The Copyright Question eBook

The Copyright Question

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BOOKRAGS

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TORONTO, FEBRUARY 19, 1902

The Secretary, *The Board of Trade*, *Toronto*

Sir—

The Council of the Board of Trade lately adopted a resolution asking that Canadian Legislation be passed, giving effect to the Copyright Bill proposed in 1895 by Mr. Hall Caine, “making it obligatory that a book shall be printed and bound in this country in order to secure Canadian copyright, and continue to be so printed and bound in order to retain such copyright, and that upon failure to print in Canada within a reasonable time, provision shall be made *by which the Government may issue to a Canadian publisher a license to print in Canada*, subject to such safeguards as will secure to the owner of such book a reasonable royalty upon his work.” The resolution is to be forwarded to the Boards of Trade of other cities in Canada, together with the request that they join in representations to the Government asking their consideration of this important question, and urging the passing of this legislation.

This resolution emanated from the Wholesale Booksellers’ Section of the Board of Trade, of which Mr. W.J. Gage is the Chairman. The Report of this Section presented to the Board recites, that in 1895 Mr. Hall Caine came to this country, the duly accredited representative of English authors, accompanied by Mr. Daldy, representing the English publishers, and that after a conference with Canadian publishers, papermakers, printers and bookbinders, a draft Bill was completed, which Mr. Hall Caine announced to the Canadian Government as containing an understanding reached with the Canadian publishers, and to which Mr. Daldy, on behalf of the English publishers, consented. These statements were made in the Report of the Section, notwithstanding the fact that at a Committee meeting composed of its members held last year, I read a letter from the Secretary of the British Society of Authors stating that Mr. Hall Caine’s proposed Bill had never received the approval of the Society; and although at the same meeting I stated that Mr. Daldy had informed me he had never consented to the Bill. After the Report of the action of the Board of Trade reached England, Mr. Daldy addressed a letter to “The Publishers’ Circular,” from which I quote: —

“So far from consenting to it (i.e., the Hall Caine Bill), I pointed out several important errors to which I could not agree; and being invited by some printers, publishers, and papermakers to meet them in Toronto just afterwards, I distinctly assured them that I could not consent to any restriction of the rights and privileges contained in the Imperial Acts of 1842 and 1886.”

I was absent from Toronto when the Booksellers' Section framed and passed its Report, and only returned to Toronto after it had been adopted at the meeting of the Council of the Board. Knowing that the Council was being misled, I communicated with the

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President and requested that I might be heard before the Council, offering to explain the copyright question, which I knew was little understood by the members, of whom only two or three are publishers. The President frankly admitted to me that he had not investigated the question, and told me he would bring my request before the next meeting of the Council. I was somewhat surprised to receive a letter from the President a few days afterwards declining to allow me to be heard, and still more surprised to read that in his annual address to the Board, delivered four days later, he energetically pressed upon the Board the necessity for the legislation referred to in the resolution of the Council.

I therefore take this means of presenting the true position of literary copyright in Canada, a subject which is but little understood, and upon which the Executive and the Council apparently did not desire enlightenment.

Under the British Copyright Laws, which extend to Canada, a British or Canadian author of a literary work has the undisputed right to his manuscript; he may withhold, or he may communicate it, and in communicating it he may limit the number of persons to whom it is imparted, and impose such restrictions as he pleases upon the use and printing of the work. Foreign reprints of such a work cannot be imported into Canada. Canadian publishers are just as free to deal with authors under the British Copyright Laws as publishers in the United Kingdom, and are, therefore, on the same footing as the British publishers.

Prior to 1847, it was a common complaint in Canada that, owing to the provisions of the Imperial Copyright Act, a sufficient supply of English literature could not be obtained, whilst the reading public in the United States were well supplied with the best English books in cheap form. To remove this ground of complaint, the Imperial Parliament passed the Foreign Reprints Act (1847), under which Canada was permitted to import cheap pirated editions of British works produced in the United States, on an undertaking to collect a Customs duty thereon of 12-1/2 per cent., which was to be paid over to the British Government for the benefit of the authors interested. The results of this legislation were unsatisfactory to the British authors, few of whom received any benefit under the provisions of the Act. The sums collected were ridiculously small. In 1894, they amounted to $1,433.66, and in 1895, to $2,211.33. Whilst the arrangement was in existence, British copyright works were openly printed in the United States, and imported into Canada without payment of the duty, to the exclusion of British editions. So long as this arrangement remained in force, a British copyright owner could not prevent the importation into Canada of pirated editions of his work, unless he reprinted the work in Canada and copyrighted it under the Canadian copyright laws. The arrangement was terminated by the Canadian Parliament in 1895 at the instance of Sir John Thompson.

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Every lover of books will remember that during the continuance of the arrangement, a Canadian Publishing Trade hardly existed, and that the reading public who bought books were compelled in a great measure to satisfy themselves with American reprints, of so little value that specimens of them are now regarded almost as curiosities.

Prior to 1887, a Canadian author was entitled to little protection under the Copyright Laws of European countries, and prior to 1891 was entitled to no protection whatever under the Copyright Laws of the United States. In 1886 the Imperial Parliament passed an Act which provides in effect, that the British Copyright Acts shall apply to a book first produced in Canada or any other British possession, in like manner as they apply to a work first produced in the United Kingdom. If the book is copyrighted at Ottawa, a certificate of registration signed by the Minister of Agriculture is proof in all Courts throughout the Empire of the existence of such copyright. No registration in England is required.

In 1887, a comparatively uniform system of International Copyright was established under the Berne Convention, which applies to the British Empire, Belgium, France, Germany, Italy, Spain, Switzerland, Norway, Japan, Luxembourg, Monaco, Tunis, Hayti and Montenegro. These countries comprise what is called, “The Copyright Union.” Under this Convention Canadian authors enjoy in the other countries of the Union for their works—whether published in one of those countries or unpublished—the rights which the respective laws grant to natives. (Austria-Hungary has a separate Convention with Great Britain on the lines of the Berne Convention, *from the benefits of which Canada is expressly excepted*). A book, therefore, first produced in Canada and registered at Ottawa, obtains at once the same copyright advantages throughout the British Dominions and the Copyright Union, that it would enjoy if first produced in the United Kingdom and registered at Stationers’ Hall in London.

Prior to 1891, books written in any part of the Empire were public property in the United States, and, although there were many honorable exceptions amongst American publishers of reputation, such books were as a rule appropriated on the scramble system, chiefly to supply material for the weekly issues of the cheap “Libraries,” such as “The Seaside” and “The Franklin Square.” The “fifteen cent quarto” of the Libraries was not a book; it was usually sold for railway reading, and thrown away at the end of the journey. Canada was deluged with these productions.

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In 1891, the Chace Bill was passed by Congress. One provision of this Bill enacts, that any citizen or subject of a foreign country, which has been declared by the President's proclamation to permit citizens of the United States the benefit of copyright on substantially the same basis as its own citizens, can obtain copyright in the United States. The author obtaining such copyright is protected from piracy in the United States, or from importation of foreign reproductions into the United States. It is popularly understood in Canada that, before the passage of the Chace Bill, the Imperial authorities gave some concession, or made some change in the British Copyright Law, or entered into some International Agreement providing for reciprocity in the granting of copyright, in order to secure an arrangement with the United States. Such is not the case.

Only a few days ago, I read a report of an address upon copyright delivered to the Canadian Club by Mr. Thomas, a leading member of the firm of The Copp, Clark Company, from the published report of which I quote:—

"In turning to the conditions of copyright in the United States, Mr. Thomas stated that prior to 1891 there was no protection for British authors there, and his books were pirated at will. The result was so disastrously manifest that a conference was held, and an Act was passed giving them protection. That Uncle Samuel had both eyes open when the Act was passed and the agreement made, was shown when Mr. Thomas stated that one condition upon which the British author was given protection was that the book be printed and made in the United States, and that it be published prior to or simultaneously with foreign publication. This action of the Americans was contrasted with that of the British, who, while they demand the making and publication of a book in Britain to ensure the protection of copyright, yet construe the Act so as to allow it to be possible to have the book made in the United States and then have a sample sent to Stationers' Hall, London, which sending allows the work to be entered as published in England. Mr. Thomas said that the United States was the best book market in the world. He pointed out that the Americans, being aware of this, compelled the outside authors to have their books published in the United States. Mr. Thomas was applauded when he said: 'There is not a single book made outside the United States as a result of this Act, for if you wish to secure the American copyright you have to have your book made there. What is sauce for the goose is not sauce for the gander, for we do not compel books to be published here in order to secure the British and Canadian copyright.'"

There is no foundation for these statements of Mr. Thomas in regard to the action of the United States. The Imperial authorities gave no concession to secure the passage of the Chace Bill, made no change in British Copyright Laws, entered into no agreement, and Uncle

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Sam played no sharp trick upon the unsuspecting Englishman. All this is pure fiction. What really happened was this, and it may be easily verified by reference to an English Blue Book, published in 1891, containing the correspondence relating to the "United States Copyright Act." The Act of Congress was passed in March, 1891. On the 27th of May, 1891, the American Ambassador at London wrote to Lord Salisbury, then Foreign Secretary, enclosing a copy of the Act of Congress, and pointing out that the benefits of the Statute only extended to citizens of foreign countries after the President's proclamation had been issued under conditions specified in the Act. On the 16th of June, 1891, Lord Salisbury wrote the American Ambassador as follows:—
"Her Majesty's Government is advised that under existing English law an alien by first publication in any part of Her Majesty's Dominions can obtain the benefit of English copyright, and that contemporaneous publication in a foreign country does not prevent the author from obtaining English copyright."

> "That residence in some part of Her Majesty's Dominions is not a necessary condition to an alien obtaining copyright under the English copyright law; and
>
> "That the law of copyright in force in all British possessions permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to British subjects."

On the first of July, 1891, and without further communication between the two Governments, the President issued his proclamation proclaiming, that as satisfactory official assurance had been given that in Great Britain and the British possessions the law permitted to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of that country, the above condition in the Chace Bill was fulfilled in respect of British subjects. Thereupon the authors of the United Kingdom and Canada, and of every other British possession became entitled to the benefits of copyright in the United States on a perfect equality with American authors.

It is, therefore, plain that the action of the United States was entirely voluntary; it was the result of no bargaining; it was a straight concession to British authors, to secure which the Imperial authorities conceded nothing. The United States by the Chace Bill conceded to British subjects privileges substantially equal to those conceded to its own citizens. The provisions of the Chace Bill are also in force with Germany, France, Switzerland, Belgium, Italy, Denmark, Portugal, Spain, Mexico, Netherlands (Holland), Chile, and Costa Rica.

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The Chace Bill was the result of a struggle extending over fifty-three years to secure the recognition in the United States of International Copyright,—a struggle of authors supported by the most eminent American publishers and journalists, having in view the relief of the publishing and all kindred trades from the blight of piracy, and the removal of the stigma which had rested on the American literary and publishing world. Prominent in the agitation which terminated in the Chace Bill was the American Copyright League, which included among its members the authors of the United States, and was presided over by such men as James Russell Lowell, Stedman, and Eggleston. The League in a noble letter published in 1887 appealed to all good citizens for justice to foreign authors, upon the ground that they were entitled to receive from those who read and benefitted by their books, the same fair payment one would expect to make on any other article, such as clothes or pictures bought from foreign producers. The League appealed for the widening of the circulation of the best new literature, home and international, on the ground of the lessening of the price which would ensue, in the case of original American books, from distributing the first cost among the greater number of copies for which sale would be secured among American readers, if the market were not flooded by pirated reprints of poor English novels; and in the case of books of international importance, whether from American, English, or Continental writers, from giving a basis of law to business arrangements for sharing the expense of production among the several nations interested.

A recent report to the United States Senate on the effect of the passage of the Chace Bill sets forth that the great preponderance of opinion amongst publishers, book manufacturers, and large printing establishments, supports the change. The condition of the book trade in the United States prior to the passage of the Chace Bill in 1891 was deplorable. If the suggestion of the Board of Trade were adopted, Canada would be in exactly the same condition as the United States before the Chace Bill was passed.

The Canadian author, therefore, has obtained security in the vast market of the United States, because of the proclamation of the President, based on Lord Salisbury's satisfactory official assurance, that in Great Britain and the British possessions, the law permitted to citizens of the United States the benefit of copyright on substantially the same basis as to British subjects. If Canadian authors, Mr. Seton-Thompson, Ralph Connor, or Dr. Drummond, for example, comply with the provisions of the Chace Bill, and print and publish in the United States contemporaneously with the Canadian publication, they secure British and American copyright, with all the protection of the local copyright laws of the two countries.

Now let us see how an American author, who does not copyright in England but seeks to publish simultaneously in Canada and the United States, would be treated in this country, were he to seek to copyright his book in compliance with the provisions of our Canadian Act, an essential requirement of which is printing in this country.

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In 1875, the Canadian Parliament passed an Act giving copyright for twenty-eight years from the date of recording, to any author of a book domiciled in Canada or in any part of the British dominions *or being the citizen of any country having an International Copyright Treaty with the United Kingdom*. To secure such copyright the Act provides that the book must be printed and published, or reprinted and republished in Canada, *whether so published for the first time or contemporaneously with or subsequently to the publication elsewhere*. This Act was reserved by the Governor General. In the same year an Imperial Statute was passed empowering Her Majesty in Council to assent to the reserved Act. On the 26th of October, 1875, the Royal assent was given to take effect from the 11th of December following. Just as United States Copyright Legislation requires production in that country so the Canadian Act of 1875 provides, as pointed out above, that to obtain Canadian copyright for a literary work it must be produced in Canada.

The Canadian authorities have steadily declined to permit the registration of copyright under the Canadian Copyright Act to citizens of the United States, the ground of objection being, that the enactment of the Congress of the United States and the President's proclamation of July 1st, 1891, extending the benefits of the Chace Bill to all British subjects, did not constitute "an International Copyright Treaty" within the meaning of the Canadian Copyright Act, which provides, as pointed out above, that *any person domiciled in Canada or any part of the British possessions, or being a citizen of any country having an International Copyright Treaty with the United Kingdom*, who is an author of any book, *etc*., shall have the sole right of printing, publishing, *etc*., for a number of years on certain conditions. This is a narrow construction of the Canadian Act, and savours somewhat of smartness and sharp practice. I believe it is not a fair construction and is certainly not in accord with the spirit and manifest intention of the Act. I am not alone in entertaining this opinion which still remains to be tested.

In February, 1897, the United States Government proposed the negotiation of a Copyright Convention which would expressly meet this allegation of the Canadian Government. This proposal the Canadian Government declined to entertain.

Far greater liberality in copyright matters is shown in the United States to Canadian authors, than is shown in Canada to American authors. A Canadian author can secure copyright in the United States if he prints his work in that country, and publishes contemporaneously with the publication in Canada. An American author parting with his rights for Canada to a Canadian publisher who may print an edition in Canada, cannot, as the law is interpreted at Ottawa, secure any protection in the Canadian market until after the book has been registered at Stationers'

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Hall in London. As the law is construed in England, an author who desires to secure British copyright by publication in Canada must comply with the Canadian requirements, one of which requirements is that the work must be printed here. But if an American author prints his work in Canada, copyright is refused him at Ottawa. He cannot, therefore, secure any protection whatever in Canada, unless he takes his work to England, publishes there contemporaneously with his publication in the United States, and registers at Stationers' Hall in London. If he were allowed after printing in Canada to register his copyright under the Canadian Act he would thereby acquire all the advantages of the Imperial Copyright Acts; but this is denied him. He cannot secure any protection whatever under our local laws, nor can he even bring an action to prevent infringement of his rights until after he has registered his book at Stationers' Hall in London.

The Canadian rights in any American book which is likely to have a considerable sale in Canada are quickly purchased by some Canadian publisher, and the book is published simultaneously with the publication in England and the United States. Mr. Winston Churchill's "Crisis," and Miss Mary Johnston's "Audrey," are examples of such books. If the English publication, with consequent delays, could be dispensed with and all the advantages of the British Copyright Acts could be acquired by printing and contemporaneous publishing in Canada, as they could be acquired were the bar against registration at Ottawa removed, a strong inducement would be offered to copyright American books in Canada.

The importation of American books in sheets into Canada is considerable, although it is yearly diminishing as our publishing facilities increase and trade grows. The present duty of 20% is an obstacle to such importation, and if the facilities I have referred to were afforded in Canada to the American authors, and the present tedious delays occasioned by the necessity of obtaining British copyright removed, an end would be put to the importation in sheets of many books, and an effectual end in the case of more popular works of fiction, which have a sure market in Canada.

The principal difficulty which British authors and Canadian publishers had to contend with prior to 1891, was due to the proximity of the United States. So long as the Canadian law remained in force which provided for the collection of the 12-1/2% duty for the benefit of British authors, the importation of cheap pirated editions of British works could not be prevented, unless the work was reproduced in Canada, and such reproduction was impossible chiefly owing to the limited market and unsettled copyright conditions in this country.

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The passage of the Chace Bill by Congress and the President's proclamation changed the whole aspect of the Canadian Publishing Trade, but the making of a Canadian edition of a British book still remained a more precarious speculation for the Canadian publisher, than the making of a British one was for the British publisher. When the British publisher made an arrangement with an author either by out-and-out purchase, or by an agreed royalty, and issued a copyrighted edition, he had the market to himself, and no man might sell a copy of any edition therein. When the Canadian publisher made an arrangement with an author or copyright owner to bring out a Canadian edition —a speculation involving considerable pecuniary risk—he had to pay for the right to do it as the English publisher had, but his market was likely to be interfered with by an influx of copies of a cheap edition from the Old Country, not sold to the public in the United Kingdom, but prepared expressly for exportation to Canada and other possessions and styled a "Colonial Edition." A Canadian publisher might have purchased from an English author the right to reproduce a Canadian edition; he might have gone to large expense in advertising and popularizing his purchase, yet, before his books could be placed on the counters of Canadian retail dealers, he as a rule found in the market the cheap Colonial Edition imported to compete with and undersell his own, even although he had contracted as effectually as he could with the English author and publisher for the Canadian market.

In 1899, the third International Congress of Publishers was held in London, at which there was a representative gathering of British and foreign publishers. The question of Canadian copyright occupied one of the sittings of the Congress. Professor Mavor, representing the Canadian Authors' Society was present, and delivered an interesting address, from the official report of which I quote:—

"Professor Mavor said there was a difference between the law officers of the Crown and the Canadian law officers with respect to the rights of Canada to legislate for copyright in Canada, and there was no doubt that publishers on both sides held extreme views. When his Society turned their attention to it, they considered whether some middle path might not be arrived at which would satisfy reasonable people on both sides of the water. They laid down four principles to guide them. They thought it useless, considering the present population of Canada, to propose a manufacture clause, and therefore set that aside. In the second place, they thought the system of licensing was far too complicated to be worked out satisfactorily. Thirdly, they thought it would be a great pity for Canada to do anything to lead to the withdrawal of the Berne Convention; and fourthly, they thought it would be a great pity to disturb the existing relations as regarded copyright between England and the United States.

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They went to some of the publishers, and asked them to point out where the shoe pinched, and it appeared that the publishers had a reasonable grievance. They said that, when they bought what they supposed to be Canadian rights, sometimes before they could get their books on the bookshelves, English editions were in the market side by side with the domestic editions. There was no suggestion that the British publishers acted otherwise than in perfect good faith; but wholesale dealers were in the habit of purchasing large numbers of books, and sending some to the Cape and Australia, and some to Canada. It appeared that something would be done in connection with that, by explaining it to the British publishers, and asking them to assist in passing legislation to carry it into effect. If the clause was carried in England, the Canadian Government would pass an Act to enforce it there."

Mr. H.L. Thompson, a member of the publishing house of The Copp, Clark Company, was also present. Mr. Thompson said that "the copyright question in Canada was understood very slightly by the people at large, and if they mentioned copyright they thought it had something to do with monopoly. Speaking of his own house, he could say they cordially supported the suggestion made by Professor Mavor." It is difficult to understand why Mr. H.L. Thompson and his partner, Mr. Thomas, are now, only two years afterwards, to be found advocating exactly the contrary views.

The following resolution was adopted by the Congress:—

"That it is eminently desirable in the interests of English owners of copyright, and for the maintenance of the Convention of Berne, that some satisfactory arrangements should be entered into with Canada in regard to copyright matters. On this ground the Conference desires to give cordial support to the proposal brought forward by Professor Mavor."

In the year 1900, a bill was introduced by Lord Monkswell into the House of Lords to consolidate the law relating to literary copyright. At the instance of the Canadian Authors' Society a clause was introduced into this bill empowering the Legislature of any British possession if a book had been first lawfully published in any other part of Her Majesty's Dominions, and it was proved to the satisfaction of an officer, appointed by the Government of such possession to receive such proofs, that the owner of the copyright had lawfully granted either a license to import for sale in such British possession, or a license to reproduce therein by any process, an edition or editions of any such book designed for sale only in such British possession, it should be lawful for the Legislature of such possession by Act or Ordinance to provide for the prohibition of the importation, except with the written consent of the licensee, into such possession of any copies of such book printed elsewhere except under such license as aforesaid, except that two copies might be specially imported for the *bona fide* use of each of the public free libraries, of the university and college libraries, and law libraries of any duly organized law institution or society for the use of its members.

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The fourth Congress of the Chambers of Commerce of the Empire met in London, when Lord Monkswell's bill was before Parliament, and unanimously adopted a resolution, which I proposed and which was seconded by the Honourable Thomas Fergus, of New Zealand, declaring its approval of the bill and expressing the earnest hope that it might speedily become law.

Lord Monkswell's bill did not succeed in getting through the required stages to make it law, but the British Government has now taken the matter up, and the King's speech at the opening of the present Parliament announces a copyright bill as a Government measure.

Towards the close of the Parliamentary session of 1900, the Honourable Mr. Fisher introduced into the Canadian Parliament a Bill which was found to be generally acceptable and which ultimately became law. This Bill, usually referred to as the Fisher Bill, provides in effect that if a Canadian publisher, under license from the owner of a British copyright, reproduces in Canada an edition designed for sale only in Canada, the Minister of Agriculture may prohibit the importation into Canada of any copy of the book printed elsewhere. The Fisher Bill was passed with the full approval of the Imperial authorities, and is another great concession to the Canadian trade. Now, if a Canadian publisher buys the British copyright of a work so far as Canada is concerned, he may protect himself not only against the introduction of United States and foreign prints, but even as against the introduction of reprints produced in Great Britain itself.

The Fisher Bill, which was passed at the instance of the Canadian Society of Authors with the sanction of the Canadian Manufacturers' Association and the Executive of the Employing Printers' Association, expressed in formal resolutions laid before the Government, and with the tacit approval of the Canadian publishers, placed the Canadian publishing trade upon a firm basis. It was the final step in securing the establishment of the Publishing Trade in Canada.

In June, 1900, Professor Mavor and I were called before the Select Committee of the House of Lords and questioned as to whether in our opinion the Fisher Bill was intended to be local in its operation and not to conflict with the Imperial Copyright Laws. We gave the opinion that the Bill was intended to be confined in its operation to Canada. This opinion was accepted as a satisfactory explanation and the Bill received no opposition in England and came into effect without disallowance. By allowing this Bill to become law, the Imperial authorities gave that further recognition to the Canadian publishers which successfully established their trade, and put an end to the deadlock which had existed between Great Britain and Canada for twenty years. Mr. W.J. Gage, the Chairman of the Wholesale Booksellers' Section of the Board of Trade, himself testified to the present prosperity of the Trade at a Banquet on the 19th of last December, at which he entertained the Section, and congratulated his hearers "upon the last year having been with them a year of prosperity, and a year of prosperity with the Paper Trade as well."

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What then is the reason for the present agitation? Does any one pretend to assert that the present conditions under the Fisher Bill are not working well?

Under the provisions of the Fisher Bill, it has become possible for any Canadian publisher to go to England, make arrangements with the owner of a British copyright for the publication in Canada of a Canadian edition, and then publish here freed from the fear of an invasion of his market by British, American, or any other foreign reproductions, whether the publication was first in Canada or subsequent to publication elsewhere.

* * * * *

To summarize the position:—In 1847, the Imperial authorities yielded to Canadian demands and permitted the introduction of the cheap American reprints of British copyright books. This arrangement our own Parliament terminated.

In 1886, the Imperial Parliament set at rest a question which had existed in reference to the copyright in books first published in Canada, by providing that the British Copyright Acts should apply to such works in the same manner as they apply to works first produced in the United Kingdom. They now occupy exactly the same footing.

In 1900, the Imperial authorities again yielded to Canadian demands, and permitted the Fisher Act to come into force, which prohibits the importation of copies of a work printed in the United Kingdom, when the Canadian publisher produces in Canada an edition of the work under license from the copyright owner.

The Canadian author who publishes his work in Canada secures copyright not only in the whole British Empire, but obtains protection in all the countries comprising the Copyright Union. If he comply with the provisions of the Chace Bill, and print and publish contemporaneously in the United States, he secures the whole market of the States as well, which was a loss to him prior to 1891. Sir John Bourinot thus obtains protection for his property in his valuable historical productions, and is reaping splendid returns from the United States market. Mr. Seton-Thompson and Dr. Drummond are doing the same. Yearly the authors of Canada are gathering a harvest from this great market. Secured by the Berne Convention, Mr. Frechette's "La Noel au Canada," printed in Toronto, goes to France safe from continental piracies. Not a year passes that Canadian editions of books are not shipped to Great Britain, and the trade is increasing. Examples of such books are Professor Clark's "Paraclete" and Colonel Denison's "Soldiering in Canada."

The Canadian publishers are now secured in the possession of their own market when once they have acquired a license from a British copyright owner, and have reproduced the work in Canada. Canadian printed editions of Rudyard Kipling, George Eliot, Francis Parkman, and of scores of others may now exclusively be dealt in by the

Canadian book-selling trade. Prominent American publishers have told me repeatedly that our Canadian Copyright Law as it stands, is superior to anything they have had in the United States for the benefit and encouragement of publishing.

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It was once the custom for the English author, when dealing with the American publisher, to throw in Canada as an inducement to complete the deal. Mr. Thomas in his address to which I have referred stated that this is still the custom. Mr. Thomas knows better than this, for, whilst this was undoubtedly the custom some years ago when Canada and her trade were little known or regarded in England, it is not the custom now. Rudyard Kipling, Hall Caine, Benjamin Kidd, Crockett, Doyle, Hope, Parker, Miss Fowler, Miss Cholmondeley, Miss Montresor, Marie Corelli, all now deal with Canada as a separate market, and contract directly with Canadian publishers. This custom is growing rapidly and more books are now directly offered to Canadian publishers than can be safely taken, having regard to the present state of the market.

Those who at present comprise a majority of the Booksellers' Section of the Board of Trade desire to have a Canadian copyright law of their own, to secure authority which will enable the Canadian Parliament to pass an Act which would separate Canadians from the rule of British copyright legislation, and necessarily, too, from its benefits. It goes without saying that if this is effectuated Canada will be excluded from the Copyright Union and also from protection in the vast market of the United States; and as a further consequence the works of Canadian authors would again become public property outside of Canada, and the British publisher would surely retaliate.

And what end will be gained by all this? Nothing but the right for Canadian publishers to print in Canada the majority of British or foreign books in any cheap form they please, and to compile such works as School Readers made up of extracts culled from copyright works, subject only to such safeguards as will secure to the owners of the copyrights infringed upon a *reasonable* royalty, in the imposition of which they can have no effective voice.

Were the proposals of the Board of Trade carried into effect, it would reduce our country below the standard of national morality and of international fair play maintained by all other civilized nations now united in the Copyright Union. Canadian authors would then encounter the same difficulty in securing recognition at the hands of Canadian publishers that American authors experienced with their publishers prior to 1891, when British books could be published in the United States without payment of royalty.

I agree in the view that the rights of an author are just as much entitled to protection as any other rights in property. I am absolutely opposed to any retrograde movement on the copyright question. I believe that the rights of publishers are inseparably bound up with those of authors, and I regard any attempt to deprive authors of any rights in the property which is the product of their intellectual exertions as "nothing short of a crime equal to that of a highwayman,"

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nor can I submit to remain a member of the Board of Trade without recording my warm dissent from the action of the Council and the Executive. I object emphatically to our taking the law into our own hands, and fixing what we may be pleased to think is *a reasonable price* to be paid authors for their property, merely because it is the product of their intellectual labours. I am satisfied to accept the Canadian law as it is, and to abide by its provisions if they are fairly construed.

I maintain that the subject of copyright is abstruse, and is not to be mastered in a few days or in a few months. Long as this letter is, I have stated only a single phase of the question. I could better have dealt with the matter in a short address, and I very much regret that the Executive of the Council did not afford me the opportunity of appearing before them when I asked it. Had this been done, I feel satisfied that the Board would not have been committed to the proposals the Council are now engaged in advancing, nor would the Board have been subjected in England, as it already has been, to the criticisms of those who understand the copyright question, and with some indignation resent the course of the Board in advancing reasons for its action which are not in accordance with the real facts.

I am, Sir,
Yours truly,
GEORGE N. MORANG