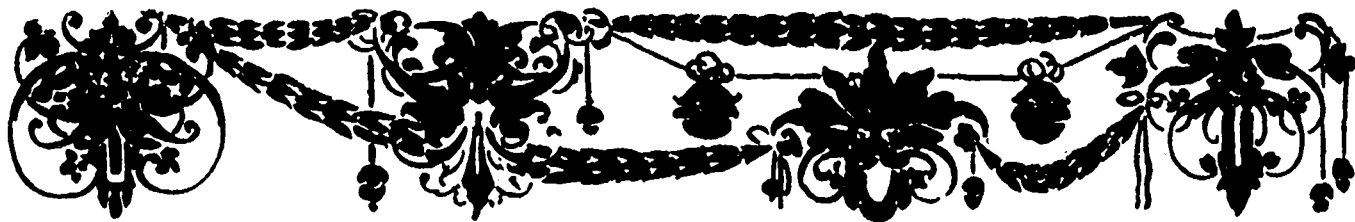


# The Bookseller and Stationer



Vol. XVII.

MONTREAL AND TORONTO, CANADA, JULY, 1901.

No. 7.

## TOPICS OF TRADE INTEREST.

FOR a long time, it has been understood in the trade that if the owner of a British copyright desired to prevent the importation into Canada of foreign reprints, he must copyright the book in Canada. This was the decision in the celebrated case of *Smiles v. Belford*, in 1877. This, however, is not the present position of the law, and the history of the change is interesting.

The Imperial Copyright Act of 1812 prohibits the importation of foreign reprints into a British possession, but in 1817, The Colonial Copyright Act was passed, which authorized Her Majesty, in case the Legislature in any Possession should be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and should pass an Act for that purpose, to express Her Royal approval of the Act, and thereupon to issue an Order-in-Council, declaring that so long as the provisions of the Act continued in force within the colony, the prohibitions against the importation of foreign reprints should be suspended so far as regards such colony.

In 1868, the Parliament of Canada placed itself under the provisions of this Act, which Her Majesty by order of the Privy Council approved, and the prohibitory clauses of the Act of 1812 were suspended so long as the provisions of the Canadian Act continued in force within Canada. The protection which the Canadian Act afforded was the imposition of a duty of 12 1-2 per cent. ad valorem for the benefit of copyright holders over and above the revenue duties payable. On the revision of the Statutes of Canada in 1886, the Act of 1868 was treated by the revisers as having been superseded by the National Policy Tariff Act, and was recommended for repeal, and accordingly, in the repealing

schedule, the Act of 1868 was repealed. It is curious to learn that, notwithstanding the repeal of the Act of 1868, the Government of Canada still continued the collection of the 12 1-2 ad valorem duty imposed by the Customs Act, and without any authority whatever, went on remitting the collections to England for the benefit of copyright holders.

The Tariff Customs Act of 1891 provided that the collection of the 12 1-2 per cent. was to cease on the 22nd of July, 1895. The effect of the repeal at the revision of 1886 of the Act of 1868 and the abandonment in 1895 of the collection of the 12 1-2 per cent. ad valorem for the benefit of the owners of British copyrights, revived the provisions of the Imperial Act of 1812, prohibiting the importation of foreign reprints, for the Imperial Act of 1817 and the order of the Queen in Council under which the prohibitions contained in the Act of 1812 were suspended, only provided for such suspension so long as the provisions of the Act of 1868 under which the 12 1-2 per cent. was collected, continued in force within Canada.

It has recently been held by Mr. Justice Robertson, in the case of *Morang v. The Publishers' Syndicate*, that the effect of this legislation has been that the owner of a British copyright is entitled without copyright in Canada to prohibit the importation of foreign reprints into Canada. Acting upon this decision, Messrs. A. & C. Black, of Edinburgh, have recently obtained an injunction restraining the importation into Canada of foreign reprints of the *Encyclopaedia Britannica*.

The trade in Summer books showed a steady increase with the influx of tourists

\*This was the result of the differences regarding copyright legislation between the English and Canadian Governments.

who come in greater numbers to Canada every year. As noted elsewhere, some dealers attract the attention of passing visitors by signs in the windows stating that the Canadian editions of new copyright fiction are cheaper than they are in other countries. Local organizations in various parts of Canada are working every season to attract more visitors from abroad. No branch of trade will benefit more from this movement than books and stationery. Meantime, Summer sales of books steadily expand. The Canadian editions have driven out the colonial editions to a considerable extent. The reason is that many of the colonial editions are published more in accord with English conceptions of what colonial tastes should be than what they actually are. In the next place, books by authors not well known are hard to sell. Nearly all the novels by famous writers appear in Canadian editions. In consequence some dealers report that they cannot sell the colonials except at greatly reduced prices, even as low as 25c. for a 75c. paper edition. The English publishers, in some cases, finding that their colonials do not sell as of yore offer them at reduced prices. But as far as fiction is concerned in this market, it is doubtful if revival of colonials can be effected for the reasons already stated.

### FEATURES OF THE BOOK TRADE.

As will be seen in our list of June copyrights, the Canadian publishers of the "Boy's Own," "Girl's Own" and "Leisure Hour," Warwick Bros. & Rutter, have copyrighted in Canada certain continued stories in these periodicals which appear serially in this country.

These novels are by noted writers, and the registration of copyright is doubtless intended to exclude other editions of them. The titles are "Mary Lindsay's Trial," by Jean A. Owens, and "Something Like a Snake," by G. Manville Fenn. On all these questions of copyright we have one and the same advice to give the trade: Respect all registered claims, leaving law costs to those who have money to throw away on them. We admit that the Canadian copyright law