

# COPYRIGHT LAW AND SCHOOL BOOKS.

## Dr. Nesbitt Wants the Imperial Act Amended.

## NO DIFFICULTY IN FUTURE.

## Education Department to Hold Copyrights on All Extracts.

## Government Asked to Grant Reason- able Compensation to San Jose Scale Sufferers—Many Bills Ad- vanced a Stage.

The Imperial copyright law, as it affects extracts from the works of well-known authors incorporated in public school text books, occupied the attention of the Legislature for some time yesterday. In the discussion, which arose on a motion by Dr. Nesbitt, the Premier announced that in the future no text book would be published until the Education Department held the copyright on all articles on which the copyright had not expired. That fruitful topic of debate, the San Jose scale, was introduced by Mr. Lee, and, as usual, several animated speeches were heard from members representing fruit districts. At the evening session a number of public bills were advanced a stage. Mr. Graham's bill to regulate stationary engineers, which met with surprising support from both sides of the House, was read a second time.

### Copyright Law and School Books.

Dr. Nesbitt moved "that, in the opinion of this House, the Imperial copyright act should be amended so as to permit selections from an author to be used in the authorized public school text books in any part of the empire." He pointed out that the Government had, after preparing a series of text books, found that the copyright of certain selections they were using was held by certain publishers, and the Government had subsequently to make arrangements with these publishers for the publication. Another publisher endeavored to get a text book authorized, and was unable to do so for two years. He then went to England and acquired for a very nominal price certain copyrights covering articles in the authorized text books. This placed him in the same position with regard to these books that the other publishers were in, and he had since been able to make arrangements by which he had the books authorized and had shared in the profits of the public school publications. If they were ever to have free school books in the Province, it was very important that they should be free in the matter of copyright. It was quite apparent that the authors in question had received nothing for the use of their selections, and, as a matter of fact, it was an advantage to them to have selections from their works used in the school books.

### Action Would be Useless.

Hon. Mr. Harcourt hoped that the motion would not be pressed, as it was not in the public interest or in the interest of anyone. The foundation principle of the stability of a country depended upon the enjoyment by the individual of the fruits of his

labor, and not one of the nations represented at the Berne copyright convention would tolerate any infringement of that principle. The only books that would be affected by the motion would be two or three readers, and nine-tenths of the proposition in the motion would be useless. As to the remaining ten per cent., for these readers they had all modern literature to draw upon. The copyright for the most valuable part of the literature of any country had long since expired. There was a great deal of literature also suitable for the school books that never had been copyrighted. Moreover, it must not be forgotten that there would be no difficulty in obtaining from any great author permission to use extracts from his books. Seeing that practically no advantage would be gained, why should they make it possible for a publisher to hold a pistol at the head of an author and permit him to use whatever he pleased of a work without permission or compensation? A special committee of the House of Lords had, a few years ago, gone into this question thoroughly, and the petitioner, a publisher of text books, who desired the adoption of the principle laid down in the present resolution, had received discouragement from every member of the committee, and was reminded of the inviolable rights of property. The practice of asking the Legislature to pass upon the legislation of other Parliaments was also to be deprecated.

### An Alleged "Ring."

Mr. Whitney said that there was on the order paper of the day a motion asking the House of Commons of Canada to do thus and so. Similar motions had been put on the paper several times during the last two sessions. The motion merely expressed a desire in an academic way on the part of the people of Ontario that the burden of copyright should be removed from certain extracts in the school books. The hon. Minister of Education had said that the publishers were able to arrange as a rule with the great authors, and so there was no hardship. Then what harm could come of the House approving of the motion? The House of Lords committee knew absolutely nothing about the school book question in Ontario, and it was no impertinence on our part to make a suggestion in opposition to their views. About two years ago he was given some information by a publishing house in Toronto. He was shown the agreements with the six or seven publishers of text books, and almost every one of them contained a clause providing that when any other publishers wished to come in and take part in the publication the parties to the contract were bound to agree to their doing so. But when these outsiders tried to come in they received a lawyer's letter on the part of the English copyright holders, threatening an injunction. Then the whole truth came out that the publishers had formed a "ring" and arranged with the English copyright holders by which they could use these extracts, but could not assign the right to any others. That alone was the reason why something should be done. If the number of books concerned was small, it was all the more reason why the motion should be adopted.

### Policy For the Future.

Premier Ross explained the difficulty that had arisen in the past, and pointed out that the experience then gained had cleared the atmosphere. When it became necessary, as it would in a reasonable time, to prepare text books for the whole school course, it would be an easy matter to avoid any collision with either publishers or authors. Dr. Bain, who was sent to England, had found no difficulty in obtaining permission from publishers and authors to use extracts from their works. The thing to do in future would be to arrange in advance with the holder of the copyright, which could be easily done. The objec-