

Laws of Her Majesty's Province of Newfoundland, passed in the year 1849.

12 Victoria – Chapter 5

**An Act to Regulate the Importation of Books into this Colony, and to Protect the British Author.
(Passed 23d April, 1849.)**

Whereas it is expedient to Regulate the Importation, into this Colony, of Books entitled to the Law of Copyright in Great Britain, and to protect the British Author:

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that from and after the time when this Act shall go into operation it shall be lawful to Import all Books, of whatsoever nature or kind, and from whatever Country the same shall be Imported, save and except the Books first Composed, Written, or Published, in Great Britain, and protected by the Laws of Copyright passed by the Imperial Parliament, now in force, and as hereafter provided; and that the same shall be admitted Free of Duty into this Colony.

II. And be it enacted, that upon the Importation of any Reprint of any Book or Review, Bound or in Covers, of whatsoever nature or kind the same may be, first Composed, Written, or Published, in the United Kingdom of Great Britain and Ireland, and protected, at the time of Importation, by the Acts of the Imperial Parliament to enforce the Law of Copyright, whether Imported from the United States or other Foreign Countries, there shall be paid an ad valorem Duty, upon the bona fide price of such Reprints, of Twenty per cent: Provided always, that such Duties shall not be paid on Newspapers, or other regular Periodicals, containing Extracts only from such Books or Reviews, as aforesaid: And after Collection of the proper Duties the same shall be paid over to the Author or Authors of the said Book or Books, Review or Reviews, or to the Proprietor or Proprietors of the said Copyright or Copyrights, in such manner and by such means as Her Majesty shall be pleased to direct: Provided also, that before the Reprint of any Book or Review be made liable to such ad valorem Duty, as aforesaid, the said Book or Review shall have been duly Registered, according to the provisions of the Imperial Act made in the Fifth and Sixth Years of Her Majesty's Reign, entitled "An Act to amend the Law of Copyright."

III. And be it enacted, that after this Act shall go into operation it shall not be lawful for any Person to Import, or Bring, or cause to be Imported or Brought, into this Colony, for Use, Sale, or Hire, any Reprint referred to in the said Second foregoing Clause, and therein and thereby made liable to Duty, contrary to the true intent or meaning of this Act, or knowingly to Sell, Publish, or Expose to Sale, or Let to Hire, or have in his Possession, for Use, Sale, or Hire, any such Reprint; and every such Reprint so Imported, or Bought, Sold, Published, or exposed for Sale, shall be Forfeited and Sold, One Half the proceeds thereof to be applied to the use of the Officers of the Customs seizing the same, and the other Half to the Author or Proprietor of the Copyright; and further, every Person so offending, being duly convicted thereof before any Two Justices of the Peace, in the District where the Seizure is made, shall, for every such offence, Forfeit the Sum of Five Pounds, and double the value of every Copy of such Book or Reprint which he shall so Import or cause to be Imported into this Colony, or shall knowingly Sell, Publish, or Expose to Sale, or Let to Hire, or shall have in his Possession for Sale or Hire, contrary to the true intent and meaning of this Act; Two Pounds of such Penalty, after deducting expense of

Prosecution, to be paid to the use of such Officers of Customs, and the remainder of the Penalty to the use of the Proprietor of the Copyright; and the said double value of such Book or Reprint, and the said respective proportions of the proceeds of the Sale of such Book or Reprint, and of such Penalty, shall be paid over and remitted in the way and manner as in the Second foregoing Clause of this Act provided.

IV. And be it enacted, that in the construction of this Act, the word Book or Reprint shall be construed to mean and include every Volume, Part or Division of a Volume, Pamphlet, Sheet of Letter Press, Sheet of Music, Map, Chart, or Plan, separately Published; and the word Copyright shall be construed to mean the sole and exclusive liberty of Printing or otherwise multiplying Copies of such Volume, Part or Division of a Volume, Pamphlet, Sheet of Letter Press, Sheet of Music, Chart, or Plan, separately published, as aforesaid.

V. And be it enacted, that at the time of the Entry of any Reprint of any Book or Review, as aforesaid, it shall be lawful for the Officers passing such Reprint, to Stamp the same; and the Collector of Revenue at St. John's, shall furnish to the several Officers who may require the same, the form of Stamps necessary for such service.

VI. And be it enacted, that this Act shall not go into operation until Her Majesty's assent, in Council, be obtained thereto, and be signified by Publication in the Royal Gazette of this Colony.