

# The Canada Bookseller

MISCELLANY AND ADVERTISER.

No. 5—Vol. 1.]

MAY, 1872.

[NEW SERIES

## COPYRIGHT IN THE COLONIES.

THE English *Publishers' Circular* of April 1st, in commenting upon the recent formation in London of a Protective Copyright Association, has a senseless fling at Colonial booksellers, and repeats the injustice of the old aspersions of "literary pirates," "freebooters," etc., etc., in regard to them. It further relieves itself of some silly reference to "the crooked paths of colonial publishers," and of their "filching lawful property," etc., in utter ignorance of the truth, or in the malicious desire to defame the honour of the Canadian trade especially, by misrepresentation and false statement.

We make a short quotation from the *Circular*:

"Publishers may register their books as a protection for them in the colonies, but it is like Hogarth's Gardener watering a dead plant. The publishers of 'Lothair' did this as a last experiment, and, as might have been expected, the ink was wasted, the result was nil. Even so important a work as Her Majesty's 'Our Life in the Highlands' has never been registered at the Customs for protection. It was known to be a useless ceremony and a mere farce, and at least 40,000 copies of the 'pirated' American edition were sold in Canada. Canada is a loyal country, and has proved it by robbing the Queen of at least 40,000 shillings, or £2,000, and, as it is known that Her Majesty gives all the profits of the work to the sick and poor, to hospitals and charities, we may say that the poor of England and Scotland have been mulcted in that amount."

Now, surely the writer of this must have been the individual who prepared the claims for "indirect losses" for the American Government; or he must be in training to prepare a bill of "constructive and consequential claims" for the English book trade against the literary Albatross cruisers of the Colonies.

But let us look at the "depredations committed." The Messrs. Longman publish a novel for Mr. Disraeli at a price at which it takes one of the author's duchesses—not a poor colonist—to buy. The work is reprinted by a New York firm, who pay the author's publishers a royalty for "advance sheets," with no republican parsimony. The sum paid gives the right of republication for this continent, and the work almost simultaneously is in the hands of readers in New York, New Orleans, and San Francisco, as it may be in the hands of the fiction-devourers of Aberdeen and London. With this difference, however—by the more sensible and remunerative plan—the reader on this side owns his copy, the reader on the other borrows his. Well, a "poor but industrious" people occupying the northern portion of the continent—up among the eternal snows and "high latitudes" of the western hemisphere, as the *Tines* would

say—having heard of Mr. Disraeli and his novel, and not having been thought of by the author's publishers as being likely to treat with them for a native copyright edition, and their blood not running blue enough in their veins to regale themselves with a copy of the English edition at the aristocratic price of 36s., send to New York to ask to share in the purchase Messrs. Appleton had made for the readers on this side the Atlantic. Their good cousins accede to their request and give them a share in their repast, though inwardly sneering at their loyal pride, which subjects them to the neglect of their conservative and querulous mother, who neither allows them a chance, with themselves, in treating directly for their own market, in republishing honourably on their own account, or when privileged to sue for their intellectual pabulum from their wealthier and independent cousins (who have already paid for the right to republish), levies another tax upon them, in the shape of a copyright embargo upon their importations.

The purchases are made, however; the experiment levy which the *Publishers' Circular* refers to as having resulted in nothing,—which cannot be the fact as duty was levied and paid by many of the Trade here upon the work,—is satisfied, and "Lothair" makes the acquaintance of Canada and the Canadians.

In a similar manner, Her Majesty's loyal Canadian subjects inform themselves of their Queen's "Life in the Highlands," and her conservative London publishers limit themselves to treating with the Messrs. Harper, of New York, for the introduction of the book into America. The Messrs. H. pay handsomely for the privilege of production on this side, and Canadians are again allowed to share with their cousins, with this difference, that Messrs. Smith, Elder & Co. are not astute enough to inform themselves of the further yield that might be got from Canada.

But the indifference or neglect of this House, which enabled Canadian booksellers to import the work legally into this country free of copyright duty, does not surely make them freebooters; neither should the importation across the narrowly defined border lines of the country, legally permitted by the authorities of the Crown, in view of the geographical proximity of the Colony to the Republic, make them "pirates and robbers."

But while on our defence, let us not lay claim to more loyalty than we possess. The *Circular* states that 40,000 of the "pirated" American edition were sold in Canada.

The writer would be nearer the mark if he had said 4,000; and lest we should have this "constructive claim"