“Reckless Extravagance and Utter Incompetence”:
George Ross and the Toronto Textbook Ring, 1883-1907

Penney Clark*

On 12 July 1906, Conservative Ontario Premier James P. Whitney announced the appointment of a commission to investigate issues related to the prices of Ontario textbooks. Witness testimony led the commission to expand its mandate to include corruption and conflicts of interest in the awarding of contracts and production of elementary school readers in particular.¹ The most inflammatory findings concerned the machinations of a textbook “ring” comprised of three prominent Toronto publishers, W.J. Gage & Company, Copp, Clark Company, and The Canada Publishing Company. This oligopoly of companies maintained steadfast control over the publishing of the *Ontario Readers*, a graduated series of elementary school textbooks, from January 1885 to January 1907, a period of 22 years. This essay explores both the circumstances under which the three publishers acquired this control and the strategies they employed to maintain it for such a lengthy period. It also illuminates the central role of George W. Ross, who was Liberal Minister of Education from 1883 to 1899, and then Premier of Ontario from 1899 to 1905.

Within the context of the history of book publishing in Canada, the history of textbook publishing has received scant attention,²

* Penney Clark is an Associate Professor in the Department of Curriculum & Pedagogy, Faculty of Education, University of British Columbia and Director of The History Education Network/Histoire et Éducation en Réseau. She has published widely on history education and the political and economic contexts of textbook publishing in Canada. She was a contributor to the *History of the Book in Canada*, volumes two and three.

1 As early as the first day of testimony, 19 September 1906, witnesses testified that some texts fell apart after a year or so of use and prices of the readers could be cut by one-third. See “Poor Quality of our School Books,” *Globe*, 20 September 1906, 10.

2 H.P. Gundy, *Book Publishing and Book Publishers in Canada Before 1900* (Toronto: Bibliographical Society of Canada, 1965); George Parker, *The Beginnings of the Book Trade in Canada* (Toronto: University of Toronto Press, 1985); George Parker, “Distributors, Agents, and Publishers: Creating a Separate Market for Books in Canada 1900-1920, Part I,” *Papers of the Bibliographical*

although there have been a few studies of textbook provision.³ Studies in Canadian educational history provide some limited information about textbooks and their publication in this period.⁴ The first comprehensive textbook study, by E.T. White of the Provincial Normal School in 1922, offers a content analysis of Ontario textbooks which is, for the most part, not relevant here. However, he also examines the influence of anti-American sentiments on textbook choices, effects of a lack of textbook uniformity, the role of the controversial textbook depository, recommendations of the 1907 Ontario textbook commission and the movement toward provision of free textbooks.⁵ In *The Authorization of Textbooks in the Schools of Ontario, 1846-1950*, Viola Parvin provides a comprehensive account of changing department of education policies that determined how textbooks were to be authorized and highlights the resulting changes in relations between the department and publishers.⁶ Oisín Patrick Rafferty has analyzed George W. Ross's decision to give the ten-year exclusive contract for the *Ontario Readers* to the three publishers, with a focus on its significance as a departure from the existing relationship between the department of education and private enterprise.⁷

Society of Canada 43 (Fall 2005): 7-65; George Parker, "Distributors, Agents, and Publishers, Part II, The Toronto Publishing Scene During World War I," *Papers of the Bibliographical Society of Canada* 44 (Spring 2006): 7-68.

- 3 J.D. Wilson, "Common School Texts in Use in Upper Canada Prior to 1845," *Papers of the Bibliographical Society of Canada* IX (1970): 3-53; Bruce Curtis, "Schoolbooks and the Myth of Curricular Republicanism: The State and the Curriculum in Canada West, 1820-1850," *Social History* XVI (November 1983): 305-30; Bruce Curtis, "Curricular Change and the Red Readers," In *Re-Interpreting Curricular Research*, ed. G. Milburn, I.F. Goodson, and R.J. Clark, 41-63 (London: Althouse Press, 1989); Linda Wilson Corman, "James Campbell and the Ontario Education Department, 1858-1884," *Papers of the Bibliographical Society of Canada* XIV (1976): 17-52.
- 4 C.E. Phillips, *The Development of Education in Canada* (Toronto: W.J. Gage, 1957); George S. Tomkins, *A Common Countenance: Stability and Change in the Canadian Curriculum* (Scarborough: Prentice-Hall Canada, 1986); Bruce Curtis, *Building the Educational State: Canada West, 1883-1871* (London, ON: Althouse, 1988); Susan E. Houston and Alison Prentice, *Schooling and Scholars in Nineteenth-Century Ontario* (Toronto: University of Toronto Press, 1988).
- 5 E.T. White, *Public School Text-Books in Ontario* (London: Chas Chapman Co., 1922).
- 6 Viola Elizabeth Parvin, *Authorization of Textbooks for the Schools of Ontario, 1846-1950* (Toronto: University of Toronto Press, 1965).
- 7 Oisín Patrick Rafferty, "Balancing the Books: Brokerage Politics and the 'Ontario Readers Question,'" *Historical Studies in Education* 4 (Spring 1992): 79-95.

Textbooks are absent in theoretical frameworks applied to book history. The unique and important ways in which these frameworks can be mapped onto textbook production remain largely unexamined. A model for the study of book and print culture proposed by Thomas R. Adams and Nicolas Barker seems most suitable for the purposes of this study.⁸ Adams and Barker organize their model around five events in the life of a book – publishing, manufacturing, distribution, reception and survival. This study investigated the production and provision of textbooks in Ontario in terms of the first two events in the model: publishing and manufacturing.

Authorship is not acknowledged in the Adams and Barker model. This seems particularly suitable to the case of textbooks since they have little commercial value unless they have been officially approved for use in classrooms by a provincial department of education. Particularly, from the latter half of the twentieth century, publishers have taken on the crucial role of lobbying for their approval by provincial educational authorities. In the province of Ontario during the period under investigation here, and particularly in the case of the elementary school readers, official approval often, although not always, occurred prior to publishing, or in the case of imported texts, reprinting. When the provincial government imported books and turned them over to Canadian publishers to reprint, as in the case of the *Irish National Readers*, authorship was irrelevant. Authorship was also irrelevant when the Education Department hired the authors, who developed the textbooks under its supervision, as was the case with the *Ontario Readers*, which will be discussed here. Authorship is even more irrelevant when one considers that, in the case of the readers, it actually involved selection, rather than creation of what was to be included in the books.

Elements of most of Adams and Barkers' external influences (political, legal and religious, intellectual, commercial pressures

8 Thomas R. Adams and Nicolas Barker, "A New Model for the Study of the Book," in *A Potencie of Life: Books in Society*, ed. Nicolas Barker (London: British Library, 1993), 5-43. The Adams and Barker model was used by the History of the Book in Canada project, which recently completed its work, covering "beginnings" to 1980. This model originated in a critique of Robert Darnton's "communication circuit" model. See Robert Darnton, "What is the History of Books?" *The Book History Reader*, 2nd ed. David Finkelstein and Alistair McCleery (London and New York: Routledge, 2006, 2002), 9-26. See chapter 3 of Leslie Howsam, *Old Books & New Histories: An Orientation to Studies in Book and Print Culture* (Toronto: University of Toronto Press, 2006) for a comparative critique of several models for the study of the book.

and social behaviour and taste) emerged at points during the study. However, those most evident are political influences and commercial pressures. This essay will therefore discuss the official approval, publishing, and manufacturing of the *Ontario Readers* in the period 1883 to 1907,⁹ with a particular focus on political influences and commercial pressures.

Figure 1. "Children sitting in a classroom [used to illustrate poor lighting and its effects on children's vision for the Dept. of Health]." Archives of Ontario, RG 10-30, Digital Image Number 10005194.jpg, [ca 1905.]

I. Early Controversies

From the initial establishment of the Ontario public education system in 1846, to 1883, there were only two consecutive sets of public (elementary) school readers authorized for use in schools. First Chief Superintendent of Schools, Egerton Ryerson, imported and authorized the *Irish National Readers* in 1846. The *Canadian Series of*

9 For an account of the distribution of textbooks in Ontario prior to, and during, this historical period, see Penney Clark, "Liberty of Trade from the Thralldom of the Autocrats: Provision of School Textbooks in Ontario, 1850-1909," *Canadian Journal of Education*, 29 (2006): 1065-1096. The two main approaches to distribution were first, a textbook depository coupled with retail booksellers, and then, with the closing of the depository, the booksellers alone.

Readers, also known as the Ryerson or "Red" Readers, replaced them in 1868 and were authorized until 1883.

In June 1883, Arthur Sturgis Hardy, who had been appointed Acting Minister of Education due to the illness of Minister Adam Crooks, authorized two competing series of new readers. Both series were originally published in Scotland. They were the *Canadian Readers*, adapted by W.J. Gage & Co.,¹⁰ and the *Royal Readers*, originally published by Thomas Nelson & Sons of Edinburgh, and adapted for Ontario by Nelson's agent in Toronto, James Campbell & Son.¹¹ A third set, the *Royal Canadian Reading Series*, published by The Canada Publishing Company, and the only series entirely developed in Canada, was inexplicably rejected by the department.¹²

The decision to publish and authorize competing readers, a practice that was new to the province, was controversial. Much of the concern centered on the costs to families who, if they moved from one region of the province to another, could have to purchase new readers to replace a set already purchased. The *Toronto Empire* reported, over a decade later, that Hardy's decision resulted in a "War of the Readers [which] became such a nuisance that irate trustees and disgusted parents threatened to mob the next book agent who came along."¹³ This negative reception signaled the beginning of the controversies which

¹⁰ The firm that later became W.J. Gage and Company began in Montreal in 1844 as R. & A. Miller, Booksellers and Stationers. The firm expanded to Toronto in 1860, and in 1863 it became Adam Miller & Co. William Gage was hired as a clerk and bookkeeper in 1874. Adam Miller died the next year, at which time William Gage bought into a partnership with Miller's widow, an arrangement which lasted until 1878. Gage then went into partnership with Samuel George Beatty, who later became president of The Canada Publishing Company. The partnership with Beatty was dissolved in 1879, and the firm became known as W.J. Gage and Company, with Gage as sole owner, in 1880. The company was incorporated as a joint stock company in 1893. The physical plant was destroyed in the great Toronto fire of April, 1904, but Gage was able to rebuild with new and more efficient machinery, relocating from Front Street to Spadina Avenue. See *W.J. Gage & Co. Limited: A Story of Sixty-Five Successful Years, 1844-1909* (Toronto: W.J. Gage, 1909).

¹¹ "Reading Books," Copy of Order in Council by His Honour, the Lieutenant-Governor, 30 June 1883, Archives of Ontario, Education Dept. Records, Text Book Series Correspondence, 1881-1884, RG 2-13, No. 4.

¹² Viola Parvin suggests the decision could be attributed to "a general lack of confidence in indigenous products." See Parvin, *Authorization of Textbooks for the Schools of Ontario, 1846-1950*, 54.

¹³ "Literary Piracy. Minister of Education Sued for It on the School Readers." *Empire*, 8 January 1894, 1.

were to rage around these readers and their successors until 1909, when readers printed by the Eaton's Department Store were authorized.

Sales of W.J. Gage's *Canadian Readers* far surpassed those of Nelson's *Royal Readers*. As the *Empire* put it, "the Gage books were routing the others—horse, foot and artillery."¹⁴ In one ad, Gage listed 21 school jurisdictions where its books were being purchased on one side of the page, and on the other, under the heading, *Nelson Royal Readers, For exclusive use*: a very large and black zero.

Gage's sweet victory was short-lived. In November 1883, George Ross replaced Adam Crooks as Minister of Education. On the Saturday before New Year's Day, just prior to the start of a new school term, school inspectors were surprised to receive a telegram from Deputy Minister Alex Marling announcing two decisions made by Ross: a return to the practice of authorizing only one reading series and its preparation under the direction of the Education Department. This new series, when completed, would replace the Gage and Nelson readers which had been authorized for only six months.

The school inspectors were justifiably upset. Several warned that many pupils had recently purchased readers in one of the two previously authorized series and were planning to use them for the first time after the Christmas holidays.¹⁵ David P. Clapp, Inspector for North Wellington, made the dire prediction that "a row will ensue if any new change is made." He added, rather plaintively, "The poor School Inspector often suffers for the mistakes and errors of his official superiors."¹⁶ John Johnston, Inspector for South Hastings, explained that after spending time in Toronto carefully examining each series, he had concluded that Gage's series was both the cheapest and the most suitable. He and four other inspectors had issued a circular to trustees and teachers in their inspectorates indicating this. They had put their reputations on the line in endorsing the Gage books and were left feeling betrayed by the department. He added that 116 teachers had endorsed the choice at their convention.¹⁷

¹⁴ "Literacy Piracy."

¹⁵ J. McKnight to Hon. G.W. Ross, 31 December 1883, Archives of Ontario, RG 2-13, No. 4.

¹⁶ David P. Clapp to Hon. G.W. Ross, 1 January 1884, Archives of Ontario, RG 2-13, No. 4.

¹⁷ John Johnston to Hon. G.W. Ross, 31 December 1883, with attachment, "Circular to Trustees and Teachers," signed by John Agnew, Frontenac; Frederick Burrows, Lennox and Addington; John Johnston, South Hastings; Gilbert D. Platt, Prince Edward; and Edward Scarlett, Northumberland, n.d., Archives of Ontario, RG 2-13, No. 4.

SUPPLEMENT TO THE CANADA SCHOOL JOURNAL

THE ELECTIONS.

In the following constituencies Conventions have been held when action was taken on the

READER QUESTION.

Some of these Conventions were composed of TRUSTEES AND TEACHERS, and some of TEACHERS only.

The following have recommended

GAGE'S CANADIAN READERS

For exclusive use:

ESSEX COUNTY No. 1. } 350 Trustees and Teachers
are present. Only 4 votes
ESSEX " No. 2. } for Royal out of 350.
OXFORD " } Teachers Conventions unanimous;
Trustees. 3 votes for Royal out of 60.
CARLETON COUNTY.
LAMBTON, No. 1. "
LAMBTON, No. 2. "
WELLAND. "
PRESCOTT AND RUSSELL COUNTY.
DUFFERIN "
SOUTH HURON "
NORTH HURON "
NORTH SIMCOE "
EAST GREY "
SOUTH GREY "
WEST BRUCE "
FRONTENAC "
LANARK "
LENNOX AND ADDINGTON. "
WEST VICTORIA, in part, "
SOUTH WELLINGTON, conditionally,
WEST KENT, conditionally.

The following have recommended

NELSON ROYAL READERS

For exclusive use:

0

NOTE.—In East Bruce at recent Convention a vote was taken which stood for Royals 30 against 25 for Canadian. This result was no doubt due to the fact that Mr. McGregor, Chairman of Walkerton School Board, had been employed to canvass for the Royal Readers, Inspector and most of Teachers voting for us.

Figure 2. Supplement to *The Canada School Journal* [1881-1884].
Archives of Ontario, RG 2-13, No. 4, n.p.

Figure 3. Sir William James Gage. Library and Archives Canada/C-007707.

This decision cost both Thomas Nelson and W.J. Gage a great deal of money which was tied up in books printed, but not yet sold, in a period of economic recession. According to W.J. Gage, Nelson was forced to unload its remaining texts at a huge loss in a Customs House sale for unclaimed goods.¹⁸ The firm of James Campbell and Sons, which acted as an agent for Nelson, suffered collateral damage and went bankrupt in 1884. The Gage firm lost about \$30,000 in preparation costs and another \$30,000 in books it could not sell.¹⁹

There are indications that William Gage embarked on a mission to recoup the losses his firm incurred and he may have engaged in a personal vendetta against Ross, beginning at this time. A decade later, in a letter to the *Evening News*, his resentment is still evident: "Mr. Ross 10 years ago struck off our reading books which had only just been authorized, and to help friends gave the contract to publish the present series of readers, when we had offered to present to every pupil in the public schools of the province a book free of charge."²⁰ It is equally as evident in his testimony found in the 1907 report of the textbook commission, 23 years later.²¹ Perhaps, under the circumstances, few would blame him for his animosity toward George Ross.

II. Minister of Education, George Ross

Who was the man who instigated this chaotic state of affairs? George Ross (1841-1914) had considerable political, as well as educational experience, some of it acquired concurrently. He taught school for ten years, from 1857 to 1867, followed by a year as school superintendent for East Williams, before moving to the Toronto Normal School. In 1871, after receiving a first-class provincial certificate, he was appointed inspector for east Lambton County. He was a member of the Central Committee of Examiners, which was responsible for textbook authorizations, from 1876 to 1880. He won a seat as a Liberal Member of Parliament in the dominion election

¹⁸ Legislative Assembly of Ontario, *Report of the Text Book Commission, 1907* (Toronto: L.K. Cameron, 1907), 370.

¹⁹ *Text Book Commission, 1907*, 370.

²⁰ "The Star and Evening News," *Star*, 8 January 1894, 1. This quote is from a letter written by W.J. Gage to the editor of *The Evening News* that *The Star* reproduced in the article. In *The Evening News*, the letter was entitled, "School Book Sensation."

²¹ *Text Book Commission, 1907*, 299.

Figure 4. Hon. George William Ross, Premier of Ontario, 1901. Library and Archives Canada/Credit: G.R. Lancefield/PA-028930.
Note that Ross is holding the *Globe* newspaper.

of 1872 and sat in the House of Commons for the next 11 years. He also studied law during this period, completing an LLB from Albert College in Belleville in 1883. After winning the election of 1882, his seat was successfully protested, and he lost it in October 1883. He joined Oliver Mowat's provincial cabinet as Minister of Education on 23 November 1883, and was elected for Middlesex West at a by-election in December. He remained in this position for sixteen years, until his appointment as Premier in 1899, upon the retirement of Arthur Sturgis Hardy.²²

Ross's experience in the education system, which was no doubt useful to him as Minister of Education, led to charges of conflict of interest. During his tenure on the Central Committee, books edited by school inspectors James Hughes and J.A. McLellan, for example, who sat on the committee, were authorized. After Ross's appointment as Minister, the conservative Toronto newspaper, the *Mail*, colourfully accused the committee of being a "junta of jackals [who] winked their eyes and wagged their tails at each other"²³ whenever one of their own published a book, almost invariably through the W.J. Gage & Company. Ross, himself, wrote a book of dictation exercises which was authorized.

Conservative dailies such as the *Free Press* in London and the *Mail* in Toronto brought to the attention of the public the fact that Ross had worked for W.J. Gage in sales. He had been hired about one and one-half years prior to his appointment as Minister of Education to attend several teachers' conventions for the purpose of promoting the Gage texts. Many viewed this as a conflict of interest for a Minister of Education.²⁴ The *Mail* took the criticism one step further, pointing out that Ross had actually broken the law. Section 227 of the School Law, as quoted in the *Mail*, stated: "No teacher, trustee, inspector or other person officially connected with the Education Department... shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons of any school, library, prize or text-book... to receive compensation or other remuneration or equivalent for such sale, or the promotion of sale in any way whatsoever."²⁵ By working for Gage, the *Mail* concluded that Ross "was acting illegally and corrupt, and he thereby forfeited

22 "Ross, Sir George William," *Dictionary of Canadian Biography On-line*. <http://www.biographi.ca>.

23 "Mr. Ross and the School-Book Business," *Mail*, 7 December 1883, 4.

24 "Past Favors in the Way," (London) *Free Press*, 5 December 1883, 4.

25 "Mr. Ross and the Law," *Mail*, 4 December 1883, 4.

his office, which, nevertheless, he continued to retain. We say emphatically that such a man is not fit for the responsible position of Minister of Education."²⁶ However, the *Mail* failed to point out that Ross was an MP at the time of his employment by Gage, thus not in any of the positions listed in the School Law, which did not state that people could not assume such positions in the future. However, it had a point when it said that,

Mr. Ross was a member of the board which authorized certain books. His acceptance of money for selling those books afterwards was improper.

Mr. Ross was a school inspector. He had influence with school teachers, trustees, and parents. His selling of that influence to Messrs. GAGE & CO. was indecent.²⁷

By the time of the 1906-07 textbook commission, the Liberals under Ross had been defeated on a wave of public revulsion. The Conservatives under James P. Whitney won the 1905 election with a 40-seat majority. Ross remained in the legislature, leading the Liberal opposition party for two sessions. He accepted a Senate seat in January 1907, just days before release of the textbook commission findings.

III. Emergence of an Oligopoly

Ross hired three eminent educationists to develop the *Ontario Readers*: John E. Bryant, Robert William Little, and Luther E. Embree. He described them in a speech to the Legislative Assembly: "Mr. Little, was a teacher of over twenty years' experience, and an Inspector since 1871; Mr. Bryant is a gold medalist of Toronto University, and the Principal of one of our best Collegiate Institutes; Mr. Embree has an equally high standing."²⁸ Luther E. Embree was Principal of Parkdale Collegiate Institute and later an editor and journalist. The *Readers* were authorized on November 26, 1884, only one year and three days after Ross's appointment as Minister of Education.

²⁶ "Mr. Ross and the Law."

²⁷ "Mr. Ross and the School-Book Business," *Mail*, 7 December 1883, 4.

²⁸ Hon. G.W. Ross, "Speech delivered by the Hon. G.W. Ross, Minister of Education on the Motion to Consider the Agreement Respecting the Publication of a New Series of Readers, in the Legislative Assembly of Ontario, March, 1885" (Toronto: "Grip" Printing and Publishing, 1885), 17, Archives of Ontario, Microfilm B30-1, Pamphlet No. 33.

On 1 January 1885, Ross granted sole publishing rights for ten years to the three Toronto publishers who had produced readers for the 1883 competition: W. J. Gage & Company, Thomas Nelson & Sons, and The Canada Publishing Company. The three publishers were to function more as printers than as publishers under this arrangement. The department incurred all development costs, including payments to the authors. It supplied each publisher with a set of plates in exchange for a total fee of \$7500 and the three firms simply had to print and bind the books and sell them to booksellers.²⁹ The work of the publishers was to be inextricably connected because each was to print one-third of each book and deliver that one-third to the other publishers.³⁰ Each would then bind a set of books. A fixed amount of the selling price of each book would go to the seller, and the rest of the price was to be divided equally amongst the group of three.

Maximum retail prices and minimum discounts to booksellers were established by the department. Since the books were officially authorized, teachers were required by law to use them. There were five *Readers* in the series: two primers and one *Reader* for each of grades two to four. With an elementary school population of 500,000 in Ontario, the *Readers* represented a highly lucrative contract for the three publishers.

The publishers were also free to market the *Readers* in other provinces; a factor which contributed substantially to their coffers. The English-speaking school population in Canada was estimated by one of the 1906-07 textbook commissioners to be 750,000.³¹ Gage alone printed a total of 50,655 *Ontario Readers* in 1905 for use in other provinces.³² Having already made the one-time payment for the plates in order to publish the readers within Ontario, they simply had to print the books, market them, and then ship them across the country. Some other provinces were eager to purchase the books since their departments of education were newer, and they had not yet taken the time and trouble to develop their own *Readers*. Also, their student populations were not large enough to entice publishers

²⁹ *Text Book Commission*, 1907, 316.

³⁰ A.W. Thomas, Secretary-Treasurer, Copp, Clark, testified to the 1906-07 Commission that each publisher published the entire book. See *Text Book Commission*, 1907, 176. Thompson, Beatty and Gage all testified that it was done according to the initial contractual arrangements.

³¹ *Text Book Commission*, 1907, 357.

³² List of Authorized Books printed in 1905, W.J. Gage & Co., 13 January 1906, Archives of Ontario, RG 2-13, No. 10.

to develop new books just for them. Those who had been using the *Canadian Series of Readers*, which were really only an adaptation of the *Irish National Readers*, were ready for Canadian-developed readers by this time. As a result, they provided a ready market for Ontario books and dependable profits for Ontario publishers.

It was at the point of authorization that controversy broke out in full force. According to Ross, granting these contracts was his way of making amends to the three publishers for the losses they incurred in 1884.³³ There was also a strong possibility that the publishers would have engaged in legal action if nothing was done, according to the Honourable Mr. Preston, MLA for Leeds. Arguing with the benefit of hindsight, Mr. Preston announced in the legislature in 1890 that "it would have been in the interests of the people of the province... if a cash bonus had been given to those companies and the contracts advertised in the usual way for public tender."³⁴

At the time the contract was granted, the *Mail* declared that "A jury which should compensate three men injured on a railway by making them a present of the road would not be guilty of a madder act than has thus been perpetrated to the loss and injury of every parent in Ontario."³⁵ A week later, it continued, "To assume that they deserved compensation and then, without attempting to appraise the amount, to give it in the form of a ten years' monopoly of so valuable a trade, was so absurd and unbusiness-like a method of settling the difficulty that Mr. Ross shows great prudence in avoiding all mention of it in his defence."³⁶ The *London Free Press* argued that Ross should have had a dozen plates cast, and then made them available to all publishers, rather than granting favours to a special three. It also criticized Ross's decision to sell the texts for a set price, maintaining that throwing the contracts open to competition would have reduced the selling price by at least one-third. It proclaimed that, "Every scholar that will now frequent the public schools will have a tax placed upon him by the good pleasure of Hon. G.W. Ross... A more violent and reprehensible interference with legitimate transactions was never presented to the public."³⁷ On another day, the paper attempted to rally "trustees throughout the country to

33 "Speech," 1885, 6.

34 "The Ontario Legislature, A Hot Debate on the Price of School Books," *Empire*, 27 March 1890, 6.

35 "The School Book Monopoly," *Mail*, 9 January 1885, 5.

36 "The School Reader Monopoly," *Mail*, 16 January 1885, 4.

37 "Taxing the Scholars," (London) *Free Press*, 31 December 1884, 4.

refuse to introduce the books." It continued, "The entire business began in incompetency, was carried on in ignorance, and has now been finished up by duplicity and cunning, and injustice added to a grave breach of the law."³⁸ The *Brockville Times* carried on in the same vein: "The action of the Ontario Government in giving the control of the publication of the new series of readers to three of their favorites in the publishing business, is calling forth the general condemnation of the trade throughout the country, and the people generally as well. The whole thing is such a glaring imposition upon the other publishers of the country, and upon every parent who sends children to school, that it is no wonder the people are rising in arms against it."³⁹

Publisher William Warwick wrote to the *Free Press* offering to publish the *Readers* for a one-third reduction in cost, as well as to provide a higher rate of discount to the book trade than the 20% fixed by the government; emphasizing his position by offering to pay \$50,000 to the government as security on his pledge. He concluded by denying that he was acting in self-interest, but on the contrary, on behalf of all publishers, as well as "the parents of the 500,000 children who are victimized by this mode of indirect taxation."⁴⁰ The booksellers' journal *Books and Notions* declared that the decision to give such a degree of control to three publishers "the biggest blunder of the blundering Education office."⁴¹ In a second article in the same issue it continued, "[There] is no longer any need to take the far-off trips to the South African diamond fields to make a fortune; only get into School-book publishing in Ontario, and the diamonds will be

³⁸ "A Rising Indignation," (London) *Free Press*, 16 January 1885, 4.

³⁹ *Brockville Times*, excerpt in the (London) *Free Press*, 12 January 1885, 4.

⁴⁰ Wm. Warwick & Son, "To the Editor of the London *Free Press*," reprinted in *Books and Notions* 1 (January 1885): 96-97.

⁴¹ "The New Ontario Readers," *Books and Notions* 1 (January 1885): 92. *Books and Notions*, a trade journal, operated under various names during this period: *Books and Notions* (1884-1895), *Canada Bookseller and Stationer* (1896-1897), *Bookseller and Stationer* (1897-1907), *Bookseller & Stationer and Canadian Newsdealer* (1908-1910) and *Bookseller & Stationer and Office Equipment Journal* from 1911. It kept its readers up-to-date on issues and events, including travellers' sales trips, gossip about members of the book trade, corporate acquisitions, and lists of books registered at the Copyright Office in Ottawa. From time to time it encouraged its subscribers to organize in protest against the Education Department. Two examples are its stand against the prices of the *Ontario Readers* in 1885 and the granting of the contract for a revised version of the readers to the Eaton's department store in 1909.

found without the labour of digging."⁴² Ross denied the charge, saying that "not one additional farthing was added to the price of the books as indemnity to the publishers whose books were cancelled."⁴³

James Hughes, School Inspector for the Toronto School Board, wrote to the *Mail* in 1886, suggesting that political motives lurked behind the decision made by Ross to pull the authorized readers so precipitously in 1883.⁴⁴ Providing a very clear indication of where he stood with respect to the Ross-Gage divide, Hughes called it "the most comprehensive scheme for extorting money from the people that has ever been put into execution in our country." In Hughes' view, Thomas Nelson played a crucial role in Ross's decision. As he put it, "Leave Hamlet out of the tragedy that bears his name and there is little of the plot remaining. Leave Nelson out of the reader tragedy and it has neither beginning nor ending." According to Hughes, after the death of former Liberal Party leader and *Globe* editor George Brown, his brother-in-law, the publisher Thomas Nelson, came to Toronto from Scotland and purchased Brown's *Globe* stock. Mr. Nelson's Toronto lawyer was Oliver Mowat, later the Liberal provincial premier. While in Toronto, Nelson met with George Ross, also a Liberal, and a member of the Central Committee. They agreed to submit Nelson's textbooks to the committee for authorization. Apparently, Nelson was so confident that the books would be authorized that, before leaving the city, he engaged a warehouse, and sent a Mr. Ure from Montreal to oversee the task of supplying books to schools. To his surprise, the Central Committee decided against authorizing the texts. The government, which wanted to authorize the Nelson books, but could not do so without the committee's recommendation, gave Nelson a year to prepare a special Canadian edition of the texts. The committee then authorized both the Nelson and the Gage texts, as discussed earlier. Again, according to Hughes, it was in spite of the efforts of the government that the sales of the Gage texts far exceeded those of Nelson. "The Government forced Mr. Nelson's books into all schools directly controlled by them against the repeated protests of the teachers who were to use them... Not withstanding the Herculean efforts of the Government the battle still went against Mr. Nelson."

42 "No Longer," *Books and Notions*, 1 (January 1885): 92.

43 "The New Readers," *Globe*, 15 January 1885, 4.

44 "School Textbooks: Brief History of the Reader Question by Mr. Hughes," *Mail*, 3 December 1886, 5.

When George Ross became Minister of Education a few months later, he decided to develop a composite series from the three separate series that had been developed by Gage, Nelson and The Canada Publishing Company. The Central Committee agreed, as did the other publishers. According to Hughes, "Mr. Nelson refused to accept the arrangement and forced the Government of Ontario to accede to his demands. How could this be otherwise? The Prime Minister's firm was in receipt of Mr. Nelson's money and Mr. Nelson controlled the *Globe*."⁴⁵ In the end, according to Hughes, Ross edited the series himself,⁴⁶ and then gave Nelson, Gage, and The Canada Publishing Company each a ten-year contract to publish the books. Hughes went on to say:

It should be remembered that Mr. Nelson's books had failed to secure adoption to any considerable extent in Ontario, and therefore he had very little, if any, claim to consideration in equity. His claim did not rest on equity.

...

The question is, whose blundering made it necessary to repay this money? The country was made responsible for this large amount by the Government of Ontario, and the monopoly was granted to the three firms named that they might grind out of the pockets of the parents in Ontario a sum equal to that which the Government had misled them into investing. This being the case, the cost of school books must necessarily have been vastly increased, according to Mr. Ross's own showing.⁴⁷

Thomas Nelson did very well in the end. Once his firm received the contract to publish the new *Readers*, he made it known that the contract was for sale. After considering offers, the firm sold its interest in the contract to Copp, Clark,⁴⁸ for a payment of \$3000

⁴⁵ "School Textbooks: Brief History."

⁴⁶ Presumably, Hughes meant that Bryant, Embree, and Little edited the series under Ross's close supervision.

⁴⁷ "School Text Books," *Mail*, 3 December 1886, 5.

⁴⁸ Copp, Clark Company began in Toronto in 1841, as a book and stationery store, under the ownership of Scotsman, Hugh Scobie. The business became known as Maclear, Thomas & Company in 1854, after it was bought by two former employees, Thomas Maclear and George Elliott Thomas. By 1869, it was owned by William W. Copp and Henry J. Clark, who changed the name to Copp, Clark & Company. William Copp's son, William, joined the firm in 1882. The firm incorporated as The Copp, Clark Co. Limited in 1885. After the elder William Copp's death in 1894, his son William became vice-president, William's cousin Arnold Thomas, son of George Elliott Thomas, became secretary-treasurer and

per year for the ten-year duration of the contract.⁴⁹ Following the initial ten years, Copp, Clark continued to pay a royalty of 2.5 to 5 percent on different books in the series to Nelson for reasons that are not entirely clear. When questioned about this at the 1906-07 Commission, President H.L. Thompson responded that the firm had legal advice as to the necessity of continuing to make a payment,⁵⁰ a response greeted by skepticism.

The *Reader* contract expired in 1895, but was not renewed for a second ten-year period until 1896. This delay was partly due to the publishers' outright intransigence. William Gage and H.L. Thompson of Copp, Clark both denied that their contracts ended in 1895. Thompson wrote Ross, "We fear you are under some misapprehension as to the termination of our rights to the publication of the Ontario Readers."⁵¹ The letter does not state the basis for this claim. The second, and far more potent problem, concerned difficulties sorting out copyright issues, which will be discussed later, in the context of the findings of the 1907 Text Book Commission Report. Upon renewal of the contract, the three firms paid a further sum of \$9000 to the department for continued rights to publish, agreed to improve the binding, reduce the prices of some books from fifteen to twenty-five per cent, and increase discounts to booksellers.

IV. Challenges to the Oligopoly

George Ross made a controversial decision when he decided to place the three publishers in such an enviable position. Outbursts of dissent were frequent during the tenure of the oligopoly. Other publishers naturally did what they could to get into the game and the three favoured publishers certainly did all they could to stay there, and to bar competitors. The "textbook question" was like a canker sore on the public psyche, erupting quite regularly in the pages of newspapers and book trade journals. This ongoing controversy resulted in two

longtime employee Henry L. Thompson was appointed president, a position he held for 40 years. The business premises were destroyed in the great Toronto fire of April, 1904, but the company quickly rebuilt. William Copp, Arnold Thomas and Henry L. Thompson all testified at the 1906 commission hearings. See *One Hundred Years of Progress, 1841-1941* (Toronto: The Copp, Clark Co. Limited, 1941).

49 *Text Book Commission, 1907*, 26.

50 *Text Book Commission, 1907*, 289.

51 H.L. Thompson to Hon. G.W. Ross, 13 November 1894, Archives of Ontario, MS 2639, RG 2-29-3-3.

official challenges during, and one following, Ross's tenure as Minister of Education: an 1889 textbook arbitration, and full-fledged textbook commissions in 1897 and 1906.

*"That Bogus Arbitration"*⁵²

It was agreed in 1884, that if there were concerns about textbook prices, they would be addressed at an arbitration hearing in 1889, the halfway point of the *Ontario Readers* contract. Since concerns had emerged, an arbitration panel was duly appointed in November of 1889. The three arbitrators were Edward Morgan, Junior Judge of the County Court of the County of York; James Bain Jr., Chief Librarian, the Free Library of the City of Toronto; and Richard Brown, sole proprietor of Brown Bros., bookbinders and stationers.⁵³ These arbitrators were respected members of the community and had served on another textbook arbitration earlier in the year. That arbitration had addressed all of the authorized textbooks other than the readers. When the findings of that arbitration became public, the "organ of the Mowat Ministry,"⁵⁴ the admittedly biased *Globe*, lamented the "ruffianly assaults," made by the *Empire* against the characters of the arbitrators, and pointed out that Judge Morgan was appointed by Mr. Justice Robertson and "both of these gentlemen are slurred by the assertion that the arbitration was 'bogus.'"⁵⁵ *The Globe* described Bain as "universally respected, one chosen for his position and maintained therein by a Board, which includes a number of the most respectable and respected Torontonians." Brown was described as "a business man whose character and reputation are

⁵² "That Bogus Arbitration," *Empire*, 8 May 1890, 4.

⁵³ Morgan was chosen by order of the Chancellor for Ontario. James Bain Jr. was chosen by George Ross. He was a trusted supporter of Ross, acting on his behalf in 1894 as an emissary to secure copyrights from London publishers. Richard Brown was chosen by the three publishers. He had been a shareholder in the Toronto Paper Manufacturing Company since 1881. Other shareholders were Henry James Clark and William Walter Copp, owners of Copp, Clark; William James Gage; and Christopher Blackett Robinson, who later served on the 1896 textbook commission. See Elizabeth Hulse, *A Dictionary of Toronto Printers, Publishers, Booksellers and the Allied Trades, 1798-1900* (Toronto: Anson-Cartwright Editions, 1982). It is also interesting to note that Richard Brown was a pallbearer at the funeral of William Walter Copp. See "Funeral of W.W. Copp," *Empire*, 23 August 1894, 8.

⁵⁴ "Don't Shoot, Colonel, I'll Come Down!" *Empire*, 10 January 1894, 4.

⁵⁵ "A Bogus Arbitration," *Globe*, 7 May 1890, 4.

of the highest."⁵⁶ The standing of the arbitrators is also apparent in the gingerly way they were treated by the Hon. Mr. Preston, when he referred to the matter in the Legislative Assembly.⁵⁷

In the spring of 1890, when the previous arbitration report became public knowledge, the *Empire* pointed out that the arbitrators could only "find according to the evidence which was that laid before them by the allied interests engaged in this theatrical sham fight."⁵⁸ "There was no one to uphold the view of the public that the bargains were bad, and the books too dear. The other view was doubly represented, the "arbitration" being between the Minister, who said he had made a good bargain for the public and the books were cheap, and the publishers, who also said the Minister had made a good bargain for the public and the books were cheap. And such a sham is not to be called a bogus arbitration!"⁵⁹ In the end, as the *Empire* put it, "the proceedings [were] a one-sided farce with the public unprotected and unrepresented, no wonder the report was a whitewashing of the Minister."⁶⁰ In October, it declared the "arbitration was nothing more than a piece of fraudulent impudence. The school readers were not included in that enquiry, but they have been considered since at an arbitration conducted, it is rumored, on the same lines, and therefore equally valueless."⁶¹

The reader arbitration report did not appear until 18 June 1891. It decreed that only the *Reader* in the series was too expensive and that it should be reduced from 50 cents to 45. The discount to retail booksellers was to be increased from 20 to 25 percent on all the books.⁶² The reason for the delay in this report is apparently due to litigation on the part of the publishers. The report is attached to a letter written by J.R. Miller, of Miller and Duncan, Barristers & Solicitors, which assures the Minister of Education that "the claims

56 "A Bogus Arbitration." Brown Bros. was described in *Books and Notions* as "one of the most extensive establishments of the kind on this Continent." ("Men of the Times: Mr. Richard Brown," *Books and Notions* 9 (May 1893): 6.) In 1905, Brown was referred to as the "Father of the trade." ("Canada's Stationery Interests," *Bookseller and Stationer* 21 (August 1905): 296.)

57 "The Ontario Legislature, A Hot Debate on the Price of School Books," *Empire*, 27 March 1890, 6.

58 "The Arbitration Farce," *Empire*, 21 March 1890, 4.

59 "That Bogus Arbitration," *Empire*, 8 May 1890, 4.

60 "The High-Priced Textbook Swindle," *Empire*, 13 May 1890, 4.

61 "The Price of School Books," *Empire*, 3 October 1890, 4.

62 "To all to whom these presents shall come," 13 June 1891.

of publishers for over \$100,000 and the possibility of any further litigation have happily been avoided."⁶³ As W.J. Gage later put it in testimony to the 1906-07 textbook commission, "We always go to lawyers when we are in trouble or want to get out of trouble."⁶⁴

The most telling comments about the controversy which followed the 1889 arbitration will come from an individual who wrote frequently to the newspapers, signing himself "Artisan." He was very knowledgeable and was likely a printer or bookbinder.

It is right to admire the indignation of those good and true men against any individual who would dare attempt to say they have a monopoly created by a public servant, with fancy protected prices, at the cost of the people.

We all know from statements made by those gentlemen that they have not made money. In fact one of the "Ross flock," Brother Gage, a gentleman of pure Christian benevolence, told a deputation of workmen that waited on him a few years ago that the school books did not pay, and he kept his employees all the year round through pure kindness. Those who have the honour of knowing Mr. Gage's Christian character are aware that he would not think of making a statement that was not true.

It is possible those practical publishers are so busy attending to other duties, such as real estate, bank stocks, and paper mills, that they have no time to examine into the huge profits made by their highly favoured monopoly... brother Gage's Christian charity might leaven the unjust syndicate, and put into force good motives, so as to stop using light paper, worn out plates, and to pay the printer a fair price for better press work and good ink, and thus produce the Ontario Public school readers according to the samples delivered by the Minister of Education, and also up to the standard of the specifications and bonds.⁶⁵

Textbook Commission Report, 1898

The second important challenge to the ring was a textbook commission which carried out its investigation in 1897 and published its findings in 1898.⁶⁶ Edward Morgan and James Bain Jr., two of

63 J.R. Miller to The Honourable, The Minister of Education, 18 June 1891, Archives of Ontario, RG 2-13, No. 8.

64 *Text Book Commission, 1907*, 302.

65 "The School Book Monopoly of Ontario," *Mail*, 12 April 1890, 11.

66 *Report of the Commissioners on the Questions of Prices of School Books, Royalties, etc.* (Toronto: Warwick Bro's & Rutter, 1898).

the three appointed members of this commission, had been members of the 1889 arbitration panel. Richard Brown, the third member of the 1889 panel, was replaced by Christopher Blackett Robinson, President of the Westminster Company of the City of Toronto, a publishing firm. The mandate of this commission was to investigate both textbook prices and author royalties. After 21 sittings and 34 witness interviews, it reached the conclusion that

the Readers are of excellent and durable quality as to paper, typography, illustrations and binding, and in addition have a very attractive appearance, which is not to be overlooked in the get-up of school books, and that the retail price now charged for each book is not excessive and should not be reduced to any lower prices than that to which the Minister of Education has by the recent agreements reduced them, as the publishers and the trade generally will not at present prices realize more than a fair business profit from the sale of these books in connection with the other school books published by them.⁶⁷

The findings of this commission must have been a great relief to Mr. Ross, who completed his tenure as Minister of Education two years later and went on to be Premier. There is, however, a lingering question as to whether the evidence presented to the 1897-98 commission actually justified the commissioners' positive conclusions. There is no means of reaching a firm conclusion since the evidence itself is not extant, a situation which became evident during the investigation conducted by the 1906-07 commission.

The 1906-07 commissioners, in seeking access to the earlier commission's evidence, called two witnesses to address the question. Frank Nassau Nudel, Registrar in the Education Department and Secretary to the 1897-98 Commission, testified that he made three copies of his shorthand notes of witness testimony, sending one copy to Mr. Nesbitt and one to Judge Morgan.⁶⁸ After two or three years

⁶⁷ *Report of the Commissioners*, 8.

⁶⁸ Nudel is referring to Mr. Wallace Nesbitt, K.C., who later acted as legal representative for Copp, Clark, Gage, and The Canada Publishing Company during the 1906-07 commission investigation. He appeared before the 1906-07 commission to present a letter from W.J. Gage. It is surprising that he was not questioned at that time as to whether he had retained the copy of Nudel's notes on the 1897 Commission. In stating that he made three copies of his notes on the Commission's proceedings, Nudel seems to be including his own original notes in this number because his testimony only accounts for three copies in total.

he asked Judge Morgan if he might destroy the third copy and was given permission to do so. The 1906-07 commissioners established through questioning that it was highly unusual not to have a record of testimony placed in the department files. When asked to whom the notes would most likely have been returned, Nudel replied: "I would only assume, that after the Commissioners made their report, that all documents would be returned to the late Minister, The Honourable Mr. Ross."⁶⁹ The Clerk of Records, Arthur Charles Paull, also testified. He too declared that the evidence presented to the 1896-97 commission had been given to Minister Ross and was no longer in department files. The commissioner stated: "The report cannot be based on the evidence then taken?" Paull replied: "I do not know as to that."⁷⁰

Alexander Buntin, a wholesale paper salesman, testified to the 1906-07 commission that he gave his evidence to the 1897-98 commission at around 10 or 11 o'clock in the evening. There is no explanation regarding the lateness of the hour, nor indeed, as to why Mr. Buntin thought the time worth mentioning. He may have intended this information as a means of implying that his testimony was provided in secret. He said that he testified to the earlier commission that the paper used in the texts was not the quality stipulated in the contract. The 1906-07 commissioners noted that this evidence was not included in the 1897-98 commission report. Nor did it affect the commission's findings in any way, since it concluded that "the Readers are of excellent and durable quality as to paper."⁷¹ The 1906-07 commissioners questioned him in order to ensure that his opinions were clearly stated in the current commission testimony.

Q—You would not say that it was excellent paper would you, Mr. Buntin?

A—No.

Q—If you had been asked your opinion, would you have condemned it?

A—Yes.

Q—Did you hear anyone say that is [*sic*] was either excellent or desirable?

A—No, I did not.

Q—It was not in your opinion?

A—No, it was not, it was an extra quality of "news."

⁶⁹ *Text Book Commission, 1907*, 60.

⁷⁰ *Text Book Commission, 1907*, 62.

⁷¹ *Report, 1898*, 8.

Q—You say it was an extra quality of “news,” I suppose you mean that it should only be put in newspapers?

A—Yes, that is it.⁷²

There is also some doubt concerning the quality of the evidence gathered by the 1897-98 commission. Dan Rose, President of the Canadian Book Company at the time of the 1906-07 commission, testified that he “left the [earlier] Commission with the impression that they had very little evidence to go on; a good many generalities but nothing very definite.”⁷³ So, given these various circumstances, perhaps it is hardly surprising that the findings of the 1897-98 commission were far from damaging to the Education Department or Mr. Ross.

Text Book Commission Report, 1907

The 1906-07 textbook commission was the third major challenge to the ring. During his time as Minister of Education (1883-1899), and later as Liberal Premier (1899-1905), Ross managed to maintain control of the simmering reader controversy despite attempts by Conservative opposition leader James Whitney to fan the flames of public opinion.⁷⁴ Whitney made the reader question a plank in his election platforms in 1902 and 1905. At one point, in an apparent effort to appeal to both class and urban/rural prejudices, Whitney confided to a crowd in Sarnia that, “every member of this ring was an extremely wealthy man, able to build [the] most expensive houses in Toronto, through the means of Hon. George W. Ross and the determination on his part that the people of Ontario, whose children used text-books, should be taxed to support these school-book barons of Toronto.”⁷⁵

Once elected, Whitney had no intention of allowing the issue to fester any longer than necessary, announcing the appointment of a commission on 12 July 1906. The commission conducted its task expeditiously and made its report just over six months later, on 31 January 1907. Although the commissioners were charged with the mundane task of enquiring into the prices of textbooks, what emerges

⁷² *Text Book Commission, 1907*, 100.

⁷³ *Text Book Commission, 1907*, 325.

⁷⁴ *Evening Telegram*, 15 May 1902; *Mail and Empire*, 29 April and 6, 7 and 27 May 1902.

⁷⁵ “Sarnia Applauds Whitney’s Policy,” *Mail and Empire*, 29 April 1902, 2.

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Figure 5. Advertisement, W. J. Gage & Co. *Canadian Trade Index*, 1903, p. 23.

from the pages of witness testimony, and the commission report itself, is a tale of intrigue and subterfuge, much of it orchestrated by prominent Toronto businessman and noted philanthropist, W.J. Gage.⁷⁶

The mandate of the 1906-07 commission was to "report upon the reasonableness of the present prices of School Text Books now on the authorized list, and to enquire also into the prices of such publication [*sic*] elsewhere."⁷⁷ The commission concluded that the *Ontario Readers* were "inferior in material and workmanship and exorbitant in price."⁷⁸ The commission recommended that textbooks be provided without cost to students in future. The report noted that it had been a mistake to have a contract with three publishers, rather than one, and that the original publisher contract should have been for five, rather than ten years. The contract stipulations as to quality should have been tighter and wire stitching should not have been permitted. Copyrights should all have been secured by the Department. Also, the system of textbook inspection used by the Department was inadequate, because the officers who performed these duties had insufficient technical training.

The findings of the commission have strong credibility due to the stature of its members and the thoroughness of their investigation. There were two commissioners. Chairman T.W. Crothers was a lawyer and Conservative supporter from the town of St. Thomas, and the official examiner.⁷⁹ John A. Cooper is identified in the

76 William James Gage helped found the National Sanitarium Association. He also established the King Edward Memorial Fund for Consumptives and founded several treatment facilities for victims of tuberculosis, including the Muskoka Free Hospital for Consumptives. He established the Ina Grafton Homes Corporation to provide rental accommodation for war widows and orphans. In 1913, he was knighted for his charitable work. Molly Pulver Ungar and Vicky Bach, "Gage, Sir William James," *Dictionary of Canadian Biography Online*. <http://www.biographi.ca/index2.html>. See also "People Profiles: Sir William J. Gage (1848-1921), An History of the Fight Against Tuberculosis in Canada," <http://www.lung.ca/tb/tbhistory/people/gage.html>. In March, 1911, he was elected first President of the Associated Boards of Trade of Ontario. "Toronto Trade Notes," *Bookseller & Stationer and Office Equipment Journal* XVII (March 1911), 21.

77 *Textbook Commission*, 1907, 3.

78 *Textbook Commission*, 1907, 9.

79 T.W. Crothers returned the government honourarium of \$2000 for his services, asking only for \$102 to cover his expenses. See "Would Not Accept Pay," *Globe*, 8 May 1907, 14. This action provoked controversy. The *Galt Report* accused him of "playing to the gallery. He should receive no more appointments of a

report as a Toronto journalist. He was an editor for several MacLean Publishing Co. publications, including *Bookseller and Stationer* (1892-1895) before moving on to edit the influential *Canadian Magazine* from 1895 to 1906. Alexander Clark Casselman, Assistant Master of the Toronto Normal School, and a textbook author whose books had been published by Gage, was appointed Secretary to the Commission and George Lynch Staunton, K.C., a lawyer from Hamilton, was appointed Legal Counsel.

This was a much broader-based enquiry than the previous commission. The commissioners began the process by sending a questionnaire to important sources: the Secretary of the Public School Board in the major cities of Hamilton, Toronto, Kingston, and Brantford; Inspectors of Public Schools; Head Masters of High Schools; and principals of 22 public schools. From this evidence, they determined that there was a dire need to carry out an investigation. They then asked Dr. F.B. Allan of the University of Toronto to conduct a chemical analysis of the paper used in a sample of the texts and compare it to the paper used in selected American and British textbooks. They visited publishers in Boston and New York, where they investigated the various steps in textbook production, methods of distribution, and prices.

Thirty-five "representative teachers, inspectors, educationists, experts in every department of book-making (including two from the United States) and all persons publishing school text books for Ontario"⁸⁰ testified before the Commission. The three members of the textbook ring were represented by their company presidents. Top-ranking representatives of other publishing companies testified as well, including George Morang, President of Morang and Company; Frank Wise, President of the Macmillan Company of Canada; George Rose, President of the Hunter, Rose Company; and E.S. Caswell, head of the Publishing Department of the Methodist Book Room (or Methodist Book and Publishing House), standing in for President William Briggs. It is fair to say that all key stakeholders were represented.

like kind from the Whitney Government if he is in the humor to do that sort of thing." Quoted in "The Cynic and the Public," *Globe*, 14 May 1907, 6.

80 *Text Book Commission*, 1907, 7.

The commissioners also examined the correspondence files of the Education Department, expressing dismay at the many missing files. Arthur Charles Paull, Clerk of Records, was questioned about this:

Q—In reading these over I have found a great many breaks in them, and I had difficulty in understanding just what happened. When a return was asked for was all the correspondence put in there, or was a selection made?

A—Some letters were left out. The Minister went through and made his own selections as to what he would put in. What was left out, of course, I could not say without checking the thing through.

Q—Then it was in the discretion of the Minister what letters should be put in and what should be left out?

A—Yes.

Q—And the returns do not necessarily contain all the correspondence?

A—No.⁸¹

The commission report was a condemnation of the competence of the government with regard to the *Readers*. The findings were in three key areas: publisher profits, the cost of the readers and physical quality. The publishers were making over 100 percent profit above the cost of manufacturing, according to Arthur Rutter, Vice-President of Warwick Bros. & Rutter and a shareholder in The Canada Publishing Company.⁸² The commissioners calculated that "the Public School children of Ontario have been required to use inferior readers, and to pay about \$200,000 therefor [sic] more than what, in the circumstances, was a fair price."⁸³ A set of the readers, which cost about 40 cents to produce, was sold to the book trade for about 95 cents and originally retailed at \$1.30 (reduced to \$1.15 upon contract renewal in 1896). The commissioners also noted that this was causing discontent among consumers. According to witness Albert O'Dell, Public School Inspector for the County of Northumberland, 97 out of 160 families in his district had complained about the cost of the textbooks.⁸⁴

Calls for a reduction in the prices of the readers had been frequent from the day of their authorization. In an article on this topic, the *Mail* quoted the *School Journal*, which was published by Gage: "If

81 *Text Book Commission*, 1907, 262.

82 *Text Book Commission*, 1907, 378.

83 *Text Book Commission*, 1907, 11.

84 *Text Book Commission*, 1907, 50.

a maximum price is fixed the few publishers that will undertake to bring out a work under the conditions offered may be relied upon in every case to make that maximum, rather than any lower figure, the ruling price. They are not at all likely to try to cut each other's throats, when it will pay them so much better to secure the highest figure they can and then quietly divide the profits."⁸⁵ The *Mail* went on to say: "And how they [the three publishers] must have grinned at his [George Ross] superlative greenness when he gave them the ten years' monopoly, thinking that they would forthwith proceed to compete one against the other for the benefit of the dear public! Never was mortal man so thoroughly humbugged and put to scorn."⁸⁶

The physical quality of the readers was poor. The three publishers maximized their profits by producing the poorest quality product possible, while apparently still managing to meet the rather vague specifications set out in the contracts they had signed. There was disagreement on this point among witnesses. Whether or not the books met contractual specifications, the publishers were certainly aware that they were of substandard quality. Even W.J. Gage remarked that they were "not books that a publisher would be proud of."⁸⁷

The inferiority of the wire bindings figured prominently in testimony to the commission. A school principal testified that they scratched both the pupils' desks and their hands, "at times very severely."⁸⁸ Other witnesses complained about their penchant to rust. The chief complaint was that they broke, causing the books to prematurely fall apart. Thread bindings, ideally hand sewn, were the preferable option. A witness who was a bookbinder with fifty years experience declared that books sewn with thread would last ten times longer than books sewn with wire.⁸⁹ The testimony of President S.G. Beatty of The Canada Publishing Company, is telling in this regard:

Q.—Are you aware that your Readers are not bound in the way that the Readers in England and the American Readers are bound?

A.—Yes.

85 *The School Journal*, quoted in "The Department of Education," *Mail*, 27 January 1885, 4.

86 "The Department of Education," *Mail*, 27 January 1885, 4. The writer may have been unaware that each of the publishers printed only one-third of each book. Presumably that inhibited competition.

87 *Text Book Commission*, 1907, 372.

88 *Text Book Commission*, 1907, 58.

89 *Text Book Commission*, 1907, 57.

Q.—And you never tried to make any improvement in them?

A.—Of course there are better methods.

Q.—Do you think the method in which you have bound these Readers is good enough for the purpose for which they are designed?

A.—No, I do not think it is.

Q.—You do not think the binding is good enough?

A.—No, I do not.

Q.—How would you suggest improving it?

A.—I would suggest thread stitching.⁹⁰

Ironically, Gage had been running an ad for years that proclaimed the merits of the wire binding, referring to the reader as, “an iron bound book.”⁹¹ Henry Moore Wilkinson, Chief Clerk and Accountant for the Education Department, who was responsible for assessing the physical quality of the books, testified that “Mr. Gage is perhaps responsible more than anybody else as to the wire stitching”; according to him, Gage was able to convince George Ross that the Department’s textbook inspectors were “unduly apprehensive” when it came to the wire bindings.⁹²

Poor quality paper was also a concern. After analyzing the paper, Dr. Allan testified that mechanical wood pulp was used instead of the preferable chemical pulp. Mechanical pulp was “cheaper and inferior.”⁹³

The report concluded:

It is clear that text book publishing in Ontario has fallen behind the times. Most of the books produced to-day are no better than those produced twenty years ago, whereas in the United States and Great Britain great progress has been made. The paper used in the Ontario books is not equal to that used in the United States, and is much inferior to that used in Great Britain...

Part of this general inferiority has been due to the absence of any insistent demand from the educational authorities, inspectors, or teachers for better work. The Department allowed slovenly work, and apparently the inspectors and teachers either hesitated to criticize or were unfamiliar with conditions elsewhere. We believe

⁹⁰ *Text Book Commission*, 1907, 9.

⁹¹ *Text Book Commission*, 1907, 261.

⁹² *Text Book Commission*, 1907, 261.

⁹³ *Text Book Commission*, 1907, 48.

that just as good books may be produced in Canada as elsewhere if the authorities insist upon an equally high standard.⁹⁴

The uninspiring illustrations had provoked comment as well, although this topic did not arise in testimony to the commission. According to the *Empire*, Ross, in an effort to cut costs, had purchased "secondhand electrotypes of third-rate woodcut illustrations"⁹⁵ from an old series of readers published by A.S. Barnes & Co. of New York. "He paid the shrewd Yankee publisher \$3000 for his old pictures and a testimonial, and the people of Ontario have had to put up ever since with cheap, second-hand, old-fashioned illustrations, when we should have books up to date in all respects."⁹⁶

V. Strategies Used by the Ring

William Gage emerges from the commission testimony as the key figure in the maintenance of the textbook monopoly in the hands of the ring. Under his leadership, the textbook ring employed three successful strategies to maintain their ironclad control over the publishing of the *Readers*. These involved ambiguous ownership, the use of intimidating tactics by Gage with publishers who were outside the ring and surreptitious securing of copyrights.

The discussion which follows relies mainly on testimony to the 1906-07 commission, which was after the fact, but also draws on sources such as newspaper articles which were published when events took place.

There were overlaps among the companies in the ring; in fact, the three companies were, for all intents and purposes, two. W.J. Gage and The Canada Publishing Company originated from the same firm of booksellers, R. & A. Miller (est. 1844). This firm was divided into the two new firms in 1880, a move which left them well positioned in the competition for Adam Crooks' reader contracts in 1883. As it turned out, it was Gage and Copp, Clark which acquired these contracts. However, if The Canada Publishing Company's *Royal Canadian Readers* had been successful, the two firms originating from R. & A. Miller would have claimed control over all of the readers published in the province at that time. George Ross was no doubt aware of the two companies' joint origins, and this knowledge

94 *Text Book Commission*, 1907, 8.

95 "Final Hints for Mr. G.W. Ross' Speech," *Empire*, 11 February 1888, 4.

96 "Mr. Ross Must be Retired," *Empire*, 8 January 1894, 4.

may have influenced his decision against The Canada Publishing Company.

In July 1890, in an article on the 1889 textbook arbitration, the booksellers' journal *Books and Notions* announced that "the personnel of one of the firms has by a recent transaction come to be made up chiefly of the members of the other two firms." [It added] "This further consolidates the monopoly."⁹⁷ The journal was coy, not naming the firm. However, it is logical to infer that it was The Canada Publishing Company. William Gage; H.L. Thompson, who was President of Copp, Clark; A.W. Thomas, Secretary Treasurer of Copp, Clark and Vice-President William Copp were shareholders in The Canada Publishing Company. H.L. Thompson and William Gage revealed to the 1906-07 commission that they each owned about a third of the issued capital of the company, making them majority shareholders. The other shareholders at this time were Warwick Brothers and Rutter, George Warwick, Charles Warwick, and A.F. Rutter.⁹⁸ The Board of Directors of the company was composed of President S.G. Beatty (Gage's former partner), Vice-President William Gage, H.L. Thompson, and George Warwick.⁹⁹ The commissioners alluded, in their questioning of H.L. Thompson and Arthur F. Rutter, to the possibility that George Warwick, Charles Warwick and Arthur Rutter had been allowed in as shareholders of The Canada Publishing Company as compensation for being shut out of membership in the ring.¹⁰⁰ For example, William Warwick applied to the Minister of Education to publish the *Readers* in 1901, the same year he became a Canada Publishing Company shareholder. However, the commissioners were unsuccessful in obtaining testimony indicating that there was any particular inducement which accompanied their entry. According to Arthur Rutter, they had simply been invited to

97 "Arbitration: Discounts on the Readers," *Books and Notions* VI (August 1890): 7.

98 *Text Book Commission*, 1907, 281, 301. The Canada Publishing Company was part of its assets when Gage was sold in 1978. Under a new corporate structure in 1984, The Canada Pub. Co. was to act as a holding company for Gage and other company divisions. See "Gage Restructures," *Quill & Quire* 50 (August 1984): 22.

99 Beatty had been a partner with Gage in Adam Miller & Co. from 1877 to 1879, when it became Gage & Co. Beatty went to The Canada Publishing Company as manager in 1884 and became President in 1891. See Hulse, *Dictionary of Toronto Printers, Publishers, Booksellers and the Allied Trades*.

100 *Text Book Commission*, 1907, 286, 378-79.

purchase some of President S.G. Beatty's shares because ill health was forcing him to consider a permanent move from Canada.¹⁰¹

In July 1901, A.F. Rutter, on behalf of Warwick Bros. & Rutter, was granted permission by the department to publish the readers, along with the original three firms. The *Mail and Empire* questioned whether Rutter had made the required contractual payment for this privilege, under the circumstances. As it put it, "It would be interesting to find in the public accounts the record of the payment for the privilege of printing the *Ontario Readers* by Mr. A.F. Rutter. Why should he pay for what he has already a share in?"¹⁰² In the end, after vainly attempting to receive indemnity from the Minister of Education against action by the original copyright holders, Warwick Bros. & Rutter decided not to publish the readers.¹⁰³

William Gage formed a new company called Robertson Bros. in 1879, the same year that Gage & Co. was being organized. J.L. Robertson was the Manager of the Publishing Department of W.J. Gage & Co. In September, 1886 Robertson Bros. was awarded a contract for drawing books. The lawyer cross-examining Ross in an 1888 court case¹⁰⁴ asked him, "Had you any reason to suspect that Robertson Bros. were really Gage & Company under a different name?"¹⁰⁵ Ross denied such knowledge, but it was noted that Mr. Paterson, the lawyer for the Education Department, had previously acknowledged the existence of a letter in which Ross had required Robertson Bros. to show that they had an independent and operating

¹⁰¹ *Text Book Commission, 1907*, 378-79.

¹⁰² "Minister is in Awkward Place," *Mail and Empire*, 23 July 1901, 4. Rutter was not only the government printing contractor, he was a stockholder in The Canada Publishing Company, as is mentioned above. Presumably, his position as stockholder in a member of the ring, and that of Warwick Bros. & Rutter, would protect them from any claims of copyright infringement on copyrights held by the ring.

¹⁰³ *Text Book Commission, 1907*, 379-83.

¹⁰⁴ Although the three publishers operated as a unit when it was in their best interests to do so, their relationships were not always harmonious, nor did they always present a united front to the world. The lawsuit brought by The Canada Publishing Company and Copp, Clark & Co. against Hon. George W. Ross, W.J. Gage, and John Robertson Miller in 1888, is one such example. The Canada Publishing Company objected to indications that Ross was going to allow Gage to retain its copyrights, when the other publishers were being forced to give up theirs in order to be allowed to publish the readers. See "Hon. G.W. Ross Under Oath, Gives Evidence About the Educational Policy," *Empire*, 17 November 1888, 9.

¹⁰⁵ "Hon. G.W. Ross Under Oath."

business. Ross denied any memory of the letter. The cross-examiner replied, "So you really gave to Robertson & Co., acting for Gage, what you refused to give to Gage."¹⁰⁶ Ross made no reply. As the *Empire* put it in 1894, "when his personal or party interests demand it, his imagination always triumphs over his memory, but we do not wish to be unfair to him, so we use the word 'forgetful'."¹⁰⁷

On the stand in the 1888 court case, George Ross was asked how other publishers viewed William Gage. He responded, "Well, he was generally referred to as a man who was not very agreeable to the other publishers; it might be for his way of doing business."¹⁰⁸ Three publishers who were outside the ring testified to the 1906-07 commission that William Gage employed intimidating tactics in an attempt to cut his firm in on their profits. In one instance he was successful.

Edward S. Caswell, Head of the Publishing Department at the Methodist Book Room, testified that Gage successfully intimidated him into sharing the profits of the Book Room's *Temperance and Physiology* textbook. In the end, they agreed that Gage & Co. would supply the paper and the Book Room the plates, and the Book Room would print an agreed upon number of copies of the book at a special price, with the Gage name on the imprint. The alternative was that Gage would divide the market by bringing the book out itself. Gage was a shareholder in the Toronto Paper Manufacturing Company, so it was particularly advantageous to supply the Book Room's paper. When asked at the commission hearings if Gage had let the Methodist Book Room in on the *Reader* contracts, Caswell replied, "Well, hardly."¹⁰⁹

In the other two instances, which involved the Rose Publishing Company and Hunter, Rose & Company, Gage was rebuffed. When the *High School Reader* contract came up for renewal, Gage made a perfectly legitimate offer to Minister of Education George Ross to publish it for one-half the current price.¹¹⁰ Any publisher was free to make such an offer. However, Gage took it one step further. He then approached the Rose Publishing Company, which had held the contract to the point of renewal, and offered to withdraw his

¹⁰⁶ "Hon. G.W. Ross Under Oath."

¹⁰⁷ "Mr. Ross Must Be Retired," *Empire*, 8 January 1894, 4.

¹⁰⁸ "Hon. G.W. Ross Under Oath."

¹⁰⁹ *Text Book Commission*, 1907, 185

¹¹⁰ W.J. Gage to Hon. G.W. Ross, 13 October 1891, Archives of Ontario, RG 2-13, No. 7.

offer to the department, provided that President G.M. Rose agreed to a profit-sharing arrangement. Rose was outraged, calling the offer "preposterous." He added indignantly, "if we for once admitted your 'stand and deliver' proposition, we would not only be at your mercy at all times, but at the mercy of any greedy man who might come along and tell us that unless we divided with him the profits we make in our business, he would burn down our establishment."¹¹¹ After refusing Gage's offer in no uncertain terms, he wrote to Ross, informing him of what had occurred and vowing to "oppose Messrs. Gage & Co. in securing the right to publish the *High School Reader* in every possible way, even if it should result in a reference of the matter to the courts."¹¹² These events took place in 1891. In 1894, having acquired the copyright to works by Ruskin in the *High School Reader*, Gage launched a lawsuit against Rose Publishing for including those works in its readers without copyright permission. It is interesting to note that Gage, along with the other two members of the ring, had been doing the same thing in the *Ontario Readers* for years.

On another occasion Gage approached the Hunter, Rose & Company, where G.M. Rose's son Daniel was President at the time,¹¹³ and made an offer to jointly publish some of its books. Dan Rose testified to the 1906-07 commission that Gage tried to "threaten" him. He went on:

A.—He told me personally that if we did not take him in he would take all the books, and, with his opportunity to sell, he would probably practically have the whole control of the book and we would not have any sale at all.

Q.—In other words, you thought he was trying to crowd you out?¹¹⁴

¹¹¹ G.M. Rose to W.J. Gage & Co., 21 November 1891, Archives of Ontario, RG 2-13, No. 8.

¹¹² G.M. Rose to Hon. G.W. Ross, 24 November 1891, Archives of Ontario, RG 2-13, No. 7.

¹¹³ Dan Rose was joint manager of Hunter, Rose Company with Atwell Fleming from 1895 to 1899 and President from 1899 to 1903 and he is referring, in this piece of his testimony, to this period. He does not specify a date. In 1906, at the time of the commission, he was President of the Canadian Book Company, which is described as a private business of his own, which published one authorized textbook, *Rose's Public School Geography*. His brother, George M. Rose, testified as President and Manager of Hunter, Rose.

¹¹⁴ *Text Book Commission, 1907*, 329.

Gage then offered to take part of Rose's profits as the price for going away. The commissioners asked:

Q.—Did any other publisher ever try to do the same thing with you?

A.—No.

Q.—Did you ever try to do the same thing with any other publisher?

A.—No.¹¹⁵

Figure 6: *Evening Star*, 6 January 1894, p. 1.

¹¹⁵ Text Book Commission, 1907, 329.

This cartoon appeared on the front page of the (Toronto) *Evening Star* on 6 January 1894. Premier Oliver Mowat, in the upper right, is quaking in his boots as he speaks to George Ross, who is holding a caged squirrel. John Bull with his back to the reader represents the British government and its copyright laws. The cartoon was a reference to a lawsuit which had just been launched by British publisher, Charles Burnett & Company, against Ross, as Minister of Education, for pirating a copyrighted work called "The Squirrel"¹¹⁶ and using it in the *Second Ontario Reader*. There were rumours afloat that this was only the tip of the iceberg, a portent of many more instances of copyright infringement.

The *Ontario Readers* consisted primarily of excerpts from the works of iconic British writers such as Alfred Lord Tennyson, Robert Browning, Elizabeth Barrett Browning, Thomas Carlyle, Charles Dickens, and Rudyard Kipling. According to testimony given by the three publishers to the 1906-07 commission, they assumed for some time that the Department of Education had secured the appropriate copyright permissions from the various publishers who held them on behalf of the authors represented in the readers. However, in 1893, well before their ten-year contracts were to come to a close on 1 January 1895, they decided to investigate the copyright situation more closely. They had two causes for concern. First, a lack of copyright permissions for the selections used in the readers would leave them vulnerable to lawsuits by the copyright owners. Second, "other publishers were sharpening their knives to get in and have a slice of this good thing,"¹¹⁷ as the *Empire* phrased it. The Minister of Education could give the rights to publish the readers to other publishers at the end of the ten-year contract. As President H.L. Thompson of Copp, Clark, put it to the commission, "We did not propose to let them do that if we could help it."¹¹⁸

H.L. Thompson traveled to London in the spring of 1893 as a representative of the three firms, and visited Macmillan, acquainting that publisher with the fact that excerpts from material originally published by Macmillan had been used in the *Ontario Readers* without copyright approval for the past nine years. He made an arrangement to pay Macmillan £50 a year for the right of the three firms to publish

¹¹⁶ The *Star* refers to the poem as "I am a Merry Squirrel," but this is its first line.

¹¹⁷ "Literary Piracy. Minister of Education Sued for It on the School Readers," *Empire*, 8 January 1894, 2.

¹¹⁸ *Text Book Commission*, 1907, 266.

thereafter the selections to which Macmillan held copyright. The agreement included a stipulation that Macmillan would not confer the right to publish those selections on any other firm in Canada while the agreement was in effect.

Apparently not satisfied with the fruits of Thompson's labours, William Gage made a solo visit to London in December of the same year, in an attempt to acquire as many more of the copyrights as possible. Gage explained his motives in his commission testimony, referring to the debacle of 1884:

A—We feared trouble.

Q—What did you fear?

A—We had learned not to put our trust in the Education Department, from [*sic*] very unfortunate experience we had passed through.

Q—What was it?

A—I want to be as concise as possible on this particular point.

Q—Tell us the point. What is the point? You refer to something. I would like to know what it is?

A—I said I feared that the Education Department might possibly refuse to give us the further privilege of publishing.

Q—From what experience?

A—We had published a series of Readers that had cost over thirty thousand dollars. We had spent fifty more. Two other firms did the same thing: one of them was made bankrupt, and the other very nearly, and we had found out that every book of ours except one was struck off the list, and it was quite possible that at the end of ten years we might be left out in the cold.¹¹⁹

He was quite successful, obtaining some copyrights on behalf of all three publishers, and others for the sole benefit of his own company.¹²⁰

In cases where he purchased rights for his own company alone, Copp, Clark and The Canada Publishing Co. continued to publish the excerpts "without authority,"¹²¹ as the 1907 Commission report put it.

119 *Text Book Commission, 1907*, 299. Elsewhere in the Commission report (pp. 369-372), in a letter Gage wrote to the commissioners, he states that his firm spent \$30,000 in preparing the series and had about \$30,000 worth of books on hand, which were rendered worthless. This account puts the total loss at \$60,000 rather than the \$80,000 in his testimony.

120 "Report as to Copyright of Selections in Ontario Readers Compiled from Evidence Given Before the Commission and Correspondence in the Education Department," *Text Book Commission, 1907*, 29-31.

121 *Text Book Commission, 1907*, 31.

Following the initiation of the lawsuit, Ross sent the intrepid James Bain Jr., a veteran of the 1889 textbook arbitration, off to London in an effort to placate Charles Burnett & Company and to secure as many copyrights as possible in the name of the Education Department.¹²² In a letter to Ross, written from London on 8 February 1894, and labeled "private," Bain reported that "The stories which he [Gage] has told of the relations of the Department to himself are ruinously fictional and I have made a point of stating the true position of the case to all the publishers in town." Summing up his assessment of Gage and his activities, Bain Jr. said: "Gage is a rascal, a fact I suppose you already know but which has been impressed on me over here."¹²³ Bain Jr. had the discretion not to include this label in his official report, which was read out during the 1906-07 textbook commission proceedings.¹²⁴

Gage encouraged the London publishers to initiate legal proceedings against the Ontario Education Department for its unsanctioned use of their copyrighted extracts. He was less successful on this front. Bain assured Ross that Macmillan & Co. held the majority of the copyrights and that company's representative had expressed the view that, because the Minister had not issued any of the readers under the imprint of the department, any possible legal action would be against the publishers alone. He added that, as long as the present publishers continued to publish the readers, Macmillan would not take such action. Unfortunately, Macmillan had granted copyright to all of Tennyson's poems to Copp, Clark and therefore was not in a position to grant it to the Education Department.

Most of the British publishers had no interest in initiating legal proceedings against the Department, recognizing that the effort involved, and the bad will generated, would likely exceed the value

122 Bain's familiarity with London and London publishers was likely a compelling reason for Ross to choose him as his emissary. He made his first annual buying trip to Britain on behalf of his employer James Campbell & Son in 1870. From 1875 to 1881 he lived in London, first as head of an agency owned by James Campbell & Son, and then in partnership with a London publisher, under the name of J.C. Nimmo & Bain. The fact that Bain Jr. was a staunch Presbyterian like himself may have contributed to Ross's view that he was a trustworthy ally. See "Bain, James," *Dictionary of Canadian Biography*, <http://www.collectionscanada.ca>.

123 James Bain Jr. to Mr. Ross, 8 February 1894, Archives of Ontario, RG 2-13, No. 8.

124 Memorandum, James Bain Jr., 7 March 1894, 1, Archives of Ontario, RG 2-13, no. 8. Also reproduced in *Text Book Commission, 1907*, 172-74.

of any financial reward. When Gage suggested to publisher Edward Stanford that he sue the Education Department, Stanford's response was to write Bain Jr., admonishing both Gage and Ross himself: "Both parties have behaved badly in publishing and sanctioning copyright works, & they must fight it out without Your obedient servant, Edward Stanford."¹²⁵

However, Gage did manage to persuade Charles Burnett to give him a letter (dictated by Gage, according to Bain Jr.), authorizing him to recover damages from the Education Department for infringement of copyright "prospective and retrospective,"¹²⁶ with regard to "The Squirrel." That "sleek gentleman,"¹²⁷ Gage, was suspected of leaking news of the Burnett lawsuit to the Toronto *Evening Star*, in which he owned shares.¹²⁸ Gage admitted to the 1906-07 textbook commission that this lawsuit was a "bluff,"¹²⁹ something which seems to have been clear when James Bain Jr. spoke to Burnett & Company during his 1894 visit to London. He reported to Ross that:

Mr. Burnett takes rather high ground but I have brought such influence on them as to make them change their tone. They say that the action is entirely Gage's, that they, after showing solicitation, consented to allow the use of their name but that they will not sanction any step which costs money. This is high talk—for they have been bankrupt twice in 3 years and have absolutely not a copper. You need not fear them in the slightest. I aim to have a final interview tomorrow morning and hope to extort a letter disowning the legal proceedings.¹³⁰

If he was able to "extort" such a letter, it is not extant.

Gage complicated the situation further by beginning a lawsuit against Rose Publishing for its use of a number of selections by Ruskin in its *High School Reader* to which Gage held copyright. He

125 Edward Stanford to James Bain Jr., 7 February 1894, Archives of Ontario, RG 2-13, No. 8.

126 Memorandum, James Bain Jr., 7 March 1894, 1, Archives of Ontario, RG 2-13, No. 8.

127 "Ross Once the White-Haired Boy," *Evening News*, 11 January 1894, 4.

128 According to *Evening News*, Gage held \$15,000 and J.J. Crabbe, a former Gage employee, held another \$15,000, out of total stock worth \$46,000. "Mr. Gage's Scheme to Beat Mr. Ross," *Evening News*, 6 January 1894, p. 1; "Mr. Gage Owns a Newspaper," *Evening News*, 8 January 1894, 1.

129 *Text Book Commission*, 1907, 295.

130 James Bain Jr. to Mr. Ross, 8 February 1894, Archives of Ontario, RG 2-13, No. 8.

also issued a circular to the book trade, warning against continued sales of the text when it was subject to litigation.

NOTICE TO THE TRADE INFRINGEMENT OF COPYRIGHT

Notice is hereby given that we have instructed our solicitors, Messrs. Blake, Lash & Cassels, to take proceedings against the publishers of the *High School Reader*, this book containing a number of selections, the property of our firm.

We trust that we shall not be compelled, in order to protect our interests, to do anything further than call your attention to this interference with our rights.

Yours faithfully,
THE W.J. GAGE CO'Y (Ltd.)¹³¹

In a letter to the editor of the *Globe*, he issued another dire warning:

you intimate that it is ludicrous, etc., to take action against the publishers of the High School Readers because a portion of Ruskin's works have been reprinted in this book. During the last month a London publisher did not find it "ludicrous" when for the reprinting of a few extracts from Mr. Ruskin's works without his leave, he was compelled to destroy all the books so printed and pay heavy penalty and damages.¹³²

Rose Publishing failed in January 1894, not long after the lawsuit was launched.¹³³ Hunter, Rose, its principal creditor, was damaged in the fallout.

The timing of this suit is telling, since Gage could have sued long before. A representative from the *Empire* questioned him on this point:

"But these Readers have been in use for six or seven years, and how does it come you never took proceedings before?"

"Well, attention was never specially called to the piracy, but when these proceedings about the Public School Readers were

¹³¹ "Literary Piracy," *Empire*, 8 January 1894, 2.

¹³² "Mr. Gage and the Readers," *Globe*, 10 January 1894, 4.

¹³³ Rose printed 5000 copies of the *High School Reader* in 1893. Presumably, it was left with this unsold inventory. See letter from D.A. Rose to Mr. Wilkinson, 16 December 1893, Archives of Ontario, RG 2-13, No. 8.

commenced it naturally called our attention to the High School Reader, which the Minister of Education had compiled."¹³⁴

It is likely that he had purchased the copyrights on his recent trip to London in December 1893. The lawsuit garnered a great deal of public attention to the *Ontario Readers* at a sensitive time, just prior to the end of the ten-year contracts and created an uncomfortable situation for George Ross. The suits may also have been a form of revenge for G.M. Rose's refusal to agree to a profit-sharing arrangement on the *High School Readers*.

After Thompson and Gage had secured copyrights for the ring, the three publishers refused to provide Ross with a list of the works to which they pertained. In his commission testimony, Gage made it clear that a major reason was to avoid providing information to rival publishers:

A—No, we did not want to help the Government one bit.

Q—Then you refused to give the Government the information that they wanted about what extracts you controlled, and you did it for the purpose of hindering them in making a contract with anybody else?

...

Q—What other publisher was on the scene then?

A—We knew they were sitting around, waiting.

Q—For what?

A—To publish.

Q—The books?

A—Yes.¹³⁵

When their ten-year initial contract was up in January 1895, this refusal presented Ross with a dilemma. Other publishers were not willing to publish the readers without a list of the copyright holders. He had either to renew the contracts of the original three publishers or alter the readers substantially with new excerpts for which the Department could gain copyright. It seems that he decided he had little room to maneuver, and did not wish to incur the expense of publishing what would essentially be new books. Instead, he capitulated, choosing to allow the "ring" to continue to enjoy its monopoly for a second ten-year period.

In addition to refusing to provide the names of the excerpts to which they held copyright, members of the ring neglected to let Ross

¹³⁴ "Literary Piracy," *Empire*, 8 January 1894, 2.

¹³⁵ *Text Book Commission*, 1907, 308.

know that the copyrights which they had purchased were only in place as long as they published the readers. This became clear in the commission testimony of Copp, Clark's H.L. Thompson:

Q—And you only secured the right to use those selections as long as you published the Readers?

A—Whatever the letter says.

Q—That is the fact, is it not; only while you publish them. Did you tell the Government that before the renewal?

A—No.

Q—We have not anything to prevent anybody else publishing them after the ten years; we have only the right to use these selections as long as we publish the book?

A—No, we did not give them anything.

Q—Did you then lead the Government to believe that they could not go on publishing these books afterwards, or get any one else to publish them by reason of the rights you had in the copyrights?

A—The Government would know that. I do not remember giving them to understand that.

Q—Is it not very probable that you did, because unless you did that there was no reason in it at all?

A—No.¹³⁶

This was not the picture presented to the other publishers. The Department made it known that any other publisher was welcome to purchase the right to publish the *Ontario Readers*. In fact, the 1896 contract stated that "in the event of any other person or persons, corporation or corporations, making application to the said Minister of Education for a right to print or publish the said Readers as aforesaid, the said the Minister of Education shall have the power to grant such right as aforesaid from time to time to such person or persons, corporation or corporations."¹³⁷ This contract was signed by both the Department and the three publishers, although the publishers, and presumably the Department as well, were well aware that the ownership of crucial copyrights by members of the textbook ring would make it impossible to carry out. The commissioners questioned H.L. Thompson, President of Copp, Clark, most closely on this point:

Q—You did not tell the Government that you had cut off the source of supply?

¹³⁶ *Text Book Commission, 1907, 290.*

¹³⁷ *Text Book Commission, 1907, 275.*

A—I did not propose to tell them.

Q—Did you propose to deceive them?

A—No, I did not propose to deceive them, but they could find that out for themselves.

Q—You told the Government under your seal that you would give that right?

A—Our own rights.

Q—Did you tell that Government that you had made a bargain that would render that clause utterly inoperative?

A—No, because they knew it.

Q—They knew it?

A—They knew it.

...

Q.—But you were a great publishing firm, entering into a contract with the Government of the Province; we would expect good faith. The Government knew they were utterly powerless in your hands.

A.—I think they had very good reason to think so.

Q.—For what reason?

A.—We had a number of the selections, and we agreed we would take no action.

...

Q—You intended to hold the Government as tight as ever?

A—Just as tight as we could.

Q—And you think that was honorable?

A—Yes, and I would do the same again.¹³⁸

This point was borne out when George Morang, President of Morang and Company, entered into a campaign to publish the readers; backing down only when it became clear that the level of risk he would have to assume would make it untenable. The Department offered to provide Morang with the plates for a fee of \$4100. But, as he put it, "I knew full well that the minute I got those plates I would be jumped on by the copyright holders and could not publish them, and I asked the Government to show that they were the masters of the situation and hold me harmless in the matter."¹³⁹ The government could not do this.

The Methodist Book Room also attempted to enter into the reader contracts upon their expiry in January 1895. This company, too, backed away when it realized that the ring held copyrights. As the commissioner put it in a question to Edward S. Caswell, "You were simply in this

¹³⁸ *Text Book Commission*, 1907, 275-78.

¹³⁹ *Text Book Commission*, 1907, 131.

position if you wanted to get what you considered the right of other publishing houses in this country to tender in open competition for the books published by the Government you had to do it with this sword hanging over you, that you might be sued? A—yes."¹⁴⁰

Dealing with the copyright question would not likely have been an excessively daunting task for Ross and the Education Department, at least in the initial development phase of the books. In some cases, the copyright had already run out. It is clear that others could have been inexpensively secured, since William Gage and H.L. Thompson paid small amounts for those they acquired. In the case of excerpts for which expensive sums were required, substitutions could have easily been made at an early stage. Edward S. Caswell suggested to the 1906-07 Commission that the government should have simply substituted Canadian selections for the British excerpts to which members of the ring held copyright. The Text Book Commission report suggested that the Department might have challenged the British publishers in court. In its opinion they would likely "have refused to allow their names to be used in such a questionable way had they fully understood the situation."¹⁴¹

VI. George Morang's Campaign to Break Into the Ring

George Morang, President of Morang and Company, was the most persistent "outsider" to attempt to obtain a slice of the textbook pie. By all accounts, Morang's own textbooks were of high physical quality, in fact much higher than those produced by the ring. While criticizing other textbooks, the 1906-07 commission made a point of singling out three of Morang's texts as "books [which] have a modern appearance, and met with the approval of the experts who examined them."¹⁴² On another occasion, one of the commissioners asked Frank Wise, President of Macmillan, if Morang's primers were "first class." Wise agreed and added a ringing endorsement: "I would not be afraid to put a Macmillan imprint on that book."¹⁴³ According to the testimony of H.M. Grantham, who was in charge of manufacturing for Morang and Company, Morang's books, unlike

¹⁴⁰ *Text Book Commission*, 1907, 192.

¹⁴¹ *Text Book Commission*, 1907, 11. Also see "In 22 Years Ontario Paid \$200,000 Too Much for Her School Text Books," (London) *Free Press*, 2 February 1907, 8.

¹⁴² *Text Book Commission*, 1907, 12.

¹⁴³ *Text Book Commission*, 1907, 153.

the *Ontario Readers*, were all hand sewn, had many colour pictures, larger print size, and many original engravings.¹⁴⁴ In spite of their higher quality, Morang pledged to provide his books for the same price as the *Ontario Readers*.

In his lengthy testimony to the commission, Morang described his three-pronged strategy to break into the ring: acquiring copyrights, lobbying the purveyors of power in the Education Department, and making public accusations against the unfairness of the department's *Reader* contracts.¹⁴⁵ Like Gage and Thompson, Morang made a personal trip to call on publishers in London, where he purchased some copyrights from John S. Blackie, among others, on behalf of his own company. In the end, he claimed to hold the copyright for a total of 40 pages of the material in the readers.¹⁴⁶ He thereby gained for himself some leverage which other companies outside the ring did not enjoy. He also engaged in a voluminous correspondence with Ministers and Deputy Ministers of Education, attempting to attain formal responses to his queries for clarification of textbook authorization policy. Finally, he had few qualms about taking his quest to the public, writing letters to newspaper editors, and testifying in front of textbook commissions.

Ultimately, however, he was not comfortable with proceeding to publish the *Readers* because the department would not supply him with a list of publishers and the selections to which they held copyright, nor would it provide him with any assurance that he would not be sued by the British publishers. In a 1902 letter to Deputy Minister of Education John Millar, Morang noted that "the Department appears to be interested in guarding not the public interests, but the private interests of the three houses which are generally thought to have a monopoly of the publication of the Readers."¹⁴⁷

He was quick to contradict the Honourable Richard Harcourt, then Minister of Education, in 1901, when, as the *Mail and Empire* put it, Harcourt "caused to be published in the party organ [the *Globe*] an intimation that any publisher could print the school readers,

¹⁴⁴ *Text Book Commission, 1907*, 116-26.

¹⁴⁵ *Text Book Commission, 1907*, 126-41, 217-33. Much of Morang's correspondence with the Education Department is reproduced in the Commission report.

¹⁴⁶ George N. Morang & Co. to Richard Harcourt, 8 March 1901, Archives of Ontario, MS 2639, RG 2-29-3-24.

¹⁴⁷ George N. Morang to John Millar, 21 January 1902, Archives of Ontario, RG 2-13, No. 9.

Figure 7. George N. Morang. Reproduced from *Bookseller and Stationer* 21 (August 1905): 296. Microfiche, University of British Columbia Library.

but that none had applied for the right."¹⁴⁸ Harcourt possibly made this statement quite innocently, since he was new to the position. In any case, Morang, in a letter to the editor of the *Globe*, reprinted in the *Mail and Empire*, pointed out that he had, in fact, applied several times, both independently and through his solicitor, and been refused. Writing on 17 July 1901, he went on to point out that he had last applied on March 7, but had, as yet, received no reply. The article in the *Mail and Empire*, which included Morang's letter to the editor of the *Globe*, also pointed out that A.F. Rutter, the government printing contractor and a stockholder in The Canada Publishing Company, had applied in July and had already received permission to publish.¹⁴⁹

In spite of repeated letters, Morang was never able to obtain a clear and unequivocal response to his queries about copyright. The department could or would not furnish him with even a partial list of the passages to which other publishers held copyright. In the end he concluded that it would be an imprudent financial decision to publish the *Ontario Readers*.

Morang's one limited victory involved an agreement with the department to authorize his primer. However, even this was inhibited because the department also agreed to authorize a primer by The Canada Publishing Company. Morang protested that the colour work in the latter firm's primer was done by a New York firm; which was contrary to department regulations stipulating that all work was to be carried out in Canada. The government did de-authorize The Canada Publishing Company primer. Unfortunately, however, the damage was done, because that primer was already circulating among the schools and cutting into Morang's sales.¹⁵⁰

Following the 1907 textbook commission report, Premier Whitney terminated the *Ontario Readers* contract with W.J. Gage, Copp, Clark and The Canada Publishing Company,¹⁵¹ opening it up for tenders. The Canada Publishing Company was able to secure the new contract

¹⁴⁸ "Minister is in Awkward Place," *Mail and Empire*, 23 July 1901, 4. The *Mail and Empire* was referring to the *Globe* editorial, "Text-Book Monopoly," *Globe*, 17 July 1901, 4.

¹⁴⁹ "Minister is in Awkward Place."

¹⁵⁰ Minister of Education to The Canada Publishing Co., Toronto, 30 September 1902, Archives of Ontario. Also, refer to "Was Not Given Fair Show," *Globe*, 7 November 1906, 7.

¹⁵¹ "Leaves Government Open to Take Over Publication of Public School Readers," (London) *Free Press*, 18 April 1907, 2.

for an 18-month period.¹⁵² The price for the set of elementary readers was reduced from \$1.15 to \$.49. Premier Whitney commented: "It is very satisfactory to me... having regard to the statements and promises made by me to the people of the province time after time in the past ten years that we would bring down the price of school books, or know the reason why."¹⁵³

W.J. Gage and Copp Clark were not the losers they may have seemed in this arrangement, given the ownership structure of The Canada Publishing Company, discussed earlier. The only people to protest this new situation were the booksellers, who were saddled with old, unwanted stock. For certain of the readers, the price they had paid wholesale was now more than the price the readers were to be sold retail.¹⁵⁴ On the other hand, record sales were reported on the first day of school.¹⁵⁵

In 1909, when a new ten-year contract was signed with the T. Eaton Company, the school book ring was declared "a thing of the past."¹⁵⁶ As with the earlier contracts, the department stated its intention to maintain ownership of the copyright and the plates. Eaton's immediately printed 559,000 readers for the elementary school children of Ontario.¹⁵⁷ The new readers were described as "well gotten up. The frontispiece consists of a beautifully colored Union Jack, under which is the motto: 'One flag, one fleet, one throne.' The back also contains a fine half-tone cut of King Edward VII."¹⁵⁸ The *Eaton Readers* retained their authorization status even longer than the previous readers published by the oligopoly, with all but the primer continuing to be authorized until the late 1930s.¹⁵⁹

¹⁵² "Cheap School Readers Assured," *Globe*, 24 May 1907, 1.

¹⁵³ "Canada Publishing Co. Tender for School Books Accepted by Government," (London) *Free Press*, 24 May 1907, 1.

¹⁵⁴ "Booksellers Protest," (London) *Free Press*, 1 June 1907, 9.

¹⁵⁵ "Many Children Starting School," (London) *Free Press*, 4 September 1907, 2. The old readers could be used until the summer of 1910, if parents wished.

¹⁵⁶ "Half Million Saved on School Readers," (London) *Free Press*, 21 April 1909, 1.

¹⁵⁷ Ontario Department of Education. *Report of the Minister of Education, Ontario* (Toronto: Dept. of Education, 1909), vii.

¹⁵⁸ "New Textbooks in Use in September," (London) *Free Press*, 15 July 1909, 2.

¹⁵⁹ The *Primer* was authorized until 1933, the *First Book* until 1939, the *Second Book* until 1938, and the *Third* and *Fourth Books* until 1937. A new primer, *Mary, John and Peter*, also published by the T. Eaton Company, replaced the earlier one in 1933.

In "that crafty text book monopolist,"¹⁶⁰ W.J. Gage, Ross came up against a formidable adversary. Gage had an arsenal of weapons. He could bide his time, for years when necessary; never forgetting the wrong done to him in 1884, when George Ross removed the authorized status from his company's readers. He could effectively manipulate other publishers. He was the leader of the ring, and employed a range of intriguing strategies to maintain its hold over the lucrative reader contracts. He was bold, with no qualms about fighting his battles in the press, and even purchasing shares in a newspaper, when he decided it was advantageous. He used his many contacts to advantage and operated on numerous fronts at once. Finally, he was ruthless, determined, and wealthy.

In early 1894, the *Empire*, succinctly summed up George Ross's qualities as it saw them: "In dealing with the Text Book question he has shown large vanity, small trickery, reckless extravagance and utter incompetence on both educational and economic grounds."¹⁶¹ Ross certainly was not particularly adept in business affairs. For example, he sold the printing plates to the three members of the ring for \$7500 before they were made, and then paid more than \$20,000 to make them, losing over \$12,000 in the process.¹⁶² He bragged that he would recoup the money when the publishers returned for new molds, which they would need to do "a good many times in the course of ten years."¹⁶³ However, they never had the need to do this, being astute enough to make themselves a spare set of molds, from which they were able to make new molds whenever required. This was hardly the act of a shrewd businessman.

It is also clear that Ross's contracts did not specify sufficiently exacting standards for the physical quality of the readers. The publishers used this leverage to their advantage, meeting the 'letter' of the stated requirements with poor quality products. In fact, although there was controversy on this point, several witnesses at the 1906-07 commission contended that the readers could have been of an even lower quality and would still have met the standards set out in the contracts.

Occasionally, there were intimations of personal financial gain. As the *Empire* put it in an editorial: "The golden stream paid for the books edited by Mr. Ross, and authorized by Mr. Ross, and revised

160 "Ross Once the White-Haired Boy," *Evening News*, 11 January 1894, 4.

161 "Mr. Ross Must Be Retired," *Empire*, 8 January 1894, 4.

162 "Mr. Ross Must Be Retired."

163 Hon. G.W. Ross, "Speech delivered by the Hon. G.W. Ross, Minister of Education," March 1885, 31-32.

by Mr. Ross, and changed by Mr. Ross, finds its way into the money boxes of Mr. Ross's chosen monopolists. Where does it go then? We repeat. Where does it go then?"¹⁶⁴

There is, however, no evidence of such impropriety. It is more likely that the compass which guided his actions was one of simple political expediency. As *The Canada Educational Monthly* put it back in 1886, "We have a political partisan Minister of Education, whose motto is, 'I am first, a politician; second, an educationist.'"¹⁶⁵ He was first and last a politician and he did what was necessary to gain and hold political power.

This historical case-study makes evident the complexity of the factors which influence the official approval, publishing, and manufacturing of textbooks. While textbooks are instruments of pedagogy, in the era examined here, political gain and financial expediency neatly trumped pedagogical elements. Ultimately, textbooks are as much political and economic, as they are pedagogical artifacts.

Acknowledgements

The author gratefully acknowledges the Marie Tremaine Fellowship, awarded by the Bibliographical Society of Canada, which provided funding for my research in the Archives of Ontario. Graduate students Philip Hophan, Oksana Bartosh, and Jan Hamilton provided research assistance, funded by the Social Sciences and Humanities Research Council of Canada.

SOMMAIRE

Un oligopole, créé par trois éminents éditeurs de Toronto W.J. Gage, Copp, Clark et la Canada Publishing Company, dirigea de 1885 à 1907 la publication du lucratif *Ontario Readers* destiné aux lecteurs des écoles primaires. Cette étude élucide les circonstances dans lesquelles les trois éditeurs ont acquis une position dominante ainsi que les stratégies qu'ils ont déployées pour se maintenir ainsi en force durant 22 ans. Elle nous éclaire également sur le rôle central exercé par le ministre de l'Éducation de l'époque devenu plus tard premier ministre de l'Ontario, George W. Ross. L'article met en relief les

164 "Mr. Ross Must Be Retired," *Empire*, 8 January 1894, 4.

165 "Text Books," *Canada Educational Monthly* 8 (May 1886): 184.

influences politiques et les pressions commerciales qui ont joué en faveur de l'autorisation des manuels scolaires et de leur diffusion à travers la province.