

had not attributed the fall of Acre to the explosion of the powder magazine. He had mentioned the occurrence as it had been noticed by others, but he did not say the capture of the place was occasioned by it.

Lord *F. Egerton* said, he noticed the circumstance to prevent a misconstruction being put upon it elsewhere.

Resolution carried *nem. con.*, as were also the following resolutions:—

“That the thanks of this House be given to Commodore Sir Charles Napier, Knight Commander of the Most Hon. Military Order of the Bath, and to the several Captains and officers of the fleet employed on that arduous service.

“That this House doth acknowledge and highly approve the services of the Seamen and Royal Marines serving in the fleet on the coast of Syria.

“That the thanks of this House be given to Major-General Sir Charles Frederick Smith, and to the officers of the Royal Artillery and engineers who served under his command on the coast of Syria.

“That this House doth acknowledge and highly approve the services of the detachments of Royal Artillery and of Royal Sappers and Miners in the fleet employed on that important service.

“That the thanks of this House be given to rear-admiral Baron de Bandeira, and the naval forces of his Majesty the Emperor of Austria under the rear-admiral's command, for their cordial assistance and co-operation in the service on the coast of Syria, and the attack of Acre on the 3rd of November, 1840.

“That the thanks of this House be given to admiral Sir Baldwin Wake Walker, knight, commander of the most hon. military Order of the Bath, and naval forces of his highness the Sultan, for their gallant assistance and co-operation during the service on the coast of Syria, and the attack of Acre on the 3rd of November, 1840.

“That Mr. Speaker do communicate the said resolutions to admiral the hon. Sir Robert Stopford; and that he be requested to make known the same to the several officers under his command, and in co-operation with her Majesty's navy in the said service.”

COPYRIGHT.] The Order of the day for the second reading of the Copy-right Bill having been read,

Mr. Sergeant *Talfourd* said, that after the discussion which the principle of the bill had undergone in that House, he should feel himself unworthy of the attention which had been accorded to him on former occasions if he were to occupy the House for more than a few minutes; and

were it not for some misconceptions that existed as to the principle of the bill he would not have said one word. One misconception was with respect to that which formed the main object of the bill—the extension of the term during which authors should retain an interest in the works of their own minds. He supposed, that because the term of sixty years was mentioned, that therefore those who supported the bill of necessity insisted on that term being retained in the bill. He had always taken every pains to let it be understood that he was not by any means wedded to that term, but that a less term would satisfy him. There were indeed certain hon. Members whom he would not ask to vote for the second reading of the bill, but he would ask those who were ready to follow the present project introduced into the Chamber of Deputies in Paris, for the purpose of giving a copyright to the extent of thirty years. That measure was introduced by the Minister of Public Instruction, with the assertion that he thought a perpetual copyright was but just, and he regretted that it was not in his power to propose that instead of thirty years. He (Sergeant Talfourd) would ask those hon. Members who approved of that measure to vote for the second reading of the bill; and he would ask them whether they would not give something to both sides. He thought that the promoters of this bill were misunderstood when it was said that they overlooked the question of expediency with respect to the publishers and the public. He did not certainly love that word expediency as much as certain hon. Gentlemen on the other side of the House. He had, with astonishment, heard it said that their duty to authors was to give them as little as possible, so that they might play upon the author's love of fame. When he heard the creations of the mind compared with the rent of land, he was not able to avoid asking the question, whether those who occupied no space possessed by others—whether those who altogether created that which was to be a system of instruction for the human mind—whether those individuals were not entitled to the benefit of their own work? But he denied, that he had placed the principle of that bill merely in that light. He had regard to what was expedient to authors, to publishers, and to the public. As to authors, it was enough, to say, that amongst the petitioners in favour of that

bill, were some of the greatest authors, and who were entitled, he should say, to the thanks of that House. As to publishers, with one or two exceptions, the publishers were quite satisfied with the provisions of the bill. Then, with regard to the public, he always contended, that in the first place, the public should learn justice. He contended for that because, it was expedient it should be kept in mind in the subject of this bill as well as in matters of law and justice. In the year 1814, there was a far larger extension of copyright than that he now asked for. The term of copyright, which was fourteen years, was then extended to twenty-eight years, and precisely the same arguments were then urged as against the present bill, that books would become dearer, there would be fewer written, fewer published, and fewer sold. Now, since the year 1814, books had greatly increased in number, and diminished in price, and, therefore, had he not a strong and unanswerable proof that extensions of copyright by no means implied dearness of books. He had only made these remarks for the purpose of showing that it was a misunderstanding to say that he rested the right of this bill merely on the ground of some natural right, without regard to expediency. He would only submit to the House, in two sentences, two considerations, which seemed to him to prove an absolute necessity for this measure. The first was, that it was only by this means they could give to authors the power of preserving the purity of their works, and of securing them from pretended abridgements, which would emasculate, or pervert, or pollute them, and give to those, to whom it would be a labour of love, their families, and those who cherished their memories, the means of protecting them from such injury. The next consideration was, that, as it was too much the tendency of the present day to purchase works of light and airy character, and of temporary interest, and as such works were abundantly rewarded by the immediate profit they afforded, it became them to encourage that which was slow in production, high in aim, and lasting in duration, and not to say that all the profits should be given to the labours of a day. "That those who vindicated their own powers for immortality, as far as it could be judged of by the years of life, should not go without their just reward." He would

not trouble the House further on a subject, which he believed on his part, was quite exhausted. He therefore begged leave to move the second reading of the bill.

Mr. *Macaulay*: Though, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my hon. and learned Friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of letters, I think it my duty to avow that opinion and to defend it. The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things, treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be according to these gentlemen, legal robbery. Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared like my hon. and learned Friend, to agree to a compromise between right and expediency, to commit an injustice for the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own with Paley in thinking that property is the

creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that point. For even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is quite certain that we have abuses to reform much more serious than any connected with the question of copyright. For this natural law can be only one, and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike; in many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family. It was only of the residue that he could dispose by will. Now he can dispose of the whole by will. But a few years ago you enacted, that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions. But there are local customs which modify that statute. Now which of all these systems is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino*. Are the two witnesses *jure divino*? Might not the *pars rationabilis* of our old law have as fair a claim to be regarded as of celestial institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament. Or is it to Custom of York, or to Custom of London that this pre-eminence belongs? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed, are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my hon. and learned Friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any

assailant. The point in issue is, how long after an author's death the State shall recognize a copyright in his representatives and assigns, and it can, I think, hardly be disputed by any rational man that this is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good. We may now, therefore, I think descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence is neither black nor white, but grey. The system of copyright has great advantages, and great disadvantages, and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The charge which I bring against my hon. and learned Friend's bill is this,—that it leaves the advantages nearly what they are at present and increases the disadvantages at least four fold. The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books; we cannot have such a supply unless men of letters are liberally remunerated: and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce pieces of great merit. But you must not look to them for works which require deep meditation and long research. Such works you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalize themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and

whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labour. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright. There have been times in which men of letters looked, not to the public, but to the Government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenæ and Pollio at Rome, of the Medici at Florence, of Louis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty, to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men, than one under which they should be taught to look for their daily bread to the favour of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into its scandal and its pest. We have then only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My hon. and learned Friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my hon. and learned Friend seems to hold, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a

perpetuity, he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather why should we not restore the monopoly of the East-Indian trade to the East-India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my hon. Friend to find out any distinction between copyright and other privileges of the same kind,—any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East-India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good, that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good. Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease, but this I confidently say, that it is very much nearer that point than the law proposed by my hon. and learned Friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with its evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years, gives to an author thrice as much pleasure, and thrice as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very distant advantages, even when they are advantages

which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart of the Australian continent, will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australian continent. We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year 2000 or 2100 somebody who claims through him will employ more shepherds than Prince Esterhazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my hon. and learned Friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and fatal reality; I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my hon. and learned Friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be, it is impossible to say, but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the grandson of a third bookseller, who had bought the copyright from Black Frank, the Doctor's servant, in 1785 or 1786. Now, would the knowledge, that this copyright would exist in 1841, have been a source of gratification to Johnson? Would it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal? I firmly believe not. I firmly believe that a hundred years ago, when he was writing our debates for the Gentleman's Magazine, he would very much rather have had two-pence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term, and a sixty years' term of posthumous copyright, would have been nothing or next to nothing. But is the

difference nothing to us? I can buy Rasselas for sixpence; I might have had to give five shillings for it. I can buy the Dictionary—the entire genuine Dictionary—for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better, that I am to give five pounds for what to him was not worth a farthing. The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of human pleasures; and never let us forget that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax if it can be shown that by so doing I should proportionably increase the bounty. My complaint is, that my hon. and learned Friend doubles, triples, quadruples, the tax, and makes scarcely any perceptible addition to the bounty. To recur to the case of Dr. Johnson,—what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my hon. and learned Friend's bill had been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly under-rate it. Now, I again say, that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings. My hon. and learned Friend dwells on the claims of the posterity of great writers. Undoubted-

ly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence, on the fruits of his great ancestor's genius. A house maintained in splendour by such a patrimony would be a more interesting and striking object than Blenheim is to us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My hon. and learned Friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if any thing, more for a term of sixty years than for a term of thirty or five-and-twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste, that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing, has often undergone a change in a much shorter period than that to which my hon. and learned Friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, "who now reads Cowley?" What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754. In 1814, no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Paternoster-row give now for the copyright of Hayley's *Triumphs of Temper*, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and, I say, that the price given

for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years, levy on the public. If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select,—my hon. and learned Friend will be surprised,—I should select the case of Milton's grand-daughter. As often as this bill has been under discussion, the fate of Milton's grand-daughter has been brought forward by the advocates of monopoly. My hon. and learned Friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty, of this ill-fated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit, that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my hon. and learned Friend tell me that this event, which he has so often and so pathetically described, was caused by the shortness of copyright? Why, at that time, the duration of copyright was longer than even he, at present, proposes to make it. The monopoly lasted not sixty years, but for ever. At the time at which Milton's grand-daughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of *Paradise Lost*, I think it was Tonson, applied to the Court of Equity for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained his injunction. The representation of *Comus* was, if I remember rightly, in 1750—the injunction in 1752. Here, then, is a perfect illustration of what I conceive to be the effect of long copyright. Milton's works are the property of a single publisher. Everybody, who wants them, must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost*, must forego that great enjoyment. And what, in the meantime is the situation of the only person

for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's grand-daughter is starving. The reader is pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet. But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps more to be apprehended when an author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear, that if such a measure as this should be adopted, many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my hon. and learned Friend has devised are altogether nugatory. That the danger is not chimerical may easily be shewn. Most of us, I am sure, have known persons who, very erroneously, as I think, but from the best motives, would not choose to reprint Fielding's novels, or Gibbon's *History of the Decline and Fall of the Roman Empire*. Some Gentlemen may perhaps be of opinion, that it would be as well if *Tom Jones* and Gibbon's *History* were never reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here, cases too in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels. Whatever I may, on the present occasion, think of my hon. and learned Friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show such profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who had taught the passions to move at the command of virtue. My dear and honoured Friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of the unchristian

tendency of the fashionable novels of the eighteenth century, most distinctly excepts Richardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of Richardson those principles of piety, by which her life was guided. I may safely say, that books celebrated as works of art through the whole civilised world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my hon. and learned Friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; he was a most upright and excellent man; but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said,—this I state on the authority of one of his clerical brethren, who is now a bishop;—he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law has been what my hon. and learned Friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them wide circulation. I firmly believe, that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He would not have reprinted them. And what protection does my hon. and learned Friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the *London Gazette*: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my

hon. and learned Friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction, that under such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an Aldus or a Caxton. I will give another instance. One of the most instructive, interesting and delightful books in our language is Boswell's *Life of Johnson*. Now it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot in the escutcheon of the family. He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable, that at last he could not bear to hear the *Life of Johnson* mentioned. Suppose that the law had been what my hon. and learned Friend wishes to make it. Suppose that the copyright of Boswell's *Life of Johnson* had belonged, as it well might, during sixty years to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in the world would have been as scarce as the first edition of Camden. These are strong cases. I have shewn you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books,—books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind,—books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot. I will take a single instance. It is fifty years since John Wesley died; his works, if the law had been what my hon. and learned Friend seeks to make it, would now have been the property of some person or other. The sect founded by Wesley is the most numerous, the wealthiest the most powerful, the most zealous, of sects. In every election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their founder in the greatest reverence;

and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century so strong, so flourishing, and so formidable. The hymns to which he gave his imprimatur are a most important part of the public worship of his followers. Now suppose that the copyright of these works belonged to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptized by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England and there I saw John Wesley designated as a forsworn priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of Government. Let Gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years,—if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so intolerable a wrong may be done to some sect consisting perhaps of half a million of persons. I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this,—that if the measure before us should pass, and should produce one tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, will this law be virtually repealed by piratical booksellers. At pre-

sent the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouth of deserving men. Every body is well pleased to see them restrained by the law and compelled to refund their ill-gotten gains. No tradesman of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men of a character very different from that of the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit; and the whole nation will be in the plot. On which side indeed should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage of the great grandson of a bookseller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress? Remember too that when once it ceases to be considered as wrong and discreditable to invade literary property, no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the committee that my objections might be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my hon. and learned Friend, could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

Sir R. Inglis said, that he rose with peculiar difficulty, after the speech of his right hon. Friend—a speech filled with illustrations from every page of English literature, and which he alone, perhaps, of the present House could have supplied. He would not enter into the metaphysics as to the origin of property with which that speech commenced. It was enough

for him to say, that the bill on the Table had no reference to it. That bill, whether right or wrong, was not founded on principle, but on expediency. For himself, he never hesitated to state, that he thought that a man ought to have the same property in the productions of his mind as in those of his hands. But this statement was not in the bill or in the speech of his hon. and learned Friend. The bill merely changed the term of twenty-eight years, and the interval between that term and the death of the author, on the one hand, and the term of sixty years calculated from the death of the author, on the other hand. All the arguments, therefore, which were directed with so much eloquence against the proposed law, applied *pro tanto* to the present law. If books could be suppressed for sixty years by the measure of his hon. and learned Friend, they could be suppressed for twenty-eight years under the operation of the actual system. Then, as to prices, his right hon. Friend argued that a book which he now bought for 6*d.* might cost 5*s.* under what he called the monopoly. Were publishers the only persons insensible to their own interest? Would not the pirate publisher, as he was called, finding that the original price was 5*s.*, contrive, by underselling it at 4*s.* 6*d.* to secure the larger share of profit to himself: would it be a competition between 6*d.* and 5*s.*; would it not be between 4*s.* 6*d.* and 5*s.*? And is it for such a fractional difference that you would deprive the families of the great authors of England of their best inheritance? He urged the House to recollect that it was only the great and good authors who would be benefited by the proposed measure. Those who had the best claims on the gratitude of their country alone could profit by the protection which they sought. In the families of Southey, of Wordsworth, and of Scott, many, if not all, their copyrights remained; and it was for the interests of the country itself that its more valuable literature should be encouraged. He trusted that the House would allow the bill to be read a second time.

Mr. Sergeant Talfourd replied. He thought that if the right hon. Gentleman opposite had really cherished those deep and strong convictions that the bill was calculated to inflict those injuries he had mentioned, he would have expressed those

convictions upon some of the many former occasions the subject had undergone discussion. The observations which his right hon. Friend had made, and the doctrine he had laid down with respect to property in works, might be equally urged against all property. It would apply to all who were endeavouring in this transitory life to accumulate property for themselves or their posterity. Was it authors only who had prodigal sons? Might not others have descendants who might dissipate their property? The House might just as well refuse to a Marlborough or a Wellington those honours which their illustrious services entitled them to, because they might, perchance have unworthy descendants. He would, therefore, dismiss that argument as being unworthy of attention. Then, with respect to the supposition, that books would be suppressed. There again the same argument would apply to the twenty-eight years. But he would ask, might not works which the author might desire to suppress be brought forward? Was it no evil to an author, if he had published some immature misconception, or written something of which in riper or maturer years he had repented—was it no evil, that if he had written one line which, “dying, he would wish to blot,” could not blot out when dying, was it not an evil to have that continued before the world? His right hon. Friend had not attempted to grapple with any one of the great examples which had been adduced in support of the bill. He had not grappled with the cases of men like Mr. Wordsworth, who was suffering under undeserved neglect, and who, of too noble a mind to pander to the taste of the public, bided his time, and who found, when he had arrived at a venerable age, his works were beginning to be profitable, that at that moment the profit was snatched from him. Was it not just and noble of the Legislature to aid men who looked beyond the grave, and could see the future in the past? His right hon. Friend supposed that the monopoly would make books dear; but experience had shown that it had no such tendency. The extension of the monopoly from fourteen to twenty-eight years, far from being attended by an advance in the price of books, had rather produced a reduction, and it was natural to expect that it would do so; as books could be produced more cheaply by one press, one set of publishers,

and one set of advertisers than by fifty. He would not have troubled the House at this time with any observations, if his right hon. Friend had not thrown the weight of his authority, the grace of his eloquence, and the fascination of his style into the scale, in opposition to this measure. He, however, thought the voices of Wordsworth, Southey, of Moore and Rogers, of Coleridge, speaking, as it were, from the grave, and of the son of Sir Walter Scott—would weigh against all the powers and genius of his right hon. Friend's address.

The House divided on the original question:—Ayes 38; Noes 45:—Majority 7.

List of the AYES.

Arbuthnott, hon. H.	Hope, hon. C.
Baring, rt. hon. T. F.	Howard, hn. C. W. G.
Bentinck, Lord G.	Litton, E.
Blair, J.	Mackenzie, T.
Briscoe, J. I.	Morpeth, Viscount
Brownrigg, S.	Morris, D.
Buller, C.	Pakington, J. S.
Buller, Sir J. Y.	Parker, M.
Bulwer, Sir E. L.	Pigot, rt. hon. D.
Burr, H.	Polhill, F.
Dalmeny, Lord	Pringle, A.
D'Israeli, B.	Russell, Lord J.
Douglas, Sir C. E.	Sheil, rt. hon. R. L.
French, F.	Stewart, J.
Gaskell, J. Milnes	Strickland, Sir G.
Gladstone, W. E.	Teignmouth, Lord
Glynne, Sir S. R.	Williams, R.
Goulburn, rt. hn. H.	
Greene, T.	
Halford, H.	
Hawes, B.	

TELLERS.

Talfourd, Sergeant
Inglis, Sir R. H.

List of the NOES.

Adam, Admiral	Mildmay, P. St. J.
Aglionby, H. A.	Morrison, J.
Barnard, E. G.	Muntz, G. F.
Bewes, T.	O'Brien, C.
Blake, W. J.	O'Brien, W. S.
Bodkin, J. J.	Ossulston, Lord
Broadley, H.	Philips, M.
Brotherton, J.	Pryme, G.
Bruges, W. H. L.	Rawdon, Col. J. D.
Buller, E.	Richards, R.
Chichester, Sir B.	Salwey, Colonel
Clements, Viscount	Stanley, hon. E. J.
Duncombe, T.	Stansfield, W. R. C.
Dundas, D.	Strutt, E.
Easthope, J.	Villiers, hon. C. P.
Ewart, W.	Wakley, T.
Hector, C. J.	Wall, C. B.
Kemble, H.	Wallace, R.
Langdale, hon. C.	White, S.
Leader, J. T.	Williams, W.
Macaulay, rt. hn. T. B.	Wood, B.
Marshall, W.	
Maule, hon. F.	
Melgund, Viscount	

TELLERS.

Warburton, H.
Hume, J.