question of international copyright between England and the United States. But he is unable to see how the change in the law asked for could have any such effect, especially if it were provided that the privilege accorded to Canadian publishers should be provisional and temporary, to determine on the conclusion of any International Treaty of copyright between the two countries.

Under such limitations, would not the granting of the privilege asked for on behalf of Canadian publishers operate rather to bring about the conclusion of an International Copyright Treaty, than to postpone or prevent it? If Canadian publishers were placed on the same footing as their American rivals, the latter would be, to a very great extent, deprived of the pecuniary benefits resulting to them, in the absence of any Intercolonial Copyright Treaty from their piracy of the works of English authors.

The undersigned would, however, humbly submit that in the present state of the English law respecting copyright, and considering the policy on which it is founded (as it has been recently authoritatively interpreted), there would seem to be little foundation for the hope that any sufficient inducement remains to any foreign country to enter into an International Copyright Treaty with England.

An American or any other foreign author by publishing his work first in the United Kingdom, may obtain for himself all the benefits of the English copyright law. One of those benefits, as the law now stands, is to prohibit its reprint in any portion of Her Majesty's dominions out of the United Kingdom. He can equally procure its copyright in the United States, and the consequence is that the price of literature is enhanced to British subjects in all Her Majesty's Colonial possessions, since to them and to them only can the prohibition to republish apply or be made effectual.

England does not confine the protection which she thus extends, to her own authors. The foreign author is protected against all her Colonial subjects, provided he publishes first within the confines of Great Britain and Ireland. She will not recognise a publication in a Colonial Possession as a compliance with the Copyright Act, but limits the place of publication to the United Kingdom.

Such the undersigned understands to have been the solemn interpretation of the law by the House of Lords in the recent case of *Routledge and Low* (New Law Report, Appeal Cases, vol. 2, pp. 100—121), and he would very strongly call attention to the unfair position in which the policy of that law places the Canadian publisher and the Canadian public.

The mere circumstance of the publishing in the United Kingdom, gives the author a monopoly throughout the entire area of the British Dominions—that author, in the opinion of the then Lord Chancellor Cairns, need not be a native born subject of the Crown; he need not be an alien friend sojourning in the United Kingdom; he need not be sojourning in a British Colony, but he may be a foreigner residing abroad. This protection is afforded, in the language of Lord Cairns, to induce the author to publish his work in the United Kingdom.

If the policy of England, in relation to copyright, is to stimulate, by means of the protection secured to literary labour, the composition of works of learning and utility, that policy is not incompatible with such a modification of law as will place the colonial publisher on a footing of equality not only with the publisher in the United States, but even with the publisher in the United Kingdom.

Might not therefore the existing anomaly be removed without violating the principle of regarding literary productions as the absolute property of the author?

At present the Canadian public are mainly dependent on the supply, even of foreign literature, for which a copyright may be obtained in England, on the reprints from the United States.

It may be argued in answer to these objections, that the Canadian publisher may make arrangements with the author for permission to publish; but as the law now stands there is no motive or inducement either for the author to concede, or the publisher to obtain, this sanction; the author has already made, or can make his arrangements with the foreign publisher, who knows that circumstances will give him a large circulation in the Canadian markets, and that even the slight proportion of duty collected will be paid by the Canadian reader, because re-publication is there forbidden.

At present the foreign publisher, having a larger market of his own, and knowing the advantages of access to the Canadian market, can hold out greater inducements to the author than the Colonial publisher, and can afford to indemnify the author for agreeing to forego taking out any copyright and to abstain from printing in Canada.

In reference to the third objection to the proposed modification of the Imperial Act, the undersigned is ready to admit that the principle involved therein is, theoretically, at variance with the general policy of the Mother Country, in so far as the object of that policy is to secure to authors an absolute monopoly in works of literature for a term of years; but it must be remembered, that the necessity for this exceptional legislation arises out of a previous partial departure from this theoretical policy, which in its practical operation is shown to afford a premium to the industrial interests of a foreign country, and to discriminate against those of an important part of the British Dominions.

The exceptional legislation, it is to be observed, is only meant to be temporary and provisional, in other words, to be in force so long, and only so long, as the exceptional legislation which gives rise to it.

If it could be shown, that the concessions asked for would result in any way to the practical disadvantage of the author, or lessen the protection which it is intended to secure to literary labour, there might be some reason for withholding them.

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If the rate of duty whether import or excise, were inadequate, it would be an equally reasonable argument against the extension of the law; and in that case the rate could be augmented. But the undersigned fails to see any reason why, so long as the importation from abroad is permitted, the publication in Canada at an equal rate of duty should be withheld.

If the interest of the author is to weigh, it seems manifest that the practical result of the extension to the Canadian publishers of the exceptional privilege now enjoyed by their American rivals would be to remedy to some extent the evils of the present law so far as these interests are at stake, by securing to them increased pecuniary benefit, from the publication of their works on this continent and affording them for the first time a real, instead of an illusory, protection.

Having considered the arguments advanced against the modification of the copyright law asked for in the Address of the Senate, the undersigned would recommend that the attention of the Imperial authorities be once more invited to the subject, and that they be earnestly requested to accede to the application of the Senate, upon the understanding, if thought proper, that the change in the law, if made, should be temporary, to be determined upon the conclusion of any International Copyright Treaty between England and the United States.

In conclusion, the undersigned may be permitted to note the fact, that during the last few months the present subject has been very largely discussed in the leading journals of Canada as well as at public meetings. The public sentiment throughout the country is, that the privilege asked for is fair and reasonable in itself, and that the granting of it would not only promote the interests of English authors but give an impetus to the publishing and printing trade, and other cognate branches of Canadian industry, and would be calculated to increase the circulation in Canada of the best British works, and to foster the literary tastes, and develop the literary talents, of the Canadian people.

Ottawa, 30 March 1869.

(signed) *John Rose,*  
Minister of Finance.

— No. 39. —

Colonial Office to Foreign Office.

Sir,

Downing-street, 19 January 1870.

I HAVE laid before Earl Granville your letter of the 23rd November,\* on the subject of a Convention which it is believed that the American Government might be willing to conclude with this country for the reciprocal protection of copyright.

Lord Granville is glad to learn that there is a prospect of this matter being brought to an early and satisfactory conclusion; but he directs me to state that he thinks that it is certainly desirable that the Canadian Government should be informed, that the anticipated ratification of this convention will not affect the duty of Her Majesty's Government to propose a Bill to give the Colonies equal rights with England, and that the United States Government should be informed that the Convention will not preclude the British Government from proposing that Bill. Lord Granville, however, does not see why an arrangement between the United States and England should be encumbered with a provision affecting only the relations between England and the Colonies. He proposes, with Lord Clarendon's concurrence, to forward to the Canadian Government, a copy of your letter of the 23rd November, and of this reply to it.

I am, &c.  
(signed) *F. R. Sandford.*

— No. 40. —

Foreign Office to Colonial Office.

Sir,

Foreign Office, 5 February 1870.

I HAVE laid before the Earl of Clarendon your letter of the 19th ultimo,\* relative to the course to be pursued with the United States and with Canada on the subject of copyright.

Having again communicated with the Board of Trade on this matter, Lord Clarendon desires me to state to you that he will furnish Her Majesty's Minister at Washington with authority to sign a Convention with the United States in the

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No. 39.

Colonial Office to  
Foreign Office.  
19 January 1870.

\* Page 31.

No. 40.

Foreign Office to  
Colonial Office.  
5 February 1870.

\* *Supra.*

terms of the draft which he sent to Lord Clarendon. He will instruct Mr. Thornton to state officially to the American Government that the conclusion and ratification of such Convention will in no way preclude Her Majesty's Government from proposing to Parliament a Bill for giving the Colonies copyright to extend throughout the British Dominions; but he concurs with Lord Granville in thinking that it is unnecessary to encumber the Convention with any stipulation on this subject.

Lord Clarendon observes that Lord Granville intends to make a communication to the Canadian Government in the same sense; and he sees no objection to his Lordship forwarding to that Government a copy of the letter from this Department of the 23rd of November last,\* and of its enclosures, as well as of your reply thereto.

\* Page 32.

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I am, &c.  
(signed) *Arthur Otway.*

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— No. 41. —

(No. 43.)

No. 41.  
Earl Granville,  
K.G., to the Right  
Hon. Sir J. Young,  
Bart., G.C.B.  
17 February 1870.

† Page 30.

The Earl *Granville*, K.G., to the Right Honourable Sir *John Young*, Bart., G.C.B.

Sir,

Downing-street, 17 February 1870.

WITH reference to my Despatch, No. 193, † of 20th October last, and to previous correspondence respecting the operation in the Dominion of Canada, of the laws affecting the reprint of British copyright works, I transmit to you, for your information, a copy of a letter from the Foreign Office, with a copy of the answer which has been returned to it, on the subject of a proposed Convention with the United States for the reciprocal protection of copyright.

Foreign Office,  
23 Nov. 1869,  
page 31.  
Colonial Office,  
19 January 1870,  
page 37.

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

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— No. 42. —

(No. 44.)

No. 42.  
Earl Granville,  
K.G., to the Right  
Hon. Sir J. Young,  
Bart., G.C.B.  
17 February 1870.

‡ *Supra.*

The Earl *Granville*, K.G., to the Right Honourable Sir *John Young*, Bart., G.C.B.

Sir,

Downing-street, 17 February 1870.

WITH reference to my Despatch, No. 43, ‡ of this day's date, enclosing copies of a correspondence between this Department and the Foreign Office, on the subject of a proposed Convention with the United States for the reciprocal protection of copyright, I have the honour to enclose, for your information, an extract from the reply † which has been received from the Foreign Office to the letter from this office of the 19th ultimo.

† Page 37.

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

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— No. 43. —

Colonial Office to Foreign Office.

No. 43.  
Colonial Office to  
Foreign Office.  
19 February 1870.

§ Page 39.

Sir,  
I AM directed by Earl Granville to request that Lord Clarendon will cause him to be furnished with a copy of the proposed Draft Convention with the United States on the subject of copyright, to which allusion is made in your letter of the 5th instant.§

I am, &c.  
(signed) *Frederic Rogers.*

No. 44.

(Confidential.)

The Earl Granville, K.G., to the Right Honourable Sir John Young, Bart., G.C.B.

Sir,

Downing-street, 5 March 1870.

WITH reference to my Despatches, Nos. 43\* and 44,† of the 17th ultimo, respecting a proposed Convention with the United States for the reciprocal protection of copyright, I have the honour to transmit to you the enclosed copy of the Draft Convention which has been obtained from the Foreign Office.

\* \* \* \* \*

I have, &amp;c.

(signed) Granville.

No. 44.  
Earl Granville,  
K.G., to the Right  
Hon. Sir J. Young,  
Bart., G.C.B.

5 March 1870.

\* Page 38.

† Page 38.

Enclosure in No. 44.

DRAFT of CONVENTION between Her Britannic Majesty and the United States of America for the Establishment of INTERNATIONAL COPYRIGHT.

Encl. in No. 44.

HER Majesty, the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, being equally desirous of extending in each country the enjoyment of copyright to works of literature and the fine arts which may be first published in the other, Her Britannic Majesty and the President of the United States have deemed it expedient to conclude a special Convention for that purpose, and have therefore named as their plenipotentiaries; that is to say:—

Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, &c. &c. &c., and the President of the United States, &c. &c. &c.,

who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following Articles:—

Article I.—From and after the date on which, according to the provision of Article 11, the present Convention shall come into operation, the authors of works of literature or of art, to whom the laws of either of the two countries do now or may hereafter give the right of property or copyright, shall be entitled to exercise that right in the territories of the other of such countries for the same term, and to the same extent, as the authors of works of the same nature, if published in such other country, would therein be entitled to exercise such right; so that the republication or piracy in either country of any work of literature or of art published in the other shall be dealt with in the same manner as the republication or piracy of a work of the same nature first published in such other country; and so that such authors in the one country shall have the same remedies before the courts of justice in the other country, and shall enjoy the same protection against piracy and unauthorised republication, as the law now does or may hereafter grant to authors in that country.

The terms "works of literature or art" employed at the beginning of this Article shall be understood to comprise publications of books, of dramatic works, of musical composition, of drawing, of painting, of sculpture, of engraving, of lithography, and of any other works whatsoever of literature and of the fine arts.

The lawful representatives or assigns of authors, composers, painters, sculptors, or engravers, shall in all respects enjoy the same rights which by the present Convention are granted to the authors, composers, painters, sculptors, or engravers themselves.

Article II.—The stipulations of the preceding Article shall also be applicable to the representation of dramatic works, and to the performance of musical compositions, in so far as the laws of the two countries are or shall be applicable in this respect to dramatic and musical works first publicly represented or performed therein. It is understood that the protection stipulated by the present Article is not intended to prohibit fair imitations or adaptations of dramatic works to the stage in England and the United States respectively, but is only meant to prevent piratical reproductions.

The question, whether a work is an imitation or a piracy shall in all cases be decided by the courts of justice of the respective countries, according to the laws in force in each.

Article III.—The importation into and the sale in either of the two countries of piratical copies of works which are protected from piracy under Article I. of the present Convention are prohibited, whether such piratical copies originate in the country where the work was published or in any other country.

Article IV.—In the event of an infraction of the provisions of the foregoing Articles the pirated works or articles shall be dealt with in each country according to the laws which now exist or may hereafter exist in that country in respect to such works or articles, and the persons who may have committed such infraction shall be liable in each country to the penalties

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and actions which are or may be prescribed by the laws of that country for such offences committed in respect of a work or production of home origin.

Article V.—Neither authors nor their lawful representatives or assigns shall be entitled in either country to the protection stipulated by the preceding Articles, nor shall copyright be claimable in either country, unless the work shall have been registered in the manner following, that is to say:—

1st. If the work be one which has first appeared in the United States, it must be registered at the Hall of the Company of Stationers in London.

2nd. If the work be one that has first appeared in the Dominions of Her Britannic Majesty, it must be registered at the Department of State in Washington.

No person shall be entitled to such protection as aforesaid, unless he shall have duly complied with the laws and regulations of the respective countries in regard to the work in respect of which such protection may be claimed. With regard to books, maps, prints, or musical publications, no person shall be entitled to such protection unless he shall have delivered gratuitously at one or the other of the places mentioned above, as the case may be, one copy of the best edition, printed and published in the best state, in order to its being deposited at the place appointed for that purpose in each of the two countries; that is to say, in Great Britain at the British Museum, at London, and in the United States at the Department of State, at Washington.

In every case the formality of deposit and registration must be fulfilled within three months after the first publication of the work in the other country.

With regard to works published in parts, provided that a period exceeding six months shall not intervene between the publication of the parts, the period of three months shall not begin to run until the date of the publication of the last part, but the author or his representatives may, if they choose, register each part as a separate work.

A certified copy of the entry in the Register Book of the Company of Stationers in London shall confer, within the British Dominions, the exclusive right of republication until a better right shall have been established by any other party before a court of justice.

The certificate given under the laws of the United States proving the registration of any work in that country, shall be valid for the same purpose throughout the territories of the United States.

A certificate, or certified copy of the registration, of any work so registered in either country, shall, if required, be delivered at the time of registration; and such certificate shall state the exact date at which the registration was made.

The charge for the registration of a single work, under the stipulations of this Article, shall not exceed one shilling in England, nor twenty-five cents in the United States; and the further charge for a certificate of such registration shall not exceed the sum of five shillings in England, nor one dollar in the United States.

Article VI.—With regard to any article other than books, prints, maps, and musical publications, in respect to which protection may be claimable under Article I. of the present Convention, it is agreed that any other modes of registration than that prescribed in Article V., which is, or may be, applicable by law in one of the two countries to any work or article first published in such country, for the purpose of affording protection to copyright in such work or article, shall be extended on equal terms to similar work or article first published in the other country.

Article VII.—In order to facilitate the execution of the present Convention, the two high contracting parties engage to communicate to each other the laws and regulations which may hereafter be established in their respective territories, with respect to copyright in works or productions protected by the stipulations of the present Convention.

Article VIII.—The stipulations of the present Convention shall in no way affect the right which each of the two high contracting parties expressly reserves to itself, of controlling or of prohibiting, by measures of legislation or of internal police, the sale, circulation, representation, or exhibition, of any work or production in regard to which either country may deem it expedient to exercise that right.

Article IX.—Nothing in this Convention shall be construed to affect the right of either of the two high contracting parties to prohibit the importation into its own Dominions of such books as by its internal law, or under engagements with other States, are or may be declared to be piracies, or infringements of copyright.

Article X.—The present Convention shall come into operation from and after a day to be fixed upon by the two high contracting parties on the exchanges of the ratifications. Due notice shall be given beforehand in each country, by the Government of that country, of the day which may be so fixed upon, and the stipulations of the Convention shall apply only to works or articles published after that day.

The Convention shall continue in force for five years from the day on which it may come into operation, and if neither party shall, 12 months before the expiration of the said period of five years, give notice of its intention to terminate its operation, the Convention shall continue in force for a year longer, and so on, from year to year, until the expiration of a year's notice from either party for its termination. The high contracting parties, however,  
reserve



reserve to themselves the power of making, by common consent, in this Convention, any modifications which may not be inconsistent with its spirit and principles, and which experience of its working may show to be desirable.

Article XI.—The present Convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as may be within 12 months from the date of signature.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the

— No. 45. —

(C. 304.)

Board of Trade to Colonial Office.

No. 45.  
Board of Trade to  
Colonial Office.  
7 March 1870.

Office of Committee of Privy Council for Trade,  
7 March 1870.

Sir,

WITH reference to previous correspondence on the subject of Colonial Copyright, I am directed by the Lords of the Committee of Privy Council for Trade to enclose, for the consideration of the Secretary of State, a draft of a Bill enabling a person publishing in a Colony to obtain Imperial Copyright, and I am to request that you will move his Lordship to inform the Board of Trade whether he approves of the draft.

I am, &c.  
(signed) T. H. Farrer.

Enclosure in No. 45.

COPYRIGHT BILL.

Encl. in No. 45.

MEMORANDUM.

COPYRIGHT.

THE Bill gives an author the same right, whether his book is first published in the United Kingdom or in a Colony, and gives this right retrospectively. The Bill, however, provides that, in the case of a Colony, the copyright law of that Colony, as well as the Imperial Copyright Act, must be complied with.

The fourth clause of the Bill introduces various verbal amendments into the Copyright Act, 1842, with a view partly of making the alteration of the law clearer, and partly of meeting the objections which Lord Cairns pointed out [Law Reports, 3 H. L., p. 109] as objections to the application of the Copyright Act to the Colonies.

The Bill, however, does not alter the regulations of the Copyright Act as to the registry at Stationers' Hall. It seems to me that if publication in a Colony is to confer a copyright in every part of the British Dominions, that copyright should be registered in the central registry at Stationers' Hall; there would otherwise be no means of informing persons in the United Kingdom or elsewhere of the existence of such copyright or of the persons entitled to it.

7 March 1870.

H. Jenkins.

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

A.D. 1870.

WHEREAS the author of a book is entitled, if the book is first published in the United Kingdom, to copyright in the book in every part of Her Majesty's Dominions, but if the book is first published in any Colony, to copyright in that Colony only; and it is expedient that he should be entitled to the same right, whether the book is first published in a Colony or in the United Kingdom:

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

1. This Act shall be construed as one with the Act of the Session of the fifth and sixth years of the reign of Her present Majesty, chapter forty-five, intituled "An Act to amend Construction and short title.  
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the Law of Copyright" (in this Act referred to as the principal Act), and with the Act of the Session of the tenth and eleventh years of the reign of Her present Majesty, chapter ninety-five, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," and the said Acts, together with this Act, may be cited as the Copyright Acts, 1842 to 1870, and each Act may be cited separately as the Copyright Act of the year in which it was passed.

## Definition.

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

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

3. Where a book has been first published, either before or after the passing of this Act, in a British Possession, every person shall be entitled in respect of such book to the same right of copyright and to the same benefits under the principal Act as he would have been entitled to if such book had been first published in the United Kingdom, provided that he has observed in the case of such book the provisions of the law of such British Possession relating to copyright, and to any remedy and privileges connected therewith.

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

## Amendments of 5 &amp; 6 Vict., c. 45.

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

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

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

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

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

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

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

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— No. 46. —

Colonial Office to Board of Trade.

Sir,

Downing-street, 31 March 1870.

WITH reference to your letter of the 7th\*, enclosing a draft Bill for enabling a person publishing in a Colony to obtain Imperial copyright, I am directed by Earl Granville to state that, upon consideration, some slight alterations appeared to him desirable in that draft, and I am to transmit to you, for the consideration of the Lords of the Committee of Privy Council for Trade, a further draft which has been prepared by Mr. Jenkyns, after communication with this Department. The accompanying Memorandum by Mr. Jenkyns sufficiently explains the nature of the proposed Bill.

I am, &c.

(signed) *Frederic Rogers.*

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Colonial Office to  
Board of Trade.  
31 March 1870.

\* Page 41.

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Enclosure in No. 46.

Encl. in No. 46.

## COPYRIGHT BILL.

## MEMORANDUM.

## COPYRIGHT.

THE Bill gives an author the same right, whether his book is first published in the United Kingdom or in a Colony, and gives this right retrospectively. Under the Copyright Act the proprietor cannot sue in respect of infringement of copyright, unless he registers the book at Stationers' Hall, but his right accrues irrespective of this registry. Under the Bill, as now altered, a person publishing a book in a Colony will have no right at all unless he registers. The Bill also provides that, in the case of a Colony, the copyright law of that Colony, as well as the Imperial Copyright Act, must be complied with.

The 4th clause of the Bill introduces various verbal amendments into the Copyright Act, 1842, with a view partly of making the alteration of the law clearer and partly of meeting the objections which Lord Cairns pointed out (Law Reports, 3 H. L., p. 109) as objections to the application of the Copyright Act to the Colonies.

The Bill, however, does not alter the regulations of the Copyright Act as to the registry at Stationers' Hall. It seems to me that if publication in a Colony is to confer a copyright in every part of the British Dominions, that copyright should be registered in the central registry at Stationers' Hall; there would otherwise be no means of informing persons in the United Kingdom or elsewhere of the existence of such copyright or of the persons entitled to it.

The last clause not only leaves the rights of a Colonial publisher unaltered unless he registers, but exempts him, if he does not register, from sending copies to the British Museum, as he is now obliged to do under Section 6 of the Copyright Act.

I do not quite see how the alteration in the form of the Bill alters the question as to self-governing Colonies; because, under the altered as under the original Bill, a Canadian author will acquire rights in Victoria without the consent of the Victorian Legislature.

15 March 1870.

Henry Jenkins.

## DRAFT of a BILL to Amend the LAW relating to COPYRIGHT.

A. D. 1870.

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

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

1. This Act shall be construed as one with the Act of the Session of the fifth and sixth years of the reign of Her present Majesty, chapter forty-five, intituled "An Act to amend the Law of Copyright" (in this Act referred to as the principal Act), and with the Act of the Session of the tenth and eleventh years of the reign of Her present Majesty, chapter ninety-five, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," and the said Acts, together with this Act, may be cited as the Copyright Acts, 1842 to 1870, and each Act may be cited separately as the Copyright Act of the year in which it was passed.

Construction and short title.

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

Definition.

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

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

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

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

Amendments of c. 5 &amp; 6 Vict., 45.

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(1.) In

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

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

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

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

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

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

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

Exception of  
books not regis-  
tered.

— No. 47. —

(C. 399.)

Board of Trade to Colonial Office.

Office of Committee of Privy Council  
for Trade, 25 April 1870.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade, to transmit to you, to be laid before Earl Granville, the enclosed copy of a letter addressed to Mr. Gladstone by Messrs. Longman and Murray, on the 29th March last, submitting resolutions passed at a meeting held in Albemarle-street, on the 16th of that month, by Earl Stanhope, and a number of authors and gentlemen interested in literary property.

The first of these resolutions represents the injury sustained by British authors and publishers from the operation of the Imperial Copyright Act of 1847, and urges its prompt repeal.

The second resolution refers to the unjust and unexpected position in which British authors and publishers are placed by the decision of the House of Lords, in the case of *Low v. Routledge*, upon the Copyright Amendment Act, 1842, as to works first published in any part of the British Dominions, not included in the United Kingdom.

As Earl Granville is aware, a Bill has been already prepared, with a view of amending the state of the law to which the second resolution calls attention; and it is satisfactory to find that in the introduction of this measure, Her Majesty's Government will receive the support of the authors and publishers represented at the meeting.

It may, however, be assumed that this support will in some degree depend upon the adoption, by Her Majesty's Government, of the recommendation contained in the first resolution, viz., that steps should be taken to obtain the repeal of the Imperial Copyright Act of 1847; a course which, although in every way desirable, so far as Imperial interests and general grounds of policy are concerned, and probably not unacceptable to the British Colonies generally, would perhaps be still opposed by the North American Colonies, at whose instance the Act in question was obtained.

Their Lordships' letter of the 27th July 1869,\* No. 687/69, contains a statement of the origin of the Act of 1847, and of the grounds upon which Her Majesty's Government obtained the sanction of Parliament to its provisions, which are completely at variance with the principles of copyright law of the United Kingdom.

Lord Granville will be better able than the Board of Trade to form an opinion as to the disposition of the Canadian Government and Legislature to acquiesce in the repeal of the Act of 1847; but it appears to my Lords that there are considerations at the present time which Her Majesty's Government may, with justice, urge in favour of such a course.

In

No. 47.  
Board of Trade to  
Colonial Office.  
25 April 1870.

\* Page 26.

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In the first place, it is proposed by the Bill now under consideration to place the Colonies on the same footing as the United Kingdom with respect to publication, and as Canada will therefore obtain all the advantages of Imperial copyright, it is only right that she should accept its restrictions.

In the second place, it has been stated by the Canadian Government that, even with a duty of  $12\frac{1}{2}$  per cent., the Canadian publishers would be able to undersell the piratical works published in the United States: and if this be the case, it may be supposed that under the operation of the amended law arrangements may be made between the British authors and Canadian publishers which will enable the Canadian public to obtain cheap English literature, without resorting to the market of the United States.

And lastly, it is not denied that the North American Provinces have absolutely failed in fulfilling the understanding upon which the Act of 1847 was conceded by the British Parliament, viz., the imposition of  $12\frac{1}{2}$  per cent. duty on the importation of all piratical reprints of English copyright works.

It is true that the Canadian Government plead that this has arisen from circumstances beyond their control, and not from an intentional and deliberate violation of the implied understanding with Her Majesty's Government; but it must be admitted that the Act itself materially aggravates the difficulty, which without it would be sufficiently great, of preventing the contraband importation of pirated reprints of British works, for it is impossible to impose an effectual check upon the circulation of such reprints in the Dominion while legalised copies of similar reprints are admitted through the Customs, and cannot be distinguished from the smuggled reprints.

The extent to which the Canadian Government has failed in executing the provisions of the Act of 1847, may be seen from the account obtained from the Lords of the Treasury of the amount paid over by the Colonial Executive for the remuneration of British authors, enclosed in Board of Trade letter above referred to; and in the face of this evidence of its failure, it is difficult to see on what grounds the continuance of the Act can be defended, unless the Canadian Government is prepared to advocate the practical withdrawal of all protection to British copyright in the Dominion.

In submitting these remarks to Earl Granville, I am to request that you will state to his Lordship that, under these circumstances, it appears to deserve consideration whether, before proceeding with the Bill now before the Colonial Office, it may not be desirable to ascertain the views of the Government of the Canadian Dominion with respect to the operation of the Act of 1847, under the contemplated alterations in the conditions of law and trade, and if possible to obtain their concurrence in its repeal.

Two reasons exist in favour of the repeal which Her Majesty's Government were not in a position to urge when the Bill, recently prepared, was originally framed.

1. The improbability, according to the last Despatches from Her Majesty's Minister at Washington, of any satisfactory arrangements with the United States for International Copyright. This fact renders it the more important that the law of the British Empire should be placed on a just and satisfactory footing, so that both British authors and Colonial, as well as English publishers, may receive fair and equal justice throughout the Empire, and may be protected, so far as British law can protect them, from the piratical acts of United States publishers.

2. The importance of securing the co-operation of British authors and publishers in passing the proposed Bill, which it may be assumed will in some degree depend upon the course taken with respect to the first of the two resolutions enclosed in the letter from Messrs. Longman and Murray.

In this letter, the Board of Trade have referred almost exclusively to Canada, since it was at the instance of the British North American Colonies that the Act of 1847 was passed. Lord Granville will judge how far it may be necessary to consult the other Colonies who adopted that Act. But so far as the Board of Trade can judge, they have scarcely sufficient interest in the question to make it necessary to wait for their answers, provided the assent of the North American Colonies can be obtained.

I am, &c.  
(signed) *Thomas Gray.*

Encls. in No. 47.

Enclosures in No. 47.

Sir,

50, Albemarle-street, March 1870.

WE have the honour to place before you the Resolutions passed at the meeting held here on the 16th instant, signed by the Earl Stanhope, and a number of authors and gentlemen interested in literary property.

In compliance with these Resolutions we beg to represent that, whereas it is enacted by the Imperial Act of 1847 that in case the Legislature of any British Colony shall pass an Act to make due provisions for protecting and securing the rights of British authors in such Colony, and in case Her Majesty shall be of opinion that such Colonial Act is sufficient for the purpose, Her Majesty may issue an Order in Council that, so long as the provisions of such Act continue in force in such Colony, the prohibitions contained in the Imperial Act of 1842, against the import of foreign reprints of British copyright works, shall be suspended so far as regards such Colony.

The reasons which induced the Government to obtain the Act of 1847, were never made public; and the Bill appears to have escaped all notice in its quiet passage through both Houses. No trace of any debate upon it is to be found. The Act took British authors and publishers equally by surprise, as they knew nothing of the measure until it became law.

No time was lost by the North American Colonies in availing themselves of the powers given them by the Act of 1847. Each of those Colonies duly passed the needful enactment "for protecting the rights of British authors," whereby an *ad valorem* duty of 20 per cent., since reduced to 12½ per cent., was imposed upon foreign reprints of British copyright works imported into the Colony. This being done, Orders in Council founded on such Colonial enactments were made in conformity with the Act of 1847.

The injury inflicted upon British authors and other proprietors of literary copyright works by that Act have been excessive. Not only all the North American Colonies, but the Cape of Good Hope, Jamaica, and others, in all amounting to 19, have availed themselves of the Act of 1847, and obtained Orders in Council for the importation of foreign reprints into all those Colonies. These foreign reprints have been made in the United States, and the British Colonies in question have been flooded with them, to the serious damage of British authors and publishers, and the various trades, such as printers, paper-makers, type-founders, and others employed in the manufacture and sale of copies of books first published in the United Kingdom.

The United States have hitherto declined to enter into an International Copyright Treaty with England, and the practical result of the Act of 1847 has been to throw the trade of reprinting British copyright works, or foreign reprints, into the hands of the United States publishers.

This Act of 1847 has consequently operated as a large premium to the United States not to enter into an international copyright convention with England, and therefore directly conflicts with the policy of Parliament in passing the International Copyright Act of 1844.

The Canadian Government frankly admit that the protection of authors, contemplated by the Imperial Parliament, under the Act of 1847, and by Her Majesty's Order in Council issued under that Act, have been, with rare exceptions, entirely evaded.

In illustration of this fact, an instance may be cited, where 40,000 copies of a popular British work have been recently printed in the United States and imported into Canada, without one shilling of import duty being levied upon them for the author's benefit.

As an illustration of one of the effects of the Act of 1847, it may be mentioned that the permission to import foreign reprints on a duty, gives a ready opportunity for the sale of any amount of foreign reprints which may have been smuggled, and have paid no duty, as they can in no way be distinguished from the copies that have paid duty.

Thus it will be seen that the express condition "to make due provision for securing and protecting the rights of British authors in such Colony," has not been fulfilled by the Canadian enactment, and that instead of a benefit, a serious injury has been done, and is still being done to the property of British authors.

Upon the other hand, British authors first publishing their works in any of Her Majesty's Colonies, are now placed in a most unexpected and unjust position by a recent decision upon the Copyright Act of 1842. The practical result of that decision is, that if a work be first published in any part of the British Dominions out of the United Kingdom, its author has only such copyright in it, if any, as may be afforded by the Colonial or other local laws of the place where it has been so first published. The case referred to is that decided by the House of Lords in *Low v. Routledge*, upon the Copyright Amendment Act of 1842.

We add a copy of the Resolutions referred to at the commencement of our letter, and beg to express to you our earnest hope that Her Majesty's Government may deem it right to propose the prompt repeal of the Act of 1847, and the Orders in Council issued in consequence.

The Right Hon. W. E. Gladstone, M.P.  
&c. &c. &c.

We have, &c.  
(signed) Thomas Longman.  
John Murray.

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*Resolved*,—That a representation be made to the Right Hon. the First Lord of the Treasury, pointing out the great hardship sustained by British authors and publishers from the operation of the Imperial Copyright Act of 1842, and stating the earnest desire they feel that Her Majesty's Government might deem it right to propose its prompt repeal.

They further desire to call the attention of Mr. Gladstone to the unexpected and unjust position in which all British Colonial authors and publishers are placed by the decision of the House of Lords in *Low v. Routledge*, upon the Copyright Amendment Act, 1842, as to works first published in any part of the British Dominions not included in the United Kingdom.

(signed) *Stanhope*,  
(In the Chair of the meeting held  
16 March 1870.)

*William Smith, LL.D.*  
*Arthur Helps.*  
*D. Robertson Blaine.*  
*George Bentley.*  
*Anthony Trollope.*  
*Frederick Chapman.*  
*Frederick Richard Daldy.*  
*Alexander Macmillan.*  
*Charles Dickens.*  
*John Murray.*  
*Henry Reeve.*  
*James Ferguson.*  
*Thomas Longman.*

— No. 48. —

Foreign Office to Colonial Office.

Sir,

Foreign Office; 30 April 1870.

WITH reference to my letter of the 5th February last,\* on the subject of a negotiation with the United States for the conclusion of a Convention of international copyright, I am directed by the Earl of Clarendon to transmit to you, for the information of Earl Granville, copy a Despatch from Her Majesty's Minister at Washington, in reply to the instruction, of which a copy is likewise annexed.

Lord Clarendon deferred communicating these papers to Lord Granville until he should have learnt what observations the Board of Trade might have to make upon Mr. Thornton's Despatch. The Board, however, inform him that while they regret the difficulties as to the conclusion of a copyright Convention with the United States, they have, under the circumstances, no further observation to offer on the subject.

I am, &c.  
(signed) *Arthur Otway*.

Enclosures in No. 48.

Encls. in No. 48.

(Commercial.)

Sir,

Foreign Office, 5 February 1870.

HER Majesty's Government have carefully considered the draft of Convention between Great Britain and the United States for the reciprocal protection of copyright, which I received from you privately some time ago; and they are of opinion that it would secure all the substantial objects which the British Government have had in view in their endeavours to conclude a Treaty of Copyright with the United States; I have therefore to acquaint you that you are authorised, in virtue of the full powers with which you are already furnished, to sign a Convention in the terms of that draft.

On comparing the draft Convention with other Conventions of the same nature subsisting between Great Britain and foreign powers, from which the provisions of the draft are mainly taken, two points of difference have been remarked:—

1. The draft omits an Article allowing the republication of newspaper articles, provided the source from whence they are taken be acknowledged.

2. "Dramatic works" are omitted from the list of those of which a copy is to be delivered for the library at the British Museum in London, and at the Department of State at Washington.

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No. 48.  
Foreign Office to  
Colonial Office,  
30 April 1870.

\* Page 37.

Commercial,  
5 February 1870.  
Commercial,  
5 March 1870.

These discrepancies are not of any practical importance, and Her Majesty's Government would not on account of them interpose any difficulty as to signing the Convention; but I should be glad to be informed of the reasons, on account of which the provisions in question were omitted.

There is a point, however, on which it is necessary for me to make a few observations.

According to the present copyright law of this country, while a work published in the United Kingdom has the protection of copyright throughout the whole British Dominions, a work published in a British Colony is protected only in the particular Colony in which it is published. Her Majesty's Government feel it to be their duty to remedy this state of things, and it is their intention to introduce a Bill to give to works published in the Colonies the same protection which is now given only to works published in the United Kingdom, namely, the privilege of copyright throughout the British Empire.

You will take care at the proper time to state officially to the Government of the United States that the conclusion and ratification of the proposed Convention will in no way preclude Her Majesty's Government from bringing forward such a measure.

E. Thornton, Esq., C.B.

I am, &c.  
(signed) Clarendon.

(Commercial.)

My Lord,

Washington, 5 March 1870.

WITH reference to your Lordship's Despatch, No. 9, of the 5th ultimo, I have the honour to state that Lord Stanley, in his Commercial Despatch, No. 15, of 3rd July 1868, enclosed for my guidance copy of a letter written by direction of the Lords of Trade, in which I was informed that, for the purpose of re-opening the question of international copyright with the Government of the United States, the Convention of 1853 would afford a sufficient basis. In confidence, therefore, transmitting a draft upon the subject for consideration to Mr. Fish, I took that Convention as a model. Your Lordship will find that in the latter there is, 1st. No article allowing the republication of newspaper articles, provided the source whence they are taken be acknowledged, nor, 2nd, are dramatic works specifically mentioned in the list of those, of which a copy is to be delivered for the library at the British Museum in London, and the Department of State at Washington.

With regard to the former of these two points, Lord Malmesbury, in his Despatch, No. 50, of the 21st of May 1852, informed Mr. Crampton that certain stipulations prohibiting the unauthorised republication of articles from newspapers or periodicals would be unnecessary in a Convention with the United States, although there was a reason for it in the Convention with France, in consequence of the proximity of the two countries.

With regard to the second observation made by your Lordship, I do not find any specific mention of "Dramatic Works" amongst those, of which a copy was to be delivered at the British Museum, made in the convention with France, which, by Lord Malmesbury's instructions, was used as a model by Mr. Crampton for the convention which he subsequently signed.

In the meantime the draft of a Convention, which I submitted confidentially to Mr. Fish some time ago, has been referred to various authors and publishers in the United States; the former have almost unanimously expressed themselves in favour of such an arrangement between the two countries; but have, at the same time, expressed their opinion that it will be impossible to overcome the resistance that would be made by publishers to the proposal now submitted, unless an Article were inserted stipulating that those British authors who obtained a copyright in this country should be obliged to have their works set, printed, and bound in this country.

Messrs. Appleton & Co., publishers, of New York, likewise maintain that, for the protection of such important interests as they represent, no Copyright Convention should be signed without a provision of the nature above mentioned. Messrs. Harper, Brothers go still further, and make the strongest objections to the conclusion with England of any stipulation for international copyright.

They allege that those authors who are worthy of any consideration at all, are sufficiently remunerated by the rights they obtain from the legislation of their own country, and that it is only the very inferior authors who clamour for international copyright. They assert that the price of good books would be very much increased in the United States by such a Convention, and would become as high as it now is in England, because English authors would be able to control the publication of their works in this country, and to fix their own price, which would naturally be not lower than that which they are able to obtain in their own country.

Messrs. Harper acknowledge that nine-tenths of the most readable and saleable books in the English language are by English authors, which are now circulated throughout the United States at very low prices, and greatly contribute to the enlightenment of the masses of the American population. From the use of these works they believe that the general public of the United States would be completely debarred, in case of the conclusion of an

International



International Copyright Convention, and would be driven to seek knowledge from publications of a very inferior class.

However erroneous these views may be, I fear that when enunciated by publishers of such weight as Messrs. Harper, Brothers, they will have great influence in preventing the Senate from giving its sanction to such a convention upon the subject as would be acceptable to Her Majesty's Government.

I believe that the opposition of the publishers was the principal reason that the Convention signed by Mr. Crampton and Mr. Everett in 1853, did not receive the sanction of the Senate, because it did not contain a stipulation for the printing and manufacture in this country of the works of English authors who might obtain a copyright. And yet at that time it was not of so much importance to the publishers, because it was supposed that such work could be done at a cheaper rate in the United States than in England, and that English authors would, therefore, naturally employ American publishers to produce their books. But now it is quite the reverse, and the American publishers believe that they would consequently not be called upon to print any English works, because they would be manufactured at a cheaper rate in England, and would be sold in this country at a high price, to the great advantage of the authors alone.

Since Mr. Fish has received the communications referred to, he has not again spoken to me on the subject, nor do I believe that he has had any conversation upon it with senators; but I anticipate his telling me that it will be useless to sign a Convention, the passage of which in the Senate would be prevented by the opposition of the publishing interests of this country, unless such modifications were made in it as I presume Her Majesty's Government would not feel justified in accepting.

The Earl of Clarendon, K.G.

I have, &c.  
(signed) Edward Thornton.

— No. 49. —

(Confidential.)

The Earl Granville, K.G., to the Right Hon. Sir John Young, Bart., G.C.B.

Sir,

Downing-street, 11 May 1870.

WITH reference to my Confidential Despatch of the 5th of March\* respecting the proposed Convention with the United States for the reciprocal protection of copyright, I have the honour to transmit to you, for your information, a copy of a letter from the Foreign Office on this subject.

I have, &c.  
(signed) Granville.

No. 49.  
Earl Granville,  
K.G., to the Right  
Hon. Sir John  
Young, Bart., G.C.B.  
11 May 1870.

\* Page 39.

30 April 1870,  
page 47.

— No. 50. —

(Circular.)

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

Sir,

Downing-street, 1 June 1870.

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

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

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

I have, &c.  
(signed) Granville.

Vide Enclosure to  
Colonial Office  
Letter of  
31st March 1870,  
page 42.

— No. 51. —

(Circular.)

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

Sir,

Downing-street, 2 June 1870.

I TRANSMIT to you, herewith, copy of a letter from the Board of Trade,\* submitting resolutions passed at a meeting of authors and others, held in Albemarle-street on the 16th of March last, urging the repeal of the Imperial Copyright Act of 1847, and calling attention to the unjust position of British Colonial authors and publishers, through the decision of the House of Lords in the case of *Low v. Routledge*, upon the Copyright Amendment Act of 1842, as to works first published in any part of the British Dominions not included in the United Kingdom.

From my Circular Despatch of the 1st instant,\* you will have the views of Her Majesty's Government upon this latter question; and I have to request that you will report whether, in view of the benefits intended to be conferred upon British Colonial authors and publishers by the proposed Bill, any objection will be offered in the Colony under your government to the proposed repeal of the Act of 1847, and the Orders in Council made under that Act.

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

— No. 52. —

The Colonial Office to the Board of Trade.

Sir,

Downing-street, 9 June 1870.

I AM directed by Earl *Granville* to acknowledge the receipt of your letter of the 25th April\* (C. 399), enclosing certain resolutions, passed at a meeting of authors and others, urging the repeal of the Imperial Copyright Act of 1847, and to inform you that his Lordship has sent copies of your letter and of its enclosures to the Governors of the Colonies concerned in the repeal of the British Copyright Act of 1847, for their report. His Lordship further proposes to send out to all the Colonies the Draft Copyright Bill, enclosed in Mr. *Farrer's* letter of the 7th March†, and to request to be favoured with any suggestions thereon, and he is of opinion that, until answers have been received, it will be better to postpone the introduction of this Bill into Parliament.

I am, &c.  
(signed) *Frederic Rogers*.

— No. 53. —

(No. 151.)

The Right Hon. Sir *John Young*, Bart., G.C.B., to the Earl *Granville*, K.G.

My Lord,

Niagara, Canada, 6 July 1870.

I HAVE the honour to acknowledge the receipt of your Circular Despatch of June 1st,\* transmitting a copy of a letter from the Board of Trade, submitting resolutions urging the repeal of the Imperial Copyright Act of 1847, and requesting to be informed whether the Ministers of the Dominion have any objection to offer to the proposed repeal of that Act.

2. In reply to your Lordship's inquiry, I beg to enclose a copy of a Minute of the Privy Council, from which your Lordship will perceive that the Minister of Finance, Sir *Francis Hincks*, is of opinion that "very strong objections will be made by the people of the Dominion of Canada to the repeal of the Act in question," and recommends that the Governor General "be requested to urge upon Her Majesty's Government not to legislate on the copyright question during this Session."

The Council endorse Sir *Francis's* recommendation.

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

No. 51.  
Earl *Granville*,  
K.G., to Governors  
of certain Colonies  
2 June 1870.

\* 25 April 1870,  
page 44.

\* Page 49.

No. 52.  
The Colonial Office  
to the Board of  
Trade.  
9 June 1870.  
\* Page 44.

† Page 41.

No. 53.  
The Right Hon.  
Sir *John Young*,  
Bart. G.C.B., to Earl  
*Granville*, K.G.  
6 July 1870.  
\* Page 49.

1 July 1870.

## Enclosure in No. 53.

COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 1st July 1870. Encl. in No. 53.

ON a memorandum, dated 29th June 1870, from the Honourable the Minister of Finance, reporting with reference to the Circular Despatch from the Right Honourable the Secretary of State for the Colonies, of the 1st June instant, transmitting the draft of a Bill which it is proposed should be introduced into Parliament, to remove an irregularity now existing with regard to Canadian publishers,

The Minister of Finance states that there can be no objection to the proposed Bill, but that taken in connection with the suggested repeal of the Imperial Copyright Act of 1847, he is of opinion that it is highly inexpedient that legislation should take place during the present Session of the Imperial Parliament, and without full opportunity being given to the Canadian Government to consider the whole subject.

The Committee concur in opinion with the Honourable the Minister of Finance, and respectfully submit his report for your Excellency's approval.

Certified,  
Wm. H. Lee, Clerk,  
Privy Council.

## — No. 54. —

(No. 152.)

The Right Hon. Sir *John Young*, Bart. G.C.B., to the Earl *Granville*, K.G.

My Lord,

Niagara, Canada, 6 July 1870.

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of 1st June 1870,\* transmitting the draft of a Bill to "amend the law relating to Copyright."

2. From the enclosed Minute of the Privy Council, your Lordship will perceive that the Ministers are of opinion that, "though there can be no objection to the proposed Bill," yet they deprecate Imperial legislation on the subject during the present Session of Parliament.

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

No. 54.  
The Right Hon.  
Sir John Young,  
Bart. G.C.B., to Earl  
Granville, K.G.  
6 July 1870.

\* Page 49.

1 July 1870.

## Enclosure in No. 54.

COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 1st July 1870. Encl. in No. 54.

ON a memorandum, dated 29th June 1870, from the Honourable the Minister of Finance, reporting with reference to the Circular Despatch of the Right Honourable the Secretary of State for the Colonies of the 2nd June instant, requesting to be informed whether the Canadian Government have any objection to offer to a repeal of the Imperial Copyright Act of 1847,

The Minister of Finance states, that he is of opinion that very strong objections will be made by the people of the Dominion of Canada to the repeal of the Act in question, but that it would be quite impossible to take up the subject, with a view to legislation, during the present Session of the Imperial Parliament.

He therefore recommends that your Excellency be requested to urge upon Her Majesty's Government, not to legislate on the copyright question during this Session.

The Committee submit the above recommendation for your Excellency's approval.

Certified,  
Wm. H. Lee, Clerk,  
Privy Council, Canada.

— No. 55. —

No. 55.  
Earl of Kimberley  
to the Right Hon.  
Sir John Young,  
Bart., G.C.B.  
29 July 1870.

(No. 200.)

The Earl of *Kimberley* to the Right Honourable Sir *John Young*, Bart., G.C.B.

Sir,

Downing-street, 29 July 1870.

I HAVE the honour to acknowledge the receipt of your Despatches, No. 151\* and 152†, of the 6th July, enclosing Minutes of the Privy Council of Canada, from which it appears that that body deprecates Imperial legislation on the subject of the Copyright Act during the present Session.

In reply, I have to request you to forward to me a full statement of the views of the Canadian Government upon this matter, in order that the question may be considered before the next Session of Parliament.

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

— No. 56. —

No. 56.  
Colonial Office to  
Board of Trade.  
30 July 1870.

Colonial Office to Board of Trade.

Sir,

Downing-street, 30 July 1870.

I AM directed by the Earl of Kimberley to transmit to you, for the information of the Board of Trade, and with reference to your letter of the 25th April last,\* copies of two Despatches, and of their enclosures, from the Governor General of Canada, from which it appears that his Privy Council deprecate Imperial legislation on the subject of the Copyright Act during the present Session.

Lord Kimberley has requested Sir J. Young to forward a full statement of the views of the Canadian Government upon the matter in order that it may be considered before the next Session of Parliament.

I am, &c.  
(signed) *Frederic Rogers*.

\* Page 44.  
No 151, 6 July,  
page 50.  
No. 152, 6 July,  
page 51.

— No. 57. —

No. 57.  
Colonial Office to  
Board of Trade.  
20 October 1870.

Colonial Office to Board of Trade.

Sir,

Downing-street, 20 October 1870.

WITH reference to your letter of the 25th April\*, I am directed by the Earl of Kimberley to state to you, for the information of the Board of Trade, that he has received replies from the Governor of the Colonies named in the margin, to the Circulars addressed to them on the subject of copyright and the proposed repeal of the Imperial Copyright Act of 1847, together with the Orders in Council made under that Act.

I annex an abstract of those replies, and as it appears desirable that the attention of the Board of Trade should be especially directed to the suggestions of the Queen's Advocate of Ceylon, and to the reports of the Attorney General of Bermuda on the subject, I am to transmit copies of their communications.

The Board of Trade will observe that replies have not yet been received from those other Colonies which would be more deeply interested in the proposed legislation; but as the replies already collected raise questions of which the Board of Trade may desire to have early intimation, Lord Kimberley thinks it better to inform them of the progress which has been made up to the present date.

I am, &c.  
(signed) *Robert G. W. Herbert*.

\* Page 44.  
Mauritius.  
Ceylon.  
British Guiana.  
Barbados.  
St. Vincent.  
Bermuda.  
Gibraltar.  
Malta.  
St. Helena.  
West African Set-  
tlements.  
Straits Settlements.  
South Australia.  
and  
Western Australia.

## Enclosures in No. 57.

## ABSTRACT.

Encls. in No. 57.

*Mauritius.*—No objection offered to the proposed repeal of the Act of 1847, and the Orders in Council made under that Act.

The interests of authors holding copyright do not seem to be actively affected by the trade of Mauritius, for though in 1851, a local ordinance was passed to enable the Customs Department to levy a duty for the benefit of British authors holding the copyright of books imported into the Colony, the sum of 5 *d.* only has been received on that account.

• *Ceylon.*—No general copyright, either by the common law of the land or by local ordinance, excepting so far as certain sections of the Acts 5 & 6 Vict. c. 45, and 10 & 11 Vict. c. 95, are made to apply to the Colonies. Publications in Ceylon of books worth anything are so rare in occurrence that the necessity for such a law has never suggested itself. The question of copyright has only once arisen, in which case it was assumed that there was no civil law or Dutch law applicable, and the parties by consent referred and fought out the case on the English law.

The Queen's Advocate, in view of the above circumstances, suggests the propriety of adding a clause to the Draft Bill, making the law of copyright, as it prevails in England, the law in the British Colonies, so far as the same is applicable thereto, or of introducing, instead of the Draft Bill submitted, a Consolidated Copyright Act, applicable to the British Dominions generally.

*British Guiana.*—The Governor does not consider that any objection would be offered in the Colony to the repeal of the Act of 1847, and to the Orders in Council.

He adds that a local ordinance was passed in 1851 for the purpose of legalising the importation of foreign reprints of English copyright books at an *ad valorem* duty of 20 per cent., but that the importation of books under the provisions of that Ordinance has been very rare.

*Barbados.*—The Governor reports that it is the joint opinion of himself, and his acting Attorney General, that the Legislature is likely to be indifferent to the extension to the Colonies of the protection afforded by the imperial Copyright Act, as books are rarely, if ever, published there.

The acting Attorney General thinks, however, that the Legislature might be unwilling to surrender the power of obtaining reprints from America; but, on the other hand, the Comptroller of Customs states that in consequence of the cheapness of reprints in England, and the facility with which copies of almost every work, second hand, at a cheap rate, can be procured within a very short time after publication, the demand has been altogether turned towards the English market.

*St. Vincent.*—The passing of the proposed Bill will involve the repeal of two local ordinances, but not the smallest interest will be evinced in the Colony regarding the proposed measures, and no objection offered to the repeal of the Imperial Act of 1847. No literary productions published there and no regular traffic in American reprints.

*Bermuda.*—The Attorney General states that Bermuda has not produced, and is not likely to produce, any works which a foreign printer will ever pirate. He adds, in his reports, of which copies are annexed, that the proposal of prohibiting the importation of American and other reprints would be strongly resisted, and that, if adopted, it would result in little short of the exclusion of modern English literature from those islands.

*Gibraltar.*—The Governor reports that there is no reason why the proposed copyright amendments should not be extended to that Colony, and has no suggestions to make on the general question.

*Malta.*—The Governor's answer is in the same terms as that received from the Governor of Gibraltar.

*St. Helena.*—A similar reply has been received from the Governor of St. Helena.

*West African Settlements.*—The Governor reports that the question does not, and probably for several generations will not, interest, or be applicable to the inhabitants of those Settlements.

*Straits Settlements.*—The Governor expresses an opinion that the proposed measure would prove advantageous to the Straits Settlements where no copyright protection exists, and adds that he has no suggestions to offer with respect to the Bill on the general question of copyright.

*South Australia.*—The Governor has referred the matter to his ministers, who, whilst they have no suggestions to make on the subject, cordially agree in the policy of the proposed measure.

A copy of the South Australian Law Reports is enclosed. At page 83 is reported the only case of copyright which has been decided in the Colony, viz., *Coppin v. Solomon*, which appears to present points of interest and importance.

South Australia,  
Law Reports, 1808,  
vol. i.

*West Australia.*—The Governor reports that no local law of copyright exists in the Colony, and is of opinion that the proposed measure will meet all the requirements of the case.

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MEMORANDUM on the Law of Copyright in its relation to *Bermuda*.

THE Colonial Office Circulars of the 1st and 2nd of June 1870, draw attention to two questions; first, the unprotected state in which the decision of the House of Lords in *Low v. Routledge*, shows the Colonial author to be left; and, secondly, the propriety of prohibiting the importation of American and other reprints of British works in literature and music.

The former of these questions, though important to the Colonial Empire at large, has but little practical interest in Bermuda, which has not produced, and is not likely to produce from its press any works which the foreign printer will ever pirate.

But the second question is one of really very great consequence to this little Colony, though, from our limited trade in literature, of minor consequence to the British author.

It is, however, perhaps not unfortunate that the two questions should attract attention at one and the same time, and that the Colonies should be invited to rectify at once an injustice to the British, and an injustice to the Colonial author.

As Bermuda may be prejudiced by the exclusion of foreign reprints of copyright works, but can derive no benefit from any protection extended to the Colonial author, it is not unlikely that the repeal of the Bermuda Act of 1848, passed in pursuance of the British Statute 10 & 11 Vict., would be strongly resisted in the local Legislature.

Against the argument from justice to the literary property owner, it will be urged in all probability that Bermuda being entirely without a native literature, must depend exclusively on supplies from abroad; that such supplies cannot be drawn from England in consequence of the expense and delay, and must be drawn from New York; that to stop the importation of foreign reprints would be a serious check to the intellectual progress of the Colony, which, from its narrow limits, and remote and isolated position, requires every available stimulus which can be devised, and that the local trade in books is really so limited that the British author cannot be sensibly affected by any protection Bermuda can extend to him, while every volume shut out from circulation represents a positive loss to the intellectual vitality of the Colony. It will in short seem as unnatural to prohibit the importation of books as to prohibit the importation of flour from New York.

It would be a fair answer to all this that it is as unjust to promote useful knowledge by piracy as to feed a community by such methods; but an answer, however fair, must, to be persuasive, be acceptable as well as fair.

The inconvenience, in fact, and privation would come home to us too closely to allow arguments based on the abstract injustice to distant authors and publishers fair play.

The Bermuda Copyright Act imposes an import duty of 15 per cent. on the value of books being reprints of British publications duly registered according to the Statute 5 & 6 Vict. *to amend the law of copyright*. All other books are admitted duty free.

The Act, it must be admitted, is almost inoperative. To one book imported which pays duty, a hundred come in free. The importation of books in quantities for trade purposes is not frequent here. A great many are brought in for personal use, and I suppose by far the greater part of these are such reprints as the British publisher wishes to exclude. The reprints of the reviews and serials are charged with the duty; but in the aggregate it does not amount to as much as would fairly pay the cost of collection. In this Colony reprints which have paid duty can be distinguished from others as they are stamped accordingly on importation.

The Bermuda Act exempts from duty periodicals containing extracts only from copyright works. This admits duty-free serials like the "Eclectic Magazine," composed almost exclusively of articles from the "Quarterly," and other reviews and magazines of the United Kingdom.

Something might be done towards facilitating the importation of books from England. The postage is very high in proportion to the cost of the book. But with the utmost postal facilities it must always remain much easier and cheaper to get books from New York than from London.

The whole of this Memorandum may be summed up in a few words. It is just and right to protect the literary property owner, but that protection in Bermuda can only be granted at a heavy cost to the community.

Bermuda, 27 July 1870.

(signed) *Brownlow Gray,*  
Attorney General.