

sending out strict orders to India, that there should be agents or protectors who should take care that bargains were not made by the labourers without a knowledge of their real nature, and that parties should not take them away without letting them know where they were going, it did seem to him perfectly fair, that labourers from India who earned very small wages, should be allowed to go to the Mauritius, where they might earn higher wages and improve their condition. Of course, it would be a very great object to the proprietors of estates in the Mauritius to obtain this supply of labour, but he would not be for allowing it, unless it appeared clearly, that it could be done without injury to the labourers, whose case formerly excited great interest, both in that and the other House of Parliament. He did not mean to propose any measure on this subject, but it was the intention of Government to relax the actually existing prohibition with respect to the emigration of labourers from India to the Mauritius. He had thought it necessary to make this statement to the House, believing, that when Parliament was sitting, it would not be right to take any course without communicating it to the House.

Mr. *Hume* thought, that the noble Lord should not have proposed a measure of so much importance, without giving the House an opportunity of discussing it.

Mr. *Goulburn* thought it was extremely difficult to deal with the statement made to the House by the noble Lord. If the noble Lord were to suppose, that the House had sanctioned his proposition, they would be placed in a very awkward situation. It would be more satisfactory, he thought, that the House, before expressing its opinion, should wait for the promulgation of the Order in Council, which it appeared to be the noble Lord's intention to issue. At the present moment he was not prepared to say, that the noble Lord was wrong in his arrangement, but he wished to be allowed to reserve his opinion to some future opportunity.

Lord *J. Russell* in explanation said, that it had not been his wish to call for any discussion on the subject at the present moment, but as it would be necessary to put in motion the prerogative of the Crown he thought that it would be desirable, that the House should be in-

formed what was about to be done before the steps were actually taken.

Leave given to bring in the bill.

COPYRIGHT LAW.] Mr. Sergeant *Talfourd* said, in rising to move for leave to bring in a bill to amend the present law of Copyright, he did not think it necessary to detain the House with any observations in favour of a measure which had already been three times before that House, and three times sanctioned by its approval. Under these circumstances he thought it unlikely that any hon. Member would deem it necessary to oppose such a bill in that, its preliminary stage.

Mr. *Wakley* said, the hon. and learned Sergeant had observed, that he did not deem it necessary to address any observations to them in moving for leave to bring in a bill such as he had stated, which had already been before the House for three sessions successively. Now, whatever might have been the opinion of that House of the bill in question, it had excited in the public mind abroad sentiments of no small alarm. The hon. and learned Gentleman had brought forward that measure with great eloquence indeed, but he should be permitted to say, that great as was that eloquence it was no argument in favour of the bill he proposed, nor had the hon. and learned Gentleman convinced him of the justice or necessity in any manner of interfering with the present law of copyright. What was it the hon. and learned Sergeant wanted to establish by that law? What was it he expected to do? Did he think thereby to benefit the cause of literature, to serve the community at large, or confer any advantage upon the authors generally? There had been two Parliamentary committees appointed upon this subject. One in the year 1813, and the other in the year 1818. The consequence of the first had been the introduction of the bill of 1814, which had added fourteen years to the term of the right of copyright. It had been previously only fourteen years; the new law had made it twenty-eight. He should be glad to know whether the hon. and learned Sergeant had taken the trouble to read the evidence taken before those committees. It would appear from his gesture of assent that he had read that evidence—[“*Hear, hear!*” from Sergeant *Talfourd*]. Well, then, supposing the learned Sergeant had read it, it was a reasonable supposition

that he could have no objection to the appointment of another committee. In the evidence taken before the committee in 1818 it had been clearly pointed out to every person, that it was wholly unnecessary and supererogatory to legislate again on that subject or to extend the period of copyright. What had Dr. Clark, Mr. Rees, and Mr. Taylor said in their evidence upon that subject? The latter had observed, that he scarcely ever had heard of a very expensive work having been republished during his thirty years' experience in the trade. All had agreed, that the prolongation of the time would not be of that advantage to the authors whom the hon. and learned Gentleman was desirous of promoting. He considered, that a question of the present kind not only involved the consideration of the interference with the property of those who had a large sum of money sunk in the printing trade, but also, considering the great spread of education of late years, involved a question of the diffusion of knowledge in this kingdom. But he could easily believe, after the eloquence with which this matter had been advocated, and the manner in which the sympathies of hon. Members had been roused and enlisted on behalf of one or two destitute authors, that the House would be anxious to inquire in what respect a new Act of Parliament should be framed for the purpose of extending the period of copyright from what it now was. Now, notwithstanding the hon. and learned Gentleman proposed to extend the copyright to sixty years beyond the life of the author, he seemed to consider, that this was almost a compromise of the great question in which he was involved. Why, he supposed they should have the learned Sergeant requiring them, if they agreed to that, to extend it to a perpetual copyright. Now to support his present bill ought not the hon. and learned Sergeant to show the House that the cause of literature was in decay, or that works of value were not issuing from the press. That the learned Sergeant had not shown; neither had he shown, that the demand for printed works was less than before. If the learned Sergeant were to ask any publisher or author they would tell him, that their chief anxiety was not for the time they devoted to their work, but the appetite for literature which the public mind had acquired. Now, if an author wished to

write for the people 100 years hence, they could not compel him to change his fancy, nor could they control his designs. He contended, that the hon. and learned Sergeant had failed to show, that the effect of the present law had been to prevent the production or issue from the press of standard or excellent works. What had been the practice when copyright had been really of less value than it was now. What had Roger Bacon, what had Shakspeare got for their works? They had other incentives to write besides the mere remuneration they received. The greatest works ever produced in this country had been produced when copyright had been of considerably less value than it was now. What had Milton received for his "Paradise Lost?" Milton might not have been so great a poet as others of modern date; but, without wishing to depreciate the talents or the labours of others, he did say, that if they then passed a law to diminish the present diffusion of publications, they would inflict on the cause of literature the greatest evil it could receive. The hon. and learned Gentleman having thus failed to make out a case on one side, and he (Mr. Wakley) believing, that there were some who thought with him, that an investigation ought to take place into the matter previously to legislating upon it, he trusted that the House would agree with him, that it ought to appoint another committee to inquire, before they proceeded to interfere with the business of men who had embarked many thousand pounds in the printing trade. He would say nothing on that occasion of the disappointment of certain authorities, because certain men never would believe the public thought enough of their merits. It was the statement of the publishers, that the expense of printing, of late years, had much increased, but the great and serious evil was the increasing rapacity of authors. He hoped the noble Lord at the head of the Government in that House would state his opinions upon the subject. Two Sessions ago the noble Lord had said, that a case in favour of the bill had not been made out, and this declaration gave great satisfaction to the people out of doors. He should on all these accounts move as an amendment to the motion of the hon. and learned Gentleman, "that a select committee be appointed to inquire into the operation of the existing laws of copy-

right, and to report thereon to the House."

Mr. *Hume* seconded the amendment. He said it was twenty-one years since any inquiry had taken place on the subject. Any man who read the report would be convinced that the opinion of the committee was against any alteration of the law; and he therefore submitted, after the contests they had had, if the learned Sergeant were so satisfied, he could make out an overwhelming case (which he had not done) in favour of his bill, he could have no objection to the appointment of a Committee. He was bound to state that the communications he had had, and the opinions he had seen since last year, proved at least that there was a great diversity of opinion. His own opinion was well known. All, therefore, he should say was, that in the midst of so much difficulty, with such difference of opinion, and on a question which was of so very much importance, the matter should be examined in committee. It would not take long, and if the learned Sergeant would not submit to an inquiry, he must submit to opposition, as he had stated on a former occasion. His objection to the bill was, that it would make books dear. He would, therefore, submit to the hon. Gentleman, that it would be better for him to yield on this matter with a good grace. He cared not who formed the committee, and he would rest the whole proceedings with it, because, in his opinion, it was impossible to make out a case for the bill. He should, therefore, second the amendment.

Mr. Sergeant *Talfourd* trusted, that he should receive the sanction of the House in declining to be drawn into a discussion on the general principles of the law of copyright. He considered that the proposition made by the hon. Member for Finsbury was made only for the purpose of obstructing the progress of the measure, and he should certainly accept of no advice from him, or the parties with whom he acted, after the course which had been taken by them in the last Session of Parliament. There never was a case so weak, so nugatory, so trifling, made out for the House refusing to allow the introduction of a bill which had been laid three times on the Table of the House, as that which the hon. Member for Finsbury had presented. As to the committee of 1818, he himself had stated two long years ago,

that he would be bound by the statements made before that committee, and that he would be contented to legislate on the testimony given by the publishers themselves, who were then most hostile to a copyright bill. Now, the present measure had been three times discussed, and not one question of fact was in dispute. He would concede, that there was a difference between them in point of principle. The question was whether an author having committed to paper the thoughts he had conceived and cherished in solitude, should have any property in them, or whether they should become that of the public, whether an author communicating his inspirations to the world should only demand of the public the produce of their immediate sale, or look at large unto posterity for the reward of works which might not receive immediate attention from the public. Those were the principles on which they had to legislate; and were not these matters on which every scholar and thinker had equal power on forming his judgment? Every fact which the hon. Member for Finsbury contended for should be admitted. He would admit, that Mr. Tegg, the publisher, for whom the hon. Member appeared, had made a fortune of 200,000*l.* by publishing, and that Sir Walter Scott did not make much by creating his immortal productions. The hon. Member for Finsbury should have that admission; and he would also concede that the works of popular and living authors might be had extremely cheap. The hon. Member should also have admitted, if he pleased, what he had alluded to on a former occasion, in a humorous manner, that the best works were produced anterior to the existence of copyright. He rested his statement of its necessity now chiefly on the claims of the authors and booksellers who had petitioned the House in its favour, while few had petitioned against it. These were all the facts on which the House could be called on to legislate. He had heard no one of them disputed. When the question was introduced two years ago, a committee had been moved for and negatived, and it was unusual to bring forward such a motion again as an obstruction to the bill being laid upon the Table of the House. But when the question was put, whether it should be referred to a Committee of the whole House, or to a Select Committee, the Attorney-General and the hon. Member for Ripon,

who then opposed it, but he trusted would no longer do so, both stated their conviction that there was no case for a Select Committee, and that to propose it was only to obstruct the bill. If there really was a case made out for a committee, not upon the present bill, but upon the copyright laws generally, why, then he trusted the House would so far protect this measure as to allow it to be laid on the Table, as it was not a question of detail, but a great question both of expediency and justice. He should at least feel it his duty to resist the amendment, and he was prepared to meet the consequences of that resistance at any rate: if he had to contend with any unjust opposition he should be able to meet it before the House far better than with a Select Committee.

Mr. *Warburton* disputed the proposition of the learned Sergeant (*Talfourd*), that an invasion of copyright in perpetuity was an invasion of private property. Literary property was private property only so long as the manuscript remained in the private possession of the author, but when it was published it became, to a certain extent public property. It was no injustice therefore to deprive the author of perpetual copyright in his works. The state gave to authors a certain protection for their works, and they were bound, on the other hand, as an equivalent for this protection, to see that the public had the advantage of having the work published at a reasonable rate. But the hon. and learned Sergeant denied altogether the argument drawn from public expediency. After such a denial, ought he to be allowed to bring in a bill upon such a principle? The proposed sixty years after the death of an author would, counting from the time of the publication, run on an average to a hundred. Could such an extension be justified? The bill of Anne, which allowed only fourteen years, required that the Archbishop of Canterbury and his assistants should limit the price at which works were published, so that the public might not be shut out from all advantage. That time at present was for twenty-five years, which of course would be much longer if the authors were long-lived. Then, again, if an author amended his works before his death, as every man careful of his fame would be likely to do, there would be an additional extension of twenty-five years to the most correct edition. On these grounds he should feel

bound to oppose at every stage a bill such as this, founded, as it avowedly was, on the principle of perpetual copyright, and he would oppose it on the paramount plea of public utility.

Sir *R. Inglis* said, that he would not deny the right of the hon. Gentleman to oppose the introduction of any Bill; but he did think that the hon. Gentlemen opposite were not dealing fairly or justly in the present instance. It was in the recollection of the House, that they had already given leave to four hon. Members that night to bring in Bills on different subjects, and on referring to their motions, as they stood upon the paper, he could not bring himself to think that the claim in any one of those cases, was equal to that involved in the motion of his hon. and learned Friend. That House had, on three former occasions, sanctioned the principle of this Bill, which could not be said of any of the four cases to which he had alluded, and therefore, without entering into any discussion of the merits of the question on the present occasion, he did trust, that the hon. Member for Finsbury, and his hon. Friend the Member for Bridport, would, if only from a feeling of courtesy to his hon. and learned Friend, not refuse their acquiescence in the motion for the introduction of this Bill.

Mr. *O'Connell* had voted before with the learned Sergeant, and saw no reason why he should not do so again; but a considerable impression had been made upon him by the observations which he had heard, and under all the circumstances, he thought it would be better for the hon. and learned Gentleman to accede to the proposition for a committee, where the objections could be more fully considered.

Viscount *Howick* hoped the hon. and learned Gentleman would acquiesce in the motion for a committee, as otherwise he should feel himself called upon to vote with the hon. Member for Finsbury, but not with a view to obstruct the bill. During the last two or three years, serious objections had been taken to the present position of copyright, and there was no doubt that the existing law called for alteration. The present system afforded the greatest protection to light and ephemeral compositions, whilst works of labour, research, and diligence, which could only win their way gradually into public favour and circulation, were not sufficiently protected. By canvassing the matter in

committee, means might be devised of affording protection to the author on the one hand, and to the publisher on the other.

Lord *Mahon* would advise the hon. and learned Gentleman to take the opposite course to that recommended by the noble Lord, and not agree to refer the bill to a committee. It was evident that the objection of the hon. Member for Finsbury was to the principle, not the details of the bill, and no committee could meet either his objections or those of the hon. Member for Bridport.

Mr. *Labouchere* felt some difficulty as to the mode in which he should act. He approved of the suggestion thrown out by the noble Lord (Howick), and he must say that if the measure of the hon. and learned Gentleman was not greatly altered it might be productive of mischief. Still there would be something ungracious in the House refusing to grant leave for the introduction of the bill.

Mr. *Hobhouse* should support the proposition for referring the whole question of copyright to the consideration of a select committee up stairs, as the only means by which it could be justly settled.

Mr. Sergeant *Talfourd* said that, with all respect for those who had spoken against this measure, yet not having heard any suggestion but what showed that the arguments adduced against it were arguments upon its principle, and of unmitigated hostility, which would not be likely to be removed by any inquiry that might take place, and supported as he had been by those hon. Members who had assisted him in bringing forward this measure, he felt bound to divide the House on the subject, and he should most respectfully abide by its decision.

The House divided on the original question—Ayes 75; Noes 53: Majority 22.

List of the AYES.

Acland, T. D.	Curry, Sergeant
Aglionby, Major	Darby, G.
Attwood, W.	Filmer, Sir E.
Attwood, M.	Fleetwood, Sir P. H.
Bailey, J. jun.	Gaskell, J. Milnes
Baring, F. T.	Gladstone, W. E.
Barneby, J.	Gordon, R.
Beamish, F. B.	Goulburn, H.
Boldero, H. G.	Graham, Sir J.
Bramston, T. W.	Greene, T.
Broadwood, H.	Hamilton, C. J. B.
Bruges, W. H.	Hawkes, T.
Codrington, C. W.	Henniker, Lord
Cresswell, C.	Herbert, hon. S.

Herries, rt. hon. J. C.	Perceval, Colonel
Hodgson, R.	Pigot, D. R.
Howard, F. J.	Pigot, R.
Hughes, W. B.	Polhill, F.
Jermyn, Earl	Praed, W. T.
Labouchere, H.	Pringle, A.
Law, hon. C. E.	Rolleston, L.
Litton, E.	Round, C. G.
Lockhart, A. M.	Rushbrooke, Colonel
Lowther, J. H.	Russell, Lord J.
Mackenzie, T.	Shaw, right hon. F.
Macleod, R.	Sibthorp, Colonel
Mahon, Lord	Somerville, Sir W. M.
Miles, W.	Steuart, R.
Miles, P. W. S.	Stewart, J.
Morpeth, Lord Visc.	Strickland, Sir G.
Morris, D.	Thompson, Mr. Ald.
Neeld, J.	Verner, Colonel
Norreys, Sir D. J.	Waddington, H. S.
O'Connell, M. J.	Whitmore, T. C.
O'Ferrall, R. M.	Winnington, Sir T. E.
Cswald, J.	Winnington, H. J.
Packe, C. W.	TELLERS.
Pakington, J. S.	Talfourd, Sergeant
Parker, J.	Inglis, Sir H.

List of the NOES.

Aglionby, H. A.	Muskett, G. A.
Blake, M. J.	O'Brien, C.
Blake, W. J.	O'Brien, W. S.
Briscoe, J. I.	O'Connell, D.
Brocklehurst, J.	Phillips, M.
Brotherton, J.	Power, J.
Busfield, W.	Pryme, G.
Currie, R.	Richards, R.
Duke, Sir J.	Salwey, Colonel
Dundas, C. W. D.	Stanley, hon. E. J.
Ellis, W.	Stuart, Lord J.
Ewart, W.	Stock, Dr.
Gillon, W. D.	Strutt, E.
Greig, D.	Style, Sir C.
Harcourt, G. G.	Tancred, H. W.
Hawes, B.	Thornely, T.
Hobhouse, T. B.	Vigors, N. A.
Howard, Sir R.	Wakley, T.
Howick, Lord Visc.	Westenra, hon. H. R.
Hutt, W.	White, A.
Hutton, R.	Williams, W.
James, W.	Wood, G. W.
Jervis, J.	Wood, B.
Langdale, hon. C.	Worsley, Lord
Loch, J.	Yates, J. A.
Lushington, C.	TELLERS.
Marshall, W.	Hume, J.
Muntz, G. F.	Warburton, H.

Leave given to bring in the bill.

SPRIT LICENCES (SCOTLAND.) Mr. *Gillon* moved for leave to bring in a bill to enable persons holding licences, to sell beer, spirits, and other exciseable liquors, to obtain a renewal of their licences from the excise in Scotland.

Mr. *Pringle* said, he felt bound to take the very earliest opportunity of opposing