

THE CASE

OF

Designers, Engravers, Etchers, &c.

STATED.

In a LETTER to a Member of Parliament.

SIR,



YOU will not wonder at the Number of impertinent People you find continually breaking in upon your Time, when you consider the Opportunity your Seat in Parliament gives you of promoting any Design for the Encouragement of Arts, and the Support of Liberty.

As it is the most opposite to your own Nature to oppress, it is what you will never suffer in others, when it is in your Power to prevent it. I beg leave, therefore, to lay before you the Case of the abovementioned Artists, who might be an Honour, as well as of no inconsiderable Service to their Country, if they were not oppress'd by the Tyranny of the Rich: not the Rich, who are above them; not the Rich of their own Profession; but the Rich of that very Trade which cou'd not subsist without them.

When you are satisfied of this, and that the Arts themselves, of Designing, Engraving, Etching, &c. and the whole Train of inferior Arts (which depend upon Designing) where Taste and Fancy are at all requir'd, suffer from the same Oppression, I make no question but you will be warm'd in their Defence.

When any of these Artists have finish'd a Design, which has taken them up Time, and Pains, and Thought in the Execution, and procured at a considerable Expence Engravings, or any other Sort of Prints from their Designs; In what manner are their Expences to be reimburs'd to them, and their Labour and Invention rewarded? — By the Profits arising to them from the Sale of their Prints; and the Reputation they acquire by them in
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their Profession ; which gradually enhances the Value of what they shall afterwards produce.

If then it shall be found, that in their present Circumstances they never are allow'd near a proportionable Part of the Profits of the Sale of their Prints, and that their Reputations suffer by the same Arts, by which they are defrauded of their Profits ; it will, I hope, be allowed by every impartial Person to be highly reasonable, that they should be relieved from such Grievances, as soon as possible.

That this is the Case will be evident from a View of the several Stages, by which many a great Genius has descended to Poverty and Slavery.

Few of these Artists, in the present Condition of the Profession, have Houses conveniently situated for exposing their Prints to Sale ; and Those, who have, have much more advantageous Ways of spending their Time, than in shewing their Prints to their Customers. The Shops therefore are the only Places proper for this Purpose.

Here is the Source of all the Misfortunes the Artists lie under ; and here every Step they take towards the Improvement of the Arts is sure to be sup- planted.

In the whole Extent of *London and Westminster*, there are not above Twelve Print-Shops of any Note, and these are in the Power and Direction of a very few, who are the Richest. Hence it is easy to conceive, how it comes about that they are all agreed and stand firmly by one another, in oppressing and keeping in their Power the very Men, without whom their Shops wou'd soon become unfurnish'd.

The Manner of their Proceeding is this.

The First Step they take, is to insist upon a most unreasonable Share of the Profits for selling the Prints, near double what a Bookseller ever demands for publishing a Book. It is in vain for the Artist to remonstrate, or try any other Shop. They are all agreed, and no less is ever to be taken. So of Con- sequence he must submit.

This, I say, is the first Step, before they know whether the Print will take or no. If by the Demand for it, they find it likely to sell, Copies of it are immediately procured, and imposed upon the Incurious for the Originals, or at least are industriously dispatched to all Parts of the Country, where the Original is never suffer'd to appear.

When the Artist returns to make Enquiry into the Number of his Prints, that are sold, and expects a Return suitable to his Labour and Expence ; He is told, with an insolent and careless Air, " His Prints have been copied — " The Copies sell as well as the Originals — Very few of his have gone off " and is presented with a large Remainder, which he is forced to take home with him.

Thus has he, for all his Pains, Invention and Expence, both of Time and Money, Numbers of the Originals return'd upon his Hands ; whilst the Copies are dispersed every where in his Name, but to the Advantage of another.

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Even this, *Sir*, would not be so much to be complain'd of, if Artists of any Rank (even those who make these Copies) reap'd the Advantage of their Labour. But these are Men who have all gone through the same Distresses in some degree or other; and are now kept Night and Day at Work at miserable Prices, whilst the overgrown Shopkeeper has the main Profit of their Labour.

This would be sufficient to shew how unprofitable and uncomfortable this Profession is, in its present Circumstances, tho' in its own Nature it promises both Honour and Profit to those who excel in it. But this is not all: The Shopkeeper has a farther Design in this Behaviour, which it is fitting every Man of your Temper, and in your Station, *Sir*, should be made acquainted with.

The natural Consequence of this Treatment is, that the Artist, though at first he may complain of him wherever he comes, and stand out in Opposition against him, must of necessity at last fall into his unmerciful Hands.

His Share of the Profits falling so short of the Expence of Time and Money which he was at in the Execution of his Design; he is first driven by his Necessity, and for a present Supply, to part with the Original Prints returned upon his Hands, his Plates, and all to these very Men at their own Price; which, you may be sure, will be very low, as they know he has no other Chance of disposing of them: And soon after, seeing how vain it is to attempt any thing New and Improving, he bids farewell to Accuracy, Expression, Invention, and every thing that sets one Artist above another, and for bare Subsistence enters himself into the Lists of Drudgery under these Monopolists; where if he has Strength of Constitution to Work Night and Day, (no matter whether well, or ill,) he may perhaps be able to bring the Week about, but never is suffered to Thrive, or grow Rich, lest he should grow out of their Power.

What I have been describing is equally the Condition of those who Invent, and of those who take their Designs from Portraits, Paintings, Buildings, Gardens, &c. and consequently the whole Profession is entirely in the Power of the Shopkeeper.

However new this may appear to you, or how difficult soever it may be for you, *Sir*, to imagine that there is such a Scene of Slavery in a Country that boasts of the Liberty of every the meanest of its Inhabitants; it is no Fiction, nor illgrounded Prejudice against any particular Set of Men, but Matter of Fact, which Numbers will be ready to attest upon Oath at the Bar of your House, and are willing the Success of their Bill should depend upon the Proof of it.

The very same Arts, by which the Artists are defrauded of their Right, are made use of to keep the inferior or poorer Shopkeeper in strict Obedience to the Orders of the Rich.

For if any one of these, more courageous than the rest, should dare to exceed the stated Price for any Print he should think more valuable than ordinary; Copies are immediately procured by the others, and sold at any Price, in order to suppress such a Rebellion against the Monopoly of the Rich.

One Artift's having it in his Power to copy the Defigns of another is, therefore, the true Source of all these Grievances, which at the same time that they have oppress'd the most skilful and industrious Artifts, have sunk the Arts themselves into the low Condition which they are at present in.

If it be considered what it is that gives an Artift the Right to the Profits of his own Defigns, Prints, &c. it will easily appear that these Copyers are no better than the Lowest of Robbers.

Whatever Right an Artift has to the Sale of his own Print arises from this: He has by his own Industry and Skill given his Print whatever Value it has above another common Piece of Paper; and therefore has a Right to all the Advantages arising from that superior Value, as a proper and adequate Return for his Industry and Skill.

Is there any Original and valuable Painting which any Artift has design'd? A Second, and a Third, and as many as will, have an equal Right to make Defigns of the same Picture.

Has any Artift chosen a new Subject, and executed his Design to the Satisfaction of the Town? If any other thinks it worth his while, he has certainly a Right to take the very same Subject, and execute it in his own manner.

Every one has undoubtedly an equal Right to every Subject; and as every one, who attempts a Subject already executed, without directly copying the Design of the other, equally makes use of his own Skill, he has undoubtedly the same Right to the Fruits of his Skill, that the first had; and altho' he should so far excell him, as to affect the Sale of his Design, it is no Injury, but the due Reward of his superior Skill.

But in taking a direct Copy of a Design, there is absolutely no Skill in Designing requir'd. It is to be done mechanically, by one who knows nothing of the Business. He who can only follow with his Tool a Line already drawn, can by colouring the Back of a Print, and placing it properly on a Plate, that is duly prepared to receive that Colour, trace out and delineate the Out-lines, and every remarkable Feature, nay each individual Line of the Print. Is it not reasonable that these Men should be debarr'd from the Profits arising from such a Plate, when it is consider'd, that with no Skill at all, with little or no Pains, in one Days Time at most, he defrauds an industrious and skilful Artift of the Fruits of some Months Labour and Invention? Does not he as much injure the other, as if he counterfeited a Note of his Hand? He does not indeed steal the very Paper, (which if he did, tho' it is not of near so great a Value, he knows he should suffer for it) but he steals from him every Thing that made that Paper valuable, and reaps an Advantage which he has no more Right to, than He, who counterfeits a Note of Hand, has to the Money he receives by it.

They have likewise Mechanical Ways, by the Assistance of Rulers, &c. to take Copies of Prints, both of larger and smaller Sizes than the Original; by which Means they can in a very short Time furnish out different Editions of a Print in all the Sizes they think likely to please.

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When this Piece of Roguery is understood, and it is farther considered, that those, who are guilty of it, are encourag'd and made the Tools of a Set of Men, by which they oppress the industrious and skilful Artift; It is humbly hoped it will be thought proper to make it punishable by Act of Parliament for any one to copy the Designs of Another.

There is no fear but that if such a Law were to pass, it would have the full Effect design'd by it, in putting a stop to such a Roguery. For when a Print is copied directly from another, it follows from the Method of making such a Copy, that the Manner must unavoidably be the same, the Shape of every Part must be exactly the same, and the Parts will all be kept at the same Distances in the Copy as in the Original; and consequently there will be so many Marks of its being a direct Copy, distinguishable by the most common Eye, that it will be impossible for it not to be discover'd when compared in Court with the Original.

On the other hand, if any Artift has only made a Design upon the same Subject with another; the Manner will so apparently be his own, the Shape of the Parts will be so different, and the Distances will vary so much from the other, that this will have as many apparent Marks of its being an Original, as in the other Case there were Proofs of its being a Copy.

Upon these Considerations, it is hop'd, when such an Act is pass'd, the Practice of Copying will drop of itself, without so much as a single Law-Suit.

For a Copyer will know, that in order to escape a Discovery, he must disguise the Manner of the Original, alter the Shape, and vary the Distances of every Part, and will consequently find it more worth his while to try what he can do of his own upon the same or any other Subject, where he may quietly reap the Advantage of his Labour.

And no one can be supposed so blind to his own Interest as to prosecute another, unless he can evidently prove, that the other's Design has all these Marks of a Copy; which (if not more so) are certainly as apparent to every common Eye when actually compared with the Original, as the Proofs are of a counterfeited Hand when compared with the Original Hand-Writing; for these likewise depend upon the Manner, Distances and Shape of the Strokes which compose the Letters.

It will be a very trifling Evasion of the Law to plead that one Print cannot be a Copy of another, because there is a Figure more or less in it, than in the Original, when all the others can evidently be shewn to be taken from it; and it is hoped, that by the Wording of the Act, all such wicked Attempts to render the Design of it useless will be entirely prevented.

For these Reasons, *Sir*, it is hoped that the most effectual Method is proposed by the Act for removing these Grievances, without infringing the Liberties of any, and without any Probability of its being the Occasion of frivolous and vexatious Law-suits.

The securing to every one the Fruits of his own Labour, is the greatest and noblest Encouragement, that any Art can possibly receive, because it is the most Natural, Equal, and Extensive.

The Artist will visibly be encouraged, not only to be Diligent, but Nice in the Choice, and Exact in the Execution of his Design, by the Certainty of a Reward, which will rise in proportion to the Excellence, as well as to the Number of his Performances.

The Purchaser will have a greater Variety of Prints to chuse out of, and what he buys in all probability will be at a lower Price; for when every one is secure of the Fruits of his own Labour, the Number of Artists will be every Day increasing. Not only the indigent and laborious, but the sprightly and inventive Genius will be permitted to enter the Profession. Instances are plenty, of young Men of Taste and Genius, who have not been suffered to indulge their Love of Designing, and been almost beaten from their Pencil, by those who know very well, in its present Circumstances, how little is to be gained by the Business.

As the Number of Artists increase, Emulation will add to the natural Desire of excelling; and more Time, Thought and Pains will be employ'd in their Designs, and they will be afforded at a more reasonable Price, because the Artist is sure of his Profit. He cannot be copied and underfold, and therefore will Print as many as he ever thinks he is likely to sell; and can give new Impressions whenever the Demand rises beyond his Expectation. Whence is it that an Engraver expects his Profits to arise? Certainly from the Excellence of his Design, and the proportional Cheapness of each Print to that Excellence, and to the Number he Prints; if he sets too high a Price, few will be bought, and the Demand for them will be small; if he sets a low one, every one buys, they fall in every ones way, and of consequence the Demand will increase.

But suppose, that some may, (against their Interest,) out of Vanity make a very scarce, and curious Impression of a Design, on purpose to raise their Name by enhancing the Price of it. What will be the great ill Consequence? Prints are not necessary to Mens Lives, their Fortunes, Health or Happiness. The Rich and the Curious will be the only Purchasers of these; and it cannot be of Prejudice to the Publick, when the Ingenious are sure to reap the Advantage of it; especially when it is to be farther consider'd, that these will always send for such Prints from *France*, if they cannot find them in their own Country. It is better this Money should be spent among ourselves, than sent abroad.

The Shopkeepers will by the Act be prevented indeed from setting an exorbitant Price upon their Trouble of Publishing and Selling the Prints for Engravers; but as it will increase the Number of those who bring Prints to their Shops, and encourage those who purchase, by improving the Prints, and lowering the Price; it is to be hoped this will overbalance that Loss. Add to this, that the Act is as serviceable to the Shopkeepers in securing their Right to any Designs they shall purchase, as it is to the Engravers themselves; and consequently, instead of prejudicing, it will be of Advantage to the Fair and Honest Shopkeeper.

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There will no Doubt remain, when the Artists, the Purchaser, and the Shop-keeper, all of them receive their Share of Advantage from this Security of Property, but that the Arts of Designing, Engraving, &c. will flourish, and soon rise to their greatest Perfection. In the Reign of *Lewis* the XIVth, these Arts were raised in *France* from as low a Condition, as they are in at present here, to very great Perfection, by the very Security, which is expected from this Act. Every Man has there the Property of his own Design vested in him for at least Twenty Years. Without this fundamental, and extensive Encouragement, his Academy, and his private Encouragements could never have produced so universal an Improvement on these Arts. But this is a sort of Encouragement, which makes every particular Man diligent, and will continue the Arts in their flourishing Condition, when particular Encouragements cease.

Designing is the Foundation of Painting, Sculpture, Architecture, &c. and in proportion as Designing is encouraged, and improved, these must of consequence improve with it: And all the Train of inferior Arts, which depend upon Designing; all the Ornaments of Building, Gardens, nay of Furniture, Dress and Equipage, where the Justness of the Outline, and the Fancy of the Pattern, give the Neatness and Elegance to the Work, will daily receive their share of Improvement.

That this is not merely a Romantick Notion, will appear from the remarkable Preference which is given to the *French* in every thing of this sort they send over to us. Our own Furniture, our own Silks, our own Manufactures are as useful as theirs; but not so elegant, not so well fancied, nor our Patterns so well Design'd. Is it not evident then, that the Improvements in Designing have there insensibly crept into all the inferior Arts, where Taste and Fancy have any Concern? And is it not reasonable to expect the same Improvements here, when we have the same Encouragement?

This, *Sir*, is the State of these Artists: You see their Grievances, and the Method proposed to remove them; and it is hoped that Method will prove effectual, without injuring any one, or causing frivolous and vexatious Law-Suits, at the same time that it will probably bring the Arts to their greatest Perfection.

I am, with all Submission,

Your Humble Servant,