# CANADIAN COPYRIGHT.

## The Discussion Before the Imperial Chambers of Commerce.

ONE of the most interesting subjects tothe bookselling and stationery trade discussed before the Imperial Chambers of Commerce recently in session in Montreal was that appertaining to copyright. It is to be regretted, however, that it was introduced late in the session and that adjournment was made without definite conclusions being arrived at in regard to the matter. A synopsis of the addresses on the subject will no doubt interest the readers of BOOKSELLER AND STATIONER.

Mr. D. E. Thomson, K.C., of the Toronto Board of Trade, introduced the subject by moving the following resolution:

> It is resolved that the Parliament of Canada has, or should have the same right to make its own laws on the subject of copyright as on the other subjects within its jurisdiction enumerated in section 91 of the British North America Act, and that without the absolute and unqualified recognition of this right by the Imperial authorities the status of Canada, as a self-governing colony is incomplete.

The mover of the resolution explained that before Confederation, in 1842, the Copyright Act, which is still in a large measure the law of England, was passed by the Imperial Parliament. It was made applicable to England and the colonies. Even at that time the most strenuous protests were made on behalf of the colonies, and particularly of the British American colonies, against making the law applicable, partly because they perceived its provisions to be unsuitable to their conditions, and partly because they thought they ought to have the right to legislate on that subject even at that early day, and that agitation became so forcible that, in 1846, Mr. Gladstone, then the Prime Minister, gave the Englishmen a warning that they would have to modify any exclusive view which might prevail in regard to this important subject. Shortly afterwards Earl Grey, then the Secretary of the Colonies, gave the assurance to the Board of Trade that he was addressing that after repeated remonstrances had been received from the North American colonies on the subject of circulation there of literary works of the United Kingdom, he proposed to leave to the colonial legislature the responsibility and the work of enacting the laws which they might deem proper in the interest of the authors and in the interests of the public.

Not only did the Secretary of the Colonies make that public statement at the time in England, but a formal despatch was sent by him to the Governor of each of the colonies embodying the same promise Now, that is an extraordinary thing: that promise was solemnly made in 1846 and remains unfulfilled to the present date. Instead of that, as Lord Knutsford, in a communication in 1891 or 1892 to the heads of the department points out, the Imperial Parliament passed what is known as the Foreign Imprints Act of 1847, which, without going one step further than the law had gone before in the direction of recognizing the right of the colonies to make their own laws, altered the Imperial law and provided that on certain provisions being made by the colony to the satisfaction of the Imperial authorities for the collection of a fair royalty to the author, then these foreign reprints might be admitted into the country. That was the means of supplying Canada at that time with American reprints.

"The position of the matter is this," concluded Mr. Thomson, "we are still denied our rights to legislate on this subject I think we have no right to submit to this, and we ought not to be expected to submit to it."

MR. W. P. GUNDY

Mr. W. P. Gundy, of the Toronto Board of Trade, followed. He pointed out that copyright is a monopoly. The Copyright Act of 1842, to which Mr. Thomson referred and which governs us to-day, was framed in the interests of the English authors and publishers, and was made to apply to the colonies as well as to the United Kingdom, to quote Sir John Thompson: "Assuming, as was the custom of those days, that the inhabitants of these colonies had no rights of self-government which were inconsistent with the interests of British producers."

It is now the only monopoly which does so extend to Canada. This action of the British Government was promptly resented by Canada at that time and the agitation for redress continues until this day.

The Canadian public assumed that in the British North America Act of 1867 a tardy fulfilment of Earl Grey's pledge, referred to by Mr. Thomson, had been made, because copyright was named as among those subjects with which the Government of the Dominion should alone have power to deal. In this they have hitherto found themselves mistaken.

It has all along been contended by such Canadian authorities as the late Sir John Thompson (who had made a very special study of the subject), the late Sir James Edgar and Mr. Justice Mills, that Canada had exclusive jurisdiction in this matter, and had Sir John Thompson lived to carry out the negotiations with which he had been entrusted it is possible the matter would have been settled before this.

There has never been any question kept so far above and apart from politics in Canada as this one, and during sixty years our leaders in Parliament, of both political parties, have from time to time urged this view upon the Home authorities, but up to the present moment without tangible success. For many years Canada was told that nothing could be done, fearing that an arrangement might prevent or retard negotiations with the United States, and when these negotiations were brought to an end by the passing of the Chase Bill in the United States in 1891, it was found that Canada all along had been asking much less than was freely conceded to the people to the south of us.

The Imperial Parliament agreed to an arrangement with the United States whereby the British or Canadian author or publisher, in order to get copyright protection in the United States, is obliged to print his book from type set in the United States. Having done so he may secure copyright throughout the British Empire by sending a few copies of the book printed in the United States to London and registering them at Stationers Hall. And yet England withheld from Canada the concession of allowing a Canadian publisher to reprint at all, even from plates imported from Great Britain, and on payment of a tax levied in favor of the copyright holder on every copy of the publication.

In a word, if the English or Canadian author or publisher desires to secure copyright in the United States the book must be set up with American type, printed on American paper and on American presses and be bound in the United States.

On the other hand, supposing the United States author or publisher wants to secure copyright protection throughout the British Empire, what happens? Does he print his book in England or Canada? No, nothing of the kind. He simply sends a few copies of the book, printed in the United States, to Stationers' Hall, London, and registers it there and the deed is done, and he thus secures copyright protection throughout the Empire. He has all the power and might of the British Government to protect his interests

"A previous speaker has said," continued Mr. Gundy, "'let us give and take.' Why, Mr. Chairman, it amounts to this—they give us the shadow and take the substance. (Hear, hear). As Sir John Thompson very tersely put the case: