

imported article. How this provision is to be carried into effect, I am at a loss to know.

Hon. Mr. LOUGHEED—My hon. friend surely cannot be serious in giving to the Chamber such an extraordinary reason for this legislation, that because representations have been made to the Department of Justice, we must criminalize every act. Take subsection 3, which provides for the arrest of an offender against the written authority of the copyright owner, for having music in his possession.

If our copyright legislation is not sufficient to protect authors or those who publish musical productions of this kind, then we had better let them seek means other than invoking the criminal law for the purpose of prosecuting the public. It seems to me this is indefensible. No reason has been alleged for it in the world.

Hon. Mr. SCOTT—The crime is going on constantly.

Hon. Mr. LOUGHEED—I protest against making criminal law where some good reason is not shown for so doing. It is not only penalizing the subject, but it is criminalizing.

Hon. Mr. BEIQUE—For my part, I feel like dealing pretty freely with a law of this kind, which is brought up to this House at such a late stage of the session.

Hon. Mr. DANDURAND—It is for hon members to decide for themselves. If they think this is an action that should fall under the penal law, if they think that it is of such a class of offence against moral law that it should be embodied in our Criminal Code, it is for the Senate to say

Hon. Mr. ROSS (Middlesex)—Let the hon. minister read section 508 as it stands. It seems far fetched to apply it to musical prints without applying it to other prints, for they are often pirated. The offence may be more serious in regard to musical compositions.

Hon. Mr. DANDURAND—It was placed arbitrarily after 508. That is a clause well known to this Chamber. It affects trading stamps.

Hon. Mr. LOUGHEED—This is an age when printing processes are everywhere, and when agents are everywhere selling all kinds of musical literature as well as other literature, and it seems to me that it would be utterly impossible for the public to protect themselves in cases of this kind. I move that we strike out the whole section, and it will be for the government to point out to us next session wherein we should embody it in our Criminal Code.

Hon. Mr. DANDURAND—This offence is supposed to be a theft—a party stealing a composition of another person and surreptitiously turning it to his own advantage. It is for the Chamber to say that this is a sufficiently grave offence to be embodied in our Criminal Code.

Hon. Mr. BEIQUE—The section goes to this extent: not merely if he is guilty of pirating it himself, but if it is found in his possession, the onus of proving that he did not pirate it, is on him.

The motion was agreed to and the clause was struck out.

On clause (508b).

"508b. Every person who, after the registration of any dramatic work, publicly performs exhibits or represents, or who in any manner cause or aids or abets the public performance or representation in whole or in part of such dramatic work without the consent of the proprietor (unless he proves that he acted innocently), is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars and not exceeding five hundred dollars, or thirty days' imprisonment, or both, in the discretion of the court, and on the second or subsequent conviction imprisonment with or without hard labour for six months

Hon. Mr. LOUGHEED—This is very much of the same character as 508a.

Hon. Mr. POWER—This is a totally different thing. This is the case of a person who himself does the mischief, and I think that is not very objectionable.

Hon. Mr. LOUGHEED—The Act respecting copyright makes provision for this kind of thing. It inflicts a penalty, without our making it a criminal offence.

Hon. Mr. SPEAKER—And an injunction can be obtained.