

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 66 (1848)

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

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

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

II. And be it enacted, That on the importation of all Books and Reviews of whatever nature or kind, when the same shall have been first composed, written or published in the United Kingdom of Great Britain or Ireland, and protected by the Acts of the Imperial Parliament, to enforce the Law of Copyright, coming in the shape of reprints bound or unbound, whether from the United States or other Foreign Countries, there shall be paid an advalorem Duty on the bona fide price of the publication of such Reprints, of twenty pounds per hundred pounds; provided always, that said Duty is not to be paid on Newspapers or other regular Weekly Periodicals, nor upon the copies of the said Works if published bona fide and not fraudulently in any part of Great Britain or Ireland; such Duty to be collected under the same regulations and restrictions as are now in force to extend the said Imperial Acts for the regulation of the Law of Copyright to this Province; and after collection by the proper Officers, the said Duties shall be remitted by the Governor in such way and manner as Her Majesty's Government may be pleased to order and direct, in order that the said advalorem Duty may be duly secured and paid over to the Author or registered proprietor of the Copyright of said Books or publications respectively, as they may be entitled thereto.

III. And be it enacted, That it shall not be lawful for any person to import or bring, or cause to be imported or brought into this Province for use, sale or hire, any Reprint hereinbefore referred to, and thereby made liable to Duty, contrary to the true intent and meaning of this Act; and if any person shall knowingly sell, publish, or expose to sale, or let to hire, or have in his or her possession for sale or hire any such reprint, then any such Book or reprint shall be liable to seizure and to be seized by the Officers of the Provincial Revenue, or any of them, and shall be duly sold, one half of the proceeds thereof to be applied to the use of the Officers of the Revenue seizing the same, and

the other, half to the Author or registered proprietor of the Copyright as aforesaid and further, any person so offending, being duly convicted thereof on the oath of one or more credible witness or witnesses, before any two of Her Majesty's Justices of the Peace in the County where such seizure is made, shall also for any such offence forfeit the sum of five pounds, and double the value of any copy of such Book or Reprint, which lie shall so import or cause to be imported into this Province, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act, two pounds to the use of such Officers of the Revenue, and the remainder of the penalty to the use of the said proprietors of the Copyright; and the said double value of the copy of such Book or Reprint, and the said respective proportions of the proceeds of the sale of such copy of such Book or Reprint, and of such penalty, shall be paid over and remitted in the way; and manner as in the second section of this Act is provided.

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

V. And be it enacted, That at the time of the entry of any reprint of any Book or Review as aforesaid, it shall and may be lawful for the Officers passing such Reprint, to Stamp the same, and the Treasurer of the Province shall furnish to the several Officers who may require the same hereafter, the form of Stamps necessary for such service.

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

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 11th day of August, 1848, and published and declared in the Province the 4th day of October, 1848.]