

## INTERNATIONAL COPYRIGHT.

HERE is one of those obvious subjects with but one side and admitting of only one contention. A question so crying could not but have had many exponents, one so transparent must have many times over gathered unto itself all the possible argument. Therefore, I shall be very brief where I have to state what has been said so often and so well before. The laws of nations upon Copyright, so far, bears the impress of a parentage that was blind to the fact that neither oceans nor political lines can intellectually divorce a group of nations speaking the same language, and wedded to a common literature. The literature and thought of a group of countries, having but one language for all, in making their great cycles, will not be thwarted by political barriers. The literature of such a language is a confederation unto itself; it ignores the division of monarchies and democracies, and distance its greatest enemy to unity has been conquered by steam. We have no longer a British and an American literature, but a great republic of English letters, belonging not less distinctively as a possession and as a characteristic of thought and culture to the New World than to Great Britain, the homestead of our Cis-Atlantic people and speech. The works of Matthew Arnold, of Ruskin, of William Black, find in America as large a proportion of readers as in England, while the books of our American writers do not fare less well with the British public. Where distance is not reduced to the least point by the frequency of rapid steamers which carry from one side of the Atlantic to the other the new works before they are cold, it is annihilated by simultaneous publication, the reader in New York or London, getting into his hands the book or important periodical that appears the same morning on the other side of the Atlantic. But while Science, improved printing facilities, and an imperative desire for community of share in the common stock have declared that all English wherever written belongs to one republic of letters, the Statute Books of the nations maintain bars to brotherhood, at once unwise, unnatural, but fortunately not all-potent for the narrow and mischievous results at which they point. From these self-obvious facts it is apparent that wisdom lies only in giving to all countries, whatever be their nationality, that have a common literature one common law. But, if a treaty of Copyright between the United States and Great Britain and the Colonies is desirable for the sake of literature, it is of equal moment to authors and publishers of repute, while it could not be contrary to the interests of the reading masses. It is hardly necessary to argue here that the old laws regarding Copyright merely embalmed the barbaric myth that as everything belonged to the king—the gold and precious stones digged up from the earth, the continents discovered by loyal subjects, and the persons of all liegemen in the realm—that, therefore, the sovereign who really owned the author might appropriate his brain-products for the benefit of the commonwealth. At this day, however, the author is regarded to have as much right in his book as the inventor has to any mechanical contrivance evolved from his own brain; but the law protecting patents is rigid and inexorably enforced.

It is the trade of some to write books, and their livelihood is derived from a sale of their works: the publisher who, because unforbidden by his nation's law, takes these books without making some recompense to their author is neither an honourable nor an honest man. It is about as just and as high-minded as if, instead of stealing books, he waited upon the quay till a ship laden with merchandise from an alien port cast anchor, and that then, fearing no molestation from his country's laws, he boarded that vessel, seized the cargo—which belonged to some one in the foreign country—and sold it over the land for his own profit. There is, unfortunately, a strange lack of united action among authors in seeking for international copyright. It seems certain that if they moved resolutely as a body they would have the assistance of all publishers of good name and standing, and must succeed. And at this late hour, when even some honourable houses have begun to soil their reputations, they would have a potent assistance from the publishers. But there is a diseased trade-morality abroad through the United States which, perched on the top of every pirate's press, will tell you that this is an age of twenty-cent books; that the masses now read, and that they do not read dollar books; that international copyright would abolish cheap reading; that, therefore, the rule which now obtains is the greatest good of the greatest number; and that the interest of a dozen authors is small when put in the scale against the whole people of America. If it were true that international copyright would abolish cheap reading for the masses, it could not make the practice of stealing more honourable or capable of defence; though as a matter of fact it would not lead to the supersession of cheap books, but would bring the trade into the hands of respectable publishers, and compel those who now grow rich upon theft to become

honest, and to compete in an upright business way with their *confrères*. The voter who buys a twenty-cent book is reluctant, for the sake of a morality and an honesty that he does not bring home to himself, to surrender his privilege of cheap reading; but he would find that piracy, not he, would be called on for a sacrifice; that a certain portion of readers, those especially who have libraries, great or small, would, and do now, buy dollar books; that as soon as the publisher, protected by copyright law, saw a market for the dollar book in twenty-cent form, he would respond to the demand; that cheap books and expensive books each appeal to their own special field, and that no one would suffer save the publishing houses of soiled reputations, while upright publishers would thrive, and book-printing become once again a pure calling; while authors, who have to live by the product of their brain, as the artisan who earns his bread by the cunning of his hand, would have his due, though nothing more.

Home to Canadian doors more keenly than anywhere else comes one of the brood of grievances begotten of existing copyright law. Canadians, having the honour of being a Colony of Great Britain, cannot make laws upon copyright, but must accept legislation at the hands of law-makers in England. A clause in the Imperial Act provides that, "the author of a book first published in Her Majesty's Dominions, shall, whether he is or is not a British subject or domiciled or resident in Her Majesty's Dominions, be entitled to copyright in the book throughout Her Majesty's Dominions." Then we come to what are meant to be the Colonial clauses of the British Act, whereby it is provided that a Canadian author who takes out a copyright under the Canadian law thereby secures copyright through the British Dominions. Such generosity must have exhausted the Lords who consented to the law, as it must have put into ecstasy all those who feel themselves honoured by their connection with the empire. But just what our standing is as colonists, the imperial Legislature, a little further on in the act, do not suffer us to forget. They are aware that we have a few typesetters in Canada, and some publishers that know something about printing and binding books, but our modes of setting types, and making books is only colonial, and unworthy of British readers. Hear this proviso: "Where a book is first published in a British possession, and not published in the United Kingdom, in number and *manner suitable for general circulation therein*, after one month from first publication any person may apply to Her Majesty in Council for a judicial license to publish the same which may be granted upon such conditions as seem just; and if any book is not so published within six months after first publication, any person may apply to Her Majesty in Council to be allowed to import foreign reprints of the book:" which means that if a Canadian author bring out a book in Canada, and if the printing and binding of the volume do not meet the taste of the foreign law-makers, it may be reprinted to suit English readers, whether the Canadian author and publisher are willing or unwilling; but if an English author bring out a book in London which in "manner" of make proved unsuitable to Canadian readers, and a Canadian publisher to suit his customers made a new edition of the book, he would be fined. This surely is one strong mark of our equality in the empire, and ought to go far to hush the mouths of those who talk about nationality.

But this is not the chief benefit which colonialism and the barbarous state of copyright law confers on Canada. An English author bringing out a book in London obtains copyright throughout the British Dominions; and the Canadian publisher who reprints his book without authority is, very properly, visited with the penalty of the law. But the American pirate seizes the English book, reprints it, and sends it into Canada by paying fifteen per cent. and the author's royalty, into the custom house. This is an actual surrender of the Canadian market to the American publisher at an agreed price, while our own publishing houses must stand with folded arms. Under the same clause, an Englishman acting for an American author can secure copyright in Canada, while the Canadian author and publisher are given no protection in the United States. Canadian publishers ask that copyright be withheld in Canada from the American author, but they are likely to be met with the very convincing answer that this would be, if the exceptional circumstances noted were without weight, to fly in the face of the best feature of the British copyright law, namely, that which refuses copyright to no author that gives to any part of the British possessions priority of publication. But the exceptional circumstances of the case are momentous: Canada is confronted by an army of pirate publishers, and her Government opens the door and lets them in by paying a royalty toll of twelve and a-half per cent., while the entry-ways are kept shut against her own book-makers. The only way out of the difficulty seems to be—pending the adoption of a copyright treaty between America and Great Britain—a surrender to Canada of the right to make her own laws upon copyright as upon finance and trade; and the Canadian Legislature will be criminally derelict of its duty if it does not take steps towards attaining that end.