

Educational (1903) Department.

ORDINARY PRINTED.

G.O., No. 452

DATED 19th September

INDEXED.



ORIGINAL

[Despatch Abstract.]

First-Book of Agriculture.

Permitting Mr C Benson to register his
proprietorship in the new edition of the ———.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1903} of Madras.
EDUCATIONAL.

Recd.

Regd.

} 1903.

Enclosures

Spare copies

ORIGINAL

G.O., No. 452, 19th September 1903.

N. P.

SEPTEMBER.

First Book of Agriculture.

Informing Mr. C. Benson that if he registers his proprietorship in the new edition of the — and thereby acquires a title to the copyright in the work, Government will take no steps in opposition.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

From the Hon'ble Mr. G. H. STUART, M.A., Director of Public Instruction, Madras, to the Secretary to Government, Educational department, dated 1st September 1903, R.O.C. No. 5095.

In G.O., No. 234, Educational, dated 20th March 1890, sanction was accorded to the publication of a "First Book on Agriculture" by Messrs. Benson and Subba Rau, and to the payment of remuneration to them for writing the book, the copyright vesting in Government. The book is now out of stock and as it needs revision, Mr. Benson has prepared a revised edition of it, which he intends to have published by Messrs. Macmillan & Co. Before doing this, however, he requests that Government will waive all claim to copyright in respect of the new book. I have seen a type-written copy of the new book, and find that it is an improvement on the old as regards the arrangement of the subject-matter, but that, though some additions have been made, the language and scope of the book remain much the same. As Government will have to pay some remuneration for the revision of the book, if copyright is retained, I recommend that Mr. Benson's request be complied with and the copyright in the new book surrendered to him, as was done in the case of Colonel Love's "Manual of Hydraulics" in G.O., No. 530, Educational, dated 25th October 1900. It does not appear that the copyright is of any use to Government.

ORDER—No. 452, Educational, dated 19th September 1903.

Mr. Benson should be informed that if he registers his proprietorship in the new edition under section 3 of the Indian Copyright Act, 1847, and thereby acquires a *prima facie* title, Government will take no steps in opposition.

(True Extract.)

A. G. CARDEW,
Ag. Secretary to Government.

To the Director of Public Instruction.

Exd. V. A. Rajavelu.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 452, EDUCATIONAL, DATED 19TH SEPTEMBER 1903.

[SUBJECT.—Copyright in the "First Book of Agriculture."]

From the Director of Public Instruction, dated 1st September 1903, No. 5095.

In G.O., No. 471, Educational, dated 26th July 1886, Mr. Robertson, formerly Principal of the College of Agriculture, was authorized to prepare a "First Book of Agriculture" for use in the fourth and fifth standards.

2. The book brought out by Mr. Robertson was considered by Mr. Grigg to be quite unsuited for the purpose for which it was intended, and with the sanction of Government it was entrusted to Messrs. Benson and Subba Rau for revision and simplification—*vide* G.O., No. 467, Educational, dated 26th August 1887.

3. The book was so entirely recast and rewritten by Messrs. Benson and Subba Rau that their book was considered to be a new work and was published with only their names on the title page and an honorarium of Rs. 500 was paid to Mr. Benson for his share in rewriting the book—*vide* G.O., Nos. 234-35, Educational, dated 20th March 1890; and G.O., No. 603, Educational, dated 26th August 1890.

4. The book is now reported to be out of stock and as requiring revision. Mr. Benson has prepared a revised edition of it and intends to have it published by Messrs. Macmillan & Co., provided Government will waive all claim to copyright in respect of the new book. The Director has seen the new book—the matter has been rearranged and some additions have been made, but the language and scope remain much the same as in the old one—and recommends that Mr. Benson's request be complied with. As Government has now (G.O., No. 169, Educational, dated 27th March 1889) given up publishing school books on its own account, Mr. Benson's request may, it is submitted, be granted. No reference to the Government of India seems to be necessary.

It is certainly unnecessary.

A. T. PRINGLE.

T. KANAKASUNDARAM PILLAI—12-9-03.

P. T. THARYAN—14-9-03.

* The question came up not infrequently in the Home department, and the contention that the proprietorship of copyright was in the Government was, if not expressly admitted, at any rate held probable, by successive Legislative Members.

A.T.P.

The Government subsidised the book of 1889, and it has * been held that under such circumstances, and where the authors or editors are paid servants of the State, copyright vests in Government.

2. There is no transfer of copyright in these cases: all that the Government (as probably the proprietors of copyright) have to do is to give an intimation to the intending author, here Mr. Benson, that if he registers his proprietorship in the new edition under section 3 of the Indian Copyright Act, 1847, and thereby acquires a *prima facie* title, they will take no steps in opposition, as they might do on the ground that this edition is practically the same book as that of 1889.

3. Please draft, sanctioning Mr. Benson's request as at A.

A. T. PRINGLE—16-9-03.

The draft placed below may issue.

P. T. THARYAN—16-9-03.

A. T. PRINGLE—17-9-03.

A. G. CARDEW—18-9-03.

J. T. [HOMSON]—19-9-03.

[G.O., No. 452, Educational, dated 19th September 1903.]

Educational (190³.) Department.

CURRENT No. 1374

From

[Name] The Hon'ble Mr. G. H. Stuart, M.A.,

[Designation] Director of Public Instruction,

[Station] Madras.



R.O.C.M. 5095 of 03.

Received 3-9-1903.

Dated 1st September 1903

Enclosures Registered 3-9-1903.

SUBJECT.

Recommending that the claim to copyright which Government possess in the First Book of Agriculture prepared by Mr. Benson may be waived in the circumstances stated.

BACK PAPERS.

530 Rd 25-10-00
435-36- 8-9-00
371- Rd 19-11-1887

234 Rd 20-3-90
467 Rd 26-8-87
471- Rd 26-7-88
106 R 20-6-90

FURTHER PAPERS.

the rest of the Rd of L
to letter 235 of 20-3-90

Handwritten notes:
R.O.
Put up the rest of L to letter no 235 Rd of 20-3-90. Why have it not been put up. 7/4 11/9/03
R.O.
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Despatched in print.

READ AGAIN G.O., No.
190 .

, DATED

CURRENT No.

ENCLOSURES to C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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- B = Not to be printed.
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