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Sir,
 My attention was yesterday attracted accidentally by an American reprint of "Lothair," and it occurred to me that it offered a useful illustration of the present law of copyright.

Bermuda, 29 July 1870.

This book may be obtained from London in two or three months at the following cost :

	£.	s.	d.
Publisher's price - - - - -	1	11	6
Less, discount - - - - -	-	5	2
	1	6	4
Postage - - - - -	-	3	-
TOTAL COST - - - £.	1	9	4

It may be obtained from New York in two or three weeks at the following cost :

	£.	s.	d.
Publisher's price - - - - -	-	4	-
Duty 15 per cent. - - - - -	-	-	7
TOTAL COST - - - £.	-	4	7

As a matter of fact, no duty is at present payable on these reprints because the Revenue Department is not officially notified as yet that "Lothair" is copyright.

Of course the above comparison of prices shows not only the advantage gained by the purchaser who resorts to the New York market, but that an enormous benefit is obtained by him theoretically, at least, at the cost of the London author and London publisher. It would practically, as well as theoretically, be obtained at their expense if every copy obtained from New York represented a copy less obtained from London. But this is far from being the case.

There is one private circulating library in Bermuda. If these reprints were excluded, the whole subscription list of that library would, probably, not cover the cost of one season's novels. I do not know that this would be an unmitigated evil. Of course no one would import works of this class from England.

Works, however, of a more valuable and less costly description would not be at such an enormous disadvantage, inasmuch as they are published at an absolutely lower price in London, and relatively higher price in America.

I have added nothing in the above estimate for freight from New York, because any one can get such an article as a book free of charge for carriage from that place.

If the case of "Lothair" be accepted as an example; three conclusions may be fairly deduced from it:—

1st. The existing state of the law affords no protection to the British author and publisher.

2ndly. To protect the British author, or rather publisher, effectually, nothing short of the absolute exclusion of such reprints will avail.

3rdly. Theoretical or legal protection to the British copyright owner in Bermuda implies little short of the exclusion of modern English literature from these islands.

I have, &c.
 (signed) *Brownlow Gray,*
 Attorney General.

His Honor Colonel W. F. Brett,
 Acting Governor and Commander-in-Chief,
 Bermuda.

— No. 58. —

(No. 82.)

Lieutenant Governor *Mundy* to Governor *Rawson*, C.B.

Sir,
 Grenada, Government House, 25 October 1870.
 WITH reference to the Secretary of State's Circular Despatches of the 1st* and 2nd† June last, I have the honour to report to your Excellency that no objection will be offered in this Colony to the proposed amendment of the law relating to copyright.

I have, &c.
 (signed) *Robt. M. Mundy.*

No. 58.
 Lieut. Governor
Mundy to Govern-
 or *Rawson*, C.B.
 25 October 1870
 * Page 49.
 † Page 50.

— No. 59. —

No. 59.
Colonial Office to
Board of Trade.
22 November 1870.

Colonial Office to Board of Trade.

Sir,

Downing-street, 22 November 1870.

* Page 52.

In continuation of my letter of the 20th October,* I am directed by the Earl of Kimberley to state to you that since the date of that communication, he has received from the Governors of the Colonies noted in the margin replies to the Circulars addressed to them on the subject of copyright.

I am to annex, for the information of the Board of Trade, an abstract of those replies.

New South Wales.
Newfoundland.
Labuan.
British Honduras.
St. Lucia.
Turks Islands.

I am, &c.

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

 ABSTRACT.

New South Wales.—The Attorney General of New South Wales is of opinion that the proposed measure would confer very important advantages on local authors who may desire to possess the benefit of copyright.

He remarks that at present there is virtually no copyright within New South Wales, except it be such as was formerly recognised in England as a common law right (of which there is much doubt), nor has much attention been yet directed to the subject.

But for the purpose of encouraging original literature within the colony, it appears to the Attorney General that the offer of the Secretary of State to introduce the proposed Bill should, on the part of New South Wales, be thankfully accepted.

In this view the Government of the Colony concurs.

Newfoundland.—With regard to Circular No. 1, the Governor reports that his Ministers have no objection to offer to the proposed repeal of the Act of 1847, and the Orders in Council made under that Act; and with regard to Circular No. 2, he states that his Responsible Ministers do not desire to offer any suggestions or observations either on the proposed Bill, or upon the general question of copyright.

Labuan.—The Governor of Labuan thinks that the proposed Bill adequately provides for the due protection of Her Majesty's Colonies in the matter of copyright.

He observes, however, that it may be a question whether the exclusive privileges given to certain libraries in the United Kingdom, by the 8th section of the 5 & 6 Vict. c. 45, should extend beyond the United Kingdom.

British Honduras.—The Lieutenant Governor reports that the case in which any right or benefit, such as the proposed enactment is calculated to confer, would be claimed by the author of a book as first published, or of some musical or dramatic entertainment as first brought out in any Colony, would be wholly exceptional in its application to Honduras; but that he is in favour of a measure of the kind, as being calculated to preserve an author's copyright in his work wherever first published, performed, or represented, within the limits of the Empire.

St. Lucia.—The Officer Administering the Government of St. Lucia brought before his Legislative Council the Circulars, and the proposed Bill "to amend the law relating to copyright," as well as the question of repealing the Act of 1847, and he reports that the Legislature of that Colony concurs in the views of Her Majesty's Government in regard to those subjects.

Turk's Islands.—The President of the Turks Islands encloses a letter from the Acting Queen's Advocate of that Colony, a copy of which is enclosed, pointing out that, in his opinion, the 3rd section of the Bill, as now drawn, would bear hard upon the holders of reprinted publications in many parts of Her Majesty's Dominions.

Enclosure in No. 59.

John Arthur, Esq., Acting Queen's Advocate, to His Honor the President.

Encl. in No. 59.

Queen's Advocate's Office, Turks Islands,
13 August 1870.

Sir,

Your Honor having submitted to me the Circular Despatch of his Lordship the Secretary of State for the Colonies, dated Downing-street, 1st June 1870, and covering the draft of a Bill to amend the law relating to copyright, suggested by the decision of the House of Lords, in *Low v. Routledge*, I have, in compliance with your Honor's desire for a report from me on this Circular, to state:—

1. That the draft Bill in its 3rd section contains nearly the same enactment as to registry of copyright as is embodied in our law for protecting the rights of British authors (*Laws of the Turks and Caicos Islands, page 487,*) and this law protects the rights of all British authors who have registered their copyright according to the Statute 5 & 6 Vict. c. 45.

2. For the benefit of the Colony, as well as for the protection of the rights of the author, the term "*British*," as used in our law, would have been construed as including all Her Majesty's Dominions who enjoyed the benefits of a local or Imperial copyright law, so long as the proprietorship of such copyright had been duly entered in the registry book of the Stationers' Company.

3. The apparent retrospective effect of the Bill in its 3rd section should be modified; for if passed, and not liberally construed, it may bear hard upon the innocent holders of reprinted publications in many parts of Her Majesty's Dominions, more especially in those parts where cheap reprints of *British* authors can be obtained.

Thus, by the 3rd section of the draft Bill, it appears that if A. is the possessor of a Colonial publication of any work, and such publication is subsequently entered according to 5 & 6 Vict. c. 45, the law of copyright applies to the date of *the first* publication.

I deferentially submit the foregoing to your Honor, and end by saying that our law is identical with that of the Bahamas, 11 Vict. c. 6, entitled "*An Act for Protecting in the Bahamas the Rights of British Authors*," and confirmed by Order in Council, 1st May 1849.

His Honor,
Melfort Campbell, Esq., President,
&c. &c. &c.

I have, &c.
(signed) *John Arthur,*
Acting Queen's Advocate.

— No. 60. —

(No. 282.)

The Lord *Lisgar* to the Earl of *Kimberley*.

Government House, Ottawa,
6 December 1870.

My Lord,

IN reply to your Lordship's Despatch, No. 200,* of 29th July 1870, I have the honour to forward, herewith, a copy of a Minute of the Privy Council of the Dominion, covering a memorandum of the Ministers of Finance and Agriculture, which contains the views of the Canadian Government on the subject of copyright.

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

Enclosure in No. 60.

COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General on the 1st of December 1870.

Encl. in No. 60.

THE Committee of Council have had under consideration the annexed memorandum, dated 30th November 1870, from the Honourable the Minister of Finance and the Honourable the Minister of Agriculture, to whom was referred the Despatch from the Right Honourable the Secretary of State for the Colonies of the 29th July last, requesting your Excellency to forward to his Lordship a full statement of the views of the Canadian Government on the subject of copyright; and they respectfully advise that a copy of the said annexed memorandum be transmitted to Lord *Kimberley*, as containing the views of the Canadian Government on the matter in question.

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

(Confidential.)

THE undersigned have the honour to report, that in the month of June last two Circular Despatches addressed to your Excellency by Earl Granville, then Her Majesty's Principal Secretary of State for the Colonies, dated 1st and 2nd June 1870, on the subject of copyright, were referred to the Minister of Finance for report; that on his recommendation two Minutes of the Privy Council, dated 29th June, were adopted, and transmitted by your Excellency to the Secretary of State, in Despatches dated 6th July 1870; that a further Despatch, dated 29th July, was addressed to your Excellency by the Earl of Kimberley, requesting your Excellency to forward to his Lordship a full statement of the views of the Canadian Government upon the matter, in order that the question might be considered before the next Session of the Imperial Parliament. That Despatch having been referred to the undersigned for report, they have given the subject their best consideration, with the view of endeavouring, if possible, to find some mode of meeting the reasonable claims of British authors and Canadian publishers, all of whom are suffering serious loss by the continuance of the present system, which is beneficial to foreign publishers alone.

The important point at issue, and on which the views of the London publishers, and of the people, both of Canada and the United States are irreconcilable, is that the former insist upon the extension of copyright without local publication, and to this the latter will never consent.

It would be unreasonable, therefore, for Canada to claim from the Imperial Parliament such a Bill as was transmitted, in draft, in Earl Granville's Circular Despatch of the 1st of June, as it contains no stipulation for publication in that part of Her Majesty's Dominions in which the copyright is to be enforced.

The case for the Canadian publishers has been stated so clearly by Sir John Rose, in his Minute of 30th March 1869, transmitted in your Excellency's Despatch of the 15th of April of that year, that it is unnecessary for the undersigned to offer any further observation on that branch of the subject, especially as it is admitted by Sir Louis Mallet, in his letter of the 22nd July 1868, that the position of Canadian publishers is anomalous, and that, "looking to the geographical position of the United States and the North American Confederation, any arrangement with respect to copyright which does not apply to both, must be always imperfect and unsatisfactory."

When Sir Louis Mallet wrote his letter of 22nd July 1868, he appears to have entertained hopes that a Treaty might be negotiated on the subject of copyright between Great Britain and the United States. It may be presumed that Her Majesty's Government have become convinced that such hopes ought not longer to prevent an arrangement, which would be beneficial alike to the British authors and to Canadian publishers. There can be no doubt that the Dominion Parliament would readily adopt a measure which would give substantial benefit to British authors, who, it is admitted on all hands, do not obtain any advantage worth having under the existing system.

What the undersigned would venture to suggest is, that the duty on the reprints of books first published either in Great Britain or its Dependencies, when imported from foreign countries, should be materially increased; and that it should be levied in all cases for the benefit of the author or owner of the copyright, should such exist; and that to prevent evasion of the law, a declaration should be required from importers that any work which they may claim to import free of such duty, have never been published either in Great Britain or in British Dependencies; that foreign reprints of works published in Canada should be wholly prohibited; that any author publishing in Canada should be, as at present, protected in his copyright, but that unless British copyright works should be published concurrently in Canada, licensed Canadian publishers should be allowed to publish, paying, for the benefit of the author or owner of the English copyright, an Excise duty, which could be collected by means of stamps as easily as other duties of a similar kind. The undersigned have no doubt that such a scheme as that which they have suggested could be carried into practical effect with great advantage to the English authors, who, as a rule, would sell their copyrights for Canada to Canadian publishers. It is true that British publishers would not gain that Colonial circulation which they have long tried to obtain without success; but it is vain for them to expect that the expensive editions published in England can meet a sale in any part of the American continent.

The undersigned therefore recommend, that your Excellency should acquaint Her Majesty's Principal Secretary of State for the Colonies, that there is no probability of the Dominion Parliament consenting to any measure for enforcing British copyright in Canada, unless it provides for local publication; and that while the Canadian Government will be ready to introduce a measure that will be of great advantage to British authors, they must, in reference to foreign reprints, have regard to the interests of Canadian as well as of British publishers.

(signed) *E. Hincks,*
Minister of Finance.

Christopher Dunāin,
Minister of Agriculture.

Privy Council Chamber,
30 November 1870.

— No. 61. —

(No. 120.)

Sir *G. F. Bowen*, G.C.M.G., to the Earl of *Kimberley*.Government House, Wellington, New Zealand,
23 September 1870.

My Lord,

1. I lost no time in referring to my Responsible Advisers the Circular Despatch of the 1st June ult.,* transmitting the draft of a proposed Bill respecting copyright.

2. I have now the honour to report that the Ministers and the Attorney General of New Zealand see no objection to this Bill, and have no suggestions or observations to make on the question of copyright.

I have, &c.
(signed) *G. F. Bowen*.

No. 61.
Sir *G. F. Bowen*,
G.C.M.G., to the
Earl of *Kimberley*.
23 September 1870.

* Page 49.

— No. 62. —

Colonial Office to Board of Trade.

Sir,

Downing-street, 16 December 1870.

IN continuation of my letters of the 20th October* and 22nd November,† I am directed by the Earl of *Kimberley* to state to you, for the information of the Board of Trade, that the Governor of New Zealand has reported that his Ministers and the Attorney General of the Colony see no objection to the proposed Bill respecting copyright, and that they have no suggestions or observations to make on the general question.

The Lieutenant Governor of Grenada has reported that no objection will be offered in that Colony to the proposed amendment of the law relating to copyright.

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

No. 62.
Colonial Office to
Board of Trade.
16 December 1870.

* Page 52.
† Page 56.

— No. 63. —

Colonial Office to Board of Trade.

Sir,

Downing-street, 7 January 1871.

WITH reference to the letter from this Department of the 30th July last,* enclosing a copy of a Despatch from the Governor General of Canada on the subject of copyright, I am directed by the Earl of *Kimberley* to transmit to you, for the information of the Board of Trade, a copy of a further Despatch which has been received from Lord *Lisgar*, enclosing a Minute of his Privy Council, covering a Memorandum of the Ministers of Finance and Agriculture, which contains the views of the Canadian Government on the question of copyright.

The Despatch now transmitted is in reply to Lord *Kimberley*'s request to be furnished with a full statement of the views of the Canadian Government upon the matter, which the Board of Trade was informed had been made to Sir *J. Young*, in the letter above referred to.

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

No. 63.
Colonial Office to
Board of Trade.
7 January 1871.

* Page 52.

No. 282, 6 Decem-
ber 1870, page 57.

No. 64.

No. 64.
Colonial Office to
Board of Trade.
10 January 1871.

Colonial Office to Board of Trade.

Sir,

Downing-street, 10 January 1871.

• Page 59.

IN continuation of the letter from this Department, of the 16th ultimo,* on the subject of copyright, I am directed by the Earl of Kimberley to acquaint you, for the information of the Board of Trade, that the Governor of Queensland has reported the desire of his Government that the proposed measure should be adopted as regards that Colony.

The Governor of the Cape of Good Hope, in reply to the Circular, transmits a report by the Attorney General, who states that the Colonial Act, 4, of 1854, which authorises the importation into the Colony of foreign reprints, will be repealed by the passing of such a measure, but that the number or value of books imported into that Colony, under the provisions of that Act, is, as he is informed, utterly insignificant; that it is much easier to enforce an entire prohibition of pirated works, when no power of lawful importation exists, than when such importation may have been lawful; and it lies on the authorities seizing such works to show even *prima facie* that the importation was illegal.

The Governor of British Columbia encloses a report of the Attorney General, of which I transmit a copy, and agrees with him in thinking that the subject is one which may be postponed, so far as that Colony is concerned, as it seems now probable that a very little time will elapse before it becomes a part of the Dominion of Canada.

I am, &c.

(signed) *Frederic Rogers.*

9 November 1870.

Enclosure in No. 64.

Encl. in No. 64.

The Attorney General to Colonial Secretary.

The Attorney General's Office,
9 November 1870.

Sir,

I BEG to acknowledge the receipt of Circular Despatch from the Colonial Office, addressed to his Excellency the Governor, covering draft of a Bill to amend the Law relating to Copyright.

2. As requested by his Excellency, I have the honour to submit the following remarks, and regret that, owing to my late accident, they have been so long delayed.

3. In this Colony there has been, up to this period, no local law relating to copyright, and in its present infant condition I know of no immediate inconvenience likely to result from the absence of such a law. And as confederation with Canada seems to be now imminent, it would, I think, be unadvisable to introduce any law on the subject here, as the Dominion Government, under the British North America Act, 1867, will have exclusive authority to legislate on the subject.

4. Copyright before publication being a common law right, was, however, introduced into the Colony at its settlement.

5. The principal Act referred to in the Draft Bill expressly refers to the Colonies; and besides, the statute law of England relating to copyright down to the 19th November 1858, so far as the same is not, from local circumstances, inapplicable, is in force here under the Ordinance No. 7, 1867, relating generally to the adoption of English law, and intitled, "An Ordinance to assimilate the general application of English Law."

6. With regard to the modifications and amendments proposed by the Draft Bill, I beg to submit the following suggestions for consideration:—

7. I. That instead of amending the principal Act, it might be found more desirable to revise the whole law relating to copyright, so far as it relates to the Colonies, in all its various branches, and to embody it in a separate and independent Act, in which all the provisions with respect thereto would be found at once without reference to other Acts, or further trouble.

8. If

c 345

8. If there is no objection to this course being adopted, I think it would be useful to ntending publishers, and might possibly be very serviceable in this Colony hereafter.

9. If there is any objection to the passing of a separate Act, it might be advisable to extend the draft Bill to at least as many subjects as are provided for in the International Copyright Act, 7 Vict. c. 12.

10. The 25 & 26 Vict. c. 68, relating to paintings, drawings, and photographs extends to the colonies, but as it hinges to a considerable extent on the principal Act referred to in the draft Bill, it would seem to require some little amendment in order to enable it to work satisfactorily in the colonies.

11. II. That the preamble to the draft Bill, as framed, should be extended, so as to include assignees, devisees, &c., as well as authors, and other literary productions, such as musical compositions and dramatic pieces, as well as books.

12. III. That the definition of the term "British Possessions" in the 2nd section of the draft Bill should be the same as the definition of the words "British Dominions," in the 2nd section of the principal Act.

13. IV. That as the principle of the draft Bill would seem to be to give to parties publishing in a colony, and duly registering their publications under the Act, equal privileges to those given to parties publishing in the United Kingdom and registering there irrespectively of any local copyright law of the colony, that the words in brackets "unless, &c.," in the 3rd section of the draft Bill should be left out, so as to put parties publishing in a colony, not only on a complete footing of equality with parties residing and publishing in England, but also with others in the colony, who although residing there might make the first publication in England.

14. As I understand that the principal Act is made to extend only to cases where registration is effected in England, it will not interfere with the operation of any local laws where parties do not think it worth while to register their publications in accordance with the provisions of the principal Act.

15. V. That it might be advisable to give to authors of books already first published in a colony the same privileges on registration under the principal Act, as authors will have on a publication in a colony hereafter.

16. VI. That with regard to sections 6 and 7 of the principal Act, it should be sufficient if a colonial proprietor of copyright lodges a copy of the book published with the registrar at the time of making the required entry in the registry, leaving it to the registrar to deposit such copy in the British Museum. This has been the course adopted with respect to foreign publications under the International Copyright Act.

17. VII. That there is no object to be gained by requiring that colonial publications, if only registered in England, should be liable to be sent, at the publisher's expense, to the libraries mentioned in sections 8 and 9 of the principal Act.

18. It does not seem to have been thought necessary that they should be so sent in the case of foreign publications under the International Copyright Act.

19. VIII. That in order to obviate the difficulty of procuring evidence to enforce the penalty imposed under section 10 of the principal Act, it would be desirable to insist on delivery to the registrar of any copies of books required under sections 6, 7, 8, and 9 before registration is allowed to be completed.

20. IX. That with regard to section 12 of the principal Act, in cases where the offender is resident in the colony, and the offence is committed in England, power should be given to the courts of the colony in which he is so resident to try the offence, and provisions should be inserted for obtaining evidence out of the colony upon which the courts could act, and so also where the offender is resident in England and the offence is committed abroad.

21. X. That the entries referred to in section 13 of the principal Act should be permitted to be made by the agent of the proprietor of the copyright, but such agent should be appointed in writing for the express purpose under some instrument properly authenticated.

22. XI. That it might be useful in cases arising under the 14th section of the principal Act, where both parties are resident in the same colony, or where the court in England should think fit, that the complaint should be made in the first instance in a Court of Record in the colony, with an appeal to the Privy Council as in other cases.

23. XII. That some means should be adopted of enabling proof in a colony of the contents of the book registered, as it is quite possible that one book, manifestly copied from another, might have a very different title. And for this purpose the registrar might be empowered to certify that a book intended to be given in evidence in a colony is a true copy of the book registered; or that a book purporting to be published at the same time, by the

same publisher of the same edition, and at the same place, should be deemed to be *prima facie* evidence of its being a true copy of the book registered under the provisions of the principal Act.

24. XIII. That the period provided by section 26 for the limitation of actions should be considerably extended, having regard to the different colonies and their respective distances from England.

The Hon. the Colonial Secretary,
&c. &c. &c.

I have, &c.
(signed) *George Phillippo.*

— No. 65. —

(No. 22.)

Lieutenant Governor *Keate* to the Earl of *Kimberley*.

Government House, Natal,
21 February 1871.

My Lord,

WITH reference to Earl Granville's Circular Despatch of the 2nd June 1870,* transmitting copy of a letter from the Board of Trade, submitting resolutions passed at a meeting of authors and others, urging the repeal of the Imperial Copyright Act of 1847, I have the honour now to forward a copy of a statement made to me by the Attorney General, showing in what way the Imperial Act in question has worked in this Colony. I quite concur with the Attorney General that no valid objection can be offered by this Colony to the repeal of the Imperial Statute of 1847, and of the Orders in Council made under that Act.

I have, &c.
(signed) *Robt. W. Keate.*

Enclosure in No. 65.

Encl. in No. 65.

COPY of STATEMENT of Attorney General on Copyright Act.

THE Natal Legislature passed an Ordinance in 1856, under the provisions of the Imperial Act, admitting books printed elsewhere than in England at an *ad valorem* duty of 20 per cent. These books were of course reprints of British copyright works.

	<i>s.</i>	<i>d.</i>
In 1858, the amount of duty received under that law was	11	5
„ 1859, duty	17	11
„ 1860, „	-	-
„ 1861, „	4	-

Since 1861, no amount was received under that law.

2. The entire value of the books introduced under that law did not exceed 8 *l.* 5 *s.*

3. The law is still in force, but is not availed of for this reason; I assume that we have no direct trade with America, which is the great centre of these piracies, and perhaps also the law is unknown.

4. There can be raised no valid objection to repeal of the Imperial Statute of 1847.

2 February 1871.

(signed) *M. H. Gallwey.*

— No. 66. —

(No. 535.)

Sir *James Walker*, c.B., to the Earl of *Kimberley*.Bahamas, Government House, Nassau,
24 February 1871.

My Lord,

I HAVE to apologise to your Lordship for not having sooner replied to the two Circular Despatches of the 1st* and 2nd† of June last, relative to the repeal of the Imperial Copyright Act of 1847.

2. As has been surmised by the Board of Trade, the Bahama Government has little or no interest in the question, and there never has been, or is likely to be, a republication here of English works. But I think that I am in a position to assure your Lordship that no objection will be offered in this Colony to the repeal of the Act of 1847.

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

No. 66.
Sir James Walker,
c.B., to the Earl of
Kimberley.
24 February 1871.

* Page 49.
† Page 50.

— No. 67. —

(No. 54.)

Lieutenant Governor *Keate* to the Earl of *Kimberley*.Government House, Natal,
21 May 1871.

My Lord,

WITH reference to Earl Granville's Circular Despatch of the 1st June* last, which reached me simultaneously with one dated the 2nd June,† being both on the subject of a proposed amendment of the law relating to copyright, I have the honour now to forward a copy of a Report I have received from the Attorney General of the Colony, in which, referring to his former Report communicated to your Lordship in my Despatch, No. 22,‡ of 21st February last, he says that he has no suggestion to make upon the draft Bill transmitted in the Despatch now under reply.

2. This Colony has not yet reached a stage in which the copyright of works of local origin and publication becomes a matter of general or even partial interest, and I have never heard any discussion or conversation on the subject. There is nothing, as far as I can see, in the situation of Natal to affect, in the future, when this stage may be reached, the satisfactory working of a law which would place all the Colonies on the same footing in this respect as the United Kingdom.

I have, &c.
(signed) *Robt. W. Keate*,
Lieutenant Governor.

No. 67.
Lieut. Governor
Keate to the Earl
of Kimberley.
21 May 1871.

* Page 49.
† Page 50.

‡ Page 62.

Enclosure in No. 67.

I HAVE to refer to my Report of 2nd February last upon Despatch of 2nd June 1870. The Natal Law, No. 14, 1856, therein referred to, is the only local law upon the subject of copyright.

I have no suggestion to make upon the draft Bill accompanying the Despatch now under report.

26 April 1871.

(signed) *M. H. Gallwey*,
Attorney General.

Encl. in No. 67.

— No. 68. —

(No. 88.)

No. 68.
Sir J. P. Grant,
K.C.B., to the Earl
of Kimberley.
7 July 1871.

* Page 49.
† Page 50.

Sir J. P. Grant, K.C.B., to the Earl of Kimberley.

My Lord,

Jamaica, King's House, 7 July 1871.

IN reply to Earl Granville's two Circulars of the 1st* and 2nd† June 1870, forwarding a copy of resolutions passed at a meeting of authors and others, urging the repeal of the Imperial Copyright Act of 1847, I have the honour to state that I have consulted the Attorney General on the question, and I forward his opinion enclosed with this Despatch.

2. My own opinion is, that the Act which it is proposed to substitute for that of 1847, would be injurious to this Colony; and I do not think that it would be just. The benefit it holds out would be illusory, because no books are published here. On the other hand, it would be felt as a serious grievance by the reading public here, by stopping the introduction of cheap reprints of British works from America, of which, at present, they enjoy the advantage, without injury to the authors. The facilities for getting works to this Colony are greater from America than from England.

3. As the law now stands, any foreign reprint of an English copyright work is subjected to an *ad valorem* duty of 20 per cent. when imported into this Colony, such duty going to the author of the work, or to his representative. And the author is practically protected here, by the practice of stamping every such copy of a work as it is imported. Formerly this rule was not enforced in the case of books sent by book post. But now all foreign reprints, liable to duty, are charged duty, whether coming by post or otherwise.

4. It seems to me that this law sufficiently protects the reasonable claims of authors; and that no other person has any just claim to any protection. It is only because English printers charge, for the merely mechanical and commercial part they have in the manufacture of a book, an exorbitant price as compared with American printers, that they ask for protection; and I do not see why the vicious and exploded principle of protection should be admitted in their case, any more than it would be admitted in the case of any other class of manufacturers, who should make a corresponding demand.

5. I regret that, owing to an oversight, your Lordship's Predecessor's Circulars have so long remained unanswered.

I have, &c.
(signed) J. P. Grant.

Enclosure in No. 68.

Encl. in No. 68.

The Attorney General's Opinion on Circular (No. 1), of the 1st June 1870.

THE principle of the proposed Bill seems to me to be most reasonable, and I know of no arguments against it. The form of the Bill seems to carry out the proposed object. I would venture to suggest, however, that it might be worth consideration, whether Section 3 of the Bill should extend to books published *before* the passing of the proposed statute. Such a provision might operate unjustly against persons lawfully in possession of such books at the time of the passing of the statute.

(signed) E. A. C. Schalch.

27 May 1871.

OPINION of the Attorney General on Circular (No. 2), of 2nd June 1870.

I HAVE no information which enables me to express any opinion with regard to the question asked in the Despatch, nor have I any information before me with regard to the working of the Jamaica Statute (22 Vict., c. 21), passed under the Imperial Statute of 1847 (10 & 11 Vict., c. 95), which it is now proposed to repeal.

I know

I know of no legal objection to the proposed repeal. I imagine, however, that Jamaica will not benefit, to any appreciable extent, by the Bill proposed in the Circular Despatch of 1st June 1870, referred to herein, while at present Jamaica derives considerable benefit from the operation of 22 Vict., c. 21. This is, however, merely a conjecture on my part.

(signed) E. A. C. Schalch.

27 May 1871.

— No. 69. —

Lieutenant Governor *Robinson* to the Earl of *Kimberley*.

(No. 61.)

Prince Edward Island, Government House,
7 August 1871.

My Lord,

REFERRING to my Despatch, No. 39, of the 12th April, in which I reported that certain Despatches received during my Predecessor's administration of the Government still remained unanswered, I have now the honour to submit a letter received from the Attorney General upon the subject of the draft Bill to amend the law relating to copyright, a copy of which was forwarded with the Secretary of State's Circular of the 1st June 1870.

I have, &c.
(signed) *William Robinson*,
Lieutenant Governor.

No. 69.
Lieut. Governor
Robinson to the
Earl of Kimberley
7 August 1871.

7 August 1871.

Enclosure in No. 69.

Charlottetown, Prince Edward Island, 7 August 1871. Encl. in No. 69.

Sir,

I HAVE perused the Circular Despatches from the Right Honourable Earl Granville, formerly Her Majesty's Principal Secretary for the Colonies, dated respectively the 1st and 2nd June 1870, on the subject of the Copyright Laws, also an accompanying draft of a Bill to amend the law relating to copyright, forwarded to me by your Honor to report whether your Honor's Ministers have any objection to offer to the proposed Bill.

As the proposed amendment has for its object the removal of the inequalities at present existing to the prejudice of colonial authors and publishers, as between them and British authors and publishers, your Honor's Advisers can have no objections to offer to the contemplated change in the law.

The amendment intended appears to be a wise and judicious one.

His Honor the Lieutenant Governor,
&c. &c. &c.

I have, &c.
(signed) *Frederick Brecken*,
Attorney General.

— No. 70. —

Messrs. *Longman and Murray* to the Earl of *Kimberley*.

My Lord,

Paternoster-row, London, 26 March 1872.

HAVING reference to the injurious consequences to the owners of copyright property in Great Britain arising from the Imperial Act of 1847 (5 & 6 Vict. c. 47), and the subsequent Order in Council, we addressed a letter, dated 28th December 1871, to Mr. Gladstone, and we received a reply from Mr. Gurdon, his Secretary, dated 1st January 1872, from which the following is an extract:—

"I am directed to suggest that you should apply to the Colonial Office and the Board of Trade for such information as you may wish to obtain, as, although Mr. Gladstone is very happy to answer unofficially the question which you have put to him, it is hardly necessary to state that the subject of Colonial copyright is not one with which it is his duty to deal with in the first instance."

o.94.

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On

No. 70.
Messrs. Longman
& Murray to the
Earl of Kimberley.
26 March 1872.

On this important matter we therefore beg the favour of being informed whether such steps have been taken as may result in the removal of the grievance complained of, and the better security of the property of the owners of copyright in Great Britain,

As an instance of the total failure of the enactment of 1847, the very foundation and object of which is declared to be the "protecting rights of British authors," we may instance a work by the Right Hon. B. Disraeli, under the title of "Lothair."

In order to prevent any delay or mistake, that work was entered at the London Custom House by a special entry on 26th April 1870, the general publication in London being on the 1st of May.

We were informed, at the time of entry at our Customs, on 26th April 1870, by that Department, that the official notice to the Customs Department at Ottawa was posted on the 27th of the same month.

Having recently made inquiry of Mr. Disraeli whether he may have received any sum of money from Canada through our Treasury, representing the duty of 12½ per cent. to be levied by the Customs in Canada on the American reprints of that celebrated work, we find that he has received nothing, although we are given to understand that the American reprint of that book has had a very large circulation in Canada.

We would beg the favour of information on this matter, as it would appear that so far as the interests of the author are concerned, instead of being protected in Canada, as required by the Act of 1847, they are in a situation by far worse than before the passing of that Act.

We have the honour to enclose some papers connected with our new "Copyright Association."

And remain, &c.
(signed) *Thomas Longman.*
**John Murray.*
(*Per *T. L.*)

Enclosures in No. 70.

Encls. in No. 70.

COPYRIGHT ASSOCIATION.

At a Preliminary Meeting held at Mr. Murray's, 50, Albemarle-street, on Monday, 5th February 1872, and at subsequent Meetings of a Sub-committee then appointed :

It was resolved—

1. That it is expedient to form an association for the protection of copyright property.
2. That the name of the association be "The Copyright Association."
3. That authors, publishers, and other persons interested in copyright property, be eligible as members of the Association.
4. That the annual subscription of members to the funds of the Association be not less than 1 l. 1 s.
5. That a general meeting be called of persons interested in the objects of the Association.
6. That the objects of the Association be—
 - (a.) To watch over the general interests of owners of copyright property.
 - (b.) To obtain early information of all measures affecting copyright property, and, as opportunity offers, to suggest and promote improvements in existing copyright laws.
7. That an annual general meeting of the members of the association be held in the month of February, of which meeting 10 days' notice be given.
8. That any member may bring any subject connected with the objects of the Association before the annual general meeting, by giving 10 days' previous notice (in writing) thereof to the honorary secretary.
9. That

9. That the affairs of the Association be managed by a committee of 12 members (with power to add to their number), elected at the first general meeting, and afterwards annually by the members of the Association at the general meeting; any five of the committee to form a quorum.

10. That at the first general meeting a Treasurer and an Honorary Secretary be selected from the members of the Association, and that they be *ex-officio* members of the committee.

11. That a legal adviser, who shall act as secretary, be appointed by the committee.

12. That the committee meet at such times as may seem necessary to the Treasurer and Honorary Secretary, or, on a requisition in writing to the Honorary Secretary from any two members of the committee.

13. That the committee be empowered to make bye-laws for the management of the Association.

14. That the committee be empowered to call a general meeting of the members of the Association whenever they may deem it necessary so to do.

15. That all future members of the Association be elected by the committee.

COPYRIGHT ASSOCIATION.

London, York-street, Covent Garden,
14 March 1872.

MANY important subjects connected with International, Colonial, and General Copyright are constantly arising, which appear to us to require attention and united action on the part of authors and publishers, and we are of opinion that this can be best accomplished by the formation of a "Copyright Association."

We have therefore drawn up the accompanying rules and regulations for the consideration of a general meeting, to be held for the purpose, at the house of the Society of Arts, John-street, Adelphi, on Tuesday the 19th instant, at three o'clock in the afternoon; and if you think such a society is desirable, we request your attendance and co-operation.

Dr. William Smith has consented to preside.

Your answer, addressed to Mr. Dalry, York-street, Covent Garden, is particularly requested, and if unable to attend, will you favour us with your views on the subject?

We have the honour to be,

William Smith.
Robert Browning.
Arthur Helps.
John Murray.
T. Longman (Longman & Co.)
A. Macmillan (Macmillan & Co.)
F. Chapman (Chapman and Hall).
F. R. Dalry (Bell and Dalry), Hon. Sec. (pro tem.)

RESOLUTIONS to be proposed at the Meeting, at the House of the Society of Arts, on
19th March 1872.

I. That it is expedient to form an association for the protection of copyright property.

II. That the rules and regulations drawn up at the preliminary meetings, held at Mr. Murray's, 50, Albemarle-street, be the rules and regulations of the association.

III. That Thomas Longman, Esq., be appointed treasurer.

IV. That Frederick Richard Dalry, Esq., be appointed honorary secretary.

V. That the committee be composed of the undermentioned gentlemen:—

1.	7.
2.	8.
3.	9.
4.	10.
5.	11.
6.	12.

MEMORANDUM.

ANY person present who has duly constituted himself a member of the association is at liberty to propose (in writing) resolutions for the consideration of this meeting, such resolutions being seconded also by another member.

MEMORANDA ON INTERNATIONAL AND COLONIAL COPYRIGHT.

March 1872.

THE subjects which at the present time appear to demand attention are—

1. International Copyright with America, and
2. British Copyright Property in Canada and our Colonies.

I. INTERNATIONAL COPYRIGHT.

With respect to international copyright with America, a Bill has been introduced in Congress by Mr. Cox, dated 6th December 1871, and has been printed here for the use of the members of this association.

This Bill, which relates to books to be hereafter first published out of the United States, would secure copyright in the United States to foreign authors, their personal representatives or legal assigns—

“ Provided (*inter alia*),

“ 1st. That the laws of the country in which the work is first published do at the time of such first publication secure to citizens of the United States, and to persons resident therein, privileges of copyright equal in extent to those for the time being enjoyed in the United States by authors who are citizens of the United States.

“ 2nd. That in order to secure the benefits of copyright to the authors of such works all the editions of such republication shall be wholly manufactured in the United States, and be issued for sale by publishers who are citizens of the United States.”

Another Bill has been prepared by a committee of publishers in New York, of which Mr. Appleton is the chairman, which is as follows:—

“ AN ACT to grant Copyright to Foreign Authors.

“ *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any author of a manuscript intended to be published as a book, who is not a resident and citizen of the United States, may obtain a copyright for such manuscript upon the same terms and conditions as are now required of an American author, whenever such foreign author shall enter into a contract with an American publisher, a citizen of the United States, to manufacture the book in all its parts, so that it shall be wholly the product of the mechanical industry of the United States, and the title-page thereof shall have been recorded in the office of the Librarian of Congress, within one month of the date of its publication in the country of which he is a citizen, and the book published and exposed for sale in the United States within three months of said date of publication.

“ Section 2. *And be it further enacted,* That an American publisher having, in conformity with the provisions of this Act, manufactured and issued the work of a foreign author, he shall possess and hold the same rights to produce and offer such book for sale in the United States which he now acquires relative to an American book, under the Act granting and securing a copyright to American authors: *Provided,* That if such American publisher shall neglect, for the space of three months, to keep the book so published by him, on sale or obtainable at his publishing house, then it may be imported or reprinted the same as might have been done before the passage of this Act.

“ Section 3. *And be it further enacted,* That articles in foreign newspapers, or contributions to foreign periodicals, shall not be entitled to be copyrighted under this Act; but the foreign author of successive contributions, known as a serial, may obtain for such serial all the benefits of this Act, whenever, upon the issue of the first number of said serial, he shall make an arrangement or contract with an American publisher for the issue of the future numbers of the said serial, each within one month, in the United States, according to the provisions of this Act for the publication of books for foreign authors.

“ Section 4. *And be it further enacted,* That nothing in this Act contained shall prevent the importation and reprinting of the work of any foreign author who has not secured for himself the benefits of this Act, in the same manner as was done in this country before the passage of this Act.”

In

In the former of these Bills reciprocal action would be necessary on the part of the British Government; and should it therefore be adopted and passed by the American Government, there will be ample time for its full consideration in this country, and for taking such steps as may be expedient.

With regard to the latter Act, it will be observed that arrangements can only be made with an author, *not with his assigns*, and that the American publishers have not generally accepted it.

In the "Publishers' and Stationers' Weekly Trade Circular," published at New York, dated 8th February 1872, will be found the minutes of a meeting of the New York Booksellers and Publishers, on 23rd January 1872.

Mr. Appleton's arguments then adduced in favour of the Bill, were as follows:

"It is unquestionably just and right that the intellectual labour of an author should be recognised and protected by law.

"The Government grants this protection to an American author, and why should it not extend the same protection to a foreign author, if it desire to see the public derive profit from the result of his study and labour?

"Why should we appropriate without compensation the results of the arduous toil through youth and manhood of the foreign author, from which we derive both enjoyment and profit, and then allege, as an excuse for our injustice, that we are citizens of another country; that our laws do not recognise any right in him to the fruit of his labour when embodied in the form of a book?

"This Bill seeks to secure to the foreign author direct relations with the American publisher, and thereby grants to him all the advantages enjoyed by American authors.*

"It is sometimes asserted as an objection to an international copyright that it will increase the price of books. We do not, however, believe that this will be the result to any greater extent with English than with the works of American authors.

"It is believed that if the provisions of this Act are secured, and it become a law, very many of the works not now reprinted will be published here, and at lower prices than they could be imported. Twenty works in themselves very formidable might be mentioned which many publishers would be glad to produce in this country if they could enjoy the exclusive privilege of publishing them, *the English edition being at the same time excluded*. The consumption of paper in this country would thereby be greatly increased.

"American authors are necessarily placed under a great disadvantage by the existing law; for, as it permits the free republication of foreign works, they are forced to compete with authors whose works can be issued at a nominal expense for printing and paper, and are thus discouraged from making intellectual efforts in whatever field they may desire.

"We regard this Bill as affording protection in the broadest sense to English authors and American publishers.

"This Bill only requires that the works of foreign authors claiming copyright under it shall be printed and published in this country, just as the works of our own authors are published."*

"The sole object of granting this monopoly to the foreign author is to recognise his service to the public in the same manner as the services of American authors have been recognised."

On that occasion Mr. Edward Seymour, of the well-known firm of Charles Scribner & Co., objected to the Act on the following grounds:

"I. The practical difficulty of framing a law granting rights to English authors without virtually destroying the publishers' interests in the United States, and proving injurious to the American public.

"II. Congress has called upon the publishers for aid in framing an 'International Copyright Law,' but this Act is not an Act for 'International Copyright Law.' It is in spirit and substance an Act to protect American publishers, and should be so entitled.

"III. The Act entirely ignores the idea of reciprocity, a principle which the International law of Great Britain very properly makes prominent.

"IV. To gain for themselves all the advantages under this measure which they would have under an unrestricted Bill, English houses have only to secure American partners to represent them and create the very monopoly which American publishers so greatly dread.

"V. Further, it is perfectly obvious that the exclusion of the English publishers from the American market, even to the extent proposed by legislation, involves the enforcement of measures utterly repugnant to the spirit of our institutions, and such as the public could never be brought to indorse.

"VI. If it is conceded that English publishers can in any way, direct or indirect, extend their copyrights to this country, it is matter of comparatively small importance to American publishers, who are not themselves manufacturers, whether the books are made here or in England,

* This is not the case; any American author may *print* his book in any country without losing his copyright, but it must be *published* in the United States.

England, since in that case the protection of the English publisher, which is in the copyright, is absolute, and shields him from all competition."

Mr. Seymour thus recapitulates his objections to the proposed measure :

" 1. It is in no sense an International Copyright Law, but simply an Act to protect American publishers, regardless of the rights of American authors. It has so narrow a basis, therefore, that it can never receive the endorsement of the public.

" 2. Even if it were possible for American publishers to secure the ' protection ' proposed, in compelling the manufacture of foreign copyrighted books in the United States, such ' protection ' would be wholly delusive, since the copyright which the English publisher could hold indirectly through an American partner, would secure him the absolute control of this market, whether the book was made here or in England.

" 3. For the reasons above stated the Act is objectionable in prohibiting the importation of stereos and electros, in failing to provide for the copyrighting of cyclopædias, &c., and in giving the American publisher power to exclude revised editions of works of which he may own the copyright."

On Friday, 2nd February 1872, the executive Committee of the Copyright Association (chiefly of authors, and of which Mr. Charles Astor Bristed has for a long time been secretary and active representative) adopted the draft of a third International Copyright Bill, which was presented, on behalf of the association, to the joint committee of Congress. It is entitled " An Act to secure Authors the Right of Property in their Works," and after the enacting clause, consists of these two sections :

" 1. All rights of property secured to citizens of the United States of America by existing copyright laws of the United States are hereby secured to the citizens and subjects of every country, the Government of which secures reciprocal rights to citizens of the United States.

" 2. This Act shall take effect two years from the date of its passage."

This, it will be observed, is entirely in the interest of copyright owners, and ignores the discrimination practically made in the other Bills in favour of American publishers.

As the result of a conference and compromise between these interests, on the 20th of February last the following Bill (a fourth) was presented to the joint library committee of the Senate and House of Congress :

" AN ACT to secure a Copyright to Foreign Authors and Artists.

" Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled :

" Sect. 1. That any author and artist who is not a citizen of the United States may secure a copyright for his or her work, in accordance with the regulations of the United States Copyright Act, provided such author and artist shall manufacture and publish said works in the United States.

" Sect. 2. That any author who is not a citizen of the United States may secure the right of translation of his or her work, whether the original work be published in a foreign country or in the United States, provided that upon the first publication of such original work the author shall have announced on its title-page his intention of translating it, and the original work shall have been registered in the office of the librarian of the Congress of the United States, and a copy of it shall have been deposited in the library of Congress within one month after its first publication in a foreign country, for copyright, in accordance with the regulations of the United States Copyright Act, and provided also that the author shall manufacture and publish the translation of his or her work in the United States.

" Sect. 3. This Act shall take effect from the date of its passage."

In this Act the author only, neither his personal representatives nor his legal assigns, can acquire a copyright, and he can only acquire it when his book is " manufactured " in the United States.

In consequence of the silence of our own Government since the letters addressed to them by Messrs. Longman and Murray, Mr. Longman thought it expedient, in December last, to write to Earl Granville the following letter, making inquiry as to the position of the negotiation for International Copyright with America :

" 39, Paternoster-row, London, E.C.,

" 11 December 1871.

" My Lord,

" Permit me to make an inquiry with regard to the position of the negotiations of the British Government with the Government of the United States, on the subject of a treaty for international copyright.

" I beg to mention that, in June 1870, shortly before the lamented death of Lord Clarendon, I attended at the Foreign Office, at his Lordship's request, to confer with him on the subject of copyright with the United States.

" At

"At that time I was informed by Lord Clarendon that communications were going on with the Government of the United States on this highly important matter, and his Lordship requested I would write a letter to him upon the subject. Accordingly, I had the honour to address a letter to Lord Clarendon, dated 17th June 1870.

"As this subject has recently, and is still so much discussed, and being one of so great moment to both authors and publishers in this country, I would beg the favour of being informed, under any conditions of confidence, or otherwise, as your Lordship may think fit, what steps have been taken since that time to carry out an International Treaty on Copyright with the Government of the United States.

"The Right Hon. Lord Granville,
"Foreign Office."

"I have, &c.
(signed) "Thos. Longman."

This letter was acknowledged by Lord Enfield in the following letter:

"Sir,

"Foreign Office, 2 February 1872.

"I am directed by Earl Granville to acknowledge the receipt of your letter of the 11th of December, referring to an interview which you had with the Earl of Clarendon, shortly before his death, on the subject of copyright with the United States, and asking whether any progress has been made in the question by negotiation since that time.

"Lord Granville desires me to inform you, in reply, that Her Majesty's Minister at Washington has had the subject constantly before him, and has had interviews with some of the chief publishers in the United States. They have shown a disinclination to an arrangement for international copyright on any terms, and a determination to oppose it, unless on condition that the publication and the entire manufacture of the book should be reserved to American citizens. A Bill, of which I enclose a copy, has been lately introduced into the House of Representatives to authorise the grant of American copyright on those terms;* but Lord Granville apprehends that if the Bill should pass it would hardly be desirable to accept it as the basis for a Treaty of International Copyright with the United States.

"T. Longman, Esq."

I am, &c.
(signed) "Enfield."

And no further steps have yet been taken.

2.—COLONIAL COPYRIGHT.

As regards the protection of copyright property in books in Canada, and our other Colonies, the present position is unsatisfactory.

The pernicious Act of 1847, admitting American reprints of our English copyright books into Canada, has indirectly done much to retard the establishing of international copyright with America, by giving a larger field of operation to American reprinters, and thus giving additional reason for withholding what is equitably due to English authors. That Act also has entirely prevented those commercial arrangements between British and Colonial publishers which might otherwise have taken place.

Nor has it been attended with the benefits to British authors, professed to be its object.

This unsatisfactory state of the question induced Mr. Daldy during his stay in Canada, in 1869, to confer with Sir John Rose, then Finance Minister at Ottawa, and, after eliciting his opinions on this subject, Mr. Daldy addressed the following letter to him:

"Sir,

"Ottawa, Canada, 23 June 1869.

"HAVING been requested by some English authors and publishers to direct my attention to the effort now being made to amend the laws under which books originally published in the United Kingdom are introduced into the Dominion of Canada, and having been referred to you by his Excellency the Governor General for information respecting the same, I beg to thank you for your courtesy in giving it to me, and for the attention you have devoted to the subject.

"In compliance with your request, I beg to inform you that in my estimation the following arrangement would be satisfactory to British copyright-owners, and beneficial to Canadian printers and publishers, and to the Canadian public generally.

"That Act of Canadian Legislature, 31 Vict. c. 56, be repealed,† and that an Act be passed authorising the reprint of English Copyright books in Canada, on the following conditions, viz. :—

"That they be reprinted only by printers licensed for that purpose.

"That the printer on the completion of the printing of any book, and before any copy so printed be sent or taken off his premises, pay to the Canadian Government 10 per centum of the retail price on all copies printed under this Act.

"That

* This is Mr. Cox's Bill, before referred to, and printed for the use of the "Copyright Association."

† This is the Act under which American reprints are introduced into Canada.

"That 'Colonial Edition' be printed at the head of the title-page of every copy printed.

"That a Government stamp be impressed on the title-page of every copy of any book printed under this Act, so that the English copyright-owner may have security as to the number of copies printed.

"That the printer's name and address be printed at the back of the title-page of every copy printed.

"That the Canadian Government receive the aforesaid duties, and transmit the same to England half-yearly, and cause notice to be given, and the amount to be paid on application to the British publishers of the books, on account of which they have been received.

"That nothing in this Act be held to modify the duration of copyright which a British author possesses in the Colonies, under Imperial Act or Acts.

"That this Act cease on conclusion of a Copyright Treaty between the United Kingdom and the United States of America.

"That adequate penalties be imposed to prevent infringement of this Act.

"I would further add, that it is desirable that the Canadian Government should agree to receive notice direct from any British publisher of the existence of copyright in any book issued by such publisher, and that a sworn declaration by such publisher, or a copy of the entry of such book in the register of the Stationers' Company, kept for that purpose, be accepted as *prima facie* evidence of the existence of such copyright. And further, that the proof of non-British copyright in any book whatever imported into Canada shall rest on the importer. These regulations must be embodied in a Colonial Act, to give them legal force.

"Also that a condition precedent to above arrangement would be the passing of an Act by the Imperial Legislature prohibiting the importation of 'Colonial Editions,' by post or otherwise, into the United Kingdom.

"The effects of the changes indicated above would, I think, be increased stimulus to Canadian manufactures and commerce, and the raising up of a class of book producers within the Dominion which would considerably promote literature and learning, and thereby elevate and improve the people.

"I have, &c.

"The Hon. John Rose, Minister of Finance."

(signed) "F. R. Daldy."

The propositions embodied in this letter were discussed at considerable length at a meeting, on 16th March 1870, at the house of Mr. Murray, and gentlemen who were present expressed an opinion strongly in favour of the above "Canadian Proposals;" but a resolution, based on an opposite opinion, was maintained by others, and was carried by a large majority.

The decision of that meeting, without doubt, was influenced by the able address and advice of the late Mr. Robertson Blaine, who recommended the author and owner of copyright on no condition to surrender control over the republication of their works. He suggested that the object in view could be effected by other means than the total surrender of that control.*

The following were the resolutions then passed:—

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 1847, 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.

	<i>Stanhope.</i>
(in the Chair of the Meeting held 16th March 1870.)	
<i>Wm. Smith, LL.D.</i>	<i>Alexander Macmillan.</i>
<i>Arthur Helps.</i>	<i>Charles Dickens.</i>
<i>D. Robertson Blaine.</i>	<i>John Murray.</i>
<i>George Bentley.</i>	<i>Henry Reeve.</i>
<i>Anthony Trollope.</i>	<i>Jas. Fergusson.</i>
<i>Fred. Chapman.</i>	<i>Thomas Longman.</i>
<i>Frederic Richard Daldy.</i>	

And, further, it was requested that Mr. Murray and Mr. Longman should write to Mr. Gladstone on the subject, and send him a copy of the resolution.

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* It could be effected by the Canadian Parliament availing themselves of their powers under the "Dominion Act of 1867," to grant to owners of copyright under the Imperial Act of 1842 the benefits of the Canadian Copyright Act of 1868, on condition that the said owners republish their works in Canada within a certain time after the passing of the Act here suggested, or of their first appearance in England.

In consequence Mr. Murray and Mr. Longman addressed to Mr. Gladstone the following letter:—

“50, Albemarle-street, March 1870.”

[This letter will be found printed as an Enclosure to No. 47, at page 46.]

This letter was acknowledged by Mr. Gladstone, through his secretary, Mr. Gurdon, on 24th March 1870, in the following letter:

“10, Downing-street, Whitehall,
“24 March 1870.

“Gentlemen,
“MR. GLADSTONE desires me to acknowledge the receipt of your letter on the subject of Colonial copyright, and to inform you that he will take an early opportunity of inquiring into the matter.

“Thomas Longman, Esq.
“John Murray, Esq.”

“I have, &c.
(signed) “W. B. Gurdon.”

Nothing having been heard of the proceedings indicated in Mr. Gurdon's letter, Mr. Longman, on 11th December 1871, wrote the following letter to Mr. Gladstone:—

“39, Paternoster-row, London, E.C.,
“11 December 1871.

“Sir,
“WITH reference to the subject of Colonial copyright, we beg to call your attention to our letter to you of March 1870, which was acknowledged by Mr. W. B. Gurdon in a letter dated 24th March 1870, in which Mr. Gurdon states that he is desired by you to inform us that you ‘will take an early opportunity of inquiring into the matter.’

“We request the favour of being informed whether we may be made acquainted with the result of that inquiry, and whether steps have been taken, or are in progress, for the redress of the grievance we had the honour to bring before you.

“We are, &c.
(signed) “John Murray.
“Thomas Longman.”

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

And received the following reply:—

“10, Downing-street, Whitehall,
“1 January 1872.

“Gentlemen,
“MR. GLADSTONE desires me to acknowledge the receipt of your letter of the 11th December, and to inform you that the subject to which your memorial of March 1870 related is in the hands of the Colonial Office and the Board of Trade.

“He finds on inquiry that, as it has been necessary to communicate with every Colony on the matter, the correspondence has not yet been completed.

“I am directed to suggest that you should apply to the Board of Trade for such information as you may wish to obtain, as, although Mr. Gladstone is very happy to answer unofficially the question which you have put to him, it is hardly necessary to state that the subject of Colonial copyright is not one with which it is his duty to deal in the first instance.

“T. Longman, Esq.
“J. Murray, Esq.”

“I have, &c.
(signed) “W. B. Gurdon.”

Mr. Longman and Mr. Murray accordingly wrote in February to the Board of Trade, but have not yet received an answer.

Canadian Reprints.

IN consequence of some publishers in Toronto having issued an unauthorised reprint of “Ginx's Baby,” and of the newspapers in Canada claiming for their publishers the right of reprinting English copyright works, under the Dominion Act of 1867, and the Canadian Copyright Act of 1868, a case was submitted to Sir Roundell Palmer, Q.C., and Mr. Farrer Herschell, Q.C., and their opinion asked on the following points:—

“1. Whether the Imperial Copyright Act of 1842 (5 & 6 Vict. c. 45) is still in force in its integrity and still runs in Canada, notwithstanding the Dominion Act of 1867 (30 Vict. c. 3), and the Canadian Copyright Act of 1868 (31 Vict. c. 54), especially having regard to the Imperial Act of 28 & 29 Vict. c. 63, as to Colonial legislation?

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" 2. In the event of the above-mentioned Act of 1842 being in force, what course should be adopted to rectify the existing apparent anomalies consequent on the Canadian Act of 1868 (31 Vict. c. 54), and to protect the interests of British authors and publishers?

" 3. How is the exclusive legislative authority given by section 91 of the Dominion Act (30 Vict. c. 3) to be construed generally in reference to Imperial Acts?

" 4. If the above Canadian Act be valid and override the Imperial Act, what protection have British authors in respect of reprinting and importation into the United Kingdom of works printed and published in Canada under its provisions, either with or without their consent?

" 5. Whether books first published in the United Kingdom are entitled to the benefits of the Canadian Copyright Act, 1868 (31 Vict. c. 54), if duly entered, reprinted, and republished in Canada?"

Sir Roundell Palmer, q.c., and Mr. Herschell, q.c., gave the following reply:

" We are of opinion that the Imperial Copyright Act, 5 & 6 Vict. c. 45, is still in force in its integrity throughout the British Dominions, in so far as it prohibits the printing in any part of such Dominions a book in which there is subsisting copyright under that Act, without the consent of the proprietor. It is abundantly clear that the provision in the Act of the Imperial Legislature (30 Vict. c. 3) by which the Dominion of Canada was constituted, declaring that the exclusive legislative authority of the Dominion Parliament extends (amongst other things) to copyrights, has reference only to the exclusive jurisdiction in Canada of the Dominion Legislature as distinguished from the Legislatures of the Provinces of which it is composed. And the recent Copyright Act of the Canadian Legislature (30 Vict. c. 34) was in substance no more than a re-enactment for the whole Dominion of provisions which had previously been in force in one, at least, of the Provinces by the enactments of its legislature. It gave a copyright throughout Canada to works published in any part of that Dominion; but in our opinion it was not competent to, and did not, affect the protection against piracy afforded by the Imperial Act throughout the whole British Dominions in respect of works published in the United Kingdom.

" The provision in the 5 & 6 Vict., which prohibits the importation into any part of the British Dominions of pirated copies of British copyright works, is not now in force in its integrity. The Imperial Act of the 10 & 11 Vict. enables Her Majesty to suspend this prohibition in the case of any colony which should pass an Act providing reasonable protection to the authors of such works. The Canadian Legislature, under this provision, passed an Act (30 Vict. c. 56) imposing a duty for the benefit of the authors of such imported works, and the prohibition against importation has accordingly been suspended, and does not now apply to Canada; but with this exception the Copyright Act, 5 & 6 Vict., is still in force throughout that Colony.

(signed) " Roundell Palmer.
" Farrer Herschell."

" Lincoln's Inn, 7 November 1871."

As that opinion did not appear to cover the fifth question completely, counsel's attention was again drawn to it, and in reply they asked what would be the effect of their opinion on authors' rights and interests. This was answered by the following letter from Mr. Daldy:

" *Re* CANADIAN COPYRIGHT LAW.

" York-street, Covent Garden, London,
" 23 November 1871.

" Dear Sir,

" IN reply to your request for a statement ' showing clearly the advantages or disadvantages, as the case may be, from the fifth question of the case on this subject submitted to Sir Roundell Palmer and Mr. Herschell being answered in the affirmative or negative,' I beg to submit that if it be affirmed that an author can acquire a copyright in Canada, under the Canadian copyright law for a book previously published in England, and protected by the Imperial copyright law in 1842 (5 & 6 Vict. c. 45), by republishing the said book in Canada, and complying with the formalities of entry, &c., required by the Canadian Act, English authors would, by availing themselves of such a course, be able to prevent United States reprints from coming into Canada (such an introduction being then in contravention of the Canadian Copyright Act), and actually turn the scale by sending such reprints into the United States market to compete with American reprints.

" I am aware that the author would run the risk of such books being imported into England to compete with the English editions, because the Canadian edition is produced within the British Dominions and with the proprietor's consent, but this is a risk which in many cases he would be prepared to run.

" If the fifth question be answered in the negative, English authors can only venture in a few instances to bring out a Colonial edition of a book.

" I may add, that to my personal knowledge there is a great desire on the part of the Canadians to produce Colonial editions of English books, and the tendency of their legislation and policy is to protect and stimulate colonial labour.

" Sharon Turner, Esq."

" I am, &c.
(signed) " F. R. Daldy."
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And counsel then gave the following further opinion:

“ Further Opinion on Fifth Point of Case.

“ WE are of opinion that the author of a work already published in the United Kingdom, and possessing the rights conferred by the Imperial Copyright Act of 5 & 6 Vict., cannot, by republication in Canada, and by complying with the provisions of the Canadian Copyright Act (31 Vict. c. 54) obtain for his work the protection against importation into Canada afforded by that Act. We think that, upon a true construction of the Act, it cannot apply to the case of a work already possessing, by virtue of the Imperial Act, copyright throughout Canada. Any other construction would lead to this startling consequence, that the author of a work who had enjoyed copyright in Canada, by virtue of the Imperial Act, during the whole time for which it existed under that Act, could, by then republishing and recording his work in Canada, obtain copyright in that colony for the further period of 28, or, in some cases, 42 years. We think, further, that the provisions of the Imperial Act, 10 & 11 Vict. c. 95 (which is now in force as regards Canada), afford additional ground for the view we take that the protection alluded to cannot be obtained by a republication in Canada.

(signed) “ Roundell Palmer.
“ Farrer Herschell.”

“ Lincoln’s Inn, 2 December 1871.”

REPRINTING AT ROUSE’S POINT.

It appears that in January 1872 a Mr. Lovell, of Montreal, set up the type and stereotyped two books, in which there is existing British copyright, at his printing office in Montreal, and had the stereotype plates conveyed to Rouse’s Point, a place just within the United States; there he printed off an edition of each book, and reimported the printed books into Canada to be bound and sold. He further declared his intention thus to reprint other English copyright books, and to sell them in Canada.

As this course was likely seriously to affect English authors, a case embodying the facts was submitted to Sir Roundell Palmer, Q.C., and Mr. Farrer Herschell, Q.C., and elicited the following opinion:—

“ We are of opinion that Mr. Lovell is not infringing or contravening the provisions of sect. 15 of the Copyright Act, 5 & 6 Vict. c. 45. We think that, upon the true construction of that section, the word ‘ print ’ must be limited to its ordinary meaning of imprinting on paper, or some other material, a copy of the protected work, and that unless a person thus prints or causes another to print within the British Dominions, he does not commit the offence provided against. Prior to the 10 & 11 Vict. c. 95, and the colonial legislation which followed upon it, Mr. Lovell, by acting as he has done, would clearly have rendered himself liable to the provisions of sect. 17 of the 5 & 6 Vict. But the prohibition contained in that section no longer applies to Canada, having been suspended by Order in Council, when the Legislature of that Colony had (as was assumed by the Order) afforded by the import duty imposed sufficient protection to authors. The real grievance appears to be that the assumption upon which the order proceeded was ill founded.

(signed) “ Roundell Palmer.
“ Farrer Herschell.

“ Lincoln’s Inn, 21 February 1872.”

COPYRIGHT.

SOME OBJECTIONS TO THE CANADIAN PROPOSAL OF JUNE 1869.

CANADIAN PROPOSAL, JUNE 1869.

“ THAT Act of Canadian Legislature, 31 Vict. c. 56, be repealed, and that an Act be passed authorising the reprint of English copyright books in Canada, on the following conditions, viz. :—

“ That they be reprinted only by printers licensed for that purpose.

“ That the printer, on the completion of the printing of any book, and before any copy so printed be sent or taken off his premises, pay to the Canadian Government 10 per centum of the retail price on all copies printed under this Act.

“ That ‘ Colonial Edition ’ be printed at the head of the title-page of every copy printed.

“ That a Government stamp be impressed on the title-page of every copy of any book printed under this Act, so that the English copyright owner may have security as to the number of copies printed.

“ That the printer’s name and address be printed at the back of the title-page of every copy printed.

“ That the Canadian Government receive the aforesaid duties, and transmit the same to England half-yearly, and cause notice to be given, and the amount to be paid, on application, to the British publishers of the books on account of which they have been received.

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“ That

“That nothing in this Act be held to modify the duration of copyright which a British author possesses in the Colonies under Imperial Act or Acts.

“That this Act cease on conclusion of a Copyright Treaty between the United Kingdom and the United States of America.

“That adequate penalties be imposed to prevent infringement of this Act.”

Note.—This is the Act passed in consequence of our Act of 1847, 10 & 11 Vict. c. 95, under which American reprints are introduced into Canada.

COPYRIGHT.

The objections to the “Canadian Proposal” are chiefly these:—

I. That it involves the surrender of the entire control of copyright property into hands other than the legal owner.

II. That the condition of one uniform rate for the surrender is not adequate. In some cases it might be so much too favourable to the English owner as to prevent publication in Canada, and in others so unfavourable as to be quite unfair to the English proprietor.

III. That it is unjust to deprive the English author of the power of making his own terms for the use or disposal of his own property.

IV. That if the control of an author over his work were taken from him, he might have no means of correcting or improving his future editions.

V. That Parliament has never sanctioned such forced appropriation of property on “hard and fast” terms prescribed by an Act, and entirely without the consent of the legal owner of the property.

VI. That other means can be devised and adopted for securing the rights of English copyright in Canada, and the supply of cheap editions.

VII. That the repeal of the Act of 1847 would be the chief means of forwarding the object, and that communications with the Government, with that object, have been made, and are still going on, and that if the statement of the Canadian publishers be true, that labour is so much cheaper in Canada than in the United States, that they can undersell the American “pirate,” both in Canada and in the United States, no other alteration of the law is required for the negotiation of appropriate terms between the English owner of copyright and the Canadian publisher, excepting to prevent the importation of any Canadian edition into England. The parties have only to agree on terms, unfettered by Acts of Parliament.

VIII. That, even were it supposed that Parliament were unwilling to redress the great wrong done to English copyright property by the Act of 1847, it has been suggested that if the Copyright Act of the Canadian Dominion were so reframed as to include the recognition and protection of English copyright property in that Dominion, under their own local Act, such an Act might have the Imperial sanction, and by that means neutralise or put an end to the operations of the Act of 1847, as it would follow that under that form of legislation English copyright property would have not only its rights in Canada, from our Copyright Act of 1842, but also having the protection and advantages of the Dominion Act, the representatives of the English copyright holders could make use of these additional rights to exclude the American reprint.

IX. That the “Canadian proposal” is not coupled with the condition that the consent of the owner of the English copyright should be obtained, and so registered; and that this objection might possibly be in a great measure removed by the adoption of that condition, without serious injury to the object in view.

X. That the simplicity of the mode of payment to the owners of English copyrights by an excise collected by the Government officials before the publication or delivery from the printing office, having its advantages, that mode of payment should not be confined to terms previously prescribed by Act of Parliament, which may be reasonable and fitting on one time and not at another.

XI. That the “Canadian Proposal” is not available for one edition of so many copies only, but requires the surrender of the entire rights of the owner of the Copyright over the control of his work.

XII. That although the “Canadian Proposal,” under a permissive Bill requiring the consent of the owner, might be acceptable in some cases, until some better arrangement can be adopted, it would be highly imprudent to agree to a measure that would completely take from the author or owner of Copyright the control of every book, on terms to which his consent is neither asked nor required. Such a forced surrender would be a private wrong and a public injury.

XIII. That

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XIII. That such legislation, once adopted, would be difficult to recall, and might thus be a permanent injury to English authors, publishers, and other trades.

XIV. That, as the law now stands, Colonial editions could not be stopped at the Custom House and kept out of England, as they would have been printed not out of the British Dominions, and with the consent of the owner of the Copyright.

XV. That the "Canadian Proposal" is clearly a proposal for the benefit of Canadian printers and publishers, and not a measure to promote public instruction and the diffusion of knowledge at the cheapest rate. The "Canadian Proposal" requires the re-setting up of the type in Canada, which, being one of the chief costs of production, would enforce a larger cost than would otherwise be incurred, and would be a waste of capital and of labour.

XVI. That in the interest of the public, and in the interest of the author, it is not expedient to encourage by legislation the printing of editions of English Copyright books in the Colonies, as it would tend to make books dearer instead of cheaper, by cutting off the large and growing demand in the Colonies and the United States, which might otherwise be supplied from the type already set up.

EXTRACT from the "Times," 21 March 1872.

COPYRIGHT ASSOCIATION.

To the Editor of the "Times."

Sir,

AS my remark at the meeting of the Copyright Association, reported in your columns of yesterday, "that even Her Majesty had not thought fit to avail herself of her own laws," does not appear to be understood, I request space for a few words of explanation.

An Imperial Act was passed in 1847 which enacts that in case the Legislature of any British colony shall pass an Act "to make due provision for securing and protecting 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, she may issue an Order in Council declaring 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 importing, &c., foreign reprints of British copyright works "shall be suspended so far as regards such colony."

It is an admitted fact that the working of this Act is a complete failure. Consequently no "due provision for securing and protecting the rights of British authors" has been made, and thus it would seem that the Act had repealed itself.

However, the Act still exists as an empty form, and some publishers go through the useless ceremony of registering their books under the forms of the Act for protection in the Colonies, like Hogarth's gardener watering a dead plant.

This was done by the publishers of *Lothair* as a last experiment, and, as might be expected, the ink was wasted. The result is *nil*. So well, indeed, is the futility of attempting to obtain any advantages under this Act known, that even so important a work as Her Majesty's *Our Life in the Highlands* has never been registered at the Customs for protection under the forms required by the Act of 1847, and at least 40,000 copies of the American "pirated" edition of the Royal work have been sold in Canada. It was known to be a useless ceremony and a mere farce.

But though the Act of 1847 may be an empty form, so far as the protection and benefit of royal and other authors are concerned, its fatal influence is doubly felt, since while it remains unrepealed the importation and sale of the American reprints are legalized and will be continued, divested, however, of any advantage to the owner of the copyright, which was the declared object of the Act.

I am informed that the Canadian authorities say that with their extensive boundary it has been found utterly impossible to prevent the smuggling of the American "pirated" editions. That probably is strictly true. We must suppose that the Government of that Dominion has, since the passing of the Act, become acquainted with the peculiarities of their geographical position, and did not know a fact so fatal to a measure which appears to have had its origin with themselves.

It cannot be supposed that having completely failed in working out the purpose of their own Act, so far as protection to British authors is concerned, they will continue to avail themselves of its provisions for their own advantage, and throw obstacles in the way of its repeal.

This Act appears to have passed through Parliament without observation and without debate. There is no record of a remark in "Hansard," and no writer or publisher heard of it until it had become law.

I am able to say that from a recent communication from the Prime Minister, we learn that this grievance, which was brought under his notice, is now in the hands of the Colonial Office and the Board of Trade. It cannot, therefore, be doubted that the Act will no longer be allowed to remain as it now is, an Act for the special injury of authors and publishers, and a disgrace to legislation on literary property.

I remain, &c.

Thomas Longman.

Paternoster-row, March 20.

— No. 71. —

The Colonial Office to Messrs. *Longman and Murray*.

No. 71.
The Colonial
Office to Messrs.
Longman and
Murray.
4 April 1872.

* Page 70.

† Page 49.
‡ Page 50.

Gentlemen,

Downing-street, 4 April 1872.

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 26th ultimo,* respecting the Law of Copyright in the Colonies; and I am to state to you, for your information, that his Lordship's Predecessor addressed the various Colonial Governors on this subject in Circular Despatches of the 1st† and 2nd of June 1870,‡ copies of which are herewith enclosed, and that the answers, which, however, are not quite complete, have been transmitted to the Board of Trade, with whom, at present, the consideration of the question rests.

I am directed to add, that a copy of your communication will be sent to that Department.

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

— No. 72 —

Colonial Office to Board of Trade.

No. 72.
Colonial Office to
Board of Trade.
4 April 1872.

Sir,

Downing-street, 4 April 1872.

WITH reference to previous correspondence relative to the Law of Copyright in the Colonies, I am directed by the Earl of Kimberley to transmit to you a copy of a further communication from Messrs. Longman and Murray* on the subject, and requesting to be informed what steps have been taken in the matter.

In reply to their letter, Messrs. Longman and Murray have been informed that the answers to Lord Granville's Circular Despatches of the 1st and 2nd of June 1870, are not quite complete, and that the consideration of the matter at present rests with the Board of Trade.

I am directed to add that of the Colonies to which the Circular Despatch of the 1st June was sent, the Falkland Islands, Trinidad, Tobago, the Leeward Islands, Heligoland, Hong Kong, Victoria, and Tasmania have not answered; and that no answers have been received to the Circular of the 2nd of June from those Colonies in the Leeward Islands to which it was sent, viz., Antigua, St. Christopher and Nevis.

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

— No. 73. —

(No. 136.)

The Lord *Lisgar* to the Earl of *Kimberley*.

No. 73.
The Lord *Lisgar*
to the Earl of
Kimberley.
21 May 1872.

Canada, Government House, Ottawa,
21 May 1872.

(Received 6 June 1872.)

My Lord,

AT the request of the Privy Council of the Dominion, I have the honour to forward, herewith, a copy of a Minute setting forth their views on the question of copyright, and expressing the hope that "Her Majesty's Government will legislate on this subject without further delay."

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

14 May 1872.

Enclosure in No. 73.

COPY of a REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General, on the 14th day of May 1872. Encl. in No. 73.

ON a Memorandum, dated 10th May 1872, from the Honourable the Ministers of Finance and Agriculture, reporting that much anxiety has been manifested by Houses of the Canadian Parliament on the unsatisfactory state of the Imperial Copyright Act; that, as no reply has yet been received to the approved Report of the Committee of the Privy Council, dated 1st December 1870, they think it desirable that the attention of Her Majesty's Government should again be called to the subject.

That they have reason to believe that a good deal of discussion has taken place in England among the parties interested in copyright, and that the result of that discussion has been a considerable accession to the ranks of those who are in favour of the proposition submitted by them in the Report already referred to.

That it is apparent that the class which alone has a just claim to protection, viz., authors, have at length been convinced that their interests are not promoted by the maintenance of the present system.

That it is, no doubt, true that the principal owners of copyright are the London publishers, but it is, they state, equally true that those publishers have never paid to the authors one single pound more for their copyrights in view of circulation in Canada.

That it cannot be denied that the Canadian demand for concurrent publication in Canada should alone entitle the author to the benefit of copyright. That under the present system, which is wholly indefensible, and which is objected to, as well by the English publishers as by the Canadian publishers, the latter are treated with the greatest injustice.

That it has long been the custom for the owners of English copyright to sell to American publishers advance sheets of their works, and when Canadian publishers have offered to acquire copyright in Canada by purchase, they have been told that the arrangements made between English and American publishers were such as to prevent any negotiations with Canadians.

That Canada has passed a law by which British authors can secure copyright in Canada, and has further expressed a readiness, where authors do not choose to take out copyright, to secure adequate compensation to them by means of an excise tax on all English copyright works for the benefit of the authors.

They, the Ministers, recommend that a further appeal be made to Her Majesty's Government to legislate upon this subject without further delay.

The Committee concur in the foregoing Report, and submit the same for your Excellency's approval.

Certified,

W. H. Lee,
Clerk, Privy Council, Canada.

— No. 74. —

The Colonial Office to the Board of Trade.

Sir,

Downing-street, 18 June 1872.

WITH reference to the letter from this Department of the 7th January 1871,* I am directed by the Earl of Kimberley to transmit to you a copy of a further Despatch received from the Governor General of Canada, enclosing a Minute of the Privy Council of the Dominion, setting forth their views on the question of copyright, and expressing a hope that Her Majesty's Government will legislate on the subject without further delay, and I am to state that his Lordship will be glad to be favoured with the opinion of the Board of Trade upon this question.

I am, &c.
(signed) *R. H. Meade.*

No. 74.
The Colonial
Office to the Board
of Trade.
18 June 1872.

* Page 59.

No. 136. 21 May
1872, page 78.

COLONIAL COPYRIGHT.

COPIES or EXTRACTS of CORRESPONDENCE between the Colonial Office, the Board of Trade, and the Government of *Canada*, which preceded the passing of the ACT 10 & 11 Vict. c. 95; and, of any recent CORRESPONDENCE on the Subject of that Act and of Proposals for amending or extending the same, including the LETTER of the 27th day of July 1869, No. 687-69.

(Sir Charles Adderley.)

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

[Price 10 d.]

339.

Under 8 oz.