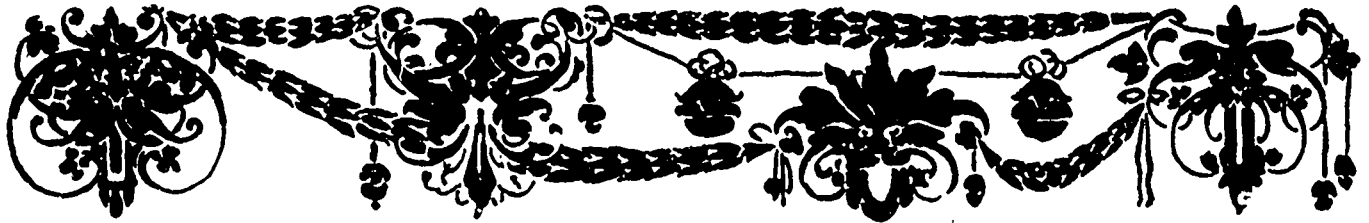


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CURRENT NOTES AND COMMENTS OF TRADE INTEREST.

A highly interesting point in connection with copyright has arisen in the Toronto courts over the case of Henry Graves & Co., London, England, against George Gorrie, of Toronto, and a number of booksellers and stationers who have been selling

a reproduction of the picture called "What we Have We'll Hold." Messrs. Graves

claim to have a copyright of this picture and are asking that the sale of the Canadian reproduction be stopped, and are claiming damages for infringement of copyright. The defence of the dealers who are attacked is that the English Copyright Act applies in Canada to books and literary matter, but not to pictures or works of art. The case is to be decided by Mr. Justice Rose. The claim of the defendants, if allowed, would dispose of a very important principle in the copyright law. But it remains to be seen whether the English Copyright Act, which, it is contended, only applies the clause affecting pictures to Great Britain and Ireland (while in books it applies to

the whole Empire), is not supplemented in Canada by the Berne Convention. It is quite possible that the case may be carried to a higher court, and thus involve all parties concerned in costly litigation. The matter just shows how awkward it would be if all English publishers were to insist upon their copyright in Canada regarding both books and pictures.

Another phase of copyright, which our readers will note with interest, is the contention which has appeared in several daily papers affecting the new Canadian copyright law. In our last issue we gave a copy of the Act, and a very full discussion of how its provisions affected the New Canadian trade. The Act in Force?

writers in the daily papers referred to assert that the law is not in force until the Imperial authorities pass an Act embodying its provisions in their law. We do not claim to be legal experts, and therefore do not profess to give a legal opinion on this point. All we would say is that the Canadian Copyright Act of last session was passed unanimously by Parliament, was assented to by the Governor-General, and appears in the list of statutes which are now in force. It therefore seems to us that anybody, either in the publishing or bookselling business, who wants to steer clear of litigation would be well advised in avoiding any conflict with the new Act.

It is quite true that under our constitution the British authorities can disallow any Act of our Parliament within two years of its being passed. But this is a course which they rarely, if ever, follow, because it would involve them in continual conflict with the Canadian Government. Sometimes our Parliament passes a law which contains a clause that it shall not go into force until it is proclaimed by the Governor-General-in-Council. This was the case with the

Copyright Act of 1899. As the Imperial authorities never agreed to that Act it consequently never went into force.

But with the new Act we do not see any provision of that sort. Therefore it must be in force now, and the Customs authorities will doubtless proceed to interfere with the importation of books which have no right to come in. This, we admit, is not a legal opinion, but it is the kind of conclusion which any business man would be apt to reach, and for that reason we commend it to our readers.

There is at present some dissatisfaction felt by the retail book trade in the Province of Ontario regarding the recent changes in school books. Some dealers complain that they get no notice of the changes, and that when the new books appear their copies of the old editions, being discarded, are bad stock. It is also a subject of complaint that publishers of these books

are sometimes caught with large quantities of the older edition and these are consequently unsalable. Now, the policy of the Department of Education in this matter of changing text books is so largely a political question, which can only be settled in the political arena, that we do not see much use in touching upon it. The result of some inquiries made by us seems to warrant an opinion that in this matter the interests of both the wholesale and retail trade are practically identical. If the publishers could know that a new text book was coming out, they would never be caught with a large stock of the old one on hand. So, too, with the retail dealer. While his stocks may not be as large as those of the wholesaler, it is in proportion to the business he does just as serious a loss as it is for the wholesaler. Of course, he might avoid any serious loss by ordering in very small quantities. This,