

parated from such a woman. He agreed with his right hon. and learned Friend (Sir E. Sugden) that every difficulty should be thrown in the way of separation, as there were many disputes which now ended happily, but which, under increased facilities, would terminate in separation. But he laboured under this difficulty in answering the learned Sergeant, that the cases alluded to, having never met the public eye, were not reported. They, however, were sufficiently numerous to confirm him in his opposition to this bill.

Mr. *Freshfield* was of opinion, that the judges should be given a discretionary power to allow mothers access to their children. It was said, that the bill would facilitate separation, but the present state of the law facilitated oppression, as he believed that the fault was as often on one side as on the other. He believed, that bad wives were not more plentiful than bad husbands. On these grounds, he would not have the slightest hesitation in voting for this bill.

Lord *Mahon* thought, that when criminal conduct was proved against the mother, she ought not to be permitted to see her children. If some provision of this sort was introduced into the bill, it would tend greatly to obviate the objections against it. Unless that were done, he should be under the painful necessity of voting against the bill.

Mr. Sergeant *Talfourd*, if he found the feeling of the House in favour of such a clause, and that its insertion would have the effect of removing the scruples which were at present entertained against the measure, would have no objection to introduce such a clause on the third reading, and leave the House to deal with it.

The House divided on the motion, that the Bill be engrossed;—Ayes 91, Noes 18:—Majority 73.

List of the AYES.

Abercromby, hn. G. R.	Bryan, G.
Aglionby, W. A.	Burrell, Sir C.
Attwood, W.	Busfield, W.
Attwood, M.	Campbell, W. F.
Bannerman, A.	Chalmers, P.
Barnard, E. G.	Chapman, Sir M. L. C.
Barrington, Viscount	Chester, H.
Barry, G. S.	Chichester, J. P. B.
Bewes, T.	Courtenay, P.
Bolling, W.	Craig, W. G.
Brabazon, Sir W.	Davies, Colonel
Brocklehurst, J.	Dennistoun, J.
Brotherton, J.	D'Israeli, B.

Dundas, F.
Ellis, J.
Evans, W.
Fort, J.
Freshfield, J. W.
Gibson, Tr.
Greenaway, C.
Grimsditch, T.
Hall, B.
Handley, H.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Hope, G. W.
Horsman, E.
Howard, P. H.
Hughes, W. B.
Hume, J.
Hutton, R.
Inglis, Sir R. H.
Jephson, C. D. O.
Jervis, S.
Kirk, P.
Lister, E. C.
Lockhart, A. M.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Mahon, Viscount
Marshall, W.
Marsland, H.
Maule, W. H.
Milnes, R. M.
Murray, rt. hon. J. A.

Muskett, G. A.
G'Brien, W. S.
Palmer, C. F.
Parker, J.
Pease, J.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rice, right hon. T. S.
Rickford, W.
Roche, W.
Rolleston, L.
Round, J.
Salwey, Colonel
Sinclair, Sir G.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Talbot, J. H.
Thornley, T.
Turner, E.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
White, A.
Wilkins, W.
Williams, W.
Williams, W. A.
Wood, G. W.
Young, J.

TELLERS.

Talfourd, Sergeant
Praed, W. M.

List of the NOES.

Bateson, Sir R.
Buller, Sir J. Y.
Conolly, E.
Gillon, W. D.
Grote, C.
Halford, H.
Hawkes, T.
Heathcote, Sir W.
Humphery, J.
Jervis, J.
Mackenzie, W. F.

Pringle, A.
Round, C. G.
Sugden, rt. hon. Sir E.
Turner, W.
Warburton, H.
Wood, Colonel T.
Wood, Thomas

TELLERS.

Goulburn, H.
Shaw, F.

COPYRIGHT.] Mr. Sergeant *Talfourd* moved the Order of the Day for going into Committee on the Copyright Bill.

Mr. *Wakley* rose to move as an amendment, that the House go into Committee on the bill that day six months. When this bill was formerly discussed, there were but seventy-five Members in the House, and the second reading was carried only by a majority of five. It could not, therefore, be said, that the sense of the House had been expressed upon the subject, and he should now endeavour to ascertain that sense by pressing his amendment to a division. Indeed, when the question had been previously discussed, not one argu-

ment was urged, nor one fact adduced, calculated to support the measure. The hon. and learned Gentleman by whom it had been introduced, admitted, that he was not about to legislate for the community, but for one in five hundred. Now the House should not look to the interests of individuals, but to that of society at large. It was not right to tamper with the vast interests which were likely to be affected by such a measure. Before the Act of Anne, as had been admitted on high legal authority, the copyright was in perpetuity; and what was the effect upon the interests of authors. Allusion had been made to the descendants of Milton; but hon. Gentlemen seemed to have forgotten, that Milton wrote at a period when the copyright was perpetual, yet, with all this protection, he was only able to procure 8% or 10% for his "Paradise Lost." The hon. and learned Gentleman had said, that the bill was necessary to secure literature from the freezing effects which science was likely to produce upon the spirit of the age. The "freezing effects of science," indeed! Because of the freezing effects of science, they were to legislate in favour of literature alone, and disregard all the valuable discoveries of science. It should be remembered, that science, notwithstanding its "freezing influence," had done much for authors. The efforts of capital, of industry, and of skill, had produced a reading public and created an almost undue appetite for certain classes of literature. Those who wrote for reward were at no time better paid than at the present, and as to those who wrote for posterity, why, let posterity reward them. With respect to this bill, he feared that there were some authors at the bottom of it, who imagined that, at present, they did not receive the fame and profit to which their great labours entitled them in their own opinions. The hon. Member for Maidstone had said, that Mr. Southey intended, at one period, to write a history of the monastic orders, which would procure a fame equal to that of Gibbon. With respect to the fame, he must be permitted to express his doubts. Mr. Southey, it appeared, had been deterred from undertaking the work, because he could only enjoy the copyright during his life. It was much to be doubted whether Mr. Southey would have ever carried his intention into effect, if copyright had been as he wished. If the authority of the right hon. Baronet,

the Member for Pembroke were to be relied upon, with respect to Mr. Southey, it was very improbable that he would have prosecuted the work. The right hon. Baronet, on one occasion, gave it as his opinion of Mr. Southey, that that Gentleman had so often changed sides, it would be impossible to say what his opinion would be upon any subject at any given time. The right hon. Baronet's opinion upon such a subject was entitled to some weight, as he had himself changed sides. Indeed, literary men were peculiarly fickle, as much so as young girls. The real question for the House to consider was, whether authors were, at present, sufficiently remunerated—whether sufficient inducements were held out to make them exert themselves—and whether the public at large were benefitted by the present law. Now, with respect to science, he would ask, where would authors have been, but for the discovery of printing? In 1,000 years previous to the 16th century, there were but 300 books brought out in this country. What was the produce since? Six hundred had been published in one year. He denied, that there was any real distinction between the production of a book and any other invention. They were all the production of mind, whether impressed upon paper, upon metal, or upon glass. The proper question was, which production would be likely to prove most useful to the public. In the medical profession, the man would be despised and set down as a quack, who attempted to keep secret any valuable discovery which he might happen to make. The hon. and learned Sergeant appeared to have particularly in view an author who was of opinion, that he was not sufficiently appreciated by the public. That author had written certain works, which the public would not read, and in his opinion, the public were in the right. The hon. and learned Gentleman seemed to think, that authors were entitled to a perpetuity in their copyright, but as he could not procure that for them he was satisfied to take it for their lives, with an addition of sixty years. The hon. and learned Member for Ripon, who was a good authority in such cases, had informed them that such a right was a right in perpetuity, and that no person would give a farthing for its reversion. The hon. and learned Gentleman who brought forward this measure, wanted no Committee. He did not seek for any inquiry, because he was afraid of

the facts which would come out. There were Committees on this subject in 1814 and 1818, and the result of their inquiry was, that the protection should not extend beyond twenty-eight years. [An *hon. Member*: Fourteen years.] One Committee was for fourteen, the other for twenty-eight years, but he would take the longer period. In 1814, a bill was brought in by a Mr. Giddy, and a very giddy person he appeared to be. So dissatisfied was that *hon. Gentleman* with his own bill that he moved the report should be taken into consideration in the following session, but the authors then in the House thought it best to accept it even as it was. Was there really any ground of complaint on the part of authors? Look at Sir Walter Scott, who had realised 260,000*l.* by his works. He did not envy him. He thought him well entitled to it. He would call upon the House to observe how strenuously the proposition was supported by *hon. Gentlemen* on the opposite side. [Sergeant *Talfourd*: And on this.] The *hon. and learned Gentleman* appealed to the Chancellor of the Exchequer. He admitted, that he was the Chancellor of the Exchequer, but he was not that side of the House. He was glad, that the works of Scott had been appreciated, but if it were said that Sir Walter Scott's family were not in affluence, he would ask, whose was the fault? Was it the fault of the public? Was it the fault of the publisher? No such thing. The fault lay with Sir Walter Scott himself. If that gentleman had been content with his legitimate profit, as an author, he would not have fallen into the difficulties by which he had suffered. He wished to join the profits of trade to the profits of literature, and thence came the crash. He found, that the difficulties under which Sir Walter Scott laboured, were the consequences of—he did not wish to use the harsh term of avarice, but his too great love of gain. He would refer them to scenes which now were passing before them; he would ask them how the present system of copyright worked with regard to authors and the public, and he would show, that it was quite sufficient for all legitimate purposes of writers, and of the public. The publishers were the best judges of the real value which should be attached to the works of authors; and, notwithstanding literary gentlemen might imagine publishers destitute of taste, the profit books

would produce, was decidedly the best test of their value. This was a bill which was not a question of party. All classes, and all parties were equally concerned; the rights of the public were deeply interested, and he trusted they would not be neglected to grant an undue privilege to authors, however deserving those gentlemen inside and outside the House, might feel themselves of an especial protection for their works. Let the House investigate all the circumstances connected with this bill—let them not be led away to a decision by an eloquent speech—let them appoint a special Committee to inquire into the circumstances; and before that Committee, he pledged himself some facts would be elicited, calculated completely to defeat the bill. Upon such a subject, it would be far better to have some positive and undeniable evidence, than the speeches or opinions of authors, who might entertain a very different opinion of their own works from that entertained by publishers or the public. He would quote a few instances for them which, in all probability, would create sufficient astonishment amongst some of the warmest supporters of the bill. There was one gentleman, well known to *hon. Members*, who was editor of the *Quarterly Review*, and had published some admirable works. He alluded to Mr. Lockhart, who was, he believed, a friend to the bill. He had some time since published a work at 10*s.* 6*d.* which had afterwards been bought in cart loads by Mr. Tegg, the bookseller, in Cheapside, for 9*d.* a volume. Would the Copyright bill enable him to get 9½*d.*? At the end of twenty-eight years, would those books be more valuable than they were when the bookseller purchased them? Would any author come forward after the expiration of that period to claim his share in the superabundant profit arising from the 9*d.* a volume? He would bring forward another instance, namely, Mr. Lytton Bulwer, who had been very successful as an author, and whose works he had always read with that delight which they could not fail to produce. That gentleman had not long ago published a work “*England and the English*,” at 1*l.* 11*s.* 6*d.*, in three volumes. [Mr. *Bulwer*: No, two volumes, at 1*l.*] He was obliged for the correction, but it did not materially affect his argument. What had that work been purchased for by Mr. Tegg, who was a most respectable Conservative

gentleman, and had lately been a candidate for the office of alderman of the city of London? There was no Gentleman a better judge of the proper value which attached to a publication, and he had purchased Mr. Bulwer's "England and the English" for 1*s.* a volume—the work for which Mr. Bulwer had so high a respect as to publish at 1*l.* Those were facts that were calculated to throw light upon the merits of authors in their own estimation, as compared with that esteem in which they were held by the publishers. He did not mean to say, that those authors were not deserving of high remuneration. He trusted they had received it, and he would venture to say, that so far from the prices of Mr. Tegg discouraging Mr. Bulwer, that hon. Gentleman would yet bring forth numerous works as clever, and deserving of support as those which had gone before. There was another hon. Gentleman, who sat at the opposite side of the House, and who had also gone under the hands of Mr. Tegg. The talented author of "Vivian Grey" and several other works, had suffered from the depreciation of price. He trusted that no word he uttered with reference to those talented Gentlemen would be taken as conveying any disrespect or any feeling other than that of admiration for their abilities; but he instanced those cases because, from the high character of those Gentlemen as authors their names would convey greater weight. "Vivian Grey" had originally been published at 1*l.* 1*s.* 6*d.*, and it had been afterwards bought by Mr. Tegg for 8*d.* per volume. Was it for the purpose of selling them at a high price in sixty or even in thirty years, when perhaps he might be in his grave, that Mr. Tegg bought them? No; that Gentleman was sufficiently wary in his money calculations, and it was with a hope of a speedy sale he purchased them, for he knew well, as a mercantile man, that money should have a quick return in order to insure profit. He knew that so far from having a view to selling them at a remote period they would go on the buttermilk counter if they were not sold quickly. He would now call their attention to another gentleman, who, although not in that House, was sufficiently well known to them all by his literary character, Hook, editor of the *New Monthly Magazine*, and he believed also of the *John Bull*—at least so

his memorandum stated. One of that gentleman's last works had gone to Tegg too. It had been published by him at 1*l.* 1*s.* 6*d.*, and Mr. Tegg had purchased it for 8*d.* a volume. He (Mr. Wakley) did not know why the publisher had given Mr. Hook but 8*d.* while he gave others more—but such was the fact. The next on his list was Captain Marryat. He had also gone to Mr. Tegg and one of his works which he had published at 1*l.* 1*s.* 6*d.* was purchased by Mr. Tegg for 9*d.* per volume. These were facts which Mr. Tegg would have no objection to communicate to the House or any hon. Member who wished to interest himself upon the subject so far as personally to inquire. He had a large stake in such proceedings, and was, of course, actuated by the honest principle of giving for them what they were worth to him. The stock in books of that gentleman was valued at 170,000*l.* There was another instance which should be the last; it was the case of a political writer. Every one knew the newspaper called *The Examiner*, the editor of which was a man of wit and talent, indeed of very distinguished abilities, and who had never debased himself, notwithstanding the severity of some of his political writings, with attacks on private character. He (Mr. Wakley) had occasionally been attacked by this man, and he felt bound to make this admission. The gentleman to whom he alluded, Mr. Fonblanque, had published a work with a very captivating title, called *England under Seven Administrations*. The two volumes of this work had not been published twelve months, and the price was 1*l.* 4*s.*, and Mr. Tegg had bought a large quantity of them at 1*s.* a volume. There was no special protection for this work of Mr. Fonblanque in the present bill, but its depreciation in the market did not deter that gentleman from continuing to write. The truth was, that the bill was a mere mockery, and was no protection whatever to an author. There were several other names on Mr. Tegg's list, but he would not detain the House by going through them, but he trusted that hon. Gentlemen would pay this bookseller a visit, when, no doubt, they would obtain much information on the subject. Would those Gentlemen cease to favour the world with their works? Not so, they would publish on as before, depending upon the popularity of their writings to

procure a sale. Seeing on the whole that the bill rather appealed to their sympathy than to their reason, and bearing in mind that many of the authors who most adorned our language lived at a period when there was no copyright, and also that the statute of Anne had been found amply sufficient for the protection of the interests of authors and literature, he felt bound to oppose this bill, and, above all, because, without protecting the interests of authors, it would materially injure the interests of printers and publishers, as well as of other classes and of the community at large. He would ask, then, whether they would enact such a law, inflicting so much injury, and without deliberation, merely because it had been supported by an eloquent speech? No reasonable grounds had been stated in its favour, no facts had been produced which would justify its enactment, and, therefore, before they adopted it, they should take care that it was the result of inquiry, and seeing also what princely fortunes had been made by literature, he would not injure literary men so much as to support this bill. He should, therefore, propose that it be committed that day six months.

Mr. *Milnes* said, that when the hon. Member for Finsbury stated his wish for a renewed consideration of that bill, he must have considered that there was a great dearth of business before the House. In his recollection he did not remember any subject which had been more fully and completely discussed than this had been on the last evening during which it was discussed. He never took part in a debate during which every bearing of a question was more fully gone into or completely entertained than that which he had the honour to join in the other evening. In his opinion the speech of the hon. Member for Finsbury, though sufficiently amusing, was certainly not remarkable for anything like a sound argument against the bill. He had adduced some very spiteful and ingenious quotations, but he had also accompanied them with very false analogies. He was not displeased at the speech of the hon. Gentleman. There was a good deal of drastic humour, which was a great treat to the House, and as such he had no objection to hear it; further, his speech had no merit—it had an appearance of being the speech more of a delegate from Mr. Tegg than of a legislator

engaged in an important discussion of the merits of the very valuable and important bill before them. He had instanced the case of his own profession, when any new or important discovery was made. Was ever anything less in point than such a case. Why, there did not exist the slightest—the most remote—analogy between the two cases. If a gentleman belonging to the medical profession made any important discovery in it, the very fact of his having done so was the herald to his fortune; his fame was immediately spread abroad—his eminence was established—and the consequent tangible benefits followed. Daily advantage arose to him. But, he would ask, had this any analogy to the case of a man who sacrificed his life, and his talents, and all his exertions frequently to the advantage of other generations? In every other point the speech of the hon. Gentleman was totally incoherent, and he had cited that as an instance; indeed perhaps, he should have said more correctly, that if that speech had any weight at all it was at his (Mr. *Milnes's*) side. If it proved anything, it proved that works were to be had as cheaply now as they could be had at any future period, even allowing that the bill had been passed; and as cheaply as the greatest lover of literature could wish. Did the hon. Member blame the booksellers for giving so low a price to the authors whose names he had instanced? Did he object to the 8d. or 10d. a volume which had been given for those works? Was that the meaning of his having brought them before the House? And if such had not been his motive for having introduced those cases, where was his motive? Surely if literary works of established merit, and by the best authors—men whose fame was generally recognised—if those works could be purchased by the booksellers for so small a sum it did not argue that the public were not now as generally supplied with literature as they could be under any new arrangement. A good system of copyright would, he had no hesitation in saying, so far from raising unduly the price of literature, have rather a contrary effect. Look to Germany, a country which had benefitted more by literature than any other nation in Europe, and she had achieved all those incalculable advantages under the operation of a national copyright bill. Here was an instance which at once answered all the objections of those opposed to the measure

which he had such pleasure in supporting. In France at this moment the printers and publishers were seeking for a national copyright bill, to protect them from the mad competition which the present system produced. In America the case was similar; there also the very men whom the hon. Gentlemen assumed to advocate were calling for a copyright bill as a means of protection for themselves. He believed that a just system would benefit the public generally and the authors in particular, by affording them a protection which at present they did not enjoy. It was said the Legislature were called upon to act for the benefit of a few; perhaps there was a good deal of truth in that, but if one person in 500 should be benefited by it the remaining 499 would not be injured. And if those few persons had sufficient claims to protection, it might be granted rather to the general advantage as every just system would always necessarily be. It was rather singular that this bill received so much opposition from an hon. Gentleman who belonged to a party that were always crying up the great advantages the people were daily receiving from the advancement of intellectual improvement. If this advancement were proved to be so great, was not the natural inference an appetite for good works which would act with sufficient power to the national advantage under a just copyright bill; and would they, the advocates of intellectual advancement and scientific improvement, deny to the rising generation the advantages that would necessarily arise from works published with a higher design than pleasing the passing taste of the day—works written without a regard to servile patronage, or any of those unhealthy means of success which at present had too much weight? Why should not authors have the same advantages that all other men had? Why, he would ask, were the great names which adorn our literature deprived of that encouragement and protection which had been freely afforded to the Arkwrights and the numerous similar names which were an honour to this country? The hon. Member for Finsbury had said that this was not a party question. He was happy to think that all parties felt equally interested. The Whig was as warm an advocate as the Tory. He would not occupy the time of the hon. House longer; it was a measure which had been fully discussed, and would, he trusted, be soon passed into a law.

Mr. *Wolverley Attwood* said, he would not have obtruded himself upon the House if it did not appear to him that the speech of the hon. Member for Finsbury was totally a failure in its objections to the bill. The hon. Gentleman had spoken as if it were required to give authors an exclusive privilege in their relation to the public, or an unfair advantage over other professions; as if it were sought by the hon. and learned Gentleman who had introduced that bill to enable authors to avail themselves of profit from the labours of others. That was not the fact. Nothing could be farther from its import. The object of the bill was to place authors, with regard to their mental labour, on an equality with every other class of men. It was only required to give them that protection which was their just right. It was not a perpetual copyright system that was proposed—it was a bill merely to secure to authors a fair interest in their works, which the present system denied to them. He was glad to find the hon. Gentleman opposite was unable to produce a sounder argument against protecting the author than the want of capital risked in their works. Were not their time, their talents, frequently their health, as much their own as any property could be defined to be, and was not this, in the eyes of every sensible man, an investment of capital? These were the author's property, and merited at their hands protection. The author had as strong a claim for the protection of his rights as any man in society, and yet he was the only person left now unprotected. The argument of the hon. Member for Finsbury, with regard to one person in five hundred, had decidedly the effect of supporting the bill, for if it were acknowledged that of literary men so small a portion was successful it was quite clear the present system worked badly for the authors. It was neither supposed, nor even asserted, that there was any inadequacy of talent amongst the catalogue of our literary characters; and yet it was admitted by the hon. Member for Finsbury, that so small a number as one in five hundred were successful in obtaining the advantages to which they were proposed to be entitled by the Bill before the House. Why, then, should those men, the class of the community with, perhaps, the largest claims, be deprived of a right in their own productions? There had not been a solitary well-founded or solid reason brought

forward by the hon. Member for Finsbury in favour of his view of the subject. Nothing could, however, be more injurious in its effects upon literature, and, as a necessary consequence, injurious to the public generally, than a system allowing a twenty-eight years' copyright. The direct tendency of this would be to produce a supply of works calculated solely with a view solely to please the ephemeral taste; thus depriving posterity of all the advantages which would arise from works calculated to last a longer period. If they did not afford protection to durable works, and such as were not written alone with a view to present taste, it was idle to suppose that authors would produce them. The supply would only be produced by the demand, and no work of a lasting nature could be looked for, at least with few exceptions. The hon. Member had said, that an author, if he did not receive promise of sufficient remuneration, might deprive the public of his work, and act the part of the dog in the manger. Nothing could show more clearly the want of sufficient grounds of objection to the bill than such an argument. If an author had acted as had been supposed—if he had refused to publish his work without receiving the remuneration he thought it deserving of, who had a right to deprive him of full control over his own production? Why call on him to publish it against his will? Where did the right of the public commence? Was it when the work was published, or while it was in manuscript? This right of refusal to publish without proper remuneration was clearly an author's privilege, and could not be too well protected. Every case quoted bore in favour of the bill. The case of Dr. Southey was a strong instance where the present law of copyright was insufficient to ensure him a proper remuneration for his works; totally insufficient with regard to the duration of his copyright. It was one of those cases which exactly went to prove what the advocates of the bill contended for—the great inefficiency of the present unjust system. Upon the last evening when this bill was before the House, it had been stated by the hon. Member for Bridport, that authors were stimulated by sentiment, or love of fame, or some such motive, and that such motives were in their idea sufficient reward. It was well known that authors, generally speaking, were actuated by very different feelings. The hon. Mem-

ber for Bridport, when he paid that hollow and empty compliment to authors, must have been aware that as a class they depended for their subsistence upon their works. The greatest authors who ever wrote depended upon their writings for their daily bread. This fact was undoubted—it was not for fame—it was not for plaudits that those works were produced which did honour to this country, and from which the public had derived such inestimable benefits, daily subsistence being the stimulating principle in most cases of that description. The assertion that public competition was the best criterion of merit in an author, and would secure him a price for his works in case they were worthy of purchase, was a most futile one. As he said before, it was true public competition might, to a certain extent, ensure a sale to light or volatile works; but this very fact would have the direct tendency of inflicting a grievous injury upon the literature of the country by producing a supply of such works as would accord with the prevailing taste of the day. Were they then to protect that description of writing, and give no protection to that of a more durable kind, often, let it be remarked, most calculated to confer a lasting benefit upon the nation? Authors did not claim any exclusive privilege over the community: they did not demand a right to tax the public. They demanded the same rights that protected the labours of every other class in the community. It was said, that this bill would injure the rights of publishers, printers, and others. As well might bricklayers object to the rights of property, because such a right had a tendency to prevent building houses. There was no right in any class to object to the measure proposed. It was brought forward for the purpose of protecting the rights of a respectable and deserving class, and the public would be equally benefitted. He, therefore, trusted, for the public good, that the unprecedented opposition which this bill had received would be found totally unsuccessful.

Mr. Warburton said, that he should endeavour to have every clause in the bill fully and fairly debated in the Committee, in order that the operation of every clause might be fully understood by the public, with a view, if possible, of defeating the measure before it reached a further stage. He was satisfied the bill was founded on

the most fallacious principles. The main defect was, that it consulted the protection of the individual author, and not of the species. But the real question was, whether the present law was expedient or not. The principle of the statute of Anne, as well as that of the statute of George 4th, which altered it, was to give what might be a fair remuneration to authors, and to effect a reasonable compromise between them and the public. Did this bill, he asked, give a sufficient compensation to authors, and hold out adequate inducement to write; and more, did it give the reversion of the copyright to the public at such an early period as to give them the full benefit of the works that might be published? And what had been the effect of the existing laws, for that was the true question to put with a view of ascertaining what were the benefits of the present state of copyright law? Would any one question the prosperity of the existing state of the book-selling trade? In short, he was at a loss to know what the author of the measure proposed as an inducement to authors to write works requiring labour and research. Did any man pretend to say, that, after the passing of this measure, authors were likely to receive a greater sum for the extended copyright than they obtained on their works at present? It had not been even attempted to be shown by the hon. and learned Gentleman that such would be the result. Again, it had been suggested, that they ought to put authors under a kind of entail, in regard to their property in their works, yet neither by the measure of the last, nor by that of the present Session, was it attempted to carry the suggestion into effect, or to establish a perpetual entail, by which an author should be prevented from disposing of his works, away from his own family. There was another view of the subject, which he thought deserving of the attention of the House. With the single exception of works of imagination, the compositions of all authors underwent that progression which works of science might be said to undergo. If, therefore, an extension were given, to the copyright of authors of any denomination whatever, the public would be deprived *pro tanto* of the advantages, which under the present system they might reasonably expect to enjoy from the progress of improvement, and the advance of knowledge and skill. The effect of the bill, on the fairest calcula-

tion, would be to extend the copyright about 100 years. The works of all authors, dating between 1738 and the present time, would, under the bill, unless the public chose to purchase in a shape different from that in which they were originally published, become closed books to the reading portion of the community. But the two principal effects of the bill would be—first, that, upon the average, all works that survived the first short period after their seeing the light, would experience a rise in price; and secondly, and what more seriously and more dangerously affected the public, the bill would prevent the diffusion of useful knowledge. There was, he begged to assure the House, very great danger that valuable works, in consequence of being placed as they would be placed if this bill passed, for so long a period beyond the reach of the public, except at unreasonable prices, would sink into oblivion, and the benefits, the learning, labour, and research of the authors be lost to the public. For these reasons he should cordially support the amendment.

Mr. *Praed* said, in the course of the debate the abstract right of authors to their literary property had been broadly stated; but he begged to remind the House, of an authority of some weight on this subject, and that was the report of a Committee of the French Chamber of Deputies which had been appointed last year by the King of France to investigate the subject of copyright. Their report, which was well worthy of attention, stated that on the question of the abstract right of individual authors they had refrained from entering, as they felt that the difficulties which surrounded the subject were too great to allow of their delivering an opinion upon it. But the reporter went on (and he begged the attention of the hon. Member for Finsbury, who had spoken of men of science, to this part of it) to represent that the opinions of men of science, as Cuvier and others, were unfavourable to it. In reply to the hon. Member for Finsbury's argument as to the cheapness of books, he could not perceive the force of it. What were the facts? A book when it became cheap did not necessarily vanish from the market. *Vivian Grey*, and the other works alluded to, were still to be purchased, and were purchased every day, so that he could not see how the argument applied.

Mr. *Strutt* was opposed to the motion of the learned Sergeant. It had been stated, that in a measure of this kind the advantage of the public ought to be held in view, and that in giving this monopoly they ought to be bound by a consideration of the advantages which the public might be likely to obtain. Now, to this he fully agreed. Their sole object ought to be this, and to this the measure ought strictly to be limited. In the course of the debate he had heard the abstract right of an author to his works affirmed; that he was entitled to keep the public from the full benefit of that, which he put forth in the first instance for his private pecuniary advantage. Now, he thought that from the moment an author put his thoughts upon paper, and delivered them to the world, his property therein utterly ceased. An analogy had further been attempted to be established between the property of an author in his works and property in lands; but this appeared to him an analogy of the very vaguest kind, and neither on that or on any other grounds were they justified in extending the term of copyright to such an extent as would be injurious to the public. The case of Germany had been cited as an instance where literature was highly successful, and where there existed a perpetuity in copyright with a view to prove that a perpetuity in copyright was advantageous to literature. He was, however, of opinion that the case of Germany would lead to the opposite conclusion, for throughout most of the states pirating was carried on so extensively, and with such facility, that in point of fact authors possessed no copyright at all.

Sir *R. H. Inglis* said, that the arguments of the hon. Member were quite inconsistent with his conclusions. The hon. Member for Finsbury had endeavoured to render the question a party question; but a glance at the former division on the bill would put an end to that attempt, and prove that it was altogether the contrary. It seemed to be the opinion of the hon. Member for Derby, that the whole business of the world was to get as much from authors as possible—to treat them as horses—work them to the last, and then cast them off. The great practical evil of the present law was the effectual bar it placed against improvement and emendation by authors in their own works. An author at present

might bestow a number of the most important corrections on a work, and yet if his copyright expired at the same time, he might be debarred of all advantage from them by an unscrupulous publisher giving an early edition, without the corrections, in a cheap form to the public. A bad author could derive no benefit from the bill, though he would derive no injury either; while a good author, whom it was the duty of the country to encourage, would receive by its means the protection he merited. As far as regarded the main question, he felt bound to say for himself that he should in his own person desire nothing more for the literature of England than to see it defended by the hon. and learned Member for Reading and attacked by the hon. Member for Finsbury.

Mr. Sergeant *Talfourd* said, if he had advanced no arguments in favour of the measure on a former occasion, he regretted it so much the less as he found few to answer now. He could find nothing in what had been urged by the hon. Member for Finsbury which did not go to support, rather than impugn the bill before the House; for when he heard from that hon. Member that Milton only got 10*l.* for the copyright of his "*Paradise Lost*," while Mr. Tegg, the leader of the present opposition to the measure, had a stock worth 170,000*l.* derived chiefly from the republication of works of merit, the copyright of which had expired, he could not help thinking that the deduction and argument were in his favour. He had heard with surprise a repetition of the arguments of the Solicitor-general that night. If they were correct then there was no longer any such words as gratitude and justice in our vocabulary, and the best feelings of human nature were sacrificed to the heirs and successors of Mr. Tegg, or reduced to the cold, dead level of the utilitarian philosophy. The House was legislating now for the species, and not for the individual, as had been asserted in the course of that debate; for was it not legislating for the species to legislate for those who informed them—their teachers? If they could have selected the "mute inglorious Milton" what honours, what rewards, would they have thought too mighty to be conferred on him in his own era? And now, when the fulness of time had conferred immortality on the son of genius, would they strip him of his just remuneration? The hon. Member for Finsbury had said "Let

those who write for posterity be rewarded by posterity;" but the hon. Member would not allow posterity to reward them. How much more consistent and equitable it would be, instead of tardily appropriating a public grant of money, simply to allow the fitting reward to find its way in the fair mercantile channels through which authors and their heirs would certainly receive it if the Legislature permitted them. His opponents asserted that they sympathised with what was good, and great, and lasting in the literature of their country. He entreated them to prove it, and thereby establish also their sympathy in the cause of justice and of right.

The House divided on the original motion: Ayes 116; Noes 64: Majority, 52.

List of the AYES.

Acland, Sir T. D.	Grimston, Viscount
Alston, R.	Halford, H.
Arbuthnot, hon. H.	Handley, H.
Attwood, M.	Harland, W. C.
Attwood, W.	Hawkes, T.
Bailey, J., jun.	Heathcote, Sir W.
Baring, H. B.	Heathcote, G. J.
Barrington, Viscount	Hector, C. J.
Bentinck, Lord G.	Hepburn, Sir T. E.
Berkeley, hon. G.	Herbert, hon. S.
Bewes, T.	Hillsborough, Earl of
Bramston, T. W.	Holmes, W.
Bulwer, E. L.	Hope, G. W.
Burrell, Sir C.	Horsman, E.
Campbell, W. F.	Howick, Viscount
Cantalupo, Viscount	Hutton, R.
Cavendish, hon. C.	Ingham, R.
Cavendish, hon. G. H.	Jenkins, R.
Chandos, Marquis of	Kirk, P.
Codrington, C. W.	Lambton, H.
Compton, H. C.	Lascelles, hon. W. S.
Conolly, E.	Lefevre, C. S.
Craig, W. G.	Lockhart, A. M.
Cripps, J.	Mackenzie, T.
Curry, W.	Mackenzie, W. F.
Darby, G.	Macleod, R.
Darlington, Earl of	Mahon, Viscount
Davies, Colonel	Master, T. W. C.
D'Israeli, B.	Maunsell, T. P.
Duncombe, hon. A.	Miles, P. W. S.
Egerton, W. T.	Milnes, R. M.
Ellis, J.	Monypenny, T. G.
Estcourt, T.	Mordaunt, Sir J.
Etwall, R.	Morpeth, Viscount
Filmer, Sir E.	Morris, D.
Freshfield, J. W.	Murray, rt. hon. J. A.
Gaskell, Jas. Milnes	Neeld, J.
Gladstone, W. E.	Neeld, J.
Glynn, Sir S. R.	O'Neil, hon. J. B. R.
Gordon, R.	Packe, C. W.
Graham, rt. hon. Sir J.	Palmer, C. F.
Greene, T.	Palmer, R.
Grimsditch, T.	Parker, T. A. W.

Patten, J. W.
Perceval, Colonel
Powerscourt, Visct.
Praed, W. M.
Price, Sir R.
Price, R.
Pringle, A.
Protheroe, E.
Pusey, P.
Rice, rt. hon. T. S.
Rolleston, L.
Round, C. G.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord
Sandon, Viscount

Shaw, rt. hon. F.
Sinclair, Sir G.
Slaney, R. A.
Talbot, J. H.
Tancred, H. W.
Vere, Sir C. B.
Vigors, N. A.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Wilkins, W.
Winnington, T. E.
Wyse, T.

TELLERS.

Talfourd, Sergeant
Inglis, Sir R. H.

List of the NOES.

Abercromby, hn. G. R.	Lister, E. C.
Aglionby, H. A.	Marshall, W.
Alsager, Captain	Marsland, H.
Bailey, J.	Maule, hon. F.
Bannerman, A.	Nicholl, J.
Briscoe, J. I.	O'Brien, W. S.
Brotherton, J.	O'Callaghan, hon. C.
Buller, Sir J. Y.	Pease, J.
Busfield, W.	Pechell, Captain
Chalmers, P.	Philips, M.
Colquhoun, J. C.	Pryme, G.
Dennistoun, J.	Rice, E. R.
Dowdeswell, W.	Richards, R.
Duke, Sir J.	Roche, W.
Duncombe, T.	Roche, D.
East, J. B.	Rolfe, Sir R. M.
Easthope, J.	Salwey, Colonel
Eastnor Viscount	Somerset, Lord G.
Evans, W.	Stuart, V.
Fort, J.	Strutt, E.
Gillon, W. D.	Sugden, rt. hon. Sir E.
Hale, R. B.	Teignmouth, Lord
Hawkins, J. H.	Thornley, T.
Hayter, W. G.	Turner, W.
Hinde, J. H.	Villiers, C. P.
Hindley, C.	Wall, C. B.
Hughes, W. B.	Wallace, R.
Hume, J.	White, A.
Jephson, C. D. O.	Williams, W.
Jervis, J.	Williams, W. A.
Jervis, S.	
Jones, J.	
Kelly, F.	
Kinnaird, hon. A. F.	

TELLERS.

Wakley, T.
Warburton, H.

The Bill committed *pro forma*, and House resumed.

SALMON FISHERIES (IRELAND).] Colonel Conolly moved the second reading of Salmon Fisheries (Ireland) Bill, in which it was advisable to adopt some modification, and hoped it would be allowed to go to a Select Committee when this might be effected.

Mr. W. S. O'Brien opposed the measure, which he conceived to be highly restrictive to the liberty of the subject. He