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THE LITERARY COPYRIGHT QUESTION.

Mr. Robertson Blaine, in the February No. of *Fraser's Magazine*, has written a very intelligent and very sensible article on the Literary Copyright Law, but, from the British point of view, and in the interest of English authors and publishers.

Very proper and very commendable is his desire to "hedge round" and protect by legislative enactments, the exclusive rights and absolute property in copyrights; and equally so is his endeavour to arouse publishers and copyright holders in Britain to a due sense of their interest in the same.

Very reasonably, too, does he declaim, in the absence of an international treaty, on the injustice to authors—English and American—in consequence of which the works of either author are pirated, and reprints are made yielding no return to them; and, we must say, very fairly and temperately, from his point of view, does he regard the position of Canada in this question, and, denouncing her delinquencies and those of the other British Colonies in default, urge the withdrawal of the Act of 1847, which permitted these Colonies to import foreign reprints of British copyrights. So far; and from a "Pater-noster Row" view, we frankly and warmly commend all that Mr. Blaine, in the article, has written:—and, in the abstract, though we do not admit that there is, or should be, a view of this question antagonistic to the interest of the copyright holder, yet we must urge that, as far as Canada is concerned, and while no reciprocal treaty exists between Britain and the States, there is and must be another side to the question, which merits more reasonable consideration in England, and which should relieve Canada from the obnoxious charge of "playing into" the hands of the American reprinters.

With the purpose, then, of clearing Canada from the charge of preventing the mother country from securing an international copyright treaty with the United States—advanced by Mr. Blaine—and in the endeavour to dispel some mis-apprehension that obtains in England with regard to the

position and action of Canada in respect of this subject—we submit a few remarks on the case, from *our* point of view. First, then, with regard to the action of the British Government, in 1847, permitting the Colonies to trade in foreign reprints of English copyrights—we hold that this was a natural concession to a class of people, in the main and at the time poor, and thinly scattered, and though owning nearness and allegiance to the British crown, yet being so distant from the source of the literary supplies of the mother country, and having the increased cost of transit, shipping expenses, risks, &c., to bear, were unable to buy the products of English authors at their high prices. But further, with regard to Canada, this concession is all the more reasonable and expedient, when, in addition to the above, the question of the close geographical proximity of the country to the United States—the great producers of these reprints—is borne in mind, and the difficulty the Government had in keeping these reprints out of the country, where the border line was so extended, and, in the main, so little defined. In view of this latter fact, mainly, and on our Government agreeing to levy a duty on the reprints that should enter the country, in the interest of the author, Canada very properly was enabled lawfully to import these reprints.

As to our "short-comings" in laxly levying this impost duty, we are not so chargeable in this respect as are the English publishers themselves in not taking the necessary steps to secure this levy by advising our authorities of their copyright property:—and, referring to this, we turn to the proposition of our Government, (which Mr. Blaine characterizes as "audacious") "that the British Government, while permitting foreign reprints to enter the Dominion, should stretch the concession a little further and allow us to reprint British copyrights *in the country*, on our exacting an excise duty of 12½ per cent for the benefit of the authors"—we would say that, while the United States refuse to assent to an international copyright treaty with England, and while Canada is permitted to trade in the reprints produced by American houses, the permission sought by our Government to reprint ourselves would, clearly,