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**COPYRIGHT IN CANADA AND
NEWFOUNDLAND.**



RULES AND FORMS FOR COPYRIGHT REGISTRATION IN CANADA;

TOGETHER WITH

**THE COPYRIGHT LAWS OF CANADA, NEWFOUNDLAND, NEW BRUNSWICK, NOVA
SCOTIA, AND PRINCE EDWARD ISLAND.**

PREPARED BY

THORVALD SOLBERG,

REGISTER OF COPYRIGHTS.

COPYRIGHT OFFICE.

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PRELIMINARY REMARKS.

In response to inquiries concerning the obtaining of copyright protection in Canada, the official rules and forms of the Department of Agriculture of the Dominion of Canada respecting copyright are herewith reprinted, together with the present copyright statutes of Canada and Newfoundland.

Unusual interest attaches to the question of copyright in Canada, and as that interest is likely to increase rather than diminish, it has seemed worth while to bring together all the copyright acts of the British North American colonies. These laws, found only in statute books not readily available, have not heretofore been compiled, and it is hoped that this publication of the copyright laws of Canada, New Brunswick, Newfoundland, Nova Scotia, and Prince Edward Island will prove useful for reference purposes and of value for a comparative study of copyright legislation.

The Canadian laws included in Part I are in accordance with the list of Canadian copyright statutes prepared by Mr. George Johnson, Statistician of the Department of Agriculture of Canada, and courteously transmitted by J. B. Jackson, Esq., Registrar of Copyrights of Canada.

The Copyright Office has no province with relation to copyright outside of the territory of the United States, and can take no steps regarding the registration of books or other articles for copyright protection in other countries. No application should be made to this Office, therefore, for international-copyright protection. Registration in the Copyright Office at Washington avails for the United States only, as the United States is not a member of the International-Copyright Union. In order to obtain copyright protection in Canada or Newfoundland action should be taken under the laws and regulations in force in those countries. The official rules here presented should be exactly followed, and if any further information is desired a note of inquiry should be addressed—

For CANADA, to

The Minister of Agriculture,
Copyright Branch,
Ottawa, Canada.

For NEWFOUNDLAND, to

The Colonial Secretary,
Copyright Branch,
St. Johns, Newfoundland.
THORVALD SOLBERG,
Register of Copyrights.

WASHINGTON, D. C., *October, 1903.*

COPYRIGHT IN CANADA AND NEWFOUNDLAND.

LIST OF COPYRIGHT LAWS.

CANADA.

1832 (Feb. 25). LOWER CANADA. An Act for the protection of copy rights. Acte pour protéger la propriété littéraire. [2 Will. IV., chap. 53. English and French texts on opposite pages.] In "The Provincial Statutes of Lower-Canada." v. 14, 4°. *Quebec, J. C. Fisher & W. Kemble*, 1831-[34], pp. 624-632.

Repealed by the act: United Provinces of Canada, 4 & 5 Vict., chap. 61, Sept. 18, 1841, preamble.

1841 (Sept. 18). UNITED PROVINCES OF CANADA. An Act for the protection of copy rights in this Province. [4 & 5 Vict., chap. 61, Sept. 18, 1841.] In "The Provincial Statutes of Canada." v. 1, 4°. *Kingston, S. Derbishire & G. Desbarats*, 1841, pp. 323-327.

Replaced by the Revised Statutes of 1859, title 9, chap. 81: An Act respecting copyrights.

1847 (July 28). UNITED PROVINCES OF CANADA. An Act to extend the provincial copyright act to persons resident in the United Kingdom, on certain conditions. [10 & 11 Vict., chap. 28, July 28, 1841.] In "The Provincial Statutes of Canada." v. 2, 4°. *Montreal, S. Derbishire & G. Desbarats*, 1847, p. 1391.

Included in the Revised Statutes of 1859, title 9, chap. 81: An Act respecting copyrights.

1850 (Aug. 10). UNITED PROVINCES OF CANADA. An Act to impose a duty on foreign reprints of British copyright works. [13 & 14 Vict., chap. 6, Aug. 10, 1850.] In "The Provincial Statutes of Canada." v. 3, 4°. *Toronto, S. Derbishire & G. Desbarats*, 1850, p. 1153. In "The Colonial copyright acts. By Frederic R. Daldy." 8°. *London*, 1889, pp. 34-35.

Incorporated in the Revised Statutes of 1859, title 9, chap. 81: An Act respecting copyrights.

1850 (Dec. 12). British Order in council, suspending in Canada the prohibition against the import or sale of certain foreign reprints of British books entitled to copyright. Dec. 12, 1850. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 9, 8°. *London, H. Butterworth, [etc.]*, 1856, pp. 302-305. In "British and foreign state papers. 1849-1850." v. 38, 8°. *London, Harrison & sons*, 1862, pp. 595-597.

1859. UNITED PROVINCES OF CANADA. An act respecting copyrights. [22 Vict., chap. 29, 1859.] In "The Consolidated Statutes of Canada." 8°. *Toronto, S. Derbishire & G. Desbarats*, 1859, title 9, chap. 81, pp. 894-898.

Repealed by the act: Dominion of Canada, 31 Vict., chap. 54, May 22, 1868, s. 19.

1868 (May 22). DOMINION OF CANADA. An Act respecting copyrights. [31 Vict., chap. 54, May 22, 1868.] In "Statutes of Canada, passed in the 1st session of the 1st parliament. Part 2d, 1868." 8°. *Ottawa, M. Cameron*, 1868, pp. 148-153. Acte concernant la propriété littéraire et artistique. [French text.] In "Statuts du Canada, passés dans la . . . 1^{ière} session du 1^{er} parlement. 2^{ième} partie, 1868." 8°. *Ottawa, M. Cameron*, 1868, pp. 154-159. English text in "Copyright (Colonial). Return to an address of the House of Commons, dated 1 March, 1875." Parliamentary papers, sess. 5 Feb.-13 Aug. 1875. fol. [*London*], v. 51, no. 144, pp. 26-29. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 14, 8°. *London, H. Butterworth, [etc.]*, 1880, pp. 769-774.

Repealed by the act, 38 Vict., chap. 88, April 8, 1875: An Act respecting copyrights, sec. 29.

1868 (May 22). DOMINION OF CANADA. An Act to impose a duty on foreign reprints of British copyright works. [31 Vict., chap. 56, May 22, 1868.] In "Statutes of Canada, passed in the 1st session of the 1st parliament. Part 2d, 1868." 8°. *Ottawa, M. Cameron*, 1868. pp. 159-161. Acte pour imposer un droit sur les ré-impressions étrangères des ouvrages britanniques soumis au droit de propriété littéraire. [French text.] In "Statuts du Canada, passés dans la . . . 1^{ière} session

du 1^{er} parlement. 2^{ième} partie, 1868." 8°. *Ottawa, M. Cameron*, 1868, pp. 154-159. English text in "Copyright (Colonial). Return to an address of the House of Commons, dated 1 March, 1875." Parliamentary papers, sess. 5 Feb.-13 Aug. 1875. fol. [*London*], v. 51, no. 144, pp. 29-30. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 14, 8°. *London, H. Butterworth*, [etc.], 1880, pp. 781-782.

1868 (July 7). British Order in council, approving a Canadian act for imposing a duty on foreign reprints of British copyright works. Windsor, July 7, 1868. In "British and foreign state papers. 1874-1875." v. 66, 8°. *London, W. Ridgeway*, 1882, pp. 549-550. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 15, 8°. *London, H. Butterworth* [etc.], 1885, pp. 678-679.

1868 (July 7). British Order in council, suspending the operation of the imperial acts relating to copyright so long as the Order in council of July 7, 1868, remains in force. Windsor, July 7, 1868. In "British and foreign state papers. 1874-1875." v. 66, 8°. *London, W. Ridgeway*, 1882, pp. 550-551. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 15, 8°. *London, H. Butterworth* [etc.], 1885, pp. 679-680.

1872 (June 14). DOMINION OF CANADA. *Proposed law*. An Act to amend the act respecting copyrights, June 14, 1872. In "Copyright (Colonies). Return to an address of the House of Commons, dated 1 March, 1875." Parliamentary papers, sess. 5 Feb.-13 Aug. 1875, fol. [*London*], v. 51, no. 144, pp. 5-7.

Disallowed in England.

1875 (April 8). DOMINION OF CANADA. An Act respecting copyrights. [38 Vict., chap. 88, April 8, 1875.] In "Acts of the Parliament of the Dominion of Canada, passed in the 2d sess. of the 3d parliament, 1875." 8°. *Ottawa, B. Chamberlin*, 1876. Reserved, pp. xvii-xxiv. In "The Colonial copyright acts. By Frederic R. Daldy." 8°. *London*, 1889, pp. 115-124. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 20, 8°. *London, H. Butterworth* [etc.], 1889, pp. 691-699.

Replaced by the Revised Statutes of Canada of 1886, chap. 62: An Act respecting copyright.

1875 (Aug. 2). GREAT BRITAIN. An Act to give effect to an Act of the parliament of the Dominion of Canada respecting copyright. [38 & 39 Vict., chap. 53, Aug. 2, 1875.] In "The Law reports. The public general statutes, 1875." v. 10, 8°. *London, W. Clowes & sons*, 1875, pp. 338-339.

1886. DOMINION OF CANADA. An Act respecting copyright. 49 Vict. In "The Revised Statutes of Canada, 1886." v. 1, 8°. *Ottawa, B. Chamberlin*, 1887, chap. 62, pp. 925-933. Acte concernant la propriété littéraire et artistique. [French text.] In "Les Statuts révisés du Canada." v. 1, 8°. *Ottawa, B. Chamberlin*, 1887, chap. 62, pp. 965-973.

Amended by the following subsequent acts. 52 Vict., chap. 29, May 2, 1889; 53 Vict., chap. 12, April 24, 1890; 54 & 55 Vict., chap. 34, Aug. 28, 1891; 58 & 59 Vict., chap. 37, July 22, 1895; 63 & 64 Vict., chap. 25, July 18, 1900.

1886. DOMINION OF CANADA. An Act respecting the duties of customs. 49 Vict. In "The Revised Statutes of Canada, 1886." v. 1, 8°. *Ottawa, B. Chamberlin*, 1887, chap. 33, sec. 5, 33, 549, 814, pp. 365, 366, 368, 370, 401, 402, 410.

1886 (June 2). DOMINION OF CANADA. An Act further to amend the acts relating to duties of customs. [49 Vict., chap. 37, June 2, 1886.] In "Acts of the Parliament of the Dominion of Canada, 1886." v. 1, 8°. *Ottawa, B. Chamberlin*, 1886, sec. 5, pp. 214, 220.

1887 (June 23). DOMINION OF CANADA. An Act to amend the act respecting the Department of Agriculture. [50 & 51 Vict., chap. 12, June 23, 1887.] In "Acts of the Parliament of the Dominion of Canada, 1887." v. 1, 8°. *Ottawa, B. Chamberlin*, 1887, p. 58.

1889 (May 2). DOMINION OF CANADA. An Act to amend "The Copyright Act," chapter 62 of the Revised Statutes. [52 Vict., chap. 29, May 2, 1889.] In "Acts of the Parliament of the Dominion of Canada, 1889." v. 1, 8°. *Ottawa, B. Chamberlin*, 1889, pp. 133-135. Acte modifiant l'Acte concernant les droits d'auteur, chapitre 62 des Statuts révisés [52 Vict., chap. 29], Sanctionné le 2 mai 1889. In "Actes du Parlement de la Puissance du Canada, 1889." v. 1, 8°. *Ottawa, B. Chamberlin*, 1889, pp. 136-138.

1890 (April 24). DOMINION OF CANADA. An Act to amend "The Copyright Act." [53 Vict., chap. 12, April 24, 1890.] In

"Acts of the Parliament of the Dominion of Canada, 1890." v. 1, 8°. *Ottawa, B. Chamberlin*, 1890, p. 74. Acte modifiant l'Acte concernant les droits d'auteur. [53 Vict., chap. 12.] Sanctionné le 24 avril 1890. In "Actes du Parlement de la Puissance du Canada, 1890." v. 1, 8°. *Ottawa, B. Chamberlin*, 1890, p. 75. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 20, 8°. *London, H. Butterworth [etc.]*, 1898, p. 699.

1891 (Aug. 28). DOMINION OF CANADA. An Act to amend the copyright act. [54 & 55 Vict., chap. 34, Aug. 28, 1891.] In "Acts of the Parliament of the Dominion of Canada, 1891." v. 1, 8°. *Ottawa, B. Chamberlin*, 1891, p. 168. Acte modifiant de nouveau l'Acte concernant les droits d'auteur. [54 & 55 Vict., chap. 34.] Sanctionné le 28 août 1891. In "Actes du Parlement de la Puissance du Canada, 1891." v. 1, 8°. *Ottawa, B. Chamberlin*, 1891, p. 170. In "A Complete collection of treaties. By Lewis Hertslet [and others]." v. 20, 8°. *London, H. Butterworth, [etc.]*, 1898, p. 699.

1895 (July 22). DOMINION OF CANADA. An Act to amend the copyright act. [58 & 59 Vict., chap. 37, July 22, 1895.] In "Acts of the Parliament of the Dominion of Canada, 1895." v. 1, 8°. *Ottawa, S. E. Dawson*, 1895, pp. 127-128. Acte modifiant l'Acte concernant les droits d'auteur. [58 & 59 Vict., chap. 37.] Sanctionné le 22 juillet 1895. In "Actes du Parlement de la Puissance du Canada, 1895." v. 1, 8°. *Ottawa, B. Chamberlin*, 1895, pp. 129-130.

1900 (July 18). DOMINION OF CANADA. An Act to amend the copyright act. [63 & 64 Vict., chap. 25, July 18, 1900.] In "Acts of the Parliament of the Dominion of Canada, 1900." v. 1, 8°. *Ottawa, S. E. Dawson*, 1900, pp. 187-188. Acte modifiant l'Acte concernant les droits d'auteur. [63 & 64 Vict., chap. 25.] Sanctionné le 18 juillet 1900. In "Actes du parlement de la Puissance du Canada, 1900." v. 1, 8°. *Ottawa, S. E. Dawson*, 1900, pp. 191-192.

NEW BRUNSWICK.

1848 (Mar. 30). An Act to regulate the importation of books and to protect the British author. [11 Vict., chap. 66, Mar. 30, 1848.] In "Acts of the General Assembly of Her Majesty's province of New Brunswick, 1849." 4°. *Fredericton, J. Simpson*, 1849, pp. 259-260. In "The Colonial copyright acts. By Frederic R. Daldy." 8°. *London*, 1889, pp. 1-3.

1848 (Aug. 11). British Order in council, suspending the prohibitions in New Brunswick, against certain foreign reprints of British books, entitled to copyright. Aug. 11, 1848. In "British and foreign state papers. 1847-1848." v. 36, 8°. *London, Harrison & sons*, 1861, pp. 946-948. In "The Colonial copyright acts. By Frederic R. Daldy." 8°. *London*, 1889, pp. 73-75.

1854. Of the importation of books and protection of the British author. In "The Revised Statutes of New Brunswick." v. 1, 8°. *Fredericton, J. Simpson*, 1854, part 1, title 3, chapter 25, p. 62.

NEWFOUNDLAND.

1849 (April 23). Of the importation of books and the protection of the British author. April 23, 1849. In "The Colonial copyright acts. By Frederic R. Daldy." 8°. *London*, 1889, pp. 19-20.

1849 (July 30). British Order in council, suspending the Prohibitions in Newfoundland, against certain foreign reprints of British Books entitled to Copyright, July 30, 1849. In "British and foreign state papers. 1848-1849." v. 37, 8°. *London, Harrison & sons*, 1862, pp. 226-227.

1872. Of the importation of books and the protection of the British author. In "The Consolidated Statutes of Newfoundland, 1872. Printed under the supervision of Robert J. Kent." 8°. *St. John's, F. Winton*, 1874, title 15, chap. 53, pp. 307-308.

1888 (May 9). An Act respecting copyright. [51 Vict., chap. 20, May 9, 1888.] In "Acts of the General Assembly of Newfoundland; passed in the 51st year of the Reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. C. Withers*, 1888, pp. 171-183.

Repealed by Act 58 Vict., chap. 19, June 11, 1890: An Act to amend the law relating to Copyright, sec. 33.

1890 (June 11). An Act to amend the law relating to copyright. [53 Vict., chap. 19, June 11, 1890.] *In* "Acts of the General Assembly of Newfoundland; passed in the 53d year of the reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. C. Withers*, 1890, pp. 139-149.

1892. Of copyright. [55 Vict., chap. 8, 1892.] *In* "The Consolidated Statutes of Newfoundland. 2d series." 8°. *St. John's*, *J. W. Withers*, 1896, chap. 110, pp. 856-862.

Amended by the act 62 & 63 Vict., chap. 7, July 19, 1899: An Act to amend chapter 110 of the Consolidated Statutes entitled "Of copyright."

1892. Of the importation of books and the protection of the British author. [55 Vict., chap. 8, 1892.] *In* "The Consolidated Statutes of Newfoundland. 2d series." 8°. *St. John's*, *J. W. Withers*, 1896, chap. 111, pp. 862-863.

1898 (Feb. 17). An Act respecting the Department of the Colonial Secretary. [61 Vict., chap. 17, Feb. 17, 1898.] *In* "Acts of the General Assembly of Newfoundland; passed in the 61st year of the reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. W. Withers*, 1898, pp. 308, 309, 310.

1899 (July 19). An Act to amend chapter 110 of the Consolidated Statutes entitled "Of copyright." [62 & 63 Vict., chap. 7, July 19, 1899.] *In* "Acts of the General Assembly of Newfoundland; passed in the 62d and 63d year of the reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. W. Withers*, 1899, p. 56.

NOVA SCOTIA.

1847 (Mar. 17). An Act to regulate the importation of books and to protect the British author. [10 Vict., chap. 14, March 17, 1847.] *In* "Acts of the General Assembly of the province of Nova Scotia, 1847." 4°. *Halifax*, *J. H. Crosskill*, [*n. d.*], pp. 52-53.

1848 (Mar. 21). An Act to regulate the importation of books, and to protect the British author. [11 Vict., chap. 9, March 21, 1848.] *In* "Acts of the General Assembly of the province of Nova Scotia, 1848." 4°. *Halifax*, *J. H. Crosskill*, [*n. d.*], pp. 10-11. *In* "The Colonial copyright acts. By Frederic R. Dalry." 8°. *London*, 1889, pp. 4-5.

1848 (Aug. 11). British Order in council, suspending the prohibitions in Nova Scotia, against certain foreign reprints of British books entitled to copyright. Aug. 11, 1848. *In* "British and foreign state papers. 1847-1848." v. 36, 8°. *London*, *Harrison & sons*, 1861, pp. 948-949.

1851. Of the law of copyright. *In* "The Revised Statutes of Nova Scotia. Prepared by W: Young, J: W. Ritchie, Jonathan McCully, Jos. Whidden, commissioners." 8°. *Halifax*, *R. Nugent*, 1851, title 31, chap. 119, pp. 321-324.

Replaced by title 31, chap. 119, of the Revised Statutes of 1859.

1859. Of the law of copyright. *In* "The Revised Statutes of Nova Scotia. 2d series. Prepared by Martin I. Wilkins, W. A. Henry, Jas. R. Smith, commissioners." 8°. *Halifax*, *J. & W. Compton*, 1859, title 31, chap. 119, pp. 397-400.

Replaced by the act of 1864: Revised Statutes, 3d series, 1864, title 31, chap. 116.

1864. Of the law of copyright. *In* "The Revised Statutes of Nova Scotia. 3d series. Prepared by S. Campbell, C: F. Harrington, H. Blanchard, commissioners." 8°. *Halifax*, *J. & W. Compton*, 1864, title 31, chap. 116, pp. 406-408.

Repealed by the Act of the Dominion of Canada, 31 Vict., chap. 54, May 22, 1868, an Act respecting copyrights, sec. 19, except that sections 1 to 6 are (by sec. 28 of this act) continued in force as to unexpired copyrights acquired before the 22d day of May, 1868.

1873. Of the law of copyright. *In* "The Revised Statutes of Nova Scotia. 4th series. Prepared by Alonzo J. White, H: C. D. Twining, and Jas. W. Johnston, commissioners." 8°. *Halifax*, *C. Annand*, 1873, chap. 116, sec. 1-6, Appendix B, pp. 86-88.

These six sections were printed as being in force as to unexpired copyrights acquired before May 22, 1868.

PRINCE EDWARD ISLAND.

1848 (Aug. 31). An Act to regulate the importation of books and to protect the British author. [11 Vict., chap. 28, Aug. 31, 1848.] *In* "The Acts of the General Assembly of Prince Edward Island, 1773-1852." v. 1, 8°. [*Charlottetown*], *J: Ings*, 1862, pp. 547-549. *In* "The Colonial copyright acts. By Frederic R. Daldy." 8°. *London*, 1889, pp. 6-8.

1848 (Oct 31). British Order in council, suspending the prohibitions in Prince Edward Island, against certain foreign reprints of British books, entitled to copyright. Oct. 31, 1848. *In* "British and foreign state papers. 1847-1848." v. 36, 8°. *London*, *Harrison & sons*, 1861, pp. 950-951.

1861 (April 29). An Act for the protection of copyright. [24 Vict., chap. 29, April 29, 1861.] *In* "The Acts of the General Assembly of Prince Edward Island, from 1853 to 1862." v. 2, 8°. [*Charlottetown*], *J: Ings*, 1862, pp. 446-448.

On July 1, 1873 Prince Edward Island became part of the Dominion of Canada, and these copyright laws were replaced by the Dominion of Canada copyright statutes.

CANADA.

RULES AND FORMS OF THE DEPARTMENT OF AGRICULTURE RESPECTING "THE COPYRIGHT ACT."

[Approved by the Governor in Council on the 12th of April, 1887.]

GENERAL RULES.

I.

There is no necessity for any personal appearance at the Department of Agriculture, unless specially called for by order of the Minister or the Deputy, every transaction being carried on by writing.

II.

In every case the applicant or depositor of any paper is responsible for the merits of his allegations and of the validity of the instruments furnished by him or his agent.

III.

The correspondence is carried on with the applicant, or with the agent who has remitted or transmitted the papers to the office, but with one person only.

IV.

All papers are to be clearly and neatly written on foolscap paper, and every word of them is to be distinctly legible, in order that no difficulty should be met with in the taking cognizance of, and in the registering and copying them.

V.

All copies of books deposited in accordance with section 9 of "The Copyright Act," must be furnished with board covers or full bound, and all copies of maps deposited must be mounted.

VI.

All communications to be addressed in the following words: "*To the Minister of Agriculture (Copyright Branch), Ottawa.*"

VII.

In preparing an assignment in duplicate pursuant to section 15 of "The Copyright Act," care should be taken to allow on the back of the document a sufficient space for the insertion of the certificate.

VIII.

As regards proceedings not specially provided for in the following forms, any form being conformable to the letter and spirit of the law will be accepted, and if not conformable will be returned for correction.

IX.

A copy of the Act and the Rules with a particular section marked, sent to any person making an inquiry is intended as a

LAWS.

GREAT BRITAIN.

Act of March 29, 1867.

30 & 31 VICTORIA, CHAPTER 3.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith. [29th March 1867.]

[3]IV.—LEGISLATIVE POWER.

17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Constitution of Parliament of Canada.

[4]VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF THE PARLIAMENT.

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:—

Legislative Authority of Parliament of Canada.

[5]23. Copyrights.

[6]And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

From "Statutes of Canada passed in the session held in the thirty-first year of the Reign of Her Majesty Queen Victoria, being the first session of the first Parliament of Canada, begun and holden at Ottawa, Nov. 6, 1867." 8°. *Ottawa, M. Cameron*, 1867, preliminary pp. 3, 6, 19, 20 & 21. *Also in* "The Law reports. The Public general statutes, 1867." Vol. 2, 8°. *London, W. Clowes & sons*, 1867, pp. 5, 8, 21, 22.

NOTE.—Prince Edward Island became a part of the Dominion of Canada on July 1, 1873.

CANADA.

Revised Statutes of 1886, Chapter 62.

49 VICTORIA, CHAPTER 4.

An Act respecting Copyright.^[7]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as "*The Copyright Act.*" 38 V., c. 88, s. 31.

Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

(a.) The expression "the Minister" means the Minister of Agriculture;

Interpretation.

(b.) The expression "The Department" means the Department of Agriculture;

"Minister."

(c.) The expression "legal representatives" includes heirs, executors, administrators and assigns, or other legal representatives.

"Department."

"Legal representatives."

REGISTERS OF COPYRIGHTS.

3. The Minister of Agriculture shall cause to be kept, at the Department of Agriculture, books to be called the "Registers of copyrights," in which proprietors of literary, scientific and artistic works or compositions, may have the same registered in accordance with the provisions of this Act. 38 V., c. 88, s. 1.

Minister of Agriculture to keep registers of copyrights.

SUBJECTS OF COPYRIGHT AND CONDITIONS TO BE COMPLIED WITH.

4. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an International copyright treaty with the United Kingdom, who is the author of any book, map, chart or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his ^[8]own design, any print or engraving, and the legal representatives of such person or citizen, shall have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the copyright thereof in the manner hereinafter directed. 38 V., c. 88, s. 4, *part.*

Who may obtain copyrights.

Translations.

Term of copyright.

5. The condition for obtaining such copyright shall be that the said literary, scientific or artistic works shall be printed and published or reprinted and republished in Canada, or in the case of works of art that they shall be produced or reproduced in Canada, whether they are so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere: but in no case shall the said sole and exclusive right and liberty in Canada continue to exist after it has expired elsewhere:^[9]

Condition for obtaining copyright.

Proviso.

(2.) No immoral, licentious, irreligious, or treasonable or seditious literary, scientific or artistic work, shall be the legitimate subject of such registration or copyright. 38 V., c. 88, s. 4, *part*.

Exception as to immoral works &c.

6. ^[10]Every work of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada, under any Act of the Parliament of Canada, or of the legislature of the late Province of Canada, or of the legislature of any of the Provinces forming part of Canada, shall, when printed and published, or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of any such work lawfully printed there:

Copyright in Canada of British copyright works—on what conditions obtainable.

Proviso.

(2.) If any such copyright work is reprinted subsequently to its publication in the United Kingdom, any person who has, previously to the date of entry of such work upon the registers of copyright, imported any foreign reprints, may dispose of such reprints by sale or otherwise; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person. 38 V., c. 88, s. 15.

As to foreign reprints imported before copyright is obtained in Canada.

7. Any literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be registered under this Act while it is so preliminarily published, if the title of the manuscript and a short analysis of the work are deposited at the department, and if every separate article so published is preceded by the words "Registered in accordance ^[11]with the Copyright Act," but the work, when published in book or pamphlet form, shall be subject, also, to the other requirements of this Act. 38 V., c. 88, s. 10, *part*.

Registration of work first published in separate articles in a periodical.

8. If a book is published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the un-named author or on behalf of such first publisher, as the case may be. 38 V., c. 88, s. 25.

Anonymous books may be entered in the name of first publisher.

9. No person shall be entitled to the benefit of this Act unless he has deposited at the department two ^[12]copies of such book, map, chart, musical composition, photograph, print, cut or engraving, and in the case of paintings, drawings, statuary and sculpture, unless he has furnished a written description of such works of art; and the Minister shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by him, or prescribed by the rules and forms made, from time to time, as herein provided. 38 V., c. 88, s. 7.

Deposit of copies, &c., with the department.

Record of copyright.

10. The Minister shall cause one of such two ^[13]copies of such book, map, chart, musical composition, photograph, print, cut or engraving, to be deposited in the Library of the Parliament of Canada. ^[14]38 V., c. 88, s. 8.

Copies to be sent to the Library of Parliament.

11. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book unless the same contains very important alterations or additions. 38 V., c. 88, s. 26.

As to second and subsequent editions.

12. No person shall be entitled to the benefit of this Act unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title-page, or on the page immediately following, if it is a book,—or if it is a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if it is a volume of maps, charts, music, engravings or photographs, upon the title-page or frontispiece thereof, the following words, that is to say: "Entered according to Act of the Parliament of Canada, in the year _____, by A. B., at the Department of Agriculture;" but as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship. 38 V., c. 88, s. 9.

Notice of copyright to appear on the work.

Form.

Exception.

13. The author of any literary, scientific or artistic work, or his legal representatives, may,

pending the publication or republication thereof in Canada, obtain an interim copyright therefor by depositing at the department a copy of the title or a designation of such work, intended for publication or republication in Canada,—which title or designation ^[15]shall be registered in an interim copyright register at the said department,—to secure to such author aforesaid or his legal representatives, the exclusive rights recognized by this Act, previous to publication or republication in Canada,—but such interim registration shall not endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada:

Interim copyright, how obtainable, and its effect.

Duration of interim copyright.

(2.) In every case of interim registration under this Act the author or his legal representatives shall cause notice of such registration to be inserted once in the *Canada Gazette*. 38 V., c. 88, s. 10, *part*.

Notice to be given.

14. The application for the registration of an interim copyright, of a temporary copyright and of a copyright, may be made in the name of the author or of his legal representatives, by any person purporting to be the agent of such author or legal representatives; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable in any court of competent jurisdiction. 38 V., c. 88, s. 23, *part*.

Application for registration may be made through an agent.

Punishment of pretended agents.

ASSIGNMENTS AND RENEWALS.

15. The right of an author of a literary, scientific or artistic work, to obtain a copyright, and the copyright when obtained, shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing, made in duplicate, and which shall be registered at the department on production of both duplicates and payment of the fee hereinafter mentioned:

Copyright and right to obtain it to be assignable.

2. One of the duplicates shall be retained at the department, and the other shall be returned, with a certificate of registration, to the person depositing it. 38 V., c. 88, s. 18.

Duplicates, how disposed of.

16. Whenever the author of a literary, scientific or artistic work or composition which may be the subject of copyright, has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is, by the said transaction, virtually transferred to the purchaser,—and such purchaser may avail himself of such privilege, unless a reserve of the privilege is specially made by the author or artist in a deed duly executed. 38 V., c. 88, s. 16.

Copyright to assignee of author.

17. If, at the expiration of the said term of twenty-eight years, the author or any of the authors (when the work has been originally composed and made by more than one person), is still living, or if such author is dead and has left a widow or a child, or children living, the same sole and exclusive right and liberty shall be continued to such ^[16]author, or to such authors still living, or, if dead, then to such widow and child or children, as the case may be, for the further term of fourteen years; but in such case, within one year after the expiration of such term of twenty-eight years, the title of the work secured shall be a second time registered, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright. 38 V., c. 88, s. 5.

Renewal of copyright, for what term and on what conditions.

Title to be again registered, &c.

18. In all cases of renewal of copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause notice of such registration thereof to be published once in the *Canada Gazette*. 38 V., c. 88, s. 6.

Record of renewal to be published.

CONFLICTING CLAIMS TO COPYRIGHT.

19. ^[17]In case of any person making application to register as his own, the copyright of a literary, scientific or artistic work already registered in the name of another person, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the person so applying shall be notified by the Minister that the question is one for the

Cases of conflicting claims in respect of copyright to be settled before a competent court.

decision of a court of competent jurisdiction, and no further proceedings shall be had or taken by the Minister concerning the application until a judgment is produced maintaining, cancelling or otherwise deciding the matter:

(2.) Such registration, cancellation, or adjustment of the said right shall then be made by the Minister in accordance with such decision. 38 V., c. 88, s. 19.

Action on decision.

INFRINGEMENT OF COPYRIGHT.

20. Every person who, without the consent of the author or lawful proprietor thereof first obtained, prints or publishes, or causes to be printed or published, any manuscript not previously printed in Canada or elsewhere, shall be liable to the author or proprietor for all damages occasioned by such publication, and the same shall be recoverable in any court of competent jurisdiction. 38 V., c. 88, s. 3.

Liability of persons printing Mss., without owner's consent.

LICENSES TO RE-PUBLISH.

21. If a work copyrighted in Canada becomes out of print, a complaint may be lodged by any person with the Minister, who, on the fact being ascertained to his satisfaction, shall notify the owner of the copyright of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister may grant a license to any person to publish a new edition or to import the ^[18]work, specifying the number of copies and the royalty to be paid on each to the owner of the copyright. 38 V., c. 88, s. 22.

Provision for the case of a copyrighted work being out of print.

License to print it, &c.

FEES.

22. The following fees shall be paid to the Minister before an application for any of the purposes herein mentioned is received, that is to say:—

Fees payable under this Act.

On registering a copyright	\$1.00
On registering an interim copyright	0.50
On registering a temporary copyright	0.50
On registering an assignment	1.00
For a certified copy of registration	0.50
On registering any decision of a court of justice, for every folio	0.50

For office copies of documents not above mentioned, the following charges shall be made:

On office copies.

For every single or first folio, certified copy	\$0.50
For every subsequent hundred words (fractions under or not exceeding fifty, not being counted, and over fifty being counted for one hundred)	0.25

(2.) The said fees shall be in full of all services performed under this Act by the Minister or by any person employed by him under this Act:

Fees to be in full for all services.

(3.) All fees received under this Act shall be paid over to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada:

To form part of Con. Rev. Fund.

(4.) No person shall be exempt from the payment of any fee or charge payable in respect of any services performed under this Act for such person, and no fee paid shall be returned to the person who paid it. 38 V., c. 88, s. 28.

No exemption from payment of fees.

GENERAL PROVISIONS.

23. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object. 38 V., c. 88, s. 14.

Proviso: as to scenery, &c.

24. Newspapers and magazines published in foreign countries, and which contain, together with foreign original matter, portions of British copyright works republished with the consent of the author or his legal representatives, or under the law of the country where such copyright exists, may be imported into Canada. 38 V., c. 88, s. 10, *part*.

As to newspapers, &c., containing portions of British copyright works.

25. Clerical errors which occur in the framing or copying of any instrument drawn by any officer or employee in or of ^[19]the department shall not be construed as invalidating such instrument, but when discovered they may be corrected under the authority of the Minister. 38 V., c. 88, s. 20.

Clerical errors, how corrected.

26. All copies or extracts certified, from the department, shall be received in evidence, without further proof and without production of the originals. 38 V., c. 88, s. 21.

Certified copies and extracts,—their effect.

27. The Minister may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act; and such regulations and forms, circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act; and all documents, executed and accepted by the Minister shall be held valid, so far as relates to all official proceedings under this Act. 38 V., c. 88, s. 2.

Minister to make rules, forms, &c.

Their effect.

OFFENCES AND PENALTIES.

28. Every person who wilfully makes or causes to be made any false entry in any of the registry books hereinbefore mentioned of the Minister, or who wilfully produces or causes to be tendered in evidence, any paper which falsely purports to be a copy of an entry in any of the said books, is guilty of a misdemeanor, and shall be punished accordingly. 38 V., c. 88, s. 24.

Making false entries, &c., to be a misdemeanor.

29. Every person who fraudulently assumes authority to act as agent of the author or of his legal representative for the registration of a temporary copyright, an interim copyright, or a copyright, is guilty of a misdemeanor and shall be punished accordingly. 38 V., c. 88, s. 23, *part*.

Fraudulent assumption of authority, a misdemeanor.

30. Every person who, after the interim registration of the title of any book according to this Act, and within the term herein limited, or after the copyright is secured and during the term or terms of its duration, prints, publishes, or reprints or republishes, or imports, or causes to be so printed, published or imported, any copy or any translation of such book without the consent of the person lawfully entitled to the copyright thereof, first had and obtained by assignment, or who, knowing the same to be so printed or imported, publishes, sells or exposes for sale, or causes to be published, sold or exposed for sale, any copy of such book without such consent, shall forfeit every copy of such book to the person then lawfully entitled to the copyright thereof; and shall forfeit and pay for every such copy which is found in his possession, either being printed or printed, published, imported or exposed for sale, contrary to the provisions of this Act, such sum, not exceeding one dollar and not less than ten cents, as the court determines,—which forfeiture shall ^[20]be enforceable or recoverable in any court of competent jurisdiction; and a moiety of such sum shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. 38 V., c. 88, s. 11.

Penalty for the infringement of copyright of a book.

Recovery and application.

31. Every person who, after the registering of any painting, drawing, statue or work of art, and within the term or terms limited by this Act, reproduces in any manner, or causes to be reproduced, made or sold, in whole or in part, any copy of any such work of art, without the consent of the proprietor, shall forfeit the plate or plates on which such reproduction has been made, and every sheet thereof so reproduced, to the proprietor of the copyright thereof;

Penalty for the infringement of copyright of a painting, &c.

Recovery and application.

and shall also forfeit for every sheet of such reproduction published or exposed for sale, contrary to this Act, such sum, not exceeding one dollar and not less than ten cents, as the court determines,—which forfeiture shall be enforceable or recoverable in any court of competent jurisdiction; and a moiety of such sum shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. 38 V., c. 88, s. 12.

32. Every person who, after the registering of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, and within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either as a whole or by varying, adding to or diminishing the main design, with intent to evade the law, or who prints or reprints or imports for sale, or causes to be so printed or reprinted or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any part thereof, without the consent of the proprietor of the copyright thereof, first obtained as aforesaid, or who, knowing the same to be so reprinted, printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent as aforesaid, shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor of the copyright thereof; and shall also forfeit, for every sheet of such map, musical composition, print, cut or engraving found in his possession, printed or published or exposed for sale, contrary to this Act, such sum, not exceeding one dollar and not less than ten cents, as the court determines,—which forfeiture shall be enforceable or recoverable in any court of competent jurisdiction; and a moiety of such sum shall belong to Her Majesty for the ^[21]public uses of Canada, and the other moiety shall belong to the lawful owner of such copyright. 38 V., c. 88, s. 13.

Penalty for the infringement of copyright of a print, chart, music, photograph, &c.

Recovery and application.

33. Every person who has not lawfully acquired the copyright of a literary, scientific or artistic work, and who inserts in any copy thereof printed, produced, reproduced or imported, or who impresses on any such copy, that the same has been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, shall incur a penalty not exceeding three hundred dollars:

Penalty for falsely pretending to have copyright.

(2.) Every person who causes any work to be inserted in the register of interim copyright and fails to print and publish, or reprint and republish the same within the time prescribed, shall incur a penalty not exceeding one hundred dollars:

Penalty for registering interim copyright without publishing.

(3.) Every penalty incurred under this section shall be recoverable in any court of competent jurisdiction; and a moiety thereof shall belong to Her Majesty for the public uses of Canada, and the other moiety shall belong to the person who sues for the same. 38 V., c. 88, s. 17.

Recovery and application of penalties.

34. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arises. 38 V., c. 88, s. 27. [For proposed amendments of this act, see the acts of Jan. 23, 1887, pp. 30-31; May 2, 1889, pp. 31-34; Apr. 24, 1890, p. 34; Aug. 28, 1891, pp. 34-35; July 22, 1895, pp. 35-36; and July 18, 1900, pp. 36-37.]

Limitation of actions.

From "The Revised Statutes of Canada, 1886." Vol. 1, 8°. *Ottawa, B. Chamberlin*, 1887, chap. 62, pp. 925-933.

Revised Statutes of 1886, Chapter 33.

49 VICTORIA, CHAPTER 4.

An Act respecting the Duties of Customs.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

[22]5. The goods enumerated in Schedule D shall not be imported into Canada, under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed:

Prohibited goods.

[23]SCHEDULE A.

GOODS SUBJECT TO DUTIES.

Goods subject to duty:

[24]BOOKS, &c.:—

33. Books, printed periodicals and pamphlets, not elsewhere specified, not being foreign reprints of British copyright works nor blank account books, nor copy books, nor books to be written or drawn upon, nor Bibles, prayer-books, psalm and hymn-books, fifteen per cent. *ad valorem*.

Books.

34. British copyright works, reprints of, fifteen per cent. *ad valorem*, and in addition thereto twelve and a-half per cent. *ad valorem*.

Copyright works.

[25]SCHEDULE C.

FREE GOODS.

Free goods:

[26]549. Books, bound, which have been printed more than seven years at the date of importation,—except foreign reprints of English copyrighted books, which shall remain subject to the copyright duty;

Books.

[27]SCHEDULE D.

The following articles are prohibited to be imported under a penalty of two hundred dollars, together with the forfeiture of the parcel or package of goods in which the same are found, viz.:—

814. Reprints of Canadian copyright works, and reprints of British copyright works which have been also copyrighted in Canada;

Reprints of Canadian copyright works.

From "The Revised Statutes of Canada, 1886." Vol. 1. 8°. *Ottawa, B. Chamberlin*, 1887, chap. 33, pp. 365, 366, 368, 370, 401, 402, 410.

Act of June 2, 1886.

49 VICTORIA, CHAPTER 37.

An Act further to amend the Acts relating to duties of Customs, and the importation or exportation of goods into or from Canada. [Assented to 2nd June, 1886.]

In amendment of the several Acts imposing or relating to duties of Customs on the importation or exportation of certain goods, the importation of goods free of duty, the prohibition of the importation of certain others, and matters connected therewith: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

5. Schedule D of the Act forty-second Victoria, chapter fifteen, relating to articles the importation of which is prohibited, as amended by the Act forty-fourth Victoria, chapter ten, is hereby amended,—

List of prohibited articles amended.

SUB-SECTION A, 31ST MARCH.

1. By striking out the item relating to copyright works, and substituting the following item therefor:—

As to certain reprints.

Reprints of Canadian copyright works, and reprints of British copyright works which have been also copyrighted in Canada.

From "Acts of the Parliament of the Dominion of Canada, 1886. Vol. 1. Public general acts." 8°. *Ottawa, B. Chamberlin*, 1886, pp. 214, 220.

NOTE.—See also the British Act, 52 & 53 Vict., chap. 42: An Act to amend the Law relating to Customs and Inland Revenue. [26th August, 1889. Part 1. Customs, sec. 1.] Printed in Copyright Office Bulletin, no. 5, (1902), p. 67.

Act of June 23, 1887.

50 & 51 VICTORIA, CHAPTER 12.

An Act to amend the Act respecting the Department of Agriculture. [Assented to 23rd June, 1887.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in section four of chapter twenty-four of the Revised Statutes of Canada, intituled "*An Act respecting the Department of Agriculture*" the subjects of "patents of invention" and "copyright" may be placed under the management and direction of the Secretary of State or of such other member of the Queen's Privy Council for Canada as the Governor in Council from time to time directs.

2. Notwithstanding anything contained in the said section the subject of "industrial designs and trade marks" may be placed under the management and direction of the Minister of Trade and Commerce or of such other member of the Queen's Privy Council for Canada as the Governor in Council from time to time directs.

3. Whenever, under the provisions of this Act, the management and direction of any one of the subjects hereinbefore mentioned is transferred from the Minister of Agriculture to another Minister of the Crown, such Minister shall be substituted for and have all the powers and perform all the duties of the Minister of Agriculture, as defined and provided by the chapter of the Revised Statutes of Canada relating to such subject, and the deputy of such other Minister shall in like manner be substituted for and have all the powers and perform all the duties of the Deputy of the Minister of Agriculture in relation to such subject.

Preamble.

R. S. C., c. 24, amended as to control of patents of invention and copyright.

And of industrial designs and trade marks.

Minister to whom subject is transferred, substituted for Minister of Agriculture.

And Deputy Minister.

From "Acts of the Parliament of the Dominion of Canada, 1887. Vol. 1. Public general acts." 8°. Ottawa, B. Chamberlin, 1887, p. 58.

Act of May 2, 1889.

52 VICTORIA, CHAPTER 29.

An Act to amend "The Copyright Act," Chapter sixty-two of the Revised Statutes. [Assented to 2nd May, 1889.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sections four and five of "*The Copyright Act*" are hereby repealed and the following substituted therefor:—

Sections 4 and 5 of R. S. C., c. 62, repealed; new sections.

"4. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an International copyright treaty with the United Kingdom, in which Canada is included, who is the author of any book, map, chart or musical or literary composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person or citizen, shall have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific, musical or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold of such literary works, from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in the manner and on the conditions, and subject to the restrictions hereinafter set forth.

Who may obtain copyright.

Translations.

Term of copyright.

"5. The conditions for obtaining such copyright shall be that the said literary, scientific, musical or artistic work shall, before publication or production elsewhere, or simultaneously with the first publication or production thereof elsewhere, be registered in the office of the Minister of Agriculture, by the author or his legal representatives, and further that such work shall be printed and published or produced in Canada, or reprinted and republished or reproduced in Canada, within one month after publication or production elsewhere; but in no case shall the sole and exclusive^[28] right and privilege in Canada continue to exist after it has expired in the country of origin:

Conditions for obtaining copyright.

Proviso.

"(2.) No immoral, licentious, irreligious, or treasonable or seditious literary, scientific or artistic work shall be the subject of such registration or copyright:

Exception.

"(3.) If any such copyright work has been reprinted previously to the coming into force of this Act, any person who has, previously to such date, imported any foreign reprints, may dispose of such reprints by sale or otherwise; but the burden of proof establishing the extent and regularity of the transaction shall, in such case, be upon such person:

Reprints previously imported may be sold.

"(4.) In the case of any person who has contracted, previously to the coming into force of this Act, to supply any reprint of any work, either in its complete state or by serial numbers, of which work copyright has been obtained either in the United Kingdom or any such country as aforesaid, but not in Canada, such person shall be entitled to complete such contract, and, subject to the provisions of the Acts respecting duties of Customs, to import the same; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person."

Previous contract for supplying reprint may be fulfilled.

2. Section six of the said Act is hereby repealed.

Section 6 repealed.

3.[29] If the person entitled to copyright under the said Act as hereby amended fails to take advantage of its provisions, any person or persons domiciled in Canada may obtain from the Minister of Agriculture a license or licenses to print and publish or to produce the work for which copyright, but for such neglect or failure, might have been obtained; but no such license shall convey exclusive rights to print and publish or produce any work:

License, if no copyright is taken out.

No exclusive right.

(2.) A license shall be granted to any applicant agreeing to pay the author or his legal representatives a royalty of ten per

centum on the retail price of each copy or reproduction issued of the work which is the subject of the license and giving security for such payment to the satisfaction of the Minister.

Royalty to be paid.

4. The royalty provided for in the next preceding section shall be collected by the officers of the Department of Inland Revenue, and paid over to the persons entitled thereto, under regulations approved by the Governor in Council; but the Government shall not be liable to account for any such royalty not actually collected.

How collected and paid.

5. ^[29] Whenever, under the foregoing provisions of this Act, a license has been issued permitting the printing and publishing or the producing of any work, and evidence has been adduced to the satisfaction of the Governor in Council that such work is in course of being printed and published or ^[30] produced in such manner as to meet the demand therefor in Canada, the Governor General may, by proclamation published in the *Canada Gazette*, prohibit the importation, while the author's copyright or that of his assigns is in force, subject to the provisions hereinafter contained, of any copies or reproductions of the work to which such license relates; but if, at any time thereafter, it is made to appear to the Governor in Council that such work is not, under such license, printed and published or produced in such manner as to meet such demand, the Governor General may, by proclamation published as aforesaid, revoke such prohibition.

Importation from foreign countries may be prohibited.

If work is not published under license so as to meet demand.

6. Nothing in this Act contained shall be deemed to prohibit the importation from the United Kingdom of copies of works of which the copyright is there existing and which are lawfully printed and published there, nor shall anything in this Act contained be deemed to apply to any work for which copyright has been obtained in the United Kingdom or in any such country as aforesaid before the coming into force of this Act; but the law in force at the time of the coming into force hereof shall be deemed to be still in force as respects such works.

No prohibition of importation from United Kingdom.

7. The foregoing provisions of this Act shall come into force on a day to be named by proclamation of the Governor General.

Commencement of act.

From "Acts of the Parliament of the Dominion of Canada, 1889. Vol. 1. Public general acts." 8°. Ottawa, B. Chamberlin, 1889, pp. 133-135.

Act of April 24, 1890.

53 VICTORIA, CHAPTER 12.

An Act to amend "The Copyright Act." [Assented to 24th April, 1890.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section nineteen of "The Copyright Act" is hereby amended by adding thereto the following sub-section:—

R. S. C., c. 62, s. 19 amended.

"3. The Exchequer Court of Canada shall be a competent court within the meaning of this Act, and shall have jurisdiction to adjudicate upon any question arising under this section, upon information in the name of the Attorney General of Canada, and at the relation of any party interested."

Jurisdiction of exchequer court.

From "Acts of the Parliament of the Dominion of Canada, 1890. Vol. 1. Public general acts." 8°. *Ottawa, B. Chamberlin, 1890, p. 74.*

Act of August 28, 1891.

54 & 55 VICTORIA, CHAPTER 34.

An Act to amend the Copyright Act. [Assented to 28th August, 1891.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section nineteen of "*The Copyright Act*," chapter sixty-two of the Revised Statutes, as amended by the Act fifty-third Victoria, chapter twelve, is hereby further amended by striking out of sub-section three the words "and at the relation of any party interested," and substituting therefor the words "or at the suit of any person interested."

R. S. C., c. 62, s. 19 amended.

From "Acts of the Parliament of the Dominion of Canada, 1891. Vol. 1. Public general acts." 8°.
Ottawa, B. Chamberlin, 1891, p. 168.

Act of July 22, 1895.

58 & 59 VICTORIA, CHAPTER 37.

An Act to Amend the Copyright Act. [Assented to 22nd July, 1895.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section nine of *The Copyright Act*, chapter sixty-two of the Revised Statutes of Canada, is hereby amended, by substituting the word "three" for the word "two" in the second line thereof.

R. S. C., c. 62, Deposit of copies of books, etc., in Department of Agriculture. s. 9 amended.

2. Section ten of the said Act is hereby amended by substituting the word "three" for the word "two" in the first line thereof, and by adding the words "and one in the British Museum" after the word "Canada" in the last line thereof.

Section 10 amended.

3. Subsection one of section three of chapter twenty-nine of the Statutes of 1889, amending *The Copyright Act*, is hereby repealed and the following substituted therefor:—

One copy to be sent to British Museum.

"3. If any person entitled to copyright under the said Act as hereby amended, neglects or fails to take advantage of its provisions, or, having obtained copyright thereunder, at any time after the first publication in Canada of the work for which copyright has been so obtained, fails to print and publish in Canada the work for which copyright might have been or has been so obtained as aforesaid in sufficient numbers and in such manner as to meet the demand in Canada for such work, any person or persons domiciled in Canada may obtain from the Minister of Agriculture a license or licenses to print and publish or to reproduce such work in Canada, but no such license shall convey exclusive right to print and publish or produce any work."

1889, c. 29, s. 3 amended.

License, if no copyright is taken out.

4. Section five of the said Act is hereby amended by adding after the word "force" in the ninth line thereof, the words, "or would have been in force had copyright for the work been obtained in Canada under the provisions of sections four and five of the Act as hereby amended."

Section 5 amended.

[31]5. The said section five is hereby further amended by adding the following words thereto:

—"Provided, however, that as to any work for which copyright has been obtained in Canada, the Governor in Council may, upon its being established to his satisfaction that the holder of such copyright is prepared and *bona fide* intends during the remaining period of his term of copyright to print and publish such work in Canada in sufficient numbers and in such manner as to supply the demand for such work in Canada, revoke all licenses for the printing and publication of such work then in force; but such revocation shall not render unlawful the subsequent sale and disposal in Canada of all or any of the copies of such work then printed under the authority of the license so revoked."

Section 5 further amended.

From "Acts of the Parliament of the Dominion of Canada, 1895. Vol. 1. Public general acts." 8°. Ottawa, S. E. Dawson, 1895, pp. 127-128.

Act of July 18, 1900.

63 & 64 VICTORIA, CHAPTER 25.

An Act to amend the Copyright Act. [Assented to 18th July, 1900.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. If a book as to which there is subsisting copyright under *The Copyright Act* has been first lawfully published in any part of Her Majesty's dominions other than Canada, and if it is proved to the satisfaction of the Minister of Agriculture that the owner of the copyright so subsisting and of the copyright acquired by such publication has lawfully granted a license to reproduce in Canada, from movable or other types, or from stereotype plates, or from electroplates, or from lithograph stones, or by any process for facsimile reproduction, an edition or editions of such book designed for sale only in Canada, the Minister may, notwithstanding anything in *The Copyright Act*, by order under his hand, prohibit the importation, except with the written consent of the licensee, into Canada of any copies of such book printed elsewhere; provided that two such copies may be specially imported for the bona fide use of any public free library or any university or college library, or for the library of any duly incorporated institution or society for the use of the members of such institution or society.

In case of license to reprint book copyrighted in U. K. or British possession. Minister may prohibit importation of other reprints.

2. The Minister of Agriculture may at any time in like manner, by order under his hand, suspend or revoke such prohibition upon importation if it is proved to his satisfaction that—

Suspension or revocation of prohibition.

(a.) the license to reproduce in Canada has terminated or expired; or

(b.) the reasonable demand for the book in Canada is not sufficiently met without importation; or

(c.) the book is not, having regard to the demand therefor in Canada, being suitably printed or published; or

[32](d.) any other state of things exists on account of which it is not in the public interest to further prohibit importation.

3. At any time after the importation of a book has been prohibited under section 1 of this Act, any person resident or being in Canada may apply, either directly or through a book-seller or other agent, to the person so licensed to reproduce such book, for a copy of any edition of such book then on sale and reasonably obtainable in the United Kingdom or some other part of Her Majesty's dominions, and it shall then be the duty of the person so licensed, as soon as reasonably may be, to import and sell such copy to the person so applying therefor, at the ordinary selling price of such copy in the United Kingdom or such other part of Her Majesty's dominions, with the duty and reasonable forwarding charges added; and the failure or neglect, without lawful excuse, of the person so licensed to supply such copy within a reasonable time, shall be a reason for which the Minister may, if he sees fit, suspend or revoke the prohibition upon importation.

Failure of licensee to supply book.

4. The Minister shall forthwith inform the Department of Customs of any order made by him under this Act.

Customs Department to be notified.

5. All books imported in contravention of this Act may be seized by any officer of Customs, and shall be forfeited to the Crown and destroyed; and any person importing, or causing or permitting the importation, of any book in contravention of this Act shall, for each offence, be liable, upon summary conviction, to a penalty not exceeding one hundred dollars.

Penalty for unlawful importation.

NOTE.—Passed by the House of Commons, July 4, 1900; by the Senate on July 9, 1900, and assented to by the Governor General of Canada, in Her Majesty's name, on July 18, 1900.

From "Acts of the Parliament of the Dominion of Canada, 1900. Vol. 1. Public general acts." 8°. Ottawa, S. E. Dawson, 1900, pp. 187-188.

NEWFOUNDLAND.

Consolidated Statutes of 1892, Chapter 110.

55 VICTORIA, CHAPTER 8.

CHAPTER 110.—OF COPYRIGHT.

Section.

1. Short title.
2. Expression "legal representatives."
3. Registers shall be kept by Colonial Secretary.
4. Author domiciled in Newfoundland, to have exclusive right of printing, etc., for twenty-eight years.
5. Conditions of obtaining copyright.
6. Registration.
7. Anonymous publications.
8. Two copies to be deposited in Colonial Secretary's Office, copyright to be recorded.
9. Copies to be deposited in Legislative Library.
10. Not requisite to deliver any copy of second or subsequent edition, unless containing important alterations.
11. Insertion of imprint on title page, etc.
12. Interim copyright.
13. Application for registration; how made.
14. Right assignable.
15. Property of copyright when sold, shall be in the vendee.
16. When certain exclusive rights shall be continued for a further term of fourteen years.
17. Renewal of copyright.
18. Application to register copyright, already registered.
19. Publication without consent of author.
20. Works becoming out of print, complaint may be lodged with Colonial Secretary.
21. Fees.
22. Nothing herein contained shall prejudice certain rights.
23. Clerical errors may be corrected by the Colonial Secretary.
24. Copies or extracts.
25. The Colonial Secretary may make rules.
26. False entries in Registry Books, misdemeanor.

27. Fraudulently assuming to act as agent, misdemeanor.
28. Forfeiture for publishing, etc., after copyright is secured.
29. Forfeiture for reproducing works of art after registration.
30. Forfeiture for selling or copying prints, maps, etc., after registration.
31. Penalty. Penalties, how recoverable.
32. No action shall be taken after two years.

1. This chapter may be cited as the "Copyright Act, 1890."

Short title.

2. The expression "legal representatives" shall include executors, administrators and assigns or other legal representatives.

Legal representatives.

3. The Colonial Secretary shall cause to be kept in his office books, to be called the "Registers of Copyrights," in which proprietors of literary, scientific and artistic works or compositions may have the same registered, in accordance with the provisions of this chapter.

Registers of copyrights.

^[33]4. Any person domiciled in Newfoundland, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or invents, designs, etches or engraves, or causes to be engraved, etched or made from his own design any print or engraving, and the legal representatives of such person, shall have the sole and exclusive right and liberty of printing, re-printing, publishing, reproducing and vending such literary, scientific or artistic work or composition, in whole or in part, and of allowing translations to be printed or re-printed and sold of such literary work, from one language into other languages for the term of twenty-eight years from the time of recording the copyright thereof, in the manner hereinbefore directed.

Any author domiciled in Newfoundland may obtain copyright.

5. (1.) The condition for obtaining such copyright shall be that the said literary, scientific or artistic works shall be printed and published, or in the case of works of art, that they shall be produced in this colony.

(2.) No immoral, licentious, irreligious, treasonable or seditious literary, scientific or artistic work, shall be the legitimate subject of such registration or copyright.

6. Any literary work intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be registered under this chapter while it is so preliminarily published, if the title of the manuscript and a short analysis of the work are deposited at the Colonial Secretary's office, and if every separate article so published is preceded by the words "Registered in accordance with the Copyright Act;" but the work when published in book or pamphlet form shall be subject also to the other requirements of this chapter.

7. If a book is published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

8. No person shall be entitled to the benefit of this chapter, unless he has deposited at the Colonial Secretary's office two copies of such book, map, chart, musical composition, photograph, print, cut or engraving; and in case of paintings, drawings, statuary and sculpture, unless he has furnished a written description of such work of art, and the Colonial Secretary shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose in the manner adopted by him, or prescribed by the rules and forms made, from time to time, as herein provided.

Deposit of two copies required.

Description of work of art.

9. The Colonial Secretary shall cause one of such two copies of such book, map, chart, musical composition, photograph, print, cut or engraving, to be deposited in the Legislative Library of this colony.

One copy of book for Legislative Library.

10. It shall not be requisite to deliver any printed copy of the second or any subsequent edition of any book, unless the same contains very important alterations or additions.

Second editions.

[34]11. No person shall be entitled to the benefit of this chapter unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page or on the page immediately following, if it is a book, or if it is a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if it is a volume of maps, charts, music, engravings or photographs, upon the title page or frontispiece thereof, the following words, that is to say: "Entered according to the Act of the Legislature of Newfoundland, in the year —, by —, at the Colonial Secretary's office;" but as regards paintings, drawings, statuary, and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

Notice of copyright.

12. The author of any literary, scientific or artistic work, or his legal representatives, may, pending the publication, obtain an interim copyright therefor, by depositing in the Colonial Secretary's office a copy of the title or designation of such work intended for publication, which title or designation shall be registered in an interim copyright register at the said department, to secure to such author aforesaid, or his legal representative, the exclusive rights recognized by this chapter, previous to publication.

Interim copyright.

13. The application for the registration of an interim copyright, a temporary copyright and of a copyright, may be made in the name of the author or of his legal representatives, by any person purporting to be the agent of such author or legal representatives; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable in any Court of competent jurisdiction.

Application for interim copyright.

14. (1.) The right of an author of a literary, scientific or artistic work to obtain a copyright, and the copyright when obtained, shall be assignable in law, either as to the whole interest or any part thereof by any instrument in writing, made in duplicate, which shall be registered at the Colonial Secretary's office on production of both duplicates, and the payment of the fee hereinafter mentioned.

Assignment of copyright.

(2.) One of the duplicates shall be retained at the Colonial Secretary's office and the other shall be returned, with a certificate of registration, to the party depositing it.

15. Whenever the author of a literary, scientific or artistic work or composition which may be the subject of a copyright has executed the same for another person, or has sold the same to another person for due consideration, such author shall not be entitled to obtain or retain the proprietorship of such copyright, which is by the said transaction virtually transferred to the purchaser, and such purchaser may avail himself of such privilege unless a reserve of the privileges is specially made by the author or artist in a deed duly executed.

Author after assignment.

16. If at the expiration of the said term of twenty-eight years the author or any of the authors (when the work has been originally composed [35] or made by more than one person) is still living, or if such author is dead and has left a widow or a child or children living, the same sole and exclusive right and liberty shall be continued to such author or to such authors still living, or if dead, then to such widow and child or children, as the case may be, for a further term of fourteen years; but in such case within one year after the expiration of such term of twenty-eight years, the title of the work secured shall be a second time registered, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright.

Renewal of copyright.

17. In all cases of renewal of copyright, under this chapter, the author or proprietor shall, within two months from the date of renewal, cause notice of such registration thereof to be published once in the *Royal Gazette*.

Publication of renewal.

18. (1.) In case of any person making an application to register as his own the copyright of a literary, scientific or artistic work already registered in the name of another person, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright to cancel the said copyright, the person so applying shall be notified by the Colonial Secretary that the question is one for the decision of a Court of competent jurisdiction, and no further proceedings shall be had or taken by the Colonial Secretary concerning the application until a judgment is produced maintaining, cancelling or otherwise deciding the matter.

Duplicate applications.

(2.) Such registration, cancellation, or adjustment of the said rights shall then be made by the Colonial Secretary in accordance with such decision.

19. Every person who, without the consent of the author or lawful proprietor thereof first obtained, prints or publishes, or causes to be printed or published, any manuscript not previously printed in Newfoundland or elsewhere, shall be liable to the author or proprietor for all damages occasioned by such publication, and the same shall be recoverable in any Court of competent jurisdiction.

Unauthorized printing of MS.

20. If a work copyrighted in Newfoundland becomes out of print, a complaint may be lodged by any person with the Colonial Secretary, who on the fact being ascertained to his satisfaction, shall notify the owner of the copyright of the complaint and of the fact; and if within a reasonable time no remedy is applied by such owner, the Colonial Secretary may grant a license to any person to publish a new edition, specifying the number of copies and the royalty to be paid on each to the owner of the copyright.

Work out of print.

21. The following fees^[36] shall be paid to the Colonial Secretary before an application for any of the purposes herein mentioned is received, that is to say:—

Fees.

[37]On registering a copyright	\$1.00
On registering an interim copyright	.50
On registering a temporary copyright	.50
On registering an assignment	1.00
For certified copy of registration	.50
On registering any decision of a Court of Justice, for every folio	.50

For office copies of documents, not above mentioned, the following charges shall be made:—

For every single or first folio, certified copy	\$.50
For every subsequent hundred words (fractions under and not exceeding fifty, not being counted, and over fifty being counted for one hundred)	.25

(2.) The said fees shall be in full for all services performed under this chapter by the Colonial Secretary, or by any person employed by him under this chapter.

(3.) No person shall be exempt from the payment of any fee or charge payable in respect of any services performed under this chapter for such person, and no fee paid shall be returned to the person who paid it.

22. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding there may be copyright in some other representations of such scene or object.

Representation of any scene or object.

23. Clerical errors which occur in the framing or copying of any instrument drawn by any officer or employee in or of the department, shall not be construed as invalidating such instrument; but when discovered they may be corrected under the authority of the Colonial Secretary.

Clerical errors.

24. All copies or extracts, certified from the Colonial Secretary's office, shall be received in evidence without further proof and without production of the originals.

Copies of records as evidence.

25. The Colonial Secretary may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as appear to him necessary and expedient for the purposes of this chapter; and such regulations and forms circulated in print for the use of the public shall be deemed to be correct for the purposes of this chapter; and all

Rules and regulations.

documents executed and accepted by the Colonial Secretary shall be held valid, so far as relates to all official proceedings under this chapter.

26. Every person who wilfully makes, or causes to be made, any false entry in any of the registry books of the Colonial Secretary hereinbefore mentioned, or who wilfully produces or causes to be tendered in evidence, any paper which falsely purports to be a copy of an entry in any of the ^[38]said books, shall be guilty of a misdemeanor, and shall be punished accordingly.

False entry.

27. Every person who fraudulently assumes authority to act as agent of the author, or of his legal representative, for the registration of an interim copyright, a temporary copyright, or a copyright, shall be guilty of a misdemeanor, and shall be punished accordingly.

Fraudulent representation.

28. Every person who, after the copyright of any book is secured according to this chapter, and during the term or terms of its duration, prints, publishes, or reprints or republishes, or causes to be so printed or published, any copy or any translation of such book, without the consent of the person lawfully entitled to the copyright thereof, first had and obtained by assignment, or who, knowing the same to be so printed, publishes, sells, or exposes for sale, or causes to be published, sold, or exposed for sale, any copy of such book without such consent, shall forfeit every copy of such book to the person then lawfully entitled to the copyright thereof; and shall forfeit and pay for every such copy which is found in his possession, either being printed or reprinted, published or exposed for sale contrary to the provisions of this chapter, such sum not exceeding one dollar, and not less than ten cents, as the Court may determine, which forfeiture shall be recoverable in any Court of competent jurisdiction, and a moiety of such sum shall go to the Receiver General for the use of the Colony, and the other moiety shall belong to the lawful owner of such copyright.

Unauthorized republication of book.

29. Every person who, after the registering of any painting, drawing, statue, or other work of art, and within the term or terms limited by this chapter, reproduces in any manner, or causes to be reproduced, made or sold, in whole or in part, any copy of any such work of art, without the consent of the proprietor, shall forfeit the plate or plates on which reproduction has been made, and every sheet thereof so reproduced, to the proprietor of the copyright thereof; and shall also forfeit for every sheet of such reproduction, published or exposed for sale contrary to this chapter, such sum not exceeding one dollar nor less than ten cents, as the Court determines, which forfeiture shall be recoverable in any Court of competent jurisdiction, and a moiety of such sum shall go to the Receiver General for the use of the colony, and the other moiety shall belong to the lawful owner of such copyright.

Unauthorized republication of works of art.

30. Every person who, after the registering of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this chapter, and within the term or terms limited by this chapter, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either as a whole or by varying, adding to or diminishing the main design with intent to evade the law, or who prints or reprints, or causes to be so printed or reprinted any such map, chart, musical composition, print, cut, engraving, or any part thereof, without the consent of the proprietor of the copyright thereof first obtained as aforesaid, ^[39]or who, knowing the same to be so reprinted or printed without such consent, publishes, sells, or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print, without such consent as aforesaid, shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof so copied, or printed as aforesaid, to the proprietor of the copyright thereof; and shall also forfeit for every sheet of such map, chart, musical composition, print, cut or engraving found in his possession, printed or published, or exposed for sale contrary to this chapter, such sum, not exceeding one dollar nor less than ten cents, as the Court determines, which forfeiture shall be recoverable in any Court of competent jurisdiction, and a moiety of such sum shall go to the Receiver General for the use of the colony, and the other moiety shall belong to the lawful owner of such copyright.

Unauthorized republication of engraving, map, music or photograph.

31. (1.) Every person who has not lawfully acquired the copyright of a literary, scientific or artistic work, and who inserts in any copy thereof, printed, produced, reproduced or imported, or who impresses on any such copy that the same has been entered according to this chapter, or words purporting to assert the existence of a Newfoundland copyright in relation thereto, shall incur a penalty not exceeding one hundred dollars.

False notice of copyright.

(2.) Every penalty incurred under this section shall be recoverable in any Court of competent jurisdiction, and a moiety thereof shall go to the Receiver General for the use of the colony, and the other moiety shall belong to the person who sues for the same.

Penalties; how recoverable.

32. No action or prosecution for the recovery of any penalty under this chapter, shall be commenced more than two years after the cause of action arises.

No action after two years.

From "The Consolidated Statutes of Newfoundland (Second Series), 1892." 8°. *St. John's, N. F., J. W. Withers*, 1896, pp. 856-862.

Consolidated Statutes of 1892, Chapter 111.

55 VICTORIA, CHAPTER 8.

CHAPTER 111.—OF THE IMPORTATION OF BOOKS AND

Section.

1. Reprints of books protected by copyright laws to pay an *ad valorem* duty of twenty dollars per cent.

Application of duties.

2. Penalties, recovery and application thereof.

3. Meaning of terms used in this chapter.

4. Reprints to be stamped on entry.

1. Upon the importation from foreign countries of any reprint of any book or review, bound or in covers, first composed, written or published in the United Kingdom of Great Britain and Ireland, and protected, at the ^[40]time of importation, by the acts of the imperial parliament to enforce the laws of copyright, there shall be paid an *ad valorem* duty upon the *bonâ fide* price of such reprints of twenty per cent.; but the reprint of any book or review not duly registered according to the provisions of the statutes of the imperial parliament relating to copyright, shall not be liable to such *ad valorem* duty. Such duties shall not be paid on newspapers or other regular periodicals containing extracts only from such books or reviews; and after collection of the proper duties the same shall be paid to the author of the said book or review, or to the proprietor of the said copyright, as Her Majesty shall be pleased to direct.

Reprints of books protected by copyright laws to pay an *ad valorem* duty of 20%.

Not to apply to extracts.

Application of duties.

2. No person shall import or bring, or cause to be imported or brought into this colony, for use, sale or hire, any reprint referred to in the foregoing section, and therein and thereby made liable to duty, contrary to this chapter, or knowingly sell, publish, or expose to sale, or let to hire, or have in his possession, for use, sale or hire, any such reprint; and every such reprint so imported, or bought, sold, published, or exposed for sale, shall be forfeited and sold, one half the proceeds thereof to be applied to the use of the officers of the customs seizing the same, and the other half to the author or proprietor of the copyright; and every person so offending, being convicted thereof before any two Justices in the district where the seizure is made, shall, for every such offence, forfeit the sum of twenty-five dollars and double the value of every copy of such book or reprint which he shall so import or cause to be imported into this colony, or shall knowingly sell, publish or expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to this chapter; eight dollars of such penalty, after deducting expenses of prosecution, shall be paid to such officers of customs, and the remainder of the penalty to the proprietor of the copyright; and the said double value of such book or reprint, and the said respective proportions of the proceeds of the sale of such book or reprint, and of such penalty, shall be paid as hereinbefore provided.

Penalties for infringement.

Recovery of penalties and application thereof.

3. In the construction of this chapter, the word "book" or "reprint" shall mean and include every volume, part or division of a volume, pamphlet, sheet of letter press, sheet of music, map, chart or plan, separately published; and the word "copyright" shall mean the sole and exclusive liberty of printing or otherwise multiplying copies of such volume, part or division of a volume, pamphlet, sheet of letter press, sheet of music, chart or plan, separately published.

Meaning of certain terms used.

4. At the time of the entry of any such reprint of any book or review, the officers passing such reprint shall stamp the same; and the Receiver General shall furnish said officers with the form of stamp necessary for such service.

Reprints to be stamped on entry.

Act of February 17, 1898.

61 VICTORIA, CHAPTER 17.

An Act respecting the Department of the Colonial Secretary. [Passed February 17th, 1898.]

Be it enacted by the Governor, the Legislative Council, and the House of Assembly, in Legislative Session convened, as follows:—

Enacting clause.

1. There shall be a department of the Civil Service * * * which shall be called "The Post Office Department," over which a Minister to be called "The Colonial Secretary," appointed by the Governor in Council, by commission under the Great Seal, shall preside; and the Minister shall have the management and direction of the said department and shall hold office during pleasure.

Departments constituted.

[41]8. The following subjects shall be under the control and direction of the Colonial Secretary:—

Powers of Minister.

[42](d.) Patents, Copyrights and Trademarks.

12. Wherever in any enactment at present in force in this Colony any words are used applicable to the Colonial Secretary, the same shall be deemed and taken to apply to and include the Minister called the Colonial Secretary in this Act.

Words applicable to Colonial Secretary to include Minister.

13. This Act shall come into force on the first day of July, A. D. 1898.

Suspending clause.

From "Acts of the General Assembly of Newfoundland. Passed in the 61st year of the Reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. W. Withers*, 1898, pp. 308, 309, 310.

Act of July 19, 1899.

62 & 63 VICTORIA, CHAPTER 7.

An Act to amend Chapter 110 of the Consolidated Statutes entitled "Of Copyright." [Passed 19th July, 1899.]

Section 1. Copyright photographs.

Be it enacted by the Governor, the Legislative Council and the House of Assembly, in Legislative Session convened, as follows:—

Enacting clause.

1. Section 21, of chapter 110, of the Consolidated Statutes, entitled "Of copyright" is hereby amended by striking out the words following:

"On registering a copyright, \$1.00," and substituting therefor the words "On registering a copyright (except photographs) \$1.00." "On registering the copyright of a photograph, \$0.25."

Copyright photographs.

From "Acts of the General Assembly of Newfoundland. Passed in the 62d and 63d Year of the Reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. W. Withers*, 1899, p. 56.

PART II.

EARLIER LAWS OF CANADA, NEW BRUNSWICK, NOVA SCOTIA, AND PRINCE EDWARD ISLAND.



CANADA.

LOWER CANADA.

Act of February 25, 1832.

2 WILL. IV., CHAPTER 53.

An Act for the protection of Copyrights. [25th February, 1832.]

Whereas it is expedient to secure to the authors of literary publications and to Engravers the property of their respective works, and to make certain provisions on the said subjects: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign," intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and it is hereby enacted by the authority aforesaid, that from and after the passing of this Act any person or persons resident in this Province, who shall be the author or authors of any book or books, map, chart, or musical composition, which may be now made or composed, and not printed or published or shall ^[43]hereafter be made or composed, or who shall invent, design, etch, engrave or cause to be engraved, etched or made from his own design, any print or engraving, and the executors, administrators or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the term of twenty-eight years from the time of recording the title thereof in the manner hereinafter directed.

Preamble.

Rights of authors of books etc., how secured for a certain number of years.

II. And be it further enacted by the authority aforesaid, that if at the expiration of the aforesaid term, such author, inventor, designer, engraver, or any of them (where the work had been originally composed and made by more than one person) be still living, and residing in this Province, or being dead, shall have left a widow or child or children, either or all then living, the same exclusive right shall be continued to such author, designer or engraver, or if dead, then to such widow and child or children for the further time of fourteen years: Provided always that the title of the work secured shall be a second time recorded, and all such other regulations as are herein required in regard to original copy rights, be complied with in respect to such renewed copy right, and that within six months after the expiration of the first term.

If after the expiration of such term, such author, &c., he still living or being dead, the same right to be extended to his widow and children for the further period of 14 years.

Proviso.

III. And be it further enacted by the authority aforesaid, that in all cases of renewal of copy right under this Act, such author or proprietor shall within two months from the date of such renewal, cause a copy of the record thereof to be published in one or more of the newspapers printed in each of the Cities of Quebec and Montreal for the space of four weeks.

In cases of renewal of copy right, the author to cause copy to be published in the newspapers of Quebec and Montreal.

IV. And be it further enacted by the authority aforesaid, that no person shall be entitled to the benefit of this Act, unless he shall before publication, deposit a printed copy of the title of such book or books, map, chart, musical composition, print, cut or engraving, in the Clerk's office of the Superior Court of Original Jurisdiction of the District in which the author or proprietor shall reside, and the Clerk of such Court is hereby directed and required to record the same forthwith in a book to be kept for that purpose, in the words following, (giving a copy of the title under the seal of the Court to the said author or proprietor whenever he shall require the same):—

No person entitled to the benefit of this Act unless a printed copy of the title of the book, &c., is deposited in the Clerk's office of the Superior court of original jurisdiction of the district in which the Author resides—the Clerk to record the same and entitled to a fee.

"DISTRICT of ———

"Be it remembered that on the — day of — in the year — A. B. of the said District hath deposited in this office the title of a book, (map, chart, or otherwise as the case may be) ^[44]the title of which is in the words following, that is to say:— (insert the title) the right whereof he claims as author (or as proprietor as the case may be.)"

C. D.

for which record the Clerk shall be entitled to receive from the person claiming such right as aforesaid five shillings currency, and the like sum for every copy actually given to such person or his assigns: and the author or proprietor of any such book, map, chart, musical composition, print, cut or engraving shall within three months from the publication of the said book, map, chart, musical composition, print, cut or engraving, deliver or cause to be delivered a copy of the same to the Clerk of the said Court; and it shall be the duty of the Clerk of each Court at least once in every year to transmit a certified list of all such records of copy rights, including the titles so recorded and the dates of record, and also all the several copies of books or other works deposited in this office according to this Act, to the Secretary of the Province to be preserved in his office.

V. And be it further enacted by the authority aforesaid, that no person shall be entitled to the benefit of this Act, unless he shall give information of copy right being secured, by causing to be inserted in the several copies of each and every edition published during the term secured on the title page or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, or engravings, upon the title or frontispiece thereof, the following words, that is to say, "Entered according to Act of the Provincial Legislature, in the year — by A. B. in the Clerk's office of the Court of — (as the case may be.)"

Persons to give information of copy right being secured by inserting the same in the several copies of each Edition in the title page of the same.

VI. And be it further enacted by the authority aforesaid, that if any other person or persons from and after the recording of the title of any book or books according to this Act, shall within the term or terms herein limited, print, publish or import, or cause to be printed, published or imported, any copy of such book or books, without the consent of the person legally entitled to the copy right thereof, first had and obtained by deed passed before a Notary Public, or shall, knowing the same to be so printed or imposed [sic ? imported], publish, sell or expose to sale, or cause to be published, sold or exposed to sale, any copy of such book without such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the copy right thereof; and shall also forfeit and pay ten shillings currency, for every such sheet which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this Act, and one moiety of such penalty shall [go] to the use of His Majesty, and the other to the legal owner of such copy right, to be recovered in any Court of Competent Jurisdiction.

Penalty on persons, printing such books, &c. during the term limited by this Act without the consent of the person legally entitled to the copyright thereof.

^[45]VII. And be it further enacted by the authority aforesaid, that if any person or persons, after the recording of the title of any print, cut or engraving, map, chart or musical composition, according to the provisions of this Act, shall, within the term or terms limited by this Act, engrave, etch or work, sell or copy, or cause to be engraved, etched or copied, made or sold, either on the whole or by varying, adding to or diminishing the main design, with intent to evade the law, or shall print or import for sale, or cause to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copy right thereof, first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, shall publish, sell or expose to sale, or in any manner dispose of any such map, chart, musical composition, engraving, cut or print, without such consent as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut or print, shall be copied, and also all and every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the copy right thereof, and shall further forfeit ten shillings currency, for every sheet of such map, chart, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act, one moiety whereof to the proprietor or proprietors, and the other moiety to the use of His Majesty, to be recovered in any Court of Competent Jurisdiction.

If any person shall after recording the title of any print, &c. within the space of time limited by this Act, engrave any work, &c. without the consent of such proprietor, such person to be liable to a penalty.

VIII. And be it further enacted by the authority aforesaid, that nothing herein contained shall extend to prohibit the

importation or vending, printing or publishing of any map, chart, book, musical composition, print or engraving, written, composed or made by any person [not]^[46] residing in this Province.

Nothing contained in this Act to prevent the importation of any Chart, &c. made by any person [not] residing in this Province.

IX. And be it further enacted by the authority aforesaid, that if any person or persons who shall print or publish any manuscript whatever, or who the same being printed or published else where shall offer it or cause it to be offered for sale in this Province, without the consent of the author or legal proprietor first obtained as aforesaid, (if such author or proprietor be resident in this Province,) shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any Court of Competent Jurisdiction.

Any person who shall print any manuscript, and shall offer the same for sale without the consent of the Author, first obtained, to be liable to the Author for all such damages occasioned by such injury.

X. And be it further enacted by the authority aforesaid, that if any person or persons shall print or publish any book, map, chart, musical composition, print, cut or engraving, not having legally acquired the copy right thereof, or shall insist or impress that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding ^[47]fifteen pounds currency, (one moiety thereof to the person who shall sue for the same, and the other to the use of His Majesty,) to be recovered in any Court of Competent Jurisdiction.

Any person who shall print or publish any book, not having legally acquired the copy right—such person to incur a penalty.

XI. And be it further enacted by the authority aforesaid, that no action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action shall have arisen.

Limitation of Actions.

XII. And be it further enacted by the authority aforesaid, that the provisions of this Act intended for the protection and security of copy rights and providing remedies, penalties and forfeitures, in case of violation thereof, shall be held and construed to extend to the benefit of the legal proprietor or proprietors of each and every work as aforesaid heretofore published in this Province during the aforesaid term, provided the said proprietor or proprietors do comply with the provisions of this Act, in the same manner as if the said work had never been published.

The provisions of this Act intended for the protection of copy rights, in case of the violation thereof to be held to the benefit of the legal proprietor of every book heretofore published, during the aforesaid term.

XIII. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and forty, and no longer: Provided always, that any copy right obtained in conformity to the provisions of the same, shall continue during the term for which it shall have been obtained as aforesaid, although this Act may have ceased to be in force before the expiration of such term.

Continuance of this Act.

Proviso.

From "The Provincial Statutes of Lower-Canada." Vol. 14, 4°. *Quebec, J. C. Fisher & W. Kemble*, 1831-1834, pp. 624-632.

[Repealed by the Act: United Provinces of Canada, 4 & 5 Vict., chap. 61, Sept. 18, 1841, preamble.]

UNITED PROVINCES OF CANADA.

Act of September 18, 1841.

4 & 5 VICTORIA, CHAPTER 61.

An Act for the protection of Copy Rights in this Province. [18th September, 1841.]

Whereas it is expedient to secure to the Authors of Literary Publications, and to Engravers, the property of their respective Works, and to make certain provisions on the said subjects; and whereas it is expedient to repeal the laws now in force in that part of this Province formerly called Lower Canada relating thereto, and to make general provision for the whole Province; Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the Act intituled *An Act for the protection of Copy Rights*, passed in that part of the Province formerly called Lower Canada, in the second year of the Reign of His late Majesty, be and the same is hereby repealed.

Preamble.

Act of L. C. 2 Will. 4 c. 53.
repealed.

[48]II. And be it enacted, that any person or persons resident in this Province, who shall be the author or authors of any book or books, map, chart, or musical composition, which may be now made or composed, and not printed or published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave or cause to be engraved, etched or made from his own design, any print or engraving, and the executors, administrators or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the term of twenty eight years, from the time of recording the title thereof in the manner hereinafter directed.

Rights of authors of books, &c.,
how secured for a period of
twenty eight years.

III. And be it enacted, that if at the expiration of the aforesaid term, such author, inventor, designer, engraver, or any of them, where the work had been originally composed and made by more than one person be still living, and residing in this Province, or being dead, shall have left a widow or child, or children, either or all [of] them living, the same exclusive right shall be continued to such author, designer, or engraver, or if dead, then to such widow and child or children, for the further time of fourteen years: Provided always, that the title of the work secured shall be a second time recorded, and all such other regulations as are herein required in regard to original Copy Rights, be complied with in respect to such renewed Copy Rights, and that within six months after the expiration of the first term.

If the author be living at the end
of the 28 years, or be dead
leaving a Widow or child alive,
they shall have a further term of
14 years.

Proviso.

IV. And be it enacted, that in all cases of renewal of Copy Right under this Act, such author or proprietor shall within two months from the date of such renewal, cause a Copy of the record thereof to be published in the Official Gazette of the Province of Canada, for the space of four weeks.

In case of such extension, the
renewal of copy right shall be
publicly notified.

V. And be it enacted, that no person shall be entitled to the benefit of this Act, unless he shall, before publication, deposit a printed copy of such book or books, map, chart, musical composition, print, cut, or engraving, in the Office of the Registrar of the Province, which Officer is hereby directed and required to record the same forthwith in a book to be kept for that purpose, in the words following, (giving a copy of the title under his signature, to the said author or proprietor whenever he shall require the same.)

A copy of the work for which a
copy right is obtained, to be
deposited in the office of the
Provincial Registrar: and the
deposit shall be recorded.

Province of Canada:—

Form of recording.

"Be it Remembered, that on the — day of — in the year — A. B., of the

District of — hath deposited in this Office, a printed book, (map, chart, or otherwise, as the case may be,) the title of which is ^[49]in the words following, that is to say:— (insert the title,) the right whereof he claims as author (or as proprietor, as the case may be.)"

C. D.

For which record the Officer shall be entitled to receive from the person claiming such right, as aforesaid, five shillings, currency, and the like sum for every copy actually given to such person or his assigns: and the author shall also deposit a copy of the work, for which a Copy Right is obtained in the Library of the Legislative Assembly of this Province.

Fee to the Registrar.

VI. And be it enacted, that no person shall be entitled to the benefit of this Act, unless he shall give information of Copy Right being secured, by causing to be inserted in the several copies of each, and every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, that is to say: "Entered according to Act of the Provincial Legislature in the year — by A. B., in the Office of the Registrar of the Province of Canada."

Notice that the copy right is secured shall be given on the title page &c., of the work.

VII. And be it enacted, that if any other person or persons, from and after the recording of the title of any book or books, according to this Act, shall within the term or terms herein limited, print, publish or import, or cause to be printed, published, or imported, any copy of such book or books, without the consent of the person legally entitled to the Copy Right thereof, first had and obtained, by deed duly executed, or shall, knowing the same to be so printed or imported, publish, sell, or expose to sale or cause to be published, sold or exposed to sale any copy of such book without such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the Copy Right thereof; and shall forfeit and pay ten shillings, currency, for every such sheet which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this Act; and one moiety of such penalty shall be to the use of Her Majesty, and the other to the legal owner of such Copy Right, to be recovered in any Court of competent jurisdiction.

Penalty on persons printing, or publishing, or importing the work, during the continuance of the copy right.

Penalty how recovered and applied.

VIII. And be it enacted, that if any person or persons, after the recording of the title of any print, cut or engraving, map, chart or musical composition, according to the provisions of this Act, shall, within the term or terms limited by this Act, engrave, etch or work, sell or copy, or cause to be engraved, etched or copied, made or sold, either on the whole or by varying, adding to or diminishing the main design, with intent to evade the law, or shall print or import for sale, or cause to ^[50]be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof without the consent of the proprietor or proprietors of the Copy Right thereof, first obtained, as aforesaid, or knowing the same to be so printed or imported without such consent, shall publish, sell or expose to sale, or in any manner dispose of any such map, chart, musical composition, engraving, cut or print, without such consent, as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut or print, shall be copied, and also all and every sheet thereof, so copied or printed, as aforesaid, to the proprietor or proprietors of the Copy Right thereof, and shall further forfeit ten shillings, currency, for every sheet of such map, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Penalty on persons publishing, &c. any print of which a copy right has been obtained.

Penalty how recovered and applied.

IX. And be it enacted, that nothing herein contained shall extend to prohibit the importation or vending, printing or publishing of any map, chart, book, musical composition, print or engraving, written, composed or made by any person not residing in this Province.

This Act not to extend to works of persons not resident in this Province.

X. And be it enacted, that if any person or persons who shall print or publish any manuscript whatever, or who, the same being printed or published elsewhere, shall offer it or cause it to be offered for sale in this Province, without the consent of the author or legal proprietor first

Persons printing or publishing manuscript without the leave of the author, to be liable in

obtained, as aforesaid, if such author or proprietor be resident in this Province, shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any Court of competent jurisdiction.

damages.

XI. And be it enacted, that if any person or persons shall print or publish any book, map, chart, musical composition, print, cut or engraving, not having legally acquired the Copy Right thereof, and shall insert therein, or impress thereon, that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding fifteen pounds, currency, (one moiety thereof to the person who shall sue for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

Penalty on persons printing or publishing any work, &c. and falsely pretending to have the copy right thereof.

XII. And be it enacted, that no action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action shall have arisen.

Limitation of actions.

[51]XIII. And be it enacted, that the provisions of this Act intended for the protection and security of Copy Rights, and providing remedies, penalties and forfeitures, in case of violation thereof, shall be held and construed to extend to the benefit of the author or authors, or legal proprietor or proprietors of each and every work, as aforesaid, heretofore published in this Province, during the aforesaid term; provided the said author or authors, proprietor or proprietors, do comply with the provisions of this Act, in the same manner as if the work had never been published.

Provisions of this Act extended to works published before the passing thereof, if its requirements be complied with.

From "The Provincial Statutes of Canada." Vol. 1, 4^o. *Kingston, S. Derbishire & G. Desbarats*, 1841, pp. 323-327.

[Replaced by the Revised Statutes of 1859, title 9, chap. 81: An Act respecting copyrights.]

Act of July 28, 1847.

10 & 11 VICTORIA, CHAPTER 28.

An Act to extend the Provincial Copy-right Act to persons resident in the United Kingdom, on certain conditions. [28th July, 1847.]

Whereas it is just and expedient to extend, under certain restrictions, the provisions of the Act of this Province, passed in the Session held in the fourth and fifth years of the Reign of Her Majesty, and intituled, *An Act for the protection of Copy-right in this Province*, to the works of authors being British subjects and resident in Great Britain and Ireland: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding anything in the said Provincial Act contained, the provisions thereof shall be, and the same are hereby extended to any person or persons, being British subjects, and residing in Great Britain or Ireland, as if such person or persons were resident in this Province: Provided always, that to entitle any such literary production or engraving as is in the said Act mentioned, being the work of any such person or persons so residing in Great Britain or Ireland, to the protection of the said Act, it shall be printed and published in this Province, and shall, in addition to the words directed to be inserted by the sixth section of the said Provincial Act, and immediately following thereafter, contain the name and place of abode or business in this Province, of the printer or printers and publisher or publishers of every such literary production or engraving.

Preamble.

Act 4 & 5 V. c. 61.

The said Act extended to authors resident in the United Kingdom.

Proviso: the work protected must be printed and published in this Province, and contain the name and abode of the Printer and Publisher.

From "Provincial Statutes of Canada." Vol. 2, 4°. *Montreal, S. Derbishire & G. Desbarats*, 1847, p. 1391.

[Incorporated in the Revised Statutes of 1859, title 9, chap. 81: An act respecting copyrights.]

Act of August 10, 1850.

13 & 14 VICTORIA, CHAPTER 6.

An Act to impose a duty on Foreign re-prints of British Copyright Works. [10th August, 1850.]

Whereas it is declared by an Act of the Imperial Parliament, passed in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom*, that in case the Legislature in any British Possession shall be disposed to make due provision for securing or protecting the rights of British Authors in such Possession, and shall pass an Act for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty should be of opinion that such Act is sufficient for the purpose of securing to British Authors reasonable protection within such Possession, it shall be lawful for Her Majesty to express Her Royal Approval of such Act, and thereupon by Order in Council, to suspend, so long as the provisions of such Act shall continue in force within such Colony, the prohibition contained in the Imperial Acts in the said above recited Act mentioned, or in any other Acts against the importing, selling, letting to hire, exposing for sale or hire, or possessing Foreign re-prints of Books first composed, written, printed or published in the United Kingdom, and entitled to Copyright therein, and it is expedient to pass such Act to the end that such Foreign re-prints may, under the provisions of the said Imperial Act, be allowed to be imported into this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council to impose an *ad valorem* duty not exceeding twenty *per centum* upon Books imported into this Province, wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other Country, and with regard to which the notice to the Commissioners of Customs required by any Act of the Imperial Parliament in force in that behalf, shall have been given, and from time to time to alter the said duty (not exceeding in any case the rate aforesaid,) and from time to time to establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom then in force, and as he may deem requisite and equitable, with regard to the admission of such Books, and to the distribution of the proceeds of such duty to or among the party or parties beneficially interested in the Copyright; Provided always, that no such Order in Council shall impose a duty on the importation of any Book which may now be imported free from duty.

Preamble.

Imperial Act. 10 & 11 Vic. cap. 95.

Governor in Council may impose a duty on Foreign re-prints of British Copyright Works, &c.

Proviso.

II. And be it enacted, That the word "Book" in this Act, shall include every Volume, part or division of a Volume, Pamphlet, Sheet of Letter Press, Sheet of Music, Map, Chart or Plan separately published.

Interpretation.

III. Provided always and be it enacted, That the foregoing provisions of this Act (except in so far as may be otherwise directed in such Order as aforesaid of Her Majesty in Council), shall come into operation upon, from and after the day to be appointed for that purpose in any Proclamation of the Governor of this Province, signifying Her Majesty's Royal approval of this Act, and the issuing of such Order of Her Majesty in Council, and not before.

Commencement of this Act.

From "Provincial Statutes of Canada." Vol. 3, 4^o. *Toronto, S. Derbishire & G. Desbarats*, 1850, p. 1153.

[Incorporated in the Revised Statutes of 1859, title 9, chapter 81: An Act respecting copyrights.]

British Order in Council of December 12, 1850.

BRITISH ORDER IN COUNCIL, suspending in Canada the prohibitions against the import or sale of certain Foreign Reprints of British Books entitled to Copyright.—December 12, 1850.

At the Court at Windsor, the 12th day of December, 1850. Present, THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL.

[1] Whereas by an Act passed in the session of Parliament holden in the 5th and 6th years of the reign of Her present Majesty [cap. 45], intituled "An Act to amend the law of copyright," it is, among other things enacted, that it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any port in the United Kingdom, or in any other part of the British dominions, for sale or hire any printed book first composed or written, or printed and published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions:

Act 4 & 5 Vict., chap. 45.

[2] And whereas by an Act passed in the session of Parliament holden in the 8th and 9th years of the reign of Her present ^[52]Majesty [cap. 93], intituled "An Act to regulate the trade of the British possessions abroad," books, wherein the copyright is subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad.

Act 8 & 9 Vict., chap. 93.

[3] And whereas by an Act, passed in the session of Parliament holden in the 10th and 11th years of the reign of Her present Majesty [cap. 95], intituled "An Act to amend the law relating to the protection in the colonies of works entitled to copyright in the United Kingdom," it is enacted, that in case the legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty; and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her royal approval of such Act or Ordinance, and thereupon to issue an Order in Council, declaring, that so long as the provisions of such Act or Ordinance continue in force within such colony, the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards such colony; and thereupon such Act or Ordinance, shall come into operation, except so far as may be otherwise provided therein, or may be otherwise directed by such Order in Council:

Act 10 & 11 Vict., chap. 95.

[4] And whereas an Act has been passed by the Legislature of the Province of Canada, No. 780, intituled "An Act to impose a duty on foreign reprints of British copyright works," whereby it is enacted, that it shall be lawful for the Governor in Council to impose an *ad valorem* duty not exceeding 20 per centum upon books imported into the said province wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country with regard to which the notice to the Commissioners of Customs required by any Act of the Imperial Parliament in force in that behalf shall have been given, ^[53]and from time to time to alter the said duty (not exceeding in any case the rate aforesaid), and from time to time to establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom, then in force, and as he may deem requisite and equitable with regard to the admission of such books and to the distribution of the proceeds of such duty to or among the party or parties beneficially interested in the copyright:

Act of Canada 13 & 14 Vict., chap. 6.

[5] And it is thereby further enacted that the provisions of that Act (except in so far as may be otherwise directed in such Order of Her Majesty in Council), shall come into operation from and after the day to be appointed for that purpose in any proclamation of the Governor of the said province signifying Her Majesty's approval of that Act, and the issuing of such Order in Council, and not

Date of Enforcement of act.

before:

[6] And whereas Her Majesty hath expressed Her royal approval of the said Act of the Canadian Legislature:

[7] Now, therefore, Her Majesty, by and with the advice and consent of Her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that from and after the proclamation hereinafter mentioned of Her Majesty's approval of the duty to be imposed and the regulations to be made by the said Governor in Council, pursuant to the said last-mentioned Act, and thenceforth so long as such Act shall remain and continue in force within the said province, all prohibitions in either of the said hereinbefore recited Acts of the Imperial Parliament or in any other Acts thereof contained, against the importing into the said province or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards the said province. Provided always, and it is hereby ordered, that the said Act shall not come into operation except for the purpose of enabling the said Governor in Council, to impose such duties and to make such regulations as therein mentioned until Her Majesty's approval of the rate of duty so to be imposed, and the regulations so to be made shall have been signified to the said Governor by one of Her Majesty's Principal Secretaries of State, and until the approval so signified shall have been proclaimed in the said province, and thereupon the said Act shall come wholly into operation.

Suspension of prohibitions.

[8] And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

From "British and Foreign State Papers, 1849-1850. Compiled by the Librarian and Keeper of the Papers." Vol. 38, 8°. *London, Harrison & sons*, 1862, pp. 595-597.

Consolidated Statutes of 1859.

22 VICTORIA, CHAPTER 29.

TITLE 9.—PRIVATE RIGHTS AND REMEDIES. CAP. LXXXI.—AN ACT RESPECTING COPYRIGHTS.

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Any person resident in this Province or any person being a British subject, and resident in Great Britain or Ireland, who is the author of any book, map, chart, or musical composition, already made or composed but not printed or published, or hereafter made or composed or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the executors, administrators or legal assigns of such persons, shall have the sole right and liberty of printing, reprinting, publishing and vending such book, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the term of twenty-eight years, from the time of recording the title thereof in the manner hereinafter directed. 4, 5 V. c. 61, s. 2,—10, 11. V. c. 28.

Copyright of British subjects.

For 28 years.

[54]2. If at the expiration of the aforesaid term, such author, inventor, designer, engraver, or any of them, where the work had been originally composed and made by more than one person, be still living, and residing in this Province or residing in Great Britain or Ireland, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, designer or engraver, or if dead, then to such widow and child or children, (as the case may be) for the further time of fourteen years: but in such case within six months after the expiration of the first term, the title of the work secured shall be a second time recorded, and all such other regulations as are herein required in regard to original Copyrights shall be complied with in respect to such renewed Copyrights. 4, 5 V. c. 61, s. 3,—10, 11 V. c. 28.

Privileges after that period.

3. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published in the *Canada Gazette*, for the space of four weeks. 4, 5 V. c. 61, s. 4.

Renewal of copyright.

4. No person shall be entitled to the benefit of this Act, unless he has, before publication, deposited a printed copy of such book, map, chart, musical composition, print, cut, or engraving, in the Office of the Registrar of the Province, which Officer shall record the same forthwith in a book to be kept for that purpose, in the words following, (giving a copy of the title under his signature, to the said author or proprietor whenever required.)

Steps required to confer the right.

Province of Canada:

Be it remembered, that on the —— day of ——, in the year ——, A. B., of the District of ——, deposited in this Office a printed book, (map, chart, or otherwise, as the case may be,) the title of which is in the words following, that is to say:— (*insert the title*,) the right whereof he claims as author (*or as proprietor, as the case may be*.)

C. D.

For which record the Officer shall be entitled to receive from the person claiming such right as aforesaid, one dollar, and the like sum for every copy actually given to such person or his assigns.

5. The author shall also deposit in the Library of the Legislative Assembly of this Province, a copy of the work for which a Copyright has been obtained. 4, 5 V. c. 61, s. 5.

Deposit of copies.

6. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page [55]immediately following, if it be a book, or if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, that is to say: "Entered according to Act of the Provincial Legislature, in the year —— by A. B., in the Office of the

Notice required to be prefixed.

Registrar of the Province of Canada." 4, 5 V. c. 61, s. 6.

7. To entitle any such literary production or engraving as is in this Act mentioned, being the work of any such person residing in Great Britain or Ireland, to the protection of this Act, the same shall be printed and published in this Province, and shall, in addition to the words directed to be inserted by the last section of this Act, and immediately following thereafter, contain the name and place of abode or business in this Province of the printer and publisher thereof. 10, 11 V. c. 28.

Where the work must be published.

8. If any other person, after the recording of the title of any book according to this Act, within the term or terms herein limited, prints, publishes or imports, or causes to be printed, published or imported, any copy of such book without the consent of the person legally entitled to the Copyright thereof, first had and obtained by deed duly executed, or, knowing the same to be so printed or imported, publishes, sells, or exposes to sale or causes to be published, sold or exposed to sale any copy of such book without such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the Copyright thereof; and shall forfeit and pay two dollars, for every such sheet which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this Act; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such Copyright, to be recovered in any Court of competent jurisdiction. 4, 5 V. c. 61, s. 7.

Consequences of infringing.

9. If any person, after the recording of the title of any print, cut or engraving, map, chart or musical composition, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the law, or prints or imports for sale, or causes to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof without the consent of the proprietor or proprietors of the Copyright thereof, first obtained, as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells or exposes to sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut or print, without such consent, as aforesaid, such offender or ^[56]offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut or print, has been copied, and also every sheet thereof, so copied or printed, as aforesaid, to the proprietor or proprietors of the Copyright thereof, and shall further forfeit two dollars for every sheet of such map, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction. 4, 5 V. c. 61, s. 8.

Same subject.

10. Nothing herein contained shall extend to prohibit the importation or vending, printing or publishing of any map, chart, book, musical composition, print or engraving, written, composed or made by any person not residing in this Province, and not being a British subject resident in Great Britain or Ireland. 4, 5 V. c. 61, s. 9.

Exceptions.

11. If any person prints or publishes any manuscript whatever in this Province, or the same having been printed or published elsewhere, offers it or causes it to be offered for sale in this Province, without the consent of the author or legal proprietor first obtained, as aforesaid, such author or proprietor being resident in this province, or being a British subject resident in Great Britain or Ireland, such person shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any Court of competent jurisdiction. 4, 5 V. c. 61, s. 10.

Pirating manuscripts.

12. If any person prints or publishes any book, map, chart, musical composition, print, cut or engraving, and not having legally acquired the Copyright thereof, inserts therein, or impresses thereon, that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding sixty dollars, (one moiety thereof to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction. 4, 5 V. c. 61, s. 11.

Consequences of fictitious prefix of copyright.

13. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose. 4, 5 V. c. 61, s. 12.

Limitation of actions.

14. The provisions of this Act intended for the protection and security of Copyrights, and providing remedies, penalties and forfeitures, in case of violation thereof, shall, during the aforesaid term, extend to the benefit of the author or legal proprietor of every work aforesaid, heretofore published in this Province, before the eighteenth of September, one thousand [57]eight hundred and forty-one, if the author or proprietor complies with the provisions of this Act, in the same manner as if the work had been published, since that period. 4, 5 V. c. 61, s. 13.

Act retrospective to 18th September, 1841.

15. The Governor in Council may impose an *ad valorem* duty not exceeding twenty *per centum* upon Books imported into this Province, wherein the Copyright is subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other Country, and with regard to which the notice to the Commissioners of Customs required by any Act of the Imperial Parliament in force in that behalf, has been given, and may from time to time alter the said duty (not exceeding in any case the rate aforesaid,) and from time to time may establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom then in force, and as he may deem requisite and equitable, with regard to the admission of such Books, and to the distribution of the proceeds of such duty to or among the party or parties beneficially interested in the Copyright; but no such Order in Council shall impose a duty on the importation of any Book which might have been imported free from duty on the tenth of August, one thousand eight hundred and fifty. 13, 14 V. c. 6, s. 1. See 22 V. c. 2, s. 2, (1859) *at the end*.

Ad valorem duty on importation of books protected by copyright.

16. The word "Book" in the fifteenth section of this Act, shall include every Volume, part or division of a Volume, Pamphlet, Sheet of Letter Press, Sheet of Music, Map, Chart or Plan separately published. 13, 14 V. c. 6, s. 2.

Meaning of "book."

17. The provisions contained in the fifteenth and sixteenth sections of this Act, shall be subject to the orders of Her Majesty in Council made pursuant to the Act of the Imperial Parliament, passed in the session of the tenth and eleventh years of Her Majesty's Reign intituled, *An Act to amend the Law relating to the protection in the Colonies of works entitled to Copyright in the United Kingdom*. 13, 14 V. c. 6, s. 3,—22 V. c. 76, s. 2 *proviso*.

The 15th and 16th sections to be subject to Imperial Statute.

From "The Consolidated Statutes of Canada." 8°. Toronto, S. Derbishire & G. Desbarats, 1859, pp. 894-898.

[Repealed by the act: Dominion of Canada, 31 Vict., chap. 54, May 22, 1868, sec. 19.]

DOMINION OF CANADA.

Act of May 22, 1868.

31 VICTORIA, CHAPTER 54.

An Act respecting Copyrights. [Assented to 22nd May, 1868.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Minister of Agriculture shall cause to be kept in his office, a book to be called the "Register of Copyrights" in which proprietors of literary, scientific, and artistical works or compositions, may have the same registered in accordance with the provisions of this Act.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as may appear to him necessary and expedient for the purpose of this Act; such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed according [to] the same and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act.

3. Any person resident in Canada or any person being a British subject, and resident in Great Britain or Ireland, who ^[58]is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such persons, shall have the sole right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistical works or compositions, in whole or in part, and of allowing translations to be made of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the title thereof in the manner hereinafter directed; but no immoral or licentious, treasonable or seditious book or any other such literary, scientific or artistical work or composition shall be the subject of such registration or Copyright.

4. If at the expiration of the aforesaid term, such author, or any of the authors, where the work has been originally composed and made by more than one person, be still living, and residing in Canada or in Great Britain or Ireland, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children, (as the case may be) for the further time of fourteen years; but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original Copyrights shall be complied with in respect to such renewed Copyrights.

5. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette*.

6. No person shall be entitled to the benefit of this Act, unless he has deposited in the Office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculptures, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the same to be recorded forthwith in a book to be kept for that purpose, in the manner prescribed by the rules and forms which may be made, from time to time, as hereinbefore provided, for which record the person claiming such right as aforesaid, shall pay into the hands of the Minister of Agriculture one dollar, and the like sum for every copy actually given to such person or his legal representatives, and the sums so paid shall be paid over to the Receiver General to

Preamble.

Register of Copyrights.

Minister of Agriculture to make rules, &c.

Their effect.

Who may have copyright in Canada.

Proviso.

Renewal and continuation of copyright.

Condition.

Record of renewal to be published.

Deposit of copies in the office of the Minister of Agriculture.

form part of the Consolidated Revenue of Canada.

[59]7. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in the Library of the Parliament of Canada.

Only to be sent to Library of Parliament.

8. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title-page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, that is to say:

Notice of copyright to appear in work.

Exception.

"Entered according to Act of the Parliament of Canada, in the year —— by A. B., in the Office of the Minister of Agriculture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

9. To entitle any such literary production or engraving as is in this Act mentioned, being the work of any such person residing in Great Britain or Ireland, to the protection of this Act, the same shall be printed and published in Canada, and shall, in addition to the words directed to be inserted by the last section of this Act, and immediately following thereafter, contain the name and place of abode or business in Canada of the printer and publisher thereof.

Publication in Canada required.

10. If any other person, after the recording of the title of any book according to this Act, within the term or terms herein limited, prints, publishes or imports, or causes to be printed, published or imported, any copy or any translation of such book without the consent of the person legally entitled to the Copyright thereof, first had and obtained by deed duly executed, or, knowing the same to be so printed or imported, publishes, sells, or exposes to sale or causes to be published, sold or exposed to sale any copy of such book without such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the Copyright thereof; and shall forfeit and pay two dollars, for every such copy which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this Act; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such Copyright, to be recovered in any Court of competent jurisdiction.

Penalty for infringement of copyright of books.

11. If any person, after the recording of any painting, drawing, statuary or sculpture work, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in part or in the whole, copies of [60] the said works of arts, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the Copyright thereof and shall further forfeit two dollars for every sheet of the same reproduction so published or exposed to sale contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Penalty for infringement of copyright of painting, &c.

12. If any person, after the recording of the title of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the Law, or prints or imports for sale, or causes to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the Copyright thereof, first obtained, as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells or exposes to sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print, has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the Copyright thereof, and shall further forfeit two dollars for every sheet of such map, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and

Penalty for infringement of copyright of print, &c.

meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

13. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical may be the subject of registration within the meaning of the present Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, the registration fee be duly paid and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1868"; but the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act.

Temporary registration to secure copyright.

[61]14. Nothing herein contained, however, shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be Copyright in some other representation of such scene or object.

No copyright of any scene or object.

15. Whenever the author of a literary, scientific or artistical work or composition which may be the subject of Copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such Copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

Copyright of work made to order, &c.

16. If any person prints or publishes any manuscript whatever in Canada, or the same having been printed or published elsewhere, offers it or causes it to be offered for sale in Canada, without the consent of the author or legal proprietor first obtained, such author or proprietor being resident in Canada, or being a British subject resident in Great Britain or Ireland, such person shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any Court of competent jurisdiction.

Damages for infringement of copyright.

17. If any person prints, publishes or reproduces any book, map, chart, musical composition, print, cut or engraving, or other work of art or photograph and not having legally acquired the Copyright thereof, inserts therein, or impresses thereon, that the same hath been entered according to this Act, or words purporting the same, every person so offending, shall incur a penalty not exceeding sixty dollars (one moiety thereof to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

Penalty for falsely pretending to have copyright.

18. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose.

Limitation of actions.

19. Chapter eighty-one of the Consolidated Statutes of the late Province of Canada, and chapter one hundred and sixteen of the Revised Statutes of Nova Scotia, (third series), and all other Acts or parts of Acts, inconsistent with the provisions of the present Act, are hereby repealed, subject to the provisions of the next section.

Repeal of former Acts.

20. All copyrights heretofore acquired under the Acts or parts of Acts hereby repealed, shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under [62]the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

Unexpired copyrights continued.

21. In citing this Act it shall be sufficient to call it "The Copyright Act of 1868."

Short title.

From "Statutes of Canada, passed in the First Session of the First Parliament of Canada, 1867-['68]. Part Second, from 12th March, 1868". 8°. *Ottawa, M. Cameron*, 1868, pp. 148-153.

[Repealed by the Act, 38 Vict., chap. 88, April 8, 1875: An Act respecting copyrights, sec. 29.]

Act of May 22, 1868.

31 VICTORIA, CHAPTER 56.

An Act to impose a duty on Foreign Reprints of British Copyright Works. [Assented to 22nd May, 1868.]

Whereas by an Act of the Parliament of the United Kingdom, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled: *An Act to amend the Law relating to the protection in the Colonies of Works entitled to Copyright in the United Kingdom*, it is provided, that in case the Legislature of any British Possession ^[63] shall be disposed to make due provision for securing or protecting the rights of British Authors in such Possession, and shall pass an Act for that purpose, and transmit the same, in the proper manner, to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty should be of opinion that such Act is sufficient for the purpose of securing to British Authors reasonable protection within such Possession, it shall be lawful for Her Majesty to express Her Royal Approval of such Act, and thereupon, by Order in Council, to suspend, so long as the provisions of such Act shall continue in force in such Colony, the provision contained in the Imperial Acts in the said above recited Act mentioned, or in any other Acts, against the importing, selling, letting out to hire, exposing for sale or hire, or possessing, foreign reprints of books first composed, written, printed or published in the United Kingdom, and entitled to Copyright therein, and it is expedient to pass such Act as aforesaid, to the end that foreign reprints of such works may, under the provisions of the said Imperial Act, be lawfully imported into Canada, on conditions common to the whole Dominion, and to remove doubts as to the intent of the Act passed in the present Session of the Parliament of Canada, intituled: *An Act imposing duties of Customs, with the Tariff of duties payable under it*: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

Imp. Act 10, 11 V. c. 95.

Act of Canada, 31 V. c. 7.

1. It shall be lawful for the Governor in Council to impose upon books imported into Canada, and being copies printed or reprinted in any other country than the United Kingdom, of books first composed or written, or printed or published in the United Kingdom, of which the Copyright shall be still subsisting, and with regard to which the notice to the Commissioners of Customs required by any Act of the Parliament of the United Kingdom in that behalf, shall have been given, an *ad valorem* duty not exceeding twenty per cent., and, from time to time, to alter the said duty (not exceeding in any case the rate aforesaid), and, from time to time, to establish such regulations and conditions as may be consistent with any Act of the Parliament of the United Kingdom then in force, as he may deem requisite and equitable, with regard to the admission of such books, and to the distribution of the proceeds of such duty to or among the party or parties beneficially interested in the Copyright, and such duty shall be collected in like manner as duties of Customs, and under the provisions of the Acts relating to such duties.

Governor in Council may impose a duty on such Reprints of British Copyright Works for the benefit of the authors.

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

Interpretation.

3. The foregoing provisions of this Act (except in so far as it may be otherwise directed in any such order as aforesaid, of Her Majesty in Council,) shall come into operation upon, from ^[64] and after the day to be appointed for that purpose, in any Proclamation of the Governor, signifying Her Majesty's Royal Approval of this Act, and the issuing of such order of Her Majesty in Council, and not before.

When to come into force.

4. And it is hereby declared, that it was not the intent of the Act of the Parliament of Canada cited in the Preamble to this Act, that any duty imposed on foreign reprints of such British Copyright Books as are mentioned in the foregoing sections of this Act, by any Act of the late Province of Canada, or by any order of the Governor of that Province in Council made, or to be made under such Act, or by any Act of the Legislature of the Province of Nova Scotia or of New Brunswick, for the purpose of being distributed to or among the party or parties beneficially interested in the Copyright, should be repealed, and any such duty shall continue to be collected for the purposes aforesaid, until a duty shall be imposed for like purposes under this Act, after which it shall cease.

Former duty to remain until a duty is imposed under this Act.

From "Statutes of Canada, passed in the First Session of the First Parliament of Canada, 1867-['68].
Part Second, from 12th March, 1868." 8°. *Ottawa, M. Cameron, 1868, pp. 159-161.*

British Order in Council of July 7, 1868.

BRITISH ORDER IN COUNCIL, approving a Canadian Act for imposing a Duty on Foreign Reprints of British Copyright Works.—Windsor, July 7, 1868.

At the Court at Windsor, the 7th day of July, 1868. Present: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act passed in the Session of Parliament holden in the 10th and 11th years of Her present Majesty, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is amongst other things enacted that, in case the Legislature or proper Legislative Authorities in any British Possession shall be disposed to make due provision for securing or protecting the Rights of British authors in such Possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony the prohibitions contained in certain Acts thereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom and entitled to copyright therein, shall be suspended so far as regards such Colony; and thereupon such Act or Ordinance shall come into operation except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council. And whereas by an Act passed by Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, intituled "An Act to impose a Duty on Foreign Reprints of British Copyright Works," due provision has been made for securing and protecting the rights of British authors in Canada. And whereas the said Act as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Act should be approved by Her Majesty as aforesaid:

Act 10 & 11 Vict., chap. 95.

Act of Canada, 31 Vict., chap. 56.

Now, therefore, Her Majesty, in pursuance of the said Act, and in exercise of the powers thereby given to Her Majesty as aforesaid, ^[65]doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her approval of the said Act of the Dominion of Canada.

Approved.

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

EDMUND HARRISON.

From "British and Foreign State Papers, 1874-1875. Compiled by the Librarian and Keeper of the Papers." Vol. 66, 8°. *London, W. Ridgway, 1882*, pp. 549-550.

British Order in Council of July 7, 1868.

BRITISH ORDER IN COUNCIL, suspending in Canada the Operation of the Imperial Acts relating to Copyright so long as the Order in Council of July 7, 1868, remains in force.—Windsor, July 7, 1868.

At the Court at Windsor, the 7th day of July, 1868, Present: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

[The first portion of this order is the same as the preceding order of the same date, see pp. 71-72.]

[66] Now, therefore, Her Majesty in Council, by and with the advice of Her said Council, doth order and direct that, so long as the provisions of the said last-mentioned Act continue in force within Canada aforesaid, the prohibitions contained in certain Acts recited in the hereinbefore-mentioned Act of the Imperial Parliament, and any prohibition contained in the said recited Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sales or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards Canada.

Suspension of prohibitions.

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

EDMUND HARRISON.

From "British and Foreign State Papers, 1874-1875. Compiled by the Librarian and Keeper of the Papers." Vol. 66, 8°. *London, W. Ridgway*, 1882, pp. 550-551.

Proposed Act of June 14, 1872.

An Act to amend the Act respecting Copyrights.

Whereas it is expedient to make provision for securing and protecting in Canada the rights of authors in works wherein the copyright is subsisting in Great Britain; and whereas under Imperial Acts anterior in date to the British North America Act, 1867, copyrights granted in the United Kingdom were declared to extend to Her Majesty's Colonial Possessions, and the importation into the [67]British Dominions for sale of foreign reprints of copyright works was absolutely prohibited; but provision was made, that in case the Legislature of any British Possession should be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and should pass an Act for that purpose, it should be lawful for Her Majesty, if she should approve of the nature of such provision, to issue, if she should think fit, an Order in Council, removing the prohibition to import foreign reprints of copyright works in such Possession so long as such provision for securing or protecting British authors should remain in force therein; and whereas Her Majesty has seen fit, with reference to the Dominion of Canada, to act upon the authority so conferred upon Her, and foreign reprints of British copyright works are now permitted to be imported into Canada upon the payment of a duty collected on behalf of the owners of such copyrights of twelve and one half *per centum ad valorem*; but, nevertheless, reprints in Canada of such British copyright works have not heretofore been permitted; and whereas by the British North America Act, 1867, express power is given to the Parliament of Canada to legislate upon the subject of copyright; and whereas provision for securing and protecting authors of British copyright works can be much more effectually made by authorising the reprinting and publication of such works in Canada on the terms in this Act contained; and whereas it is but just that Her Majesty's subjects in Canada should be allowed, on such conditions as will sufficiently protect and secure the authors of such copyright works, the advantages accorded to aliens and foreigners in respect of the reprinting of British copyright works. Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured and subsisting in Canada, under any Canadian or Provincial Act, or which have not been *bonâ fide* printed and published in Canada, under the copyright so subsisting there, within one month from the time at which copyright may have been secured in Canada, may be reprinted, published, and sold in Canada, but only on the conditions and under the restrictions hereinafter contained: Provided always, that the period of one month, in this clause mentioned, may be extended by the Minister of Agriculture, on proof that the publisher has made satisfactory progress with the printing of the work.

Republication, conditions of.

2. No person shall reprint or publish any such copyright work without the license of the Governor General for that purpose.

License of Governor General.

3. The Governor General in Council may make regulations for the licensing of persons to engage in the work of reprinting and publishing in Canada, British copyright works; but before obtaining such license every such person shall enter into bonds, with sufficient sureties to the satisfaction of the Minister of Inland Revenue, for the payment to Her Majesty of all duties of excise, which, under this or any other Act of the Parliament of Canada, may be payable in respect of such reprints.

4. Any copyright work reprinted in Canada, and intended to be published under this Act, shall before publication be registered in the office of the Minister of Agriculture, who shall for the purpose of this class of registrations, cause to be kept in his office a book to be called the "Register of Reprints of British Copyrights;" and before registration shall be completed the person seeking for the same shall deposit with the Receiver General the sum of 100 dollars, to be returned to such person on proof that printing and publishing have *bonâ fide* taken place, and the sum of 1 dollar shall be payable to Her Majesty in respect of every such registration by the person desiring the same; provided always that every such registration shall be absolutely null and void if the work therein referred to be not *bonâ fide* printed and published by the person making the registration within one month thereafter, unless the Minister of Agriculture shall have, for the like reason as is mentioned in Section 1, extended the time for such printing and publishing, which he is hereby authorised in that case to do.

Registration.

Deposit of \$100.

Fees.

Registration void.

5. There shall be imposed, levied, and collected for the account and benefit of the owners of the British copyright therein on all reprints in Canada of works wherein or whereof the copyright is subsisting in the United Kingdom, an ^[68]*ad valorem* duty of excise of twelve and one half *per centum* on the highest wholesale value of such works, under and in accordance with such rules, and in such manner and at such times as regards publication, as maybe laid down by regulations to be made by the Governor General in Council.

Duty of 12½% for benefit of author.

6. The duty of excise so to be imposed, levied, and collected, shall be paid to the party or distributed among the parties beneficially interested in the British copyright under regulations in that behalf to be made by the Governor General in Council, and approved of by one of Her Majesty's Principal Secretaries of State.

Distribution of duty.

7. From and after the passing of this Act, the importation into Canada of foreign reprints of works of which the copyright is subsisting in the United Kingdom, and which have been registered here under Section 4, for republication in Canada, shall be and is hereby prohibited, and the Governor in Council may make regulations for ascertaining whether prohibited reprints are being sold, and for preventing the same.

Prohibition of importation.

8. On the foregoing provisions becoming law, all works published in the United Kingdom shall as regards the importation thereof into Canada, be deemed to be British copyright works, whether they be or be not mentioned in any list furnished to the collectors of customs at the places of importation unless the importer makes a solemn declaration that they are not so.

9. The word "work" in this Act shall include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan, separately published.

Definition of "work."

10. This Act shall come into force only from and after the date of any proclamation by the Governor General to that end.

I do hereby certify the foregoing Bill to be a true copy of the original, now of record in my office, and passed by the Senate and House of Commons of Canada in the fifth Session of its first Parliament, in the 35th year of Her Majesty's reign, and reserved by the Governor General for the signification of the Queen's pleasure thereon, on Friday, the 14th day of June 1872.

Office of the Clerk of the Parliaments, Friday, 5th July 1872.

ROBERT LE MOINE,

Clerk of the Parliaments.

From "Copyright (Colonies). Return to an Address of the Honourable The House of Commons, dated 1 March 1875." Parliamentary Papers, Session 5 February—13 August, 1875, fol. [*London*], vol. 51, no. 144, pp. 5-7.

[This act was disallowed in England, see note of A. Mackenzie, acting for the Minister of Agriculture, Ottawa, Jan. 7, 1874, in "Correspondence respecting Colonial Copyright. Presented to both houses of Parliament, July 1874." Parliamentary Papers, session 1874, fol., [*London*], vol. 44, no. C. 1067, p. 10.]

Act of April 8, 1875.

38 VICTORIA, CHAPTER 88.

An Act respecting Copyrights. (Reserved for the signification of Her Majesty's pleasure, 8th April, 1875; Royal assent given 26th October, 1875, and proclaimed 3rd December, 1875, to take effect from 11th December, 1875.)

[This Act was reënacted with minor changes as chapter 62 of the Revised Statutes of Canada, 1886. I have added at the end of the sections references to the corresponding sections of that Statute and the pages of this Bulletin.—T. S.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Minister of Agriculture shall cause to be kept in his office books to be called the "Registers of Copyrights," in which proprietors of literary, scientific and artistic works or compositions, may have the same registered in accordance with the provisions of this Act. [See R. S. 1886, c. 62, s. 3, p. 20.]

Minister of Agriculture to keep registers of copyrights.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act: such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act; and all documents, executed and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act. [See R. S. 1886, c. 62, s. 27, p. 26.]

Minister to make rules, forms, &c.

Their effect.

3. It any person prints, or publishes, or causes to be printed or published, any manuscript whatever, (the said manuscript having not yet been printed in Canada or elsewhere), without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any court of competent jurisdiction.

Liability of persons printing MSS., without owner's consent.

4. Any person domiciled in Canada or in any part of the British Possessions, or being a citizen of any country having an international copyright treaty with the United Kingdom, ^[69]who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person shall have the sole right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the copyright thereof in the manner hereinafter directed. [See R. S. 1886, c. 62, s. 4, p. 20.]

Who may obtain copyrights.

Translations.

Term of copyright.

(2.) The condition for obtaining such copyright shall be that the said literary, scientific or artistic works be printed and published or reprinted and republished in Canada, or in the case of works of art that it be produced or reproduced in Canada, whether they be so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere: Provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else. [See R. S. 1886, c. 62, s. 5:1, p. 20.]

Condition for obtaining copyright.

Proviso.

(3.) No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific or artistic work shall be the legitimate subject of such registration or copyright. [See R. S. 1886, c. 62, s. 5:2, p. 20.]

Exception as to immoral works, &c.

5. It at the expiration of the aforesaid term of twenty-eight years, such author, or any of the

authors (when the work has been originally composed and made by more than one person) be still living, or being dead, have left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children, (as the case may be) for the further term of fourteen years; but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright. [See R. S. 1886, c. 62, s. 17, p. 23.]

Renewal of copyright, for what term and on what conditions.

6. In all cases of renewal or copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette*. [See R. S. 1886, c. 62, s. 18, p. 24.]

Record of renewal to be published.

7. No person shall be entitled to the benefit of this Act, unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut or engraving, and in case of paintings, drawings, statuary and sculpture, unless ^[70]he has furnished a written description of such works of art; and the Minister of Agriculture shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made, from time to time, as hereinbefore provided. [See R. S. 1886, c. 62, s. 9, p. 21.]

Deposit of copies &c., in the Minister of Agriculture's office.

Record of copyright.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in the Library of the Parliament of Canada. [See R. S. 1886, c. 62, s. 10, p. 22.]

Copies to be sent to the Library of Parliament.

9. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title-page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, engravings or photographs, upon the title-page or frontispiece thereof, the following words, that is to say: "Entered according to Act of Parliament of Canada, in the year — by A. B., in the Office of the Minister of Agriculture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship. [See R. S. 1886, c. 62, s. 12, p. 22.]

Notice of copyright to appear on the work.

Form.

Exception.

10. Pending the publication or republication in Canada of a literary, scientific or artistic work, the author or his legal representatives or assigns, may obtain an interim copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publication or republication in Canada,—the said title or designation to be registered in an interim copyright register in the said office,—to secure to the author aforesaid, or his legal representatives or assigns the exclusive rights recognized by this Act, previous to publication or republication in Canada,—the said interim registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada. [See R. S. 1886, c. 62, s. 13, p. 22.]

Interim copyright, how obtainable, and its effect.

And duration.

(2.) In all cases of interim registration under this Act, the author or proprietor shall cause notice of such registration to be inserted once in the *Canada Gazette*. [See R. S. 1886, c. 62, s. 13:2, p. 22.]

Notice to be given.

(3.) A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of this Act, while it is so preliminarily published, provided that the title of the manuscript ^[71]and a short analysis of the work are deposited in the Office of the Minister of Agriculture, and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1875;" but the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act. [See R. S. 1886, c. 62, s. 7, p. 21.]

Registration of work first published in separate articles in a periodical—conditions.

(4.) The importation of newspapers and magazines published in foreign countries, and

containing, together with foreign original matter, portions of British copyright works republished with the consent of the author or his assigns or under the law of the country where such copyright exists shall not be prohibited. [See R. S. 1886, c. 62, s. 24, p. 25.]

As to newspapers &c., containing portions of British copyright works.

11. If any other person, after the interim registration of the title of any book according to this Act, within the term herein limited, or after the copyright is secured and for the term or terms of its duration, prints, publishes, or reprints, or republishes, or imports, or causes to be so printed, published or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof, first had and obtained by assignment, or, knowing the same to be so printed or imported, publishes, sells or exposes for sale or causes to be published, sold or exposed for sale any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported or exposed for sale, contrary to the intent of this Act such sum, not being less than ten cents nor more than one dollar, as the court shall determine; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such copyright, and such penalty may be recovered in any court of competent jurisdiction. [See R. S. 1886, c. 62, s. 30, pp. 26-27.]

Penalty for the infringement of copyright of a book.

Recovery and application.

12. If any person, after the recording of any painting, drawing, statue or other work of art, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in whole or in part, copies of the said works of art, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale contrary to the true intent and meaning of this Act such sum, not being less than ten cents nor more than one dollar, as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors and the other moiety to the use of Her Majesty; and such forfeiture may be recovered in any court of competent jurisdiction. [See R. S. 1886, c. 62, s. 31, p. 27.]

Penalty for the infringement of copyright of a painting, &c.

Recovery and application

[72] 13. If any person after the recording of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the law, or prints, or reprints or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any part thereof, without the consent of the proprietor or proprietors of the copyright thereof, first obtained as aforesaid, or, knowing the same to be so printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut or engraving which may be found in his or their possession, printed or published or exposed for sale, contrary to the true intent and meaning of this Act, such sum, not being less than ten cents nor more than one dollar, as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty; and such forfeiture may be recovered in any court of competent jurisdiction. [See R. S. 1886, c. 62, s. 32, pp. 27-28.]

Penalty for the infringement of copyright of a print, chart, music, photograph, &c.

Recovery and application.

14. Nothing herein contained, shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object. [See R. S. 1886, c. 62, s. 23, p. 25.]

Proviso as to scenery &c.

15. Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada, under any Canadian or Provincial Act shall, upon being printed and published, or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there. [See R. S. 1886, c. 62,

Copyright in Canada of British copyright works—on what conditions obtainable.

s. 6, p. 21.]

Proviso.

(2.) In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom any person who may have, previous to the date of entry of such work upon the registers of copyright, imported any foreign reprints shall have the privilege of disposing of such reprints by sale or otherwise; the burden of proof, however, in such a case will lie with such person to establish the extent and regularity of the transaction. [See R. S. 1886, c. 62, s. 6:2, p. 21.]

As to foreign reprints imported before copyright is obtained in Canada.

[73]16. Whenever the author of a literary, scientific or artistic work or composition which may be the subject of copyright, has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or retain the proprietorship of such copyright, which is, by the said transaction, virtually transferred to the purchaser, who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed. [See R. S. 1886, c. 62, s. 16, p. 23.]

Copyright to assignee of author.

Proviso.

17. If any person not having legally acquired the copyright of a literary, scientific or artistic work, inserts in any copy thereof printed, produced, reproduced or imported, or impresses on any such copy, that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, every person so offending, shall incur a penalty not exceeding three hundred dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any court of competent jurisdiction.

Penalty for falsely pretending to have copyright.

Recovery and application.

(2.) If any person causes any work to be inserted in the register of interim copyright and fails to print and publish, or reprint and republish the same within the time prescribed he shall incur a penalty not exceeding one hundred dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction. [See R. S. 1886, c. 62, s. 33, p. 28.]

Penalty for registering Interim copyright, and not publishing.

18. The right of an author of a literary, scientific or artistic work, to obtain a copyright, and the copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate and to be recorded in the office of the Minister of Agriculture, on production of both duplicates and payment of the fee hereinafter provided. One of the duplicates shall be retained in the office of the Minister of Agriculture, and the other returned, with certificate of registration, to the party depositing it. [See R. S. 1886, c. 62, s. 15, p. 23.]

Copyright and right to obtain it to be assignable.

Condition.

19. In case of any person making application to register as his own, the copyright of a literary, scientific or artistic work already registered in another person's name, or in case of simultaneous conflicting applications, or of an application made, by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the party so applying shall be notified that the question is to be settled before a court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced maintaining, cancelling or otherwise settling the matter; and this registration or cancellation [74] or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision. [See R. S. 1886, c. 62, s. 19, p. 24.]

Cases of conflicting claims in respect of copyright to be settled before a competent court.

Action on decision.

20. Clerical errors happening in the framing or copying of any instrument drawn in the office of the Minister of Agriculture, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture. [See R. S. 1886, c. 62, s. 25, pp. 25-26.]

Clerical errors how corrected.

21. All copies or extracts certified, from the office of the Minister of Agriculture shall be received in evidence, without further proof and without production of the originals. [See R. S. 1886, c. 62, s. 26, p. 26.]

Certified copies or extracts,—their effect.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the

Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the copyright owner of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister

Provision for the case of a copyrighted work being out of print.

of Agriculture may grant a license to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the copyright owner. [See R. S. 1886, c. 62, s. 21, p. 24.]

License to print it, &c.

23. The application for the registration of an interim copyright, of a temporary copyright and of a copyright, may be made in the name of the author or of his legal representative, by any person purporting to be the agent of the said author; and any fraudulent assumption of such authority shall be a misdemeanor and shall be punished by fine and imprisonment accordingly; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any court of competent jurisdiction. [See R. S. 1886, c. 62, s. 14, p. 23; s. 29, p. 26.]

Application for registration may be made through an agent.

Punishment of pretended agents.

24. If any person shall wilfully make or cause to be made any false entry in the registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanor, and shall be punished accordingly. [See R. S. 1886, c. 62, s. 28, p 26.]

Making false entries, &c., to be a misdemeanor.

25. If a book be published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof either on behalf of the un-named author or on behalf of such first publisher, as the case may be. [See R. S. 1886, c. 62, s. 8, p. 21.]

Anonymous books may be entered in the name of first publisher.

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books, unless the same shall contain very important alterations or additions. [See R. S. 1886, c. 62, s. 11, p. 22.]

As to second and subsequent editions.

[75]27. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose. [See R. S. 1886, c. 62, s. 34, p. 28.]

Limitation of actions.

28. The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say:

Fees payable under this act.

On registering a Copyright	\$1.00
On registering an Interim Copyright	.50
On registering a Temporary Copyright	.50
On recording an assignment	1.00
On Certified copy of Registration	.50
On registering any decision of a Court of Justice, for every folio	.50

On office copies of documents not above mentioned, the following charges shall be made:

On office copies.

For every single or first folio, certified copy	\$.50
For every subsequent hundred words (fractions from and under fifty being not counted and over fifty being counted for one hundred)	.25

(2.) The said fees shall be in full of all services performed under this Act by the Minister of Agriculture or by any person employed by him in pursuance of this Act.

Proviso.

(3.) All fees received under this Act shall be paid over to the Receiver-General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of exemption in favour of any person; and no fee, exacted by this Act, once paid, shall be

To be part of Con. Rev. Fund.

Proviso.

returnable to the person who paid it. [See R. S. 1886, c. 62, s. 22, p. 25.]

29. "The Copyright Act of 1868," being the Act Thirty first Victoria, Chapter Fifty-four, and all other Acts or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

Repeal of inconsistent Acts.

30. All copyrights heretofore acquired under the Acts or parts of Acts repealed shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed, as if such Acts were not repealed.

Unexpired copyrights to continue unimpaired.

31. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

Short title.

From "Acts of the Parliament of the Dominion of Canada. 3d Sess. 3d Parliament, 1875." 8°. *Ottawa, B. Chamberlin*, 1876, Reserved Act, pp. xvii-xxiv.

Note.—The Imperial Act giving effect to the above statute is as follows:

38 & 39 VICTORIA, CHAPTER 53.

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright. [2d August 1875.]

Whereas by an Order of Her Majesty in Council, dated the 7th day of July 1868, it was ordered that all prohibitions contained in Acts of the Imperial Parliament against the importing into the Province of Canada, or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed or published in the United Kingdom, and entitled to copyright therein, should be suspended so far as regarded Canada:

Preamble.

And whereas the Senate and House of Commons of Canada did, in the second session of the third Parliament of the Dominion of Canada, held in the thirty-eighth year of Her Majesty's reign, pass a Bill intituled "An Act respecting Copyrights," which Bill has been reserved by the Governor-General for the signification of Her Majesty's pleasure thereon:

And whereas by the said reserved Bill provision is made, subject to such conditions as in the said Bill are mentioned, for securing in Canada the rights of authors in respect of matters of copyright, and for prohibiting the importation into Canada of any work for which copyright under the said reserved Bill has been secured; and whereas doubts have arisen whether the said reserved Bill may not be repugnant to the said Order in Council, and it is expedient to remove such doubts and to confirm the said Bill:

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

1. This Act may be cited for all purposes as The Canada Copyright Act, 1875.

Short title of Act.

2. In the construction of this Act the words "book" and "copyright" shall have respectively the same meaning as in the Act of the fifth and sixth years of Her Majesty's reign, chapter forty-five, intituled "An Act to amend the Law of Copyright."

Definition of terms.

3. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, as contained in the schedule to this Act annexed, and if Her Majesty shall be pleased to signify Her assent thereto, the said Bill shall come into operation at such time and in such manner as Her Majesty may by Order in Council direct; anything in the Act of the twenty-eighth and twenty-ninth years of the reign of Her Majesty, chapter ninety-three, or in any other Act to the contrary notwithstanding.

Her Majesty may assent to the Bill in schedule.

[76]4. Where any book in which, at the time when the said reserved Bill comes into operation, there is copyright in the United Kingdom, or any book in which thereafter there shall be such copyright, becomes entitled to copyright in Canada in pursuance of the provisions of the said reserved Bill, it shall be unlawful for any person, not being the owner, in the United Kingdom, of the copyright in such book, or some person authorised by him, to import into the United Kingdom any copies of such book reprinted or republished in Canada; and for the purposes of such importation the seventeenth section of the said Act of the fifth and sixth years of the reign of Her Majesty, chapter forty-five, shall apply to all such books in the same manner as if they had been reprinted out of the British dominions.

Colonial reprints not to be imported into United Kingdom.

5. The said Order in Council, dated the seventh day of July one thousand eight hundred and sixty-eight, shall continue in force so far as relates to books which are not entitled to copyright for the time being, in pursuance of the said reserved Bill.

Order in Council of 7th July 1868 to continue in force subject to this Act.

[This act is followed by a "Schedule" containing the full text of the Canadian act of 1875 as printed, pp. 75-83.]

From "The Law reports. The Public general statutes, 1875." Vol. 10, 8°. *London, W. Clowes & sons*, 1875, pp. 338-339.

NEW BRUNSWICK.

Act of March 30, 1848.

11 VICTORIA, CHAPTER 65.

An Act to regulate the Importation of Books, and to protect the British Author. Passed 30th March 1848.

'Whereas Her Majesty's Government have intimated their intention of authorizing (under proper restrictions) the importation of literary productions from the United States and other countries into the British colonies of North America, upon the Provincial Legislatures passing such enactments as they may deem proper, subject to Her Majesty's approval, for securing the rights of the British authors or proprietors of the copyright, so as to protect them from the fraudulent appropriation of the fruits of their labour;'

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall be lawful to import all books of whatever nature or kind, and from whatever country the same shall be imported, and to admit the same into this province duty free, save and except foreign reprints and pirated copies of books first composed, written or published in Great Britain, and protected by the Law of Copyright passed by the Imperial Parliament of Great Britain now in force, and as hereafter provided.

Books of all kinds may be admitted duty free, save foreign reprints, &c., of books first published in Great Britain and protected by the law of copyright.

II. And be it enacted, That on the importation of all books and reviews of whatever nature or kind, when the same shall have been first composed, written or published in the United Kingdom of Great Britain or Ireland, and protected by the Acts of the Imperial Parliament, to enforce the law of copyright, coming in the shape of reprints bound or unbound, whether from the United States or other foreign countries, there shall be paid an *ad valorem* duty on the *bonâ-fide* price of the publication of such reprints, of twenty pounds per hundred pounds; provided always, that said duty is not to be paid on newspapers or other regular weekly periodicals, nor upon the copies of the said works if published *bonâ-fide* and not fraudulently in any part of Great Britain or Ireland; such duty to be collected under the same regulations and restrictions as are now in force to extend the said Imperial Acts for the regulation of the law of copyright to this province; and after collection by the proper officers, the said duties shall be remitted by the Governor in such way and manner as Her Majesty's Government may be pleased to order and direct, in order that the said *ad valorem* duty may be duly secured and paid over to the author or registered proprietor of the copyright of said books or publications respectively, as they may be entitled thereto.

An ad valorem duty of 20 per cent. imposed on the importation of foreign reprints of books first published as aforesaid.

Exception.

Duty to be collected under the regulations to extend the copyright laws to this Province; and remitted as may be directed, to be paid to the author or registered proprietor.

III. And be it enacted, That it shall not be lawful for any person to import or bring, or cause to be imported or brought into this province for use, sale or hire, any reprint hereinbefore referred to, and thereby made liable to duty, contrary to the true intent and meaning of this Act; and if any person shall knowingly sell, publish, or expose to sale, or let to hire, or have in his or her possession for sale or hire any such reprint, then any such book or reprint shall be liable to seizure ^[77] and to be seized by the officers of the Provincial Revenue, or any of them, and shall be duly sold, one half of the proceeds thereof to be applied to the use of the officers of the Revenue seizing the same, and the other half to the author or registered proprietor of the copyright as aforesaid; and further, any person so offending, being duly convicted thereof on the oath of one or more credible witness or witnesses, before any two of Her Majesty's justices of the peace in the county where such seizure is made, shall also for any such offence forfeit the sum of five pounds, and double the value of any copy of such book or reprint, which he shall so import or cause to be imported into this province, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act, two pounds to the use of such officers of the Revenue, and the remainder of the

Reprints of books first published as aforesaid, unlawfully imported, published, &c. to be seized and sold.

Forfeiture.

Application of proceeds.

Penalty on persons offending.

Application.

penalty to the use of the said proprietors of the copyright; and the said double value of the copy of such book or reprint, and the said respective proportions of the proceeds of the sale of such copy of such book or reprint, and of such penalty, shall be paid over and remitted in the way and manner as in the second section of this Act is provided.

IV. And be it enacted, That the penalties and forfeitures imposed under and by virtue of the provisions or of any of the provisions of this Act, required to be prosecuted before two of Her Majesty's justices of the peace, such penalties and forfeitures, together with the costs of the prosecution, shall and may be levied and recovered in like manner as is directed in and by an Act made and passed in the fourth year of the reign of His late Majesty William the Fourth, intituled "An Act to facilitate summary proceedings before justices of the peace, and the execution of warrants by constables."

Penalties, forfeitures and costs to be levied and recovered as directed by the Act 4 W. 4, c. 17.

V. And be it enacted, That at the time of the entry of any reprint of any book or review as aforesaid, it shall and may be lawful for the officers passing such reprint, to stamp the same, and the Treasurer of the province shall furnish to the several officers who may require the same hereafter, the form of stamps necessary for such service.

Officer passing the reprints at the time of entry may stamp the same.

VI. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's royal approbation be first had and declared.

Suspending clause.

[This Act was specially confirmed, ratified, and finally enacted by an Order of Her Majesty in Council, dated the Eleventh day of August, One Thousand Eight Hundred and Forty-eight, and published and declared in the province the Fourth day of October, One Thousand Eight Hundred and Forty-eight.]

[*Approving Order in Council made 11th August, 1848.*]

From "Acts of the General Assembly of Her Majesty's Province of New Brunswick, passed in the year 1849." 4^o. *Fredericton, J. Simpson, 1849, pp. 259-260.*

British Order in Council of August 11, 1848.

BRITISH ORDER IN COUNCIL, suspending the Prohibitions in New Brunswick against certain Foreign Reprints of British Books, entitled to Copyright.—August 11, 1848.

At the Court at Osborne House, Isle of Wight, the 11th day of August, 1848, Present, THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

[The first three paragraphs of this order are identical with par. 1-3 of the Order in Council of Dec. 12, 1850, see pp. 59-60.]

[78] And whereas an Act has been passed by the Lieutenant-Governor, Council, and Assembly of the province of New Brunswick, intituled "An Act to regulate the importation of books, and to protect the British author," whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of works under copyright imported into the said province:

Act 11 Vict., chap. 66.

And whereas Her Majesty hath expressed her royal approval of the same:

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said province shall remain and continue in force within the said province, all prohibitions in the other of the said hereinbefore [79]recited Acts, or in any other Acts contained against the importing into the said province, or against the selling, letting out to hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said province:

Suspension of prohibitions.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary orders herein, as to them respectively may appertain.

C. C. GREVILLE.

From "British and Foreign State Papers, 1847-1848. Compiled by the Librarian and Keeper of the Papers." Vol. 36, 8°. *London, Harrison & sons*, 1861, pp. 946-948.

Revised Statutes of 1854.

[PART I.—TITLE III.]

CHAPTER 25.—OF THE IMPORTATION OF BOOKS AND PROTECTION OF THE BRITISH AUTHOR.

Section.

1. Books imported duty free, except foreign reprints, &c.
2. Duty on such reprints, mode of collection, and transmission.
3. Penalty for importing or selling reprints, forfeiture, &c.
4. Reprints may be stamped on entry.

1. All books may be imported duty free, except foreign reprints and pirated copies of books first composed, written, or published in any part of the United Kingdom, and protected by the Law of Copyright there in force.

Importation.

2. There shall be paid an ad valorem duty on the bona fide price of such reprints of twenty per cent., but not on newspapers or other weekly periodicals, nor on copies of the said works if published bona fide in any part of the United Kingdom; such duty to be collected under the regulations made to extend the Imperial Acts relating to the Law of Copyright to this Province; and shall be remitted by the Governor as Her Majesty's Home Government may have ordered or shall direct, for the use of the author or party entitled.

Duty of 20%.

3. Whoever shall import for use, sale, or hire, any such reprint, without paying the duty, or shall knowingly sell, publish, or expose for sale, or let to hire, or have in his or her possession for sale or hire any such reprint, shall forfeit for each offence the sum of five pounds and double the value of such reprint, two pounds to the use of any revenue officer who may seize the same, and the remainder of the penalty to the use of the copyright proprietors; all such reprints shall be forfeited, seized, and disposed of as other revenue seizures, and the net proceeds to be applied in the same manner as in case of penalties; all moneys received for the use of such proprietors shall be remitted as in the second Section.

Failure to pay duty.

4. The officer passing any reprint, at the entry thereof may stamp the same. The form of all stamps to be furnished by the Treasurer to the officers requiring the same.

Reprints to be stamped.

From "The Revised Statutes of New Brunswick." Vol. 1, 8°. *Fredericton, J. Simpson, 1854, p. 62.*

NEWFOUNDLAND.

Act of April 23, 1849.

Of the Importation of Books and the Protection of the British Author. 23rd April, 1849.

[This act is word for word identical with chapter 111 of The Consolidated Statutes of Newfoundland (2d series), 1892, see pp. 46-47.]

British Order in Council of July 30, 1849.

BRITISH ORDER IN COUNCIL, suspending the Prohibitions in Newfoundland, against certain Foreign Reprints of British Books entitled to Copyright.—July 30, 1849.

At the Court at Osborne House, Isle of Wight, the 30th day of July, 1849, Present, THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

[The first three paragraphs of this Order are identical with par. 1-3 of the Order in Council of Dec. 12, 1850, see pp. 59-60.]

[80] And whereas an Act has been passed by the Governor, Council, and Assembly of the Island of Newfoundland, No. 74, intituled "An Act to regulate the importation of books into this colony, and to protect the British author," whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of books under copyright imported into the said island:

And whereas Her Majesty hath expressed her royal approval of the same:

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said island shall remain and continue in force within the said island, all prohibitions in either of the said hereinbefore recited Acts of the Imperial Parliament, or in any Acts thereof contained, against the importing into the said island, or against the selling, letting out to hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said island:

Suspension of prohibitions.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

WM. L. BATHURST.

From "British and Foreign State Papers, 1848-1849. Compiled by the Librarian and Keeper of the Papers." Vol. 37, 8°. *London, Harrison & sons*, 1862, pp. 226-227.

Consolidated Statutes of 1872.

TITLE XV.

CHAPTER 53.—OF THE IMPORTATION OF BOOKS AND THE PROTECTION OF THE BRITISH AUTHOR.

Section.

1. Reprints of books protected by copyright laws to pay an *ad valorem* duty of twenty dollars per cent. Not to apply to periodicals containing only extracts from protected works. Application of duties.
2. Penalties for infringement of chapter. Recovery of penalties and application thereof.
3. Meaning of certain terms used in this chapter.
4. Reprints to be stamped on entry.

In "The Consolidated Statutes of Newfoundland, as passed by the Legislature in the 3d session of the 10th general assembly (A. D. 1872). Printed under the supervision of Robert J. Kent." 8°. *St. John's, F. Winton*, 1874, pp. 307-308.

[This act is the same as chapter 111 of the Consolidated Statutes of 1892, now in force, and printed in full, see pp. 46-47.]

Act of May 9, 1888.

51 VICTORIA, CHAPTER 20.

An Act respecting Copyright. [Passed 9th May, 1888.]

[This act is substantially the same as chapter 110 of The Consolidated Statutes of 1892. Instead of reprinting this long act in full, therefore, only such sections or parts of sections are printed as do not appear, or are changed in the law of 1892 (See pp. 38-45). Throughout the act the words "this act" occur where in the statute of 1892 the words "this chapter" are used. Other changes, not wholly immaterial are noted below.]

Sec. 4. The words inclosed within brackets are omitted in the corresponding section of the act of 1892:

"IV.—Any person domiciled in Newfoundland [or in any part of the British possessions, or any citizen of any country which has an International Copyright Treaty with the United Kingdom,] who is the author of any book, map, chart, or musical composition," etc.

Sec. 5. The words between brackets are omitted in the corresponding section of the act of 1892:

"V.—(1.) The condition for obtaining such copyright shall be that the said literary, scientific or artistic works, shall be printed and published, [or re-printed and republished, in this Colony,] or in the case of works of art, that they shall be produced [or reproduced] in this Colony, [whether they are so published or reproduced for the first time or contemporaneously with or subsequently to publication or reproduction elsewhere; but in no case shall the said sole and exclusive right and liberty in it continue to exist after it has expired elsewhere.]"

Sec. 6. Omitted from the act of 1892:

[VI.—(1.) Every work of which the copyright has been granted, and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Newfoundland under any Act of the Legislature, shall, when printed and published, or re-printed or re-published, in Newfoundland, be entitled to copyright under this Act, but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of any such work lawfully printed there.]

["(2.) If any such copyright work is reprinted subsequently to its publication in the United Kingdom, any person who has, previously to the date of entry of such work upon the registers of copyright, imported any foreign re-prints, may dispose of such re-prints by sale or otherwise; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person."]

Sec. 13. The words between brackets are omitted in the corresponding section (12) of the act of 1892:

"XIII.—(1.) The author of any literary, scientific or artistic work, or his legal representative may, pending the publication [or re-publication thereof in Newfoundland,] obtain an interim copyright therefor by depositing in the Colonial Secretary's Office a copy of the title or a designation of such work intended for publication [or re-publication in Newfoundland,] which title or designation shall be registered in an interim copyright register at the said department, to secure to such author aforesaid, or his legal representative, the exclusive rights recognized by this Act previous to publication [or re-publication in Newfoundland; but such interim registration shall not endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or re-printed and published in Newfoundland."]

["(2.) In every case of interim registration under this Act, the author, or his legal representative, shall cause notice of such registration to be inserted once in the *Royal Gazette*."]

Sec. 21. The words "or to import the work" after the words "to publish a new edition" are omitted in the corresponding section (20) of the act of 1892.

Sec. 22. The following words are omitted from the corresponding section (21) of the act of 1892:

["(3.) All fees received under this Act shall be paid over to the Receiver General for the use of the Colony."]

Sec. 24. Omitted from the act of 1892:

["XXIV.—Newspapers and magazines published in foreign countries, and which contain together foreign original matter, portions of British copyright works re-published with the consent of the author or his legal representative, or under the law of the country where such copyright exists, may be imported into Newfoundland."]

Sec. 30. After the words in line 1, "Every person who," the following words are omitted from the corresponding section (28) of the act of 1892: "after the interim registration of the title of any book, according to this Act, and within the term herein limited, or." Also, after the word "republishes" (line 4), the words "or imports;" after the word "published" (line 4), the words "or imported;" after the words "so printed" (line 8), the words "or imported;" after the word "published" (line 14), the word "imported," and after the words "forfeiture shall be" (line 17), the words "enforceable or."

Sec. 31. After the words in line 13, "which forfeiture shall be," the words "enforceable or" are omitted from the corresponding section (29) of the act of 1892.

Sec. 32. From the corresponding section (30) of the act of 1892, the following words are omitted: after the words "or who prints or re-prints" (line 8), the words "or imports for sale;" after the words "so printed or reprinted" (line 9), the words: "or imported for sale;" after the words "so reprinted, printed" (line 13), the words "or imported," and after the words "which forfeiture shall be" (line 26), the words "enforceable or."

Sec. 33 (2). The following words are omitted from the corresponding section (31) of the act of 1892:

["(2.) Every person who causes any work to be inserted in the register of interim copyright and fails to print and publish, or re-print and re-publish the same within the time prescribed, shall incur a penalty not exceeding Fifty Dollars."]

For full text of this act, see "Acts of the General Assembly of Newfoundland; passed in the 51st year of the Reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. C. Withers*, 1888, pp. 171-183.

Act of June 11, 1890.

53 VICTORIA, CHAPTER 19.

An Act to Amend the Law relating to copyrights. [Passed June 11, 1890.]

In "Acts of the General Assembly of Newfoundland; passed in the 53d year of the reign of Her Majesty Queen Victoria." 8°. [*St. John's*], *J. C. Withers*, 1890, pp. 139-149.

[This act became chapter 110 of The Consolidated Statutes of Newfoundland, enacted June 1, 1892, without change, other than the substitution of the words "this chapter" for the words "this act" wherever they occur. See text of the act of 1892, chap. 110, pp. 38-45.]

NOVA SCOTIA.

Act of March 17, 1847.

10 VICTORIA, CHAPTER 14.

An Act to Regulate the Importation of Books and to Protect the British Author. (Passed the 17th day of March, 1847.)

Whereas Her Majesty's Government, in reply to the earnest and respectful representation of the House of Assembly of the Province, have been graciously pleased to state, that at this coming Session of Parliament they intend to submit to the Imperial Parliament certain modifications in the existing Law of Copy-right, so as to authorise the importation of Literary Productions from the United States and other countries into the Colonies of British North America on easier terms than at present:

Preamble.

And whereas, Her Majesty's Government have stated it as their determination to leave to the Legislature of this Province the duty and responsibility of passing such enactments as they may deem proper, subject to Her Majesty's approval, for securing both the rights of the British Authors so as to protect them from the fraudulent appropriation of the fruits of their labor, upon which they are often entirely dependent, and the interests of the Public:

And whereas, it is desirable to meet the requirements of Her Majesty's Government in these respects:

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly*, That from and after the time when this Act shall go into operation, it shall be lawful to Import all Books of whatsoever nature or kind, and from whatever Country the same shall be Imported, save and except the Books first composed, written, or published in Great Britain, and protected by the Laws of Copy-right, passed by the Imperial Parliament now in force, and as hereafter provided, and that the same shall be admitted into this Province Duty Free.

All books from whatever Country imported, except British Works protected by the Laws of Copy-right, to be admitted Duty Free.

II. *And be it enacted*, That on the Importation of all Books and Reviews of whatever nature or kind the same may be, first composed, written, or published in Great Britain or Ireland, and protected by the Acts of the Imperial Parliament, to enforce the Law of Copy-right coming in the shape of Re-prints, bound or unbound, whether from the United States or other Foreign Countries, there shall be paid an *ad valorem* Duty on the *bona fide* price of the Publication of such Re-prints of twenty per cent.: *Provided always*, that said Duty is not to be paid on Newspapers or other regular Weekly Periodicals, nor upon the copies of said works if published *bona fide*, and not fraudulently, in any part of Great Britain or Ireland, such Duty to be collected under the same regulations and restrictions as are now in force to extend the said Imperial Acts for the regulation of the Law of Copy-right to this Province, and after collection by the proper Officers the said Duties shall be remitted by the Governor in such way and manner as Her Majesty's Government may be pleased to order and direct, in order that the said *ad valorem* Duty may be duly secured and paid over to the Author of said Books or Publications respectively, as they may be entitled thereto.

Re-prints from British Works protected by Law of Copy-right, to pay an ad. val. Duty of £20 per cent.

Proviso.

III. *And be it enacted*, That after this Act shall go into operation, it shall not be lawful for any person to import or bring, or cause to be imported or brought, into this Province, for use, sale, or hire, any Re-print referred to in the said second foregoing clause, and therein and thereby made liable to Duty contrary to the true intent and meaning of this Act, or knowingly, to sell, publish, or expose to sale, or let to hire, or have in his possession for use, sale, or hire, any such Re-print; and every such Re-print so imported, or brought, sold, published, or exposed to sale, shall be forfeited and sold, one half the proceeds thereof to be applied to the use of the Officers of Customs or Excise seizing the same, and the other half to the Author or Proprietor of the Copy-right; and further, every person so offending, being duly convicted thereof before any two Justices of the Peace in the County where the seizure is made, shall, for every such offence, forfeit the sum of Five Pounds, and double the value of every Copy of such Book or Re-print which he shall so Import, or cause to be Imported into this Province, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act, Two Pounds, to the use of

Penalty on importation, sale, &c., of Re-prints contrary to this Act—recovery and application of penalties, &c.

such Officers of Customs or Excise, and the remainder of the penalty to the use of the Proprietor of the Copy-right, and the said double value of such Book or Re-print, and the said respective proportions of the proceeds of the sale of such Book or Re-print, and of such penalty, shall be paid over and remitted in the way and manner as in the second foregoing clause of this Act is provided.

IV. *And be it enacted*, That this Act shall not go into operation until Her Majesty's assent in Council be obtained thereto, and be signified by publication in the Royal Gazette of this Province.

To be of no force until after Her Majesty's assent.

From "Acts of the General Assembly of the Province of Nova-Scotia, 1847." 4°, *Halifax: J. H. Crosskill*, [n. d.], pp. 52-53.

Act of March 21, 1848.

11 VICTORIA, CHAPTER 9.

An Act to regulate the Importation of Books, and to protect the British Author. [Passed the 21st day of March, 1848.]

Whereas, in consequence of the passage of the Act of the Imperial Parliament, made in the tenth and eleventh years of Her Majesty's reign, entitled "An Act to amend the Law relating to the protection in the Colonies of Works entitled to protection in the United Kingdom," it is expedient to legislate on the law of copyright:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the time when this Act shall go into operation, it shall be lawful to import all books of whatsoever nature or kind, and from whatsoever country the same shall be imported, save and except the reprints of any books first composed, written, or published, in Great Britain, and protected at the time thereof by the laws of copyright, passed by the Imperial Parliament, now in force, and as hereafter provided, and that the said books, save and except the reprints, as aforesaid, shall be admitted into this province duty free.

Books, except reprints of British works protected by imperial copyright laws, to be duty free.

II. And be it enacted, That on the importation of any reprint of any book or review, bound, or in covers, of whatsoever nature or kind the same may be first composed, written, or published, in the United Kingdom of Great Britain and Ireland, and protected at the time of importation by the Acts of the Imperial Parliament, to enforce the law of copyright, whether imported from the United States, or other foreign countries, there shall be paid an *ad valorem* duty on the *bonâ-fide* price of such reprints of 20 per cent.: Provided always, that said duty shall not be paid on newspapers, or other regular periodicals, containing extracts only from said books or reviews, as aforesaid; and after collection by the proper officers, the said duty shall be paid into the Treasury, and then remitted by the Governor to the Commissioners of Customs at London, with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered proprietor of the copyright of said books or reviews respectively: Provided always, that before the reprint of any book or review, be made liable to such *ad valorem* duty, as aforesaid, the said book or review shall have been duly registered according to the provisions of the Imperial Act, made in the fifth and sixth years of Her Majesty's reign, entitled "An Act to amend the Law of Copyright."

Reprints of books protected by copyright laws to pay an *ad valorem* duty of £20 per cent.

Not to apply to Periodicals containing only extracts from protected Works.

Application of duties.

Proviso.

III. And be it enacted, That after this Act shall go into operation, it shall not be lawful for any person to import, or bring, or cause to be imported, or brought, into this province, for use, sale, or hire, any reprint referred to in the said foregoing clause, and therein and thereby made liable to duty, contrary to the true intent and meaning of this Act, or knowingly, to sell, publish, or expose to sale, or let to hire, or have in his possession, for use, sale or hire, any such reprint; and every such reprint, so imported, or brought, sold, published, or exposed to sale, shall be forfeited and sold, one half the proceeds thereof to be applied to the use of the officers of Customs or Excise, seizing the same, and the other half to the registered proprietor of the copyright of the book from which such reprint is made; and further every person so offending, being duly convicted thereof, before any two justices of the peace in the county where the seizure is made, which said justices are hereby empowered to try the same according to the form of the Acts provided in ordinary cases of debt, shall, for every such offence, forfeit the sum of five pounds, and double the value of every copy of such reprint which he shall so import, or cause to be imported into this province; or shall knowingly, sell, publish, or expose to sale, or let to hire, or shall have in his possession ^[81] for sale or hire, contrary to the true intent and meaning of this Act, two pounds thereof, to the use of such officers of Customs, or Excise, and the remainder of such penalty shall be paid into the Treasury, and remitted to the use of the proprietor of the copyright, in the way and manner as in the second foregoing clause of this Act is provided.

Penalties for infringement of act.

Recovery of penalties, and application thereof.

IV. And be it enacted, That at the time of the entry of any reprint of any book or review, as aforesaid, it shall be lawful for the officers passing such reprint, to stamp the same, and the

Reprints to be stamped on entry.

Collector of Excise at Halifax shall furnish to the several officers who may require the same, the form of stamps necessary for such service.

V. And be it enacted, That this Act shall not go into force, or operation, until Her Majesty's assent be signified hereto.

Suspending clause.

[*Approving Order in Council made 11th August, 1848.*]

From "Acts of the General Assembly of the Province of Nova Scotia, 1848." 4°. *Halifax, J. H. Crosskill*, [n. d.], pp. 10-11.

British Order in Council of August 11, 1848.

BRITISH ORDER IN COUNCIL, suspending the Prohibitions in Nova Scotia, against certain Foreign Reprints of British Books, entitled to Copyright.—August 11, 1848.

At the Court at Osborne House, Isle of Wight, the 11th day of August, 1848, Present, THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

[The first three paragraphs of this Order are identical with par. 1-3 of the Order in Council of Dec. 12, 1850, see pp. 59-60.]

[82] And whereas an Act has been passed by the Lieutenant Governor, Council, and Assembly of the province of Nova Scotia, intituled "An Act to regulate the importation of books, and to protect the British author," whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of works under copyright imported into the said province:

Act 11 Vict., chap. 9.

And whereas Her Majesty hath expressed her royal approval of the same:

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said province shall remain and continue in force within the said province, all prohibitions in the other of the said hereinbefore recited Acts, or in any other Acts contained against the importing into the said province, or against the selling, letting out to hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said province:

Suspension of prohibitions.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary orders herein, as to them respectively may appertain.

C. C. GREVILLE.

From "British and Foreign State Papers, 1847-1848. Compiled by the Librarian and Keeper of the Papers." Vol. 36, 8°. London, Harrison & sons, 1861, pp. 948-949.

Revised Statutes of 1851.

TITLE XXXI.—OF COPYRIGHTS AND PATENTS.

CHAPTER 119.—OF THE LAW OF COPYRIGHT.

Section.

1. Copyrights of authors, how secured.
2. Penalties for infringing copyrights by importation.
3. Penalties for infringing copyrights by imitation or otherwise.
4. A printed copy of the title to be registered in the provincial secretary's office before publication.
5. Penalty for illegally inserting an entry as registered.
6. Limitation of actions.
7. Printing or publishing a manuscript without the author's consent, actionable.
8. Proprietors of protected works required to furnish copies to the legislative libraries.
9. All books may be imported duty free except re-prints of books protected by imperial acts.
10. Duties collected on books protected by imperial acts, how remitted to the proprietor.
11. Fine for improperly importing, selling, or having dutiable re-prints, how recovered, how applied; re-prints forfeited, &c.
12. Re-prints imported to be stamped.

1. The author of any map, chart, or book printed, or of any print engraved within this province, who has not transferred the copyright thereof, and any other person who has legally acquired the copyright of any such map, chart, book, or print, in order to publish the same, shall have the sole right of publishing such map, chart, book or print, for the term of twenty-one years from the recording the title or the entry thereof in the office of the secretary of the province; and the author of any map, chart, book or print, not published within the province, his executors, administrators or assigns, shall have the sole right of publishing such map, chart, book ^[83]or print, for the like term; and if at the expiration of such term, the author of any such map, chart, book or print, shall be living, the same right shall be continued to him for the further period of fourteen years; but he shall cause the title thereof to be a second time recorded and published, within six months before the expiration of the first term of twenty-one years; and no person shall be entitled to any right hereunder unless he shall be resident within the province at the time of his application therefor.

Copyrights of authors, how secured.

2. If any other person, after the recording of the title of any map, chart or book, and publishing the same, within the times limited, shall print or import from any other country copies of such map, chart or book, without the consent of the author and proprietor thereof first had in writing signed in the presence of two witnesses, or expose to sale any such copy of such map, chart or book, such offender shall forfeit all copies of such map, chart, or book, and all sheets, being part of the same, to the author and proprietor thereof, who shall forthwith destroy the same; and every such offender shall forfeit not less than one nor more than five shillings^[84] for every sheet found in his possession, to whosoever will sue for the same.

Penalties for infringing copyrights by importation.

3. If after the recording the title, and entering of any print, any person whosoever shall engrave, etch or work, or in any manner copy or sell, in the whole or in part, by copying, varying, adding to or diminishing from the main design, or shall print, reprint, or import for sale, any such print, or any part thereof, without the consent in writing of the proprietor thereof, signed in the presence of two witnesses, or knowing the same to be so printed, re-printed or imported, without

Penalties for infringing copyrights by imitation or otherwise.

the consent of the proprietor, shall publish, sell, or expose the same to sale, such offender shall forfeit the plates on which such print shall be copied, and all sheets of such print, and all parts thereof, to the proprietor of the original, print, who shall forthwith destroy the same, and such offender shall forfeit the sum of twenty shillings^[85] for every print found in his custody, either printed, published, or exposed to sale, or otherwise disposed of, to whosoever will sue for the same.

4. No person shall be entitled to benefit under these provisions in cases where any map, chart, book or print, has been already published, unless a printed copy of the title of the same shall, before publication, be deposited in the secretary's office, who shall record the same in a book kept by him for that purpose, in the words following, and give a copy thereof under his hand, to the author or proprietor if required:

A printed copy of the title to be registered in the provincial secretary's office before publication.

"Province of Nova-Scotia.

Be it remembered, that on this —— day of ——, A. D. 18— A. B., of ——, in the said province, has deposited in this office, the title of a map, [*chart, book or print, as the case may be,*] the copyright whereof he claims in the words following: [*here insert the title,*] in conformity with chapter 119 of the revised statutes.^[86]

^[87]For which certificate the secretary shall receive five shillings, and five shillings for every copy, and the author or proprietor shall cause a copy of such record to be inserted in full length in the title page, or in the page following the title page of such book; and if a map, chart or print, the following words shall be impressed on the face thereof: "entered according to law on the —— day of ——, 18—, by A. B., of ——."

"C. D.,

Provincial Secretary."

5. If any person, not having legally acquired the copyright, shall print or publish any map, chart, book or print, and shall insert therein or impress thereon, that the same has been entered according to law, or words purporting the same, he shall forfeit one hundred pounds,^[88] to be applied as hereinafter directed.

Penalty for illegally inserting an entry as registered.

6. Actions under this chapter shall be commenced within three years from the time when the cause of action accrued.

Limitation of actions.

7. Any person printing or publishing any manuscript, without the consent of the author or proprietor thereof if resident in this province, shall be liable to such author or proprietor for all damage occasioned thereby to be recovered by a special action on the case.

Printing or publishing a manuscript without the author's consent, actionable.

8. The proprietor of any map, chart, book or print entitled to the rights and privileges hereby conferred, shall, within six months from the publication thereof, deposit one copy thereof in the library of the legislative council, and one copy in that of the house of assembly.

Proprietors of protected works required to furnish copies to the legislative libraries.

9. All books shall be admitted into this province duty free, except re-prints of books the copyright whereof is protected by the acts of the imperial parliament.

All books may be imported duty free except re-prints of books protected by imperial acts.

10. On the importation of any reprint of books, bound or in covers, the copyright of which is protected by the acts of the imperial parliament, there shall be paid an *ad-valorem* duty of twenty per cent, but this duty shall not extend to newspapers or other regular periodicals containing extracts only from such books. The duty when collected shall be paid into the treasury and remitted by the governor to the commissioners of customs at London, with a detailed account thereof once a year, that the same may be paid to the registered proprietor of the copyright of the books respectively, such re-prints however shall not be liable to duty unless the originals shall have been registered according to the provisions of the imperial act passed in the fifth and sixth years of her majesty's reign, intituled "an act to amend the law of copyright."

Duties collected on books protected by imperial acts, how remitted to the proprietor.

11. Any person who shall import or bring into the province for sale, use or hire, any reprints hereby made liable to duty

without paying the same, or shall knowingly sell, publish or expose to sale, or let to hire, or have in his possession any such reprint, shall be liable to a penalty of five pounds^[89] and double the value of every copy of such reprint, which may be sued for before two justices of the peace as an ordinary debt, two pounds^[90] thereof to go to the officer who shall sue for the same, and the remainder to be paid into the treasury and remitted for the registered proprietor of the copyright, and every reprint imported contrary to these provisions, ^[91]shall be forfeited and sold, and one half of the proceeds thereof shall be paid into the treasury to the use of the registered proprietor, and the other to the seizing officer.

Fine for improperly importing, selling or having dutiable reprints, how recovered, how applied; reprints forfeited, &c.

12. Each reprint on its importation shall be stamped by the officer before whom the entry is made, and the form of the stamp shall be furnished by the receiver general to the several outports if required.

Re-prints imported to be stamped.

From "The Revised Statutes of Nova-Scotia. Prepared by W: Young, J: W. Ritchie, Jonathan McCully, Joseph Whidden, commissioner". 8°. *Halifax, N. S., R. Nugent*, 1851, pp. 321-324.

[Reenacted as Title 31, chapter 119 of the Revised Statutes of 1859; and as Title 31, chapter 116 of the Revised Statutes of 1864. Repealed by the act of May 22, 1868 of the Dominion of Canada, 31 Vict., chap. 54, sec. 19, except that sections 1 to 6 are (by sec. 28 of this act) continued in force as to unexpired copyrights acquired before the 22d day of May, 1868.]

Revised statutes of 1859.

TITLE XXXI.—OF COPYRIGHTS AND PATENTS.

CHAPTER 119.—OF THE LAW OF COPYRIGHT.

In "The Revised Statutes of Nova Scotia. Second series. Prepared by Martin I. Wilkins, W. A. Henry, Jas. R. Smith, commissioners." 8°. *Halifax, J. & W. Compton*, 1859, pp. 397-400.

[Replaced by the act of 1864. This statute is word for word the same as Title 31, chapter 119 of the Revised Statutes of 1851, see pp. 97-100.]

Revised statutes of 1864.

TITLE XXXI.—OF COPYRIGHTS AND PATENTS.

CHAPTER 116.—OF THE LAW OF COPYRIGHT.

In "The Revised Statutes of Nova Scotia. Third series. Prepared by Stewart Campbell, C. F. Harrington, Hiram Blanchard, commissioners." 8°. *Halifax, J. & W. Compton*, 1864, pp. 406-408.

[This law is word for word the same as that of 1851, Chap. 119, and that of 1859, Chap. 119, except for the following changes: Section 2, "one shilling" and "five shillings" are changed to "twenty cents", and "one dollar" respectively. Sec. 3, "twenty shillings" is changed to "four dollars". Sec. 4, the words "chapter 119 of the revised statutes" are changed to "chapter one hundred and sixteen of the revised statutes", and "five shillings" to "one dollar," and the words "inserted *in full length*" to "inserted *at full length*". Sec. 5, "one hundred pounds" is changed to "four hundred dollars". Section 11, "five pounds" to "twenty dollars", and "two pounds" to "eight dollars."

Repealed by the Act of the Dominion of Canada, 31 Vict., chap. 54, May 22, 1868, sec. 19, except that sections 1 to 6 are (by sec. 28 of this act) continued in force as to unexpired copyrights acquired before the 22d day of May, 1868.]

PRINCE EDWARD ISLAND.

Act of Aug. 31, 1848.

11 VICTORIA, CHAPTER 28.

An Act to regulate the importation of books, and to protect the British author. [August 31, 1848.]

Whereas in consequence of the passing of the Act of the Imperial Parliament, made in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to amend the law relating to the protection in the Colonies, of works entitled to protection in the United Kingdom," it is expedient to legislate on the law of copyright:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the time when this Act shall go into operation, it shall be lawful to import all books of whatsoever nature or kind, and from whatsoever country the same shall be imported, save and except the reprints of any books first composed, written, or published in Great Britain and Ireland, and protected at the time thereof by the laws of copyright passed by the Imperial Parliament, now in force, and as hereafter provided, and that the said books, save and except the reprints as aforesaid, shall be admitted into this Island, duty free.

All books except reprint of books composed in Great Britain or Ireland, and protected by law there, may be imported duty free.

[92]II. And be it enacted, That on the importation of any reprint of any book or review bound or in covers of whatsoever nature or kind the same may be, first composed, written, or published in the United Kingdom of Great Britain and Ireland, and protected at the time of importation by the Acts of the Imperial Parliament, to enforce the law of copyright, whether imported from the United States or other foreign countries, there shall be paid an *ad valorem* duty on the *bonâ fide* price of such reprints of twenty *per cent.* currency of this Island:

Such reprints of books may be imported, subject to duty of 20 per cent.

provided always, that said duty shall not be paid on newspapers or other regular periodicals, containing extracts only from said books or reviews as aforesaid; and after

Such duty not payable on newspapers, &c. containing extracts from British works.

collection by the proper officers, the said duty shall be paid into the treasury, and then remitted by the Lieutenant Governor to the commissioners of customs at London, with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered proprietor of the copyright of said books or reviews respectively: provided always, that before the reprint of any book or review be made liable to such *ad valorem* duty as aforesaid, the said book or review shall have been duly registered, according to the provisions of the Imperial Act, made in the fifth and sixth years of Her Majesty's reign, intituled, "An Act to amend the law of copyright."

III. And be it enacted, That after this Act shall go into operation, it shall not be lawful for any person to import or bring, or cause to be imported or brought into this Island for use, sale or hire, any reprint referred to in the said foregoing clause, and therein and thereby made liable to duty, contrary to the true intent and meaning of this Act, or knowingly to sell,

Any reprint of any such book, &c., imported contrary to this Act declared to be forfeited.

publish, or expose to sell, or let to hire, or have in his possession for use, sale or hire, any such reprint; and every such reprint so imported or brought, sold, published, or exposed to sale, shall be forfeited and sold, one half of the proceeds thereof to be applied to the use of the officers of customs or excise seizing the same, and the other half to the registered proprietor of the copyright of the book from which such reprint is made; and further, every person so offending, being duly convicted thereof before any Court of Commissioners for the recovery of small debts, in the County where the seizure is made, which said Courts are hereby empowered to try the same, according to the form of the Acts provided in ordinary cases of small debt, shall for every such offence forfeit the sum of five pounds, and double the value of every copy of such reprint, which he shall so import or cause to be imported into this Island, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act; two [93] pounds thereof to the use of such officers of customs or excise, and the remainder of such penalty shall be paid into the treasury, and remitted to the use of the proprietor of the copyright, in the way and manner as in the second foregoing clause of this Act is provided.

IV. And be it enacted, That at the time of the entry of any reprint of any book or review as aforesaid, it shall be lawful for the officers passing such reprint, to stamp the same, and the collector of excise at Charlottetown shall furnish to the several officers who may require the

Every reprint, &c., legally imported, to be stamped by

same, the form of stamps necessary for such service.

officer.

V. And be it enacted, That this Act shall not go into force or operation until Her Majesty's assent be signified thereto.

Suspending clause.

*** This Act received the royal allowance on the 31st day of August, 1848, and the signification thereof was published in the *Royal Gazette* newspaper of this Island, on the 5th of December of the same year. Confirmed by the Order in Council of Oct, 31, 1848.

From "The Acts of the General Assembly of Prince Edward Island, 1773-1852." Vol. 1, 8°. [Charlottetown], J. Ings, 1862, pp. 547-549.

British Order in Council of October 31, 1848.

BRITISH ORDER IN COUNCIL, suspending the Prohibitions in Prince Edward Island, against certain Foreign Reprints of British Books, entitled to Copyright.—October 31, 1848.

At the Court at Windsor, the 31st day of October, 1848, Present, THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

[The first three paragraphs of this Order are identical with par. 1-3 of the Order in Council of Dec. 12, 1850, see pp. 59-60.]

[94] And whereas an Act has been passed by the Lieutenant-Governor, Council, and Assembly of Prince Edward's Island, intituled "An Act to regulate the importation of books, and to protect the British author," whereby provision is made for securing to British authors a certain remuneration in respect of unauthorized copies of works under copyright imported into the said island:

Act 11 Vict., chap. 28.

And whereas Her Majesty hath expressed her royal approval of the same:

Now, therefore, Her Majesty, by and with the advice and consent of her Privy Council, and by the authority of the same, doth order, and it is hereby ordered, that so long as the said Act of the Legislature of the said island shall remain and continue in force within the said island, all prohibitions in either of the said hereinbefore recited Acts of the Imperial Parliament, or in any other Acts thereof contained against the importing into the said island, or against the selling, letting out to hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended, so far as regards foreign reprints imported into the said island:

Suspension of prohibitions.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

WM. L. BATHURST.

From "British and Foreign State Papers, 1847-1848. Compiled by the Librarian and Keeper of the Papers." Vol. 36, 8°. *London, Harrison & sons*, 1861, pp. 950-951.

Act of April 29, 1861.

24 VICTORIA, CHAPTER 29.

An Act for the protection of copyright. [Passed April 29, 1861.]

Be it enacted, by the Lieutenant Governor, Council and Assembly, as follows:

I. The author of any map, chart, book, or pamphlet, printed, or of any print engraved within this Island, who has not transferred the copyright thereof, and any other person who has legally acquired the copyright of any such map, chart, book, pamphlet or print, in order to publish the same, shall have the sole right of publishing such map, chart, book, pamphlet, or print, for the term of twenty-one years from the recording the title or the entry thereof in the office of the Colonial Secretary; and the author of any map, chart, book, pamphlet, or print, not published within this Island, his executors, administrators or assigns, shall have the sole right of publishing such map, chart, book, pamphlet, or print, for the like term of twenty-one years; and if at the expiration of such term the author of any such map, chart, book, pamphlet or print, shall be living, the same right shall be continued to him for the further period of fourteen years; but he shall cause the title thereof to be a second time recorded, and published within six months before the expiration of the first term of twenty-one years; and no person shall be entitled to any right by virtue of this Act, unless he shall be resident within this Island at the time of his application therefor.

Author, &c. of any map, book, &c. published within this Island to have monopoly of same for term of 21 years.

II. If any other person, after the recording of the title of any map, chart, book, pamphlet, or print, and publishing the same within the times limited, shall print or import from any other country, copies of such map, chart, book, pamphlet or print, without the consent of the author and proprietor thereof first had in writing, signed in the presence of two witnesses, or expose to sale any such copy of such map, chart, book, pamphlet or print, such offender shall forfeit all copies of such ^[95]map, chart, book, pamphlet or print, and all sheets being part of the same, to the author and proprietor thereof, who shall forthwith destroy the same; and every such offender shall forfeit not less than one, nor more than five shillings, for every sheet found in his possession, to whomsoever will sue for the same.

Penalty on persons publishing, selling, &c. without the consent of the author, any maps, books, &c. after the copyright has been duly registered.

III. If after the recording the title and entering of any print, any person whomsoever shall engrave, etch or work, or in any manner copy or sell in the whole, or in part, by copying, varying, adding to or diminishing from the main design, or shall print, reprint, or import for sale, any such print, or any part thereof, without the consent in writing of the proprietor thereof, signed in the presence of two witnesses, or knowing the same to be so printed, reprinted, or imported, without the consent of the proprietor, shall publish, sell, or expose the same to sale, such offender shall forfeit the plates on which such print shall be copied, and all sheets of such print, and all parts thereof, to the proprietor of the original print, who shall forthwith destroy the same; and such offender shall forfeit the sum of twenty shillings for every print found in his custody, either printed, published, or exposed to sale, or otherwise disposed of, to whosoever will sue for the same.

Penalty on persons who shall engrave, copy, &c., any print, without the consent of the author, after the title thereof has been recorded.

IV. No person shall be entitled to benefit under the provisions of this Act, in cases where any map, chart, book, pamphlet, or print, has been already published, unless a printed copy of the title of the same shall, before publication, be deposited in the Colonial Secretary's Office, who shall record the same in a book kept by him for that purpose, in the words following, and give a copy thereof under his hand to the author or proprietor, if required:

No person entitled to the benefit of this Act unless a printed copy of title shall, before publication, be deposited in office of Colonial Secretary.

"Prince Edward Island.

Certificate of record.

"Be it remembered that on this — day of — A. D. 18— A. B., of — in the said Island, has deposited in this Office the title of a map, (chart, book, pamphlet, or print, as the case may be), the copyright whereof he claims in the words following (here insert the title) in conformity with the Act for the protection of copyright.

"C. D., Colonial Secretary."

V. For which certificate the Secretary shall receive five shillings, and five shillings for every copy, and the author or proprietor shall cause a copy of such record to be inserted in full length in the title page, or in the page following the title page of such book; and if a map, chart or print, the following words shall be impressed on the face thereof:

Fee for certificate.

Certificate to be inserted in title page of book.

Form of entry on charts, &c.

Penalty on persons not having the copyright, inserting therein that same have been legally entered, &c.

Limit of time for bringing actions.

Persons publishing manuscript without consent of author, liable for damages.

Proprietor of map, books, &c. to deposit copy in Legislative library.

What books admitted free of duty.

"Entered according to law on the —— day of —— 18—— by *A. B.*, of ——."

[96] VI. If any person not having legally acquired the copyright, shall print or publish any map, chart, book, pamphlet, or print, and shall insert therein or impress thereon, that the same has been entered according to law, or words purporting the same, he shall forfeit one hundred pounds; to be recovered by bill, plaint, or information, in the Supreme Court of Judicature, to and for the use of her Majesty's Government.

VII. Actions under this Act shall be commenced within three years from the time when the cause of action accrued.

VIII. Any person printing or publishing any manuscript, without the consent of the author or proprietor thereof, if resident in this Island, shall be liable to such author or proprietor for all damage occasioned thereby, to be recovered by a special action on the case.

IX. The proprietor of any map, chart, book, pamphlet or print, entitled to the rights and privileges hereby conferred, shall, within six months from the publication thereof, deposit one copy thereof in the Legislative library of this Island.

X. All books shall be admitted into this Island duty free, except reprints of books, the copyright whereof is protected by the Acts of the Imperial Parliament.

From "The Acts of the General Assembly of Prince Edward Island, 1853-1862." Vol. 2, 8°. [*Charlottetown*], *J. Ings*, 1862, pp. 446-448.

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FOOTNOTES:

Three copies are required by the amendatory act of July 22, 1895.

Three copies are required by the amendatory act of July 22, 1895.

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Note.—This act is substantially the same as the Canadian act of April 8, 1875 (38 Vict., chap. 88), and the references at the end of the various sections are to corresponding sections of that act.

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As to sections 4 and 5 see Act of May 2, 1889, 51 Vict., chap. 29, sec. 1, pp. 31-32.

See act of May 2, 1889, 52 Vict., chap. 29, sec. 2, p. 33.

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Three copies are required by the amendatory act of July 22, 1895.

Three copies are required by the amendatory act of July 22, 1895.

And one in the British Museum; see amendatory act of July 22, 1895.

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See as to sec. 19, the acts of April 24, 1890, 53 Vict., chap. 12, p. 34, and Aug. 28, 1891, 54 & 55 Vict., chap. 34, pp. 34-35.

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See as to sections 3 and 5 the Act of July 22, 1895, 58 and 59 Vict., chap. 37, secs. 3 and 4, p. 35.

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NOTE.—Amended by the act of July 19, 1899 (see page 48) to read: "On registering a copyright (except photographs) \$1.00." "On registering the copyright of a photograph, \$0.25."

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Should be "by any person who does not reside in this Province." See French text.

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has no footnote explanation

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p. 949.

p. 322.

The words "one nor more than five shillings" are changed to "twenty cents nor more than one dollar" by "The Revised Statutes of Nova Scotia. Third Series." 1864. Title 31, Of copyrights and patents. Chapter 116, Of the law of copyright, p. 407.

The words "twenty shillings" are changed to "four dollars" by "The Revised Statutes of Nova Scotia. Third Series." 1864. Title 31, Of copyrights and patents. Chapter 116, Of the law of copyright, p. 407.

The words "chapter 119 of the revised statutes" are changed to "chapter 116 of the revised statutes" by "The Revised Statutes of Nova Scotia. Third Series." 1864. Title 31, Of copyrights and patents. Chapter 116, Of the law of copyright, p. 407.

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The words "one hundred pounds" are changed to "four hundred dollars" by "The Revised Statutes of Nova Scotia. Third Series." 1864. Title 31, Of copyrights and patents. Chapter 116, Of the law of copyright, p. 408.

The words "five pounds" are changed to "twenty dollars" by "The Revised Statutes of Nova Scotia. Third Series." 1864. Title 31, Of copyrights and patents. Chapter 116, Of the law of copyright, p. 408.

The words "two pounds" are changed to "eight dollars" by "The Revised Statutes of Nova Scotia. Third Series." 1864. Title 31, Of copyrights and patents. Chapter 116, Of the law of copyright, p. 408.

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Transcriber's Notes:

hyphenation, spelling and grammar have been preserved as in the original

minor punctuation changes made without notification

Page 8, les droits d'auteur." ==> les droits d'auteur.

Page 8, Sanctionné le 18 juillet ==> Sanctionné le 18 juillet

Page 10, 1847. 4°. Halifax, ==> 1847." 4°. Halifax,

Page 11, Compton, 1864. title 31 ==> Compton, 1864, title 31
Page 40, book for Legislalative ==> book for Legislative
Page 48, photographs) \$1.00. ==> photographs) \$1.00."
Page 49, reign, intituled ==> reign," intituled
Page 50, authority afore said ==> authority aforesaid
Page 53, right and lib erty ==> right and liberty
Page 54, deposite a printed copy ==> deposit a printed copy
Page 66, time, as herebefore ==> time, as hereinbefore
Page 82, counted for one hundred ==> counted for one hundred)
Page 91, "so printed or reprinted ==> "so printed or reprinted"
Page 93, paid on Newspapers ==> paid on Newspapers

[The end of *Copyright in Canada and Newfoundland* by Thorvald Solberg]