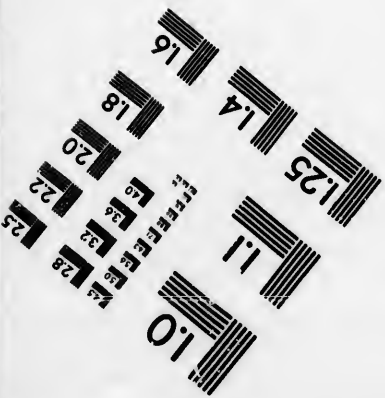
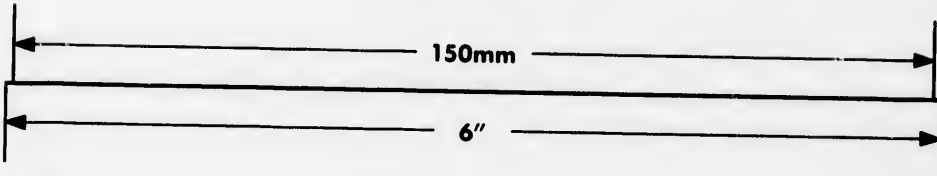
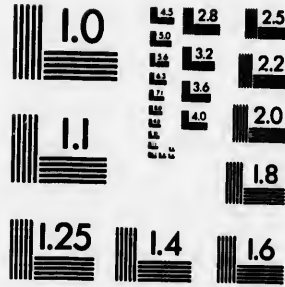
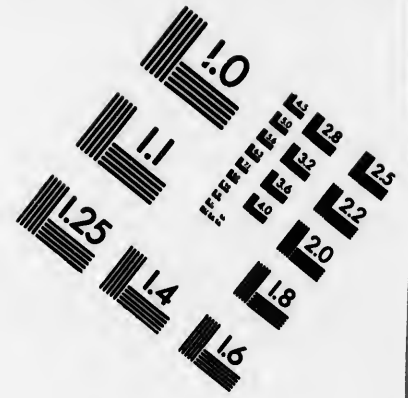
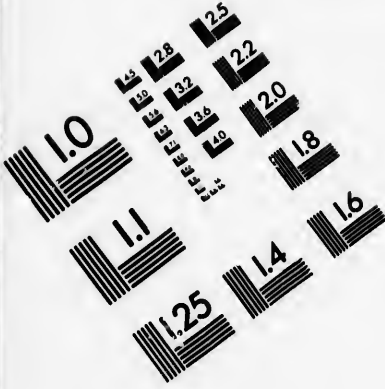


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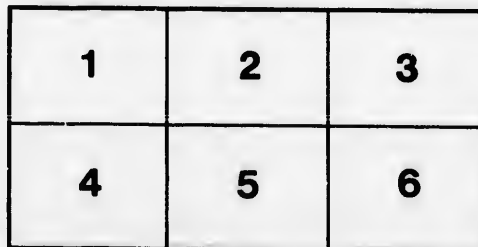
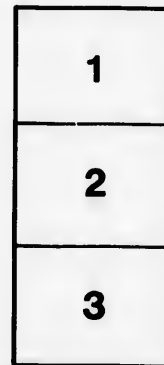
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C.A.A. 505

APPENDIX

TO THE

REPORT OF THE MINISTER OF AGRICULTURE, 1895

CONFERENCE

ON THE

COPYRIGHT QUESTION

REPORTED IN SHORTHAND BY MR. A. C. CAMPBELL OF THE HANSARD  
STAFF OF REPORTERS OF THE HOUSE OF COMMONS

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## CONFERENCE ON THE COPYRIGHT QUESTION.

DEPARTMENT OF AGRICULTURE,  
OTTAWA, 25th November, 1895.

The meeting was held in the office of the Deputy Minister of Agriculture and was called to order at two o'clock, Hon. Mr. Ouimet, acting Minister of Agriculture, presiding. The other members of the Government present were Sir Muckenzie Bowell and Sir Charles Hibbert Tupper.

The CHAIRMAN.—I hope that the discussion to-day will result in benefit to all. We are ready to hear the representatives of every interest concerned. I understand that Mr. Hall Caine is not very well, and wishes to be free to retire, so we have agreed to hear him first.

Mr. HALL CAINE.—Mr. Chairman, all I have to say may be confined to a very brief summary statement. I am happy to be able to tell you that during my visit to the Dominion we have had the satisfaction of coming to an agreement with the Canadian publishers and the Canadian Copyright Association on the matter that has been so long in dispute between them and the authors of England. This understanding we have ventured to embody in a draft bill, which, for the sake of clearness and precision, we have put into shape and now with all humility and respect submit to the consideration of the Government. I may say about it at the outset that it is of the nature of a compromise, and, like most other compromises, would probably not cover the views of either party entirely. But it is, on the whole, the best agreement we could arrive at under the circumstances, and I think we would all be well satisfied if some measure drafted on these lines could be carried into effect. Speaking for the body which I myself represent, I think I may say that, although the draft bill does not cover certain principles we hold to be sacred, a measure framed on lines like this would meet with very general satisfaction among English authors. I think, sir, you would hardly wish me to traverse the measure which we here offer you in detail, but you will allow me, perhaps, to indicate its general scope. By this agreement the time which the copyright holder can publish in Canada and so secure an absolute and untrammelled copyright is extended from thirty days as it stood in the Act of 1889, to sixty days, with the possibility of an extension of thirty days more at the discretion of the Minister. Also, by this agreement, the license to be granted for the production of a book which has not fulfilled the conditions of the Canadian copyright law is limited to one license and this single license is only to be issued with the author's knowledge or with his sanction. Further, the copyright holder, who has an independent chance to secure copyright within a period of sixty days is to have a second chance of securing it after it has been challenged and before it has been finally disposed of by license. And finally, the royalties to the author are to be secured to him by regulation of the Inland Revenue which requires the stamping of an edition on the issue of the license. As to other points concerning serial publications and so on, I may say that they are based upon the same general principles of securing copyright and granting license. This, sir, is the general meaning of the draft bill which the Copyright Association of Canada have agreed with me to recommend to the wisdom of your Ministers. As to these general

principles I have only to say, first: As to Canadian authors, it will not put them in a position of isolation amongst the authors of the world, and, next, as to authors of England and of America and of all the other countries that have a copyright treaty with the United Kingdom, it secures to them the control of their own property, that it puts them all on an equal footing and that, therefore, it will not, in our view, be inconsistent with the terms of the Berne convention or with the general agreement between the United States and England. In conclusion, sir, I only wish to say that the draft bill is recommended to the Ministers with all humility of intention, with every assurance and certainty that whatever is wise and good in it will be utilized by you, and with the assurance that if you suggest improvements for the benefit of either publisher or reader such improvements will be warmly welcomed by all who are concerned in this matter. As my last word I wish to tell you, sir, and this company, that since our arrival in the Dominion my distinguished colleague, Mr. Daldy, and myself have been very much struck and very agreeably—if you will pardon the word—surprised to find the spirit of conciliation and fair-dealing with which we have been met, both by the classes interested in securing copyright and by the Ministers of the Dominion.

Sir CHARLES HIBBERT TUPPER.—You have used the word "compromise": do you refer, in respect of that compromise, to any other classes than the authors whom you represent and the publishers represented here by others; or have you had an opportunity of speaking, for instance, with readers in Canada?

Mr. HALL CAINE.—I referred to the Canadian authors and to all others.

Sir CHARLES HIBBERT TUPPER.—I would like to ask another question, and I have not had time to look very carefully through the bill. I should like to ask how you have dealt with the question of magazines published in the United States and coming into Canada containing copyright serials? Under your proposal would there be any hindrance?

Mr. HALL CAINE.—Only in the case of violation of an English author's copyright.

Mr. W. FOSTER BROWN.—I may say that the proof of this bill has been put in my hands only a quarter of an hour ago.

The CHAIRMAN.—Do you represent the publishers' interest?

Mr. BROWN.—No; that is what I want to challenge. These gentlemen beside me represent the publishers' interests, but not the interests of the booksellers or the public. What I wish to know is whether, under this Act, we shall have the right to import "The Nineteenth Century," "The Contemporary Review," "Blackwood's Magazine," and reprints from English magazines not copyrighted in the United States.

Mr. HALL CAINE.—Certainly not.

Mr. BROWN.—What are we to do when the Canadian publisher pays the English author for the right?

Sir CHARLES HIBBERT TUPPER.—That is not the case Mr. Hall Caine referred to.

Mr. BROWN.—But there is such a case. Is any provision made for it?

Sir CHARLES HIBBERT TUPPER.—The same provision is made in this draft bill as in the former Act. Mr. Brown says that he has not read the draft. The question he put, as Mr. Hall Caine evidently understood it and as I understood it, referred to the case of reproducing an article from a magazine copyrighted in England and pirated in the United States, and he wishes to know if that would be excluded.

Mr. BROWN.—But suppose it is not pirated?

Sir CHARLES HIBBERT TUPPER.—In that case, it would come in.

Mr. BROWN.—Would you kindly point out the section.

Mr. R. T. LANCEFIELD.—The point is covered by subsection 8 of section 9, in which you will find the words "unauthorized by the author."

The CHAIRMAN.—Perhaps it would be better at this stage to ascertain if there is any other gentleman wishing to address us on behalf of the authors and taking the same general view as Mr. Hall Caine.



Mr. JOHN ROSS ROBERTSON.—I am prepared to say a few words as regards the Canadian Copyright Association, but I have no desire to intrude at this stage.

Mr. F. R. DALDY.—I think it would be better that Mr. Robertson should proceed, and then I would ask to be allowed to make a few remarks.

Mr. JOHN ROSS ROBERTSON.—Mr. Chairman, I thank you for the opportunity of saying a few words on behalf of the Canadian Copyright Association. Our mission in the past has generally been to discuss the difficulties of the copyright situation, but on this occasion, fortunately, so far as our association is concerned, the conference we have had with Mr. Hall Caine has removed those difficulties. And the difficulties being removed there is nothing left to discuss, and any extended remarks I might make would only sound in your ears like an obituary on a dead difficulty.

SIR CHARLES HIBBERT TUPPER.—At any rate, it is important to confirm the statement made by Mr. Hall Caine, to the effect that this was a real compromise.

Mr. ROBERTSON.—The address of Mr. Caine has so thoroughly covered the principal features of the bill that if I were to cover the same ground I should be only repeating what Mr. Caine so admirably said. In the conclusions arrived at we have endeavoured, and we believe successfully, to deal fairly and honourably with all parties interested whether they be authors or publishers, and whether they be British, Canadian or foreign. So far as the Canadian author is concerned, we have not only not deprived him of any rights he has hitherto possessed, but we have materially increased his facilities of production.

SIR CHARLES HIBBERT TUPPER.—I hope you do not object to interruptions.

Mr. ROBERTSON.—Not at all.

SIR CHARLES HIBBERT TUPPER.—Would you kindly explain that last remark more in detail.

Mr. ROBERTSON.—Practically we are in the Berne Convention.

SIR CHARLES HIBBERT TUPPER.—But as to the additional facilities for production?

Mr. ROBERTSON.—Under the facilities afforded by this Act, the Canadian authors will have a larger number of publishers to select from and will be able to engage the services of a publisher in this country at a moderate price. Men who, before, never thought of publishing will take advantage of the provisions of this Act. As Mr. Caine has said there have been mutual concessions. I do not pretend that the Canadian Copyright Association have got all they asked for or all they were entitled to. I am sure the Canadian Copyright Association could not be called unreasonable, and in speaking thus I do not pretend that Mr. Caine did not do all he possibly could to meet our views without endangering the interests he represents. I admit that the draft submitted will not be satisfactory to extremists; but I think there is one proof of its fairness. We believe that if a new Act is passed drawn upon the lines laid down in this draft, it will not only solve the problem that has hampered the Canadian publishing and printing interest in the past, but will also encourage the production by our own presses of books from the pens of British, Canadian and foreign authors who, under the provisions now respectfully submitted to the members of the Government for consideration, will receive full remuneration for their work.

SIR CHARLES HIBBERT TUPPER.—One question, please, before you sit down. From a cursory glance over this draft bill, I gather that it is proposed to exclude, in case license is taken out, all editions of the work published in other places. For instance, the cheap colonial editions published in England, I take it, would be excluded.

Mr. ROBERTSON.—Yes.

SIR CHARLES HIBBERT TUPPER.—Then in cases where license was taken out, the Canadian reader would be restricted to the Canadian edition?

Mr. ROBERTSON.—Of course he would be entitled to import two copies.

SIR CHARLES HIBBERT TUPPER.—But not for sale?

Mr. ROBERTSON.—Not for sale.

SIR CHARLES HIBBERT TUPPER.—So that the sale, to that extent, would be restricted?

Mr. ROBERTSON.—Yes.

Mr. LANCEFIELD.—The English edition comes in until thirty days after the license is issued.

Mr. A. F. RUTTER.—And the Canadian book is on the market.

Sir CHARLES HIBBERT TUPPER.—What is the difference, if any, in the arrangement regarding royalty between this draft and the suspended Act of 1889?

Mr. D. A. ROSE.—It is precisely the same.

Sir CHARLES HIBBERT TUPPER.—Ten per cent?

Mr. ROSE.—Yes.

Sir CHARLES HIBBERT TUPPER.—But is there not something additional?

Mr. HALL CAINE.—Yes; the author keeps control of his works.

Sir CHARLES HIBBERT TUPPER.—And that reconciles the British author to the acceptance of the ten per cent?

Mr. ROSE.—He has the ten per cent royalty and is allowed the chance to copy-right.

The CHAIRMAN.—I understood Mr. Hall Caine to say that the British author would have some control on the issue of the license?

Mr. HALL CAINE.—Before the issue of the license. He has the choice given him either to take the license or to publish for himself.

Mr. S. E. DAWSON.—As I understand it there will be sixty days between publication in England and publication in Canada, and it may be ninety days. Of course, if the author agrees, publication may take place at once, but in case of their being no agreement, I take it, there will be an interval of sixty days which may be extended to ninety days.

Mr. ROSE.—The author is allowed sixty days in which to print, but the party asking a license is allowed only thirty days. We have cut our time thirty days shorter than it was under the old Act. Suppose a British author has failed to register here. I make application for license, which is granted in seven days. I must have the book on the market in thirty days thereafter.

Mr. DAWSON.—Have you taken enough time?

Mr. ROSE.—We have agreed to the condition.

Mr. DAWSON.—The Minister has power to extend the time?

Mr. ROSE.—Yes.

Mr. DAWSON.—And during that time how is the Canadian public to be supplied?

Mr. ROSE.—By the English edition of the work—the edition printed for circulation in England. They cannot send out special editions for Canada, but they can ship copies of the edition prepared for the English public.

Mr. DAWSON.—In the meantime the American reprints are excluded.

Mr. ROSE.—Yes.

Mr. DAWSON.—You retain the interim copyright.

Mr. ROSE.—Practically.

Mr. DAWSON.—And during the sixty, or, it may be, ninety, days no American editions whatever can come in?

Mr. ROSE.—None whatever.

Mr. DAWSON.—But how will it be in the case of an American edition arranged for by the author. Take, for instance, such a case as that of "Trilby." I found in Montreal three copyright editions of "Trilby" for sale side by side—the British, the American and the Canadian.

Mr. ROSE.—Until the Canadian edition appears the only edition that can be imported is the English edition. And, when the Canadian edition appears, the English edition cannot be imported for sale.

Mr. DAWSON.—Do you not think that there will be some difficulty in the case of those magazines which contain extracts from English magazines? Take, for instance, magazines of the class of "Little's Living Age," which are taken largely in Canada. Do you not think there will be difficulties regarding these?

Mr. ROSE.—In the Act of 1885 practically the same sense is conveyed. But the question has never been brought up. The word "unauthorized" would prohibit them if they were challenged.

Mr. DAWSON.—So it struck me. In the Act of 1875 this was avoided.

Mr. LANCEFIELD.—This is in the interest of the author.

Mr. DAWSON.—But I am not speaking in the interest of the author; I am trying to bring out the points of this draft bill as they will work out. I have no interest in the matter, as you know, but I would like to see how this is going to affect the public.

Mr. ROSE.—I may tell you that the wording of the clause is precisely the same as that of the American Act to-day. They only permit the importation from Canada of papers carrying stories or articles authorized by the author. If unauthorized they will be stopped.

Mr. DAWSON.—That is the point I wish to draw out. What is to be done meanwhile? The papers may be full of a work of interest and the people canvassing its merits and waiting for an opportunity to read it. How is the Canadian public to be supplied with the work?

Mr. ROSE.—They must import the English edition.

Mr. DAWSON.—The cheap colonial edition?

Mr. ROSE.—This clause covers it:—"the book lawfully printed in the United Kingdom and published for circulation and sale to the public therein."

Mr. DAWSON.—The cheap colonial editions are not authorized for circulation in England, and the words are inserted to prevent the importation into Canada of these cheap editions which are authorized only for the colonies.

Mr. ROBERTSON.—The object is to prevent our market from being flooded with these editions.

Mr. ROSE.—Let me give you the reason why we are so particular on that point. Take a case where the author has sold me the Canadian right and has also sold the English publisher the colonial right. He has really sold to two men the right in one territory. The English publishers could make a shilling colonial edition and flood me out. The English law will not allow me to ship to England, because they claim they have bought that market. We go further than we are bound in justice to do. We say: We will allow your edition made for circulation in England to come in because certain Canadian readers will desire a better edition than we are printing. There was a case of a ruling in Montreal the other day. A certain book is copyrighted in Canada but no illustrated edition is issued here. A Canadian reader wishes the illustrated edition, but the book is stopped at the customs house in Montreal. This is regarded as a hardship. Under this draft bill, if a Canadian reader wishes the illustrated edition he has the right to import it.

Sir CHARLES HIBBERT TUPPER.—How would you meet the cry or argument that this is an arrangement between the English author and the Canadian publisher that will maintain the price of copyright books higher than they could be supplied for by means of the colonial editions?

Mr. ROSE.—Our claim is that even in the case of books published under exclusive arrangement, you will find that they will be cheaper in retail price than the American editions.

Sir CHARLES HIBBERT TUPPER.—On the principle of the National Policy?

Mr. ROSE.—Exactly. For instance take "Trilby" published exclusively by Harper in New York at \$1.50 and "Trilby," published in Canada under the control of Harper at 75 cents. If the price in Canada had been \$1.50, it would have been too high and the sale would not have been profitable. Mr. Foster Brown put the book on the market at a popular price and made a large sale. Our books will naturally, in all cases, run a shade lower in price than the English or American editions.

Sir CHARLES HIBBERT TUPPER.—Have you looked into the question, and do you know as a matter of fact whether you can publish books in Canada to-day as cheaply as they are being published in England in the cheap colonial editions?

Mr. ROSE.—I know that we can.

Sir CHARLES HIBBERT TUPPER.—There is nothing extraordinary about their prices then?

Mr. ROSE.—No.

**Mr. BROWN.**—The printing of a book and putting of it on the market are two different things. In England you can print more cheaply than you can here, but this is a question of the selling price.

**Mr. ROSE.**—I have not finished what I was saying. You will notice that we have the right to bring in printing plates. That disposes of one large item of cost. While in London recently I took the trouble to inquire as to the price of type-setting, and I find that it is only fractionally lower than with us. But, as they run large editions, of course the percentage is lower with them.

**Mr. ROBERTSON.**—I do not agree with Mr. Brown that they can print more cheaply in England than we can in Canada. That is not my experience. Within a very few months tenders were called for on a book, and the English price was thirty per cent higher than the price quoted from Canada. Under this Act, as Mr. Rose has just observed, we can import the plates; and not only that, but we can import the matrices by post and cast our own plates here.

**Sir MACKENZIE BOWELL.**—But, while you are protecting the paper maker, the pressman and the publisher, why should you not protect the printer as well?

**Mr. ROBERTSON.**—We will, if we can.

**Mr. ROSE.**—The type-setters have joined us in the clause which leaves the type-setting optional, because they appreciate the fact that many books will be published with short editions which would not be published if we had to set the type again.

**Sir MACKENZIE BOWELL.**—You mean the Typographical Union?

**Mr. LANCEFIELD.**—We follow Herbert Spencer, when he says that if you force type-setting in three or four countries, you increase the price of the book, and that if you allow the importation of plates you lessen the price in the country to which they are imported.

**Mr. RUTTER.**—In regard to type-setting, the element of machinery must now be considered.

**Mr. BROWN.**—The case of "Trilby" has been quoted. I issued "Trilby" at 75 cents, but I could not have done it at the price had I been compelled to set the type. Therefore I say that those gentlemen who contend that they can set the type and sell the book cheaper than in England, do not understand the conditions of the trade. They can print a colonial edition for 6½d., for which they charge 1s. 6d. My "Trilby" cost me 35 cents.

**Mr. HALL CAINE.**—It is true that the colonial editions cost only 6½d., but 11d. is all we get. I have sold a hundred thousand of them.

**Mr. BROWN.**—The question is not what it is going to cost the publisher, but what it is going to cost the public for this book.

**Sir CHARLES HIBBERT TUPPER.**—That was what I desired to cover, by my question. A colonial edition is very cheaply turned out now. Could it be done still more cheaply, and could it be cut so low as to cut under what we sell a book for here? If so, do you not shut the book out from the Canadian reading public under that plan? Mr. Rose answered that fairly. The result of the proposed arrangement, as he sees it, would be to give us, among other things, cheap literature and an industry that does not now exist.

**Mr. BROWN.**—I do not wish anybody to be misled. I am in favour of reprinting books in Canada. But take this very case of "Trilby." The Canadian edition sold for 75 cents. The colonial edition came in and sold for 65 cents. If we had had the right to get a license for publishing the book in Canada I would have gathered up all the copies I could of the colonial edition and would have sent them back to England to be sold in competition with their six shilling edition. The English publisher would not like that, and it would put an end at once to the colonial edition business. The best Act the publishers could get is the old Act with an amendment giving them the right to print under license in this country. You have that under the provision proposed by Sir John Thompson and there is no necessity to change it.

**Mr. LANCEFIELD.**—No.

**Mr. BROWN.**—I beg your pardon. Here is the copyright commission of 1888, which was signed, with others, by Mr. Daldy himself. Every copy of a book lawfully printed in England can be sent back to England and sold. It is a fundamental

principle of British legislation that any article manufactured in Britain can be sent back there and sold. I could have sold every one of these colonial edition copies in England, but I did not want to throw any obstacle in the way of this bill.

Mr. ROSE.—Mr. Brown, there is nothing in our draft bill touching that.

Mr. BROWN.—Not directly; but you have a clause having the same effect.

Mr. ROSE.—It does not affect the colonial library question.

Mr. BROWN.—Under one of these clauses you are certainly prohibited from importing any colonial editions.

Mr. ROSE.—Only in case a book is copyrighted in Canada.

Mr. BROWN.—The colonial edition can be eliminated from the discussion. But what are you going to do in the case of good books?

SIR CHARLES HIBBERT TUPPER.—Do you advocate the exclusion of the colonial editions?

Mr. BROWN.—No; because as soon as we can get the Act in force they will be excluded by the natural course of trade. A man is not going to print in England a one and sixpenny book when he is in danger of having that sold under his nose in competition with his six shilling edition of the same book.

Mr. LANCEFIELD.—Would they not stop them at the custom house?

Mr. BROWN.—No.

Mr. LANCEFIELD.—I think that will be news to the gentlemen engaged in the business.

Mr. BROWN.—Mr. Dalry ought to know; let him speak on that point.

Mr. DALRY.—May I answer your questions as I go along, as I wish with your permission, Mr. Chairman, to say a few words on the general question? This subject is one that is not entirely new to me. I had the honour of discussing it in this room with Sir John Thompson some six years back. On that occasion I asked particularly, the Colonial Office sending a despatch to the same effect, that you should not legislate on this subject until we saw what was to be done in the United States. You kindly agreed to that, and during that delay we ascertained what was done in the United States. We found that the United States took a course which, undoubtedly, was detrimental to certain interests in this country. From that moment we withdrew our objections *quoad* the particular books which were being injured by it. At the same time we did not wish our copyright laws entirely *bouleversé*. We wished the remedy to be such as was required for the disease, and for that reason I have really great pleasure in consenting, on behalf of the large number of copyright owners—for I do not call them publishers; it is the property I am interested in—I say that on behalf of a great number of copyright owners in England I have great pleasure in consenting generally to this draft. I say "generally" being quite sure that you will pardon my hesitation in assenting fully, because this draft deals with a complicated subject which requires to be considered in detail. I hope that in this conference we shall be able to exhaust the points that may be matters of controversy and it may be suggested eventually that two or three of our number should be deputed to go through the draft more carefully with Sir Charles Hibbert Tupper or his deputy. All that I ask for now is an opportunity to look at the controversial points. And here I must say that I substantially agree with the gentlemen who have spoken in every thing except two points. One of these points was the amount of royalty. I see that no provision has been made for a higher royalty than 10 per cent, nor has any provision been made for competitive license. Now I do not see why the competition should not be in royalty as well as in everything else, and therefore I ask that the clause be changed to read "not less than" ten per cent, leaving the market to settle itself. However, these gentlemen have so generously given way in many points that this is not one which I should contest *à l'outrance*. I should prefer it, and I think it more equitable to the author and I hold, therefore, that, in common fairness, we should give it to them, but, as I said before, it is not a point which I should press *à l'outrance*. There is another feature—the absolute exclusion from this part of Her Majesty's dominions of books printed in another part of Her Majesty's dominions—which I must protest against, so far as the editions which are printed for sale and general circulation in the country of origin

are concerned. I sympathize with these gentlemen as to the colonial edition. If an edition is kept from the British public I could only say: Take the right to exclude them if you wish to do so. That is within your purview, and I am sure that your Ministers will guard your interests. It is for you to consider whether such a step would be in the interest of Canadian readers. I merely draw your attention to the matter, but I do say that books circulated in Great Britain and all over the rest of the British dominions should have the *entrée* here. I think the cases that have been pointed out are cases of a very different kind. They are cases in which the author has agreed to allow certain editions to be printed on certain terms. Such a contract must be perfectly free and the person who makes it must abide by it. In such a case his books must be excluded, but they are excluded under contract and not under law. I think that is the only true kind of exclusion. That would be more agreeable—or I should not say "agreeable," for the whole thing is disagreeable to those at home—but it would be the only kind of exclusion that I think the English people or the English Parliament would feel inclined to adopt in the matter.

Sir MACKENZIE BOWELL.—Suppose an Australian publisher purchases the right to publish Mr. Caine's books, do you argue that he should have the right to sell those books in Canada without buying this market or paying for it?

Mr. DALDY.—No; is not that a colonial edition?

Sir MACKENZIE BOWELL.—"That is another point. I understood you to object to a book published in one part of Her Majesty's dominions being excluded from another part of those dominions." So if a book were published in Australia, should it be allowed to come into Canada?

Mr. DALDY.—I hope, Sir Mackenzie, you heard me say "those that were circulated in the country of origin." That makes a very important difference. In publishing a book in Canada there may be an edition for Australia which circulates only in Australia and not in the country of origin. With my free trade views I should prefer to see all the editions circulated. But, in view of the arrangements made, we think that restriction might possibly be put upon colonial editions which the author does not think worth while to offer to his own public. But there are points involved which should be considered very carefully, and it is for that reason that I am inclined to ask you to allow us to meet to go into them more in detail. I have no further objections to raise that I think are worth discussing here, but I would ask if you would allow three or four of us to meet with some member or officer of the Government to discuss these details. I suppose Mr. Newcombe would be the man. Then there should be a representative of these gentlemen from Toronto—probably Mr. Lancefield their secretary, Mr. Lowe the Deputy Minister of this department, who is conversant with the question of registration, and myself. If any points of controversy do come up, they must be of a minor character, and I should be inclined to refer them to your decision. In that way we should secure a draft substantially representing all. It would then be for the Government to take the whole draft into consideration. It would be for the Government to decide how far they would go and what course they would take, but they would have the ripe fruit of our suggestions and remarks upon the subject.

Mr. BROWN.—I would like Mr. Dalby's opinion as to sending back to England these colonial editions.

Mr. DALDY.—At the present time, they can be sent back to England. But I have already discussed this subject in England and with the Government, and we propose that a measure should be brought forward excluding all editions originating outside the United Kingdom from the United Kingdom unless they be editions from the country of origin. If a Canadian author write a work here, undoubtedly he should have the right of sending it into England and into all the other colonies.

Mr. BROWN.—The question is asked me why I did not send these books back. That is a very pertinent question. Under the present law this colonial edition is the only cheap edition we can get. Take, for instance, "The men of the Moss Hags." The minimum American edition is \$1.50. If we sent back the colonial

editions and stopped the exportation from Britain we should deprive ourselves of cheap books.

Mr. ROBERTSON.—Does Mr. Daldy propose to exclude the colonial edition printed in England if sent back?

Mr. DALDY.—No; I do not legislate on that. I propose that while the copyright exists in England, no copies printed outside shall come in without the author's sanction.

Mr. BROWN.—That comes under the Foreign Reprints Act.

Mr. ROBERTSON.—If the colonial edition is shipped back, can it be sold?

Mr. DALDY.—Yes.

Mr. BROWN.—How would the English publisher like to have the cheap colonial edition offered in competition with his regular edition? He would soon find that it would not pay to send out those editions, so that question would settle itself.

Mr. HALL CAINE.—May I ask the opportunity of saying that we consider the colonial edition as in a very unsatisfactory state at present. We are not very sure that it comes properly within the law concerning books legally printed and published. We think that the class of books covered are those issued for general circulation. I and some other authors have made our contracts to exclude the colonial book altogether.

Mr. RUTTER.—I ask the opportunity of saying a word in reference to one remark of Mr. Daldy to the effect, as I understood him, that we should turn from the discussion of certain points and leave them to be settled by a committee. For my part I have come here ready to remain until the matter is as nearly settled as we can make it. Any points that could be settled should be settled here; all the points that Mr. Daldy has to bring out should be brought out here. There is certainly a better chance to settle matters here, where the men interested are all represented, than in a committee made up of three or four. Mr. Daldy gives his assent to the general provisions of the draft, as Mr. Caine does. Of course Mr. Daldy—I speak my own personal opinion—stands in the same relation to Mr. Hall Caine as we do as Canadian publishers. He stands in the position of an English publisher—at least so I gather from what he said. The question is one between the English author and the Canadian publisher. The concurrence of Mr. Daldy and those he represents is most essential in avoiding trouble. But if matters could be settled here, would it not be much better to settle them than to refer them to a committee?

Mr. DALDY.—I defined what matters I desired considered by the committee.

Sir CHARLES HIBBERT TUPPER.—In case there may be some misapprehension of the object of this meeting, I should like to say that Mr. Quimet and I are merely sitting here so as to give you gentlemen, who are directly interested in the subject under consideration, an opportunity of letting us know how near you can come together. We are not in a position to tell you what the view of the government is, because, so far as any new legislation is concerned, the government will not draft a bill until they have had the great advantage of knowing from your discussion and your negotiations how far that bill might be acceptable. They are not decided, for instance, even on introducing any bill at all. It is obvious that no member of the government, under these circumstances, can give you much assistance. His own individual opinion may be of some value in working out the language to express your idea, but he could give you no guarantee that what you agreed upon would become the law of the land. To-day you will have simply the opportunity of explaining in public your ideas on this very interesting question. If you form a committee afterwards, of course we have nothing to say about it. But I gathered from Mr. Hall Caine's statement, which seemed to meet with universal approval, that you were agreed upon the general principles of the draft measure. The only alterations required would be such as were necessary to express in the best way possible the ideas you have agreed upon and also—and this is a matter I lay great stress upon—to make sure that the language is such as will not clash with the treaty of Berne.

Mr. RUTTER.—Let us have all the discussion possible here to-day.

Sir CHARLES HIBBERT TUPPER.—I do not think that Mr. Daldy meant what you understood him to say. I did not understand him to mean that any other proposition should be included in the bill.

Mr. DALDY.—Quite so. The points to be considered would be merely small questions of drafting. We have practically agreed as to all the rest.

Sir CHARLES HIBBERT TUPPER. Has any gentleman present given attention to the point in connection with the Berne Convention. For instance, the exclusion of the colonial edition, supposing that edition to be one lawfully published in England. Might not the point be raised that this is inconsistent with the treaty of Berne as excluding a copyrighted book from one of the countries included in the convention?

Mr. ROSE.—I may say that in our discussion at Toronto with Mr. Hall Caine, we stated to him that we did not claim to be posted on constitutional or law questions. Mr. Hall Caine, I think, will agree that he has given us to understand that the bill as expressed here will not necessitate our retiring from the Berne Convention.

Mr. HALL CAINE.—That is my general view. At the same time I do not wish to express any legal opinion. It is for the law officers to speak on that point. While entirely feeling the justice and fairness of Sir Charles Hibbert Tupper's statement and sympathizing with it absolutely I want to say that whatever conclusions I have reached as to the Berne Convention have been based on the clear statement of it made at the end of the departmental report.

Sir CHARLES HIBBERT TUPPER.—Suppose, for instance, that it is discovered upon consideration that the clause I refer to would be inconsistent with the Berne Convention and would bring us face to face with the difficulty we have met in England, are you sufficiently anxious to carry out the rest of the compromise that you would approve of the bill with such amendments as would allow the colonial editions to come in?

Mr. ROSE.—Speaking from my own point of view, I should say certainly not. On the importation clause hangs the whole value of the bill. In the discussion in Toronto this was a point that took up a great deal of time, and, if you wish, I would like to give, as shortly as possible, the reasons for arriving at the importation clause as it stands. Mr. Daldy, in his remarks, said he was willing to prevent the importation of the colonial edition if it were an arrangement between the author and the Canadian publisher.

Mr. DALDY.—And, allow me to add, if it was lawful.

Mr. ROSE.—We say that we consider that an unfair system. We claim that we purchase the Canadian market. The English publisher purchases the English. We pay our money for the Canadian market just as he pays his for the English market. Why should he be at liberty to sell books in the market which he has not bought but which we have bought and paid for? All we ask is fair play. But we allow a privilege that the English publisher does not allow. The English Act prohibits the importation of the colonial edition of a book. We say we will allow two copies of any book to be brought in by a reader, thus allowing the English as well as the Canadian edition.

Sir CHARLES HIBBERT TUPPER.—I understand you to say that this matter is of such importance that should it be found impossible to include that in the bill your whole compromise falls to the ground?

Mr. ROSE.—The clause reads "from the date of the registration of any book and during the existence of the copyright of said book the importation of any copies of said book, or any edition or editions thereof, shall be and is hereby prohibited." That is to protect us against the English or American publisher. He may have in stock, probably thirty days ahead of publication, a whole edition to put on our market. Knowing that he will not register in Canada, he ships into this country say 5,000 copies specially printed for the Canadian market prior to the date of registration. And, when these books are offered for sale it becomes useless for the Canadian publisher to ask for a license. For instance, Mr. Irving buys 1,000 copies of "Marcella" and imports them into Canada. In the contract it is agreed that the English publisher shall not send the colonial edition into Canada. But I wire to John Smith, a dealer in London, to buy 1,000 copies of "Marcella" and send to me. He does so, the books come in and the 1,000 purchased by Mr. Irving are made unsaleable. As to Mr. Daldy's suggestion regarding private contracts, it will be seen



that it is impossible to make such a contract effectual unless every man, woman and child in Great Britain becomes a party to it. The importation clause is, after the license clause, the most important in the act.

Mr. DALDY.—May I say that of course, the English publisher, in the case supposed by my friend here, would not sell that colonial edition to come out here.

Mr. ROSE.—But he does not know where it is going.

Mr. DALDY.—But he would not sell it unless he knew where it was going and generally it would be sent to his own agent. I think the law of contract is not so weak in this Dominion that it cannot meet such a case as that. You cannot legally exclude these books except under private contract, and that is the position I have taken, I would rather not have them excluded by law.

Mr. ROSE.—I was going to say one word as to the cost of production. Take the colonial library with free plates and I will take a contract to reproduce any quantity at the price named here to-day, 6½d.

Sir CHARLES HIBBERT TUPPER.—I threw out the question for the purpose of discussion. I desired to know what importance was attached by the parties to this provision, and I have been answered very frankly that it is so important from the Canadian point of view that they would not desire the bill without it.

Mr. HALL CAINE.—I may say that the colonial book is sure to cause agitation in our own country as well.

Mr. BROWN.—I wish to say a word as publisher and bookseller. Mr. Rose has said that the importation clause is the essence of this Act. Why should the people of Canada suffer because publishers and booksellers do not know their business? Why could not Mr. Irving send back these books to compete with the publisher's higher priced edition? And if he did not know that that could be done, why should the Canadian people suffer?

Mr. ROSE.—Why did you not do it in the case you spoke of?

Mr. BROWN.—Because it would injure my business to do it.

Mr. IRVING.—I had a guarantee against the colonial edition.

Mr. BROWN.—A bookseller should have knowledge—

Mr. ROSE.—Mr. Irving, the bookseller in this case, had sufficient knowledge to protect himself, so that he should be able to send back the books he ordered.

Mr. BROWN.—I call that a quibble. These books can be sent back to the country of origin. What is the object then of this clause?

Mr. ROSE.—We are going to keep the colonial libraries out, so that any one who might be tempted to take advantage in the English market such as I have spoken of may not be led into trouble.

Mr. BROWN.—You are very kind. There is a question that affects the public of Canada in this clause. I am not in favour of the way the Act has been drawn up. Three or four gentlemen meet with Mr. Hall Caine and Mr. Daldy and prepare a bill and no one from Halifax to Vancouver knows anything about it.

Sir CHARLES HIBBERT TUPPER.—But they will.

Mr. BROWN.—You are gathering light on the subject, and, of course, you will frame a bill according to the information you have.

Sir CHARLES HIBBERT TUPPER.—But we must get light from other sources as well.

Mr. BROWN.—I hope you will gather from many other sources than the Publishers Association, which is composed of only a few Toronto publishers.

Mr. ROSE.—Question.

Sir CHARLES HIBBERT TUPPER.—This draft binds no one. The parties to the compromise, not influential parties, have reached an agreement in connection with this important question. But before this can go to Parliament, there is opportunity for hearing the views of all classes as to the best legislation.

Mr. BROWN.—You cannot make better legislation than that proposed by Sir John Thompson, with sixty days allowed instead of thirty.

Mr. HALL CAINE.—I have listened carefully to Mr. Foster Brown, but I confess I do not understand his position.

Sir CHARLES HIBBERT TUPPER.—Mr. Brown has confessed that he has not read the draft.

Mr. BROWN.—The importation clause was drawn to my attention specially and that is what I wish to speak upon. Under this Act we shall have only sixty days to import books and during that time are confined to the dear edition. After the book is reprinted in Canada we are not allowed to import any edition.

Mr. RUTTER.—You are always at liberty to import two copies.

Mr. BROWN.—But not for sale. What, then, is to become of the bookselling business?

Mr. HALL CAINE.—Mr. Foster Brown does not seem to realize that this applies only after registration.

Mr. BROWN.—I understand that, but in a great many cases university libraries, public institutions and private people want to get a better edition than is printed in Canada. Take, for instance, the case of Ruskin's works. There is a Canadian copy-right on "Sesame and Lillies." Under the present law, I am allowed to import from England, but under this Act I should not be.

Mr. HALL CAINE.—Assuredly you are until the Canadian publisher registers or has license to produce.

Mr. BROWN.—But he has his license to produce and has produced an edition of "Sesame and Lillies." I am prohibited from importing a set of Ruskin containing that work. That must be torn out and my set defaced.

Sir CHARLES HIBBERT TUPPER.—But Mr. Caine has said that you are not prevented from importing until some one has taken out a license to publish in Canada.

Mr. BROWN.—But Mr. Gage already has it.

Sir CHARLES HIBBERT TUPPER.—For Ruskin's works?

Mr. BROWN.—For one portion of Ruskin. Here is my very good friend Mr. Samuel Dawson. Now he has copyrighted the book "Daniel Deronda," but he has never put it in force. I have the right now to import complete sets of George Eliot's works, including "Daniel Deronda." But let this Act come in force and my business in that respect will be interfered with. My sets of George Eliot must be defaced.

Mr. ROSE.—It is only the bookseller who is prohibited from importing, as only importation for the purpose of sale is prohibited.

Mr. BROWN.—You are wiping out at one stroke the whole bookselling business of the country. The only books that will be legally saleable under this Act will be those printed by the Canadian Copyright Association.

Mr. HALL CAINE.—I would suggest that Mr. Foster Brown be allowed a little time to read the draft bill.

Sir CHARLES HIBBERT TUPPER.—As I understand you, you want the Act of 1889 or nothing.

Mr. BROWN.—I want the Act of 1889; better cannot be made.

Sir CHARLES HIBBERT TUPPER.—That Act has been suspended a long time. Would you rather see it suspended than have this one?

Mr. BROWN.—I would, certainly.

Sir CHARLES HIBBERT TUPPER.—Have you read this draft bill?

Mr. BROWN.—I have read the essential portions of it as indicated by Mr. Rose.

Mr. ROSE.—As to the case of Ruskin's works, which has been referred to, I may point out that Mr. Gage has allowed the book mentioned, "Sesame and Lillies," to run out of print and he is importing copies from the United States. Can you import copies from the United States?

Mr. BROWN.—Yes; lots of them.

Mr. ROSE.—Can you import them legally?

Mr. BROWN.—Yes.

Mr. ROSE.—I wish I had had your advice before.

Mr. BROWN.—I wish you had.

Mr. DAWSON.—Allow me to mention a case within my own experience. In the case of Tennyson's works, some parties in Toronto copyrighted two poems and by merely holding the copyright of these they prohibited every body from importing

the complete American edition while importing them themselves. They got a corner which, being in the book trade at the time, affected me. So I copyrighted "In Memoriam," which is in the very middle of the book, and so I cut them out. This is a case exactly in point bearing upon what Mr. Brown has said. There is, of course, danger of grave abuses resulting. But it seems to me that this particular point has been pretty well threshed out. I am satisfied the Ministers see the exact difficulty and the way it affects the public.

Mr. ROSE.—Before you pass that point, would you mind expressing an opinion as to the effect of the copyright on the sales of Tennyson's works in this country. Are the people of Canada suffering for want of copies of Tennyson through this law?

Mr. DAWSON.—No, because they get the English cheap editions. So, in the case I referred to, the English editions came in; but I did not allow any one else to import the American editions.

Mr. ROSE.—Is it not the fact that the importation is mainly confined to the editions better than our Canadian editions?

Mr. DAWSON.—One of the last things I did before leaving business was to import a large number of copies.

Mr. LANCEFIELD.—It was not copyrighted then, was it.

Mr. ROSE.—It was copyrighted within the last three years.

Mr. DAWSON.—One thing struck me as important with regard to the Berne Convention. If there is one thing clear in that convention, it is that registration in one country is registration in all. Have these gentlemen considered the fact that this bill contains a number of conditions of registration? I think that ought to be looked into.

Mr. LANCEFIELD.—Before that is touched upon, there is one point I would like Mr. Brown to understand distinctly. He held up this "The Men of the Moss Hags" and said that if this law was in operation we should be deprived of the colonial edition and should be confined to the \$1.50 edition.

Mr. BROWN.—No.

Mr. LANCEFIELD.—I think that is what you said.

Mr. BROWN.—I said that if the proposed Act is to be enforced, we could not have the cheap editions, but under the present Act we could.

Mr. LANCEFIELD.—I am going to show that we could. Section 8 of this importation clause applies only to the author and provides that he has the exclusive rights in his own hands and can set the price. It does not touch the license clause at all. It is only when the author has registered for his own exclusive copyright. He can fix any price. The moment a book is registered, the colonial edition is shut out, but until the book is registered any edition published in England can come, whether the colonial or any other. We want that point emphatically understood, as it gives the people of Canada the chance to receive all the editions that come in up to date of registration. If the book is not registered, and application is put in for a license, the author still has the opportunity of getting the exclusive copyright and he can set his own price. If he refuses to avail himself of the opportunity, the license goes to the man making application. As Mr. Rose has told you to-day, if the author of "The Men of the Moss Hags" wished to have a copyright in Canada, he would have had two opportunities to secure it and also that the Canadian publisher can produce the book for 6½d. in Canada as is done in England. It could then be sold for 50c. or 75c. a copy, and that is the price at which it is sold to-day. I do not speak from the point of view of the publisher, but as one of the great body of readers in this country. I am a reader and come in daily contact with readers, and I believe that if there is one point in this bill that should commend it to your approval more strongly than another it is that it will reduce the price of books to the people of Canada. That is why I have taken such an active part in this agitation. The draft bill gives us every opportunity, until the book is published in Great Britain or in the United States. But the moment it is published in Canada it stands to reason, owing to the peculiar circumstances of the Canadian market, the people will have the book at a cheap price. We cannot publish a five dollar book,

we must publish a fifty cent book, for that is the natural price, especially if the book is a novel. The Canadian edition cannot be high in price.

Mr. BROWN.—I did not say it would.

Mr. DALDY.—Reference has been made to the Berne Convention. It fell to my lot to be an adviser as an expert when the convention was formed. It was put in its present shape for a purpose, the object being to make it as simple as possible. We sought to make it like the Postal Convention—so that it would work itself in the countries to which it applied. The second clause undoubtedly excludes the right of re-registration. But so little is that valued on the Continent of Europe that since the amending of that convention Germany has of her own accord abandoned registration in that country. There are circumstances in which re-registration may be necessary and desirable. But registration is attended with this weakness—that the more you hamper the title to copyright with forms the more you weaken the title. And in that connection it is desirable as far as possible to dispense with anything in the shape of unnecessary registration.

Mr. ROBERTSON.—As to the clause of the Berne Convention which has been referred to, does not this general declaration in the draft Act cover the case? "Every work of any author entitled to copyright under this Act," &c. It seems to me that this covers the case. In this connection I would like to refer to certain resolutions passed by several societies in the west antagonistic to the arrangement we have come to with Mr. Hall Caine. These societies are affiliated more or less with the publishing interest—such societies as the Canadian Society of Artists and the Canadian Institute—but they evidently have not informed themselves of the actual nature of the draft measure. They object on the ground that we propose to exclude them from the privileges of the Berne Convention. Of course their resolutions must fail of effect from the fact, as stated by Mr. Hall Caine, that we still remain in the Berne Convention.

Sir CHARLES HIBBERT TUPPER.—Their protests, no doubt, are based upon the blue book, which contains our request to be allowed to withdraw.

Mr. ROBERTSON.—I desired to point that out because I notice that some of the newspapers have been reproducing these paragraphs and, of course, we cannot send a contradiction to every newspaper. It might be well that these societies should know that the Canadian Copyright Association has not endeavoured to deprive any of these associations or interests of the rights they possess.

Sir CHARLES HIBBERT TUPPER.—The effort now being made is to keep within the Berne Convention?

Mr. ROSE.—Yes, sir.

Mr. DAWSON.—This is the clause to which I referred. "The enjoyment of these rights is subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work." Therefore there is no necessity for registration, except in the country of origin.

Sir CHARLES HIBBERT TUPPER.—There is no necessity under this draft.

Mr. DAWSON.—There are in this a number of conditions of registration and I merely asked the gentlemen how they reconciled this with the Berne Convention.

Mr. ROSE.—I would call Mr. Dawson's attention to this clause "every work of any author entitled to copyright under this Act, is to be considered as enjoying copyright in Canada without printing, publishing, or reproducing, or reprinting, republishing and reproducing the same in Canada, subject to the restrictions hereinafter set forth as to a book, provided every such work may be registered in the manner hereinafter provided," etc.

Mr. DAWSON.—And one of the "restrictions" is registration.

Sir CHARLES HIBBERT TUPPER.—There is a great deal to be said on both sides. Some such provision as is in this draft has been considered by very high authority to be quite within the Berne Convention.

Mr. DAWSON.—It was made a reproach to the Act of 1889 that under it registration was required.

Sir CHARLES HIBBERT TUPPER.—But under the Act of 1889 a condition of copyright was manufacturing here. Under this draft that point is conceded.

Mr. LANCEFIELD.—I would like to refer to another remark made by Mr. Daldy. He contended that under the Berne Convention the author retained control of his work and this, and not registration, was the essence of the Berne Convention.

Mr. DALDY.—I willingly leave Sir Charles Hibbert Tupper to decide that important question.

The CHAIRMAN.—You agree that it is your feeling and the feeling of the people to adhere to the Berne Convention.

Mr. ROBERTSON.—Yes, if at all possible.

Mr. ROSE.—I may say that, while we are agreeable to be in the Berne Convention, I think that if we were out to-morrow we should not suffer much. The United States is not in the convention, yet does not appear to be isolated or to suffer. If we can stay in and retain our manufacturing clause, we desire to remain.

Mr. DAWSON.—But you would not retain your manufacturing clause.

Mr. ROBERTSON.—If the discussion on the general points is closed, I would like to refer to another paragraph in the draft which we submit for the consideration of the Government. We have been unable, though we have wired to Washington, to get a copy of the clause in the American Act.

Sir CHARLES HIBBERT TUPPER.—Wired to Washington?

Mr. ROBERTSON.—I understand from our secretary that the message was sent but no reply has been received.

Sir CHARLES HIBBERT TUPPER.—But could it not be got from the library here? I trust Mr. Robertson will not reflect upon our library.

Mr. ROBERTSON.—Nobody can think more than I do of the collection of books up on the Hill. But there should be some provision—and in this relation I am glad to see the Premier here, who, as an old typo, will appreciate the point I seek to make—some provision other than that already made to copyright separate articles in newspapers. A newspaper may have special articles written at considerable expense, in the use of which they desire to be protected. I have discussed the matter with the department here and I find that under our present law we are unable to copyright such articles, unless we send down a printed copy of the paper and pay the fee to have it all practically copyrighted. Under the United States law, as I understand—and it is only a few weeks since this was done, and I am not sure that it is in print—the newspaper publisher on filling out a form and inclosing either the gist of the article or the whole article and depositing it in the post office with the necessary fee secures the copyright. I think that it was only recently this change was made, and I was also told that it was not in the last publication but was only in the form of a slip—that it had not yet appeared in the book form and been distributed. That is the reason why we wired to learn what it was. I trust I am too good a Canadian to look to Washington for anything. I think the members of the Government will be struck with the fairness of making some such arrangement, as, except for interim copyright, we have nothing at all designed to cover such a case. We may employ a man to write up a special subject paying him a large sum for it, or we may want a cable despatch. Why should we not be enabled to copyright a cable despatch? These things involve us in considerable expense and why should we not be entitled, on payment of a fee, to copyright them.

Mr. ROSE.—Copyright, under this system in the United States, is limited.

Mr. L. W. SHANNON.—I desire to explain my presence here. I came not to discuss the points involved but to say that the executive committee of the Canadian Press Association, of which association I have the honour to be president, has authorized me to attend and to announce that our association is in hearty sympathy with the work of the Canadian Copyright Association. They concur in the arrangement between the Copyright Association and Mr. Hall Caine.

Mr. DAWSON.—Some provision should be made respecting school readers and books for educational purposes. A difficulty arose in Toronto out of this very case of "Sesame and Lilies." The Ontario Government introduced a quotation from Ruskin's "Sesame and Lilies," and the Toronto publisher who had secured the copyright on this work put an injunction on the whole edition. In the German copy-

right law this is provided against, it being enacted that all reading books for the schools are allowed to contain extracts from copyright works, this being on the ground that they are not for the purpose of sale but for the purpose of education.

Mr. LANCEFIELD.—That is in the Berne Convention.

Mr. ROBERTSON.—We agree to that.

Mr. SIDNEY ASHDOWN.—I would like to call attention to one or two points in the bill which affect the music business. Hitherto, under the Canadian copyright law, music and books have been treated separately. Rules that would be applicable to a literary work would not suit in the case of a musical work. For instance, this bill makes it compulsory to print from type or plates. Music is very seldom printed from type, except when large editions are to be struck off, and I am sorry to say we do not issue any of these in Canada. The cheapest way to print music would be from a transfer from the original English plates. The transfer is made to a lithographic stone, from which the sheets are printed.

Sir CHARLES HIBBERT TUPPER.—You say the phrase "type or plates" is not broad enough?

Mr. ROSE.—He wants the expression extended so as to include lithographing.

Sir CHARLES HIBBERT TUPPER.—That is only a question of drafting, but it is a good thing to have Mr. Ashdown's suggestion in the report.

Mr. ASHDOWN.—I understand that under this bill, after a license is applied for and an edition printed here, nobody can import the English edition.

Mr. LANCEFIELD.—After the license is applied for and the book is printed here, that closes off the English edition.

Mr. ASHDOWN.—And everything printed under copyright is included under the term "book."

Sir CHARLES HIBBERT TUPPER.—Yes.

Mr. ASHDOWN.—You are probably aware that it is customary to publish songs in four or five different keys. I have been publishing music here for years, and I have found that it does not pay to publish a song in more than one key. But, under the present law, we have the right to import copies in the other keys. Suppose Mr. Robertson were to apply for license to reprint a song in E flat and that I am selling that song in four other keys. As soon as his edition appears, I would be debarred from importing the other keys, and, customers asking for it, I would have to tell them: You will have to send a dollar to New York to get the song in the key you wish. Of course to transpose a song from one key to another does not make it a different song. The bass singer wants it in the bass key, the soprano in the soprano key, and so on; but it is the same song.

Mr. ROSE.—I may say that we have not separated music from other publications. We have followed the English Act in that particular.

Sir CHARLES HIBBERT TUPPER.—These are matters that we will endeavour to provide for.

Mr. ASHDOWN.—Then again the sum to be forfeited is altogether out of proportion with the amount involved in publishing a piece of music. Publishing a book means an outlay of perhaps \$100, while publishing a piece of music involves an expenditure of only \$20. Yet the fees must be the same.

Mr. ROSE.—Do you not think that is all the more reason you should put up that deposit?

Sir MACKENZIE BOWELL.—Before you leave the other point, let me understand you. Suppose, in the case you mention, Mr. Robertson publishes the song in one key. Would you claim the right to import it in any other key?

Mr. ASHDOWN.—The present Act gives us that privilege. We print in one key and import the others.

Sir CHARLES HIBBERT TUPPER.—Some such clause as covers the case of translation, will probably be necessary.

Mr. DALDY.—What is to be done with reference to a further draft, the settlement of details as affecting this as part of the British Empire, &c.?

Sir CHARLES HIBBERT TUPPER.—In the event of fresh legislation, of course we must take the responsibility of the language used, to bring into effect this arrangement with regard to licensing.

Mr. DALDY.—May I once more repeat, because it is important to getting such a thing through the British legislature that it should be borne in mind that it is contrary to our laws as it at present stands, to prevent the importation of books, whether they are reprinted here or not, lawfully made in the British dominions. Such books may circulate throughout the British dominions. Therefore you would be under the necessity of repealing an Imperial Act of Parliament. I think it can be got over.

Mr. ROSE.—And yet you told us, a moment ago, that by private contract this could be wiped out.

Mr. DALDY.—Of course.

Mr. ROSE.—If it can be done by private contract, surely the Dominion has as much power as a private individual may have.

Mr. DALDY.—So private contract may over-ride the law in any case. It may be made a matter of private contract that a book shall not circulate in the Dominion.

Mr. IRVING.—It is a question between the author and the publisher.

Sir CHARLES HIBBERT TUPPER.—We will rely upon Mr. Daldy, Mr. Hall Caine and those they represent, to assist us in getting over the difficulties presented by imperial legislation.

Mr. ROBERTSON.—Will you allow me to say, Mr. Chairman, on behalf of the executive of the Canadian Copyright Association—and I am sure I echo the sentiments of every gentleman present—that we are extremely obliged to the Government for the courtesy that has been shown us and for the opportunities afforded to hold this conference. I am sure it has been most satisfactory and has gone a long way to bring about a settlement of a question that has given rise to a great deal of discussion in Canada. We hope that the Government in their wisdom may see some way out for the Canadian publisher. We have the utmost confidence that the administration will protect us and that it will do what is fair not only by us but by all the other parties interested whether they be on this side of the Atlantic or on the other.

The CHAIRMAN.—Gentlemen, we thank you for the trouble you have taken in enlightening us on this difficult subject. You may rest assured that the valuable representations you have made to us will be laid before our colleagues when the subject comes up for consideration.

The meeting then adjourned.

## DRAFT BILL.

The following copy of a draft bill, by parties interested in a compromise arrangement was handed around in printed form to members of the conference, and formed a subject of discussion:

*An Act respecting Copyright.*

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

1. This Act may be cited as "*The Copyright Act*," 1896. 38 V., c. 88, s. 31.

## INTERPRETATION

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "the Minister" means the Minister of Agriculture;
  - (b.) The expression "the Department" means the Department of Agriculture;
  - (c.) The expression "legal representatives" includes heirs, executors, administrators and assigns, or other legal representatives;
  - (d.) The expression "assigns" means and includes every person in whom the interests of an author in copyright shall be vested whether derived from such author before or after publication of a work, and whether acquired by gift, sale or bequest, or by operation of law or otherwise;
  - (e.) The expression "author" includes any person who is the author of any book, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches or engraves or causes to be engraved, etched or made from his own designs any print or engraving, or who is the author, inventor or designer of any other literary, scientific, musical or artistic work or composition, production, matter or thing in which copyright may subsist in the United Kingdom;
  - (f.) The expression "book" means and includes every volume, part or division of a volume, pamphlet, sheet of letterpress, sheet of music, map, chart or plan separately published;
  - (g.) The expression "copyright" includes any and every sole and exclusive privilege which in the United Kingdom is known in law as copyright, and for greater certainty, but not so as to restrict the generality of the foregoing terms, the said expression includes the sole and exclusive liberty of printing or otherwise multiplying or producing, and vending copies of any such literary, scientific, musical or artistic work or composition, production, matter or thing as aforesaid, in whole or in part, and of allowing translations to be printed publicly and sold of any book from one language into another, and of representing or performing, or causing to be publicly represented or performed any dramatic piece or musical composition;
  - (h.) The expression "work" means any such literary, scientific, musical or artistic work or composition, production, matter or thing as aforesaid.

## EXISTING COPYRIGHTS.

3. Nothing in this Act shall prejudicially affect any copyright now subsisting in Canada.

## REGISTERS OF COPYRIGHTS.

4. The Minister of Agriculture shall cause to be kept, at the Department of Agriculture, books to be called the "Registers of Copyrights," in which proprietors of literary, scientific and artistic works or compositions, may have the same registered in accordance with the provisions of this Act.



## WORKS ENTITLED TO COPYRIGHT.

5. Every work, any right of copyright in which is subsisting in the United Kingdom, and copyright in which at the time this Act comes into force has not been secured and is not subsisting in Canada under any Act of the Parliament of Canada or of the legislature of the late province of Canada, or of the legislature of any of the provinces forming part of Canada, shall be entitled to the like right of copyright in Canada, subject, however, to the restrictions hereinafter set forth.

## GENERAL DECLARATION.

6. Every work of any author entitled to copyright under this Act, is to be considered as enjoying copyright in Canada without printing, publishing, or reproducing, or reprinting, republishing and reproducing the same in Canada, subject to the restrictions hereinafter set forth as to a book, provided every such work may be registered in the manner hereinafter provided, and such registration shall be *prima facie* evidence of the existence of Canadian copyright thereon and to the title of the person registered as owner of the copyright.

## SUBJECTS OF COPYRIGHT.

7. Any person domiciled in Canada, or in the United Kingdom, or in any part of the British possessions, or any citizen of any country which grants copyright to British subjects, who is the author of any work hereafter published, and the legal representatives or assigns of such person, shall have copyright in such work in Canada upon complying with the conditions of this chapter, subject, however, to the restrictions hereinafter set forth.

2. And authors or their assigns shall have exclusive right at any time to dramatize or translate any of their works for which copyright shall have been obtained under the provisions of this chapter; *provided* that copyright in any dramatization or translation shall expire on the same date as the copyright of the original work.

8. Copyright shall be granted for the term of forty-two years from the time of recording the title thereof, in the manner hereinafter directed.

2. But in no case shall the said sole and exclusive right and liberty in Canada continue to exist after it has expired elsewhere.

3. No immoral, licentious, irreligious, or treasonable or seditious literary or immoral artistic work shall be the subject of such registration copyright.

## CONDITIONS OF COPYRIGHT.

9. That if a book is published in a foreign country simultaneously with its publication in the British dominions or *vice versa*, it shall be registered simultaneously with deposit of one copy of said book from the country of origin, for publication in Canada.

2. That if a book is published in the country of origin only, the owner of the copyright shall have the right to register at Ottawa for publication in Canada at any time until a license has been applied for, for publication in Canada as hereinafter set forth.

3. That if a work is to be or is first published in Canada, it shall be registered at the department on or before the day of publication.

4. This registration may be made at Ottawa at the department, or by payment by the owner of the additional fee to cover cost of cabling to Ottawa, at the office of the High Commissioner of Canada in London, which cable must be sent on the day of registration.

5. This registration shall involve the person making it in an undertaking to print in Canada from type or plates and publish an edition of the book in Canada,

within a period of 60 days from the date of registration, and such person at the time of registration shall deposit the sum of \$100, which will be forfeited if the undertaking is not carried out.

6. That such person shall, not later than the day of publication in Canada, cause to be delivered at the office of the Minister at Ottawa, three copies of such copyright book, so printed and published in Canada.

7. That such person shall, not later than the date of publication in Canada, cause to be delivered at the office of the Minister in Ottawa, three copies of such copyright photograph, or dramatic composition, printed or produced in Canada; or in the case of an original painting, drawing, statue, sculpture, print or engraving, made or produced in Canada, three copies or three photographs of the same.

8. Prior to the day of publication of any book in the country of origin, and until the day after such publication, the importation of any copies of any such book shall be and is hereby prohibited.

9. From the date of the registration of any book and during the existence of the copyright of said book the importation into Canada of any copies of said book, or any edition or editions thereof, shall be and is hereby prohibited, except in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at one time, and except in the case of newspapers and magazines, not containing in whole or in part matter copyrighted under the provisions of this Act, unauthorized by the author, and except in respect of the book lawfully printed in the United Kingdom and published for circulation and sale to the public therein, which book shall be allowed to enter Canada until the date of the publication of the copyright Canadian edition; after which both it and all other editions shall be prohibited, except as to the two copies aforesaid.

10. *Provided*, nevertheless, that in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translations of the same, and the importation of the books in the original language shall be permitted.

11. And *provided* further, that in the case of books printed in the French, German, or other foreign language, which are copyrighted in Canada, and translations of which in the English language are not copyrighted in Canada, the prohibition of importation shall apply only to copies of such books as may be printed in the French, German, or other foreign language, and the importation of translations of said books in the English language shall be permitted.

12. In every case of registration in the copyright register under this Act, the Minister shall cause notice of such registration to be inserted once in the issue of the *Canada Gazette* next following such registration.

#### NOTICE OF COPYRIGHT.

10. No person shall be entitled to the benefit of this Act unless notice is given of the copyright being secured by causing to be inserted in the several copies of every edition thereof published during the term secured, on the title page, or on the page immediately following, if it is a book—or if it is a map, chart, or dramatic composition, by causing to be printed or impressed on the face thereof,—or if it is a print, cut, engraving, or photograph, by printing or impressing upon some visible portion thereof, or of the substance on which the same shall be mounted—or if it is a volume of maps, charts, music, engravings, or photographs, upon the title page or frontispiece thereof, the words "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out thus, "Copyright, 18—, by A.B.,"; but as regards paintings, drawings, statuary, and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship: *Provided*, that on all books, the name and business address of the printer shall immediately follow the copyright notice.

## COPYRIGHT UNDER LICENSE.

11. If a book has been published simultaneously in any part of the British dominions and in a foreign country, or *vice versa*, but not registered at the department or simultaneously published in Canada; or

2. If a book has been published in the country of origin, and published, or announced for publication, without copyright, in a foreign country; or

3. If a book having been registered for publication in Canada, has not been so published within the 60 days prescribed as aforesaid,

4. A license may be granted for its publication in Canada, subject to the following conditions:

## CONDITIONS OF LICENSE.

12. Applications for a license shall be received by the department:

(a.) In the case of a registered book the license shall only be granted on the expiration of the 60 days prescribed by this Act.

(b.) In the case of a book not registered, it may be granted subject to the restrictions specified in this Act at any time after first publication thereof elsewhere.

2. Applications for a license shall state the retail price or prices at which it is proposed to publish said book, and applications shall involve the applicants in an undertaking to pay the author, or the legal representatives or the assigns of the author, a royalty of ten per centum upon the publisher's retail price of the several copies of every edition of the book which is to be, or which may be, published under license; *provided*, that in no case is such royalty to be less than two and one-half cents on each copy, and such royalty payment on 500 copies of the edition, shall be made to the Department of Inland Revenue, before any copy or copies of any edition of the book so printed under license shall be published or otherwise disposed of by the licensee.

3. On receiving an application or applications for a license, the Minister shall communicate on the same day by telegraph or cable with the publisher of the book (if any) in the country of origin of the book, informing him of the offers made together with the name or names of the person or persons making them.

(a.) The owner shall have seven days in which to consider said application or applications, within which period he shall notify the Minister of acceptance or otherwise.

(b.) If an application is accepted, the Minister shall forthwith issue a license under the conditions of this chapter to the person indicated in the acceptance.

(c.) Should the owner not desire to accept the offer, the said owner is at liberty to arrange to print and publish in Canada for himself during the ensuing period of sixty days from the date of the notice from the Minister; registration to be made by the owner at Ottawa or London, according to the provisions of this Act, and within the period of seven days from the date of the notice from the Minister.

(d.) Any person who has previously to registration or application for license, imported any copies of the book specified in the same, may dispose of such imported copies by sale or otherwise; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person.

(e.) Should no answer be received within the aforesaid period of seven days, the Minister shall forthwith issue the license (only to be granted), but should more than one offer have been received, then the license shall be granted to the one offering the highest retail price.

13. Before the granting of the license the applicant shall agree to print and publish the book in Canada, within 30 days from the date of issue of the license, from the last authorized edition of the book, in full, without abbreviation or alteration, so far as the text is concerned, should the licensee desire to issue the text only; and without varying, adding to, or diminishing the main design of any prints, cuts, or engravings, maps, charts, musical compositions or photographs, should the book contain any such, and should the licensee desire to reproduce any or all of the same in the copies that he shall print and publish.

1. The person accepting a license shall deposit \$100, which sum shall be forfeited if the book is not published in the time specified in this Act.

2. The licensee shall deliver to the department at Ottawa, either before or upon the day of publication, three copies of each and every book so printed under license; and the Minister shall cause particulars of the same to be recorded forthwith in the manner adopted by him, or prescribed by the rules and regulations made, from time to time, as herein provided.

3. The license may be cancelled at any time by the Minister should it be demonstrated to the satisfaction of the Minister, that any new authorized edition of the book contains material alteration or addition to the edition printed under said license; but the licensee shall have the privilege of selling or otherwise disposing of any copies of such book (but not exceeding one thousand copies) unsold at the date of receiving notice of cancellation of the license.

4. If an authorized revised edition of any book which has been printed under license is published, it will for the purposes of this Act be in the position of a new book; the licensee may sell any copies of the book in his possession, and may complete and sell any copies in process of being printed under his license (but not exceeding one thousand copies); but on the copyright owner registering the revised edition, and giving to the licensee a copy of it, the licensee shall not print any more copies of the old edition under his license, unless the licensing authority authorizes him so to do on the ground that the revision is not a substantial revision.

(a.) Should the author fail to register such new edition as provided for herein, the license to print the same shall be given to the original licensee for such book, but in the event of his not accepting the renewal, then to the person making the highest offer without further notice to the author.

5. On receipt of the first application for a license, under the provisions of this Act, the Minister, by notice published in the *Canada Gazette*, shall prohibit the importation, while the author's copyright or that of the assigns of the author is in force, subject to the provisions of this Act as to importation, of any copies of the book to which such license relates.

6. Every book printed under license, in accordance with the provisions of this Act, shall have notice thereof given by causing to be inserted in the several copies of every edition thereof, printed and published during the existence of the license, on the title page, or on the page immediately following, the words, "Canadian edition, printed under license No —," together with the year the license was issued, and the name of the licensee, thus, "Canadian edition, printed under license No.—, 18—, by A. B.,"; and the name and business address of the printer shall immediately follow such notice.

7. The royalty upon books published under license shall be collected by the officers of the Inland Revenue Department and paid without deduction under regulations to be made by the Governor in Council to the persons entitled thereto, and each copy of such book shall have printed upon its title page words indicating that it is issued under a license granted under this Act, and shall have impressed thereon a stamp showing the payment of the royalty.

#### SERIAL COPYRIGHT.

14. Any literary work intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be temporarily registered under this Act while it is so preliminarily published, if the title of the article and a title and short analysis of the proposed book, together with the name and address of the copyright owner, and the name and address of the author, are registered at the department, and if every separate article so published is preceded by the words "Copyright, 1896," and such registration shall secure to the owner copyright in such literary work, but the book when published shall be subject to the other provisions of this Act.

## SERIAL COPYRIGHT UNDER LICENSE:

15. If the person entitled to the right of serial copyright as provided for herein, fails to take advantage thereof, any applicant, being the publisher of a newspaper or periodical printed and published in Canada may make application to the Minister for a license to print and publish the work serially in the newspaper or periodical of which the applicant is the publisher.

2. On receiving from a publisher such an application for a license the Minister shall on the same day communicate by telegraph or cable with the publisher of the newspaper or periodical in the country of origin publishing such work, offering the owner such application, and asking if the owner wish such application to be accepted.

3. The owner shall have seven days in which to consider such application, within which period he shall notify the Minister of its acceptance or otherwise.

4. If the application is accepted, the Minister shall issue a license to the publisher making the application.

5. Should the owner not desire to accept the application, the said owner is at liberty to arrange for serial publication of same in Canada within 60 days from the notice, registration to be made by the owner at Ottawa or London, according to the provisions of this Act, and within the period of seven days from the date of receiving the notice from the Minister, and at the time of registration deposit the sum of \$100, which sum shall be forfeited if he fails to commence publishing in the time specified.

6. Should no answer be received within seven days, the Minister may forthwith issue the license on payment of the fee as hereinafter provided.

7. Thereafter the Minister may at any time issue a license for the serial publication of the same work forthwith to any or all applicants on payment of the fee as hereinafter provided.

8. The said serial license shall convey the exclusive right to said licensee, his legal representatives and assigns, while the copyright of said work is in force, for the city, town or village in which such newspaper or periodical is published.

9. The said license shall be granted to the applicant who shall be the publisher of a newspaper or periodical printed and published in Canada, agreeing to print and publish the work serially in the said newspaper or periodical of which the said applicant is the publisher, in full, without abbreviation or alteration so far as the text is concerned, should the licensee desire to print the text only; and without varying, adding to, or diminishing the main design of any print, cuts or engravings, maps, charts, musical compositions, or photographs, that may be reproduced and printed and published in connection therewith; and,

10. On the applicant having satisfied the Minister that the applicant has paid to the Department of Inland Revenue the royalty payment, as follows:

(a.) \$25 if the newspaper is published in a city, town or village with a population of less than 100,000.

(b.) \$50 if the newspaper is published in a city with a population of 100,000 or over.

11. Every separate article so published under license shall be preceded by the words "Published under license," together with the year of issue of the license and the name of the licensee, thus, "Published under license, 18—, by A.B." and the business address of the printer shall immediately follow such notice.

12. Every work published as a serial copyright, whether so published by agreement with the author, or under license as above, shall, when published in book form, be subject also to the other requirements of this Act.

13. All licenses issued under this section preceding shall be entered in the temporary copyright register.

14. In every case of serial registration under this Act the Minister shall cause notice of such registration to be inserted once in the *Canada Gazette*. 38 V., c. 88, s. 10, part.

## DEPOSIT OF COPIES.

16. The Minister shall cause one copy of each and every book of which the copyright has been completed by the deposit of three copies of such book printed and published in Canada, as required by this Act—or that has been printed and published in Canada under license, as required by this Act—and also one copy of each and every other article of which the copyright has been completed by the deposit of three copies or three photographs of such article printed or produced in Canada, as required by this Act, to be deposited in the Library of Parliament, at Ottawa, and one copy in the Library of the British Museum at London, England.

2. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book unless the same contains very important alterations or additions. 38 V., c. 88, s. 26.

17. The right of an author of a literary, scientific or artistic work, to obtain a copyright, and the copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing, made in duplicate, and which shall be registered at the department on production of both duplicates and payment of the fee hereinafter mentioned:

2. One of the duplicates shall be retained at the department, and the other shall be returned, with a certificate of registration, to the person depositing it. 38 V., c. 88, s. 18.

18. Whenever the author of a literary, scientific or artistic work or composition which may be the subject of copyright, has executed the same for another person, or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is, by the said transaction, virtually transferred to the purchaser—and such purchaser may avail himself of such privilege, unless a reserve of the privilege is specially made by the author or artist in a deed duly executed. 38 V., c. 88, s. 16.

## CONFLICTING CLAIMS TO COPYRIGHT.

19. In case of any person making application to register as his own the copyright of a literary, scientific or artistic work already registered in the name of another person, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the person so applying shall be notified by the Minister that the question is one for the decision of a court of competent jurisdiction, and no further proceedings shall be had or taken by the Minister concerning the application until a judgment is produced maintaining, cancelling or otherwise deciding the matter:

2. Such registration, cancellation or adjustment of the said right shall then be made by the Minister in accordance with such decision. 38 V., c. 88, s. 19.

## INFRINGEMENT OF COPYRIGHT.

20. Every person who, without the consent of the author or lawful proprietor thereof first obtained, prints or publishes, or causes to be printed or published, any manuscript not previously printed in Canada or elsewhere, shall be liable to the author or proprietor for all damages occasioned by such publication, and the same shall be recoverable in any court of competent jurisdiction. 38 V., c. 88, s. 3.

21. If a book copyrighted in Canada becomes out of print, a complaint may be lodged by any person with the Minister, who on the fact being ascertained to his satisfaction, shall notify the Canadian publisher for the owner, of the complaint and of the fact; and if, within sixty days thereafter the book has not been reprinted and republished in Canada, the Minister shall grant a license to publish a new edition.

22. The license specified in the next preceding section shall be granted in conformity with the requirements of the provisions of this Act as to printing and publishing books under license.

FEEs.

23. The following fees shall be paid to the Minister before an application for any of the purposes herein mentioned is received, that is to say:—

On registering a copyright.....	\$1 00
On application for a license .....	5 00
On registering an interim copyright.....	0 50
On registering a serial copyright.....	0 50
On registering a license in serial copyright register.....	0 50
On registering an assignment.....	1 00
For a certified copy of registration. ....	0 50
On registering any decision of a court of justice, for every folio .....	0 50

For office copies of documents not above mentioned, the following charges shall be made:—

For every single or first folio, certified copy.....	\$0 50
For every subsequent hundred words (fractions under or not exceeding fifty, not being counted, and over fifty being counted for one hundred).....	0 25

2. The said fees shall be in full of all services performed under this Act by the Minister or by any person employed by him under this Act:

3. All fees received under this Act shall be paid over to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada:

4. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed under this Act for such person, and no fee paid shall be returned to the person who paid it. 38 V., c. 88, s. 28.

GENERAL PROVISIONS.

23. If the person entitled to copyright in a book under this Act fails to take advantage of its provisions, the Minister shall grant a license to print and publish the book for which copyright (but for such neglect and failure) might have been obtained.

24. The application for a registration, and for the registration of a serial copyright and of the registration of a copyright, may be made in the name of the author or of his legal representatives, by any person purporting to be the agent of such author or legal representatives and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable in any court of competent jurisdiction.

25. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object. 38 V., c. 88, s. 14.

26. Clerical errors which occur in the framing or copyright of any instrument drawn by any officer or employee in or of the department shall not be construed as invalidating such instrument, but when discovered they may be corrected under the authority of the Minister. 38 V., c. 88, s. 20.

27. All copies or extracts certified, from the department, shall be received in evidence, without further proof and without production of the originals. 38 V., c. 88, s. 21.

28. The Minister may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act; and such regulations and forms, circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act; and all documents, executed and accepted by the Minister, shall be held valid, so far as relates to all official proceedings under this Act. 38 V., c. 88, s. 2.

## OFFENCES AND PENALTIES.

29. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the lawful owner thereof, or of the legal representatives of the lawful owner thereof, shall be liable for such damages therefor as to the court shall appear to be just. Such damage to be not less than fifty dollars for the first, and twenty-five dollars for each subsequent performance.
30. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.
31. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arises. 38 V., c. 88, s. 27.
32. Whenever in this Act any term is stated, as being the term within which any book is to be printed and published in Canada the Minister may grant an extension of time of thirty days in which to print and publish such book, should it be demonstrated to the satisfaction of the Minister that such book has been arranged or is in process of being produced in Canada, but that its completion and publication is delayed, owing to fire, flood, or other unforeseen circumstances.
33. Every person who wilfully makes, or causes to be made, any false entry in any book kept for the purpose of registration under this Act, or who wilfully produces or causes to be tendered in evidence, any paper which falsely purports to be a copy of an entry in any of the said books, is guilty of an indictable offence, and liable to years' imprisonment.
34. Every person who fraudulently assumes authority to act as agent of a copyright owner for registration, or for the registration of a serial copyright, or a copyright, is guilty of an indictable offence, and liable to years' imprisonment.
35. Every person who, after the registration of the title of any book under this Act, and while such registration remains in force, or after the registration of a copyright in any book, and while copyright therein subsists in Canada, prints or reprints or publishes, or republishes, or causes to be printed or reprinted, published or republished, any copy of such book or of a translation thereof, without the consent of the copyright owner, and without having a license so to do, or knowing the same to have been so printed, reprinted or published, sells, or exposes for sale, or causes to be published, sold or exposed for sale, any such copy, without such consent, and without having such license, shall forfeit every such copy of such book or translation to the owner of the copyright, and shall be liable to a penalty for every such copy which is found in his possession, either printed or being printed, or imported not exceeding one dollar and not less than ten cents, which forfeiture and penalty shall be enforceable and recoverable at the suit of such copyright owner in any court of competent jurisdiction.
36. Every person who, after the registering under this Act, of any painting, drawing, statue or other work of art, and while copyright of such work subsists in Canada, reproduces in any manner or causes to be reproduced, made or sold, in whole or in part, any copy of any such work of art, without the consent of the proprietor, shall forfeit every such copy and the plate or plates on which such reproduction may have been made, and every sheet thereof so reproduced, to the owner of the copyright, and shall be liable for every such copy, and for every sheet of such reproduction published or exposed for sale, to a penalty not exceeding one dollar and not less than ten cents, which forfeiture and penalty shall be enforceable and recoverable at the suit of the copyright owner in any court of competent jurisdiction.
37. Every person who, after the registering of any print, cut or engraving, or photograph, according to the provisions of this Act, and while copyright therein subsists in Canada, engraves, etches or works, sells or copies, or causes to be engraved, etched or worked, sold or copied, either as a whole or by varying, adding to or diminishing the main design, with intent to evade the law, or who prints or reprints or imports for sale, or causes to be so printed or reprinted or imported for sale, any such print, cut or engraving, or photograph, or any part thereof, without



the consent of the proprietor of the copyright therein, or who, knowing the same to be so printed, reprinted or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such print, cut, or engraving, or photograph, without such consent and without such license, shall forfeit the plate or plates on which such print, cut, or engraving, or photograph has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the owner of the copyright; and shall be liable for every sheet of such print, cut or engraving, found in his possession to a penalty not exceeding one dollar and not less than ten cents, which forfeiture and penalty shall be enforceable and recoverable at the suit of the copyright owner in any court of competent jurisdiction.

38. Every person who, having a license under this Act to print any book, prints or publishes any copy of such book containing an intentional omission or addition, shall forfeit every such copy of such book to the owner of the copyright, and shall be liable to a penalty for every such copy which is found in his possession, either printed or being printed, not exceeding..... and not less than..... and the said forfeiture and penalty shall be enforceable and recoverable in any court of competent jurisdiction at the suit of such owner.

39. Every person who, having a license under this Act, without the consent of the owner of the copyright in the book which is the subject of such license, ships or consigns any copy of such book to be exported for sale to any country or place where such owner has copyright therein, shall forfeit to such owner every copy so shipped or consigned and shall be liable to a penalty for every such copy not exceeding..... and not less than..... and the said penalty shall be enforceable and recoverable in any court of competent jurisdiction at the suit of such owner.

40. Every person who, having a license under this Act, prints or publishes, or sells or exposes for sale, any copy of the book which is the subject of such license, not having printed on the title page thereof words indicating that it is issued under a license granted under this Act, or not having impressed thereon a stamp showing payment of the royalty thereon, shall be liable to a penalty not exceeding..... and not less than..... for every such copy of such book, and the said penalty shall be enforceable and recoverable in any court of competent jurisdiction at the suit of such owner.

41. Every person who inserts, or causes to be inserted in any copy of any work printed, produced, reproduced or imported, or impresses on any such copy any words purporting that copyright on such work has been secured in accordance with this Act, when the same has not been so secured, or when all the conditions of this Act as to copyright books have not been complied with, shall incur a penalty not exceeding three hundred dollars :

42. Every person who has not lawfully acquired the copyright of a literary, scientific or artistic work, and who inserts in any copy thereof printed, produced, reproduced or imported, or who impresses on any such copy, that the same has been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, shall incur a penalty not exceeding three hundred dollars. Or when all the conditions of the Act as to the copyright books, have not been complied with.

