Authors and Publishers on the Offensive: The Canadian Copyright Act of 1921 and the Publishing Industry 1920–1930¹

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In the beginning, and I refer to 1920, there were only two or three publishers who consistently published Canadian titles, and each of them had to make do with what came to hand ... I am sure that John McClelland and Hugh Eayrs believed as I did. We were at the beginning of things as a nation, and we felt under an obligation to assist as many spokesmen of our time as we could ... at last Canadian publishers were prepared to make great sacrifices to see that Canadian writers had a chance ... It was simply that a birth, and then possibly a re-birth, of Canadian letters had to begin somewhere, and it might as well begin with us.

– Lorne Pierce²

In a burst of postwar optimism, three Toronto publishers announced their commitment to publish Canadian books. First in 1918 was forty-two-year old John McClelland of McClelland and Stewart, who told

¹ This paper is the first part of a chapter of a book on the Toronto publishing industry in the twentieth century. This chapter describes the publication of Canadian books between 1920 and the Second World War, with a focus on McClelland and Stewart, Ryerson Press, and the Macmillan Company of Canada; it also deals with the effects of the Great Depression on the Toronto book trade.

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² *An Editor's Creed*, (Toronto: Ryerson, 1960), 3–4.

John Murray Gibbon, "We are specializing as far as possible in the works of Canadian writers, and prefer to give place to a Canadian book every time," and he bragged, "We have yet to lose a dollar on any Canadian book that we have ever published."³ In 1921, the new book editor and literary advisor at Ryerson Press, Lorne Pierce, thirty-one years old, affirmed the need "to preserve our national identity ... through the Canadian character and ideal. To do this we must preserve our national poise, our independence, and spread out our own soul and interpret our own thought and life in our own way. Therefore our authors must be encouraged to perform this function for us."⁴ In that same year the new president of the Macmillan Company of Canada, twenty-seven-year-old Hugh Eayrs, announced: "We are going to regard as a distinct duty the forwarding, by every possible effort, of Canadian production of Canadian authorship. We have not done enough to link the best name in the book world with Canadian work and whatever else we do or don't do we are going to stimulate by every bit that is in us the discovery to the Canadian reader of the Canadian author."⁵ These were brave words from an agency publisher, a religious publisher, and a British subsidiary in a country where few Canadian books were profitable.

The country had emerged from four years of traumatic reports about muddy clashes in Flanders, torpedoed ships in the northern Atlantic, and dogfights in brittle planes. In 1914 man-of-letters Andrew Macphail, according to his biographer Ian Ross Robertson, hoped that "the war was to be more than a spiritual purgative for individuals," and that "it would lead to a regeneration of Canadian society."⁶ He "had gone to war in his fiftieth year with extravagant and, as events proved, misplaced expectations."⁷ Macphail, his son, and his brother returned worn out and in bad health. Even in early 1915, Macphail's close friend Stephen Leacock began to feel his age, writing to Pelham Edgar, "I suppose you and Mrs. Edgar feel as depressed and preoccupied over the war as we do here. I never felt it so much before, I mean the aspect of interminable length. There

³ J. Murray Gibbon, "Where Is Canadian Literature?" *Canadian Magazine* 50 (February 1918), 338.

⁴ Lorne Pierce, "Why a Canadian Author's Book Week?" *Bookseller and Stationer and Office Equipment Journal* [B & S] 37 (September 1921), 26.

⁵ "New Head of Macmillans in Canada," *Canadian Bookman* 3 (June 1921), 49.

⁶ Ian Ross Robertson, *Sir Andrew Macphail: The Life and Legacy of a Man of Letters* (Montreal & Kingston: McGill-Queen's University Press, 2008), 178.

⁷ *Ibid.*, 191.

seems damn little light.”⁸ On the home front, there was more to come: shortages, rising prices, and a new income tax. Women undertook new roles in the work place, and some of them won the right to vote. A generation of young men did not return from war service, but those who did, like Harold Innis, were forever changed. After the Armistice there was a desire to build a new world out of so much suffering and loss. Lorne Pierce, who had served in Canada, sensed something new: “There had been Vimy, and I think that Canada as a nation was born in that fatal ridge.”⁹ In spite of economic setbacks and labour strikes in the postwar years, Canada’s war efforts inspired confidence, renewal, and a search for new bearings.

Speaking at the Canadian Club in Hamilton, Ontario, in October 1922, Hugh Eayrs declared, “The war did to Canadian letters what years of academic study might never have done. It taught us our place as a distinct national entity and so awoke national consciousness which found expression through a national literature. The Canadian mind is made up of many individual types, which are not known to British or American writers, so Canadians must necessarily express the Canadian mind.”¹⁰ Eayrs’s speech followed on a campaign encouraging the “national consciousness” by the promotion of Canadian writing and demands for updated copyright laws. The copyright changes would bring market rights in line with international agreements and business practice, thereby reinvigorating the publication of foreign books, the revenues from which would help finance the publication of Canadian books. Innovative publishers sought out authors, and developed Canadian textbooks and studies on Canadian society. Readers would discover new voices in literature and criticism as modernists squared off against traditionalists. Copyright, for all its complexity, proved easier to update than the creation of the “national literature” of Eayrs’s prediction. Although these initiatives had important results in the 1920s, their full impact took almost thirty years to realize.

⁸ Stephen Leacock to Pelham Edgar, postmarked 12 February 1915, Pelham Edgar Fonds, series 1, box 2, file 12.10, Victoria University Library (Toronto), Special Collections.

⁹ Pierce, *Editor’s Creed*, 2.

¹⁰ Hugh Eayrs, “Publishers Are Getting Over the Fear that Putting Out a Canadian Book Is Taking a Chance – Big Change Noticeable,” *B & S* 28 (October 1922), 27.

I. The Canadian Authors Meet

Stephen Leacock Hosts a Dinner

The campaign itself began in earnest in early 1921 at a dinner hosted by Stephen Leacock at the McGill University Club for Pelham Edgar, John Murray Gibbon, and B.K. Sandwell. After drinks and discussion, they decided it was time for authors to get serious about the new copyright bill before Parliament.¹¹ Sandwell and Gibbon were so angered by its defects that they sent out hundreds of invitations to an authors' convention in Montreal to discuss the question. What emerged in Montreal was, in novelist Arthur Stringer's words, "the professional birth of Canadian letters."¹²

Leacock and his three friends were the midwives at this birth. Pelham Edgar (1871–1948), Leacock's colleague when they were young teachers in the 1890s at Toronto's Upper Canada College, was now professor of English at Victoria College in the University of Toronto, and was "perhaps the most influential critic and supporter of Canadian letters."¹³ He had come a long way since 1904 when he answered his own question, "Has Canada a National Literature?" with, regretfully, not yet. Writer Madge Macbeth thought that his "change of heart . . . must have been a tough struggle for him."¹⁴ Even so, Edgar cautioned that Canadian literature "was as yet in a nascent state and that the new organization [should] not make itself ridiculous in the eyes of the world by assuming its product was already of large

¹¹ Leacock's biographers assign an unreliable date for this dinner. Ralph Curry, in *Stephen Leacock: Humorist and Humanist* (Garden City, NY: Doubleday, 1959), 145–47, says that the dinner of 7 December 1921 led to the founding of the CAA, but he provides no source. Leacock and his family, however, were in Great Britain and Europe in the fall and early winter of 1921–22. David M. Legate follows Curry in *Stephen Leacock: A Biography* (Toronto: Doubleday Canada, 1970), 112. Albert and Theresa Moritz say the "private dinner" took place "in the fall of 1921," in *Stephen Leacock: His Remarkable Life* (Toronto: Fitzhenry & Whiteside, 2002), 224. There is no mention of copyright or authors' events of late winter and spring 1921 in *The Letters of Stephen Leacock*, ed. David Staines (Toronto: Oxford University Press Canada, 2006). In any event, the copyright bill had first reading on 28 February 1921 and the authors formed the CAA on 11–12 March 1921.

¹² "Canada's Role in Literary World. Many Canadian Authors Discuss Future of Canadian Letters. Copyright Laws. Banquet Ends Convention at Which Authors' Society Founded," *Montreal Daily Star*, 12 March 1921, 1.

¹³ Bliss Carman, *The Letters of Bliss Carman*, ed. H. Pearson Gundy (Kingston and Montreal: McGill-Queen's University Press, 1981), 328.

¹⁴ Madge Macbeth, *Boulevard Career* (Ottawa: Kingswood House, 1957), 67.

and important proportions.”¹⁵ Considered aloof and condescending, an appearance reinforced by a glum walrus moustache, his private gestures of kindness sustained many writers critically and financially.

John Murray Gibbon (1875–1952), born in Ceylon and educated in England, arrived in Montreal in 1913 to work as publicist for the Canadian Pacific Railway (CPR). By 1921 he had published three novels and was thoroughly in love with Canada’s ethnic heritage, which he celebrated in *The Canadian Mosaic* (1938). Watson Kirkconnell sensed that Gibbon’s “air of gentle abstraction concealed business acumen, relentless energy, and imaginative scholarship” (fig. 1).¹⁶

Figure 1. “John Murray Gibbon, President, Canadian Authors’ Association.”
Canadian Bookman 3 (June 1921), 5.

¹⁵ “96 Writers at Natal Banquet. Canadians as Interpreters between England and U.S., Basil King’s View. Seeking Native Talent. Copyright Infringement by Indian Tribes 300 Years Ago Punishable by Death,” *Gazette* (Montreal), 12 March 1921, 1.

¹⁶ Watson Kirkconnell, “John Murray Gibbon,” *Proceedings and Transactions of the Royal Society of Canada*, 3rd series, 66 (1953): 83.

Bernard Keble Sandwell (1876–1954), Leacock’s pupil at Upper Canada College, was a journalist of wide interests, having served as drama critic for the Montreal *Herald* (from 1905 to 1911) and editor of the *Financial Times* during the Great War. Appointed editor of the *Canadian Bookman* in 1919, Sandwell’s first editorial, “The New Era,” predicted that Canada’s “new national self-consciousness”¹⁷ would nurture literature and the discussion of social and political ideas (fig. 2).

Figure 2. “B.K. Sandwell, Editor of the ‘Canadian Bookman,’”
Canadian Bookman 1 (January 1919), 7.

¹⁷ [B. K. Sandwell], “The New Era,” *Canadian Bookman* 1 (January 1919), 3.

Montreal, 11 and 12 March 1921: The Canadian Authors' Association is Formed

Pen-pushers from the western provinces, expatriate novelists from New England, story-tellers from Nova Scotia, magazine-writers from the banana belt of Ontario, silver-tongued poets from Quinte and Old Quebec, scholars and philosophers from the universities, and even publishers and magazine-makers from the sister city of Toronto. They were there to get unionized.

– Arthur Stringer¹⁸

Most of the 110 men and women who gathered in Montreal on the weekend of 11 and 12 March 1921 were authors and journalists, librarians, and academics.¹⁹ The sprinkling of publishers included Emil Daoust of Librairie Beauchemin, Hugh Eayrs of the Macmillan Company of Canada, C.J. Musson and Frank Appleton of the Musson Book Company, Theodore Pike, the Longmans Canadian traveller, George Stewart of McClelland and Stewart, and Sidney Watson of Thomas Nelson & Sons. Canada's famous soldier, General Sir Arthur Currie, recently appointed principal of McGill University, greeted the battalion of authors and noted the appropriateness of Montreal as a gathering point for the two founding peoples. There was unanimous support for the new Canadian Authors' Association (CAA) proposed by Sandwell and seconded by novelist Basil King. It would act "for mutual benefit and protection and for the maintenance of high ideals and practice"²⁰ in the literary profession. The copyright committee consisted of lawyer Warwick Chipman, and novelists Madge Macbeth, Robert Stead, and Arthur Stringer. Louvigny de Montigny,

¹⁸ Arthur Stringer, "Our Authors Get Together," *MacLean's Magazine*, 15 April 1921, 24.

¹⁹ "Authors Discuss Copyright Law. Convention also Considers Formation of Craft Association. Dinner Tonight. Many Distinguished Writers Have Registered at Opening Meeting [*sic*]," *Montreal Daily Star*, 11 March 1921, 1. Prominent librarians included Grace Blackburn of London, Ontario; Hector Garneau of the Montreal Civic Library; George H. Locke of the Toronto Public Library; and W.S. Wallace of the University of Toronto Library. In addition to Pelham Edgar and Leacock were their friends: copyright expert James Mavor of Toronto; W.T. Allison of Winnipeg; Frank Oliver Call of Lennoxville; Archibald MacMechan of Halifax; and Leacock's McGill colleagues, Sir Andrew Macphail and René du Roure.

²⁰ "Canada's Role in Literary World," *Montreal Daily Star*, 12 March 1921, 1. This passage, with slight revision, became the first clause in the CAA constitution.

a Montreal lawyer versed in international copyright,²¹ proposed in French that the authors express solidarity with the authors' societies in Britain and France and the Berne Union. Other resolutions called for expanding the reading public, promoting public libraries, and lobbying for more newspaper space on Canadian writing, which, the authors claimed, had as much value as holdups, murders, political squabbles, municipal corruption, and baseball scores. Moving this resolution, J. Vernon Mackenzie, the editor of *MacLean's Magazine*, noted wryly that his career had been devoted to these incidents, but agreed that more attention to literary matters would be helpful. Arthur Stringer, on assignment for *MacLean's*, thought such stuff was "mighty interesting"²² ever since the time of Homer. Plans were made for a national book week.²³ A French-language section of the new organization was organized under Victor Morin.²⁴

The after-dinner speeches at the Place Viger Hotel abounded in idealistic phrases about nationalism and literary culture.²⁵ Stephen Leacock was in the chair briefly but ducked out early for a Toronto engagement, apologizing for not delivering a humorous and lengthy review of literature in Canada from its foundations to the present. Reverend Basil King, living in retirement in Cambridge, Massachusetts, made a strong impression when he said that the "proper function" of the Canadian author was to be a "hyphen" between the United States and Great Britain, "to be an American to the Britisher, and a Britisher to the American, and withal an out and out Canadian all the time." Speaking in French, Louvigny de Montigny referred to passionate discussions years earlier about

²¹ In 1905–6 Louvigny de Montigny successfully tested the validity of the Berne Convention in Canada. See Shelley S. Beal, "La fin du pillage des auteurs": Louvigny de Montigny's International Press Campaign for Authors' Rights in Canada," *Papers of the Bibliographical Society of Canada / Cahiers de la Société bibliographique du Canada*, 43, no. 1 (2005): 45–64.

²² "Authors Offered Advice to Press," *Gazette* (Montreal), 12 March 1921, 5.

²³ "Books," *B & S* 37 (April 1921), 51.

²⁴ The autonomous French-language section remained within the larger organization until 1936, when French-language writers, under the impetus of Professor Jean Bruchési of Montreal, organized as La Société des Écrivains Canadiens, and elected Victor Barbeau as their first president. Their mouthpiece was the *Bulletin bibliographique de la Société des écrivains canadiens*.

²⁵ For extended discussions, see Mary Vipond, "The Canadian Authors' Association in the 1920s: A Case Study in Cultural Nationalism," *Journal of Canadian Studies / Revue d'études canadiennes* 15 (1980): 68–79; and John Watt Lennox, "New Eras: B.K. Sandwell and the Canadian Authors' Association, 1919–1922," *English Studies in Canada* 7 (1981): 93–103.

whether or not Canada had a literature, observing that “a complete literature was written to prove she had none.” He noted how Marius Barbeau explained that three hundred years ago the Indians had a perfectly good copyright law, for “every family had its family song, and no one dared quote from or sing the song of another family without acknowledging whose property it was” – on pain of death. Frank Packard declared that American publishers always extended a “heartly welcome” to Canadian writers. Archibald MacMechan called for the “impeachment of the Canadian for his characteristic crime of diffidence” toward the literature of his country and ignorance of the facts that France had honoured Louis Fréchette as a Chevalier de la Légion d’honneur and that Sam Slick (i.e., Thomas Chandler Haliburton) “had founded the school of American humor.”²⁶

On behalf of the publishers, Hugh Eayrs expressed “delight” that the authors were organizing and acknowledged that “Canadian publishers perhaps disregarded hidden literary treasure in their own country when exploiting the work of foreign authors.” Now they had “their ear close to the ground for the faintest indication of Canadian literary achievement.” At that point Bliss Carman, the “very picture of a poet or creative genius,” stood up and recited his poem “The Man of the Marne” to such enthusiastic applause that he recited a second one.²⁷ Arthur Stringer made “eulogistic references to the quality of the refreshment in Montreal and hoped many anniversaries of the birthday of Canadian letters might also be spent here.”²⁸

On Saturday the constitution and bylaws were adopted, which were based “on the constitution of a fishing club of which [Gibbon] was a member.”²⁹ Gibbon was elected president, B.K. Sandwell, secretary, and W.S. Wallace, honorary treasurer. Carman wrote his friend Peter McArthur that Gibbon was “a very good choice,” one who “doesn’t like the idea of American dollars dominating Canadian letters, and is likely to make a fight on that line – though he doesn’t fight.”³⁰ Most of the morning’s discussion, however, concerned the copyright bill. A visitor from Ottawa, Philip Ritchie, the registrar of copyrights and reputedly the person who had written the copyright bill, was sent as

²⁶ Stringer, “Our Authors Get Together,” 25.

²⁷ “96 Writers at Natal Banquet,” 1.

²⁸ “Canada’s Role in Literary World. Many Canadian Authors Discuss Future of Canadian Letters. Copyright Laws. Banquet Ends Convention at Which Authors’ Society Founded,” *Montreal Daily Star*, 12 March 1921, 1.

²⁹ Macbeth, *Boulevard Career*, 66.

³⁰ Carman, *Letters*, 274.

an observer from the Department of Justice. Bombarded from all sides over the unfairness of the bill, Ritchie suggested that it be passed as it stood so that amendments could be made later.³¹

The campaign evolved into two strands, the fight for authors' rights in copyright legislation, and the promotion of Canadian books. The copyright committee and two lawyers tried to sway members of parliament and senators. Gibbon and Robert Stead testified before a special committee of the Commons. On 4 June the Copyright Act received royal assent, but it did not become law until 1924 because it required adjustments regarding international rights and domestic protections. In 1921, however, the public heard less about the intricacies of copyright and far more about Canadian books being celebrated with a lot of partying.

II. 1921: Promoting the First Canadian Book Week

An anecdotal report by Arthur Stringer for *MacLean's Magazine* (15 April 1921) achieved wide publicity for the CAA and included portraits of Canada's leading writers, some of whom headed up the nine CAA branches across the country. Gibbon at the CPR and his counterpart at the Canadian National Railway, Walter S. Thompson, arranged for free travel passes for members to form branches and attend conventions – until the Board of Railway Commissioners put a stop to this perk. Gibbon, with an ever-present Pall Mall cigarette dangling from his lips, and Stringer, hearty and sociable, attended the formation of most of the western branches, where enthusiastic authors turned out in large numbers (fig. 3).³² A tenth branch in Boston, headed by Basil King, served the interests of Canadian authors residing in the United States. Membership was expanded to include artists and illustrators. Some CAA members also belonged to the Canadian Society of Authors, formed in 1899 to combat many of the same problems still facing authors in 1921. At its annual meeting in March 1921, the CSA, in a move designed to preserve its charter, was incorporated as an Ontario organization, and then it merged with the CAA.³³

³¹ Stringer, "Our Authors Get Together," 25.

³² "Gathering in the Authors," *Canadian Bookman* 3 (September 1921), 22–24.

³³ Ibid., 22. Representing an older literary establishment, the CSA executive consisted of the honorary president, Sir Edmund Walker, philanthropist and retired president of the Canadian Bank of Commerce; the president, Sir Robert

Figure 3. “Canadian Authors at Winnipeg.” Photo in *Canadian Bookman* 3 (September 1921), 22. Arthur Stringer, third from right, stands behind John Murray Gibbon (with cigarette).

Complaints that Canadian publishers would not take risks on authors were voiced at CAA meetings. Before the Great War, Madge Macbeth claimed, “Canadian publishers and editors gave us little encouragement. They were ashamed of us. They used Canadian material to promote advertising or bought second serial rights of what had appeared elsewhere. When they did sneak in a Canadian story (or publish a book) they patted themselves on the back and boasted of their patriotism!”³⁴ By 1921, however, several enterprising publishers were on side and were admitted as associate members of the CAA. Hugh Eayrs met Pelham Edgar for the first time, and over tea they agreed to set up the Toronto branch. Eayrs wrote in his diary, “Curious person but, I should think, interesting.”³⁵ They

Falconer, also president of the University of Toronto; the vice-president, J. Castell Hopkins, a prolific journalist; William Lawson Grant, headmaster of Upper Canada College; and Sir John Willison, editor of the *Toronto News*. Although these men were influential in financial and social circles and possessed reputations that guaranteed them access to cabinet ministers, they were not fired by the same sense of urgency as Gibbon, Macbeth, Sandwell, and Stringer.

³⁴ Macbeth, *Boulevard Career*, 64.

³⁵ Hugh S. Eayrs, *The Barometer Points to Change* (Toronto: Macmillan Company of Canada, 1938), 1.

would remain good friends and golf companions until 1938. (In that year a rift occurred when friends of Eayrs tried to persuade him to take sick leave; it appeared to Eayrs that Edgar was angling to take his place as president of the Macmillan Company of Canada.)³⁶ Eayrs told *Bookseller and Stationer* that the CAA “promises to be a real, live association,” and said, “I feel the publishers’ interests are identical with those of authors,” who “will talk to publishers now as business men to business men.”³⁷ The Toronto branch co-opted W.C.A. Moffatt, the editor of *Bookseller and Stationer*, to serve on one of its committees. Sandwell turned the *Canadian Bookman* into the CAA’s official organ and introduced a French-language section, an innovation that was one factor in his forced departure from the magazine in late 1922. He had purchased the *Bookman* a year earlier but cash-flow problems forced him to merge it with Findley I. Weaver’s *Canadian Book Trade Journal* and move the editorial office to Toronto. The two men quarrelled over the French section and Sandwell’s emphasis on literary material. Weaver installed a new editorial committee composed of Merrill Denison, Thomas Marquis, and Jesse Middleton,³⁸ who included essays on the arts, painting, and the little theatre movement. Sandwell found a position in the English department at Queen’s University, Kingston, from 1923 to 1925, put in a stint as editor of the *Financial Times* (Montreal) from 1926 to 1930, and finished his illustrious career as editor of *Saturday Night* magazine (Toronto) from 1931 to 1951.

When it came to schemes to sell books, publishers enthusiastically made common cause with authors. In late March, the Book Publishers’ Section of the Toronto Board of Trade held a dinner meeting at the National Club with speeches by Gibbon and Frederick Melcher, the editor of *Publishers’ Weekly*. John McClelland, the chair of the Publishers’ Section, thought the founding of the CAA was “the finest thing that ever happened for Canadian authors,”³⁹ and he announced plans for a book week. Through the summer and fall of 1921 authors, booksellers, librarians, and publishers mounted a massive publicity campaign for the first-ever Canadian Authors’ Book Week, 19 to 26 November 1921, timed for the Christmas book-buying season (fig. 4). The Publishers’ Section distributed promotional materials to authors

³⁶ Ruth Panofsky, *The Literary Legacy of the Macmillan Company of Canada: Making Books and Mapping Culture* (Toronto: University of Toronto Press, 2012), 115–16.

³⁷ “Publishers – Authors – Booksellers,” *B & S* 37 (May 1921), 40.

³⁸ “To Our Readers,” *Canadian Bookman* 5 (January 1923), 24.

³⁹ “Publishers – Authors – Booksellers,” 40.

Canadian Authors' Week

Figure 4. "Canadian Authors' Week at Smith's Corners, as seen by our special cartoonist." *Canadian Bookman* 4 (January 1922), 56.

and booksellers. In September, Hugh Eayrs told the first meeting of the revived Canadian Booksellers' Association that authors were depending on the co-operation of retailers.⁴⁰ In the October issue of *Bookseller and Stationer*, Gibbon advised publishers and booksellers to help put the "Canadian Book on the Canadian Map." His headline boomed:

Together We Stand – Divided We Fall!
!! Strike While the Iron is Hot!!⁴¹

⁴⁰ "Grievances of Booksellers Aired," *B & S* 37 (September 1921), 13–14.

⁴¹ Advertisement in *B & S* 37 (October 1921).

Book Week celebrations were held across the country from Halifax to Victoria. In Montreal, Bliss Carman was the luncheon guest at the Ritz-Carlton Hotel on 29 October. The “unassuming” Carman was praised by Gibbon as “Canada’s distinctive poet,” an expression of heartfelt kindness in light of Carman’s recent recovery from a grave illness. Then Gibbon stepped aside as a group of school girls danced into the room, singing a specially composed tribute, “The Dance of the Maple Leaves.”⁴² The Maple Leaf girls wore fluttering orange crepe and performed against a white wall bedecked with bronze-red maple leaves. While they circled Carman the youngest child stretched up and placed a laurel garland on his head (fig. 5). Carman, who had always associated music and dancing in his poetry, was very pleased and then read his poetry. The next day, after a reading at McGill University, Carman began a triumphal and exhausting poetry-reading tour of Western Canada.

Figure 5. “Bliss Carman, Crowned with a Laurel Wreath by a Group of Montreal Maidens, as Canada’s Major Poet.” Cover, *Canadian Bookman* 4 (January 1922). Reproduced from H.P. Gundy, *Letters of Bliss Carman* (Kingston and Montreal: McGill-Queen’s University Press, 1981), 283.

⁴² “Poet Crowned with Wreath of Laurel,” *Gazette* (Montreal), 29 October 1921, 7.

In Toronto, authors were displayed like the best china at tea parties. At Victoria College, Pelham Edgar lectured on Duncan Campbell Scott, and Vincent Massey on Louis Hémon, the author of *Maria Chapdelaine*, which in English translation had become the novel of the year. The Montreal Community Players brought Marjorie Pickthall's play about artists, *The Wood Carver's Wife*, to Hart House. The libraries tacked up posters of authors donated by the Macmillan Company of Canada and McClelland and Stewart. Even the department stores proclaimed their devotion to literature. Eaton's mounted one of the largest book exhibits ever assembled in Canada – which included Rufus Hathaway's collection of first editions of Canadiana – in booths decorated with Union Jacks and maple leaves. Simpson's presented talks and readings by novelists Douglas Durkin, W.A. Fraser, Basil King, Nellie McClung, Lucy Maud Montgomery, Marshall Saunders, and Jessie Sime. Popular women writers were well received at all these literary events. Nellie McClung, the animated chair of the Edmonton branch, was in demand everywhere – as lecturer at Massey Hall, as a visitor along with Marshall Saunders and Florence Randal Livesay at the Women's Art Association, and as a guest of honour of the CAA Toronto branch for an extraordinary evening at the most in-place for literati in Toronto, the Arts and Letters Club on Elm Street. In a break with tradition, women "invaded ... the sacred precincts of the Arts and Letters Club at the dinner hour," and McClung, a "striking figure in black net, embroidered with rose and silver and crystal, a scarf of flame-colour chiffon across her shoulder,"⁴³ sat beside Pelham Edgar, who had arranged the affair. James L. Hughes brought as his guest the slim and elegantly dressed British suffragette Emmeline Pankhurst, who was living in Toronto that winter. At a similar event in Ottawa, Lady Byng, the wife of the governor general, suggested that everyone should look around for the Canadian Kipling.⁴⁴ Literary events had been hijacked by the social and publishing establishment, which immediately set off alarms.

The *Canadian Forum* was dismayed to see the CAA exploited in Book Week by publishers' gimmicks. An editorial note in December 1921 warned that "criticism under the wing of the publisher never reads

⁴³ "Writers Honor Mrs. M'Clung. Women Invade Sacred Precincts of Arts and Letters Club. Gathering of Notables," *Globe* (Toronto), 19 November 1921, 18.

⁴⁴ Margaret Jarvis, "'Canadian Book Week' in Toronto," *Ontario Library Review* 6 (August and November 1921): 7–9.

the same as criticism that is morally independent.”⁴⁵ In January 1922, University of Toronto professor Barker Fairley, the literary editor of the *Canadian Forum*, concluded that, having made “a shockingly bad start from which it will take a long time to recover,” the Canadian Authors’ Association in this “orgy of mutual congratulation” has “confused its interests with those of the publishers” because “it has, tacitly at least, endorsed that low standard of literary merit which is comfortable to every Canadian who possesses a fountain-pen.”⁴⁶ Although sympathetic to the CAA’s protection of the interests of Canadian authors, Fairley recognized that its other purpose of maintaining the high ideals and practice of the literary profession would require “vigorous self-criticism,” and was skeptical that the CAA could avoid “bad reviewing” and “cheap advertising.”⁴⁷ Even the *Canadian Bookman* stooped to puff a celebrity. Its February 1922 cover photograph celebrated Bliss Carman’s appearance in Montreal with the caption: “BLISS CARMAN: Crowned with a Laurel Wreath by a Group of Montreal Maidens, as Canada’s Major Poet.” A slightly embarrassed Carman peers through his glasses with what looks like a bird’s nest on his head. No one really disputed Carman’s laurels, but even apotheosis has its tacky side.

Although literary reviews and quarrels are not central to this paper, it is worth stating that the promising start by Findley I. Weaver and his friends at the *Canadian Bookman* petered out by the last half of the 1920s. At first, the *Bookman* called for the teaching of Canadian literature in universities, and offered discriminating reviews of Joseph Conrad, Robert Frost, Thomas Mann, Edwin Arlington Robinson, Virginia Woolf, and William Butler Yeats. Gradually, in spite of interesting debates about realism and naturalism, contributors began to echo the booming of the CAA. It looked as if Fairley and the group around him – Douglas Bush, Frank Scott, and A.J.M. Smith, with their high spirits and satiric barbs – were correct about the lack of self-criticism in the *Canadian Bookman*. Nowhere was the divide between it and the *Canadian Forum* clearer than in their attitudes toward tradition versus modernism. The *Bookman* dismissed Morley Callaghan’s first novel, *Strange Fugitive* (New York: Scribner’s, 1928), for its representation of “shooting and depravity” in “Toronto

⁴⁵ “Editorial Comment (Publishers and Authors),” *Canadian Forum* 2 (December 1921), 452.

⁴⁶ Barker Fairley, “Artists and Authors,” *Canadian Forum* 1 (December 1921), 460–61.

⁴⁷ Note in *Canadian Forum* 1 (May 1921), 230.

the Good”: “Despite Callaghan’s quick rise to literary fame it is a question whether any future increase in fame will ever rest upon this book despite the fact that it is cleverly done with an eye to the box office.”⁴⁸ At one CAA meeting in 1931, W.A. Fraser called the works of Elinor Gynn, Theodore Dreiser, and Aldous Huxley disgusting, and Huxley’s *Point Counter Point* (1928) “the filthiest book in the world.”⁴⁹ Nevertheless, the CAA’s success in improving the conditions of authorship must be applauded.

Book reviewers such as William Arthur Deacon played an important role in educating readers about Canadian writers (fig. 6). Deacon (1890–1960) was a friend of E.J. Pratt and Arthur Phelps from their days at Victoria College, Toronto, where Deacon also developed a dislike for Pelham Edgar, whom he associated with the colonial British side of Canadian life. “I know him to be an aper of the English Gentleman. He can never forget that his mother was Lady Edgar,” he wrote to Judge Emily Murphy in 1921 when he and Phelps were forming the Winnipeg branch of the CAA. “He considers that enthusiasm is vulgar, and the kind you and I have particularly barbarous.”⁵⁰ In 1922 the ambitious Deacon, who had earned a reputation in Toronto for his reviews, heard that journalist Peter Donovan had left *Saturday Night* to work for Lord Beaverbrook in London. Armed with an introduction from Sandwell, Deacon approached the magazine and was hired, thus becoming “the first full-time, professional book reviewer that Canada had ever seen,”⁵¹ as Deacon himself recalled in 1944 (conveniently overlooking the influential reviewing career of S. Morgan-Powell at the *Montreal Star*). Deacon left *Saturday Night* in 1928, joined the *Mail and Empire* from 1928 to 1936, and after its merger with the *Globe* in 1936, served as literary editor of the *Globe and Mail* until his retirement in 1960. He was active in the CAA, published several books, was a juror for the Governor General’s Literary Awards, and was also active in the left-of-centre Co-operative Commonwealth Federation (CCF), which was re-organized as the New Democratic Party (NDP) in 1961.

⁴⁸ “Strange Fugitive,” *Canadian Bookman* 10 (September 1928), 280. Grossett & Dunlap published a cheap edition of *Strange Fugitive* in 1930.

⁴⁹ “Canadian Authors Hold Annual Gathering in Toronto,” *B & S* 47 (July 1931), 36.

⁵⁰ Clara Thomas and John Watt Lennox, *William Arthur Deacon: A Canadian Literary Life* (Toronto: University of Toronto Press, 1982), 10.

⁵¹ *Ibid.*, 24.

Figure 6. "William Arthur Deacon," oil sketch by Charles Comfort, 1926.
Facing title-page of Clara Thomas and John Lennox, *William Arthur Deacon*
(Toronto: University of Toronto Press, 1982).

III. The Campaign for Authors' Rights

A Brief Background

For the second time in thirty years, a copyright bill polarized publishers and printers, transformed authors into militant lobbyists, and baffled members of parliament, who believed they were enacting the wishes of the book industry. It was an old story. How could a small nation emerging from a colonial past develop its book

industries and professional authorship within a world well into the first stages of globalization led by Britain and the United States, whose laws and treaties privileged their own industries? Even with its postwar assertions of autonomy, Canada could not uncouple its legal and commercial links to the mother country and the powerful neighbour to the south, links that had benefited many Canadian authors, publishers, and readers. With the ever-increasing importation of American books and magazines, the question of authors' rights was tied to another question – how to resolve the anomaly in which British, American, and international copyright laws handed American publishers an advantage in the Canadian market.

Since the nineteenth century Canadian printers had tried to link copyright protection to a manufacturing clause. Their efforts were unsuccessful, despite Ottawa's support. The printers saw the manufacturing clause as necessary retaliation against the Americans, whose own law included such a measure. Authors and publishers, on the other hand, argued that copyright protection should be independent of the place of first publication. They pointed to the Berne Convention, the Reciprocal Copyright Agreement of 1891 between the United States and Britain, and Canada's own 1900 Copyright Amendment to support their view.⁵²

After 1900 there was universal agreement in Canada that the imperial Copyright Act of 1842 and the Canadian Copyright Act of 1875 must be replaced. The United Kingdom repealed the 1842 Act with the Copyright Act of 1911 (1–2 Geo. 5, c. 46), which granted reciprocal rights to countries within the British Empire and the Berlin Convention, and dropped the requirement for registration of titles at Stationers' Hall. Clause 5 stated that "the author shall be the first owner of the copyright," and extended his or her copyright in a work for fifty years after death. It permitted the copyright owner to prevent the importation of a work from one part of the Empire to another. The 1911 Act never had force in Canada, because at the 1910 Copyright Conference in London (a subsidiary of the Imperial Conference, which was attended by the overseas dominions and colonies) the Canadian delegates, Sidney Fisher, the minister of

⁵² For more on Canada's entanglement in nineteenth-century copyright law, see Catherine Seville, *The Internationalisation of Copyright Law: Books, Buccaneers and the Black Flag in the Nineteenth Century* (Cambridge: Cambridge University Press, 2006); and Eli MacLaren, *Dominion and Agency: Copyright and the Structuring of the Canadian Book Trade, 1867–1918* (Toronto: University of Toronto Press, 2011).

agriculture, and Philip Ritchie, the registrar of copyright in the Department of Agriculture, promised that Canada would frame an act consistent with the new British one, as a self-governing dominion rather than as a British colonial dependency.⁵³ Before the act could be passed, however, Wilfred Laurier's Liberals lost a bitterly contested election in September 1911 to Robert Borden's Conservatives over trade reciprocity with the United States, and the Great War delayed the introduction of new bills.

One Canadian caught in the legislative disjunction of this period was the entertainer, Lieutenant Gitz Rice (1891–1947), who was invalided home after being gassed at Vimy Ridge, and sent to New York to assist the British and Canadian recruiting mission. Rice composed the hit song, “Dear Old Pal O’ Mine,” which the Columbia Gramophone Company recorded. Columbia refused to pay him royalties because he was a Canadian and there was no American copyright reciprocity with Canada. The Authors’ and Composers’ Association of Canada complained that other American firms refused to protect Canadian songs (many popular war songs were composed by Canadians) or pay royalties from piano rolls and records.⁵⁴ Eventually Rice’s American lawyer successfully appealed his case.⁵⁵

⁵³ Great Britain, *Imperial Copyright Conference*, 1910 (London: HMSO, 1910), 6.

⁵⁴ “Want Copyright Protection,” *B & S* 35 (February 1919), 47.

⁵⁵ The American lawyer Nathan Burkan, counsel for the American Society of Composers, Authors and Publishers, described for the House of Commons Special Committee on Copyright Lieutenant Gitz (Ingraham) Rice’s efforts to obtain his royalties. When the American court awarded Rice his royalties, Columbia appealed and argued it would not pay royalties on the records manufactured in Canada, but Burkan successfully argued that these records were made from a master produced in the United States and imported into Canada. After a second appeal by Columbia, the court upheld the original decision to pay the royalties. Canada, House of Commons, Special Committee, Bill No. 2 *re* Copyright Act, *Proceedings of the Special Committee Appointed to Consider and Report upon Bill No. 2, an Act to Amend and Make Operative Certain Provisions of the Copyright Act, 1921, Comprising the Order of Reference, Reports of the Committee Presented to the House, and the Evidence Taken before the Committee* (Ottawa: King’s Printer, 1925), 217. Nova-Scotia-born Rice studied music at McGill University’s Conservatory, went overseas in 1914 with the First Canadian Contingent, and fought in several battles. He had a reputation as a performer and played with the Dumbells briefly. His obituary claims that he played the piano at Christmas 1914 when the British and Germans sang carols across the trenches. Rice had a musical career in New York at the end of the war and into the 1920s. Edward B. Moogk, “Rice, Gitz (Ingraham),” *Encyclopedia of Music in Canada* (Toronto: University of Toronto Press, 1981): 806–7; “Gitz Rice,

Within two months of the war's end the Authors' and Composers' Association of Canada urged Ottawa to pass its version of the 1911 Act, and pointed out that Canadian authors could not prevent movie companies from reproducing their works without payment. An amendment to the Copyright Act of 1875 with respect to composers, records, and movies was passed in 1919,⁵⁶ but the major copyright bill, Bill E, ran into problems. When the Book Publishers' Section sent S.B. Gundy and Frank Wise to ask the Senate Committee on Copyright to eliminate its manufacturing clause, a delegation of printers headed by Charles Port of the Musson Book Company (which had no printing plant) demanded retention of the clause.⁵⁷ The Senate withdrew Bill E in order to investigate better arrangements with the Americans, but Sandwell attacked it for retaliating against the Americans and made the same argument in 1920 against a similar copyright bill (No. 37),⁵⁸ which also died on the order table.

The 1921 Copyright Act: "Snuggling Up to the Lawmakers"⁵⁹

At first reading on 28 February 1921, the copyright bill, which was based on the 1911 Act, aimed to repeal all previous imperial and domestic copyright legislation. Its intentions were to have Canada adhere to the Berne and Berlin Conventions and to protect the rights of authors, but the printing lobby was determined to make it retaliate against US protection of American printers. Dan A. Rose of the Canadian Copyright Association led this lobby and was joined by the Canadian Manufacturers' Association, the Toronto Typothetae (employing printers), and the Canadian branch of the International Typographical Union. After the failure of the 1920 bill,

Song Writer, Dies; Composer of Many Hit Numbers," *Gazette* (Montreal), 17 October 1947, 33.

⁵⁶ A.K. Maclean, the acting minister of trade and commerce, sponsored Bill No. 150, *An Act respecting the Patent Act, the Copyright Act, the Trade Mark and Design Act, and the Timber Marking Act*, which received royal assent on 7 July 1919 (9–10 Geo. 5, c. 54).

⁵⁷ "Copyright Legislation Coming," *B & S* 35 (May 1919), 29.

⁵⁸ "Printers or Authors?" *Canadian Bookman* 1 (July 1919), 5–8; "The Copyright Law," *Canadian Bookman* 2 (July 1920), 3–5 (both editorials presumably by B.K. Sandwell).

⁵⁹ H.F. Gadsby, "Snuggling Up to the Lawmakers," *Standard* (Montreal), 6 May 1922. I am grateful to John Watt Lennox, who mentions this parody of the 1922 CAA annual convention in his paper, "New Eras."

they decided to “mitigate the rigor of the manufacture-in-Canada requirements by a licensing system”⁶⁰ (sections 13, 14, 15, and 27). Section 13 permitted anyone to apply for a licence to print and publish a copyright work that had not been published in Canada within sixty days of publication elsewhere. This would not have required the author’s permission and would have applied to authors of all nations. Such wording would effectively have taken Canada out of the Berne Convention. Section 14, supported by magazine publishers, allowed them to dispose of serial rights without the author’s consent. Watson Kirkconnell later wrote in his memoirs that the printers “were presumed to have their eyes on the books of Stephen Leacock, from which they hoped to make a killing.”⁶¹ The traditional manufacturing clause remained in the bill, but the printers focused on results from the licensing sections, as did the minister of justice, Charles Doherty, who introduced the bill.

Doherty’s cavalier attitude infuriated Sandwell and Gibbon. The CAA agreed with the government’s efforts to encourage more book production in Canada, but insisted that copyright serve the author first and the printer second; otherwise, licensing amounted to legalized piracy because the government could assign publication of any book not printed in Canada to any Canadian printer who applied for a licence. The CAA argued, for example, that L.M. Montgomery would have no protection in her own country if she published abroad first. She could lose royalties because the American publisher usually arranged for the manufacture of enough copies for both the American and Canadian markets. This was clarified by Mackenzie King, who was more knowledgeable about publishing than most members of parliament, in his explanation that the American publisher paid a graded royalty on an increasing number of total sales, which included the Canadian market.⁶² The Book Publishers’ Section of the Toronto Board of Trade, which included both locally owned houses with important agency connections and branch managers of foreign houses, argued that the agency publishing business would be destroyed, which would jeopardize their relations with foreign principals. They threw their support behind the authors.

⁶⁰ “The Copyright Law,” *Canadian Bookman* 2 (July 1920), 4.

⁶¹ Watson Kirkconnell, *A Slice of Canada* (Toronto: Published for Acadia University by the University of Toronto Press, 1967), 290.

⁶² Canada, House of Commons, *Debates*, 1921, 3849–50.

For the second reading on 3 May, Charles Doherty offered minor face-saving adjustments that he called a “compromise” – his favourite buzz word – with the Canadian Authors’ Association, but it was nothing of the sort. The modifications were the removal of the fifty-year licensing period to five years, and the removal of the fixed rate of 10% royalty. At third reading of the bill on 25 May, Doherty said that the government was unable to meet the CAA’s demand for removal of the licensing clauses, but explained how the manufacturing condition had been softened: “We have substituted a license provision, requiring, not that the author shall state his intention of not printing in Canada as in the original draft of the Bill, but that if he does not so print then a license can be granted to any applicant upon giving sufficient royalty to the author. The author, therefore, is protected.”⁶³ He argued that if and when the imperial government and the Berne authorities protested officially, the act’s inconsistencies would be tested. Licensing, its lobbyists promised, would protect Canadian production and distribution against American control. Book-industry lobbyists in Ottawa were an assortment of book and magazine publishers, printers, importers and distributors, associations of publishers and retailers, and authors – that is, manufacturers, entrepreneurs, small businessmen, and creators, some of whom functioned in more than one of these capacities. No wonder members of parliament were confused when rifts arose among these groups. As in the past, the government supported manufacturing interests in copyright matters. The bill was passed by the Commons on 25 May, by the Senate on 31 May, given royal assent on 4 June (11–12 Geo. 5, c. 24), but was not proclaimed for two and a half years.

Although the 1921 Act did not define “author” in section 2, the “author” was nevertheless identified as “the first owner of the copyright” in section 11, which gave him/her “the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever,” and also included the subsidiary rights to translations and to dramatic, musical, motion-picture, radio, and record versions (section 3). On 27 October Canada received an objection to the Act from the British government. Sandwell again blasted Ottawa for protecting the interests of composers, pressmen, and binders in a withering analysis in the *Queen’s Quarterly*: “The new Act grants copyright upon the most liberal terms imaginable ... The only trouble is that the copyright in Canada, when you have

⁶³ Canada, House of Commons, *Debates*, 1921, 3835.

obtained it, is not a right to multiply and disseminate copies. In all other countries which are parties to the Berne Convention, copyright is a right to multiply copies *anywhere* and to disseminate them in the country granting the copyright.”⁶⁴ Even though Dan A. Rose stated otherwise,⁶⁵ the Act did not bring Canada into line with the Berne Convention or enshrine the rights of authors, and the British government did not promulgate the Act.

In 1923 the recently elected Liberals under Mackenzie King introduced an amendment addressing the complaints of the British government and the Berne authorities in their organ, *Le Droit d'auteur*. The minister of trade and commerce, James A. Robb, considered repealing the licensing sections, but changed the wording so that licensing would not apply to British subjects or citizens of Berne Convention countries but would apply to Canadian subjects and Americans. Practically no one in the House could understand what would be the effect of the clause; even Robb admitted that he did not understand whose rights were being infringed.⁶⁶ A Manitoba member of parliament, Robert Hoey, sighed, “I cannot persuade myself that it was carefully considered. I think the majority of us did not understand the significance of the amendment at all.”⁶⁷ The Conservatives insisted that Canada ignore the British and the Berne Convention, and heed the Canadian Manufacturers’ Association and the typographical unions. This Amendment (13–14 Geo. 5, c.10), like the 1921 Act, required approval by the British government before it came into force on 1 January 1924. *Publishers’ Weekly* (9 June 1923)⁶⁸ recognized that the licensing sections in the new law were aimed squarely at the American manufacturing clause, and warned that Canada must now satisfy the United States and the Berne authorities on the protection of authors. From the United States Bliss Carman wrote to his friend Kate Eastman that the legislation was “sickening ... All [authors] need is to be protected in their property rights like any other body of workers. This they don’t get. A country that

⁶⁴ B.K. Sandwell, “The Canadian Copyright Act,” *Queen’s Quarterly* 29 (October 1921): 185.

⁶⁵ “Conflicting Views on Copyright Legislation: President D.A. Rose Takes Issue with Author,” *B & S* 37 (May 1921), 28–29.

⁶⁶ Canada, House of Commons, *Debates*, 1923, 2288.

⁶⁷ Canada, House of Commons, *Debates*, 1923, 3155.

⁶⁸ “The Copyright Situation,” *Canadian Bookman* 5 (August 1923), 207–8. This article reprints the article from *Publishers’ Weekly* as well as a report by the National Association of Book Publishers.

doesn't give its writers as square a deal as it gives the rest of its citizens can't expect to have any writers. For years the United States failed to treat its authors honestly – until it found out that it would be to the advantage of its printers to do so. Our own government seems to be even less honest.”⁶⁹

In *Publishers' Weekly* the Americans expressed apprehension about the 1923 Amendment, and *Le Droit d'auteur* expressed concern about Canada's adherence to the Berne Convention and its revisions. *Le Droit d'auteur* believed that the situation could be resolved with a reciprocal agreement between Canada and the United States.⁷⁰ At almost the last hour the way was cleared for the long-awaited reciprocal agreement. On 23 December 1923 Thomas Low, the new minister of trade and commerce, announced that Americans would receive the same treatment as Canadians, and President Coolidge's proclamation on 29 December gave the same protection to Canadians as those granted to Americans under US law. The 1921 Copyright Act and the 1923 Amendment were proclaimed on 1 January 1924. Americans no longer had to obtain Canadian protection by first publication in London, and the 1842 Act no longer had force in Canada.

“This Whole Thing Is a Farce”⁷¹

There were unsuccessful attempts to kill the licensing sections and registration of copyright. At the 1924 CAA annual convention in Quebec City, Watson Kirkconnell recalled, “criticism of the federal government for its copyright turpitude was so violent ... that [novelist] Bob Stead, as a civil servant, felt moved to resign from the national presidency. He was promptly succeeded by Lawrence Burpee, another civil servant, but one with less caution or a more phlegmatic disposition.”⁷² When Liberal MP Edgar Chevrier tried to repeal licensing, his 1925 private member's bill, Bill No. 2, provoked so much anger that the government appointed a special committee in February

⁶⁹ Carman, *Letters*, 310–11.

⁷⁰ “Copyright Legislation,” *Canadian Bookman* 5 (November 1923), 309–10. This article is an English translation of “Canadian Copyright,” which appeared in the September 1923 issue of *Le Droit d'auteur*.

⁷¹ Canada, House of Commons, Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 25.

⁷² Kirkconnell, *A Slice of Canada*, 291–92.

1925 to investigate and recommend further amendments to the 1921 Act and 1923 Amendment. Chevrier, an Ottawa lawyer, was by turns witty, trenchant, and sarcastic, the most capable of several respected MPs on the committee, which almost succeeded with its amendments. Chaired by W.G. Raymond, it held seventeen meetings in Ottawa through the spring. Among its twenty-seven witnesses were opponents of licensing, including Lawrence Burpee, Louvigny de Montigny, John Murray Gibbon, Stephen Leacock, Madge Macbeth, and Edouard Fabre Surveyer, a judge. They were supported by George M. Kelley, counsel for the Book Publishers' Section of the Toronto Board of Trade. In favour of retaining licensing were Frank F. Appleton of the Musson Book Company, that year's chair of the Book Publishers' Section; Dr. Samuel Wesley Fallis, book steward of the Methodist Book and Publishing House and its trade arm, the Ryerson Press; and Dan A. Rose of the Canadian Copyright Association. Further support for licensing came from newspapers and magazines, radio stations and record companies, and the pulp and paper industry. J. Vernon MacKenzie of *MacLean's Magazine* spoke in favour of licensing for serial publications. The Canadian Manufacturing Association sent E. Blake Robertson, and printing unions sent a contingent headed by Wallace Sutherland of the Toronto Typothetae, J.A.P. Haydon of the Ontario and Quebec Typographical Union, and Alfred E. Thompson of the International Typographical Union. Emotions and personal attacks reached a higher level than was usual in the long history of parliamentary hearings on copyright.

Although several of the special committee's recommendations on definitions and clarifications in the 1921 and 1923 legislation were accepted, the government took the advice of the commissioner of copyrights in the Department of Agriculture, George O'Halloran, to retain the licensing clauses. The CAA annual meeting sent a resolution to both Houses of Parliament bitterly regretting that the major amendments "were knifed in the dark by an unscrupulous report from the Commission of Copyrights."⁷³

In 1926 one of Chevrier's colleagues on the special committee, Leon Ladner, reintroduced the 1925 bill, but the constitutional controversy between Prime Minister King and Governor General Byng forced dissolution of the House on 2 July. When Watson Kirkconnell heard this news he asked Lawrence J. Burpee, "Am I right in supposing that

⁷³ W. K. [Watson Kirkconnell?], "Authors' Association Meets," *Canadian Bookman* 7 (July 1925): 115.

the general brawl has thrown Ladner's bill in the garbage?" Burpee joked, "Dat bill done gone flooey."⁷⁴ Delays caused by general elections in 1926 and 1930 brought the wrangling over registration and licensing to a head in 1931, when the latest revision to the Berne Convention, the Rome Convention (1928),⁷⁵ had to be ratified by 1 July. Non-ratification would mean the loss of membership in the Berne Convention: it was all or nothing. This convention repudiated licensing and registration. The 1931 Amendment dropped compulsory registration of copyrights although authors had to register if they intended to take a copyright infringement to court. Authors could sell serial rights to magazines and newspapers while retaining book rights. Finally, members of the House of Commons clarified the difference between British and North American views of copyright. In the United Kingdom, copyright law recognized the author (or creator) as the copyright owner, and considered copyright as a common law right in itself. Americans and *some* Canadians, on the other hand, regarded copyright as a privilege granted by the state. When this distinction was made by Liberals Fernand Rinfret and Edgar Chevrier, they were challenged by Charles Cahan, a Montreal businessman serving as the Conservatives' Secretary of State. Tasked with getting the amendment passed, Cahan declared that copyright only existed because it was a statute.⁷⁶

For all their shortcomings, the 1921 Act and its 1923 and 1931 Amendments, among the last pieces of colonial legislation to be vetted by the imperial parliament, were important advances in securing the rights of authors. The 1931 Amendment obeyed the letter but not the spirit of the Rome Convention because printers persuaded Ottawa that Canada could retain the licensing clauses and still remain within the Berne Convention. The author was still required to print in Canada because the convention could not control internal regulations that applied to authors in their own country. Even so, the sections were essentially dead letters by the time of the 1925 special committee

⁷⁴ Kirkconnell, *A Slice of Canada*, 292.

⁷⁵ The Canadian delegates to the Rome Convention were Philippe Roy, Canada's ambassador to France, and Jean Desy, representing the Department of External Affairs. Lawrence J. Burpee prepared a typescript, "Report on the International Congress at Rome," probably for the Canadian Authors' Association. A copy is in the records of the Canadian Publishers' Council, Toronto, Book Publishers' Section (indexed by George Parker in carton 4, bundle 4, of the council records).

⁷⁶ Canada, House of Commons, *Debates*, 1931, 902 (Rinfret), 2396–97 (Chevrier), 2405 (Cahan).

meetings, which brought the divisions over licensing into the open. These disputes over copyright reflect the diversity of interests involved in book production in Canada and North America.

What the 1925 Special Committee Discovered about the Book Industry

For printers, licensing was a weapon in their fight with American publishers and printers. So argued the elderly *bête noire* of the authors, Dan A. Rose of Hunter, Rose, who had helped organize the Canadian Copyright Association in 1888 to oppose Canada's adherence to the Berne Convention and to champion the manufacturing clause. Ever faithful to John A. Macdonald's National Policy, Rose told the special committee, "The fight today is between the Canadian publisher – not the Canadian book jobber – but the Canadian publisher and the United States publisher. The United States publisher has this market and is fighting every day to stop the printing of books in Canada. The jobbers [Rose meant publishers like McClelland and Stewart] went so far as to threaten at a meeting to blacklist any printer who dared apply for a license."⁷⁷

J.A.P. Haydon used this argument to criticize Leacock's "very serious threat against the industry," because this was a fight between foreign publishers and printers, and Canadian printers and the Canadian printing industry.⁷⁸ The printers had not forgotten the recent depression in the industry and the general strike of 1921, which created unemployment and left the industry without skilled persons. For Rose, authors' rights were a secondary consideration, and at the committee hearings he was pressed by Edgar Chevrier into admitting that no authors belonged to his Canadian Copyright Association, which was "a combination of printers and publishers:"

Chevrier: You mean this Copyright Association has no authors in it?

Rose: Quite possible.

Chevrier: What is the purpose of the Copyright Association?

Rose: To prepare a fair act for the protection of authors.

Chevrier: But you have no authors in your association?

Rose: None.

⁷⁷ Canada, House of Commons, Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 42–3.

⁷⁸ *Ibid.*, 48.

Fernand Rinfret: This whole thing is a farce.

Chevrier: When you discuss the legislation with your government, where do you get the authors' viewpoint from?

Rose: Our first connection starts away back in the days of Sir John Thompson –

Chevrier: There is no necessity to go back before the flood.⁷⁹

Licensing also divided the Publishers' Section and provoked internal conflicts in at least two publishing houses. The special committee pointed out that two publishers, Dan A. Rose and the Musson Book Company, supported licensing, and demanded to know the official view. As chairman of the twelve-member Book Publishers' Section and also as spokesman for Musson, Frank Appleton admitted that he was speaking for a minority of three firms that supported retention of the clauses.⁸⁰ These were Hunter, Rose; Musson; and Ryerson Press; and a fourth house that did not belong to the Book Publishers' Section, Copp Clark. All four houses belonged to Rose's Canadian Copyright Association. Copp Clark; Hunter, Rose; and Ryerson Press maintained large printing plants. Because Musson did not have a printing plant, Appleton's support for licensing looked as if he were supporting both sides. Several days later, however, after discussions at Musson, Appleton sent a telegram (which he followed up with a letter) to the special committee. He had concluded that the licensing clauses would not operate like a manufacturing clause, and now stated that:

these clauses may be injurious to the interests of authors and publishers. While publishers should print in Canada whenever it is practicable to do so, it is possible that if the book licensing clauses come into actual operation, of which we have had no experience yet, they may demoralize the book publishing trade to authors [*sic*] detriment. Magazine serial licenses are on a different footing and do not affect book publishers. Stricter importation regulations would do much to make printing of Canadian editions feasible.⁸¹

Appleton then withdrew his previous evidence. Recalled before the committee, he stated that C.J. Musson considered licensing a risk, but an acceptable one that would redound to the larger benefit of the Canadian industry. Furthermore, he believed that "legitimate

⁷⁹ Ibid., 41–2.

⁸⁰ Ibid., 18.

⁸¹ Ibid., 101.

publishing interests" would be guarded, provided "that no compulsory license should be granted for an edition of less than 2,000 copies."⁸²

At the Methodist Book and Publishing House there were angry words between the printing department and the trade-publishing arm, Ryerson Press. It turned publicly embarrassing when Wallace Sutherland of the Toronto Typothetae read a telegram of support for licensing from William Cope, the printing superintendent at the Methodist House.⁸³ Next, E. Blake Robertson claimed he represented Ryerson as well as makers of phonograph records and radio broadcasters.⁸⁴ This elicited a letter (dated 11 April 1925) from writer Thomas G. Marquis of the editing and sales departments at Ryerson, who stated that Dr. Samuel Wesley Fallis, the book steward, did not know Robertson, who in any event did not represent Ryerson Press. Marquis included in his letter a short note from Lorne Pierce, the editor and literary advisor, which demanded revision of the copyright law.⁸⁵ Fallis quickly repudiated Marquis's letter, but had no intention of repudiating Cope's telegram. Like C.J. Musson, Fallis was certain that an author and his/her publisher could effectively deny a licence and concluded that the authors "are making a great ado about nothing, sincerely no doubt, but nevertheless misguided." Fallis thought that "the clauses are designed in the national interest to create work within Canada, which otherwise would be done outside,"⁸⁶ and he was prepared to let them stand. Fallis spoke from his experience of a bitter printers' strike in 1921 at the Methodist plant. The situation frustrated Lorne Pierce, who had wanted an in-house discussion of copyright and recorded in his diary, "Parliament appt'd a commission and sure enough we were at the centre of a squabble and not a policy to meet it."⁸⁷

Not for the first time nor for the last, the twelve-member Publishers' Section had divided over publishing and manufacturing issues. This most recent rift was resolved when Hugh Eayrs and John McClelland persuaded the Publishers' Section to support the CAA. Sandwell worked on strategy with the publishers' legal counsel, George M. Kelley, who told the special committee that "there is

⁸² Ibid., 191.

⁸³ Ibid., 45. William Cope was identified as the author of the telegram on p. 255.

⁸⁴ Ibid., 106.

⁸⁵ Ibid., 239.

⁸⁶ Ibid., 255.

⁸⁷ Quoted in Janet Friskney, "The Years before Union: Samuel Fallis, Lorne Pierce, and The Ryerson Press, 1919–1926," *Epilogue* (1998): 30.

complete identity between the authors and the publishers, and until the Canadian Authors' Association was formed it was this section that represented the authors before Parliament and that opposed what the authors deemed offensive in the bill – Bill 'E' in 1919, and that co-operated with the authors in 1921, and is still to-day acting in concert with them."⁸⁸ The publishers' unity was helped by the tendency in the new legislation toward the uniform treatment of all authors regardless of nationality.

Even though authors could feel more secure about their rights,⁸⁹ the penalties for infringement were piddling. The 1931 Amendment discriminated more against composers and dramatists than writers; in fact, the main infringements of copyright in the 1920s had concerned non-payment of royalties for theatrical performances, radio and record reproduction of copyrighted music, and the use of copyrighted music in silent films. The 1931 Amendment even exempted churches, schools, and fraternal organizations from paying royalties for non-profit performances, a gratuity not requested by these groups, and the Copyright Department was allowed to set the fees charged for performances of literary, dramatic, music, or artistic works. Performing rights continued to be a major stumbling block in copyright amendments throughout the 1930s. MP Charles William Bell (1876–1938), who was also a playwright, told the House that he received royalties from his plays performed on Broadway and in Germany, Austria, Italy, and China, but a Vancouver stock company "brazenly" refused to pay anything, and he received the same treatment from a Winnipeg stock company in the winter of 1930–31.⁹⁰ Ignoring the pleas of Bell and Louvigny de Montigny, Charles Cahan argued that the Copyright Act must not legislate in the area of criminal law, and the penalties were not substantially improved. He made no secret of his contempt for the Berne and Rome authorities, whose opinions "are not the findings of a judicial authority ... I refuse to

⁸⁸ Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 54.

⁸⁹ The law was explained in CAA, *Copyright in Canada* (Ottawa: Ru-Mi-Lou Books, 1930), written by Lawrence J. Burpee and Louvigny de Montigny a year before the 1931 amendments were passed. De Montigny records that a Montreal director, Eugene Lasalle, had plagiarized and performed a French play, *La passion*, for years, and when the authors took him to court in Montreal, Lasalle was fined \$10 (10). See also B. K. Sandwell, "The New Copyright Act," *Canadian Authors' Bulletin* 9 (September 1931), 35–37; and Donald French, "Copyright Simplified," *Canadian Bookman* 14 (March 1932), 31–32.

⁹⁰ Canada, House of Commons, *Debates*, 1931, 2411–12.

regard their findings as anything else than the opinions of gentlemen who are without any jurisdiction in the matter.”⁹¹ Sandwell suggested that perhaps Cahan, “a staunch Protestant, was merely reminding Parliament that copyright in Canada is a purely temporal matter and that the Pope has no jurisdiction concerning it.” More seriously, Sandwell warned that Canada’s “procedure is not beneficial either to her good name abroad or to her self-respect at home. But if the paring down process goes too far it will ultimately lead to Canada’s being read out of the Union for non-compliance with its terms.”⁹²

The Canadian Authors’ Association succeeded in improving the 1921 Act and the 1923 Amendment, and won concessions to protect foreign and Canadian authors. At the special committee hearings, Louvigny de Montigny spoke on behalf of international authors as the representative of the Berne Convention. Madge Macbeth had argued that licensing clauses were not “ethical, and they are certainly not economic.”⁹³ Leacock was unusually forceful in his assertion that copyright was for authors, not printers. American publishers still insisted that the Canadian market for British authors be included in the American rights, and American magazines with large Canadian circulations normally wanted to hold the Canadian rights. During the 1925 hearings, Leacock wrote to Paul Reynolds, his New York literary agent, about the “cordial relations” they both maintained with the International Magazine Company and *MacLean’s Magazine*: “I don’t know if you have followed this new law which permits Canadian magazines to force authors to give them their work. I have worked against it and have given evidence against it. I am afraid that the result will be that American editors will fight shy of our Canadian work.”⁹⁴

When printing in Canada was viable, licensing and infringements were unlikely, so the committee heard about precautions taken to prevent licence applications. In fact, no one licensed the work of a Canadian author during the 1920s.⁹⁵ The exclusive five-year “licence” that Stanley Paul & Co. of London gave McClelland and Stewart to print and publish Lord Beaverbrook’s *Success* (1921) was a contract, not

⁹¹ Canada, House of Commons, *Debates*, 1931, 43.

⁹² B.K. Sandwell, “Copyright and the Decisions of Rome,” *Canadian Forum* 11 (June 1931), 330–31.

⁹³ Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 182.

⁹⁴ Leacock, *Letters*, 174.

⁹⁵ I have found no instances of successful licensing in later decades either.

a compulsory licence provided by the 1921 Act.⁹⁶ For several years the Musson Book Company had arranged with Harper Brothers to print Zane Grey's popular western stories in Canada from plates owned by the New York publisher. *The Call of the Canyon* (1924) and *The Thundering Herd* (1925), for example, were printed by T.H. Best of Toronto. These novels, as well as Grey's *The Mysterious Rider*, *To the Last Man*, and *The Wanderer of the Waste Land* had runs of ten thousand copies, and reprints of some titles ran to twenty thousand. Musson also allocated to itself the printing of a Canadian work, Robert Stead's *Smoking Flax* (1924), for otherwise copies intended for the Canadian market would have been printed in the United States. In 1924 when Hunter, Rose applied for a licence to print Fanny Farmer's *The Boston Cook Book*, one of the most popular cook books ever published, its publisher, Little, Brown, responded immediately by reprinting its own edition in Canada. Dan A. Rose pointed out bitterly that Little, Brown sent its plates to Canada so that the cost of printing was a "bagatelle of the cost it would have cost the Canadian printer."⁹⁷ In 1925 McClelland and Stewart arranged with Dodd, Mead to rent plates for the Canadian edition of the prize-winning best-seller, *Wild Geese*, by Martha Ostenso, whom they considered a target for licensing because she was a Canadian residing in the United States.⁹⁸ The licensing sections were not removed from the law, but their impact was neutralized through such pre-emptive actions.

IV. The Market for Books, 1920–1930

Season by Season

The book industry shared in the general prosperity of the 1920s. Even competition for consumers' leisure time from the car, the radio, and the movies did not seriously hamper book sales. Still, prosperity was marked by alternating improvements and setbacks. The Winnipeg General Strike of 1919, a slight slump from 1920 to 1922, and a prolonged strike by printers in Toronto at this time compounded the problems of overproduction and overstocking of books that had developed at the end of the Great War. Even so, book prices kept

⁹⁶ George L. Parker, "A History of a Canadian Publishing House: A Study of the Relations between Publishing and the Profession of Writing 1890–1940" (PhD diss., University of Toronto, 1969), 133.

⁹⁷ Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 44.

⁹⁸ Parker, "History of a Canadian Publishing House," 133.

rising – new novels cost \$2.50 in the fall of 1920.⁹⁹ At the same time, John McClelland observed in the fall of 1921 that the number of new titles increased each year.¹⁰⁰ That year the Book Publishers' Section announced that its members would no longer ship books on consignment, ending the practice of rebates, exchanges, and returns for booksellers.¹⁰¹ F.M. Alexander of Macmillan told *Bookseller and Stationer* that "the success from books of Canadian authorship, which was a feature of the years 1921 and 1922," was "due to a wave of reading spreading across the country."¹⁰² Even though his boss Hugh Eayrs called late 1921 and early 1922 a "darksome year," Macmillan sales were up 25 percent, and at Musson and at Hodder and Stoughton, which shared offices, sales were 143 percent ahead of 1921.¹⁰³ The serious fire that the Musson premises suffered in December 1920 was a factor in the latter figure.

The "wave of reading" extended well beyond belles lettres. McClelland and Stewart, representing the Norman W. Henley Publishing Company of New York, carried books on the construction of radio transmitters, the nature of vacuum tubes, the commercial uses of radio, and the formation of radio clubs for evening gatherings. As radio stations appeared in larger cities and towns, newspapers carried radio listings. For children, the Toronto *Star* sponsored a bedtime radio program based on Harper & Brothers' innovative Bubble Books, a series of eighteen books of rhyming nursery stories. Each book contained a sleeve with a Columbia record featuring songs of the stories. These books were carried by Harper's Canadian representative, Musson, and were as popular in Canada as in the United States.¹⁰⁴ Publishers were quick to advertise a novel when its movie version came to town, and to arrange for radio talks by authors. Booksellers were encouraged to feature special radio windows as they did for movies and other special events.

⁹⁹ "Novels Will be \$2.50 – School Books Scarce," *B & S* 36 (July 1920), 47.

¹⁰⁰ "Great Chance for the Bookseller," *B & S* 37 (October 1921), 25.

¹⁰¹ Advertisement, *B & S* 37 (May 1921).

¹⁰² "Improvement in Spring Book Trade," *B & S* 39 (April 1923), 55.

¹⁰³ Advertisement (front cover) *B & S* 38 (April 1922); advertisement, *B & S* 38 (March 1922), 4–5.

¹⁰⁴ Eugene Exman, *The House of Harper: One Hundred and Fifty Years of Publishing* (New York: Harper & Row, 1967), 211–12, 220; John Tebbel, *A History of Book Publishing in the United States* (New York: Bowker, 1972–81), 2:202–3, 3:77, 3:266. For Musson's full page advertisement of the Bubble Books, see *B & S* (May 1920), 9.

In 1922 authors were courted by New York motion-picture entrepreneur Ernest Shipman, whose Toronto representative was John A. Cooper, who had been editor of the *Canadian Magazine* at the turn of the century and of the *Canadian Bookman* in 1909–10 (no connection to Sandwell's *Canadian Bookman*). The Canadian-born Shipman (1871–1931), a theatrical promoter in New York and film producer in California, had a major success with the first Canadian feature movie, an adaptation of stories by James Oliver Curwood, entitled *Back to God's Country* (1919), which was produced in Calgary, Alberta. Shipman then set up production companies in several Canadian cities and produced Alan Sullivan's *The Rapids* and five of Ralph Connor's books: *The Sky Pilot*, *The Man from Glengarry*, *Glengarry School Days*, *The Foreigner*, and *Corporal Cameron*. He took out a full-page advertisement in the *Canadian Bookman* in October 1922, soliciting regional stories for "all-Canadian made pictures" (fig. 7). The stories had to be publishable or already published, and the settings that Shipman suggested harkened back to the regional stories popular in the previous twenty years. Shipman contemplated movie versions of the Bulldog Drummond novels by W.A. Fraser, stories by Douglas Durkin, and the prairie novels of Robert Stead.¹⁰⁵ His final Canadian movie was Frederick William Wallace's *Blue Water*, which was never released.¹⁰⁶ In the spring of 1923, Basil King, Robert Stead, and Marshall Saunders were among the Canadian delegates to the Great Motion Picture Conference held in New York. King related his frustrating experiences in Hollywood on a \$6,000 contract to advise on the film production of his novel, *The Dust Flower* (New York: Harper, 1922). He made no profit from the film and the \$6,000 only covered his expenses for the trip. He wanted nothing more to do with Hollywood: "The conflict seems to be on between art and business and for the moment, business has the strangle hold on art." Stead's impression was that "motion pictures are bad, that everybody knows it, and nobody has any idea how they may be improved." Saunders took several years to consent to a movie adaptation of *Beautiful Joe*,¹⁰⁷ and she and the producers disagreed so long that the motion picture was never made. In 1919 L.M. Montgomery's publisher L.C. Page deliberately sold the movie rights to *Anne of Green Gables* several

¹⁰⁵ "Canadian Motion Pictures," *Canadian Bookman* 4 (November 1922), 304.

¹⁰⁶ Peter Morris, "Ernest G. Shipman," *Canadian Encyclopedia: Year 2000 Edition* (Toronto: McClelland & Stewart, 1999), 2154.

¹⁰⁷ Anne Elizabeth Wilson, "Authors and Motion Pictures," *Canadian Bookman* 5 (July 1923), 177.

months before she signed a new contract with him, and she made nothing on the 1919 film.

To the Authors of Canada:

In connection with my future motion picture production activities in the Dominion, there is a need for the following stories:

British Columbia:

A story of the Fraser Canyon, the mountains and the coastline or a story of the fishing industry.

Saskatchewan:

A story of the Canadian wheat field or of railway development.

Quebec:

A story of Quebec City and the Province, modern in theme but utilizing the picturesqueness of the city as a background.

Prince Edward Island:

A story having for its setting the pastoral beauty and agricultural industry of the island as a background, with the romance of the silver fox farming industry as its inspiration.

Newfoundland:

A story of the Grand Banks or fisher folk of the oldest colony.

All settings should be cast in the Spring, Summer and Autumn of the year so as to present Canadian scenery and conditions in most favorable manner. Such stories must first be submitted to and approved by some publication or publishing house. I am prepared to co-operate with the publisher as well as the author.

My object is to insure the best results from Canadian writers for All-Canadian made pictures. Correspondence solicited—but do not submit manuscripts.

Sincerely,

Ernest Shipman

Toronto Representative
JOHN A. COOPER
Lumsden Building

Strauss Building
565 Fifth Avenue
New York, N.Y.

Figure 7. "To the Authors of Canada." Ernest Shipman's advertisement for movie scripts, *Canadian Bookman* 4 (October 1922), 258.

Because of the loss of consignments, bookseller William Tyrrell of Toronto persuaded booksellers to participate in a “clearing house” for overstocked books (mainly fiction) that could be exchanged or purchased by retailers and, beginning in January 1924, Tyrrell agreed to handle the details.¹⁰⁸ That same month, the Liberal government imposed a 6 percent manufacturers’ sales tax on all goods manufactured in Canada as a way of paying off the war debts. (This was the tax that was replaced in 1991 by the Goods and Services Tax). John McClelland called it “a distinct and untimely handicap to business” given that the book trade was going through a period of “readjustment.”¹⁰⁹ Instead of passing the cost on to consumers, the angry publishers absorbed part of it and billed the booksellers a surcharge for the rest. Although the tax was almost immediately removed from textbooks and books for public libraries, the new minister of finance, James A. Robb, was lobbied for more exemptions. When one group of delegates met Robb, he “listened politely, complimented them on the brevity and clarity of their case but said that the finances of the nation were in serious need of all funds.”¹¹⁰

The book industry received international exposure in the exhibits sent by the Canadian government to the British Empire Exhibition held in July 1924 at Wembley Stadium in London. At the last minute, Ottawa provided money for the CAA to select books and bindings. George H. Locke of the Toronto Public Library collected about five hundred English-language books and Aegidius Fauteux, the librarian of Montreal’s Bibliothèque Saint-Sulpice, prepared the French-language collection of a hundred titles. Regrettably, there was no room for the manuscripts offered by Dr. Arthur Doughty, the Dominion Archivist.¹¹¹ A huge literary map that marked the settings of novels, histories, and other books relating to Canada was featured at the exhibition. Paintings by the Group of Seven were also exhibited abroad for the first time – the British public would have to wait until 2011 to admire them again in London.¹¹² In summer 1924, Bliss

¹⁰⁸ “Revival of Interest in Clearing House Plan for Overstock Books,” *B & S* 40 (January 1924), 45.

¹⁰⁹ “Brighter Days Ahead for Book Industry,” *B & S* 40 (January 1924), 43.

¹¹⁰ “Again Urge Total Removal of Sales Tax,” *B & S* 41 (January 1925), 7.

¹¹¹ “Section of the Canadian Authors Association,” *Canadian Bookman* 6 (April 1924): 7.

¹¹² Roy MacGregor, “Tom Tomson the Clear Star as Group of Seven Exhibit Welcomed in London,” *The Globe and Mail* (Toronto) 17 October 2011, last modified 6 September 2012 (online but with restricted access); “In Praise of

Carman became the first Canadian to read his poetry on the British Broadcasting Corporation "wireless."¹¹³ In 1925, the CPR's London office released a list of Canadian books on history and biography, travel and social conditions, agriculture and emigration, and fiction and literature.

By 1926 the book trade had entered a new period of prosperity, and it was a peak year for Canadian titles. At a dinner given by the book publishers for the Canadian Association of Booksellers and Stationers, guest speaker Frederick Melcher, the editor of *Publishers' Weekly*, claimed that modern inventions such as cars, radio, and movies made people curious and encouraged them to read.¹¹⁴ Publishers reported that a large variety of books besides fiction were in demand at bookstores and libraries.¹¹⁵ Book clubs took the United States by storm in 1926. They increased the sale of popular books, especially in regions where bookshops were scarce, and helped readers navigate the mountains of books published each year. Publishers and book organizations signed up members who agreed to purchase a minimum number of books each year from the wide choices offered at discounts on the retail price. The best known was the Book of the Month Club, begun in 1926 by Harry Scherman, Max Sackheim, and Robert Haas of New York. Discovering that there were many Canadian subscribers to the American clubs, Eaton's began the first club in Canada in the summer of 1927. Known as the Canadian Book of the Month Club, its youthful editor, Cecil John Eustace (1903–72), had recently left his post as editor of *Bookseller and Stationer*, and would go on to have a long career as educational editor at J.M. Dent & Sons' Canadian subsidiary from 1931 to his retirement as president in 1967. Eustace's selection committee included two professors of English at University College (University of Toronto), W.J. Alexander and John Ford Macdonald; the Eaton's book advisor, Norah Thomson; and the second Lady Willison (writer and feminist Marjorie MacMurchy). The first book on the list of selections was Frederick Philip Grove's *Our Daily Bread* (1928).

... Canada's Group of Seven," *The Guardian*, 21 November 2011, <http://www.guardian.co.uk/commentisfree/2011/nov/21/in-praise-of-canadas-group-of-seven-editorial>.

¹¹³ "Bliss Carman Heard in Britain," *Canadian Bookman* 6 (June 1924): 138.

¹¹⁴ "Book Business Was Never so Prosperous," *B & S* 42 (June 1926), 366.

¹¹⁵ "More Books Sold in Canada Last Year than Ever Before," *B & S* 43 (February 1927), 53, 55.

There was room for the book clubs because the good times were back, apparently for a long run. In the spring of 1928 the publishers inaugurated a series of nine lectures at Toronto's Baldwin House to promote careers in the book trade.¹¹⁶ Frederick Melcher's visit undoubtedly influenced him to issue the first Canadian number of *Publishers' Weekly* on 23 June 1928. The issue featured Norah Thomson's "Illustrated Books that Interpret the Canadian Spirit," Margaret Ray's "Canadian Bookshelf for American Tourists," William Tyrrell's "Some Aspects of Bookselling in Canada," and Lisgar Lang's "The Booktrade in Western Canada." In the lead article, "The Past and Future of Canadian Publishing," Hugh Eayrs estimated that "English-speaking publishing in Canada, in both domestic and imported books, controls a turnover of roughly five million dollars."¹¹⁷ Later that year Eayrs pointed out that the book business "is in a happier position at the present time than it has found itself for at least a period of 12 or 13 years," and observed that publishers' discounts to the trade were now a minimum of 33 1/3 percent compared to the 20 to 25 percent discount in 1914, even though booksellers were demanding 40 percent.¹¹⁸

Marketing British and American Books in Canada

The Toronto trade publishers could not survive on the sales of Canadian books alone but relied on American and British books, whether classics, reference works, novels, children's books, or text books. Toronto houses met consumer demand as the agents and representatives of foreign publishers or, in many instances, as the managers of subsidiaries of foreign houses. Some publishers were content to be importers and distributors, but a handful aspired to be

¹¹⁶ Book Publishers' Council, Book Publishers' Section, Courses on Commerce and Finance, Lectures in Business Administration, Spring Term (1928), "The Printing and Publishing Industries" (typescript, 1 page), (indexed by George Parker as carton 4, bundle 4). Baldwin House in the late 1920s was located at 33 St. George Street. This stately mansion, now called Pendarves-Cumberland House, was later removed to the University of Toronto campus and serves as the International Student Centre. Ontario Heritage Trust, "Pendarves-Cumberland House," 7 Dec. 2010, <http://www.cie.utoronto.ca/About/Pendarves-Cumberland-House-ENG-pdf.aspx>. I am grateful to Sandra Alston, who pointed me to this resource.

¹¹⁷ *Publishers' Weekly* 113 (23 June 1928), 2513.

¹¹⁸ "Publisher Sees No Hope for Larger Discounts," *B & S* 44 (September 1928), 15, 32.

publishers in their own right and hoped that the new copyright law would facilitate new arrangements with their foreign principals. There were impediments to this goal, however. World rights were jealously retained by British and American publishers, who were unwilling to deal Canadian houses anything more than Canadian rights.

Buying Around

The Toronto houses also faced the practice of “buying around.” The 1921 Act unintentionally prolonged an old problem: who among the Canadian booksellers and publishers could import copies of a work from abroad? In the nineteenth century, the trouble had been open US piracy and the welter of unauthorized editions it had permitted; now the problem was one of authorized editions meant for different jurisdictions. A firm in possession of the Canadian copyright of a work was supposed to be the exclusive Canadian supplier of it; often, this “supply” consisted of importing a particular edition from a foreign publisher. One difficulty was that Canadian booksellers could bypass the local supplier and import that edition themselves. Another was that there were other legal editions authorized for other markets – the United Kingdom and countries adhering to the Berne Convention – and booksellers could get their hands on those, too.

Hugh Eayrs attempted to stop this practice. In 1924 Russell, Lang, a major western bookseller located in Winnipeg, tried to import an abridged version of H.G. Wells’s *The Outline of History*, entitled *A Short History of the World*, which was issued in paper covers by an English house, the Labour Publishing Company. Eayrs insisted that Russell, Lang must take the Macmillan Company of Canada’s American edition, which sold for four dollars. Russell, Lang told the 1925 special committee that this was “a real hardship for the working man”¹¹⁹ because they could sell the paper edition for fifty cents. In a similar case, Eayrs and Lisgar Lang of Russell, Lang corresponded over the fact that Canadians did not want to pay \$2.50 for the American edition of Michael Arlen’s *The Green Hat* when the same book could be ordered directly from England for 7s 6d (about \$1.90). Lang argued that, like hundreds of private individuals across the country, he wanted the option of ordering one to ten copies of a work from English jobbers. Eayrs was conciliatory, arguing that he often was

¹¹⁹ Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 162.

forced to import the American edition from the Macmillan Company of New York and told to market it at \$2.50.¹²⁰ When bookseller A.H. Jarvis of Ottawa bypassed Eayrs and ordered books from Macmillan and Company in London, he was directed to the New York house, and Eayrs threatened court action. As president of the Canadian Booksellers and Stationers' Association, Jarvis complained to the 1925 special committee. His letter, like Russell, Lang's, was one of the few submissions made on behalf of retailers and consumers.

Booksellers ordered books from British jobbers for faster service and a better wholesale price. The jobbers normally bought large quantities of a work from a publisher and then sold it in smaller quantities to retailers across Britain and the Empire, sometimes in ignorance of copyright arrangements in particular jurisdictions such as Canada. Furthermore, as Eayrs pointed out, Toronto publishers were frequently told that they must distribute the American edition, because authors and their literary agents often bowed to the American publisher's demand to control the Canadian market. "This is why the Canadian bookstores to-day are flooded with books by British authors but bearing the U.S.A. imprints,"¹²¹ Russell, Lang informed the special committee. It did not matter that booksellers and their customers often preferred the British edition, especially the inexpensive colonial editions intended for the Empire.¹²²

The 1921 Act, like the 1900 Amendment before it, tried to balance the protection of business arrangements with the rights of individuals when it came to the choice of books from abroad. The 1900 Amendment had included an exception permitting public and institutional libraries to import two copies of a copyrighted work. The 1921 Act preserved this exception in section 27, sub-section 3, clauses (a) and (d), which stated that "it shall be lawful for any person:"

(a) To import for his own use not more than two copies of any work published in any country adhering to the Convention; ...

¹²⁰ Lisgar Lang to Hugh Eayrs, 4 November 1924; Hugh Eayrs to Lisgar Lang, 7 November 1924, file 4 (Eayrs private correspondence, 1921–24), box 14 (executive correspondence), Macmillan Company of Canada Fonds, William Ready Division of Archives and Research Collections, McMaster University.

¹²¹ Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 162.

¹²² Surveys by *Bookseller and Stationer* indicated a preference among booksellers and their customers for English gift and art books, which had better paper and binding than American books. Popular English works were about the size of pocket books, and were cheaper than American ones, even with the exchange rate.

(d) To import any book lawfully printed in the United Kingdom or in a foreign country which has adhered to the Convention and the Additional Protocol thereto set out in the second Schedule to this Act, and published for circulation among, and sale to the public within either; provided that any officer of the Customs, may in his discretion, require any person seeking to import any work under this section to produce satisfactory evidence of the facts necessary to establish his right to import.

The practice of buying around sprang from these clauses. Clause (d) was “tacked on” at the committee stage following second reading, perhaps to provide an opening for booksellers. S.B. Watson, chair of the Book Publishers’ Section, and Hugh Eayrs explained these sections to the June 1924 convention of the Canadian Booksellers and Stationers’ Association. When Watson asked for advice about the right of booksellers to import books lawfully printed in the United Kingdom, including colonial editions, George M. Kelley, the counsel for the Publishers’ Section, wrote Watson on 14 October 1924, “I find it very difficult to come to a definite conclusion owing to the apparent contradiction in the provisions of the Copyright Act on this point.” He pointed out that there was slippage between the terms, “work” and “book,” and that clause (a) really meant “not more than two copies of a book.” He also wrote that clause (d) “would practically destroy the benefit of Canadian copyright except as to books published in the United States.” Kelley believed that colonial editions, which were printed in the United Kingdom for the overseas dominions only, could also be prohibited in Canada; if, however, any of these editions were offered for sale in the United Kingdom, then they could be imported into Canada.¹²³ Watson conveyed this information to A.H. Jarvis, president of the Booksellers’ and Stationers’ Association, and he made sure his letter was published in *Bookseller and Stationer*. Watson said the publishers decided that clause (d) must mean that only one copy could be imported, in order to be consistent with clause (a).¹²⁴ The solution might depend on a court decision, although Watson did not say this in his letter.

Similar conflicts over authorized editions for the Canadian market occurred among publishers themselves. In light of the 1923

¹²³ George M. Kelley to S.B. Watson, 14 October 1924, file 9 (Thring, Herbert H., correspondence with Frank Wise *re* copyright laws, 1911–24), box 9, Macmillan Company of Canada Fonds.

¹²⁴ “Illegal to Import Direct Copies of Books in which Publisher Has Market Rights?” *B & S* 40 (December 1924), 44–45.

Amendment, American publishers now insisted that their editions of British authors should prevail in Canada. Lytton Strachey, author of *Queen Victoria* (1921), was persuaded by his friend John Maynard Keynes to leave G.P. Putnam's Sons for Harcourt, Brace, who insisted that they receive the Canadian rights for the book if they were to pay Strachey ten thousand dollars (US); Strachey's London publisher, Chatto and Windus, agreed.¹²⁵ In 1928, when Bernard Shaw tried to give Montreal publisher Louis Carrier the Canadian rights for *The Intelligent Woman's Guide to Socialism*, Eayrs insisted that the Macmillan Company of Canada was its legitimate agent, and he dragged Carrier through the courts in a prolonged case that contributed to Carrier's bankruptcy in 1931.

At an informal meeting in Toronto between booksellers and publishers in January 1925, the booksellers argued that if publishers enforced their privilege of prohibiting all imports of British editions over the authorized American, they could abuse their monopoly by charging high prices, which would not encourage healthy competition among booksellers. The publishers responded by claiming that they had fewer copyright privileges than American and British publishers.¹²⁶ It was agreed that foreign publishers were the ones who decided which edition would be carried in Canada, and that "the practical application of this means that the Canadian bookseller will not have the right to exercise his choice in the matter of editions."¹²⁷ However, by increasing their sales to Canadian retailers, British jobbers perpetuated the problem of buying around.

Apart from this exception, the new copyright laws simplified doing business in Canada, and British and American competition for this prospering market increased. After the Great War British publishers complained that they were losing ground to the Americans (see table 1). T. Fisher Unwin wrote to *Bookseller and Stationer* in September 1919 blaming the wartime interruption of communications between Canada and Britain. He advised British publishers to permit Canadians to import sheets and bound books from Britain, which would provide work for British instead of American printers.¹²⁸ In 1919 Thomas Young of Cassell's office in Toronto imported Cassell's London edition of Ethel M. Dell's *Tidal Wave*, and he instructed his

¹²⁵ Michael Holroyd, *Lytton Strachey* (New York: Holt, Rinehart and Winston, 1968), 2:390–91.

¹²⁶ "Effort to Clarify Book Market Situation," *B & S* 41 (February 1925), 65.

¹²⁷ Ibid.

¹²⁸ T. Fisher Unwin, letter, *B & S* 25 (September 1919), 42.

colleagues at McClelland and Stewart to stop entry of the American edition unless Cassell received a royalty.¹²⁹ The next year McClelland and Stewart's edition of Dell's *The Top of the World* (1920) was printed in Toronto, probably from plates supplied from London. In *The Truth about Publishing* (1926), Unwin's son Stanley Unwin lamented the tendency of literary agents to include Canada with the American market. He noted the declining exports of British cloth-bound colonial editions but was pleased to see that Canadian publishers were anxious to purchase Canadian editions from British publishers.¹³⁰ Still, the overall extent of the American penetration of the Canadian market is further revealed by the total imports of books and printed matter for 1928 (see table 2).

Table 1. Statement Showing the Imports from Great Britain and the United States of Books Entered for Consumption in Canada During the Fiscal Years Ending in March, 1924 to 1928¹³¹

Item		1924	1925	1926	1927	1928
Books, printed, periodicals and pamphlets *	GB	\$567,139	\$603,413	\$620,697	\$696,025	\$826,966
	US	\$1,992,057	\$1,896,727	\$1,711,860	\$1,880,673	\$2,049,944
Books: Novels or works of fiction, or literature of a similar character, unbound or paper bound, or in sheets	GB	\$10,502	\$7,508	\$10,678	\$7,308	\$16,260
	US	\$68,182	\$64,826	\$60,951	\$58,637	\$658,151**
Books, not printed or reprinted in Canada, used as textbooks in universities, colleges, schools, libraries	GB	\$404,272	\$493,123	\$447,466	\$473,528	\$512,489
	US	\$510,628	\$469,216	\$478,967	\$560,152	\$588,116
Books on the application of science to industries of all kinds	GB	\$10,108	\$5,951	\$8,725	\$23,017	\$11,692
	US	\$103,948	\$106,680	\$88,161	\$92,854	\$87,067

¹²⁹ Parker, "History of a Canadian Publishing House," 133.

¹³⁰ Stanley Unwin, *The Truth about Publishing* (London: George Allen and Unwin, 1926), 197.

¹³¹ "Book Imports into Canada," *Publishers' Weekly* 113 (23 June 1928): 2533-44.

Item		1924	1925	1926	1927	1928
Books, viz: Bibles, prayer books, psalm and hymn books, religious tracts and Sunday School lesson pictures	GB	\$170,665	\$143,251	\$158,198	\$189,834	\$193,124
	US	\$148,995	\$132,971	\$151,208	\$174,880	\$169,674
Books, bound or unbound, which have been printed and manufactured more than twelve years	GB	\$6,796	\$22,250	\$17,255	\$17,192	\$20,747
	US	\$15,290	\$11,038	\$11,863	\$15,223	\$14,383

* Cloth-bound novels and books of general trade character are included in the first category.

** In the second classification an enormous increase is shown for 1928. It includes, for the first time, dutiable periodicals, all fiction magazines, etc. These had previously entered Canada free of duty.

Table 2. Total Imports of Books and Printed Matter into Canada¹³²

Year	Great Britain	United States
1928	\$2,437,162	\$12,867,878

Marketing Canadian Books

In the 1920s Canadian authors and their literary agents began insisting on a Canadian imprint in arrangements between local and foreign houses. Patriotism partly drove this pattern, but it also made good business sense, as John McClelland had claimed. Drawing on his own experience before the 1925 special committee, John Murray Gibbon described how Canadian authors and publishers worked with American publishers:

The usual practice of the Canadian author of fiction is to submit his manuscript to a Canadian publisher, who in most cases is located in Toronto, and who, if he likes the manuscript, will enter into negotiations for publication. Except in the case of a very popular Canadian author the Canadian market rarely exceeds 2,000 copies, and the cost of setting-up and printing in Canada is so high that an average work of fiction could not be profitably produced or

¹³² "Imports and Exports," *B & S* 45 (March 1929), 67.

marketed at the standard price for new fiction, namely \$2. That is generally the price for the work of fiction at present, both in Canada and the United States. The Canadian publisher, who is in almost every case affiliated with the American publisher, goes to his American affiliations to see if he can persuade the American house to take up his book and print an edition for the United States and he will purchase from the American publisher 2,000 copies, with the imprint of his own name as Canadian publisher, at a price which will enable him to sell it in Canada at the \$2. figure ... I got royalties from both the Canadian and American houses. I certainly did on my last book. It depends on your contract.¹³³

Gibbon also explained why American publishers would risk publication of 5,000 copies if they could share the Canadian edition:

[George] Doran will refuse to even look at a book unless he sees a printing order for a minimum of 5,000 copies. But if they have the Canadian sale of 2,000 copies they will generally take a chance on the balance of 3,000, knowing the Canadian order for 2,000 would cover the printing cost, although not all of the publishing costs, which are, as a matter of fact, very large. Now that is the actual practice of, I should say, 90 per cent of the Canadian authors of fiction. The extremely successful Canadian author goes direct to the American without bothering about any printing by the Canadian house ... the Canadian and American book publishers are extremely friendly, and agree to divide the market, the Canadian publisher handling the Canadian distribution and the American the American distribution.¹³⁴

What distinguishes the 1920s from earlier periods was the realization that Canadian authors, as well as foreign authors, could be marketed profitably with a Toronto imprint.

The Agency System

Nineteenth-century practices, whereby a Canadian bookseller sourced an edition from abroad for sale in his local territory, evolved into contracts, whereby the Canadian publisher ("the agent") imported

¹³³ Special Committee, Bill No. 2 *re* Copyright Act ... 1921, *Proceedings*, 10. The physical examination of such books, together with the evidence of publisher/author records, usually indicates that they were imported sheets or printed from imported plates. In bibliographical terms, then, the Toronto edition was often an *issue* of the first *edition* published in New York or London.

¹³⁴ *Ibid.*, 11.

and distributed the books of a foreign house (“the principal”) with the additional right and responsibility to prevent all other importation of them. By 1920 the hope was that the profits from such arrangements – known as the agency system – would lead to more collaboration between the foreign publisher and the local house to publish original Canadian writing. As far as “agency books” were concerned, the Toronto publisher had nothing to do with production but was simply the importer/distributor. As long as the principal and the agent were satisfied, the relationship could run smoothly for years. Difficulties arose when an agency was transferred from one local house to a competitor, often because of rearrangements abroad. In such cases, authors usually made the transfer from the old representative to the new one. Knopf shifted its agency from Ryerson to Macmillan in 1922 and back to Ryerson ten years later. All the major houses – Copp Clark, S.B. Gundy, McClelland and Stewart, the Musson Book Company, Ryerson Press, and even the British-owned Macmillan Company of Canada – accumulated agencies by the dozen. Young men got their start in publishing by taking on several agencies, often through friendships they made in their previous employment. In September 1926, for example, John Irwin left Oxford University Press to join H.K. Gordon; within two months Irwin & Gordon advertised that they held the agencies for eighteen American houses. Their first books included Thornton Wilder’s *The Cabala* and Will Durrant’s *The Story of Philosophy*. The proliferation of agencies among Toronto publishers, in fact, was so remarkable that for most of the twentieth century many in the trade, as well as readers, considered agencies the predominant feature of the Canadian industry.

The success of the agency system created its own problems. More agencies in a house meant less time was devoted to each agency. Moreover, the terrain grew complicated as subsidiaries also acquired agencies. For example, in 1923 Thomas Nelson & Sons became the Canadian representatives for Butterworth, Jonathan Cape, and Methuen’s educational publications (fig. 8).¹³⁵ In 1928, Hugh Eayrs told *Publishers’ Weekly*, “There never was a time when the business of the Canadian agent of the United States or British publisher was more of a gamble than it is at present.”¹³⁶

¹³⁵ *Canadian Bookman* 5 (July 1923), 197.

¹³⁶ Hugh S. Eayrs, “The Past and Future of Canadian Publishing,” *Publishers’ Weekly* 113 (23 June 1928), 2514.

July, 1923

CANADIAN BOOKMAN

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Thomas Nelson & Sons, Limited

ANNOUNCE

That they are now the sole Representatives
IN CANADA

For the Publications of
Messrs. Thornton Butterworth, Limited
and
Mr. Jonathan Cape;

also
For the Educational Publications
of
Messrs. Methuen & Company, Limited

NEW NOVELS

Selected from the catalogues of Messrs. Thornton Butterworth and Mr. Jonathan Cape.

Joan of the Island, by Henry Holt.

Fifty-Fifty, by A. Neil Lyons.

Sudden Love, by Benjamin Swift.

Educating Ernestine, by Florence A. Kilpatrick

My Daughter Helen, by Allan Monkhouse.

The Highbrows, by C. E. M. Joad

The House of the Enemy, by Camille Mallarme

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"Samuel Butler was, in his own department, the greatest English writer of the latter half of the nineteenth century."—*George Bernard Shaw*.

The Works of W. H. Davies

In twelve volumes, including "Nature Poems," "Collected Poems," in two volumes, and "Farewell to Poesy."

"W. H. Davies is a poet of to-day, well-known for his beauty of thought and expression."

Two New Books on Egypt by Arthur Weigall

THE GLORY OF THE PHARAOHS

A book that makes us realize the immense value of the excavator's work in Egypt.

AKHNATON, PHARAOH OF EGYPT

A brilliant study of "the world's first idealist," which is of special interest in view of the recent discovery of the tomb of his son-in-law, Tutankhamen.

Write for descriptions and prices of these books

THOMAS NELSON & SONS, Limited

77 Wellington Street West

::

Toronto, Ontario

Figure 8. Thomas Nelson and Sons, Limited. Advertisement,
Canadian Bookman 5 (July 1923), 197.

Subsidiaries

In contrast to an agent, a subsidiary was the local branch of a foreign publishing company that was owned and more or less controlled by it. Visiting Toronto in 1925, London publisher Jonathan Cape remarked on the importance of subsidiaries in Canada. Contending that British publishers and authors had taken a renewed interest in Canada and wished to keep their Canadian rights separate from the American rights, he observed, “One has only to consider the large number of British publishers who have branch houses in Canada.”¹³⁷ Among these subsidiaries was Longmans, Green, established in 1922 by the American-born Edward Pike (1886–1953). Pike had come to Canada in 1915, worked as a salesman for the Macmillan Company of Canada, and in 1917 become the Canadian traveller for Longmans’ American branch. As head of the Canadian branch, he imported the popular Fairy Books edited by Andrew Lang and George M. Trevelyan’s *British History in the Nineteenth Century*. While still managing Longmans, Green, Pike was appointed the manager of Doubleday, Doran for a brief period in 1935–36, and became the manager of J.B. Lippincott’s new Toronto branch in 1937. Between 1943 and 1948 he was sales manager of the American branch of Longmans, Green, in New York; thereafter he returned to Toronto and managed that branch again until his death in 1953.¹³⁸ For many years, like many subsidiaries, Longmans, Green chiefly imported its own books and then arranged to publish some of its British and American titles in Canada. During the Second World War it expanded into textbooks for the Canadian market, concentrating on social studies, geography, and literature. One of Pike’s best-known Canadian authors was newspaper editor Bruce Hutchison, whose books, *The Unknown Country* (1943) and *The Incredible Canadian* (1952), the latter a biography of Mackenzie King, won the Governor-General’s Award for non-fiction.

When William Collins & Son incorporated its branch in Canada in 1932, the prior agent, William Bonnellie, was replaced by the new subsidiary manager, Frank F. Appleton. Appleton (1893–1951) began his career as an apprentice in the famous Toronto bookstore of his uncle Albert Britnell. He joined the Musson Book Company in 1912 and returned to Musson after serving overseas in the Great War. He left Musson in 1929 to become vice-president at George J. McLeod

¹³⁷ “How British Publishers Regard Canada,” *B & S* 41 (March 1925), 57.

¹³⁸ “In Memory of Ted Pike,” *Quill & Quire* 19 (June 1953), 17–18.

but stayed only three years before taking up the reins at Collins. Appleton remained with Collins until his retirement in 1947 and was instrumental in developing its Canadian publishing program in the 1930s and through the Second World War.

Occasionally British travellers established their own houses after exposure to the Canadian market. S.J. Reginald Saunders (1898–1945) began his annual trips across Canada for a group of British book and stationery firms in 1928. The next year he was based in Toronto as the representative of the London houses of Methuen and Frederick Warne, and by 1931 he was conducting business under his own name. In the middle of the 1930s Saunders published the popular Toronto *Star* columnist Gregory Clark, local colourist and librarian Angus Mowat, and the young Canadian Broadcasting Corporation reporter Matthew Halton. Saunders was one of the first publishers to take to the air on his regular sales trips, and by 1939 he had flown more than twenty thousand miles on the new Trans Canada Airlines. During the Second World War, Saunders expanded his publishing program with Canadian editions of H.V. Morton's popular travel books and the best-selling novels of C.S. Forester. After his unexpected death from a heart attack in the summer of 1945, his wife, Ila, and Victor Knight conducted the firm until 1955, when Thomas Allen & Son acquired control. At that point, Thomas Allen's son Robert became president of Saunders and his brother John became president of Thomas Allen.

The ties that foreign companies developed with Canadian houses could shift in complicated ways between agency and subsidiary. For example, McClelland and Stewart possessed the agency of Dodd, Mead of New York, and when the latter established a Canadian subsidiary in 1925, McClelland and Stewart continued to manage it. The same arrangement unfolded with Cassell when it opened a Canadian subsidiary in 1929. The Canadian manager of J.M. Dent & Sons, Henry Button, who worked in Dent's handsome showroom at 224 Bloor Street West (a replica of the London office, Aldine House), and his travellers were shared with McClelland and Stewart; after Button became ill in 1935, J.M. Dent was reorganized as a subsidiary and managed by McClelland and Stewart until 1946. Although Dent published Canadian writers, its main efforts were its educational lines and the popular Everyman series. McClelland and Stewart had also managed the agency business of their friend, George H. Doran, since 1917, and in 1925 they became the managers of Doran's new Canadian subsidiary. In 1927, out of the blue came one of the most important rearrangements of the decade. Doran decided to retire

and merge his business with Doubleday, Page in New York, which became Doubleday, Doran, & Co. In Canada their new branch was known as Doubleday, Doran, & Gundy from 1928 on. Doubleday, Page's representative, S.B. Gundy, moved the Doran office from 215 Victoria Street, McClelland and Stewart's address, to his premises on Richmond Street West, where he managed the Canadian branch of Oxford University Press. Although McClelland and Stewart lost the profitable Doran connection, they retained some of Doran's Canadian authors such as Ralph Connor. Thus events in New York could send ripples through the centre of the Canadian trade in Toronto.

Conclusion

Even if the "awakened national consciousness" that Hugh Eayrs observed in the early 1920s did not immediately result in the "national literature" that he and his fellow publishers believed was on the horizon, there was no doubt that Arthur Stringer's prediction of a "professional birth of Canadian letters" had taken place. The optimism, the expectations, and the enthusiasm in the comments of publishers, authors, and politicians suggest how widely held was the notion that a new era was underway. Canadian authors were achieving success abroad, Canadian publishers were reporting profits at home, and the two groups were sanguine about connecting with each other in mutually beneficial ways.

Great expectations were placed on the updated copyright laws. Their revision generated such anger among authors that they organized the Canadian Authors' Association in March 1921, and with the full support of the Book Publishers' Section of the Toronto Board of Trade they successfully obstructed the real implementation of the manufacturing clause. They also protested the government's right to license their books and those of American authors without their permission. Canadian printers, meanwhile, were determined to increase book production against the flow of American imports. In consequence, the government was caught between the demands of printers, publishers, authors, and booksellers at home and abroad. With the 1923 Amendment, Canada and the United States established a reciprocal copyright agreement, and the 1921 Act, separating Canada from British governance in copyright, was finally proclaimed on 1 January 1924. It remained the basis of the law until the late 1980s. The 1921 Act exacerbated the practice of "buying around," by which booksellers by-passed the Canadian copyright owner and purchased

books directly from foreign jobbers. Publishers were accused of monopoly as booksellers tried to get the best price and the edition of choice for their customers. So overwhelming was the distribution of British and American books in Canada that booksellers claimed that Toronto houses, representing dozens of foreign publishers according to the agency system, were merely jobbers. Distributing foreign books, however, created profits to publish Canadian ones.

Canada was still a colonial market, even as book publishing was in the process of becoming an autonomous industry. First, Canadian publishers rarely held world rights for their authors, which meant that lucrative secondary rights (serialization, stage and film versions, and licences for book-club editions) were not part of their earnings. Second, the new copyright laws improved conditions not only for Canadian publishers but also for American publishers. Americans now gained copyright in Canada more easily than under the 1842 Act, and they established agencies and subsidiaries that increased American book exports to Canada. Finally, the British complained of the loss of the Canadian market to Americans, and tried to offset this imbalance by setting up their own subsidiaries. These, too, would publish Canadian books. As increasing numbers of these appeared, the *Canadian Bookman* constructively promoted the expanding culture of Canadian authorship, while the *Canadian Forum* positioned itself in contradistinction as the guardian of elite critical standards. Even so, the English-Canadian market continued to be divided by two powerful foreign countries. In 1925 publishers and booksellers recognized the “utter dependence of the Canadian market upon arrangements made outside of Canada.” They acknowledged that in most cases the American publisher “is in a more advantageous position to exploit this market than a British firm, unless that firm has a branch of its own in the Dominion.”¹³⁹

All in all, the 1920s were an upbeat, optimistic period. Market reports through 1929 continued positive: the Great Depression seemed, at first glimpse, a merely temporary downturn. In December *Bookseller and Stationer* reported the leading trade opinion to be that “the recent stock crash will not in any real way affect the book buying season” and noted that “no less than three large publishers ... enjoyed the greatest volume of business in their history ... The retailers must necessarily feel an increase in business also.” None could foresee that the industry’s prosperity, rooted in the agency system, would suffer

¹³⁹ “Effort to Clarify Book Market Situation,” 65.

drastically in the 1930s or that the dream of original publishing would stall for at least a generation. “Anyone who talks of blue ruin in the book trade for the year 1929 in general or the fall season in particular must be unaware of the facts which are now coming to light.”¹⁴⁰ The bullish remark is a fitting cap to what had been an energetic decade in the Canadian book trade.

The Main Store

All the latest fiction is displayed on the long table to the right of the illustration, enabling the customer to browse around and take his pick without being disturbed. A children's book department is situated at the end of this table.

One of the Windows

This window is given over entirely to a display of books. Another window of similar size over the way is devoted to presenting the choicest items in the gift department. Note the pictures for sale, hung as a background for the display.

A View from the Gift Room

The gift room branches out from the main part of the store, and in this department are featured pictures, framed and otherwise, pottery, chinaware, and other gift items.

Figure 9. Wm. Tyrrell & Co., interior of new book store, 820 Yonge Street. *Bookseller and Stationer* 43 (June 1927), 23.

¹⁴⁰ “All Signs Point to Flourishing Book Trade this Christmas Season after Record Year,” *B & S* 45 (December 1929), 49. Although the “three large publishers” are not named, they are probably McClelland and Stewart, Ryerson Press, and the Macmillan Company of Canada.

Canadian Publishing Houses in Toronto Located: 1, Thomas Allen, King St. W.; 2, American News, Front St. W.; 3, Blackie, Bay St. N.; 4, Commercial Text, Church St. N.; 5, Copp Clark, Spadina Ave. S.; 6, Dent, Bloor St. W.; 7, Gage, Spadina Ave. S.; 8, Irwin & Gordon, Temperance St. W.; 9, Longmans Green, Victoria St.; 10, Macmillan, Bond St.; 11, McClelland & Stewart, Victoria St.; 12, McLean and Smithers, Bay St. S.; 13, McLeod, King St. W.; 14, Musson, Adelaide St. W.; 15, Nelson, Wellington St. W.; 16, Oxford, Victoria St.; 17, Ryerson, Queen St. W. The centre taken is Eaton's and Simpson's stores, at the junction of Queen and Yonge Streets

Figure 10. Map, publishers' locations, downtown Toronto. Hugh S. Eayrs, "The Past and Future of Canadian Publishing," *Publishers' Weekly* 113 (23 June 1928), 2511.

SOMMAIRE

L'un des facteurs qui contribua le plus à façonner le marché du livre de Toronto durant les années 1920 fut sans contredit le sentiment patriotique ravivé par la participation du Canada à la Première Guerre mondiale. Ce patriotisme a ouvert la voie à une demande croissante d'ouvrages traitant de la société canadienne, ce à quoi les éditeurs et les auteurs ne firent aucunement la sourde oreille. À cela s'ajoute la création de la Canadian Authors' Association en vue de contester la Loi sur le droit d'auteur de 1921. Le CAA critiqua cette loi qui favorisait l'industrie de l'édition au détriment des droits d'auteur et

mettait indûment en péril la participation du Canada à la Convention de Berne. La Book Publishers' Section du Toronto Board of Trade appuyait les auteurs. De l'autre côté, les imprimeurs canadiens étaient déterminés à augmenter la production du marché intérieur des livres pour faire face à la concurrence américaine. La Loi modificatrice du droit d'auteur de 1923 et l'entente concernant la propriété littéraire et artistique entre le Canada et les États-Unis garantissaient la protection pour tous les auteurs et élucidaient le rôle des agences (*i.e.*, les accords en vertu desquels les éditeurs canadiens vendaient les livres publiés à l'origine à l'étranger). La loi de 1921 laissait somme toute dans une situation critique l'industrie du livre de Toronto, centre de distribution du Canada anglais. La production intérieure des livres augmenta à court terme, mais la vente des livres étrangers ne diminua pas pour autant parce que les éditeurs torontois continuaient de les acquérir exclusivement auprès d'agences appartenant à des éditeurs britanniques et américains qui disposaient eux-mêmes de leurs propres filiales établies au Canada. En outre, les libraires importaient des livres étrangers suivant une pratique d'achat parallèle (évitant de passer par le vendeur canadien, le seul censé à le faire exclusivement). Durant les cinquante années qui suivirent, des conflits surgirent périodiquement entre les détaillants et les éditeurs. Comme le marché du livre canadien avait connu une nette amélioration de son volume d'activité jusqu'à la fin de 1929, il n'était guère préparé par conséquent à affronter la Grande Crise qui compromettra le développement de cette industrie jusqu'à la moitié des années 1950.