

*No Action, &c. maintainable by Proprietor of Copyright until after Registration.*

8. No proprietor or licensee for the time being of copyright in any work of fine art shall maintain any action, suit, or other proceeding in respect of any infringement of such copyright or of any license to exercise such right, until after he shall have caused his proprietorship of such copyright or license to be registered pursuant to this Act; and no action, suit, or other proceeding shall be maintainable, nor shall any penalty be recoverable under this Act in respect of any act of infringement of copyright, or of any license to use the same, which shall have occurred before such registration.

*Licensee may sue and be sued in his own Name.*

Provided always, that every person who shall for the time being be the registered proprietor under any license to exercise any copyright under this Act, or any part of such copyright, may sue and be sued in his own name in all matters arising out of or relating to such license or contract.

*But omission to Register not to affect Copyright.*

Provided also, that the omission to cause such registration to be made shall not affect the copyright or license, but only the right to sue or proceed in respect of any infringement of such copyright or license.

*Penalties where registered Copyright infringed.*

9. If the author of any work of fine art in which there shall be subsisting copyright, after having become divested of such copyright; or if any other person, not being the registered proprietor for the time being of the copyright in any work of fine art, shall by any means unlawfully repeat, copy, imitate, or otherwise multiply for sale, hire, exhibition, or distribution, or cause or procure to be repeated, copied, imitated, or otherwise multiplied for sale, hire, exhibition, or distribution any such work, or the design thereof, or any part of such design; or, knowing that any such repetition, copy, or other imitation has been unlawfully made, shall import or export into or out of any part of the British Dominions, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be so imported or exported, or sold, published, let to hire, distributed, or offered for sale, hire, exhibition, or distribution, any unlawful repetition, copy, or imitation of such work, or of the design thereof, such person for every such offence shall forfeit to the registered proprietor for the time being of the copyright thereof a sum not exceeding 20*l.*, and not less than 2*l.* for every first offence, and not less than 5*l.* for every subsequent offence; and all such unlawful repetitions, copies, and imitations, together with all negatives, moulds, dies, plates, blocks, and slabs from which such unlawful repetitions, copies, and imitations may have been taken or made shall be forfeited to and be the property of such registered proprietor of the copyright.

*Various fraudulent acts prohibited.*

10. No person shall do or cause to be done any or either of the following acts, that is to say:—

(1.) No person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any work of fine art, any name, initials, or monogram.

(2.) No person shall fraudulently publish, exhibit, sell, or dispose of, or offer for exhibition, sale, or distribution, any work of fine art having thereon the name, initials, or monogram of a person who did not execute or make such work.

(3.) No person shall fraudulently utter, dispose of, or put off, or cause to be uttered, disposed of, or put off, any copy or colourable imitation of any work of fine art, whether there shall be subsisting copyright therein or not, as having been made or executed by the author of the original work from which such copy or imitation shall have been taken.

(4.) Where the author of any work of fine art made either before or after the passing of this Act shall have sold or otherwise parted with his property in such work, or in the copyright thereof, if any alteration of such work shall afterwards be made therein by any other person, no one shall be at liberty, during the life of the author of such work, to make, or, knowing any such alteration to have been made without his consent in writing, to publish, sell, or offer for sale such work, or any copy thereof, so altered as aforesaid, or of any part thereof, as or for the unaltered work of such author.

(5.) Where, previously to the publication of any engraving, it shall have been advertised or declared on behalf of the publisher thereof, or of the proprietor of the copyright therein, or other person beneficially interested in such engraving, that a stated number or no more than a stated number of proof impressions or copies of such engraving are to be made, published, sold, or issued, the number so stated shall in no case be exceeded by such publisher, proprietor, or other person; and no person, knowing that any impression or copy has been made after such complete stated number, shall print, publish, sell, or offer for sale any such last-mentioned impression or copy.

(6.) Where the plate, block, slab, or other material from or by means of which impressions or copies of any engraving are taken or multiplied shall have been retouched or wrought afresh, either in the whole or in part, in order to repair the wear and tear of printing, or otherwise taking or multiplying copies therefrom, no person knowing of such repair shall print for sale, sell, or offer, or utter for sale, any impression or copy taken from a plate, block, slab, or other material so repaired, as a proof, impression, or copy of such engraving.

*Penalties incurred by Offenders under this Section.—Proviso.*

Every offender under this section shall, upon conviction, forfeit to the person aggrieved a sum not exceeding 20*l.*, or not exceeding double the full price, if any, at which any such work, impression, or copy thereof as in this section mentioned shall have been published, exhibited, sold, or offered for sale, and not less than 2*l.* for every first offence, and not less than 5*l.* for every subsequent offence, and all such works, impressions, and copies as are respectively firstly, secondly, thirdly, and fourthly mentioned in this section shall be forfeited to and be the property of the person, or the assigns or legal personal representatives of the person whose name, initials, or monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered work, or any impression or copy thereof, shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the penalties imposed by this section shall not be incurred, unless the person whose name, initials, or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work, or any impression or copy thereof, shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within twenty years next before the time when the offence may have been committed.

*Importation of piratical Repetitions, &c. prohibited as to registered Copyright Works.*

11. All repetitions, copies, or imitations of any work of fine art, or the design thereof, wherein there shall be subsisting and registered copyright under this Act, and which, contrary to the provisions of this Act, shall have been made in any Foreign State, are hereby absolutely prohibited to be imported into any part of the British Dominions except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorised in writing; and if the registered proprietor for the time being of any such copyright, or his agent, shall declare, or if any officer of Her Majesty's Customs shall suspect that any goods imported are prohibited repetitions, copies, or imitations of any such work of fine art, or of the design thereof, then such goods may be detained, unpacked, and examined by the officers of Her Majesty's Customs.

*Commissioners of Customs to expose Lists of registered Copyright Works of Fine Art.—Proviso.*

12. The Commissioners of Customs shall cause to be made and publicly exposed at the several ports of the United Kingdom, and in Her Majesty's possessions abroad, printed lists of all works of fine art, wherein the registered copyright shall be subsisting, and as to which the registered proprietor for the time being of such copyright, or his agent, shall have given notice in writing to the said Commissioners that such copyright exists, stating in such notice when such copyright expires, and shall have made and subscribed a declaration before the collector of the Customs, or any justice of the peace, at some port or place in the United Kingdom, or in Her Majesty's possessions abroad, that the contents of such notice are true; and the provisions contained in the Acts now in force, or at any time to be in force regarding Her Majesty's Customs, as to the application to the courts and judges by any person aggrieved by the entry of any book in the lists of books to be made and publicly exposed by the said Commissioners under the said Acts, and the expunging any such entry, shall apply to the entry of any work of fine art in the lists thereof to be made by virtue of this Act, in the same



manner as if such provisions were herein expressly enacted with the necessary variations in relation to such last-mentioned lists: Provided always, that nothing in the said Acts or this Act contained shall prevent, prejudice, or affect any proceeding at law or in equity which any person aggrieved by reason of the insertion of any work in any such list, in pursuance of any such notice, or upon the removal of any work from such list pursuant to any such order as aforesaid, or by reason of any declaration to be made under the authority of this Act being false, might or would otherwise have against any party giving such notice, or obtaining any such order, or making such false declaration as aforesaid.

*Importers, &c. of piratical Copies to furnish Names, &c. of Persons from whom same obtained.*

13. Every person who shall import or export, or cause to be imported or exported, into or out of any part of the British Dominions, or shall exchange, publish, sell, let to hire, exhibit, or distribute, or offer, or hawk, or carry about, or keep for sale, hire, exhibition, or distribution, any unlawful copy, repetition, or imitation of any work of fine art in which, or in the design whereof, there shall be subsisting registered copyright, shall be bound, on demand in writing, delivered to him or left for him at his last known dwelling-house or place of business, by or on behalf of the registered proprietor for the time being of such copyright, to give to the person requiring the same, or his attorney or agent, within forty-eight hours after such demand, full information in writing of the name and address of the person from whom, and of the times when, he shall have imported, purchased, or obtained such unlawful copy, repetition, or imitation, also the number of such copies, repetitions, or imitations which he has obtained, and also to produce to the person requiring such information all invoices, books, and other documents relating to the same: and it shall be lawful for any justice of the peace, on information on oath of such demand having been made, and of the refusal or neglect to comply therewith, to summon before him the person guilty of such refusal or neglect, and, on being satisfied that such demand ought to be complied with, to order such information to be given and such production to be made within a reasonable time to be fixed by him.

*Penalty on refusal, &c.*

Any person who shall refuse or neglect to comply with such order shall for every such offence forfeit to the person aggrieved a sum not exceeding 20*l.* and not less than 2*l.* for every first offence, and not less than 5*l.* for every subsequent offence: and such refusal or neglect shall be *prima facie* evidence that the person so refusing or neglecting had full knowledge that the article or thing imported, purchased, or obtained was an unlawful copy, repetition, or imitation of the work of fine art in question.

*Justices of the Peace, &c. may grant Warrants to search for piratical Copies for Sale.*

14. Upon proof by the oath of one credible person before any justice of the peace, court, sheriff, or other person having jurisdiction in any proceeding under this Act, that there is reasonable cause to suspect that any person has in his possession, or in any house, shop, or other place, for sale, hire, distribution, or public exhibition, any copy, repetition, or imitation of any work of fine art in which, or in the design whereof, there shall be subsisting and registered copyright under this Act, and that such copy, repetition, or imitation has been made without the consent in writing of the registered proprietor of such copyright, it shall be lawful for such justice, court, sheriff, or other person as aforesaid before whom any such proceeding is taken, and he or they is and are hereby required to grant his or their warrant to search, in the day-time, such house, shop, or other place, and if any such copy, repetition, or imitation, or any work which may be reasonably suspected to be such, shall be found therein, to cause the same to be brought before him or them, or before some other justice of the peace, court, sheriff, or other person as aforesaid, and upon proof that any or every such copy, repetition, or imitation was unlawfully made, the same shall thereupon be forfeited and delivered up to the registered proprietor for the time being of the copyright as his property.

*Piratical Copies in possession of Hawkers may be seized.*

15. If any person, elsewhere than at his own house, shop, or place of business, shall hawk, carry about, offer, utter, distribute, or sell, or keep for sale, hire, or distribu-

tion, any unlawful copy, repetition, or colourable imitation of any work of fine art in which, or in the design whereof, there shall be subsisting and registered copyright under this Act, all such unlawful articles may be seized, without warrant, by any peace officer, or the proprietor of the copyright, or any person authorised by him, and forthwith taken before any justice of the peace, court, sheriff, or other person having jurisdiction in any proceeding under this Act, and upon proof that such copies, repetitions, or imitations were unlawfully made they shall be forfeited and delivered up to the registered proprietor for the time being of the copyright as his property.

*Refusal, &c. to give Information where Copies obtained to be prima facie Evidence of their being unlawful.*

16. In each of the cases provided for in the two next preceding sections the person offending against the provisions of this Act shall, upon demand, give all such or the like information, and produce all such or the like documents as are mentioned in section thirteen of this Act; and any refusal or neglect of such person to comply with this enactment shall be *prima facie* evidence that such person had full knowledge that such copy, repetition, or imitation had been unlawfully made, and thereupon, or in case it shall by any other means be made to appear that the person so offending had such knowledge, he or she shall, for any such refusal or neglect to comply with this enactment, forfeit to the person aggrieved a sum not exceeding 10*l.* and not less than 1*l.* for every first offence, and not less than 2*l.* for every subsequent offence: and upon proof that such copies, repetitions, or imitations were unlawfully made they shall be forfeited and delivered up to the registered proprietor for the time being of the copyright as his property.

*How Penalties, &c. may be summarily recovered.*

17. All pecuniary penalties which shall be incurred, and all such unlawful copies, repetitions, imitations, and all other articles and things as shall have been forfeited by offenders pursuant to this Act, may be recovered by the person herein empowered to recover the same respectively, and herein-after called the complainant or complainer, as follows:—

*In England and Ireland.*

In England or Ireland, either by action against the party offending, or by summary proceeding before any two justices having jurisdiction where the offence was committed, or where the party offending resides or carries on business.

*In Scotland.—Proviso.*

In Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county where the offence was committed, or where the party offending resides or carries on business, who, upon proof of the offence or offences, either by confession of the party offending or by the oath or affirmation of one or more credible witnesses, shall convict the offender, and find him liable to the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the sheriff in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided always, that it shall be lawful for the sheriff, in the event of his dismissing the action and assoiling the defender to find the complainer liable in expenses, and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by advocacy, suspension, reduction, or otherwise.

*In other Parts of the British Dominions.*

And in all other parts of the British Dominions by action or suit, or by summary proceedings before any court, judge, justices, or any person having judicial authority in that part of such dominions where the offence was committed, or where the party offending resides or carries on business.

*No Conviction to be quashed for Error in Form.*

Provided always, that no conviction obtained in any such proceeding as aforesaid shall be quashed for error in point of form, or be removed by certiorari into any of Her Majesty's Superior Courts of Record.

*Limitation of Time for Recovery of Penalties.*

18. No person shall commence any action or proceeding for the recovery of any penalty, or for procuring the conviction of any offender in manner herein-before provided, after the expiration of one year next after the discovery of the offence by the person proceeding.



*Penalties imposed not to prejudice other Remedies of Proprietor of Copyright.*

19. If the author of any work of fine art which there shall be subsisting copyright, after having become divested of such copyright, or if any other person not being the registered proprietor for the time being of such copyright, shall commit any or either of the offences mentioned in the ninth section of this Act, every such registered proprietor, in addition to and irrespective of the remedies given for the recovery of any such penalties and forfeitures as aforesaid, may recover damages by an action to be brought against the person so offending, and may in such action also recover and enforce the delivery to him of all unlawful repetitions, copies, and imitations of such work of fine art, or may recover damages for the retention or conversion thereof; and nothing in this Act contained, nor any proceeding, conviction, or judgment for any offence hereinbefore prohibited shall affect the remedy which any person aggrieved by any such offence may be entitled to, either at law or in equity.

*Defendants in Actions for Infringement to deliver Notice of Objections with their Pleas.—And at Trial no Objection not stated in Notice to be allowed.*

20. After the passing of this Act, in any action brought within the British Dominions against any person for any offence under this Act, the defendant, on pleading thereto, shall give the plaintiff a notice in writing of any objections on which he means to rely at the trial of such action: and if the nature of the defence be that the plaintiff in such action was not the author of the work of fine art, or of the design thereof, in which he shall by such action claim copyright or any limited interest therein, or that he is not the proprietor of the copyright or any limited interest therein, or that some other person was the author of such work of fine art, or the design thereof, or is the proprietor of copyright or some limited interest therein, then the defendant shall, to the best of his knowledge and information, specify in such notice the name of the person who he shall allege was the author of such work, or of the design thereof, or who is the proprietor of copyright or any limited interest therein; otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author of such work, or of the design thereof, or that he is not the proprietor of copyright or any limited interest therein; and at such trial or hearing no other objection shall be allowed on behalf of such defendant than the objections stated in such notice.

*Superior Courts, &c. may order Inspection and Account, &c.*

21. In any action in any of Her Majesty's Courts of Record for the infringement of any such copyright, or any limited interest therein as aforesaid, it shall be lawful for the court in which such action is pending, or for any judge of such court, on the application of the plaintiff or defendant respectively, at any time and from time to time, to make such order for an injunction, inspection, or account, and to give such direction respecting such action, injunction, inspection, and account, and the proceedings therein respectively, as to such court or judge may seem just.

*Plaintiff or Defendant succeeding in Action, &c. to have full Indemnity for Costs.*

22. In every case in which judgment shall be obtained in any action or proceeding for the amount of any penalty or forfeiture as aforesaid, or for any damages, the plaintiff, if he shall obtain judgment, or the defendant, if he shall obtain judgment, shall be entitled to recover and have execution for all his costs of suit, which shall include a full indemnity for all costs and charges which he shall or may have expended or incurred in, about, or for the purpose of the action or proceeding, unless the court or any judge thereof shall certify in writing that costs as between party and party only shall be recovered.

*Books to be kept for Registration of Copyrights under this Act.*

23. Under this Act there shall be kept at the hall of the Stationers' Company by the Registrar appointed by the said Company for the purposes of the Act passed in the sixth year of the reign of her present Majesty, intituled "An Act to amend the law of Copyright," three several books or sets of books, which shall be called as follows:—

- (1.) The register of proprietors of copyright in new and original drawings and pictures.
- (2.) The register of proprietors of copyright in new and original photographs and engravings.
- (3.) The register of proprietors of copyright in new and original sculptures.

*Entries to be made in Register of Drawings and Pictures.*

In the first of such registers shall be entered a memorandum of every copyright, or of any limited legal interest therein, to which any person shall claim to be entitled under this Act in any new and original drawing or painting, and also of any subsequent assignment of such copyright or limited legal interest therein; and such memorandum shall contain a statement of the several particulars required by the form applicable for that purpose in Part I. of the third schedule to this Act; and in addition thereto the person registering shall annex to the memorandum under which he requires the entry to be made an outline, sketch, or photograph of the drawing or painting to which such memorandum refers.

*Entries to be made in Register of Photographs and Engravings.*

In the second of such registers shall be entered a memorandum of every copyright or of any limited legal interest therein to which any person shall claim to be entitled, under this Act, in any new and original photograph or engraving, and also of any subsequent assignment of such copyright or limited legal interest therein, and such memorandum shall contain a statement of the several particulars required by the form applicable for that purpose in Part II. of the said third schedule to this Act; and in addition thereto, the person registering shall annex to the memorandum under which he requires the entry to be made, a photograph of the engraving or photograph to which such memorandum refers.

*Entries to be made in Register of Sculptures.*

And in the third of such registers shall be entered a memorandum of every copyright or of any limited legal interest therein to which any person shall claim to be entitled, under this Act, in any new and original sculpture, and also of any subsequent assignment of such copyright or limited legal interest therein; and such memorandum shall contain a statement of the several particulars required by the form applicable for that purpose in Part III. of the said third schedule to this Act; and in addition thereto, the person registering shall annex to the memorandum under which he requires the entry to be made, an outline, sketch, or photograph of the sculpture to which such memorandum refers.

*Proviso.*

Provided always, that where the registrar is required to make any entry in either of the said registers, if the right to have such entry made appears to be claimed under any contract or other document other than the memorandum requiring the registrar to make the entry, such contract or other document shall be annexed to and be deemed a part of the memorandum under which the registrar is required to make the entry.

*The Form of such Entries, &c., and how Registers and Indexes to be kept.*

The request to the registrar to make such entries as aforesaid, and the mode of making the same, shall be according to the forms applicable thereto as given in the third schedule to this Act; and the said registrar shall number the pages of each of the registers regularly and consecutively; and to each of the registers he shall from day to day make out and keep an index, in which shall be entered, in alphabetical order, the names of all persons appearing in any of the entries contained in the same register, with a reference to the page or pages in which such name shall appear, with all such other particulars as may be requisite to afford full information to the public as to the copyright work to which such entry relates.

*Registrar to furnish Lists of Entries made under this Act; but such Lists not to be used as Evidence of Title.*

24. The registrar shall likewise, upon the request of any person, and within fourteen days after such request, furnish such person with a complete copy of all or any part of the entries which shall have been made in any or either of the registers so to be kept as aforesaid, for which copy the registrar shall be at liberty to charge no more than 6d. per folio, to be paid at the time such copy is bespoken, and such list shall be certified by the registrar under his hand, and impressed with the stamp of the said Company; Provided always, that no such list shall be available in any court or in any proceedings as evidence of the title of any person to any copyright under this Act, or to any limited interest therein.



*Indexes, &c. to be open to inspection.—Fees to be demanded by the Registrar.—Proviso.—Certified Copies to be prima facie Evidence.*

25. The indexes and registers to be kept pursuant to this Act, shall at all convenient times be open to the inspection of any person; and the registrar shall, when required by any person, make and deliver to such person a copy of any entry in either of such registers, and such copy shall be certified with the stamp of the said Company for that purpose. The fees to be demanded by the said registrar shall be 1s. for every entry which shall be searched for or inspected, including the memorandum under which such entry shall have been made; and for making any entry pursuant to this Act 1s., and for a certified copy only of any entry made 1s. 6d. And if any document, mentioned in the proviso to the 23rd section of this Act, shall have been filed at the time such entry was made, then, in addition to the said sum of 1s. 6d., the fee to be demanded by the registrar for a certified copy of the entry shall be at the rate of 6d. per folio, or part of a folio, for any such document: Provided always, that no person shall be compelled to take, or liable to pay, for the copy of any such document as aforesaid, unless he shall require the same to be made. Such copies of the said entries and documents to be made and certified as aforesaid, pursuant to this section, shall be received in evidence in all courts, and in all summary proceedings, and shall be *prima facie* proof of the proprietorship of copyright, or any limited legal interest in such copyright, as therein expressed, but subject to be rebutted by other evidence.

*Making false Entries in Registers, &c. a Misdemeanor.*

26. If any person shall wilfully cause to be made any false entry in either of the registers by this Act directed to be kept, or shall wilfully produce, or cause to be tendered in evidence, any document falsely purporting to be a copy of any entry in either of the said registers, or of any document filed at the hall of the said Company as by this Act contemplated, such person so offending shall be guilty of a misdemeanor, and, being convicted thereof, shall be punished accordingly.

*Power to Superior Courts, &c. to vary or expunge Entries.*

27. If any person shall deem himself aggrieved by any entry made under this Act in either of the said registers, it shall be lawful for such person to apply to either of Her Majesty's Superior Courts at Westminster, or to any judge of either of such courts, for an order that such entry may be varied or expunged, and the court or judge to whom the application shall be made shall make such order for varying, expunging, or confirming such entry, either with or without costs, and as between party and party, or solicitor and client, as to such court or judge shall seem just.

*Power to Superior Courts, &c. to control and enforce performance of Registrar's Duties.*

28. If the registrar shall neglect or refuse forthwith to act upon any such order as mentioned in the last section, or to make any such entry, or to file any such document, or to give any such copy, or to allow any such search or inspection, as by this or any other Copyright Act he is required or authorised respectively to make, file, and give, or allow, it shall be lawful for any person deeming himself aggrieved by such neglect or refusal to apply to either of Her Majesty's Superior Courts at Westminster, or to any judge of either of such courts, for an order that such entry may be made or such document filed, or such copy given or such search and inspection allowed. And upon such application such court or judge shall make such order upon the registrar for the making of such entry, or the filing of such document, or the giving such copy, or allowing such search and inspection, either with or without costs, and if with costs then either as between party and party, or as between solicitor and client, as to such court or judge shall seem just. And the registrar, upon production to him of any such order, shall forthwith obey the requirements thereof.

*Act not to repeal Ornamental Designs Acts.*

29. Nothing in this Act contained shall be construed as repealing or affecting any of the provisions of the several Acts specified in the fourth schedule to this Act, except as expressly repealed by the first section hereof.

The FIRST SCHEDULE referred to in this Act.

SECTION I.

Date and Chapter.	Subject.	Extent of Repeal.
<b>PART I.—ENGRAVINGS.</b>		
8 Geo. II. c. 13 (1734).	An Act for the Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers during the time therein mentioned.	The whole Act.
7 Geo. III. c. 38 (1767).	An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second for Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints, and for vesting in and securing to Jane Hogarth, Widow, the Property in certain Prints.	The whole Act.
17 Geo. III. c. 57 (1777).	An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain cases.	The whole Act.
6 & 7 W. IV. c. 59 (1836).	An Act to extend the Protection of Copyright in Prints and Engravings to Ireland.	The whole Act.
15 & 16 Vict. c. 12 (1852).	An Act to enable Her Majesty to carry into effect a Convention with France on the subject of Copyright; to extend and explain the International Copyright Act; and to explain the Acts relating to Copyright in Engravings.	Section 14.
25 & 26 Vict. c. 68 (1862).	An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for Repressing the commission of Fraud in the Production and Sale of such Works.	The whole Act.
<b>PART II.—SCULPTURES.</b>		
35 Geo. III. c. 71 (1795).	An Act for Encouraging the Art of making New Models and Casts of Busts and other things therein mentioned.	The whole Act.
34 Geo. III. c. 57 (1814).	An Act to amend and render more effectual an Act of His present Majesty for Encouraging the Art of making New Models and Casts of Busts and other things therein mentioned, and for giving further Encouragement to such Arts.	The whole Act.
13 & 14 Vict. c. 104 (1850).	An Act to extend and amend the Acts relating to Copyright of Designs.	Sections 6 and 7.

The SECOND SCHEDULE referred to in this Act.

SECTIONS 3 AND 7.

PART I.—RESERVATION OF AUTHOR'S RIGHTS.

(No. 1.)

FORM for PARTIAL RESERVATION of COPYRIGHT by the AUTHOR where his WORK has been COMMISSIONED.

[Address and date.]

As at my request you have made a drawing [or painting, or photograph, or work of sculpture] for me at the price of £ \* , being [here very shortly describe the subject], I admit that at or prior to the time of the same being delivered to me I agreed with you that all copyright thereof for the purposes of making all photographs and engravings therefrom should be your property. [If any additional terms agreed upon, add them here.]

To C.D.

A.B.

[Address.]

(No. 2.)

FORM for PARTIAL RESERVATION of COPYRIGHT by the AUTHOR where he first SELLS his NON-COMMISSIONED WORK.

[Address and date.]

Having purchased a painting [or drawing, or photograph, or work of sculpture] from you at the price of £ \* , being [all the rest as in Form No. 1].

\* Or, for a valuable consideration, if for any reason the price be not stated.



(No. 3.)

FORM for ENTIRE RESERVATION of COPYRIGHT by the AUTHOR where his WORK has been COMMISSIONED.

[Address and date.]

As at my request you have made a drawing [or painting, or photograph, or work of sculpture] for me at the price of £ \* , being [here very shortly describe the subject], I admit that at or prior to the time of the same being delivered to me I agreed with you that all the copyright in such work, including the making repetitions thereof, should be your property. [If any additional terms agreed upon, add them here.]

To C.D. A.B.  
[Address.]

(No. 4.)

FORM for ENTIRE RESERVATION of COPYRIGHT by AUTHOR where he first SELLS his NON-COMMISSIONED WORK.

[Address and date.]

Having purchased a painting [or drawing, or photograph, or work of sculpture] from you at the price of £ \* , being [all the rest as in Form No. 3.]

PART II.—SALE BY PROPRIETOR OF COPYRIGHT.

(No. 5.)

FORM for SALE and ASSIGNMENT of COPYRIGHT for SPECIAL PURPOSES only.

[Address and date.]

Being the proprietor of the copyright in a drawing [or painting, or photograph, or work of sculpture] made by me [here very shortly describe the subject], in consideration of the sum of £ \* , I hereby sell and assign to you such my copyright, but only for the purposes of making all photographs and engravings from the said work. [If any additional terms agreed upon, add them here.]

To E.F. C.D.  
[Address.]

(No. 6.)

FORM for SALE and ASSIGNMENT of COPYRIGHT for all PURPOSES.

[Address and date.]

Being the proprietor of the copyright for all purposes in a drawing [same as in Form No. 5 down to £ \* ], I hereby sell and assign all such my copyright, including the making repetitions of the said work. [If any additional terms agreed upon, add them here.]

To E.F. C.D.  
Address.]

(No. 7.)

FORM for SALE and ASSIGNMENT of COPYRIGHT in an ENGRAVING.

[Address and date.]

Being the proprietor of the copyright in an engraving, the title whereof is [here state the title], and which was made by G.H., from a painting by C.D., in consideration of the sum of £ \* , I hereby sell and assign to you all such my copyright. [If any additional terms agreed upon, add them here.]

To N.O. L.M.  
[Address.]

PART III.—LICENSE BY PROPRIETOR OF COPYRIGHT.

(No. 8.)

FORM for GRANT of EXCLUSIVE LICENSE to use a DESIGN.

[Address and date.]

Being the proprietor of the copyright in a drawing [or painting, or photograph, or work of sculpture], in consideration of the sum of £ \* , I hereby grant to you my exclusive license to copy, use, and apply the design of such

\* Or, for a valuable consideration, if for any reason the price be not stated.

work for all purposes of photographing and engraving the same. [If additional terms agreed upon, add them here.]

C.D.

To L.M.  
Address.]

(No. 9.)

FORM for SALE and ASSIGNMENT of LICENSE.

[Address and date.]

Being the proprietor of an exclusive license to copy, use, and apply the design in a copyright drawing [or painting, or photograph, or work of sculpture] for all purposes of photographing and engraving the same, in consideration of the sum of £ \* , I hereby sell and assign such license to you. [If any additional terms agreed upon, add them here.]

To N.O. L.M.  
[Address.]

\* Or, for a valuable consideration, if for any reason the price be not stated.

The THIRD SCHEDULE referred to in this Act.

SECTION 23.

PART I.—DRAWINGS AND PAINTINGS.

(No. 1.)

FORM of MEMORANDUM requiring an ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT in a DRAWING or PAINTING, or any limited LEGAL INTEREST in such COPYRIGHT.

I, A.B., do hereby declare that I am the proprietor of the copyright in a work of fine art [or of a limited legal interest therein], and I require you to make an entry thereof in the "Register of Proprietors of Copyright in New and Original Drawings and Paintings," according to the following particulars:—

Name and Place of Residence or Business of the Author of the Drawing or Picture.	Short Description of the Drawing or Picture.	The Date of the Note or other Contract (if any) under which the Copyright or limited Legal Interest therein is claimed.	Name and Place of Residence or Business of the Person claiming the Copyright or Legal Interest registered.

\* Here state if an outline, sketch, or photograph is annexed.

Dated this                      day of                      18                      .

Signature \_\_\_\_\_

To the Registrar of the Stationers' Company.

(No. 2.)

THE REGISTRAR'S FORM for making an ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT in a DRAWING or PAINTING, or any limited LEGAL INTEREST in such COPYRIGHT.

Name and Place of Residence or Business of the Author of the Drawing or Picture.	Short Description of the Drawing or Picture.	The Date of the Note or other Contract (if any) under which the Copyright or limited Legal Interest is claimed.	Name and Place of Residence or Business of the Person claiming the Copyright or Legal Interest registered.

\* Here state if it be an outline, sketch, or photograph.



(No. 3.)

FORM of MEMORANDUM requiring an ENTRY of ASSIGNMENT of PROPRIETORSHIP of COPYRIGHT in a DRAWING or PAINTING, or any limited LEGAL INTEREST in such COPYRIGHT.

I, C.D., do hereby declare that I am the proprietor, by assignment, of the copyright in a work of fine art [or of a limited legal interest therein], and I require you to make an entry thereof in "The Register of Proprietors of Copyright in New and Original Drawings and Paintings," according to the following particulars:—

Name and Place of Residence or Business of the Author of the Drawing or Picture.	Short Description of the Drawing or Picture.	The Date and Names of the Parties to the Note or other Contract (if any) by way of Assignment.	Name and Place of Residence or Business of the Assignor, and also of the Assignee.
		which document is hereto annexed.	

Dated this            day of            18            .

(Signature)\* \_\_\_\_\_

To the Registrar of the Stationers' Company.

\* N.B.—If there has been no previous assignment between the same parties by note, &c., this memorandum must be signed by the Assignor and also by the Assignee.

(No. 4.)

THE REGISTRAR'S FORM for making an ENTRY of ASSIGNMENT of PROPRIETORSHIP of COPYRIGHT in a DRAWING or PAINTING, or any limited LEGAL INTEREST in such COPYRIGHT.

Name and Place of Residence or Business of the Author of the Drawing or Picture.	Short Description of the Drawing or Picture.	The Date and Names of the Parties to the Note or other Contract (if any) by way of Assignment.	Name and Place of Residence or Business of the Assignor, and also of the Assignee.
		which document is annexed to the memorandum under which this entry is made.	

FART II.—PHOTOGRAPHS AND ENGRAVINGS.

(No. 5.)

FORM of MEMORANDUM requiring an ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT in a PHOTOGRAPH or ENGRAVING, or any limited LEGAL INTEREST in such COPYRIGHT.

I, A.B., do hereby declare that I am the proprietor of the copyright in a work of fine art [or of a limited legal interest therein], and I require you to make an entry thereof in "The Register of Proprietors of Copyright in New and Original Photographs and Engravings," according to the following particulars:—

Name and Place of Residence or Business of the Author of the Photograph or Engraving.	Short Description of the Photograph or Engraving.	The Date of the Note or other Contract (if any) under which the Copyright or limited Legal Interest therein is claimed.	Name and Place of Residence or Business of the Person claiming the Copyright or Legal Interest registered.
	whereof is hereto annexed.	Which document is hereto annexed.	

\* Here state if an outline, sketch, or photograph is annexed.

Dated this            day            18            .

(Signature) \_\_\_\_\_

To the Registrar of the Stationers' Company.

(No. 6.)

THE REGISTRAR'S FORM for making an ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT in a PHOTOGRAPH or ENGRAVING, or any limited LEGAL INTEREST in such COPYRIGHT.

Name and Place of Residence or Business of the Author of the Photograph or Engraving.	Short Description of the Photograph or Engraving.	The Date of the Note or other Contract (if any) under which the Copyright or Legal Interest is claimed.	Name and Place of Residence or Business of the Person claiming the Copyright or Legal Interest registered.
	whereof is annexed to the memorandum under which this entry has been made.	which document is annexed to the memorandum under which this entry is made.	

\* Here state if it be an outline, sketch, or photograph.

(No. 7.)

FORM of MEMORANDUM requiring an ENTRY of ASSIGNMENT of PROPRIETORSHIP of COPYRIGHT in a PHOTOGRAPH or ENGRAVING, or any limited LEGAL INTEREST in such COPYRIGHT.

I, C.D., do hereby declare that I am the proprietor, by assignment, of the copyright in a work of fine art [or of a limited legal interest therein], and I require you to make an entry thereof in "The Register of Proprietors of Copyright in New and Original Photographs and Engravings," according to the following particulars:—

Name and Place of Residence or Business of the Author of the Photograph or Engraving.	Short Description of the Photograph or Engraving.	The Date and Names of the Parties to the Note or other Contract (if any) by way of Assignment.	Name and Place of Residence or Business of the Assignor, and also of the Assignee.
		which document is hereto annexed.	

Dated this            day of            18            .

(Signature)\* \_\_\_\_\_

To the Registrar of the Stationers' Company.

\* N.B.—If there has been no previous assignment between the same parties by note, &c., this memorandum must be signed by the Assignor and also by the Assignee.

(No. 8.)

THE REGISTRAR'S FORM for making an ENTRY of ASSIGNMENT of PROPRIETORSHIP of COPYRIGHT in a PHOTOGRAPH or ENGRAVING, or any limited LEGAL INTEREST in such COPYRIGHT.

Name and Place of Residence or Business of the Author of the Photograph or Engraving.	Short Description of the Photograph or Engraving.	The Date and Names of the Parties to the Note or other Contract (if any) by way of Assignment.	Name and Place of Residence or Business of the Assignor, and also of the Assignee.
		which document is annexed to the memorandum under which this entry is made.	



PART III.—SCULPTURE.

(No. 9.)

FORM of MEMORANDUM requiring an ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT in SCULPTURE, or any limited LEGAL INTEREST in such COPYRIGHT.

I, A.B., do hereby declare I am the proprietor of the copyright in a work of fine art [or of a limited legal interest therein], and I require you to make an entry thereof in "The Register of Proprietors of Copyright in New and Original Sculpture," according to the following particulars:—

Name and Place of Residence or Business of the Author of the Sculpture.	Short Description of the Sculpture.	The Date of the Note or other Contract (if any) under which the Copyright or limited Legal Interest therein is claimed.	Name and Place of Residence or Business of the Person claiming the Copyright or Legal Interest registered.
	whereof is hereto annexed.	which document is hereto annexed.	

\* Here state if an outline, sketch, or photograph is annexed.

Dated this            day of            18            .

(Signature) \_\_\_\_\_

To the Registrar of the Stationers' Company

(No. 10.)

THE REGISTRAR'S FORM for making an ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT in a SCULPTURE, or any limited LEGAL INTEREST in such COPYRIGHT.

Name and Place of Residence or Business of the Author of the Sculpture.	Short Description of the Sculpture.	The Date of the Note or other Contract (if any) under which the Copyright or limited Legal Interest is claimed.	Name and Place of Residence or Business of the Person claiming the Copyright or Legal Interest registered.
	whereof is annexed to the memorandum under which this entry has been made.	which document is annexed to the memorandum under which this entry is made.	

\* Here state if it be an outline, sketch, or photograph.

(No. 11.)

FORM of MEMORANDUM requiring an ENTRY of ASSIGNMENT of PROPRIETORSHIP of COPYRIGHT in a SCULPTURE, or any limited LEGAL INTEREST in such COPYRIGHT.

I, C.D., do hereby declare that I am the proprietor, by assignment, of the copyright in a work of fine art [or of a limited legal interest therein], and I require you to make an entry thereof in "The Register of Proprietors in Copyright in New and Original Sculpture," according to the following particulars:—

Name and Place of Residence or Business of the Author of the Sculpture.	Short Description of the Sculpture.	The Date and Names of the Parties to the Note or other Contract (if any) by way of Assignment.	Name and Place of Residence or Business of the Assignor, and also of the Assignee.
			which document is hereto annexed.

Dated this            day of            18            .

(Signature)\* \_\_\_\_\_

To the Registrar of the Stationers' Company.

\* N.B.—If there has been no previous assignment between the same parties by note, &c., this memorandum must be signed by the Assignor and also by the Assignee.

(No. 12.)

THE REGISTRAR'S FORM for making an ENTRY of ASSIGNMENT of PROPRIETORSHIP of COPYRIGHT in a SCULPTURE, or any limited LEGAL INTEREST in such COPYRIGHT.

Name and Place of Residence or Business of the Author of the Sculpture.	Short Description of the Sculpture.	The Date and Names of the Parties to the Note or other Contract (if any) by way of Assignment.	Name and Place of Residence or Business of the Assignor, and also of the Assignee.
			which document is annexed to the memorandum under which this entry is made.

The FOURTH SCHEDULE referred to in this Act, Section 29.

Date and Chapter.	Subject.
5 & 6 Vict. c. 100 (1842).	An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 66 (1843).	An Act to amend the Laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104 (1850).	An Act to extend and amend the Acts relating to Copyright of Designs.
21 & 22 Vict. c. 70 (1858).	An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
24 & 25 Vict. c. 73 (1861).	An Act to amend the Law relating to Copyright of Designs.

The WORKS of FINE ART COPYRIGHT BILL.— REASONS WHY THIS BILL IS REQUISITE.

1. This Bill has been prepared by direction of the Council of the Society of Arts, Manufactures, and Commerce in consequence of a memorial having been presented to the Council, signed by a considerable number of the most eminent artists and publishers resident in London, wherein they complain of the confused and defective state of our laws of artistic copyright, and the serious deprivations and injury to which the proprietors of artistic copyright property are exposed because the law does not adequately protect such property from infringement. The Council, being satisfied that such allegations are well-founded, therefore suggest that the mischiefs complained of may be remedied by consolidating and amending the existing laws of artistic copyright according to the accompanying Bill.

2. Before entering upon the details of the proposed measure it may be as well to make a few general observations bearing on the subject, especially as the laws of copyright are by many persons imperfectly understood, and confused with the Patent laws. It therefore seems advisable, in the first place, to point out a leading principle of distinction between these laws. It is this. There is no copyright in the ideas embodied in a work of literature or of fine art. Copyright consists in the material form or arrangement by means of which the author's ideas are realised. Consequently such ideas become public property immediately the work is published, and therefore everybody may compose or execute works founded upon the same ideas or subject. The author's copyright only precludes the public from copying or colourably imitating his work.

3. But it is quite otherwise according to our Patent laws. Under them the idea of an author is everything, so to speak, and is rigidly protected. Thus, for example, suppose A. produces a new manufacture by means of a very imperfect and clumsy machine or chemical process which he invents and patents, and suppose afterwards that B. invents a very perfect and simple machine or chemical process whereby he can produce the same manufacture as A., but



better and cheaper than his. In such a case the Patent laws prohibit B. from making any use of his improvement for making the manufacture of A. during the continuance of his patent, unless with his consent. This arises from it being a leading principle of our Patent laws that where a new invention has been secured by a valid and existing patent no one is allowed during the continuance of that patent to produce *the same results by a mechanical or chemical equivalent*. Hence the great source of complaints and of the litigation arising under our Patent laws. Thus it is that a patented manufacture precludes any improvements therein except by the patentee, or with his consent during the term of his patent, whereas a copyright work is open to improvement of the author's idea or subject, and in various ways promotes the advancement of numerous professions, trades, and manufactures.

4. Happily the justice of enabling authors of works of literature and of fine art to protect the *property* which they have in the *exclusive* reproduction of their works is gradually but certainly becoming recognised, but to those who are still unconvinced of the propriety of giving copyright to authors, and speak of it as a "*monopoly*," it may be well to call attention to the fact that all an author acquires by the assistance of the Legislature is, during the limited term of his copyright, to prevent the public from depriving him of the profits he may derive from the *exclusive* reproduction of his work. After the expiration of the copyright that right becomes public property.

5. And as respects the *property* which an author has in the exclusive reproduction of his works, one of the most distinguished judges of modern times said, in a well-known musical copyright case,\* "the notion that nothing is *property* which cannot be ear-marked and recovered in *definitive* or *trover* may be true in an early stage of society, when *property* is in its simple form, and the remedies for violation of it are simple, but it is *not* true in a more civilized state, when the relations of life, and interests arising therefrom, become complicated. In other matters the law has been adapted to the progress of society, according to justice and convenience, and by analogy it should be the same for literary works, and they would become *property* with all its incidents, on the most elementary principles of securing to industry its fruits, and to capital its profits. It is just to the author, and useful to the community." The same arguments apply, with equal force, to copyright in works of fine art, the latter having by analogy been founded upon that literary copyright which, according to Lord Mansfield, "existed for ages" by the common law of England.

6. With respect to copyright in works of fine art, it was first established by Act of Parliament as to *engravings* by "Hogarth's Act," † in 1735; secondly, in favour of works of *sculpture*, in 1798; and thirdly as to drawings, paintings, and photographs, in 1862. There are no less than *nine* existing Acts and portions of Acts upon these subjects. Their number alone necessarily creates great embarrassment and confusion. It is therefore proposed, by the present measure, to repeal all of them so as to simplify and consolidate the law upon one uniform principle, and at the same time to improve the machinery required for the protection of artistic copyright property from the infringements and depredations to which it is now exposed.

7. It is not in England alone that public opinion is established in favour of copyright property. No civilized State in Europe or America appears now to be without its laws of copyright. In some States, as for example, in Russia, such laws are very complete; in others, such as Turkey, very incomplete. But in all the legislation upon copyright the principle is admitted of granting an author *exclusive copyright* in his works during a limited period. In France, Italy, Prussia, &c. the term of copyright granted to authors is far more liberal than in England. This may perhaps be ascribed to the fact that upon the Continent the *property* of an author in the exclusive reproduction of his works has long been held in the greatest respect, and consequently public sympathy has been enlisted in protecting such property from depredation. This has especially been the case in France, where the principle of legislation upon copyright was originally founded upon our own. In 1791 a select committee upon the subject of the rights of authors reported to the *Comité*

*de Constitution* that "la plus sacrée, la plus légitime, la plus inattaquable, la plus personnelle des propriétés est *l'ouvrage fruit de pensée d'un écrivain*."

8. By the law of England no copyright could formerly be acquired in the British Dominions as to any work *first published in any foreign State*. This injustice has partially been removed. The commencement of Her Majesty's reign was inaugurated by a wise and just measure for the purpose of promoting *international* copyright between England and foreign States. That Act has since been repealed and amended. By the existing statutes Her Majesty is empowered by an Order in Council, to enable the authors of books and works of fine art, *first published in any foreign State*, to acquire all the benefits of the British laws of copyright, provided such works are entered at Stationers' Hall within a time limited in such Order. But Her Majesty is at the same time precluded from making that Order unless she has obtained for her subjects reciprocal advantages from the State to which such Order applies in favour of similar works first published in the British Dominions. Perfect *reciprocity* is therefore the principle upon which British *international* copyright is founded.

9. Her Majesty has since entered into thirteen Conventions with foreign States, and issued Orders in Council founded upon such Conventions for the purpose of enabling the authors of works first published in those States to acquire copyright as to such works in the British Dominions. These Conventions and Orders include Prussia, France, Italy, Spain, Belgium, &c., comprising populations together amounting to nearly *one hundred and thirteen millions*,\* and who are, therefore, equally interested with British subjects in a proper amendment of our laws of copyright.

10. The following appear to be the several terms of *artistic* copyright allowed by the thirteen States with whom Her Majesty the Queen has entered into *international* Copyright Conventions. In Prussia, Saxony, and all the other German States, the term is for the author's life, and *thirty* years after his death. In France, it is also for the author's life, and (by the new law of 1866) for *fifty* years after his death. In Belgium it is also for the author's life, and twenty years after his death. In Spain it is also for the author's life, and twenty-five years afterwards. And in Italy, it is (under the new law of 1865) for the author's life, or forty years from the date of first publication, whichever may prove the longer term. But at the expiration of such forty years, although anyone may then make and sell copies of the work, the person doing so must, during a second term of forty years, annually pay to the proprietor of the copyright five per cent. (calculated at the *published* price) upon all copies sold by the person so making and selling such copies. As to France, her copyright laws are expressly extended to all her colonies. And by the 5th article of Her Majesty the Queen's Copyright Convention with France, dated 3rd November, 1851, *reciprocal* protection is agreed to be given in favour of copyright works *first published* in "the territories of France," or in "the British Dominions." This appears to show that both States clearly intended that such reciprocal protection should extend to their colonies. It is also stipulated by the 7th article that "pirated works shall be seized and destroyed." Now the French law very justly declares the piracy of copyright property to be a *crime (délit)*, and provides rapid and effectual means for enabling the proprietor of the copyright to seize both the pirate and the fraudulent copies, plates, &c. in his possession.† Yet, according to the present state of the British Artistic Copyright Laws, no such powers of seizure, as expressly agreed by Her Majesty the Queen's Convention, exist in the British Dominions; nor does any protection whatever for *artistic* copyright works extend beyond the United Kingdom; no, not even to the Isle of Man, or to the Channel Islands.

11. Considering the above facts, surely, therefore, it is not only a duty but a debt of honour upon the part of England forthwith to amend her artistic copyright laws, so as to afford equal protection in favour of works of fine art

\* This estimate is founded upon the statistical information given in "The Almanach de Gotha," for 1869, viz.:—I. Prussia, 24,043,902; II. Saxony, 2,423,586; III. Brunswick, 315,622; IV. The Thuringian Union, 1,048,100; V. Oldenburg, 619,064; VI. France, 38,192,064; VII. Anhalt, 197,041; VIII. Hamburg, 305,196; IX. Belgium, 4,839,094; X. Spain, 16,302,625; XI. Italy, 24,273,776; making a total of 112,560,070. The two other States with whom Her Majesty the Queen has entered into copyright conventions, namely, Hanover and Hesse, having been annexed to Prussia, are included in the populations of that state.

† See *Code Pénal*, s. 425; and *Code d'Instruction Criminale*, ss. 35, 36, 40, 41.

\* See opinion of Sir William Erle, in *Jefferys v. Boosey*, 4 Clark's H.L.C., p. 867 *et seq.*

† On this Statute being passed Hogarth designed and engraved a small plate in commemoration of the event. An inscription upon the print states that the Act was "obtained by the endeavours, and almost at the sole expense, of the designer of this print, in the year 1735."



first published in France, and the other States above mentioned, and thus put an end to the bitter yet just complaints made against England, in the matter by subjects of these States, and especially those of France.\*

12. It has been a leading object to avoid making this Bill in any respect a one-sided measure, the Council of the Society of Arts being of opinion not only that the authors of works of fine arts should be adequately protected in respect of their copyright in such works, but also that the employers of such authors and the purchasers of their works should be equally protected; in short, that the Bill should be an equitable adjustment and reform of the existing deplorable injustice, confusion, and mischiefs.

13. If the Legislature should approve the general details of this measure, the Council of the Society of Arts believe it will be not only an act of justice to British and foreign authors of works of fine art, and the purchasers of such works, but also prove a most important stimulant to British artists in the highest branches of their professions, namely, *composition and design*. If securely protected in the enjoyment of that *property* which they have created, it is believed the rest may be safely left to their own energy and industry.

14. The Bill has been so framed as to be complete in itself, and not linked on to any previous Copyright Acts. Its leading principle is to invest *authors* with the copyright in their productions for a limited period. It enables an author to dictate his own terms as to the copyright when he accepts a *commission* to execute a work, or when he first sells a *non-commissioned* work. Where the author, from any cause, declines or neglects to make any stipulation as to the copyright, then, and then only, it becomes the property of the owner of the work as to which it exists. The rest of the Bill consists of the machinery which experience has shown to be absolutely essential for the protection of this property. It leaves the International Copyright Acts unaltered. Thus, if the Bill be passed, the subjects of foreign States claiming copyright under Her Majesty's Orders in Council will, equally with British subjects, be entitled to all the benefits of this measure.

#### THE CLAUSES.

1. As the Bill extends to all the British Dominions, it is proposed that the enactments should not come into operation before the end of the year, so as to enable all British subjects before that time to become acquainted with its details.

For the reasons before mentioned (page , par. 6) it is important to repeal all the Acts in the first schedule, so as to have but one Act upon the subject of artistic copyright. The confusion arising from the existing Acts is much and justly complained of.

2. It is believed that neither of the definitions in this section can safely be dispensed with.

3. The principle of giving copyright *only* for the author's life and a term of years after his death, instead of the alternative of giving it for a term dating from the *first publication* of a work, was for the first time in England adopted by Parliament in the Copyright Works of Art Act of 1862, which gave copyright in drawings, paintings, and photographs. It is most valuable as respects all copyright, but especially so in that which may be given in works of fine art, where the difficulty and danger of fixing the exact day of first publication is very great. Besides this, it is believed to be the principle adopted by France, Prussia, and almost all the other States with whom Her Majesty has entered into Copyright Conventions. It therefore seems advisable that the leading principles of our Copyright laws should be assimilated to theirs where, as in this respect, they are better adapted to carry out the objects of the Legislature in granting and protecting copyright.

As to the period of copyright proposed by this clause, under the first English Copyright Act in 1710 the term granted for literary copyright was only 14 years; it was afterwards extended to 28 years. In 1842 it was increased to the author's life and seven years afterwards, or 42 years from the day of first publication, whichever might prove the longer period. Our Engraving and Sculpture Copyright Acts being founded by analogy upon the above Act of 1710 the same term of 14 years was originally granted under them, and afterward increased to 28. By the Copyright Works of Art Act, 1862, the copyright allowed is only for the author's life and seven years afterwards. This is found to be utterly inadequate. In Prussia, and all the States forming the late Germanic Confederation, a uniform term is given for all descriptions of Copyright—namely,

\* That such complaints are well founded, will be seen by the 10th paragraph.

the author's life and thirty years afterwards. In France the same principle prevails, but the term allowed (as stated at page, par. 11) is still more liberal. As proprietors of copyright works first published in the British Dominions have long been enabled to acquire the full benefit of the Prussian and French laws as to such works, it is therefore by the present Bill proposed to assimilate the term of copyright to that which exists in Prussia, namely, the author's life and thirty years afterwards.\* The term allowed by British law for copyright in literary and musical works, maps, charts, and plans is the same for each class of those works. The law makes no distinction between the value and importance of them; and it appears that in this respect British and all Foreign laws of copyright are (with one or two rare exceptions) in accord. For these reasons it seems advisable that the authors of all works of fine art should be allowed an equal term of copyright in their productions.

(1.) The condition in this part of the clause is intended strictly to confine the copyright to the author's own work.

(2.) Men being usually vigilant in guarding their property, and prompt in asserting their rights, this portion of the clause is founded upon the reasonable presumption that the author of a work of fine art either must or reasonably ought to know what copyright may be acquired in his productions; consequently that it is only just and reasonable, if he desires to retain the copyright in his work, he should make an express stipulation to that effect, either when he accepts a commission for a portrait or any other work, or where he first sells a production he has executed upon his own account. In fact this part of the clause is substantially the same as the first section of the Works of Art Act, 1862, except as to the concluding portion thereof, the meaning of which is obscure, and much complained of as injurious in its operation.†

(3.) This will enable authors to derive the whole profits of their labours without injury to the proprietors of their finished works, or the copyright therein.

The last paragraph of this section is taken from the Copyright Works of Art Act, 1862, section *inco*.

4. This section has been adopted from the French law.‡ It is essential for the protection of artists from that which is often an irreparable injury to them. A large proportion of every artist's sketches and MS. notes are, to him, invaluable for the purpose of executing his finished works; besides which their forced sale might be most injurious to his reputation. Some very painful instances have occurred, showing the necessity for, and justice of, this clause.§

5. This clause is intended to confirm the only decision upon the subject which has taken place, and which is believed to be of doubtful authority.¶

6. This stipulation in favour of the British Museum is founded upon a similar enactment as to books in the Earl of Stanhope's Literary Copyright Amendment Act of 1842, section 6. It has been included in this Bill at the suggestion of the late Mr. Carpenter, Keeper of the Print Room. To obtain copyright, under the international Copyright Acts, within the British Dominions in an engraving first published in any foreign State, a copy must be deposited at Stationers' Hall, which is sent from there to the British Museum.\*\*

The exception in this clause as to international copyright

\* It seems that Her Majesty the Queen has been unable to obtain the consent of Bavaria to enter into a Copyright Convention only because the term of copyright allowed by her laws which, as before stated, is the same as that in Prussia, is so much longer than the term allowed in England.

† At first sight the meaning of the first section of that Act is obscure, but it will be seen that at the end of that section the words used in the earlier portion of it, or "the person for or on whose behalf the same shall be so made or executed," are omitted. This was expressly done for the purpose of not disturbing the effect of the first part of the section, which vests the copyright in an artist's employer, in every case of a commissioned work. Upon that point it only adopts the very just principle established by Parliament under the Engraving and Sculpture Copyright Acts now proposed to be repealed. By these statutes the copyright in a *commissioned* engraving or work of sculpture vests in the employer who shall "cause it to be made" and not in the artist. As to engravings, see 8 Geo. 2. c. 13. s. 1; 7 Geo. 3, c. 38. ss. 1, 2. And as to works of sculpture, see 38 Geo. 3. c. 71. s. 1.

‡ See Blanc's "Traité de la Contrefaçon," p. 279.

§ Thus, for example, as to the late M. L. Watson,—“His goods were seized for rent, and the model for a fine statue of Hercules, upon which he had wrought for some months, was actually broken up and sold as clay.” See “Life and Works of M. L. Watson,” by Dr. Lonsdale.

¶ *Bogue v. Houlston*, 21 L.J., Ch. 470, per Parker, V.C.

\*\* See the International Copyright Act of 1844; 7 Vict. c. 12. s. 6.



works is important, because, as the law stands at present, it has been held that, in order to obtain copyright in England as to a print first published in any foreign State, the requirements of our Engraving Acts must be complied with, in addition to those imposed by the International Copyright Acts.\*

7. It is most desirable that the means of dealing with copyright should be simplified as much as possible. The forms given in the second schedule, it is hoped, will tend to accomplish that result.

The proviso to this clause with respect to implied contracts appears to be essential, especially as it is very important to keep the forms of contract as short and simple as possible.

8. The Copyright Works of Art Act, 1862, contains enactments substantially the same as those contained in this clause, except as to those relating to licenses, which are important.

9. This clause has been framed upon the sixth section of the Copyright Works of Art Act, 1862.

10. And this upon the seventh section of that Act, except as to (5) and (6) which relate to engravings, and were, therefore, not included in such Act.

11. This clause is almost the same as the tenth section of the Copyright Works of Art Act, 1862.

12. By this clause it is merely proposed to extend to the proprietors of copyright in works of fine art the enactments which exist under the Customs Consolidation Act, 1853, and the amendments of that Act by 18 & 19 Vict. c. 96, in favour of the proprietors of copyright in books.

13. This clause has become essential to protect the proprietors of copyright in works of fine art, especially in engravings and photographs, from the wholesale destruction of their property. The spurious copies are usually found in the hands of small retail dealers or of hawkers, and it therefore is of the utmost importance to ascertain from whom such copies have been purchased, and thus to trace out and punish the wholesale manufacturer of the spurious copies. The clause has been framed upon a similar enactment in the Merchandise Marks Act, 1862, 25 & 26 Vict. c. 88, s. 6.

14. The same observations apply to this clause, which has been framed upon analogous precedents afforded by the Act "to amend the law relating to Malicious Injuries to Property," 1861 (24 & 25 Vict. c. 97), section 22 of that statute enacts that "whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy " or damage the whole or any part of any tree, sapling, or " shrub, or any underwood, wheresoever the same may be " growing, the injury done being to the amount of one " shilling at the least, shall, on conviction before a justice " of the peace," be imprisoned, with or without hard labour, for any time not exceeding three months; or else forfeit and pay the amount of injury done, and a fine not exceeding 5*l.* By sections 23, 24, fruit, &c. growing in gardens, and any cultivated root or plant used for the food of man or beast, growing in any land, open or enclosed, are in like manner protected from unlawful and malicious destruction or damage. And section 61 provides, that "any person found committing any offence against that " Act may be immediately apprehended without a warrant, " by any peace officer, or the owner of the property injured, " or his servant, or any person authorised by him, and " forthwith taken before some neighbouring justice of the " peace, to be dealt with according to law." Surely copyright property is at least entitled to equal protection with fruit, plants, &c.

15. It has become a common practice for hawkers, having no known place of abode, to carry about and sell spurious copies of works of fine art, mostly of engravings and photographs. Perfect copies of engravings are made by means of photography, and sold for as many shillings as the print from the engraving costs pounds.† Unless those spurious copies can be immediately seized, any other means of attempting to deal with such delinquents would generally be a useless waste of time and expense. It is submitted

\* *Avanzo v. Madie*, 10 Ex., 203.

† The cost in England of an engraved plate of any importance ranges from several hundreds to 15,000*l.* and upwards. This, of course, includes the artist's copyright, where the engraving

that the above-mentioned enactments of 24 & 25 Vict. afford ample precedents for this clause.\*

16. Similar observations also apply to this clause.

17. Here, with slight exceptions, the eighth section of the Copyright Works of Art Act, 1862, has been followed.

The subsequent clauses, down to 27 inclusive, have been chiefly framed upon enactments in the Literary Copyright Amendment Act, 1842, with such variations as have been found essential for the protection of persons interested in artistic copyright property.

With relation to clause 23, the principle of registration adopted by the Copyright Works of Art Act, 1862, has been adhered to, but it has been made compulsory to annex an outline, sketch, or photograph to the memorandum under which a work is first registered. It is essential this should be done for the protection of the public as well as of the proprietors of the copyright. It is so under the Useful and Ornamental Designs Acts, and has been extended to works of sculpture registered under the sixth and seventh sections of the Designs Act, 1850, which sections are now proposed to be repealed.

By means of the registers and forms proposed it is hoped that the process of registration will be found so simple as to induce most persons to protect their copyrights by adopting the system.

With this object under clause 25, it seems not advisable to increase the fee of *one shilling* for making an entry as it stands at present under the *International Copyright Act*, 1844, and the Copyright Works of Art Act, 1862; but it is proposed to ~~increase~~ lower the fees for office copies, &c. The entries of engravings and works of sculpture, now for the first time to be made, besides the increased numbers of drawings, pictures, and photographs which will probably be registered in consequence of the amendment of the law as proposed by this Bill, it is very confidently expected will far more than compensate the registrar for any departure from the scale of fees existing under the Copyright Works of Art Act, 1862.

Clause 28 is new. It is of great importance, both to the proprietors of copyrights of all descriptions which are registered at Stationers' Hall, and likewise to the registrar, that an economical and speedy mode should exist of determining any question arising between him and any other person with relation to the performance of the duties of the registrar. Such a mode is indeed absolutely essential with relation to the original entry of a work first published in a foreign State under any Order of Council, because, unless the entry be ~~properly~~ made within the period limited by such order (usually three months) the copyright is absolutely lost in the British Dominions.

28. The only portions of the Designs Acts proposed to be repealed are the above-mentioned sections 6 and 7 of the 13th and 14th Vict. c. 104 (see the first schedule to this Bill, end of Part II.), which sections exclusively relate to works of sculpture not entitled to copyright within the meaning of the Designs Acts, but under the Sculpture Copyright Acts.

D. ROBERTON BLAINE.

3, Paper Buildings, Temple,  
30th March 1869.

has been made from a picture which is the subject of copyright, the cost of engraving, printing, advertising, &c. The whole of this outlay must be incurred by the proprietor of the copyright in the plate before he can obtain any return for his outlay. It is therefore submitted that such valuable property is entitled to protection from injury by summary remedies, similar to those afforded by statute in other cases, so that the intentions of the Legislature, by granting copyright in works of fine art, may not be defeated.

\* See also previous observations at pages and , pars. 10 and 11, as to the law of France and the stipulations entered into by Her Majesty the Queen with that State as to the seizure of piratical copies of copyright works. A remarkable instance of the injustice and utter inefficiency of our present law of artistic copyright has recently occurred. With great difficulty, and at considerable expense, an eminent firm of print publishers at length succeeded in finding out a manufacturer of pirated copies of their engravings. From adjoining premises they actually saw the process going on in the delinquent's garden, and yet the law afforded them no means of seizing the piratical implements and copies. What a contrast with the efficient law of *saisie* in France, as before stated.



## APPENDIX No. XI.

PAPERS put in by T. H. FARRER, Esq.

## A. See Question 2923.

## UNITED STATES LAW AND REGULATIONS.

The LAW of COPYRIGHT in the UNITED STATES, in force 1 August 1874.—From the Revised Statutes of the United States in force 1 December 1873, as amended by Act approved 18 June 1874.

Sec. 4948.—All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress, and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the library, shall perform all acts and duties required by law touching copyrights.

Sec. 4949.—The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office, and to be used in evidence, shall be authenticated.

Sec. 4950.—The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of 5,000 dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

Sec. 4951.—The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

Sec. 4952.—Any citizen of the United States, or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person, shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatise or translate their own works.

Sec. 4953.—Copyrights shall be granted for the term of 28 years from the time of recording the title thereof, in the manner herein-after directed.

Sec. 4954.—The author, inventor, or designer, if he be living and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of 14 years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

Sec. 4955.—Copyrights shall be assignable in law by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within 60 days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

Sec. 4956.—No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which he desires a copyright; nor unless he shall also, within 10 days from the publication thereof, deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book or other article, or, in case of a painting, drawing, statue, statuary, model or design for a work of the fine arts, a photograph of the same.

Sec. 4957.—The Librarian of Congress shall record the name of such copyright book, or other article, forthwith in a book to be kept for that purpose, in the words following:

“ Library of Congress, to wit: Be it remembered that on the day of , A.B., of , hath deposited in this office the title of a book (map, chart, or otherwise, as the case may be, or description of the article), the title or description of which is in the following words, to wit: (here insert the title or description) the right whereof he claims as author (originator, or proprietor, as the case may be), in conformity with the laws of the United States respecting copyrights. C.D., Librarian of Congress.” And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

Sec. 4958.—The Librarian of Congress shall receive from the persons to whom the services designated are rendered, the following fees: 1. For recording the title or description of any copyright book or other article, 50 cents. 2. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, 50 cents. 3. For recording and certifying any instrument of writing for the assignment of a copyright, 1 dollar. 4. For every copy of an assignment, 1 dollar. All fees so received shall be paid into the treasury of the United States.

Sec. 4959.—The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, within 10 days its publication, two complete printed copies thereof, of the best edition issued, or description or photograph of such article as herein-before required, and a copy of every subsequent edition wherein any substantial changes shall be made.

Sec. 4960.—For every failure on the part of the proprietor of any copyright to deliver, or deposit in the mail, either of the published copies, or description, or photograph, required by sections 4956 and 4959, the proprietor of the copyright shall be liable to a penalty of 25 dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

Sec. 4961.—The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

Sec. 4962.—No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model, or design, intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, viz.: “Entered according to Act of Congress, in the year , by A.B., in the office of the Librarian of Congress, at Washington;” or, at his option, the word “Copyright,” together with the year the copyright was entered, and the name of the party by whom it was taken out, thus: “Copyright, 18 , by A.B.”

Sec. 4963.—Every person who shall invade or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of 100 dollars, recoverable one half for the person who shall sue for such penalty, and one half to the use of the United States.

Sec. 4964.—Every person who, after the recording of the title of any book as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, or import, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in civil action by such proprietor in any court of competent jurisdiction.

Sec. 4965.—If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model, or design,



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intended to be perfected and executed as a work of the fine arts, as provided for by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit 10 dollars for every copy of the same in his possession, or by him sold or exposed for sale; one half thereof to the proprietor and the other half to the use of the United States.

Sec. 4966.—Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor; such damages in all cases to be assessed at such sum, not less than 100 dollars for the first, and 50 dollars for every subsequent performance, as to the court shall appear to be just.

Sec. 4967.—Every person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first obtained, (if such author or proprietor is a citizen of the United States, or resident therein,) shall be liable to the author or proprietor for all damages occasioned by such injury.

Sec. 4968.—No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

Sec. 4969.—In all actions arising under the laws respecting copyrights the defendant may plead the general issue, and give the special matter in evidence.

Sec. 4970.—The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

Sec. 4971.—Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States, nor resident therein.

Sec. —[Approved June 18, 1874, to take effect August 1, 1874.] That in the construction of this Act, the words "engraving," "cut," and "print," shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label, not a trade mark, six dollars, which shall cover the expense of furnishing a copy of the record, under the seal of the Commissioner of Patents, and to the party entering the same.

### OFFICIAL REGULATIONS.

DIRECTIONS for securing COPYRIGHTS under the REVISED ACT of CONGRESS which took effect 1 August 1874.

#### *Printed Title for Entry before Publication.*

1. A printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or a description of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which copyright is desired, must be sent by mail or otherwise, prepaid, addressed—

LIBRARIAN OF CONGRESS,  
Washington, D. C.

This must be done before publication of the book or other article.

39265.

#### *Copyright Fees.*

2. A fee of 50 cents, for recording the title of each book or other article, must be enclosed with the title as above, and 50 cents in addition (or one dollar in all) for each certificate of copyright under seal of the Librarian of Congress, which will be transmitted by return mail.

#### *What is required to perfect Copyright.—Penalty.*

3. Within 10 days after publication of each book or other article, two complete copies of the best edition issued must be sent, to perfect the copyright, with the address—

LIBRARIAN OF CONGRESS,  
Washington, D. C.

It is optional with those sending books and other articles to perfect copyright to send them by mail or express, but in either case the charges are to be prepaid by the senders. Without the deposit of copies above required the copyright is void, and a penalty of 25 dollars is incurred. No copy is required to be deposited elsewhere.

#### *Notice of Copyright to be given by Imprint.*

4. No copyright is valid unless notice is given by inserting in every copy published, on the title page or the page following, if it be a book; or, if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected as a work of the fine arts, by inscribing upon some portion thereof, or on the substance on which the same is mounted, the following words, viz.: "Entered according to Act of Congress, in the year \_\_\_\_\_, by \_\_\_\_\_, in the office of the Librarian of Congress, at Washington;" or, at the option of the person entering the copyright, the words "Copyright, 18 \_\_\_\_\_, by \_\_\_\_\_."

The law imposes a penalty of 100 dollars upon any person who has not obtained copyright who shall insert the notice "Entered according to Act of Congress," or "Copyright," &c., or words of the same import, in or upon any book or other article.

#### *Translations, &c.*

5. Any author may reserve the right to translate or to dramatise his own work. In this case notice should be given by printing the words "Right of translation reserved," or "All rights reserved," below the notice of copyright entry, and notifying the Librarian of Congress of such reservation, to be entered upon the record.

#### *Duration of Copyright.—Renewals.*

6. Each copyright secures the exclusive right of publishing the book or article copyrighted for the term of 28 years. At the end of that time the author or designer, or his widow or children, may secure a renewal for the further term of 14 years, making 42 years in all. Applications for renewal must be accompanied by explicit statement of ownership in the case of the author, or of relationship in the case of his heirs, and must state definitely the date and place of entry of the original copyright.

#### *Time of Publication.*

7. The time within which any work copyrighted may be issued from the press is not limited by any law or regulation, but depends upon the discretion of the proprietor. A copyright may be secured for a projected work as well as for a completed one.

#### *Assignments.*

8. Any copyright is assignable in law by any instrument of writing, but such assignment must be recorded in the office of the Librarian of Congress within 60 days from its date. The fee for this record and certificate is one one dollar, and for a certified copy of any record of assignment, one dollar.

#### *Copies, or Duplicate Certificates.*

9. A copy of the record (or duplicate certificate) of any copyright entry will be furnished under seal, at the rate of 50 cents each.

#### *Serials or separate Publications to be copyrighted separately.*

10. In the case of books published in more than one volume, or of periodicals published in numbers, or of engravings, photographs, or other articles published with variations, a copyright is to be taken out for each volume or part of a book, or number of a periodical, or variety, as to size, title, or inscription, of any other article.

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*Copyrights for Works of Art.*

11. To secure a copyright for a painting, statue, or model or design intended to be perfected as a work of the fine arts, so as to prevent infringement by copying, engraving, or vending such design, a definite description must accompany the application for copyright, and a photograph of the same, at least as large as "cabinet size," must be mailed to the Librarian of Congress within 10 days from the completion of the work.

*No Labels copyright.*

12. Copyrights cannot be granted upon trade marks, or labels intended to be used with any article of manufacture.

If protection for such prints or labels is desired, application must be made to the Patent Office, where they are registered at a fee of six dollars for labels, and 25 for trade marks.

*Full Name of Proprietor required.*

13. Every applicant for a copyright must state distinctly the name and residence of the claimant, and whether the right is claimed as author, designer, or proprietor. No affidavit or formal application is required.

Office of the Librarian of Congress,  
Washington, 1874.

B. See Question 3928.

LIST of ENGLISH BOOKS republished in New York. (Sent by Mr. Appleton of New York.)

	United States Editions.					
		\$	s. d.		\$	s. d.
Middlemarch - - -	2 Vols.	3 00	10 9	1 Vol. (Paper)	1 50	5 4½
*Daniel Deronda - -	2 Vols.	3 00	10 9	1 Vol. (Paper)	1 50	5 4½
Parisians - - -	Cloth	1 50	5 4½	(Paper)	0 75	2 8¼
St. George and St. Michael	—	1 75	6 3¼	—	—	—
Princess of Thule - -	—	—	—	—	0 75	2 8¼
*Ingelow's "Fated to be Free"	—	1 50	5 4½	—	—	—
Three Feathers - - -	—	1 00	3 7	—	—	—
Macaulay's Life - - -	2 Vols.	5 00	17 11	—	—	—
*Prime Minister - - -	—	1 50	5 4½	(Paper)	0 75	2 8¼
Hand of Ethelberta (Leisure Hour series).	—	1 25	4 5¾	—	—	—

Exchange: 1 United States Dollar (currency) = 3s. 7d.

\* Also published in Canada. See list given in paper marked G. below.

For the prices of these books in England, Canada, and Germany, see further Tables in Papers C., F., and K. below.

C. See Question 3928.

LIST of AMERICAN REPRINTS of ENGLISH BOOKS bought in PARIS.

Name of Book and Publisher.	Price of Foreign Edition.
A Princess of Thule (Harper) - -	75 cents.
Safely Married (Harper) - - -	50 cents.
Dead Men's Shoes (Harper) - -	75 cents.
The Three Brothers (Appleton) -	1 dollar.
The Story of Valentine (Harper) -	75 cents.
The Parisians (Harper) - - -	1 dollar.
Ombra (Harper) - - -	75 cents.

D. See Question 3928.

OUTLINE and DATES of the PRINCIPAL FEATURES in the HISTORY of ENGLISH COPYRIGHT LAW.

- 1556.—3 & 4 Philip and Mary.—First charter to Stationers Company, a company of booksellers and printers. Power to make byelaws, the great object being to prevent heretical and seditious publications.
- 1558.—1 Elizabeth.—Charter confirmed. Patents for printing. Monopoly of company.
- 1585.—Star Chamber decree, confirming license and monopoly.

- 1637.—Star Chamber decree supporting copyright. N.B. Right coupled with license.
- 1640.—Abolition of Star Chamber.
- 1643.—Ordinance of the Commonwealth concerning licensing. Copyright maintained, but subordinate to political objects.
- 1644.—Milton's Areopagitica.
- 1649.—Further ordinances of Long Parliament.
- 1662.—13 & 14 Car. II. c. 33.—Licensing Act continued by successive Parliaments; gives copyright coupled with license, and confirms byelaws of Stationers' Company.
- 1695.—Licensing Act expired.
- 1710.—8 Anne c. 19.—First Copyright Act. 14 years. and if author then alive 14 years more. Power to regulate price.
- 1769 to 1774.—Millar v. Taylor, Donaldson v. Becket, 4 Burrowes, 2303.
- 1775.—15 Geo. III. c. 53.—Reserves perpetual copyright to Universities in England and Scotland, and Colleges of Eton and Westminster.
- 1801.—41 Geo. III. c. 107.—Re-enacts term of 14 years, and reserves perpetual copyright to Trinity College, Dublin.
- 1814.—54 Geo. III. c. 156.—As to copies for public libraries.  
Copyright to be for 28 years absolutely, and further for the life of the author, if then living.
- 1842.—5 & 6 Vict. c. 45.—Present law. Copyright to be for life of author and seven years, or 42 years, whichever last expires.



E. See Question 3930.

QUANTITIES and VALUE of PRINTED BOOKS exported from the UNITED KINGDOM to various Countries in each of the Years 1870 to 1876, inclusive.

	1870.	1871.	1872.	1873.	1874.	1875.	1876.
QUANTITIES.							
	Cwt.	Cwt.	Cwt.	Cwt.	Cwt.	Cwt.	Cwt.
Germany - - - - -	1,016	1,144	1,477	1,470	1,164	1,161	1,248
Holland - - - - -	413	552	1,097	1,118	1,203	1,294	1,315
Belgium - - - - -	385	1,085	801	950	859	933	1,119
France - - - - -	1,260	1,457	2,435	2,359	2,522	2,143	2,478
Egypt - - - - -	4,559	5,078	5,354	2,440	252	111	—
United States - - - - -	19,514	22,611	31,506	27,403	27,889	28,474	20,017
British North America - - - - -	5,653	7,243	8,961	8,026	7,868	6,490	6,913
British Possessions in South Africa - - - - -	1,411	1,945	2,539	3,796	3,438	4,322	4,167
British India:							
Bombay and Scinde - - - - -	704	757	846	1,358	1,588	1,723	1,835
Madras - - - - -	616	524	562	729	827	968	1,064
Bengal and Burmah - - - - -	1,314	1,481	1,858	2,225	2,902	2,454	2,708
Australia - - - - -	12,183	1,280	17,912	25,383	27,726	29,059	32,437
British West Indies and British Guiana - - - - -	989	1,322	1,215	1,114	1,298	1,419	1,549
Other countries - - - - -	4,173	3,731	4,859	5,630	4,817	5,216	5,424
<b>Totals - - - - -</b>	<b>54,190</b>	<b>62,210</b>	<b>81,422</b>	<b>84,001</b>	<b>84,353</b>	<b>85,777</b>	<b>82,274</b>
VALUE.							
	£	£	£	£	£	£	£
Germany - - - - -	17,073	21,361	27,573	26,459	19,894	18,363	19,901
Holland - - - - -	7,969	8,508	19,424	16,472	21,912	22,035	20,207
Belgium - - - - -	8,346	18,730	16,071	17,990	16,953	18,483	20,183
France - - - - -	18,733	23,555	32,850	33,836	41,622	31,593	33,159
Egypt - - - - -	76,272	77,812	77,229	33,229	3,854	1,220	—
United States - - - - -	205,128	244,665	307,684	274,486	274,373	273,294	191,966
British North America - - - - -	53,048	71,465	81,590	71,163	69,127	63,899	68,102
British Possessions in South Africa - - - - -	21,016	19,501	28,748	40,725	35,986	42,227	40,007
British India:							
Bombay and Scinde - - - - -	8,973	9,672	11,749	20,245	24,739	22,534	21,737
Madras - - - - -	7,98	9,794	6,678	10,776	11,728	11,467	12,143
Bengal and Burmah - - - - -	22,321	22,450	25,821	33,546	42,033	38,414	45,898
Australia - - - - -	128,454	125,530	181,084	260,057	267,658	302,432	332,136
British West Indies and British Guiana - - - - -	11,391	12,178	13,563	12,455	14,469	14,414	15,247
Other countries - - - - -	44,533	53,821	53,850	62,407	60,444	55,976	56,257
<b>Totals - - - - -</b>	<b>630,855</b>	<b>719,042</b>	<b>883,914</b>	<b>913,846</b>	<b>904,792</b>	<b>916,351</b>	<b>876,943</b>

Statistical and Commercial Department,  
Board of Trade, 31st January 1877.

R. GIFFEN.

F. See Question 3930.

LETTER, of 6th October 1876, from the MINISTER OF PUBLIC WORKS, in Canada, to SIR JOHN ROSE, on the Working of the Canadian Copyright Act, 1875.

Office of the Minister of Public Works,  
Canada, Ottawa,

MY DEAR SIR JOHN, October 6, 1876.

I DULY received your telegram of September 23rd, informing me that the Copyright Commission were desirous of being informed of the practical operation of the last Canadian Act.

Before your telegram arrived, a suit instituted by an English author against a Canadian publisher, had called attention to the matter of the public as well as ourselves. I requested Dr. Taché to write a memorandum on the subject, and to cause a copy to be made of the various tables of statistics.

These I enclose herewith.

They will inform you, as far as we can do so at present, of the precise results consequent upon the operation of the Act, as contrasted with previous years. You will also find herewith the "Toronto Globe's" report of the case before Vice-Chancellor Proudfoot, and also a copy of the judgment.

I likewise send you copy of the 15th section of the Bill as introduced here.

This clause was changed in the Senate to meet the views of English authors and publishers, and the comments which have appeared in some of the newspapers have evidently been predicted upon the Bill, as originally drawn, and as it passed the House of Commons.

The Act has been of really little practical effect, but such as it is, it is wholly in favour of English publishers. The Act only came into operation on the 11th December last, and therefore we have not a whole year to compare with the year previous.

I do not think I can give you any further information on the subject than you will find in the enclosed papers.

Yours faithfully,  
(Signed) A. MACKENZIE.

Hon. Sir John Rose, Bart.

MEMORANDUM on the Working of "The Copyright Act of 1875."

"The Copyright Act of 1875." which came into operation on the 11th of December last, has been found in administrative practice to work very well. There has been no difficulty encountered by and no complaint made to the office.

During the first nine months of its working the number of copyrights registered under it has been in excess of any previous calendar year, having been 141 (likely to reach 200 for the whole year) against 134 during the 12 months



of 1874, the year of largest number on record. Besides these final registrations there have been 10 interim copyrights and four temporary copyrights entered.

Out of the 141 copyrights mentioned, 29 were Canadian reprints of English copyrighted books. These republications having ranged from 2,000 copies to a much larger number, it may be estimated that at least 100,000 copies of such reprints have been added to the circulation in Canada of English books through Canadian enterprise, aided by the goodwill and well-understood interest of English authors.

Herewith is annexed a list of these republications,\* mentioning the title of the book, the name of the author, and the name and residence of the Canadian publisher. The author sometimes takes the Canadian copyright in his own name, sometimes the publisher has become the copyright owner of the book for Canada.

A fact worthy of remark is that at the same time that Canadian reprinting of English copyrights was receiving such an impetus, the importation of foreign reprints was reaching a figure not before attained, as illustrated by the list marked B. annexed to this memorandum.

A case in chancery arose some time ago (*Smiles v. Belford*) out of the reprinting of an English copyrighted book without authority from the author, which has, of course, terminated in the Canadian publisher having been decreed to pay damages and forbidden from making further publication.

Before closing the present memorandum it may not be out of place to mention, it is expected that Canadian authors will be admitted to participate in the advantages of imperial copyrights without being subjected to the necessity of first printing in the United Kingdom in a manner similar to the one adopted for foreign copyrights taken in countries having an international copyright treaty with England.

(Signed) J. C. TACHÉ,  
Deputy of the Minister  
of Agriculture,  
Department of Agriculture,  
Ottawa, 6th October 1876.

#### G. See Question 3930.

CORRESPONDENCE, of October and November 1875, with Canada on the subject of the working of the Canadian Copyright Act, 1875, with list of English Books published under it in Canada, and their Prices.

##### (1.) Board of Trade to Colonial Office.

R. 7072.

Board of Trade, London, S.W.,  
27th September 1876.

SIR, I AM directed by the Board of Trade to request you to move the Secretary of State to obtain for the Board of Trade the following information concerning the working of the Canada Copyright Act of 1875:

1. Have any, and what, works of English authors been published in Canada under that Act?
2. Have these works also been published in Great Britain?
3. Have they been also published in the United States?
4. At what price have they been published in Great Britain, Canada, and the United States respectively?
5. If published in the United Kingdom, have the copies so published had any sale in Canada?
6. If published in the United States, have the United States reprints been successfully kept out of Canada?
7. Have any works not yet published in Canada been entered for interim copyright under the 10th section of the Act?
8. Has any complaint been lodged under the 22nd section with the Minister of Agriculture, and has any, and what, action been taken thereon?

I am, &c.  
(Signed) T. H. FARRER.  
The Under Secretary of State,  
Colonial Office.

\* NOTE.—This list is the same as that printed below in the paper marked D., and sent through the Colonial Office.

##### (2.) Colonial Office to Board of Trade.

R. 8547.

SIR, Downing Street, 23th November 1876.  
WITH reference to your letter of the 27th of September last, I am directed by the Earl of Carnarvon to transmit to you, to be laid before the Board of Trade, a copy of a despatch from the Governor-General of Canada, forwarding a memorandum by the Minister of Agriculture, furnishing the information desired by the Board of Trade respecting the working of the Canadian Copyright Act of 1875.

I am, &c.  
(Signed) ROBT. G. W. HERBERT.  
The Assistant Secretary,  
Railway Department,  
Board of Trade.

P.S.—The enclosure being sent in original to save time it is requested that it may be returned to this Department, a copy will then be furnished, if desired.

Inclosure in No. 2.

R. 8547.  
No. 242.

THE EARL OF DUFFERIN to the EARL OF CARNARVON.

Canada, Government House,  
Ottawa, 11th November 1876.  
MY LORD, WITH reference to your Lordship's despatch, No. 234, October 2nd, I have the honour to enclose a memorandum from the Minister of Agriculture furnishing the information asked for by the Board of Trade respecting the working of the Canadian Copyright Act of 1875.

I have, &c.  
(Signed) DUFFERIN.  
The Right Hon. the Earl of Carnarvon.

R. 8547.  
14,084.—76.

THE undersigned has the honour to report the following as his answers to the queries made by the Board of Trade and conveyed to His Excellency the Governor General in a despatch of the Honourable Secretary of State for the Colonies, bearing date the 2nd October 1876, herewith returned.

(Signed) L. LETELLIER.

Department of Agriculture: Ottawa, 9th November 1876.  
Minister of Agriculture.

1. Thirty-one works of British authors have been published in Canada under the Act to this date, a list of which is hereunto appended.
  2. As it is no condition that the fact of being English productions should be stated in the application it is only presumed that these works have been published in Great Britain; to ascertain the fact beyond doubt would require to compare the list with the book of registry in London.
  3. Most of these books have been also published in the United States; a reference to the fifth column of the annexed list will indicate those that have (which are marked by "the price," or the words "Not sold") and those that have not (marked "None") as far as the Department of Agriculture has been able to ascertain.
  4. The cost prices of the publication of the said books and the wholesale prices, which vary, cannot be ascertained, but the third and fourth and fifth columns of the appended list show the retail prices at which the English, Canadian, and American editions are sold in Canada, so far as the Department has been able to ascertain from booksellers. The copies of American reprints of books copyrighted in Canada on which the prices have been ascertained were isolatedly introduced for special objects.
  5. As a rule very few of the costly English editions are sold in Canada.
  6. So far as it can be ascertained the United States reprints of English books copyrighted in Canada are as a rule successfully kept out.
  7. There has been so far 10 interim copyrights entered under the 10th section of the Act, of which only one has not yet been followed by publication.
- There has been no complaint lodged under the 22nd section of the Act.



LIST from CANADA of COPYRIGHTED CANADIAN REPRINTS of Books Copyrighted in the United Kingdom, with the Prices in Canada of the English, Canadian, and United States Editions respectively.

The prices in italics are the equivalents of the Canadian prices, converted into English shillings and pence at the rate of 4s. 1½d. a dollar.

Title of Book.	Name of Author.	Name and Residence of Canadian Publisher.	Retail Prices in Canada of		
			English Edition.	Canadian Edition.	American Edition.
The Devil's Chain - - -	Edward Jenkins -	Dawson Brothers, Montreal -	\$ 1 50 <i>6/1½</i>	\$ 0 50 <i>2/0½</i>	Not sold
Primer of Chemistry - - -	Professor Roscoe -	James Campbell & Son, Toronto	0 30 <i>1/2¾</i>	0 30 <i>1/2¾</i>	0 50 <i>2/0½</i>
Primer of Physics - - -	Balfour Stewart -	" " "	0 30 <i>1/2¾</i>	0 30 <i>1/2¾</i>	0 50 <i>2/0½</i>
Primer of Physical Geography	Professor A. Geikie -	" " "	0 30 <i>1/2¾</i>	0 30 <i>1/2¾</i>	0 50 <i>2/0½</i>
Science Primer of Physiology	Dr. M. Foster -	" " "	0 30 <i>1/2¾</i>	0 30 <i>1/2¾</i>	0 50 <i>2/0½</i>
Complete Manual of Spelling, &c.	J. N. Morell -	Dawson Brothers, Montreal -	0 30 <i>1/2¾</i>	0 30 <i>1/2¾</i>	0 50 <i>2/0½</i>
Science Primer of Astronomy	J. N. Lockyer -	James Campbell & Son, Toronto	0 30 <i>1/2¾</i>	0 30 <i>1/2¾</i>	0 50 <i>2/0½</i>
Pausanias, the Spartan - - -	Late Lord Lytton -	Belford Brothers "	3 25 <i>13/4</i>	0 75 <i>3/0¾</i>	0 50 <i>2/0½</i>
Literature Primer, English Grammar	Rev. R. Morris -	James Campbell & Son "	0 30 <i>1/2¾</i>	0 30 <i>1/2¾</i>	0 50 <i>2/0½</i>
Analysis of the English Language	J. P. Fleming -	Adam Miller & Co. "	—	1 00 <i>4/1¼</i>	1 00 <i>4/1¼</i>
Todhunter's Algebra for Beginners	J. Todhunter -	Copp, Clark, & Co. "	0 60 <i>2/5½</i>	0 60 <i>2/5½</i>	1 25 <i>5/1½</i>
Key to Advanced Arithmetic for Canadian Schools.	Barnard Smith and Arch. McMurchy.	" " "	None	1 50 <i>6/1¾</i>	None
Memoir of Norman Macleod - - -	Rev. D. Macleod -	Belford Brothers "	7 80 <i>32/1</i>	2 50 <i>10/3</i>	Not sold
Oliver of the Mill - - -	Maria L. Charlesworth	Dawson Brothers, Montreal -	1 50 <i>6/1¾</i>	0 75 <i>3/0¾</i>	Not sold
Euclid's Elements of Geometry. Book I.	Robert Potts -	Adam Miller & Co., Toronto	—	0 15 <i>1/7½</i>	None
History of the British Empire - - -	Wm. F. Collier -	James Campbell & Son "	0 50 <i>2/0½</i>	0 50 <i>2/0½</i>	1 00 <i>4/1¼</i>
Life of King William III., Prince of Orange.	Historicus -	Belford Brothers "	—	0 50 <i>2/0½</i>	Not sold
Principia Latina. Part I. - - -	Wm. Smith -	James Campbell & Son "	1 00 <i>4/1¼</i>	0 90 <i>3/5½</i>	0 75 <i>3/0¾</i>
Elementary Statics - - -	Hamblin Smith -	Adam Miller & Co. "	0 90 <i>3/5½</i>	0 90 <i>3/5½</i>	None
Elementary Hydrostatics - - -	" " -	" " "	0 90 <i>3/5½</i>	0 75 <i>3/0¾</i>	None
Spalding's English Literature - - -	Wm. Spalding -	" " "	1 00 <i>4/1¼</i>	1 00 <i>4/1¼</i>	1 50 <i>6/1¾</i>
The Prime Minister* - - -	Anthony Trollope -	Belford Brothers "	6 30 <i>25/10¼</i>	1 00 <i>4/1¼</i>	0 75 <i>3/0¾</i>
Euclid's Elements of Geometry, with Appendix.	Robt. Potts and Thos. Kirkland.	Adam Miller & Co. "	None	0 75 <i>3/0¾</i>	None
Dictionary of the English Language	Alex. Reid -	" " "	1 50 <i>6/1¾</i>	1 00 <i>4/1¼</i>	1 00 <i>4/1¼</i>
The Tw. Destinies - - -	Wilkie Collins -	Hunter, Rose, & Co. "	6 30 <i>25/10¼</i>	0 75 <i>3/0¾</i>	Not sold
Daniel Deronda* - - -	George Eliot -	Dawson Brothers, Montreal -	12 60 <i>51/8½</i>	1 50 <i>6/1¾</i>	3 00 <i>12/3¾</i>
The Old Lieutenant and his Son	N. Macleod -	Belford Brothers, Toronto -	1 00 <i>4/1¼</i>	1 00 <i>4/1¼</i>	Not sold
Wee Davie - - -	" -	" " "	0 15 <i>1/7½</i>	0 15 <i>1/7½</i>	Not sold
The Earnest Student - - -	" -	" " "	1 00 <i>4/1¼</i>	1 00 <i>4/1¼</i>	Not sold
The Gold Thread - - -	" -	" - - -	1 00 <i>4/1¼</i>	1 00 <i>4/1¼</i>	Not sold
The Life of Gideon Ouseley - - -	Wm. Arthur -	" - - -	1 00 <i>4/1¼</i>	1 00 <i>4/1¼</i>	Not sold

\* These two books are also in the list (marked B. above) of books printed at New York.

For the prices of these books, or most of them, in England, the United States, and Germany, see further Table in Paper K., below

H. See Question 3930.

CORRESPONDENCE of June and July 1875 between the Colonial Office and the Board of Trade, with respect to the passing of the Canadian Copyright Act, 1875, and especially with respect to that section of the Imperial Act of 1875 which excludes Canadian editions from the English market.

(1.) Colonial Office to Board of Trade.

SIR, Downing Street, 22nd June 1875.  
I AM directed by Lord Carnarvon to send you a copy of a Bill on the subject of copyright in Canada, and I am to request that you will favour his Lordship with any

observations upon it which the Board of Trade may desire to make.

The Bill forwarded herewith has certain alterations in manuscript upon it which Lord Carnarvon proposes to introduce in Committee on the Bill.

I am, &c.  
(Signed) ROBERT G. W. HERBERT.  
T. H. Farrer, Esq.

(2.) Board of Trade to Colonial Office.

SIR, Board of Trade, London, S.W.,  
23rd June 1875.  
WITH reference to your letter of the 22nd instant, enclosing a Bill intituled the Copyright Act, 1875, I am,



directed by the Board of Trade to offer the following observations :

The Board of Trade understand that the chief objects of the Bill is to remove certain formal objections to the Act of the Canadian Parliament quoted in the schedule. To this the Board of Trade can have no objection, as they have already stated to the Colonial Office that the Canadian Act appears to them to be unobjectionable in principle.

They understand that the law officers have given their opinion that clause 15, to which attention was called in my former letter, does not authorise the publication in Canada of books bearing English copyright without the consent of the English copyright owner. As this is the case there is no ground for apprehending that pirated reprints of English books will, if the Canadian Act is sanctioned, be imported into the United Kingdom under the existing law.

But by section 4 of the Bill it is proposed to prohibit the introduction into the United Kingdom without the consent of the English copyright owner, not of pirated reprints, but of reprints which have been lawfully made in Canada with his sanction and for his benefit; whilst at the same time such reprints may be imported into any other part of Her Majesty's Dominions or into any foreign country.

To such an enactment the Board of Trade entertain the strongest possible objections. The only ground which they can imagine for it is the anticipated pressure from English publishers who know that to succeed with reprints in Canada they must be cheap, and who also know that such reprints if they could be imported into the United Kingdom would sell freely here to the damage of the dearer editions with which they supply the English market.

Such an opposition does not appear to be founded on reasons of justice. If the English author or publisher is to obtain a new and profitable market in Canada, and, through Canada, the market of the whole world, except the United Kingdom, there is surely no hardship on them in requiring that they shall give to the inhabitants of the United Kingdom the same benefits which they give to the rest of the world.

Looking at it as a question of economy, nothing can be more improper than an artificial rule by which a book manufactured in one part of Her Majesty's Dominions is prevented from entering another, and, looking at it as a question of policy, of justice, and of education, nothing can be more undesirable than a system of Copyright Law under which the inhabitants of the Mother Country, in which the books are produced, would be the only persons in the world who are prevented from obtaining cheap editions of them.

For these reasons the Board of Trade, speaking on behalf of the interests of the public of this country, trust that this clause will not be passed.

I have, &c.  
(Signed) T. H. FARRER.

The Under Secretary of State,  
Colonial Office.

P.S.—The Board of Trade think it right further to point out that Her Majesty's Government are about to recommend to Her Majesty to issue a Royal Commission to inquire into the Law of Copyright, and that the question of Colonial Copyright is one that must come before them. Pending that Commission, it appears to the Board of Trade to be peculiarly undesirable to take a step most questionable in itself, which will anticipate one of the inquiries of the Commission, and which, once taken, it will be very difficult to retrace.

(3.) *Colonial Office to Board of Trade.*

SIR, Downing Street, 9th July 1875.  
I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 23rd ultimo on the subject of the fourth clause of the Bill before Parliament entitled, "The Canada Copyright Act, 1875." Your letter received the immediate and careful consideration of his Lordship, but pressure of other business has prevented him from replying to it until now.

2. The Board of Trade, Lord Carnarvon observes, strongly objects to the provision prohibiting the introduction into this country, except by, or by authority of the English copyright owner, of books reprinted in Canada under a Canadian copyright; it being permitted to import such reprints into other parts of Her Majesty's Dominions. And they are of opinion that there would be no hardship in requiring that publishers obtaining copyright in Canada should give to the people of the United Kingdom the same benefit of cheap edition which will be enjoyed by Canada and other places.

3. Lord Carnarvon would be as much pleased as the Board of Trade could be if it were possible to take

advantage of the present opportunity to secure for English readers the convenience of an early cheap edition of important works, but after giving his best consideration to the arguments of the Board of Trade he is forced to the conclusion that under all the circumstances of the case the restriction on the importation of Canadian reprints is an indispensable provision of the present measure.

4. The effect of this provision is practically not to introduce a new condition of things, but to maintain, pending inquiry into the whole question of copyright, as nearly as possible, the existing condition under which an English copyright owner is protected against the introduction from beyond the seas of an edition competing with his property in this market. It would undoubtedly be impossible at this period of the Session to pass a Bill which would, in the absence of a clear and satisfactory understanding with publishers and copyright owners, be strongly and not unnaturally opposed by them.

5. As a matter of policy Lord Carnarvon has little doubt that greater progress will be made towards that broader and more thorough settlement of the whole question which the Board of Trade desires, if the present Canadian Legislation is at once accepted, than if the decision of this part of the question is again postponed, and His Lordship has therefore not hesitated to introduce that provision into the Imperial Bill without which it could not be carried.

6. But Lord Carnarvon is inclined to think that it should be considered whether the restriction in the importation of Canadian reprints does not, in the present state of the question, practically operate more in accordance with the principles of sound economy than that freedom of competition which would at first sight appear to commend itself. Under the system of protection to property of this nature which Parliament has thought it right and expedient to throw round literary productions, and which could only be set aside after being first proved to be injurious or unnecessary by careful inquiry, we find the English book market thus circumstanced.

7. There is in the first instance a demand for a handsome and costly edition of a new and important work: The wealth of private purchasers and of endowed libraries and the practice which extensively prevails of hiring books instead of purchasing them, has fostered this demand for a costly edition.

After a time, when the sale of the expensive edition is not likely to be injuriously interfered with, copyright owners commonly publish a cheap edition.

7. It is to be apprehended that if a cheap edition of a new book were to be purchaseable in this country at first, the issue of the handsomer edition would be unremunerative and would be abandoned.

Lord Carnarvon admits that to guard against this by legislation may seem an artificial arrangement, but he also conceives that it is one that arises out of the existing requirements of the reading public at the book market in this country.

The loss of the more expensive edition would probably be regretted by a very large proportion of readers and buyers, and it would at all events be a mistake in principle to attempt forcibly to upset the existing arrangements of supply and demand, without much stronger proof than at present exists of any widespread desire for the immediate possession of a cheap edition of every new work.

9. It is to be remembered that the reading public is supplied with a vast quantity of very cheap books of all kinds, and further that if the publisher does not bring out in the first instance an expensive edition, he may very possibly be compelled to pay the author a lower remuneration for his work than he at present receives.

10. For these reasons Lord Carnarvon, while he is much obliged to the Board of Trade for putting the opposite view before him, and will be glad if the approaching inquiry should elicit some solution of the difficulty which undoubtedly exists in regard to this point, is of opinion that it is right as well as expedient not to attempt at the present moment, and in connexion with the Colonial measure now under consideration, to take away from the English copyright owner that protection under which his business is now conducted.

I am, &c.  
(Signed) ROBERT G. W. HERBERT.  
The Secretary to the Board of Trade.

(4.) *Board of Trade to Colonial Office.*

Board of Trade, London, S.W.,  
21st July 1875.  
SIR, WITH reference to your letter of the 9th instant, on the subject of the Canadian Copyright Bill, I am directed by the Board of Trade to state for the information of Lord



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Carnarvon, that the Board of Trade desire to place on record the observations which occur to them on the letter in question: where they not to do this, it might be supposed that they admit the soundness of the reasoning contained in that letter, and since it is intended to submit the question of amending the law of copyright generally to a Royal Commission, they are anxious that the question raised by the fourth clause of the Government Bill should not be prejudiced by the present correspondence.

The Board of Trade quite understand that in the present condition of the English book market, English publishers may object to the Bill without the obnoxious clause. They also understand that Canadian publishers and printers, in whose special interest the Canadian Bill is framed, care at present comparatively little about the English market, and that the Canadian Government are therefore anxious to have the present Bill passed with the clause in question, rather than to postpone legislation altogether.

But this is not the reason, or at any rate the only reason, on which the Colonial Office ground their defence of this clause, and it is therefore desirable to examine their arguments.

The Colonial Office state, paragraph 4, "that the effect of the clause is to maintain, pending inquiry into the whole question of Copyright, the existing condition under which an English copyright owner is protected against the introduction from beyond seas of an edition competing with his property in this market." This statement is incomplete. What the English owner is protected against is, the competition of a pirated edition published without his consent, and in fraud of his rights. What the clause in question proposes is, to protect the dear edition which he gives to English readers against the cheap edition which he, at his own instance, and for the sake of profit to himself, gives to American readers and to the rest of the world. The status quo is therefore not maintained but entirely changed by the clause. And as regards the future, it will obviously be very difficult to take away from the English publisher a privilege once admitted by Government and by Parliament, whilst it would be comparatively easy to induce him to act more liberally by the English public, if he could obtain a market in America only on the condition of so acting.

But the arguments of the Colonial Office go further. Having first admitted that the wider market contemplated by the Board of Trade is the ultimate object which should be kept in view, they proceed to justify the state of things which their clause will produce and uphold, on the ground that it is natural, and consequently consistent with sound economical principles. They say that there is a desire in England for expensive editions, and that consequently to allow cheap Canadian editions to come in would be a forcible interference with the law of supply and demand.

The Board of Trade are unable to follow this reasoning. It would have seemed to them that if there is a demand in England for expensive editions that demand would in an open market take care of itself, and would not have required the aid of an artificial law excluding legitimate cheap editions. It would indeed be strange if, wherever

there is a demand for an article of superior excellence and cost, that demand must be furthered and protected by the statutory exclusion from the market of similar articles of inferior cost and excellence. It is quite possible that the few purveyors of the high class, expensive clarets which were drunk by the wealthier classes before the French treaty were not anxious for the admission of inferior clarets, but it would have astonished the public if Mr. Gladstone, in order to preserve the market for the former, had excluded the latter. The case for the clause in question may possibly be put in a more plausible shape, viz., that the owner of the copyright having been invested by law with a monopoly has a right to exercise the right so given to him in whatever manner he finds most profitable to himself, and to sell at one price in one market and at another price in another.

The answer to this would be that whilst he no doubt has a right so to sell he has no right to demand an exceptional provision of law excluding the articles he sells in one market from the neighbouring market.

Free importation of innocent commodities is the rule now adopted in commercial matters, and to justify exclusion there must be some invasion of a public or private right. There is no such reason in this case.

As well might the owner of a monopoly claim to have one price in London and another in Edinburgh, and call upon the law to prevent articles sold in one place from being taken to the other.

For the present purpose the case of a patentee is analogous to that of the owner of copyright. Suppose a patentee to be applying for a prolongation of his patent, he would certainly not improve his case by alleging that whilst he could and did make a profit abroad by selling at a certain price, he was intending to sell, and did sell to home customers at double that price.

It is one of the admitted evils of all monopolies that the monopolist gets as much by selling one article at a shilling as by selling two articles at 6d., whilst the public get twice as much by the latter process as by the former. Wantonly to give up one legitimate means of checking this evil in the case of books is a great sacrifice of public interests.

For the reasons above stated the Board of Trade cannot concur in the conclusion that it is right and expedient to make the present measure the means and occasion of giving to the English copyright owner as against the English public a form of privilege and protection which he has never hitherto possessed, and to which he has no claim.

They are the less able to come to this conclusion since they fear that the discussion of the subject of copyright by the proposed Royal Commission will be seriously prejudiced as regards one of the most important points at issue by the course now adopted by the Colonial Office.

I have, &c.

(Signed) T. H. FARRER.

The Under Secretary of State,  
Colonial Office.

I. See Question 3931.

ENGLISH BOOKS reprinted by BARON TAUCHNITZ and by ASHER of BERLIN, and bought in Paris; with FOREIGN and ENGLISH PRICES.

Name of Book and Publisher.	Price of Foreign Edition.		Price of English Editions.	
	In French Money.	In English Money.	First.	Subsequent.
Coming Thro' the Rye, 3 vols. (Asher, Berlin)	6	s. d.	s. d.	s. d.
Middlemarch, 8 vols. (Asher, Berlin)	16	5 0	31 6	None.
Bulwer's Parisians, 4 vols. (Tauchnitz)	8	13 4	21 0	7 6
Deronda, 4 vols. (Tauchnitz)	8	6 8	42 0	12/ & 3/6
Three Feathers, 2 vols. (Tauchnitz)	4	6 8	42 0	21 0
Fated to be Free, 2 vols. (Tauchnitz)	4	3 4	31 6	6 0
The Hand of Ethelberta, 2 vols. (Tauchnitz)	4	3 4	31 6	6 0
St. George and St. Michael, 2 vols. (Tauchnitz)	4	3 4	21 0	None.
Lord Macaulay's Life, 4 vols. (Tauchnitz)	8	3 4	31 6	None.
		6 8	36 0	None.



K. See Question 4867.

LIST of ENGLISH BOOKS reprinted in UNITED STATES and bought there in order to be produced to the COMMISSION with the prices.

Name of Book and Publisher.	Description of Book.	Price as in Bill delivered.
Daniel Deronda (Harper) - - - -	2 vols., cloth	\$ 3 0
Do. (do.) - - - -	1 vol., paper	1 50
Do. (do.) - - - -	1 vol., paper	0 50
Middlemarch (do.) - - - -	2 vols., cloth	3 0
Do. (do.) - - - -	1 vol., paper	1 50
Parisians (Lippincott, Philadelphia) - - - -	1 vol., cloth	1 50
St. George and St. Michael (Ford) - - - -	1 vol., cloth	1 75
Prime Minister (Harper) - - - -	1 vol., paper	0 75
Three Feathers (do.) - - - -	1 vol., paper	1 0
Princess of Thule (do.) - - - -	1 vol., paper	0 75
Hand of Ethelberta (Holt) - - - -	1 vol., cloth	1 25
Fated to be Free (Roberts, Boston) - - - -	1 vol., cloth	1 75
Macaulay's Life (Harper) - - - -	2 vols. octavo, cloth, cut and gilt	5 0
Good bye, Sweetheart (Appleton) - - - -	1 vol., paper	0 75

L. See Question 4867.

COMPARATIVE PRICES in English money of several recent ENGLISH BOOKS which have been republished in CANADA, in the UNITED STATES, and in GERMANY, and of all or most of which Copies have been produced to the COMMISSION.

Name of Book.	Published in England.				Copy-righted and published in Canada.	Published in United States without Copyright.		Published in Germany, probably copyrighted.	
	First Edition.		Second and subsequent Editions.			Price in English Currency at the Rate of 4s. 1½d. a Dollar.	Dear Edition.		Cheap Edition.
	Publishing Price.	Retail Price at 25 per Cent. Discount.	Publishing Price.	Retail Price at 25 per Cent. Discount.			Price in English Currency at 3s. 7d. a Dollar.		Price in English Currency at 3s. 7d. a Dollar.
Analysis of the English Language	£ 0 5 0	0 3 9	—	—	0 4 1½	—	—	0 5 0	
Coming thro' the Rye	1 11 6	1 3 7½	0 6 0	0 4 6	—	—	—	—	
Complete Manual of Spelling	—	—	—	—	0 1 2½	—	—	—	
Daniel Deronda	2 2 0	1 11 6	1 1 0	0 15 9	0 6 1½	0 10 9	{ 0 5 4½ 0 1 9½ }	0 6 8	
Devil's Chain	0 5 0	0 3 9	0 5 0	0 3 9	0 2 0½	—	—	—	
Dictionary of the English Language—Reid	1 4 0	0 18 0	—	—	0 4 1½	—	—	—	
Earnest Student	0 3 6	0 2 7½	—	—	0 4 1½	—	—	—	
Euclid's Elements of Geometry—Book I.	—	—	—	—	0 0 7½	—	—	—	
Euclid's Elements of Geometry, with Appendix.	—	—	—	—	0 3 0½	—	—	—	
Elementary Hydrostatics	0 4 0	0 3 0	—	—	0 3 0½	—	—	—	
Elementary Statics	0 3 0	0 2 3	—	—	0 3 2½	—	—	—	
Fated to be Free	1 11 6	1 3 7½	—	—	—	0 5 4½	—	0 3 4	
Gold Thread	0 2 6	0 1 10½	—	—	0 4 1½	—	—	—	
Good bye, Sweetheart	1 11 6	1 3 7½	0 6 0	0 4 6	—	0 2 8½	—	—	
Hand of Ethelberta	1 1 0	—	—	—	—	0 4 5½	—	0 3 4	
History of the British Empire	—	—	—	—	0 2 0½	—	—	—	
Key to advanced Arithmetic for Canadian Schools.	—	—	—	—	0 6 1½	—	—	—	
Life of Gideon Ouseley	0 2 6	0 1 10½	—	—	0 4 1½	—	—	—	
Life of King William III., Prince of Orange.	1 4 0	0 18 0	—	—	0 2 0½	—	—	—	
Literature Primer—English Grammar	0 1 0	0 0 9	—	—	0 1 2½	—	—	—	
*Macaulay's Life	1 16 0	1 5 0*	—	—	—	0 17 11*	—	0 6 8	
Memoir of Norman Macleod	1 6 0	0 19 6	—	—	0 10 3	—	—	—	
Middlemarch	2 2 0	1 11 6	{ 1 1 0 0 7 6 }	{ 0 15 9 0 5 7½ }	—	0 10 9	0 5 4½	0 13 4	
Old Lieutenant and his Son	0 3 6	0 2 7½	—	—	0 4 1½	—	—	—	
Oliver of the Mill	0 5 0	0 3 9	—	—	0 3 0½	—	—	—	
Parisians	2 2 0	1 11 6	{ 0 12 0 0 3 6 }	{ 0 9 0 0 2 7½ }	—	0 5 4½	0 2 8½	0 6 8	
Pausanias the Spartan	0 10 6	0 7 10½	0 3 6	0 2 7½	0 3 0½	—	—	—	
Prime Minister	1 15 0	1 6 3	0 6 0	0 4 6	0 4 1½	0 5 4½	0 2 8½	—	
Primer of Chemistry	0 1 0	0 0 9	—	—	0 1 2½	—	—	—	
Primer of Physics	0 1 0	0 0 9	—	—	0 1 2½	—	—	—	
Primer of Physical Geography	0 1 0	0 0 9	—	—	0 1 2½	—	—	—	
Princess of Thule	1 11 6	1 3 7½	0 6 0	0 4 6	—	0 2 8½	—	—	
Principia Latina—Part I.	0 3 6	0 2 7½	—	—	0 3 8½	—	—	—	
Science Primer of Astronomy	0 1 0	0 0 9	—	—	0 1 2½	—	—	—	
Science Primer of Physiology	0 1 0	0 0 9	—	—	0 1 2½	—	—	—	
Spalding's English Literature	0 3 6	0 2 7½	—	—	0 4 1½	—	—	—	
St. George and St. Michael	1 11 6	1 3 7½	0 6 0	0 4 6	—	0 6 3½	—	0 3 4	
Three Feathers	1 11 6	1 3 7½	—	—	—	0 3 7	—	0 3 4	
Todhunter's Algebra for Beginners	0 2 6	0 1 10½	—	—	0 2 5½	—	—	—	
Two Destinies	1 1 0	0 15 9	—	—	0 3 0½	—	—	—	
Wee Davie	0 0 6	—	—	—	0 0 7½	—	—	—	

\* The United States edition of Macaulay's Life is in 2 vols. octavo, cloth, leaves partly cut and gilt. The German edition is in 4 vols. duodecimo, in paper. The actual price of the English edition to the public is 1*l.* 10*s.* or 1*l.* 12*s.*

N.B.—Most of these books are taken from a list of books republished in Canada under the Canadian Copyright Act, 1875. The rest are from lists furnished from Washington and Paris. The prices of the English editions are the publishing prices; and a column is added showing what the actual prices would be on the supposition that they are sold to the public at 25 per cent. discount. This supposition is, however, only an approximation to the actual retail price. The discount of the retail bookseller varies with circumstances: it may be stated approximately at 20 or 25 per cent. The prices of the Canadian and United States editions are, it is believed, the actual prices charged to the public. It is scarcely necessary to add that the first publishing prices of 3-volume novels in England are in most cases fictitious.



M. See Question 4988.

FIGURES intended to illustrate the proportion of actual receipts which would go to cost of production in print, paper, and binding, to retailers' profit, and to author and publisher, on the two hypotheses of the sale of a small number of copies at a high price, and the sale of a larger number at a lower price.

MACAULAY'S LIFE, each volume.

250 Copies.			1,000 Copies.							
	£	s. d.		£	s. d.					
Cost @ 8s. 10d.	-	-	-	1,000 @ 4s. 2d.	-	-	-	210	0	0
Author and publisher @ 4s. 2d.	-	-	-	Author and publisher @ 1s. 1d.	-	-	-	52	10	0
Retailer @ 2s.	-	-	-	Retailer @ 9d.	-	-	-	37	10	0
	<hr/>				<hr/>			<hr/>		
250 @ 15s.	-	-	-	1,000 @ 6s.	-	-	-	300	0	0
	<hr/>				<hr/>			<hr/>		
	187	10	0							

DANIEL DERONDA, a single number.

500 Copies.			1,000 Copies.							
	£	s. d.		£	s. d.					
Cost @ 1s. 1d.	-	-	-	Cost @ 9d.	-	-	-	37	10	0
Author and publisher @ 3s. 3d.	-	-	-	Author and publisher @ 1s. 8d.	-	-	-	83	6	8
Retailer @ 8d.	-	-	-	Retailer @ 1d.	-	-	-	16	13	4
	<hr/>				<hr/>			<hr/>		
500 @ 5s.	-	-	-	1,000 @ 2s. 9d.	-	-	-	137	10	0
	<hr/>				<hr/>			<hr/>		
	125	0	0							

3,000 Copies.			12,000 Copies.							
	£	s. d.		£	s. d.					
Cost @ 6d.	-	-	-	Cost @ 6d.	-	-	-	300	0	0
Author and publisher @ 6d.	-	-	-	Author and publisher @ 2d.	-	-	-	100	0	0
Retailer @ 2d.	-	-	-	Retailer @ 1d.	-	-	-	50	0	0
	<hr/>				<hr/>			<hr/>		
3,000 @ 1s. 2d.	-	-	-	12,000 @ 9d.	-	-	-	450	0	0
	<hr/>				<hr/>			<hr/>		
	175	0	0							

CASE supplied by a MEMBER of the COMMISSION.

One vol. demy 8vo., published at 16s., sold at 12s.

1,000 Copies.			3,000 Copies.							
	£	s. d.		£	s. d.					
Cost @ 3s. 5d.	-	-	-	Cost @ 1s. 7d.	-	-	-	232	2	0
Advertising @ 1s. 3d.	-	-	-	Advertising @ 8d.	-	-	-	100	0	0
	<hr/>				<hr/>			<hr/>		
Author and publisher @ 5s. 1d.	-	-	-	Author and publisher @ 7s. 9d.	-	-	-	332	2	0
	<hr/>				<hr/>			<hr/>		
	255	7	6					1,167	0	4
	<hr/>				<hr/>			<hr/>		
Retailer's profit (1/2 of publishing price)	-	-	-					1,499	2	4
	<hr/>				<hr/>			<hr/>		
	96	18	0					296	18	0
	<hr/>				<hr/>			<hr/>		
	584	7	6					1,796	0	4

969 @ 12s.

2,969 @ 12s.

These figures show that an edition of 1,000 copies brings in to the author and publisher a profit of 255l. 7s. 6d., the book selling at 12s. by the wholesale bookseller. If the author and publisher were content with the same amount of profit, the very same book might be sold, if published in an edition of 3,000, at 5s., or, allowing for interest on additional capital employed, say 5s. 6d.

In other words, it would pay the author and publisher better to have an edition of 3,000 at 5s. 6d. than one of 1,000 at 12s.

N. See Question 5870.

LISTS of various BOOKS by ENGLISH and AMERICAN AUTHORS, with the PRICES of the ENGLISH and AMERICAN EDITIONS respectively.

I.—ENGLISH EDITIONS OF—

1. BOOKS BY ENGLISH AUTHORS.
2. BOOKS BY AMERICAN AUTHORS.

II.—AMERICAN EDITIONS OF—

3. BOOKS BY ENGLISH AUTHORS.
4. BOOKS BY AMERICAN AUTHORS.

NOTE.—The list of English Editions has been made with the help of a London bookseller. The list of American editions has been obtained by Her Majesty's Embassy at Washington through Her Majesty's Consul at New York. The prices in the list of American editions have been con-

verted into English money at the rate of 3s. 11 1/2d. to the dollar.

It would have been desirable, if practicable, to state in these lists, opposite each edition, whether it enjoys copyright in the country in which it is published or not. But this can scarcely be done with absolute certainty in every case. It is to be remembered, however, that all editions of books by English authors published in England enjoy copyright until the period of copyright has run out; that, as a general rule, no editions of English authors published in the United States enjoy copyright; that books by United States authors, if published in England before or simultaneously with first publication in America, can, under the rules of construction established by the decision in *Routledge v. Low*, 3 House of Lords Cases, page 100, enjoy copyright in England, and that consequently most books by United States authors, at any rate if published since 1868, which was the date of that decision, can or do enjoy such copyright; and finally that all books by United States authors published in the United States can enjoy copyright in that country until the period of copyright has run out.



## I.—English Editions of Books by English Authors.

	Published Price.	Date.	Publisher.
POETRY.			
TENNYSON:—			
5 vols. post 8vo., cloth. (Author's Edition) - -	1 10 0	1875	King & Co.
5 " " hf. Rox. ( " " ) - -	1 17 6	1875	"
10 " fcap. 8vo., cloth. (Cabinet Edition) - -	1 5 0	1875	"
10 " " " ( " " ) in case - -	1 8 0	1875	"
6 " 8vo. " (Library Edition) - -	3 3 0	1872-73	Strahan.
11 " pocket size, white cloth, gilt edges, in case, (Miniature Edition) - -	1 15 0	1874	King.
11 " " " " " " cloth plain - -	1 11 6	1874	"
8 " fcap. 8vo., cloth. (Original Edition) - -	1 13 0	v. d.	"
6 " large 8vo., cloth (New Library Edition) - -	3 3 0	1876-7	"
6 " " hf. Rox. ( " " ) - -	3 15 0	1876-7	"
"Queen Mary." fcap. 8vo. 1 vol. cloth - -	0 6 0	1875	"
"Harold." 12mo. 1 vol. cloth - -	0 6 0	1876	"
Poems. Illustrated. sm. 4to., cloth - -	1 1 0	1865	Routledge.
"Idylls of the King." Illustrated by Doré. 1 vol. folio, cloth - -	3 13 6	1868	Moxon.
"Elaine." Illustrated by Doré. 1 vol., folio, cloth - -	1 1 0	1866	"
"Enid." " " " " " - -	1 1 0	1868	"
"Vivien." " " " " " - -	1 1 0	1867	"
"Guinevere." " " " " " - -	1 1 0	1867	"
The above 4 vols., illustrated by Doré, folio cloth, (Photographs) - - each	3 3 0	1867	"
"May Queen." Illustrated. cr. 8vo., cloth. 1 vol. - -	0 5 0	1875	Sampson & Low.
" " " " " " " " - -	0 12 6	1872	Warne.
BROWNING (E. B.):—			
5 vols. fcap. 8vo., cloth. (Poems) - -	1 10 0	1870	Smith & Elder.
BROWNING (R.):—			
6 vols., fcap. 8vo., cloth. (Poems) - -	1 10 0	1868	"
"Balauston's Adventures." fcap. 8vo., cloth. 1 vol. - -	0 5 0	1871	"
Inn Album. 1 vol. fcap. 8vo., cloth - -	0 7 0	1875	"
"Aristophanes Apology." fcap. 8vo., cloth - -	0 5 0	1875	"
"Fitine at the Fair." " " " " - -	0 5 0	1872	"
"Prince Hohenstiel-Schwangan." fcap. 8vo., cloth - -	0 5 0	1871	"
"Red Cotton Night Cap Country." " " " " - -	0 9 0	1873	"
"Ring and the Book." 4 vols. " " " " - -	1 0 0	1872	"
Pacchiarotto and Poems. fcap. 8vo., cloth - -	0 7 6	1876	"
BROWNING (E. B.):—			
Letters of. 2 vols. post 8vo., cloth - -	1 1 0	1876	Bentley.
ARNOLD:—			
Poems. 2 vols. cr. 8vo., cloth - -	0 15 0	1877	Macmillan.
INGELOW:—			
Poems. 2 vols. 12mo., cloth - -	0 10 0	1872-3	Longman.
" " 1st Series. Illustrated. sm. 4to., cloth - -	1 1 0	1866	"
Studies for Stories. 1 vol. cr. 8vo., cloth - -	0 3 6	1873	Daldy & Isbister.
"A Sister's Bye-Hours." 1 vol. cr. 8vo., cloth - -	0 3 6	1875	"
"Mopsa the Fairy." 1 vol. cr. 8vo., cloth - -	0 3 6	1873	Strahan.
" " " " " " " " - -	0 5 0	1871	Longman.
"Stories told to a Child." 1 vol. cr. 8vo., cloth - -	0 3 6	1875	Daldy & Isbister.
"Little Wonder How." sq. 24mo., cloth - -	0 3 6	1872	King & Co.
"Off the Skelligs." 4 vols. cr. 8vo., cloth - -	2 2 0	1873	"
WORDSWORTH:—			
Poems:			
1 vol. 12mo., cloth - -	0 2 6	1866	Routledge.
1 " " " " " - -	0 5 0	1866	"
1 " post 8vo., cloth. - -	0 7 6	1872	Warne.
1 " 12mo. " " " - -	0 3 0	1871	Nelson.
1 " 16mo. " (Selections) - -	0 4 0	1869	Moxon.
1 " 12mo., cloth. (Pastoral Poems) - -	0 2 6	1875	Low.
1 " roy. 8vo., cloth - -	0 9 0	1869	Moxon.
1 " post 8vo., " " " - -	0 1 6	1872	Warne.
1 " " (Poems) - -	0 1 0	1872	"
1 " 16mo., cloth (For the Young. Illustrated.) - -	0 1 6	1874	Isbister.
6 vols. 18mo., cloth - -	0 15 0	1874	Moxon.
3 " 8vo., cloth. (Prose Works) - -	2 2 0	1875	"
1 vol. imp. 8vo., cloth - -	0 12 6	1869	"
6 vols. 12mo. " " " - -	1 10 0	1870	"
1 vol. post 8vo. " " " - -	0 3 6	1866	Edinburgh.
1 " " " (Rossetti) - -	0 3 6	1870	Moxon.
1 " sm. 4to. " " " - -	1 1 0	1870	"
6 vols. 12mo., cloth - -	1 4 0	1869	"
6 vols. 18mo., " " " - -	0 12 6	1869	Moxon.
1 " sm. 4to. " " " Illustrated Selections - -	1 1 0	1865	Routledge.



1.—English Editions of Books by English Authors—*continued.*

	Published Price.	Date.	Publisher.
POETRY— <i>cont.</i>			
WORDSWORTH.—Poems— <i>cont.</i>			
1 vol. 16mo. cloth (For the Young) -	0 6 0	1863	Strahan.
1 " " " ( " ) -	0 3 6	1863	"
NOVELS.			
DICKENS:—			
Works:			
14 vols. 8vo., cloth. (Original Edition) -	12 10 6	V. D.	Chapman & Hall.
30 " cr. 8vo. " (Library Edition) -	12 0 0	1866	"
21 " post 8vo., cloth. (C. Dickens' Edition) -	3 9 6	1867-75	"
30 " 8vo., cloth. (New Library Edition) -	15 0 0	1874-6	"
"Pickwick":			
1 vol. 8vo., cloth. (O. E.) -	1 1 0	1837	"
2 vols. cr. 8vo., cloth. (L. E.) -	0 16 0	1866	"
2 " post 8vo. " -	0 15 0	1861	"
1 vol. " " (C. D. E.) -	0 3 6	1867	"
1 " " " -	0 5 0	1857	"
2 vols. 8vo. " (N. L. E.) -	1 1 0	1874	"
"Oliver Twist":			
1 vol. 8vo., cloth. (O. E.) -	0 12 0	1845	"
1 " cr. 8vo., cloth. (L. E.) -	0 8 0	1866	"
1 " post 8vo., " -	0 7 6	1861	"
1 " " " (C. D. E.) -	0 3 0	1869	"
1 " 8vo. " (N. L. E.) -	0 10 0	1874	"
3 vols. post 8vo., cloth -	1 5 0	1846	"
1 vol. " " -	0 3 6	1861	"
"Martin Chuzzlewit":			
1 vol. 8vo., cloth. (O. E.) -	1 1 0	1849	"
2 vols. cr. 8vo., cloth. (L. E.) -	0 16 0	1866	"
1 vol. post 8vo., cloth. (C. D. E.) -	0 3 6	1867	"
1 " " " -	0 5 0	1861	"
2 vols. 8vo. " (N. L. E.) -	1 0 0	1874	"
2 " post 8vo. " -	0 15 0	1861	"
THACKERAY:—			
Works:			
22 vols. 8vo., cloth -	3 5 0	V. D.	Smith & Elder.
22 " " boards. (Re-issue) -	7 3 0	1874	"
12 " cr. 8vo., cloth -	3 0 0	1872	"
"Vanity Fair":			
2 vols. 8vo., cloth -	0 15 0	1867	"
1 vol. " " -	1 1 0	1848	Bradbury.
2 vols. 8vo., boards -	0 13 0	1874	Smith & Elder.
1 vol. post 8vo., cloth -	0 7 0	1854	Bradbury.
1 " cr. 8vo., " -	0 5 0	1874	Smith & Elder.
"Pendennis":			
2 vols. 8vo., cloth -	0 15 0	1868	"
2 " " " -	1 6 0	1850	Bradbury.
2 " 8vo., boards -	0 13 0	1874	Smith & Elder.
1 vol. post 8vo., cloth -	0 7 0	1855	Bradbury.
1 " " " -	0 5 0	1873	Smith & Elder.
GASKELL:—			
Works:			
7 vols. cr. 8vo., cloth -	1 4 6	1873	"
12 " 12mo. " -	1 5 6	V. D.	"
1 vol. " " ("Lady Ludlow") -	0 2 6	1873	"
Ruth:			
1 vol. cr. 8vo., cloth -	0 3 6	1873	"
3 vols. post 8vo., cloth -	1 11 6	1853	Chapman & Hall.
1 vol. 12mo. " -	0 2 6	1872	Smith & Elder.
1 " " " -	0 2 0	1861	Clarke.
"Wives and Daughters":			
1 vol. crown 8vo., cloth -	0 3 6	1873	Smith & Elder.
2 vols. 8vo., cloth -	1 6 0	1866	"
1 vol. 12mo. " -	0 2 6	1870	"
1 " post 8vo., cloth -	0 5 0	1869	"
ELIOT:—			
Works:			
5 vols. post 8vo., cloth -	0 16 0	1867-8	Blackwood.
1 vol. cr. 8vo. " ("Spanish Gypsy") -	0 7 6	1875	"
1 " 8vo. " -	0 12 6	1868	"
1 " post 8vo. " ("Wise Sayings of") -	0 6 0	1874	"
1 " 12mo. " ("Jubal") -	0 6 0	1874	"
1 " " " ("Romola") -	0 2 6	1869	"
1 " " " -	0 6 0	1864	"
4 vols. post 8vo. " ("Daniel Deronda") -	2 2 0	1876	"
4 " " " -	1 1 0	1876	"



1.—English Editions of Books by English Authors—*continued.*

	Published Price.	Date.	Publisher.
NOVELS— <i>cont.</i>			
ELLIOT— <i>cont.</i>	£ s. d.		
WORKS— <i>cont.</i>			
“Middlemarch”:			
4 vols. cr. 8vo. cloth	2 2 0	1872	Blackwood.
4 “ “ “	1 1 0	1873	”
1 vol. “ “	0 7 6	1874	”
“Adam Bede”:			
1 vol. cr. 8vo., “	0 6 0	1862	”
3 vols. post 8vo., cloth	1 11 6	1859	”
2 “ 12mo., “	0 12 0	1862	”
1 vol. post 8vo., “	0 3 6	1873	”
“Romola”:			
1 vol. 12mo., “	0 6 0	1864	Smith & Elder.
1 “ “ “	0 2 0	1869	”
“Silas Marner”:			
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