

## No. 14.—1874.

1st October.

AN ORDINANCE to authorize the Importation of  
Certain Foreign Reprints.

(L.S.) J. SCOTT BUSHE, *Administrator*.

10th October, 1874.

**W**HEREAS by an Act passed in the session of Parliament, holden in the fifth and sixth years of the Reign of her present Majesty (Chapter 45), intituled “An Act to Amend the Law of Copyright,” it is enacted that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the British Dominions, for sale or hire, any printed book first composed or written or printed and published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British Dominions :

And whereas by “The Customs Consolidation Act, 1853” (16 & 17 Vict. cap. 107), it is enacted that “any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British possessions abroad : Provided always that no such books shall be prohibited to be imported as aforesaid unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire ; but nothing herein contained shall be taken to prevent Her Majesty from exercising the powers vested in her by the 10 & 11 Vict. cap. 95, intituled ‘An Act to amend the law relating to the protection in the Colonies of works entitled to copyright in the United Kingdom to suspend in certain cases such prohibition.’”

And whereas by the said Act of the 10 & 11 Vict. it is enacted that in case the legislature or proper legislative authorities in any British possession shall be dis-

posed to make due provision for securing or protecting the rights of British authors in such possession, and shall make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her Royal approval of such Ordinance, and thereupon to issue an order in Council declaring that so long as the provisions of such Ordinance continue in force within such colony, any prohibitions contained in any Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such colony; and thereupon such Ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such order in Council:

And whereas it is expedient, subject to the restrictions contained in the said last-mentioned Act, and to the provisions hereinafter contained, to permit the importation into this Colony of books the importation of which is so prohibited as aforesaid:

Be it enacted by His Excellency the Governor, by and with the consent of the Legislative Council, as follows:—

1. This Ordinance may be cited for all purposes as Short title.  
“The Foreign Reprints Ordinance, 1874.”

2. This Ordinance shall not come into operation until Commence-  
Her Majesty's Royal approval thereof be proclaimed in ment of  
this Colony. Ordinance.

3. In this Ordinance,

“Book” shall be construed to include every volume, Interpreta-  
part or division of a volume, pamphlet, sheet of tion.  
letter press, sheet of music, map, chart or plan  
separately published.

The term "foreign reprint" means a copy of any such book wherein the copyright shall be subsisting first written or printed or published in the United Kingdom, and printed or reprinted out of the British Dominions, and which shall be named in any printed list of such books made by the Commissioners of Her Majesty's Customs.

Foreign reprints may be imported.

4. Subject to the provisions hereinafter contained, it shall be lawful to import into this Colony foreign reprints.

Price to be marked.

5. Every foreign reprint imported shall, before or upon importation, have the price thereof, and the words "foreign reprint" printed or stamped in a conspicuous manner on the title page.

Duty.

6. On the importation of any foreign reprint there shall be paid to the Receiver-General an *ad valorem* duty at the rate of twelve pounds and ten shillings for every one hundred pounds on the price of such foreign reprint, and thereupon the Receiver-General shall cause every foreign reprint on which such duty shall have been paid to be impressed and marked with a stamp denoting the payment of such duty.

Foreign reprints imported contrary to law may be seized.

7. Every foreign reprint which shall be imported into this Colony contrary to the provisions of this Ordinance shall be forfeited, and may be seized by any officer of Customs, and sold under the directions of the Receiver-General; and the proceeds of sale shall be paid one-half to the use of the officer of Customs who shall have seized such foreign reprint, and the other half into the Colonial Treasury, to be disposed of as hereinafter mentioned.

Penalty.

8. Every person not being the proprietor of the copyright, or a person authorized by him, who

1. Shall import or cause to be imported for sale or hire any foreign reprint contrary to the provisions of this Ordinance, or

2. Shall knowingly sell, publish or expose for sale or let to hire (or cause to be sold, published, exposed for sale, or let to hire), or have in his possession for sale or hire any foreign reprint contrary to the provisions of this Ordinance,

shall on conviction thereof before any stipendiary justice of the peace, forfeit the sum of ten pounds, and double the value of every foreign reprint which he shall so import or cause to be imported, sell, publish or expose for sale or let to hire, or cause to be sold, published or exposed for sale or let to hire, or have in his possession for sale or hire contrary to the provisions of this Ordinance; whereof five pounds shall be paid to the use of such officer of Customs, and the remainder of the penalty into the Colonial Treasury, to be disposed of as hereinafter mentioned.

9. The Receiver-General shall once in every period of six calendar months make a return to the Governor of the numbers and titles of the foreign reprints on which duty shall have been paid or which shall have been so seized and sold as aforesaid, and of the amount of duties, sale-moneys and penalties received in respect of such foreign reprints respectively. He shall hold such amounts subject to the directions contained in any order of Her Majesty in Council. Failing any such directions he shall once in every period of six calendar months remit such amounts under the direction of the Governor to the Commissioners of Her Majesty's Customs in London to be paid to the persons who by the book of registry of copyrights shall appear to be the proprietors of the copyright of such foreign reprints respectively. Compensation of proprietor of copyright.

Passed in Council this first day of October, in the year of our Lord one thousand eight hundred and seventy-four.

A. C. ROSS,  
*Clerk of the Council.*