

C H A P . 80

An Act to amend the Code of Civil Procedure and the
Revised Statutes, 1909, respecting certain theatrical
performances

[Assented to 9th February, 1918]

WHEREAS it is desirable to protect the civil rights Preamble.
of authors whose works are legally protected under
the laws in force in Canada;

Whereas it is also in the interest of police and good
order in this Province that the laws should be so amended
as to afford a legitimate control over theatrical perform-
ances (lyric, dramatic, or musical), the title, the text
or the names of the real authors of which are sometimes
changed in whole or in part, to the extent of deceiving the
public, of taking advantage of its good faith, or of mis-
leading its literary or artistic taste, in spite of the laws in
force in Canada which acknowledge the proprietary right
of such authors to their literary or artistic works;

Therefore His Majesty, with the advice and consent
of the Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Article 1150 of the Code of Civil Procedure, as amend- C. C., art.
ed by the act 1 George V (2nd session), chapter 54, section 115, am.
1, is further amended by inserting therein, after paragraph
15 thereof, the following:

“16. Actions respecting copyright.”

2. Title seventh of the Revised Statutes, 1909, is amended R. S., 3712a
by inserting therein, after section seventh of the first chap- et seq., en-
ter thereof, the following section and articles, to wit:

“SECTION VIIa

“DECLARATION TO BE MADE BY CERTAIN PERSONS ETC. WHO
EXHIBIT CERTAIN THEATRICAL PERFORMANCES.

“**3712a.** Every person, company, corporation, partner- Declaration
ship or association of persons whatsoever is prohibited to be made
from collecting money or any other compensation for selling made by
seats or for advertising or for giving or taking part in, as certain per-
one sharing in the profit of, a public or paid performance sons re
of the whole or any part of a theatrical work (lyric, dra- public per-
matic or musical), copyright of which has been recognized formances.
in Canada under the laws in force, before depositing in

the office of the clerk of the peace for the district in which such representation is to be given, a declaration under oath in accordance with the form A in the schedule to this section, or any other form which may be ordered by the Lieutenant-Governor in Council.

True title of work and real name of author to be given. **"3712b.** Any advertisement or newspaper notice which precedes such performance, and any programme whatsoever intended for the public and relating to such performance, must contain the true title of the work and real name of the author of the work sought to be represented or which is represented, as the case may be, if this section is applicable to such performance.

Penalties for infringement. **"3712c.** Whosoever commits any act prohibited by this section, or suppresses or alters the title of the work or the name of the author protected under the laws in force, or who does not comply with the provisions therein enacted, or makes a false declaration, is guilty of an offence, and is liable, over and above all other legal recourses, to a fine of not more than one hundred dollars, and costs, and, in default of payment of such fine and costs, to imprisonment for not more than one month.

Who shall be liable to imprisonment. In the case of a company, corporation, partnership or other association of persons, the president, the manager or other chief executive officer, in proportion to the guilt of each one respectively, shall be subject to the above imprisonment in default of payment of the fine and costs by such company, corporation, partnership or association of persons.

Fine to belong to Crown. The fine shall belong to the crown for the use of the Province.

Recovery of fines. The fine imposed by this section shall be recoverable by any person of lawful age in his own individual name, in accordance with articles 7538 to 7541 or article 29.

Owners, &c. of theatres must see to observance. **"3712d.** Any person, company, corporation, partnership or association of persons, proprietor, lessee, occupant or manager of a hall or theatre where theatrical performances, in the sense of this section, are given, who does not see that the provisions of this section are observed, or who does not himself observe the same—in default of other persons, companies, corporations, partnerships or associations of persons obliged to conform thereto—shall be guilty of an offence and liable to the fine or imprisonment, as the case may be, enacted by article 3712c, and within the bounds therein provided.

Penalties.

"**3712e** The clerk of the peace of each district by whom such sworn declarations are kept, shall, when so required by any person applying for a certified copy thereof, deliver such certified copy to such person upon payment of a fee of fifty cents. Copies of declarations.

The clerk of the peace shall also be entitled to a fee of one dollar for each declaration filed in his office under this section."

3. The following form A is inserted in the Revised Statutes, 1909, after section VIIa in chapter first of title seventh of said statutes, as enacted by section 2 of this act, to wit:

"FORM A

(Articles 3712a, 3712d)

Declaration to be made by the persons &c. who give certain representations, wholly or partially, and public and for profit, of theatrical works, the authorship of which is legally protected under the laws in force.

I, the undersigned (*quality, residence or domicile*), do solemnly swear (*or if it be a person allowed by law to affirm in civil cases, solemnly affirm*):

1. That I (*or company &c. indicating the name, that I represent,*) intend to collect money or other compensation for seats, or to advertise and give a representation in whole or in part, and public and for profit, of (*indicate the true name of the work and the real name of its author*);

2. That the names of the officers of the company &c. which I represent are the following:
(*names, quality, residence and domicile*);

3. That I am not (*or the company I represent is not*) an intermediary for the purpose of avoiding responsibility under the laws in force in this Province.

4. That I am (*or the company I represent is*) proprietor (*tenant, occupant or manager*) of the hall (*or theatre*) in which the work mentioned in this declaration is about to be given under my (*or its*) responsibility.

Signature of the declarant.

Sworn (*or affirmed*) before
me at this day
of 19

Signature.

JUSTICE OF THE PEACE."