

1829

A
COPY of the DOCUMENTS, &c.

RESPECTING

AN ACT OF PARLIAMENT,

INTITLED,

*"An Act to encourage the Art of making NEW MODELS
and CASTS of BUSTS, &c."* 38 Geo. III. 1798;

DEPOSITED

IN THE RECORDS OF THE ROYAL ACADEMY.

TO WHICH IS ADDED,

A COPY OF A LETTER OF THANKS

From the ROYAL ACADEMY to

MR. GARRARD,

H.

Who, by the LIBERAL ASSISTANCE of his FRIENDS, obtained this LAW for the
BENEFIT OF THE ARTS.

Published at Mr. STAUNTON's, 481, Strand,

London,

OCTOBER, M.DCC.XCIX.

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TO THE
PRESIDENT AND COUNCIL
OF
The Royal Academy.

GENTLEMEN,

I ESTEEM myself highly obliged by the handsome Manner in which you have accepted my Proposal to deposit the Papers respecting the Act of Parliament for securing the Copy-Right of Models in your Records. I shall take the Liberty of giving you a Detail of the whole Transaction; and shall refer to an Appendix for the Documents, in the Order in which they occurred. If the Act should prove of Use to the Arts, it may, perhaps, at some future Period, be interesting to the Public, to know the Circumstances in which it originated.

Early in the Year 1795, it occurred to me, that Models of Cattle might be useful to the Studies of the Landscape-Painter; and having executed those of

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a Bull,

a Bull, and a Cow, they were sent to your Exhibition of ~~that~~ Year: when I had the Satisfaction to find that my Labours were approved of, and that several of the Academicians, and some People of acknowledged Taste in the Fine Arts, expressed a Wish to have Casts from them. It happened about this Time, that a beautiful Model of a Horse then lately published, was pirated; and base, and imperfect Copies of it were sold by some Figure-Makers, to the great Loss and Disappointment of the Proprietor. As the same evil Consequence might attend any other Publication of Models, it was proposed to some of the principal Statuaries, to petition Parliament for Leave to bring in a Bill to secure the Copy-Right of Models: when Mr. BACON, Mr. ROSSE, and Mr. COFFIN, joined with me in a Petition for that Purpose, (*) which was presented to the House of Commons by SIR HENRY SAINT JOHN MILDMAY, Bart. in February 1797. All Persons to whom it was mentioned, admitted the Propriety of the Measure, and

* See Appendix—A.

no Doubt could be entertained of the Attention of the Legislature to such a Bill: but finding that the Whole of the Expence was likely to devolve upon myself, I was anxious to gain all the Support I could; and the Concurrence of the Royal Academy being obviously of the first Importance, I troubled you, Gentlemen, upon the Subject (*); and I am happy to observe that the Approbation you were so good as to express in Answer to my Application, was of the greatest Use to the Undertaking. (*)

The Session being far advanced, it was thought adviseable to defer the Prosecution of the Measure till the next Meeting of Parliament.

The general Improvement of the Arts has always been considered as of great National Importance, on Account of their Influence upon Manufactures and Commerce: and the Assistance to be derived by the Farmer, from this particular Branch, as it affords correct Models of the most approved Shapes in Cattle, is obvious: therefore, it was considered nowise im-

* See Appendix—B, C.

proper to lay the Matter before the Board of Agriculture. I accordingly applied to that Board, and Letters recommending the Support of the Bill were in consequence sent from the PRESIDENT to the DUKE of BEDFORD, and the EARL of EGREMONT. (*)

When Parliament again met, a Paper was laid before the Noblemen and Gentlemen, Supporters of the Undertaking. (*) A Second Petition (*) was presented by SIR HENRY ST. JOHN MILDMAY, Bart. by whom also the Bill was brought in and supported through all its Stages. The Artists are equally indebted to LORD SOMERVILLE, who supported their Cause in the House of Lords. BENJAMIN WEST, Esq. your President, attended the Committees of both Houses, and proved the Allegations contained in the Petition and Preamble to the Bill.

The Bill passed the House of Commons with the Term of Twenty-Eight Years fixed for the Duration of the Copy-Right, but was restricted to Fourteen Years in the House of Lords. The same Term

* See Appendix—D, E, F.

was

was granted in the first Bill for securing the Copy-Right of Engravings, but was afterwards extended to Twenty-Eight, upon the Petition of the Widow of the late WILLIAM HOGARTH.

The Detail of this Transaction, Gentlemen, would be very incomplete, did I neglect to inform you how much the Cause is indebted, through its whole Progress, to the friendly Support of Mr. WHITBREAD; and I have no Doubt that every Artist will feel, in common with myself, a high Sense of Gratitude to all the Noblemen and Gentlemen who have contributed to the Success of the Undertaking.

I am, GENTLEMEN, your very much obliged

And most obedient humble Servant,

GEORGE GARRARD.

I have taken the Liberty to subjoin the Correspondence; together with the Opinion of Counsel; in Appendix G. H.

A COPY



(A.)

*A COPY of the PETITION presented
to the House of Commons, Feby. 28,
1797.*

To the Honourable the COMMONS of
GREAT BRITAIN, in Parliament assembled.

The humble Petition of several Artists and Designers of New Models and Casts, of Busts and other Things, on Behalf of themselves and others,

SHEWETH,

THAT the Petitioners have, with great Industry, and at a considerable Expence, made divers new Models and Casts of Busts, Statues, Animals, and
other

other Things, in hopes to have reaped the Benefit of such their own Labours; but to their great Disappointment, divers Persons have of late taken the Liberty of imitating, and making base, imperfect and mean Copies thereof, and of selling and disposing of the same, to the great Detriment of the Petitioners, and such other Artists as aforesaid, and to their great Discouragement in the Exercise of the said Arts.

Your Petitioners, therefore, humbly pray that Leave may be given to bring in a Bill to secure to them their Rights, in such New Models and Casts as aforesaid, for such Time, and in such Manner as to this Honourable House shall appear reasonable and proper.

(Signed) GEORGE GARRARD.
 JOHN BACON.
 CHARLES ROSSE.
 EDMOND COFFIN.

COPY

(B.)

**COPY of a LETTER from Mr. GARRARD
to the PRESIDENT and COUNCIL of the
ROYAL ACADEMY.**

MR. GARRARD respectfully begs Leave to call the Attention of the President and Council of the Royal Academy, to a Circumstance that materially affects the School of Design, so far as it might derive Advantage from the Production of New Models—he alludes to the Piracy of Models—a Practice which must depress the Modern School as long as it is permitted with Impunity.

Mr. GARRARD feeling himself deeply interested from the probable Advantage that might result to his Family, if the Copy-Right of his Studies could be secured; and being conscious that an exclusive Right to their Labour might be equally desirable to many

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other

other Artists, has thought it his Duty to consult with some of the first Men in the Profession, upon the Propriety of petitioning Parliament for Leave to bring in a Bill for the Encouragement of Modelling by securing the Copy-Right. The happy Effect of such a Law, if it could be procured, might, perhaps, be anticipated, by reflecting upon the State of the Art of Engraving, previous to its being taken under the Protection of the Legislature.

Mr. BACON and others, having joined Mr. GARRARD in a Petition, it was presented to the House of Commons by SIR HENRY ST. JOHN MILD MAY, Bart. on the 23d Inst. and a Committee was then appointed to bring in the Bill. Mr. GARRARD begs that the President and Council will condescend to take into Consideration how far they can support this Undertaking, which appears to be so nearly connected with the Interests of the Royal Academy, and the Modern School of Design.

Knightbridge,

February 25th, 1797.

COPY

(C.)

COPY of a LETTER from the ROYAL
ACADEMY to Mr. GARRARD.

SIR,

AT a Meeting of the President and Council, held Yesterday Evening, your Letter was taken into Consideration; and I am directed to send you the following, viz.

That they have no Power, as a Body, to advance Monies for the Purposes stated in your Letter; but they are very desirous to render every Assistance they can, to promote so useful an Undertaking.

I am, SIR,

Your obedient Humble Servant,

JOHN RICHARDS, R. A. Secretary.

Royal Academy,
June 10th, 1797.

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COPY

1870

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1870.
This receipt is given in full
for the amount of the
above account.

J. W. [Name]

[Signature]

[Text]

[Text]

(D.)

COPY of a LETTER from the BOARD of AGRICULTURE to the DUKE of BEDFORD, and the EARL of EGREMONT, dated 24th June, 1797.

MR. GARRARD having laid before the Board of Agriculture, a Request that they would endeavour to procure an Act of Parliament for securing the Copy-Right of Models, and having proposed to make a Set of Models, of the Improved Breeds of Cattle, upon a given Scale, requests that the Board would point out some particular Sheep or Cattle, with which to try this Experiment, the same was referred to a Committee, whose Resolution is, that the Proposal be recommended to your GRACE, and the EARL of EGREMONT—I make the Communication with much Pleasure,

sure, as I am confident that no Persons can be better qualified than your GRACE, and the EARL of EGREMONT, to judge of the Expediency of the Proposal. —Perhaps it may be in your Power to give Mr. GARRARD an Opportunity of trying the Experiment.

I have the Honour to be, with much Respect,

Your Grace's

Faithful and obedient Servant,

(Signed) JOHN SINCLAIR.

To His Grace the Duke of Bedford.

The

(E.)

The PAPER laid before the COMMITTEE.

IN the last Sessions of Parliament, a Petition was presented to the House of Commons, praying for Leave to bring in a Bill to secure to the Authors the Copy-Right of their Models in Sculpture, of the Human Figure and Animals, but for want of a sufficient Fund to carry the Business through, it was at that Time dropped. A Committee of the Noblemen and Gentlemen, Supporters of the Undertaking, having been formed, have taken into their Consideration the beneficial Effects likely to result from its Success, and have agreed to recommend a Subscription for that Purpose. Being convinced that the Art of Sculpture is the Foundation of every thing elegant and ornamental in Arts and Manufactures; they consider it a matter of National Importance; that the Fruits of their Labours should be secured to the ingenious Men, who may apply themselves

elves to such Works ; and have therefore determined to concur in a Petition to Parliament for Leave to bring in a Bill to put the Copy-Right of all New Models in Sculpture, of the Human Figure and Animals, upon the same Footing as the Copy-Right of Engravings, by Law now stands—a Law which has evidently been productive of the utmost Benefit to the Arts and the Commerce of Great Britain.

The Committee further think it necessary to state, that the Royal Academy are of Opinion, that such a Law would be of essential Service to the Arts ; and that the Board of Agriculture are impressed with the Idea of its becoming serviceable to the Objects of that Institution, by affording correct Models of the Improved Breeds of British Cattle.

(Signed) THE DUKE OF BEDFORD.
 SIR HENRY ST. JOHN MILDMAY.
 SAMUEL WHITBREAD, Esq.
 HENRY HOLLAND, Esq.
 WILLIAM LOCK, Esq.

TO

(F.)

To the Honourable the COMMONS of GREAT
• BRITAIN, in Parliament assembled.

The humble Petition of the Persons, whose
Names are hereunto subscribed,

SHEWETH,

THAT the Art of Sculpture, which is confessedly the Foundation of every thing elegant and ornamental in Arts and Manufactures, has not hitherto experienced from the Legislature of this Country that Protection, to which, as it appears to your Petitioners, it is so eminently entitled. That the Ingenious Artists who have applied themselves to the Study of Sculpture, have, to their great Mortification and Injury, found that their Labours have been lost to themselves and their Families, and the Art itself has been degraded; that many have been hereby discouraged from Attempts to which their Genius may have prompted them; and

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that

that others have been afraid to put forth the Works which they may have executed.

Your Petitioners beg Leave to state, that the Art of Engraving has been manifestly advanced to its present State of Perfection, by the Protection afforded to it by several Acts of Parliament passed during the Reigns of His late Majesty and the present King, and in consequence of which Laws, the Arts in general have received essential Benefit: and moreover, the Commerce of this Country has been very widely extended.

Your Petitioners therefore humbly pray for Leave to bring in a Bill, to secure to their Authors the Copy-Right of all new Models in Sculpture of the Human Figure and Animals, for a Time to be limited.

And your Petitioners shall be ever bound to pray,
&c. &c.

(Signed) BEDFORD.
HENRY ST. JOHN MILD MAY.
SAMUEL WHITBREAD.
HENRY HOLLAND.
WILLIAM LOCK.

COPY

(G.)

COPY of a LETTER from Mr. GARRARD
to the ROYAL ACADEMY.

GENTLEMEN,

I AM happy to acquaint You, that a Bill for securing the Copy-Right of Models, received the Royal Assent yesterday, by Commission.

I am encouraged, Gentlemen, to address you again upon this Subject, by the very liberal Answer you gave to my last; and to observe, that your Approbation of the Measure concurred greatly to its Success.— I have taken the Liberty to enclose a Copy of the Bill; and must beg Leave to take this Opportunity to acknowledge the liberal Attention which Mr. WEST paid to the Undertaking, in his ready Attendance at the Committees of the House of Commons, and the House of Peers; and that the Evidence he gave, conduced to

prove the Necessity of such a Bill, to encourage the Production of new Models, and also the probable Advantage that might ultimately result to the Arts, if such a Bill was carried into Effect.

If, Gentlemen, this Transaction should strike you, as of sufficient Importance to deserve a Place in your Records, I should esteem it an Honour to lay the Papers before you, that were presented to the Noblemen and Gentlemen Supporters of the Undertaking, and also a Copy of the Petition presented to the House of Commons, with the Opinion of Council upon the Bill,—which Papers may possibly be of Use to any Artist that may have Occasion in future to petition for an Alteration of the Bill.

I am, GENTLEMEN,

Your very much obliged

and obedient Humble Servant,

GEORGE GARRARD.

Paddington,

June 22, 1798.

COPY

(H.)

COPY of a LETTER from the ROYAL
ACADEMY to Mr. GARRARD.

SIR,

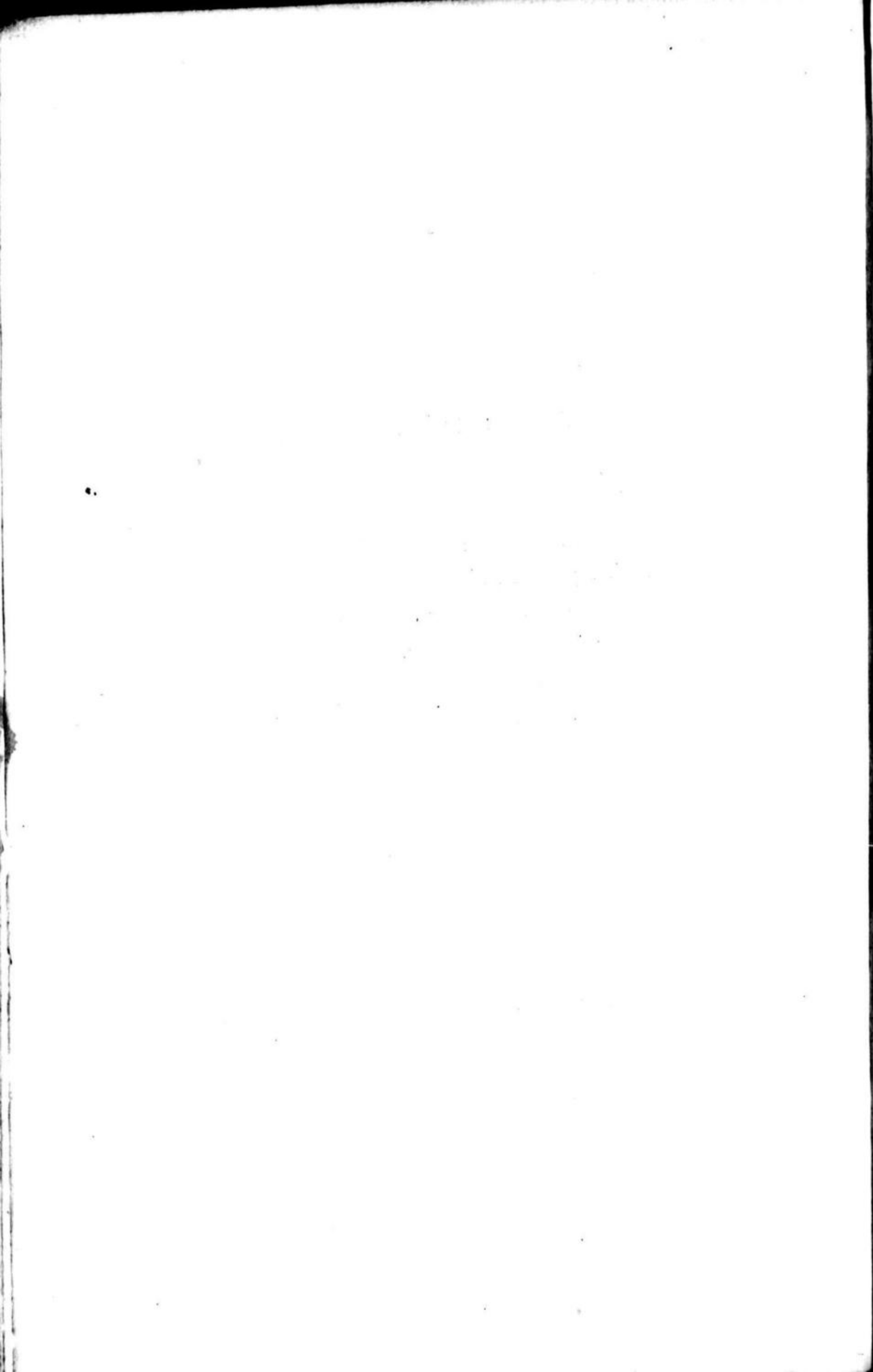
IN the Council held Yesterday (the first since I received yours) I read your Letter, accompanied with the Act of Parliament—for the obtaining of which we all join in congratulating you. I also have to inform you, that your Proposition of depositing the several Documents with the Records of the Royal Academy, is approved of, and will be accepted.

I am, Sir,

Your obedient Humble Servant,

JOHN RICHARDS, R. A. Sec.

Royal Academy,
July 12th, 1798.



Mr. GARRARD having laid the Bill before
Mr. ERSKINE, for his Inspection, was
favoured with the following Letter.

SIR,

THE Bill appears to me to be extremely just
and expedient, and not liable to any Objection—I do
not see that it requires any Alteration—and I hope it
will pass.

Perhaps in the Clause which excepts Purcha-
fers from Modellers, they ought to shew their Title
under the Hand of the original Artist, which is useful,
as it may prevent Frauds upon ingenious Men, by false
Testimony. I believe this is the Case, as it relates to
other Inventions secured by some Acts of Parliament.

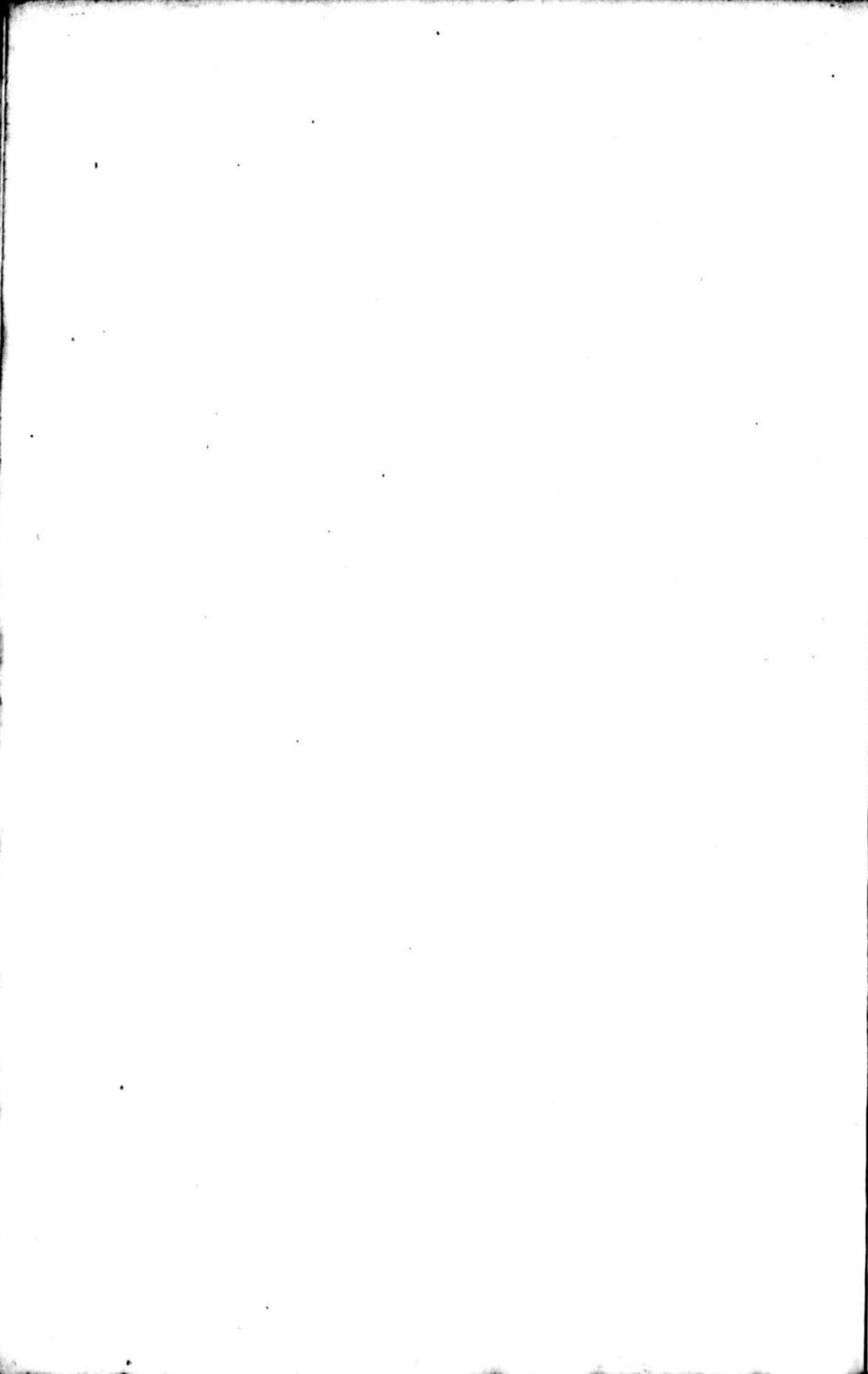
I am, SIR,

Your faithful humble Servant,

T. ERSKINE.

Court of King's Bench,

April 28, 1798.



COPY of a LETTER from the ROYAL
ACADEMY to Mr. GARRARD.

SIR,

IN the last Council I produced the Documents respecting the Act of Parliament, for securing the Copy-Right of all New Sculpture, presented by you, to be deposited with the Records of the Royal Academy.

It was kindly received; and I am directed by the President and Council, with their Compliments, to give the Thanks of the Academy, which be pleased to accept from them.

I am, Sir,

Your obedient Humble Servant,

JOHN RICHARDS, R. A. Sec.

Royal Academy,
May 20th, 1799.

