

literary compositions, which were much better employed in some mechanical business, or some trade, that would support his family? Will not such a man, if he have the tender feelings of a husband and a father,—if indeed he have the conscience of a religious or a moral man; will he not check every incentive arising from vanity, which would tempt him, for the purchase of an ill bought fame, to expose to poverty and contempt those who, by the law of religion and nature, he is bound to cherish and protect

The author's and booksellers interests are inseparable. If booksellers ask sufficient prices for their books, authors will insist on a sufficient price for copyright; but when books are sold as drugs, authors must lower their demands.

Archbishop Tillotson died in mean circumstances, and if it had not been for a copy of his sermons sold to the booksellers, his family might have been under the necessity of perhaps applying in vain for relief to their country.

DR. ENFIELD, 1774.

The right of authors to the exclusive possession of their own works is founded in nature; and unless any sufficient cause appears for depriving them of it, ought to be secured and guarded by law. To grant them this security, is neither impracticable in the nature of the thing, nor inconsistent with the interests of the public. The inconveniences which are apprehended from a perpetual exclusive right, are trifling, and in a great measure imaginary. The advantages which would arise from the encouragement which such security would give to philosophical and literary pursuits, are obvious and important. Since no good reason can be assigned, why authors should be deprived of their right of property, they have a just claim upon government for protection and security in the enjoyment of this right. The interests of the public, instead of opposing, concur with this claim. On the same principles, therefore, that a perpetual right to any other kind of estate, real or personal, is secured to individuals, an author may reasonably expect that his property in his own work should be secured to him and his posterity. Such security is by no means at present enjoyed. The provision which hath been already made for a temporary security, in the statute of Queen Anne, and the favorable attention which is at present paid to this subject by the legislature, do, however, afford encouragement to hope, that authors will at length obtain a legal grant of perpetual copyright; a grant which they have sufficient ground to request. When authors desire permission to communicate their thoughts to the public with freedom, on every subject which is of importance to individuals or society, and the secure possession of the fruits of their own genius and labor, they ask nothing of government, but what every Englishman hath a right to expect from it, *liberty and property*.

MONTHLY REVIEW, 1774.

We shall suggest a few hints relative to Judge Yates's labored attack upon copyright. Almost all his reasonings proceed upon abstract definitions of property. Now if the maxim be just, that nothing can be an object of property which has not a corporeal substance, then no man can truly say *his soul is his own*. He has no property in the knowledge he has gained, the title he inherits from his ancestors, or the good name he has acquired: slander only robs him of a non-entity, and therefore ought not to be punished by law.

Every man's ideas are doubtless his own, and not the less so because another person may have happened to fall into the same train of thinking with himself. But this is not the property which an author claims; it is a property in a literary composition, the identity of which consists in the same thoughts ranged in the same order and expressed in the same words.

This object of property is not, indeed, visible or tangible, but it is not therefore the less real. A man who has composed a poem, though he has never committed it to writing, has a clear idea of the identity of the work, and justly calls it his own. If property can arise by labor, the poem is his, and the copyright really exists, though it is not visible, nor has any substance to retain it.

When he sells copies of his work, he does not necessarily part with his original right of multiplying copies: this being a thing entirely distinct from a printed copy, cannot be given up without his consent; and this consent ought not to be taken for granted without some explicit declaration. When an author sends his work into the world, he gives the purchaser a natural *power* to reprint it, and in this sense "suffers the bird to escape;" but this cannot imply a *right* of reprinting, unless such a premium is given him, as he shall acknowledge to be a sufficient compensation for the profits arising from the exclusive sale of his work.

All that is advanced concerning an author's claim to an adequate recompense is trifling, till it be made apparent that he has no property in his works after publication. If he have a right of sale arising from property, why should he ask a reward? or why should the use of the right be branded with the opprobrious appellation of a monopoly.

 QUARTERLY REVIEW, 1819.

Upon what principle, with what justice, or under what pretext of public good are men of letters deprived of a perpetual property in the produce of their own labors, when all other persons enjoy it as their indefeasible right—a right beyond the power of any earthly authority to take away? Is it because their labour is so light, the endowments which it requires so common, the attainments so cheaply and easily acquired, and the present remuneration so adequate, so ample, and so certain?

The last descendants of Milton died in poverty. The descendants of Shakspeare are living in poverty, and in the lowest rank of life. Is this just to the individuals? Is it grateful to the memory of those who are the pride and boast of their country? Is it honorable or becoming to us, as a nation, holding (the better part of us, assuredly, and the majority affecting to hold) the names of Shakspeare and Milton in veneration? To have placed the descendants of these men in respectability and comfort; in that sphere of life where, with a full provision for our natural wants, free scope is given for the growth of our intellectual and immortal part, simple justice was all that was required,—only that they should have possessed the perpetual copyright of their ancestor's works,—only that they should not have been deprived of their proper and natural inheritance.

It has been stated in evidence that copyright, in three cases out of four, is of no value a few years after publication: at the end of fourteen years scarcely in one case out of fifty, or even out of a hundred. Books of great immediate popularity have their run, and come to a dead stop. The hardship is upon those which win their way slowly and difficultly, but keep the field at last. And it will not appear wonderful, that this should generally have been the case with books of the highest merit, if we consider what obstacles to the success of a work may be opposed by the circumstances and obscurity of the author, when he presents himself as a candidate for fame, by the humour or the fashion of the times, the taste of the public, (more likely to be erroneous than right at all times,) and the incompetence or personal malevolence of some unprincipled critic, who may take upon himself to guide the public opinion, and who, if he feel in his own heart that the fame of the man whom he hates is invulnerable, endeavours the more desperately to wound him in his fortunes. And if the copyright (as by the existing law) is to depart from the author's family at his death, or at the end of twenty-eight years, from the first publication of his work, if he die before the expiration of that term, his representatives, in such a case, are deprived of the property, just when it is beginning to prove a valuable inheritance.

The decision which time pronounces upon the reputation of authors, and upon the permanent rank which they are to hold, is unerring and final. Restore to them that perpetuity in the copyright of their works, of which the law has deprived them, and the reward of literary labor will ultimately be in just proportion to its deserts. If no inconvenience to literature arises from the perpetuity which has been restored to the Universities, (and it is not pretended that any has arisen,) neither is there any to be apprehended from restoring the same common and natural right of individuals, who stand more in need of it.

However slight the hope may be of obtaining any speedy redress for this injustice, there is some satisfaction in thus solemnly protesting against it; and believing, as we do, that if society continue to advance, no injustice will long be permitted to exist after it is clearly understood, we cannot but believe that a time must come when the wrongs of literature will be acknowledged, and the literary men of other

generations be delivered from the hardship to which their predecessors have been subjected by no act or error of their own.

PHILOMATHIC JOURNAL, 1825.

Man has a natural right to the fruits of his own labour. That which he calls into existence by the exercise of his limbs or faculties is as much his own as the limbs and faculties themselves. Who else, indeed, can claim any right to it? Why should a stranger possess himself of the beneficial produce of the labour of another? Would not every one feel this to be unjust in his own case? The labour of one man cannot be the labour of another. The produce is the reward of the labour, and ought to remain with him who has laboured, unless he consent to part with it by compact or donation. If this be true with regard to *bodily* labour, must it not be so with regard to that which is *mental*? Are the operations of a man's mind not his own? Is the result of those operations not his own? And shall not the beneficial recompense be his own also? The property which a man has in the produce of his own mind is founded in the very constitution of nature. It has a more solid foundation than property of any other kind. It has a great advantage over property gained by occupancy, which was at first common, and required some act to render it the property of an individual. This was *originally* the author's; it never was common, and never ought to become so, but with the full consent of the natural proprietor.

Literary property, then, has its origin in reason and justice. The right of property of course implies the sole right of using and disposing of it; and this right is, in fact, acknowledged by the law, so long as the author refrains from publishing his manuscript. He may withhold it altogether if he will, and his descendants may retain it in their possession for ever, and no one can compel them to publication; nor can any one lawfully publish it without their consent. What difference can the fact of publication make, or rather what difference *ought* it to make? It has been said, that an author, by publishing his work, abandons the possession of it,—an assertion almost too idle to deserve notice. A man who lends his horse does not abandon his right in him. Because, for a time, his corporal possession has ceased, we do not conclude that he never intends to resume his property. But then it has been said, that the author *cannot* reclaim that which he has parted with. The reader has absolutely purchased the book, and has a right to do what he will with it. The reader has indeed purchased a certain copy of a work, and the author cannot demand it back. It is impossible for him to repossess himself of the ideas which he has imparted to the mind of the reader; and, if possible, he would have no right to do it; because the reader has honestly bought and paid for them: of all the knowledge that the book contains, he may avail himself for improvement or delight. But, because he has a right to the full use and enjoyment of his own copy, can it be inferred that he has therefore a right to multiply copies for his own pecuniary emolument? A

man who has a right of walking in the garden of another, may exercise this right according to the conditions upon which he holds it. He may walk in the garden for his health or pleasure: he may possibly be entitled to introduce his friends; but the garden is not his, and he must not dispose of the produce of the trees for his own advantage, or in any other way injure the pecuniary interests of the proprietor. A man who has a spring of water upon his ground, may give or sell water to his neighbours; but, by so doing, he does not dispossess himself of the spring. The houses in the metropolis, and other large towns, are supplied with water by public companies. Upon condition of the payment of a certain sum, the occupants of the houses are entitled to as much water as they can consume; but they must not make it a source of profit. Although they may use as much water as they will, they must not sell the smallest portion. A man who has a ticket of admission to a theatre, has a right to enter the theatre; he has a right to all the entertainment which is there to be met with. If the ticket be a transferable one, he may lend or let it for hire; but he must not multiply tickets, and vend them for his own profit. He who has access to the garden of another; he who has the privilege of fetching water from a spring, or has it delivered at his house; he who has admission to a place of amusement, and all other persons in similar circumstances, must enjoy their benefits and advantages according to the terms upon which they were granted by the proprietor who had originally the sole right of using and disposing of them. We must look at *his* intention. We must not conclude, that he has parted with more than he evidently intended to part with. To suppose that, without some cause, a man will abandon his property, is unreasonable. To determine, in the teeth of evidence, to the contrary, that he *has* done so, is unjust. Now, when a man writes, prints, publishes, and sells a book, so far from intending to abandon the pecuniary emoluments arising from its publication, he manifests a directly contrary intention. He does not give his book away. He does not charge the mere cost of the paper and print. He charges something beyond this, which is the reward of his labour of literary composition. It is he who has laboured. It is he who is entitled to the reward of the labour. It is he who, by demanding this reward, asserts his right to it. The same act cannot be the assertion of a right, and the abandonment of it. The act of publication for money is an assertion of the right of property; therefore, it is not an abandonment.

Again, publication is not merely a declaration of the intention of the author to appropriate the profits of the work to himself, but it is the only means of making it profitable at all. Until published, the world can derive from it no intellectual improvement, the author no pecuniary advantage. Publication is the necessary act to make the work useful to mankind, and beneficial to the owner. To discourage learned and ingenious men from benefitting the public by their works, is impolitic and unwise. To construe the necessary act by which alone a literary work can be rendered profitable, to be destructive of the right of the author, is not only harsh and cruel, but unreasonable.

Previous to publication, the work is the property of the author, and of course he is entitled to its profits. But it can only be made profitable by publication. If publication, then, be a forfeiture of the right of the author in his own production, the very act which is necessary to render the property a source of profit, divests him who is entitled to the profits of his right to enjoy them; which is absurd.

It was thought necessary to urge thus much, to prove that a man had a natural right to the profits arising from the productions of his mind, and that this right was not abandoned by publication. These points being established, it follows, that literary property is not *created* by the law, but *restrained* and *limited*. The right to this species of property is a *natural* right; and as no natural right should be abridged without good cause, it behoved the advocates for the present law to show that good cause existed for its enactment.

Now, what is the pretence usually set up to justify the law in its non-protection of the rights of literary men? It is this, that if copyright were made perpetual, authors, or their representatives, would fix an unreasonable price upon books, and the public would thus be deprived of the benefit of cheap editions of valuable works. There is no reason to suppose that this would be the case. A literary proprietor would find, as the bookselling trade now do, that his interest would be more promoted by a small profit, upon a rapid and extensive sale, than by a larger profit upon the slow sale of a smaller number. Besides, if he were so far blind to his own interest as to fix such a price as should nearly withdraw his work from circulation, the public could rarely be injured. Works of imagination might, indeed, be thus suppressed, but here the evil would end. All historians must relate the same facts. The phenomena of nature are open to all enquirers. The principles of art are not the inheritance of a single individual, but are possessed by numbers. If, therefore, the imbecile cupidity of authors or publishers suppressed certain works of history or science, others, as good, would make their appearance, and by being sold at a moderate price, would obtain universal circulation. Even if the want could not be readily supplied, the evil is not irremediable. The proprietor would not be allowed to demand for his books a price that was altogether unreasonable. He who offers his goods for sale, must be contented with a market-price. He may demand the highest market-price, but he has no right to more. In this principle is the protection of the public from imposition: and even if the worst came that possibly could, and the proprietor were to refuse to reprint his book, when necessary, the fact of its having been a certain number of years out of print, might, without injustice, be regarded as an abandonment of the property, which would then become common. No one would be able to recover damages for infringement of copyright, without the verdict of a jury; and he who seeks redress for an injury done to his property, must be prepared to shew that he has taken reasonable care of it.

The objection to the rights of literary property, which has just been answered, proceeds, it should be observed, not upon fact, but upon vague and unwarranted suspicion. In effect, it says, "we dare not

trust you with your rights, because we suspect that you would make an ill use of them." Why *should* this be suspected? No good reason can be assigned why the descendants of literary men should be less honest or less liberal than other persons. Surely, then, the objection is of a most ungracious character.

If it be desirable to encourage literature in a state, the easiest, as well as the most equitable, way of doing it, is by securing the rights of literary property. An author has sometimes been compared with the inventor of an ingenious machine. The latter must secure the property of his invention by a patent, and it can be thus secured only for a limited number of years. It has been argued, that an author stands in the same situation as the inventor of a machine, and is only entitled to the same protection. Now, in the first place, the ingenious mechanic has a better chance of immediate success. If his machine tend to shorten labor, or to perform it with greater accuracy, its effect will be immediately perceived, and within the limited term secured by a patent, he will, most probably, be remunerated. With regard to literary works, (more particularly when the subject is a heavy one,) this probability does not exist. Secondly, the cases are not parallel; because the imitation of a machine is not the original machine itself, but only one resembling it. The wood, metal, or other materials constitute the machine. There is nothing else necessary to its existence. The second machine is, therefore, not the same as the first. It is a perfect imitation of it, and that is all. Whereas the pirated book is the identical production of the author. It is the very same *in substance* with the genuine book; because its doctrines, sentiments, and language are its *substantial* and *essential* parts. The paper and ink are only *accidents*. They constitute the vehicle of conveyance from the mind of the author to the mind of the reader; but they are not of the *substance* of the thing conveyed. Lastly; is it quite certain that ingenious mechanics are, under the existing law, sufficiently protected? If they are not, is it meant to defend one wrong by another? Men will be industrious when the fruits of their industry are secured to them; but, when this is not the case, why should they toil? Why should any one devote himself to any great literary labor, which will require the sacrifice of the better part of his life, when the reward of his labor must cease *with* his life, and he can preserve no portion of it for his family? Will he not be tempted to apply himself to the production of works of temporary interest, which require little or no mental exertion, and which will immediately become a source of emolument? The tendency of the law is, therefore, injurious to sound literature, by discouraging men from undertaking works of great dignity or lasting utility, and seducing them by the prospect of gain to become mere manufacturers of the trashy production of the day.—Works of standard merit not only require immense labor in their production, but they make their way slowly in the world. Years generally elapse before they will even repay the expences of publication; and, when their value begins to be known and appreciated,—when their reputation is extending, and they are about to become as valuable in a

commercial as in an intellectual point of view, the law steps in to snatch from the children the bread for which the father has labored, and to consign to penury the posterity of him who has given his days and nights to his fellow men, in administering to their most refined pleasures, and promoting their noblest interests. This is not a representation of the mere possible effect of the law. Again and again has it occurred, that the families of literary men have languished in indigence, while others have been enjoying the profits which in nature, reason, and justice should have been theirs. About the middle of the last century, the grand-daughter of Milton was so far reduced, that Dr. Johnson solicited and obtained from Garrick a charitable benefit for her at Drury Lane Theatre. Within a very few years, a member of the family of Shakspeare was working as a day-laborer, in M'Adamizing the roads of Warwickshire. Are these things as they should be? Is it right that the natural representatives of men of genius should be left to starve, while strangers are amassing fortunes from works, upon which neither they or their fathers have labored? The lives of literary men are too often passed amidst disappointment, and penury, and sorrow. Would it not be a consolation to them to reflect, that though the reward of their labors was postponed, and in their own persons they should never enjoy it, yet that posterity would do them justice, and would not only soothe their memory with fame, but repay their descendants with wealth? Would it not add to the gratification of him who enriched his library with a copy of Shakspeare, or of Milton, to know that he was contributing to the benefit of the families of the illustrious men, whose names are the proudest in the annals of their country's glory?

In France, the term of copyright is fifty years. In Germany, it is perpetual. In those countries there is no want of books. On the contrary, they abound. Dr. Johnson observed long ago, that the French had a book upon every subject. In Germany, this is even more extensively the fact. It is not found, either, that the proprietors put upon their works a prohibitory price. Books are, in those countries, remarkably cheap. A comparison of the state of literature in France and Germany, with the state of the law, will strikingly illustrate the truth of the homely adage, that "honesty is the best policy."

While authors in this country have been deprived by the statute law of the full property of their works, they have been called upon to contribute to the public convenience by presenting a considerable number of copies to public libraries. In large and expensive works, this is a heavy drawback upon their profits. It may possibly make the entire difference between gaining and losing. It is, at any rate, both unjust and cruel, at the same time, and by the same act, to impose a heavy tax, and to diminish the means of paying it.

Let the laws relating to literary property then be amended. If it be not thought advisable to render copyright perpetual, let the term be considerably extended. Let not the *literary* laborer be the only one excluded from the full enjoyment of the beneficial produce of labor. Rarely, indeed, can he enjoy it himself; but let him bequeath it as an estate to those he loves, and when *he* shall no longer be sensi-

ble of our attention or our neglect, let us pay his children, and his children's children, the debt of gratitude which we owe to him.

LIBRARY OF USEFUL KNOWLEDGE, 1828.

Commencement of Printing.

The art was commenced soon after the murder of Henry VI., and carried on during the remainder of the reign of Edward IV., and the reigns of Edward V. and Richard III., when the minds of those most likely and able to encourage printing were seldom free from alarm for their own safety, their time much occupied, and their means necessarily reduced by the distracted and wasted state of the country, and when little attention or money could be spared for literature. England at this period was much behind France. Caxton was obliged to have recourse to the French language for most of the works which he printed.

It is supposed that Caxton returned to England about the year 1472, and brought with him the unsold copies of the translation of Recueil. His first patron was Thomas Milling, Bishop of Hereford, who held the abbotship of St. Peter's, Westminster, *in commendam*. Caxton took up his residence, and established his printing-office, either in the immediate neighbourhood of the abbey, or in one of the chapels attached to it.

That Caxton introduced the art of printing into England, and first practised it here, was never doubted till the year 1642: a dispute arose at this time between the Company of Stationers and some persons, respecting a patent for printing; the case was formally argued; and in the course of the pleadings, Caxton was proved, incontestably, to have been the first printer in England. Soon after the Restoration, a book was discovered in the public library at Cambridge, the date of which was Oxford, 1468. The probability is, however, that the date of this book is incorrect, and that it should have been 1478, not 1468; this is inferred from its being printed with separate fusile metaltypes, very neat and beautiful, from the regularity of the page and the appearance of signatures; and, moreover, from the fact, that no other production issued from the Oxford press till eleven years after 1468, it being highly improbable that a press connected with a University should have continued so long unemployed.

Between the years 1471, when Caxton began to print, and the year 1540, the English press, though conducted by industrious, and some of them learned printers, produced very few classics. "Boethius de Consolatione," in Latin and English, three editions of "Æsop," "Terence," the "Bucolics" of Virgil twice, and "Tully's Offices," were the only classics printed. From Cambridge no classical work appeared; and the University of Oxford produced only the first book of "Cicero's Epistles;" and that at the expense of Wolsey.

II. ON THE LIBRARY TAX.

The comments of writers on the subject of the library tax are principally to be met with subsequently to the year 1812. The additional remedy, in the shape of fine and forfeiture, for pirating copyright, was confined by the statute to *books registered* at Stationers' Hall; we find therefore no complaint of the exaction where the protection of the penalty was sought for. When, however, it was determined that copies of all books, whether registered for the sake of the protecting penalties, or not, must be delivered, a general feeling was very naturally excited against the exaction.

Mr. SHARON TURNER, 1813.

As the delivery of copies cannot be contended for, as a matter of right, independent of the statute, the expediency of the delivery must rest on one of the following grounds: either that it is unjust to take away from the libraries a benefit which they have so long enjoyed; or that it is useful to the public that it should be continued.

On the first of these arguments it may be observed that this is not a benefit which these libraries have actually enjoyed. They have, from the time the act of Anne passed to the present day, received copies of no books but such as the proprietors chose to register; they have never received copies of those which were not registered.

The registered books for at least forty or fifty years were but a small proportion of those which were actually published. Therefore the question really is not whether the libraries shall be divested of a benefit which they have long enjoyed, but whether literature shall be subjected to a burthen which it has never yet borne.

It cannot be unjust to divest them of a more theoretical right, grounded solely on an enactment which was not founded on any right, rather than to intrench on that sacred right of property which appertains to all individuals; for in considering this subject no one ought to lose sight of the important principle that the rights of private property are sacred, and ought never to be intruded upon without the last necessity. The *salus publica* is an imperious dictator, to which every well regulated mind will cheerfully bow: but no consideration less than the necessity of supporting the general welfare can sanction the intrusion upon individual property. Unless this is upheld as a firm and sacred principle in legislation, all personal security is endangered, and one of the best foundations of public prosperity is shaken.—If this principle ought ever to be maintained in one case more strictly than in another, it should be in that property, and towards those individuals who have most signally benefited society. In this respect the author yields to none. England, as it is, compared

with England as it was, before literature was cherished in it, demonstrates the blessings which it owes to its intellectual benefactors.

But in taking eleven copies of every work compulsorily from its author or proprietor, his right of property is directly invaded; it is invaded as completely as if it were to be enacted that a silversmith should give to these public bodies eleven silver candlesticks. So long as the act of Anne was construed to enforce a delivery of those copies only which the owner chose to register, the objection would not so fully attach. The proprietor had then an option—of that he is now deprived, and therefore the compulsory delivery of eleven copies becomes a direct infringement on that right of property which ought never to be violated, unless the welfare of the nation requires the sacrifice.

Does the *salus publica* make this violation necessary? Does it exact this sacrifice?

Let the extent of this sacrifice be first considered. The act of Anne directs the best paper copies to be delivered. Now the actual amount of eleven best paper copies of the following eleven works would, at their selling price, be £5,698: 1s.

	£	s.	d.
11 Daniel's Oriental Scenery, 6 series, 200 guineas -	2,310	0	0
11 Lord Valentia's Travels, 3 vols. largest paper, 50 guineas (N.B. only 50 of such printed) -	577	10	0
11 Salt's Views, 26 guineas -	300	6	0
11 Bloomfield's Norfolk, 11 vols. 4to. 22 guineas (N.B. only 120 copies printed; 2 copies only printed on large paper, worth 100 guineas each) -	254	2	0
11 British Gallery of Engravings, large paper -	1,065	13	6
11 Costumes of the World, 7 vols. -	532	2	6
11 Dryden's Works, 18 vols. -	138	12	0
11 Sir R. Hoare's Ancient Wiltshire (only 60 printed)-	207	18	0
11 Giraldus, 2 vols. 4to. -	127	1	0
11 Perry's Conchology -	184	16	0
	<hr/>		
	£5,698	1	0
	<hr/>		

Numerous lists might be added to these. We will only mention a few striking individual cases.

A new edition of Wood's *Athenæ Oxonienses* is preparing with additions. The price of each copy of this, on the best paper, will be seventy-two guineas. If the editor be compelled to give away eleven copies of this work, it will be a loss to him of £830.

A new edition of Dugdale's *Monasticon* is preparing with additions. The subscription price of this on the best paper is 130 guineas for each set. This will be a very expensive work to the reverend gentleman who has undertaken it, from the number of plates which it will contain. If he should be compelled to give eleven copies of this, it will be a loss to him of £1,500.

The Rev. T. F. Dibden is well known to be publishing a new edition of Ames's *Typography*, with many valuable additions, the fruit of his

active and unwearied researches. This work will be completed in six volumes, of which the price is six guineas each volume for the best paper. The loss to him, if he must give eleven copies, will be above £400.

Eleven copies of Mr. Nichols's History of Leicestershire would be to him a loss of £288 : 15s.

Eleven copies of his "Bibliotheca Topographica Britannica," ten volumes quarto (of which in the whole only 250 copies were printed, and all on small paper), £231.

Eleven copies of Mr. Gough's Sepulchral Monuments (only 250 printed), £277.

Several works are now in the press that will cost from fifty to seventy guineas each, of which the value of eleven copies will be from £500 to £700.

These individual cases (and a greater number of others precisely similar at this moment exist, and might be mentioned) are not the cases of gentlemen with large fortunes publishing books. Indeed, instances are rare of gentlemen of fortune risking any part of that in expensive publications. These, and such like, are the cases of public spirited authors, who, with a laudable zeal for literature, and an honorable desire of an honorable remuneration from the public for their labors, undertake these arduous, troublesome, and expensive works. But shall they not be protected from attacks which tend so directly to take from them a large portion of the profit which they are entitled to expect?

Thus stands the case as to large paper copies, and it is probable that every one will feel that the delivery of these ought to cease.

We will now state the case on the delivery of eleven *common paper* copies.

One most respectable publisher took the trouble to make an accurate calculation of the sum to which the delivery of eleven copies, on common paper, of all the books he had published for the last three years would have amounted, and he found that the amount would have been £1,436 : 9s. 3d. Another highly respectable publisher has stated, that on the average of his publications for the last ten or twelve years, the eleven copies would have been to him a taxation of above £300 a-year, exclusive of works in which he was but a partner. If there had been time to have collected from every publisher the amount of the sacrifice which he would have made by the delivery of eleven copies of all books published by him, the aggregate of the whole would have surprised the reader. But from these two instances the total amount of eleven copies of every work, even on common paper, that is published in Great Britain and Ireland, may be conjectured; and it may be fairly asked, if a taxation so heavy as this ought to be imposed on the authors and owners of literary property?

A few instances will show how heavy the burthen will be on the common paper copies. The delivering of eleven copies of the following fifteen works, on common paper, would have cost the publishers £2,699 : 8s. at their selling price.

	£	s.	d.
Johnson's Poets, 21 vols. 8vo. by Chalmers	275	0	0
British Essayists, 45 vols. 18mo.	115	10	0
——— Novelists, 50 vols. 18mo.	138	12	0
Bowles' Pope's Works, 10 vols. 8vo.	57	15	0
Wakefield's Pope's Homer, 9 vols. 8vo.	44	11	0
Dryden's Works, by Scott, 18 vols. 8vo.	103	19	0
Swift's Works, by Nichols, 19 vols. 8vo.	99	0	0
Camden's Britannia, 4 vols. folio.	184	16	0
Miller's Gardeners' Dictionary, 2 vols. 8vo. folio.	161	14	0
Buffon's Natural History, 20 vols. 8vo.	132	0	0
Aiken's Biography, 10 vols. 4to.	173	5	0
Inchbald's Theatre, farces and modern Theatre, 42 vols. 18mo.	121	16	6
Somers's Tracts, 10 vols. 4to.	346	10	0
Harleian Miscellany, 10 vols. 4to.	381	3	0
State Trials, 21 vols. royal 8vo.	363	16	6
	£2,699 8 0		

Those gentlemen who have attended to the nature of the publications that perpetually issue from the British press, will know that this list might be made very extensive. So that it is clear that to emancipate literature from the delivery only of the best paper copies, will not be a sufficient relief. Unless Parliament also extend the relief to the common paper copies, the burthen will still be severe, and will frequently operate to prevent the publication of many works, on which the chance of their sale is uncertain.

Sir EGERTON BRYDGES, Bart. M.P. 1818.

I am bound to ask (though some of the public bodies may affect to repel the question indignantly) what do they do with this indiscriminate mixture of expensive and useful works and contemptible trash? Where do they deposit them? Do they keep them in order? And do they bind them? *If they do*, would not the funds expended in paying the binder, the house room, and the librarians for thus dealing with the mass of rubbish, be more generously and more usefully expended in paying some small portion of the price of the valuable works? *If they do not*, what becomes of the alleged color of their claim—that of public use?

The copyright act, as now put into force, is the most perfect instrument of collecting and disseminating all the mischiefs flowing out of an abuse of the liberty of the press, which human ingenuity has ever yet contrived. Thus is brought together in each of eleven public libraries dispersed in the three great portions of the empire all that is silly and ignorant, all that is seditious, all that is lascivious and obscene, all that is irreligious and atheistical, to attract the curiosity, and mislead the judgment and passions, of those for whose cultivation of solid learning and useful knowledge these gratuitous supplies are

pretended to be enforced. Nothing short of such a law could have brought many of these contemptible, disgusting, and contagious publications out of the obscurity in which they would otherwise soon have perished. Here they remain registered in catalogues preserved on shelves and protected for posterity, with all the care and trustiness of public property.

How are they to be separated from the valuable matter with which they are intermixed? To whom is such a discretion to be confided? If once they are allowed to make waste of what they do not want, where is it to end? Abuse will creep upon abuse: from waste it will come to gift or sale!

But if every thing be kept, the room, the trouble, and the expense will soon become overwhelming. Already the libraries begin to complain heavily of the inconvenience.

In thirty years the united catalogues of the books thus claimed by the eleven libraries will amount to ten folio volumes of 600 pages each, eighty-two articles in a page. The whole number of articles will not be less than *half a million*.

Evidence before the Committee of the House of Commons, 1818.

MR. OWEN REES.

Have the goodness to inform the Committee what sum has the delivery of the eleven copies, under the copyright act, cost your house since July, 1811? I presume you mean from the date of the passing of the act in 1814. From the nearest calculation we are enabled to make, the actual cost of the books delivered upon the whole, since the passing of the act, is about £3,000.

Have you, in consequence of the burthen of this delivery, declined printing any works which you would otherwise have undertaken? Yes; we have declined printing some works, particularly a work of Non-descript Plants, by Baron Humboldt, from South America; being obliged to deliver the eleven copies, has always weighed very strongly with us in declining other works.

Have the libraries demanded all books promiscuously printed, or have they made any selection? Every book entered at Stationers' Hall has been sent to them. No selection has ever been made; nine copies of all books have been demanded, and eleven of all, with the exception of novels and music, which have not been demanded by two of the libraries.

What duty do you pay upon paper? The duty for paper used for printing is from 20 to 25 per cent. on the value of the paper.

Was it not usual, before the passing of this act, for the public libraries to subscribe to, and frequently to purchase, learned and very expensive works; and did not authors calculate on the Universities as probable purchasers of the work they were about to bring forward? They certainly have looked to the Universities as subscribers or purchasers of these books; and upon examination I find it was the custom of some of the libraries, who can claim books under the act, to sub-

scribe to expensive works, and that within fourteen years after the passing of the act of Anne.

Have not some valuable books been discontinued from want of sufficient subscribers? Yes, there have been important works, which have been abandoned for want of sufficient encouragement:—

Rev. Mr. Bouchier's Dictionary of Obsolete and Provincial Words.
Dr. Murray's (the Editor of Bruce's Travels) History of Languages.

Translations of Matthew Paris, and other Latin Historians.
William of Malmesbury only published. One more has been translated, but not published.

An extensive British Biography, arranged in Periods. A considerable portion of this work has been written by some of the first writers of the present day.

The collected Works of Sir Isaac Newton.

Hearne's (the Antiquary) Works.

Collections of the Irish Historians.

Bawdwen's Translation of the Domesday-Book, after the Translation was finished, and one volume and a half printed.

What do you apprehend to be the effect of the delivery of these copies to the public libraries? The effect I conceive to be that they interfere with the sale of books from persons who would otherwise be purchasers, having access to the libraries, and being enabled to borrow the books, some of them being circulating libraries, as is the case with the Advocates' Library at Edinburgh, and the Aberdeen Library. From Aberdeen, I have had complaints from booksellers that they find their trade considerably injured by such books being in circulation, and that formerly they supplied the King's College with books to a considerable amount; that their accounts at present are a mere trifle, and that some of their books have been sold to a circulating library.

Can you state in any given period what you have paid for advertising books? In the last twelve months we have paid for advertising in newspapers alone £4,638 : 7s. 8d.

Do you know what proportion of that goes to Government? I should conceive about £1,500 of that goes to Government.

In point of fact, according to the act in 1814 having been passed, have you not been obliged to deliver some very expensive works of old English literature, which otherwise would not have been demandable? We have.

Has not that demand had an effect, among other reasons, of inducing you not to embark in other reprints of the same nature? It has.

MR. RICHARD TAYLOR.

What description of books do you apprehend to be principally affected by the delivery of the eleven copies to the public libraries? State the different kinds of books that you think are most affected by this law. I think that all the most important works, which furnish the materials for the advancement in the sciences, are those by which

the least is gained ; or I should say, rather the most is lost by those who undertake them ; such as records of experiments in chemistry and other branches of physics. Astronomical observations, such works as Bradley's Observations, and Dr. Maskelyne's, if they had been published at private expense, must have been published at a loss ; because the demand for them is very limited, and the expense of printing would be very great. Bradley's Astronomical Observations are published in two volumes, folio, and Dr. Maskelyne's, in four or five volumes. I should observe, that all table and figure work costs twice as much as common printing, on account of the greater trouble in composing such work. Such works as these furnish all the materials from which the science of astronomy can be advanced. All these works are of infinite value to science, and cost the authors an immense deal of labor, as they are frequently the result of their observations during a great portion of their lives. Elementary, or popular works of astronomy, may be objects of gain to the booksellers ; but no bookseller could be induced to publish the astronomical observations of any gentleman, who might have an observatory of his own, and who might have been making observations for many years. Of mathematical works, the most profound are the least likely to attain a considerable sale. A gentleman, whom I have known for many years as one of the most munificent patrons of science, who has expended perhaps more than any man in publishing, and enabling others to publish, valuable mathematical treatises, I mean Baron Maseres, the Cursitor-Baron of the Exchequer, once told me that the produce of the whole sale of his *Scriptores Logarithmici*, (which is a collection of the most valuable mathematical tracts, reprinted at his expense) did not pay for the binding of the presentation-copies which he gave away.

MR. JOHN CLARKE.

Have you lately declined the publication of any law-books with the improvement of notes ? I have.

What are they ? One of them was Mr. Anstruther's Reports.

Any others ? Not immediately that I recollect. I have made reprints of law-books, without the addition of notes or improvements.

Why did you decline the publication of them with improvements ? Because if I had added the notes, I should have been necessarily obliged to deliver the eleven copies to the public libraries.

If you merely published the reprint of any book without addition or improvement, you would not be liable to deliver the copies to the Universities ? I should not, having delivered them before.

Should you decline republishing a book with notes for that reason ? I should in some instances.

MR. ROBERT BALDWIN.

What do you apprehend to have been the effect of the regulation for the delivery of the eleven copies to the public libraries, upon the bookselling trade in general ? I think it has been a heavy loss to the bookselling trade, and, in some instances, it has operated to check

the publication of books, and particularly to prevent additions and improvements to old editions of books.

In the demand made by the public libraries to the bookseller, has any regard been paid, either to the utility of the respective books demanded, or to the books previously delivered by the publisher? None at all; they have been taken indiscriminately. I should suppose that if a sum of money was allotted to the Universities to purchase books, they would not purchase one in ten of what are published, perhaps not one in twenty.

Do you think that the depositing of the eleven copies in these public libraries, has any tendency to take away private purchasers? Certainly, I think it must.

Does it not, in your opinion, supply gratuitously many people who would otherwise be purchasers? I should think it would.

Do you conceive the evil is to be at all counteracted by any supposed notoriety given to those publications, by the depositing of such copies in the public libraries? Not by any means.

Do you conceive that your publications acquire any advantage by any such supposed notoriety? We do not consider the supposition of notoriety arising from the depositing of the books, to be well founded, or productive of any advantage; if we did, we should send the books to the public libraries without any compulsion.

Mr. JOHN MURRAY.

Did you not publish the *Costumes of various Countries*? Yes.

Was that an expensive work? It was very expensive.

Should you now hesitate in the publication of such a work, knowing that you would be compelled to deliver eleven copies to the eleven public libraries? Certainly I would.

Were you not concerned in the publication of the *Harleian Miscellany*, *Lord Somers' Tracts*, and *Piers Ploughman's Visions*? Yes.

Would you, knowing that you are compelled to deliver eleven copies of all works, be disposed to engage in the publication of such books? In the publication of *Piers Ploughman's Visions*, I think I should not have engaged in it, if I had to deliver the eleven copies; but as to the other two books, it might, perhaps, be matter of consideration.

But would the delivery of those eleven copies make you hesitate? Certainly; the number to be printed being so limited, even of those, and the expense of the *Harleian Miscellany* and *Lord Somers' Tracts* so great, I think I should hesitate.

The wholesale price of these eleven copies would amount to a very large sum? It would be a very serious object.

What may be the amount of the books which you may have delivered at Stationers' Hall since the passing of the Act of 1814? The amount of the sale price to the public is about £1,700, and as those books had a very swift sale, I consider that I am the loser of that sum, deducting 25 per cent., which would be the sum at which the greatest part of those works would have been sold, I would deduct about £420, the whole loss then would be about £1,275.

Do you not consider the compulsory delivery of eleven copies of every book that is published, as a very heavy tax on those who speculate in the publication of books, in addition to the very high duty on paper and advertisements? Very much indeed.

In making the demand, do the libraries omit the reprints of such works as they may already have in their libraries, or is their demand a sweeping one of every book entered at Stationers' Hall, whether it be a reprint, or an entirely new book? According to my observation, they make a sweeping demand of every book.

Did you not publish Mr. Duppa's *Life of Michael Angelo*? Yes.

Was not that a work in which the delivery of the eleven copies would have been a great injury and inconvenience to you? Yes.

You also published D'Israeli's *Character of James the First*? Yes.

What number of that book did you publish? I published 250.

After the sale of the whole of that edition, were you not obliged to buy up or collect some copies of that work, to make up the eleven to be delivered to the public libraries? I was.

Upon the whole, you consider the gratuitous delivery of eleven copies to the public libraries as a great grievance? Yes.

MR. WILLIAM DANIEL.

Has the act, directing the delivery of eleven copies to the public libraries, had any effect upon any publications which you have made, or which you had intended to make? Checking many.

Will you be so good as to state what effect it had upon you individually? It has prevented the continuation of a large folio work, intitled *Oriental Scenery*. It has prevented also a reduced edition of an African work, another of Ceylon, "A Series of Scenes and Figures, illustrative of the Customs of India, and of Persons and Animals peculiar to that Country." I believe these are the chief works which the act has checked me in proceeding with.

MR. WILLIAM BERNARD COOKE.

Are you not publishing a work upon the ruins of Pompeii? I am.

What would be the price of a complete copy of that work? A complete copy would be sixteen guineas, and the price of the copies upon India paper 32 guineas.

Is that the retail price? Yes; the retail price to the public.

Then what will be the amount of eleven copies at the retail price? £201 : 12s., because the finest copies are claimed by the British Museum.

If the act of 1814 had not passed, should you have expected any of the libraries to have been subscribers to the work? I certainly should, because the British Museum had purchased the first edition of the *Thames*, and have discontinued purchasing any other work since.

Has the delivery of the eleven copies, in your opinion, operated to discourage such publications? Most certainly.

Had you any hesitation in undertaking the work of Pompeii? I certainly had, in consequence of those eleven copies.

Mr. JOSEPH HARDING.

Are you a bookseller? Yes.

And a partner in the house of Lackington, Hughes, Harding, Mavor, and Jones, in Finsbury-square? Yes.

Are you at present engaged in the publication of any works of considerable expense? Yes.

What works are you publishing of that description? We are publishing an edition of Dugdale's *Monasticon Anglicanum*, in four or five folio volumes; Dugdale's *History of St. Paul's Cathedral*; *Portraits of Illustrious Personages of Great Britain*, in two folio volumes, with 120 *Portraits and Memoirs*; Ormerod's *History of Cheshire*; Wood's *Athenæ Oxoniensis*, in six volumes quarto; they are the principal works we are publishing at this time.

What will the delivery of eleven copies of these works amount to? The delivery of eleven copies of these works will amount to £2,198: 14s.

Can you state the comparative prices of English books printed in London, and the same books printed abroad? I have the prices of some English books, printed on the Continent which may throw light upon that question: Gibbon's *Miscellaneous Works*, with his memoirs, printed at Basle in seven volumes octavo, are sold retail for twenty-five francs, which amounts to about a guinea. The price of the London edition of the same book in five volumes octavo, is £3: 5s.; Hume's *History of England*, from the Invasion of Julius Cæsar to the Revolution in 1688, published in twelve volumes octavo, is sold at forty-five francs retail price, which is about thirty-eight shillings; the price in London is £3: 12s. small paper, and £5: 12s. if printed on large paper; Robertson's *History of Scotland*, published in three octavo volumes, is printed, and sells for twelve francs, about ten shillings, the price of the London edition in three octavo volumes is £1: 1s.; Roscoe's *History of the Medici Family*, published in four volumes octavo, is sold for sixteen francs, about 13s. 4d., the London price is £1: 11s. 6d.; Pope's *Works*, with notes by Warton, published in nine octavo volumes, are sold for twenty-five francs, about a guinea, the London price in ten volumes octavo is five guineas; the price of Johnson and Stevens's *Shakspeare*, published in twenty-three volumes octavo, with sixty plates, is sixty francs, about £2: 10s., the London edition, published in twenty-one volumes octavo, without any plates at all, is sold at twelve guineas on small paper, and on large paper for eighteen guineas.

Have you declined publishing any works from the pressure of delivering eleven copies, besides Mr. Ruding's "*History of the Coinage*?" Yes, we have.

Is there any inconvenience in stating what they are? We have declined republishing Alexander Barclay's "*Ship of Fools*," a folio volume of great rarity and high price. Our probable demand would not have been more than for one hundred copies, at the price of twelve guineas each. The delivery of eleven copies to the public libraries decided us against entering into the speculation. There is another work which we have declined printing, materially from the pressure of the eleven copies, which is a work of great value: it is "*A Series of*

Views relating to the Architectural Antiquities of Normandy," by Mr. Cotman of Yarmouth; it is a work peculiarly interesting to antiquaries and to architects, but to few other classes of society.

Mr. JOHN MARTIN.

Are you not engaged in the publication of Mr. Dodwell's Scenes and Monuments of Greece? We are.

What would be the price of a complete copy of that work? About thirty guineas.

Should you expect any of the eleven libraries to be subscribers to this work, if the copies were not delivered in pursuance of this legal obligation? I should expect they would. I see by a reference to a book on the same subject, Mr. Mills's "Magna Græcia," that there are entered amongst the subscribers, the University libraries of Cambridge; Trinity College, Dublin; and several other colleges.

Does the placing eleven copies in these eleven libraries in your opinion benefit or injure the sale of the work? I should conceive that any work so expensive as this would be materially injured by such delivery. It would have an injurious tendency.

If the law which requires the delivery of eleven copies to the public libraries continues, do you propose to publish the work without letter-press? If that provision for the delivery continues, we shall publish it without letter-press.

Was any and what application made to you on the part of the French Government to have this work to publish at Paris? The proposition was made to the author when he was in Paris; and on his return home, the work was shown, at the request of the French Institute, to the French Princes, to the Officers of the French Government, &c., and by them an offer was made to publish the plates in four volumes folio, each volume to contain one hundred plates, with accompanying letter-press; but the author wishing it to be published in this country, declined the proposition.

Would it have been more beneficial to the author to have published at Paris? I should conceive it would certainly.

Mr. CHARLES STOTHARD.

You are publishing the Monumental Effigies of Great Britain? Yes.

The price is twenty-eight guineas the large paper, and twenty-guineas the small? Yes.

Do you publish the work on your own account? Certainly.

Do you conceive that the delivery of the eleven copies to the public libraries is a great grievance? A very great one indeed, for I believe that if I had known it when I commenced the work, I should not have begun it.

Do you conceive, that subject to the delivery of the eleven copies that work could have been published by a bookseller? No, certainly not, nor at its present price. Indeed at its present price it is impossible, when the work is completed, that I can sell it at that price. In order to sell it, I must raise it one quarter above its present price.

Mr. SAMUEL LYSONS.

For twenty-five years I have been preparing for publication an extensive work on the Roman Antiquities of England, entitled "Reliquiæ Britannico Romanæ," consisting of more than 160 plates in folio, many of them forty inches by twenty-three, on which work I have already expended £6,000. From the nature of this work, which requires that the greater part of the plates should be colored to render them intelligible, it is not probable that more than a hundred copies will ever be completed; and if the whole of that number should be sold at fifty guineas a copy, I should not reimburse my expenses. In the two first volumes of this work already published, I have given a short letter-press description of the plates; but finding under the last Act of Parliament for the encouragement of learning, my continuing to give such printed explanations would subject me to the heavy tax of eleven copies of my work for the public libraries, and deprive me of several of my purchasers, some of those libraries having bought my two first volumes, I have determined to omit any letter-press, and have engraved my title pages and list of plates. I am convinced that few books of antiquities or natural history, consisting chiefly of plates, which are attended with a very heavy expense, and especially those which require to be colored, can be published in this country with letter-press, if the editors are thereby liable to be taxed with the delivery of the eleven copies for the public libraries; and that the publishers will be under the necessity either of omitting any printed description, or having them printed on the continent, where much would be saved in the article of paper alone, the price of the larger sorts of which in this country is extremely high, in consequence of the heavy duty on them.

You are Keeper of the Records of the Tower of London, and greatly acquainted with works of English History in every department; do you consider that the eleven copies demandable by the public libraries are a great discouragement to such persons as would otherwise adventure the publication of ancient English documents? I can hardly venture an opinion upon that; generally speaking, it is a very great discouragement to literature; to books of a certain expense, or to books of which very many large impressions are printed, and that are like to have an extensive sale, it might be of very little importance; but certainly in large quarto volumes attended with heavy expenses, and which take many years before their expenses are repaid, the giving up eleven copies in the first instance is certainly a very heavy taxation.

Mr. SAMUEL BROOKE.

What is your line of business? Printing and publishing.

In what peculiar line? Particularly in the law line.

Have you experienced any inconvenience or injury from the provisions of the Copyright Act? I am very much aggrieved by the necessity of delivering eleven copies of the works which I publish, principally law works, on which it falls very hard.

In what manner do you conceive law works are particularly affected by the delivery of the eleven copies? The temporary nature

of their matter makes it necessary to confine their editions to a comparatively small number of copies, and the expences of printing and editing are so great, that the deduction of eleven copies is a very serious evil as attaching to every new edition.

Mr. ROBERT HARDING EVANS.

In very expensive works, particularly of scientific illustration, can you speak to the operation of the act of 1814? I conceive it to be a very heavy and very grievous imposition upon the bookseller, and such as is not levied by any other country in Europe.

Have you found from your own experience that, that act, has operated to the discouragement of any literary production to which you refer? Certainly it has prevented the printing and publishing of several editions of the classics, which were about to be printed at the time the act passed, but which were laid aside by the booksellers in consequence.

Specify a few of those books to which you allude that happened to be within your recollection? For instance, Damm's "Lexicon to Homer and Pindar," and a reprint of "Brotier Tacitus." These were laid aside.

In making a contract with the author of a book, would the eleven copies that are to be delivered to the public libraries be taken into the account, and charged against the author. Suppose you were to reprint an old book, such as "Corpus Rerum Anglicanum," should you take the eleven copies into account and charge them against the author? Certainly I should take it into the account; and I should conceive, that literature would be injured by the operation of this obligation, because the author must participate in that loss.

Mr. THOMAS FISHER, 1817.

Observing myself publicly called upon to explain, why, a publication, which was commenced in the year 1808, upon paintings discovered at Stratford-upon-Avon, in Warwickshire, has not yet been completed in the manner then proposed, I feel it to be a duty which I owe to the public to afford the required explanation.

The work in question, was undertaken at a period, when the practical interpretation of the Copyright Act of the 8th year of Queen Anne had, *for exactly a century preceding*, left authors and publishers at liberty to judge for themselves, how far the protection held out in that act, was desirable to them at the price they were called on to pay for it, *viz. eleven copies*; and, according to the decision of their own judgment, it was optional with them, either to register their works under the provisions of this and a subsequent act, and thus to sacrifice eleven copies, or to omit such registration, and leave their works open to piracy.

Estimating, from the character of my work, its probable circulation at a very small number, and considering the laborious manner in which every copy was to be finished in colors; convinced also, of

the impossibility of any profitable piracy under these circumstances (and I conceive nothing but the hope of profit will induce piracy), I resolved on executing an impression of only 120 copies of the paintings at a *polyautographic* press; by the eventual sale of which impression, chiefly amongst students in antiquity, I expected to obtain a very small remuneration for my labor.

For the accomplishment of my design, I had obtained access to materials, original and interesting, beyond the general run of topographical publications; and, in the confidence of success, I certainly did intimate a purpose of completing the work, by the addition of copper-plates and *copious letter-press*, thereby intending a memoir of the ancient fraternity or Guild of Holy Cross at Stratford-upon Avon, at whose cost these paintings were executed, to be compiled from the authentic records of the Corporation.

But, unfortunately, while the materials for the fourth part were in a state of considerable progress, a question was brought under legal discussion, arising out of an *unconditional* claim, made by one of eleven privileged bodies, to receive from the proprietors of all works, without *purchase*, and without *exception*, one copy of every literary performance, even although it might not be deemed expedient by the author to claim the protection of the Act of Queen Anne for the copyright.

Mr. Brougham's arguments against this claim in the Court of King's Bench appeared to me at the time, and have ever since appeared to me, just and convincing; those of the opposite party had this obvious defect, that they led to a result prejudicial to that literature which the Act of Queen Anne, in its preamble, expressly professed to befriend. A decision, however, was obtained, favorable to the claim; on the legal validity of which there could be no question, whatever doubts might exist as to its accuracy.

Under these altered circumstances, I conceive myself justified in declining either to involve myself in the predicament of attempting to evade the law, which is repugnant to my feelings—or of submitting to an unreasonable loss of property, which I have a right to avoid,—or, as a remaining alternative, to involve myself in legal disputes with powerful and wealthy bodies, who, *with ample funds, and a host of legal retainers*, have, by an extraordinary plea of *poverty*, obtained the sanction of the legislature to their claim.

To the yet unpublished plates of my Stratford-upon-Avon, the subscribers will be welcome, as soon as I can put them together; and I am not yet so far advanced in life, but that I entertain a hope of being enabled to complete my original design, when the legislature shall have perceived, as it unquestionably must in a very few years perceive, the prejudicial consequences to literature and science of the law as it now stands.

REPORT OF THE COMMITTEE OF THE HOUSE OF COMMONS, 1818.

In no other country, as far as the Committee have been able to procure information, is any demand of this kind carried to a similar extent;—in America, Prussia, Saxony, and Bavaria, one copy only is required to be deposited; in France and Austria, two; and in the Netherlands, three; but in several of these countries the delivery is not necessary, unless copyright is intended to be claimed. They are of opinion, that one copy should be delivered in future to the British Museum; and that in lieu of the others, a fixed allowance be granted to such of the other public libraries as may be thought expedient. Upon an average, it appears that the price of one copy of every book entered at Stationers' Hall would be about £500. If it should not be thought expedient by the House to comply with this recommendation, they think it desirable that the number of libraries entitled to the claim should be restricted to those of Oxford, Cambridge, Edinburgh, and Dublin Universities, and the British Museum. They advise, also, that books of prints, wherein the letter-press shall not exceed a certain very small proportion to each plate, shall be exempted from delivery, except to the Museum, with an exception of all books of mathematics; that all books, in respect of which claims to copyright shall be expressly and effectually abandoned, be also exempted; and that the obligation imposed on printers, to retain one copy of each work printed by them, shall cease, and the copy of the Museum be made evidence in lieu of it.

 QUARTERLY REVIEW, 1819.

It is argued that the bookseller may and will increase the price of a book in consideration of the tax. The reply to this is, that books are already too dear—so dear, that their sale in a foreign market is diminished by this cause to a very great degree, almost indeed destroyed. And this is one reason why our literature is so little known on the continent. Such works as happen to have a reputation there, are printed there, and sold for less than half the selling price of the same works in England. The Americans continually complain of the dearness of our books, and it operates in their country to lessen the sale of those which they do not print for themselves. With the tax upon advertisements, with the duty upon paper from 20 to 25 per cent., books are necessarily dear, and they can bear no additional tax. It must be also remembered that every English book printed abroad is a loss to the revenue of so much duty on paper. Hence, whatever tends to induce publishers to print English works on the continent, is an injury to the country at large.

The most amusing part is, that the advocates of the Universities take credit for promoting the interests of literature, and especially for having originally suggested an extension of copyright in favor of authors or their assigns. They are indeed notable friends to authors,

and have treated them as lovingly as Isaac Walton's Piscator instructs his pupil to handle the frog:—"Put your hook into his mouth, which you may easily do from the middle of April till August, and then the frog's mouth grows up, and he continues so for at least six months without eating, but is sustained; none but he whose name is Wonderful, knows how. I say, put your hook through his mouth and out at his gills, and then with a fine needle and silk, sew the upper part of his leg with only one stitch to the arming-wire of your hook, and in so doing, use him as though you loved him." But unlike the frog, the author cannot subsist for six months without eating; and there is also another point of dissimilitude, that as his mouth does not grow up, he is sometimes able to express his sense of the loving usage which he receives.

PAMPHLETEER, 1821.

I will first remark on the original idea, that the *eleven* copies to the libraries is for the encouragement of literature. If this were granted, it would be an argument for the extension of the gift to *all* the public libraries; in which case it would surely better become Government to furnish them at the public expense; and not, as at present, render the tax so partial, that it has checked, and must often check, the publication of many works of taste and importance.

It is urged, that the privilege is merely a *quid pro quo*, i.e. the security of the copyright. Surely literature should not be the only shackled patent; for copyright is another term for patent. Who, indeed, would have invented a steam-engine, if he had been obliged, *before* he could sell *one*, to give *thirteen* to public buildings?—(for the large paper copy to the British Museum, and one to the printer, make the number *thirteen*.) As well might coals and candles be thus *given* to the libraries for the encouragement of literature. At all events, the stationer should be obliged to furnish the paper gratis, and Government should allow the draw back on the duty.

It has been argued in favor of the claim, that it was enacted and exacted in former times; but to this I should answer, that before the diffusion of literature became general, an apprehension might exist, that works of merit and information might be lost; that in the mode of printing which prevailed at that time---crowded pages and on common paper---the expense was trifling: but inconsiderable as it was then, the good sense of the directors of the libraries had induced them to forego and abandon the claim.

It cannot be urged that the public pay for it, because it is not certain that the other 487, out of the 500, will sell; if it were, the author, so situated, would be indemnified: but it will readily occur, that in such a case, the price of 487 must be raised, and consequently the sale become more slow and precarious. Besides, the answer to that argument is easy,—the thirteen copies should only be taken AFTER the sale of the 487, by which means authors would lose less, and the libraries preserve their privilege. To confirm this posi-

tion, it might be added, if the book is worth any thing, it will be certain of sale, and they of their copies; if otherwise, it will not be worth a place on their shelves.

There are, however, great objections to this increase of price, necessarily incurred by this gift, or rather extortion.—1st. That our continental rivals are enabled to undersell us in our own market, even without the weight of this additional tax, in consequence of the high duty on paper, metal, rags, leather, &c. used in the manufacture of a book:—ex. gr. *Porsoni Adversaria*, *P. Knight's Prolegomena*, and the *School Gradus*, reprinted on the continent, are sold cheaper in this country, with all the burthen of the import tax, than our own editions—besides most of our popular English authors.—2nd. That poor authors, who are most to be considered, are miserably discouraged, since publishers reject much of their labors, owing to the operation of the act.—3rd. That the revenue itself suffers in a variety of ways by this check to publication, from decreased consumption of paper, &c., and the consequent diminution of employment to artists and mechanics. Indeed, I am sure that the present loss to the revenue would amply enable Government to grant 300*l.* per annum to each of these libraries; which would more than purchase all the useful books published in the year, for I believe 400*l.* would pay for a copy of every work printed within each year. The duty on the paper alone, of a work value one hundred guineas, would repay Government for such a grant to these libraries.—But it is well known that they are sufficiently rich to supply themselves with the works they want.

It is notorious that the minor productions sent to the Universities are not immediately shelved, but *lent through* the University, to one after another. This, no doubt, encourages the *reading* of many works; but as the reading so obtained *cannot* increase the sale, what chance of remuneration is left to the author? If it were supposed that persons would, by seeing such works, become purchasers, then the act should rather oblige the libraries to buy, or, at any rate, only have the books lent them for a certain time; which might thus induce the libraries to purchase, in order to keep them, after having discovered their value.

NEW MONTHLY MAGAZINE, 1826.

Among the serious inconveniences, or rather losses, which the public sustains from the present oppressive enactment of presenting eleven copies of all published books to certain public and private libraries, we may instance two recent works, which consist only of a series of engravings, without any letter-press, and which are thus published to obviate this literary tax—*Illustrations of the Pavilion at Brighton*; one of these is an expensive production of prints, beautifully drawn, engraved, and colored, but without a line of historical or descriptive information accompanying them. Thus the stranger, viewing them, may *fancy* the engravings the chimera of the architect's and painter's fancy, or the "country palace" of its monarch. Should he be told this is the fact---that it has been crowded with princes, lords,

and ladies, and is now deserted, he will be more than commonly inquisitive to learn something of its history---when and by whom it was designed, built, and fitted up.—On this, and on all other points, he is left to ruminare, and probably draw erroneous conclusions, for no information is afforded; and we are credibly informed, that the *King's architect*, who has just published these prints, was induced to avoid giving any letter-press to save himself from the unjust tax of presenting eleven copies of a twenty guinea volume, or throwing away 220 guineas in copies, but one of which (namely, that to the British Museum) is purely devoted *pro bono publico*—the only excuse which could sanction such an appropriation and sacrifice of private property. Robson's *Picturesque Views of all the English Cities* (one number of which has just appeared, containing a very interesting and beautiful series of engravings), is another example of the workings of this oppressive act. In the prospectus, the editor, who has been a staunch and zealous defender of "the rights of literature," says, "The reader will see that it is not proposed to give letter-press with these plates." Historical and descriptive accounts of the cities" treated and illustrated in a novel style," will be published; but this will form a separate and distinct work, in order to obviate the very *unjust, oppressive, and vexatious tax* of giving eleven copies of an expensive series of illustrations to public and wealthy institutions, which ought to *encourage* art as well as literature,—which have ample funds of their own, and the benefits of which are of a private and exclusive nature; for it cannot be denied, that even the advantages of Oxford and Cambridge are sealed against one half the population of England, that is to say, against all who dissent from the established church, and they form a fair half of her population, to say nothing of nine-tenths of the population of Ireland, which consists of catholics and protestant dissenters—Scotland alone having Universities open to all her population.

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