

Pinney, W.	Thornely, T.
Pringle, A.	Tollemache, J.
Reade, W. M.	Trollope, Sir J.
Richards, R.	Trotter, J.
Round, C. G.	Tyrell, Sir J. T.
Russell, J. D. W.	Vane, Lord H.
Scholefield, J.	Vernon, G. H.
Scott, R.	Wall, C. B.
Sheppard, T.	Wodehouse, E.
Shirley, E. J.	Wyndham, Col. C.
Smythe, hon. G.	
Sotheron, T. H. S.	TELLERS.
Sutton, hon. H. M.	Somerset, Lord G.
Taylor, J. A.	Estcourt, T. G. B.

*List of the NOES.*

Ainsworth, P.	Grimston, Visct.
Antrobus, E.	Guest, Sir J.
Arkwright, G.	Hale, R. B.
Baldwin, C. B.	Hawes, B.
Balfour, J. M.	Hayes, Sir E.
Baring, H. B.	Hayter, W. G.
Barnard, E. G.	Heneage, G. H. W.
Barrington, Visct.	Hepburn, Sir T. B.
Baskerville, T. B. M.	Hodgson, R.
Bentinck, Lord G.	Houldsworth, T.
Berkeley, hon. Capt.	Howard, hon. J. K.
Berkeley, hon. G. F.	Howard, hon. H.
Borthwick, P.	Inglis, Sir R. H.
Bowring, Dr.	James, W.
Brownrigg, J. S.	Jocelyn, Visct.
Buck, L. W.	Johnston, A.
Buckley, E.	Kelburne, Visct.
Buller, E.	Labouchere, rt. hn. H.
Burrell, Sir C. M.	Lambton, H.
Butler, hon. Col.	Lockhart, W.
Cavendish, hon. G. H.	Mackinnon, W. A.
Charteris, hon. F.	Manners, Lord J.
Cholmondeley, hon. H.	Majoribanks, S.
Christmas, W.	Martin, J.
Codrington, C. W.	Master, T. W. C.
Colborne, hn. W. N. R.	Maunsell, T. P.
Colville, C. R.	Meynell, Capt.
Compton, H. C.	Miles, P. W. S.
Copeland, Mr. Ald.	Morris, D.
Damer, hon. Col.	Napier, Sir C.
Dick, Q.	Neeld, J.
Divett, E.	Neville, R.
Dugdale, W. S.	Norreys, Lord
Duncan, Visct.	Ord, W.
Duncombe, T.	Palmer, R.
Duncombe, hon. A.	Rashleigh, W.
Easthope, Sir J.	Rawdon, Col.
Escott, B.	Ricardo, J. L.
Evans, W.	Rous, hon. Capt.
Farnham, E. B.	Russell, C.
Ferguson, Col.	Somerville, Sir W. M.
Filmer, Sir E.	Stanton, W. H.
Forbes, W.	Stewart, P. M.
Forester, hn. G. C. W.	Strickland, Sir G.
Forman, T. S.	Strutt, E.
Fox, C. R.	Sturt, H. C.
French, F.	Towneley, J.
Gaskell, J. Milnes	Troubridge, Sir E. T.
Gore, hon. R.	Turner, E.
Greenall, P.	Villiers, hon. C.
Grey, rt. hon. Sir G.	Vivian, hon. Major

Vivian, hon. Capt.	Wynn, Sir W. W.
Waddington, H. S.	Young, J.
Wakley, T.	
Wallace, R.	TELLERS.
Wilde, Sir T.	Scrope, P.
Wood, B.	Worsley, Lord

The question that the amendments made by the committee be read a second time, was agreed to. Bill to be engrossed.

BARRACKS.] Major *Vivian* said, it would be in the recollection of the House that the noble Viscount, the Member for Sunderland, during the discussion on the army estimates, was pleased to reflect on the state of the barracks in the West Indies; and although he attached no blame to his noble relative, the late Master-general of the Ordnance, yet, as blame might fall on his noble relative if the noble Lord's statements were correct, he begged to move for certain returns, for the purpose of showing the expenditure connected with the barrack establishment in the colonies and the United Kingdom.

Captain *Boldero* said, it would take a long time to prepare the returns required by the hon. Member, and he must suggest, therefore that the returns be confined to the West Indies.

Major *Vivian* concurred.  
Motion agreed to.

RANSOM OF CANTON. REVENUE.] Lord *J. Russell* wished to ask the right hon. Baronet at the head of her Majesty's Government, whether, in the revenue for the quarter ending the 5th of April, 1842, there was included any sum that had been received for the ransom of Canton.

Sir *R. Peel* said, if he was right in the figures, he believed the returns did include a sum of about 340,000*l.*, which would tend to swell the amount of the revenue.

COPYRIGHT.] Viscount *Mahon*, in moving the recommittal of this bill, said he wished to recall to the recollection of the House the understanding which had been come to respecting the bill on a former occasion, namely, that the discussion should be taken in committee. He proposed, therefore, that the House resolve itself into committee, and he would then state the grounds upon which he had presented the bill.

House in committee. On the first clause being put,

Lord *Mahon*:\* In venturing to bring before the House the claims of men of

\* From a corrected report.



letters, nay, even, I may say, of literature itself, I cannot but deeply deplore the loss of their distinguished advocate, Mr. Sergeant Talfourd. No party feeling can prevent me from regretting that the House is no longer adorned by his character and his abilities; and I will venture to say, that, though in leaving this House he has left a majority of political opponents, he has not, so far as I know, left one personal enemy. It is at the sanction and request of himself and other Friends of the measure that I have undertaken my present task; and, in pursuance of it, I will now lay before the House, as clearly and as plainly as I can, first, the progress and the state of the existing law; and secondly, the reasons that seem to me to make a change in it desirable. In most cases of doubtful legislation we may derive advantage from the practice or the precepts of ancient times. None of these will apply to the present instance. For more than two centuries after the discovery of printing, the readers of modern literature were so few and far between, as to render the question of copyright of little or no importance. It has often been urged as a proof how little prized was *Paradise Lost* at its first appearance, that it was sold for an immediate payment of 5*l.* But this fact rather tends to show how narrow was then the circle of readers. Readers, in truth, were then only of two classes of the court or of the college—either the gay companions of Charles the 2nd, who glanced at the last song of Rochester or the newest tale of St. Evremond—or the laborious student, who toiled through the tomes of Scaliger and Vossius. Reading had then in no degree, as now, penetrated and leavened the great mass and body of the people. The inferior authors, therefore, were left to starve or to beg as they could; their wretched garrets in Grub-street, their ragged clothing, and their scanty food, have been a fruitful and inexhaustible theme for scoffing on the part of richer and duller men. But with the better, or, if you please, the more fortunate authors, the want of purchasers to their books—the want of a public, in fact—was supplied by a system of munificent private patronage. Statesmen of all parties, ministers of every dynasty, vied with each other in promoting and rewarding the successful poet or writer of plays. There is a crowd of such cases. Prior and Stepney, known only by some

elegant verses, became secretaries of embassies. Rich sinecures were bestowed on Wycherley and Congreve. Pope, as a Roman Catholic, was disabled by the laws of the day from holding any place or any pension; yet even Pope received an offer from Secretary Craggs of a yearly payment, to be concealed from the public, and to be defrayed from the secret-service money. Science was not neglected any more than literature. Acts were brought in, providing large rewards for the discovery of the longitude and other philosophical objects. Philosophers then filled some places now only allotted to statesmen; and thus, for instance, Sir Isaac Newton was one of the predecessors of my right hon. Friend near me, the Master of the Mint (Mr. W. Gladstone). I am reminded, moreover, by another right hon. Friend next to me (Mr. C. Wynn) of the extent to which private subscriptions, as in the case of Pope's *Homer*, were then carried. Sir, this system of munificent patronage came to an end in the twenty years of Sir Robert Walpole's administration. Sir Robert, though a great statesman, neither possessed literature himself, nor prized it in others. He was of opinion, like some gentlemen I could name of the present day, that books are mere idle pastimes, and that no papers are deserving of respect, unless, indeed, when they are tied with red tape and enclosed in red boxes. He withheld all encouragement from men of letters: many of them, no doubt from personal resentment, took part against his government; and many of them were thus exposed to the most painful privations. It is truly grievous to remember that so great a man as Dr. Johnson, in his early days, often wanted a meal to satisfy his hunger, wandering homeless in the streets, or seeking warmth amidst the ashes of a glass-house. During this time, however, a reading public began to arise, and then it was that copyright became for the first time a question of interest. Several cases at law occurred on the subject about the commencement of the reign of George 3rd. There was the case of Donaldson *v.* Becket, and some others. It was then decided, on the judgment of Lord Mansfield, Justice Willis, and others, that, according to the common law, authors enjoyed a perpetual copyright. I wish this fact to be especially remarked—the existence of perpetual copyright ac-



ording to the common law. But in 1709, during the reign of Queen Anne, this copyright was inadvertently limited—inadvertently, I say, because it certainly had been contrary to the intention of those who brought forward that measure, the Act having been entitled “For the Encouragement of Learning,” and the framers of the act believing that it would effect this object in a greater degree. It did so happen, however, that inadvertently three little words crept in—“and no longer”—which limited the copyright to fourteen years, or fourteen more, supposing the author survived so long. I may observe in passing, that it is consolatory to reflect that haste and heedlessness in legislation are not confined to the present time, and that our mistakes are no worse than our grandfathers made before us. Certainly, in the present age, Acts of Parliament are liable to great blunders; and I have never, indeed, in my time, known a great measure passed without subsequently some Attorney-general or Secretary to the Treasury, on one side of the House or the other, rising to propose an amending bill, and to declare that the operation of the first had been entirely unforeseen, and different from what its framers had designed. Nay, it has frequently happened that the second measure had a little nest of errors peculiarly its own: so that a third measure was sometimes required to correct the errors of the second. Such, however, was certainly the case with this act of Queen Anne’s reign; for, during many years afterwards, the courts of equity continued to grant injunctions for the protection of copyrights seventy or 100 years old. In 1735 an injunction was granted against an editor of Venn’s *Whole Duty of Man*, and in 1739 one was issued against an edition of *Paradise Lost*—in both cases, of course, far beyond what the act itself could warrant. It was not till 1774 that the House of Lords did, upon a case that came before them, and by a majority of six of the judges against five, decide that under the act of Anne copyright extended only to fourteen years, and fourteen years more should the author be surviving at the close of the first term. In 1800 this copyright was extended to Ireland, and in 1814 the present act was passed, giving a copyright of twenty-eight years, or for the life of the author. This is the confused jumble of laws which I desire to consolidate: such is the in-

sufficient term of protection which I seek to extend. I have said that I consider the existing term insufficient. There are those, I know, on the contrary, who hold that the very existence of any copyright involves practical injustice. An hon. Gentleman has urged this in former debates, and has said, broadly, that an author has property in his thoughts only while they are in his own brain or in his own manuscript; the moment he publishes them, they belong to the public at large. Here are the very words of the hon. Member for Derby (Mr. Strutt);—

“I think that from the moment an author puts his thoughts upon paper, and delivers them to the world, his property therein utterly ceases.”

Now, this notion deserves particular attention, for though seldom thus openly and fairly avowed, it will be found to lurk at the bottom of many other arguments—of many other prepossessions—against the bill. The contrary principle has never been more ably argued than by M. de Lamartine, who, in an excellent report of his, last year, to the Chamber of Deputies, shows that some men labour with their hands, some with their heads; some have to contend against the ruggedness of the soil or the inclemency of the seasons; others against the ignorance, the prejudices, or the prepossessions of mankind. But in both cases the labour may be equally irksome to oneself, equally beneficial to others, equally in both cases entitled to profit and reward. For my part I know not on what ground or pretence of justice you can say to a man who has reclaimed a field from the waste, “That field shall henceforth be yours,” and yet deny all property to another man in the work with which he has enriched the domain of human intellect. I do not indeed, contend for a perpetual copyright in books, any more than for a perpetual entail of estates; but I do maintain that in both cases a right of property exists which is equally real, equally undoubted, and which should be held equally sacred. There are other opponents, however, who, like my right hon. Friend the Member for Edinburgh (Mr. Macaulay), admit the justice of copyright, but wish it to be restrained within very narrow bounds. I would particularly advert to the arguments of that right hon. Gentleman, for I well recollect with what eloquence they have been urged, and with how much



effect upon the House they were attended. One main objection of my right hon. Friend was, that there would be a great risk of suppression. He stated, that cases might arise in which authors' heirs would be disposed to suppress works, the continuance of which in circulation would be in a public view desirable. Of that the right hon. Gentleman has alleged but two instances, neither of which, when closely examined, gives any real support to his views. The first was that of Richardson's grandson, a Mr. Crowther, whose hostile disposition towards the works of the author of *Pamela* has been presumed on very slight grounds, for in fact it amounts only to this—that this gentleman, a clergyman of very strict principles, had in chance conversation said to the Bishop of Calcutta, that he had never thought it right to read his grandfather's works of fiction. Now, surely, it is a very wide jump to infer from these premises, that, because a clergyman of strict principles will not himself read novels, he would therefore prohibit the reading of novels to the rest of mankind; and still wider is the leap from premise to conclusion, when my right hon. Friend imputes to this gentleman a desire to suppress and destroy his grandfather's works. Moreover, the truth is, that this gentleman was by no means the only representative of Richardson at the time. Mr. Crowther had another brother alive, a surgeon, of very different principles, without whose concurrence in the suppression it could not have taken place; so that, when tried and sifted, the first case of my right hon. Friend will be found to vanish into air. The second was that of Boswell's *Life of Johnson*. Now, there is no ground for supposing that Boswell's son, Sir Alexander, had been desirous of suppressing the book, though true it might be that he did not like to hear references made to his father's life in London, or acquaintance with Johnson. There were some circumstances, in Boswell's *London Life*, both as affecting character and fortune, which would not be gladly recalled to recollection by his son. But there is not the least evidence of a desire on the part of Sir Alexander to suppress the book. Nor could he have suppressed it with any advantage to his father's fame, for it was already in general circulation; and here lurks the great fallacy, if I may venture so to call it, of the

argument of the right hon. Gentleman and the other opponents of the bill; they confound together the case of works already published, and of works in manuscript. Of course, any one with a manuscript in his possession, likely, if published, to injure the character of a deceased father, or even a deceased friend, would wish to suppress it; but then, in the case of a work already published, and spread abroad in thousands and tens of thousands of copies, surely no one could ever contemplate any advantage to the reputation of the author by suppression. So much, then, for the only two cases which have been cited by my right hon. Friend, whose rich stores of reading would doubtless have supplied better illustrations, could any better for his argument be found. There really would be no danger of a desire to suppress published works, unless, indeed, they were works of an immoral or anti-social tendency, the suppression of which would, of course, as we should all admit, be a public benefit. But to guard against all possibility of such a danger, a clause has been inserted in the present bill, giving the Privy Council Judicial Committee power to license works for publication, by other parties, in the case of suppression, being attempted by the proprietors of the copyright. With this clause, at all events, that objection as to risk of suppression would fall to the ground. For my part, I look upon this danger to be quite a chimera; but for that very reason I would let my right hon. Friend frame the clause as stringently and as severely as he pleases—let him freely construct the very strongest bulwarks he can devise against his imaginary foe! But there is another point which has been urged by my right hon. Friend, who has contended that it would be highly injudicious to extend copyright, for that the extension would be, in many cases, utterly useless to authors themselves. My right hon. Friend has, by way of proof, brought forward the case of Dr. Johnson, mentioning that at his decease that great writer had none dearer to him than "Black Frank," a negro footman; so that it would have been of little satisfaction to Dr. Johnson to have felt that some twenty or forty years after his own death the heirs of "Black Frank" would derive benefit from his works, and that no doubt he would much rather during his distress have had "a plate of shin of beef." Now, upon this case, so much insisted on



by my right hon. Friend, I would first observe, that we are not left in doubt as to the opinions of Dr. Johnson respecting copyright; for that Dr. Johnson did, it is stated in *Boswell*, express himself strongly in favour of a very extended copyright—not less than a hundred years. But, looking to the particular circumstances of Dr. Johnson's life, I confess that I find them lead me to an exactly opposite conclusion. It will be recollected, that he had married very early, that he had lost his wife ere he had passed the prime of manhood, and that he had toiled through the remainder of his life mainly in mournful seclusion, amidst the gloom of constitutional melancholy. A letter written during this period (the last to Mrs. Thrale) will be, doubtless, in the recollection of my right hon. Friend. It is dated 1784, and prays God to bless her for the kindness which soothed twenty years of a life which, he adds, "at root was wretched." Now, why was that life thus "wretched?" Why was he doomed to that gloom and that seclusion? Why, but from the effect of that very law which denied him adequate property in his own productions, or sufficient rewards for his labours, and forbid him to surround himself once more with the charities of home. Why might he not have hoped, under another law, to have some one dearer and nearer than "Black Frank" to soothe his dying moments, or receive his parting breath? How unfair to urge the desolate state of Dr. Johnson—the very evil produced under the present law, as an argument against a change of that law! How painful would have been the feelings of that great and good man, had he foreseen that the circumstances of his distress would be distorted into an argument for prolonging the distresses of others! I would put it to any Member who hears me, even to the hon. Member for Finsbury (Mr. Wakley), whether the case of Dr. Johnson, adduced by my right hon. Friend, so far as it has any weight in the question, so far as it goes at all, does not go against the argument of him who has alleged it, and in favour of mine? Sir, for the various reasons which I have stated, I do venture to hope that in the present Parliament there will be found many Members more favourable than in the former to the measure which I have felt it my duty to propose. In the bill now before the House I have, however, made a very material alteration. Instead of a period of sixty

years from the author's death, I propose to make the term twenty-five years. By another provision, I propose to enact that the whole term of copyright shall never be less than the present term, twenty-eight years absolutely. In proposing this reduction of the period which Mr. Sergeant Talfourd originally claimed, I wish to guard myself against it being supposed that I for a moment consider the former demand in the least degree unjust. I and those with whom I act ask for a diminution, not because we suppose a diminution desirable, but we ask for it because that reduction of the demand affords the best chance of carrying the measure. But then there are some other persons who, while they think our object good, believe that other means would be better. It will be in the recollection of the House that on a former occasion Lord Campbell, as Attorney-general, threw out a suggestion that, instead of framing a legal extension of the time, a discretionary power to extend it should be granted to the Privy Council. I will tell the House why I object to introducing any such measure. In the first place I have lately had a conversation with Lord Campbell, in which that noble Lord declared to me that, on further reflection, he saw many more difficulties in the way of his own scheme than he had at first imagined, and that he should not now wish for its adoption. Thus, then, had I reverted to his scheme instead of mine, I should not have had even its own inventor to support me! On many other grounds I object to it; for if the matter were to be left in the hands of the Privy Council, there would be no end to the difficulties arising out of the conflicts of rival claims. How and by whom are these claims to be decided? All Privy Councillors are not, I presume, *ipso facto*, competent judges of science and of literature. It is true that, in the case of works of science, reference might be made to the Council of the Royal Society; in that of history and works of research, the assistance of the Society of Antiquaries might be called in; but as regards works of lighter literature, what aid could the Privy Council derive from any existing institution? Therefore if even a recommendation was insisted on from these learned bodies, it would be merely altering the direction of the complaint from the Privy Council to themselves, and not in any degree removing the cause of the grievance. A



period might occur again, as one certainly has occurred, in which the literary talents of the nation might be for the most part enlisted on one side as regarded politics. Thus, for example, it did happen at one time that all the lyrical poetry of Scotland was Jacobite. We, the adherents of the House of Hanover, could not, I am sorry to say, boast of a single good song. Now suppose the case of nearly all the eminent men of letters happening to be of one party in politics, and of that party happening to be in power, then let the House for a moment reflect upon the consequence of submitting the judgment on literary merits to the Privy Council. Nothing was more evident than that for the sake of the reputation of justice they would inflict injustice. To do justice in the case supposed they ought to grant increased copyright to none but authors of their own party; but, in order to shield themselves from reproach, they would certainly grant the privilege also to many authors of far-inferior merit, but of opposite party views. I therefore conceive, that though such a power in the Privy Council might be better than the present law—it is far less good than the law which I have now the honour to propose. Sir, it is alleged that the enjoyment of copyright has a tendency to increase the price of books. I do not deny, that to some extent this allegation is true; but is it an evil in the sense meant by those who complain of it, and to the extent which they have represented? Though in most departments of literature it may be true, that copyright has the effect of raising prices, yet in one at least there can be no doubt that its tendency is in quite the other direction: for it is well known that works illustrated by maps or engravings, if the copyrights are possessed exclusively, may be produced in a great variety of sizes, in order to suit the tastes and means of a great variety of purchasers; therefore, in such cases the effect of copyright is to reduce prices. But as to popular and illustrated works in which no copyright exists, the publisher of each separate edition is bound to have his own set of maps and engravings, instead of being able to make one set answer for every variety of size and form in which he might find it his interest to publish the work. In a letter written a few days ago by one of the most eminent men of the country, whose name, were I to pronounce it, would be received with universal rever-

ence from both sides of the House, there are these words:—

“It is supposed by some that though there would not be much cause for fear from an injurious monopoly in the descendants of authors, yet, when copyright passed into the hands of booksellers, it would be sure of taking place. This, I think, would not happen. Education and a taste for reading having spread so widely, and it being certain that they will spread more and more, no combination of booksellers could be ignorant that their interest would be better promoted by a low price to the multitudes, rather than by a high one to a few; and there is in this consideration a sufficient answer to all the vague things that have been dinned into our ears upon monopoly.”

Of course, not giving the name of the writer, this passage must be considered by the House not as an authority, but as an argument. The general diffusion of education, however, and the desire for cheap books which now prevails, precludes the possibility of prices being unduly raised by any copyright bill. The demand for splendid books has ceased, or rather, the desire for useful and economical books has thrown it quite into the background. Before the beginning of the present century, Mr. Sheridan remarked that the manner in which the poetical works of that period were printed made them look “like a rivulet of text meandering through a meadow of margin;” but year by year cheaper editions are published, and the tendency of education is to produce more and more, a still cheaper style of producing books. Sir, if I were to argue such a question as this upon abstract principle, I should say a much larger measure than the present ought to be produced, and a much more complete mode of remuneration for literary men ought to be provided. Literary men can never be fairly rewarded by places or pensions. If left to these and these alone, the influence, or at least the suspicion, of partiality could never be vanquished. The fairest rule is, to leave them to the patronage of the public, but at the same time to secure to them the full enjoyment of that patronage. The fairest principle is that of rewarding them according to the sale of their works—the fairest test of their merits is the test of time. According to my bill, the bad author will receive nothing; the less good, little; but only the best much. Sale after a term of years elapsed becomes a just criterion of value. According to my bill, also, there would be no taxing



of the idle for the sake of the studious. We do not say to the man who takes no pleasure in literature, you shall pay for another man to whom that literature is one main source of instruction and delight. Those only would be obliged to make the additional payment who really become purchasers of the work, and who on that account could not fail to feel some interest in the comfort and the welfare of the author. It happens invariably that a feeling of kindness for the author attends a feeling of admiration for his book; and the immense majority of the readers of standard works will, so far from deeming it a hardship, even hail it as a boon to contribute, by an additional twopence, or fourpence, or sixpence in the price of each volume (and more than this, under the present system of cheap publication, it could scarcely ever be)—to contribute, I say, to the ease and comfort of him by whom their intellectual enjoyment was imparted. But, Sir, there is another consideration to which I attach the greatest weight upon this question. In framing the proposed extension of the period, it is important to do all that legislation can effect for the purpose of encouraging an author to write rather for permanent and enduring fame, than for the purpose of acquiring the approbation and enjoying the plaudits of the present day. There is some difficulty, I know, in dealing with this point. Some Gentlemen may allege that the taste of the present age—their own taste, in fact—is already quite perfect—and this opinion, if even I should disbelieve, I have no power of disproving. But, looking back to our history, there were periods when it is now universally acknowledged that a corrupt and vicious taste prevailed. Take, for example, the “Euphuists” and their imitators, under Queen Elizabeth. I dare say that most of the Members who hear me are as unread in their productions as I am myself, but they have become familiar to us all by a character in one of Sir Walter Scott’s romances—Sir Piercy Shafton, who is represented as one of the euphuists of Queen Elizabeth’s time, and who always speaks of a cowherd as a “Bucolic juvenal,” and of a miller’s maid as a “farinaceous damsel.” That was in those days considered the very acme and perfection of good taste. Supposing, then, that a reading public had existed in those times—supposing also that the writers of those times had had no resource beyond that

reading public—would they not have been induced to conform to that corrupt taste and to that evil time, instead of aspiring after high and permanent fame? Ought not, then, the law to counteract and counterbalance so far as possible, instead of foster and promote the selfish feeling that seeks merely its own present good? The visit of a king of Prussia to this country might lead to the publication of the works of Frederick 2nd., or the auspicious birth of the Prince of Wales produce Memoirs upon the Duchy of Cornwall; but surely it is the duty of a wise and just Legislature to encourage literature of an enduring character, in preference to that which is merely ephemeral—to induce men to look beyond the taste of the present day, and to aim at the noble object of raising and reforming the public taste. I propose that the law of copyright shall extend to a period of twenty-five years after the death of the author, and could I hope for success in proposing a longer period, that should be my proposal; for I desire to hold out inducements to men to write, not for their own age, but for all time. Sir, I should not do my duty to the question I have undertaken, if I failed to remind the House of the gradual extension of copyright—of the growing movement upon this question—through all Europe. From Russia down to Spain—from the states most attached to ancient customs, down to those chiefly rent asunder by civil strife—attempts have been successfully made to increase the encouragements to men of letters. The law of France gives ten years absolutely after the death of the author, and twenty years, provided he leaves any kindred to enjoy the benefit of his labours. But this has not been deemed adequate, and an attempt was recently made, and nearly carried, to extend the period to fifty years after death. Here is an extract from a report drawn up by that great poet and upright statesman M. de Lamartine, which was laid before the Chambers in March 1841:—

“The whole of Europe is at this moment inspired by one common thought and care for the protection of literature. It is the part of France to take the lead of Europe. Her high station in the civilised world has been won for her by the hand of her artists, and by the pen of her poets and historians, even more than by the sword of her soldiers. After so many other victories, could France leave to neglect or to spoliation those powers of thought that have achieved a mighty and pervading empire over



all time and all space? Let it be the part of France to take the lead of Europe."

I should say let England take the lead; let it not be said that in so noble a work Englishmen alone were backward. All distress may claim our sympathy, but in truth there is something peculiarly grievous, peculiarly heart-rending, in the distresses of a man of genius. The same delicate refinement of taste, the same exquisite sensibility of mind, that had enabled him to soar to eloquence or poetry, when in destitution, serves only to aggravate his sufferings, and sharpen the sting of his calamities. Imagination, that could once call down the brightest visions at his will, would then but darken the gloom of the harsh realities around him. Imagine such a man in the decline of life, proud for himself of his honourable poverty, but unable to leave any pittance for those dearer to his feelings than himself; and then imagine his thoughts reverting to what his fortunes might have been, had he in earlier life betaken himself to some less glorious but better rewarded course of labour. Imagine him comparing his gains with those to be acquired by talent, industry, and probity, as a merchant or manufacturer. And then imagine him recalling some such taunts as we have often heard in that House, that genius should seek for no reward but glory, that paltry gain should be below its attention. Has that always been a mere fanciful picture? Has it never borne any approach to the reality? In former debates the names of some eminent men of this day, men of whom we are proud to be the countrymen, have been mentioned. I will not name one of them now. Not that I wish the thought of them to be absent from those I am now addressing, but I think they will perhaps most be felt when each man shall recall them in silence to his own recollection. Like the statues of the ancient heroes withheld from a solemn procession, "*Præfulgebant eo ipso quod effigies eorum non visebantur.*" But in truth this argument might be carried much farther: for the want of due encouragement to men of letters in their career—the want of encouragement to others to embark in that career—is injurious not only to themselves, but to the nation at large. And here I will not indulge in what might be deemed a fanciful appreciation of the lustre and glory which great works of literature can shed upon a language and a people. But

let us take a mere dry matter of fact—a mere ledger-like account of profit and loss. Take, for instance, the *Life of Nelson* by an eminent living writer—each page as accurate as a law-record, yet each page as entertaining as a novel. Has that celebrated work, the *Life of Nelson*, which produced so powerful an effect upon the public mind, been rewarded as it deserved? There is no doubt that the work to which I refer has contributed greatly to maintain the navy of this country in its present exalted state. The perusal of the *Life of Nelson* has kindled, has cherished, and has kept alive the feelings of professional pride and honourable emulation. Do you think it a light thing that the words of eloquence should thus illustrate and enforce the deeds of glory? Do you deem it a small advantage that the young officer, serving in the navy, should thus have as his hand-book the life of him who has been the great star and beacon-light in that profession? Depend upon it, many a young heart has, in the hour of danger, beat high with the recollection which that book inspired—depend upon it that the thought of it was not unfelt in such deeds as the storming of Acre or the capture of Amoy!—But, further still, may not many a young man who would otherwise have preferred a life of safe and quiet application, and certain profit at home in trade or commerce, have been impelled to the service of the country by these glowing pages? Sir, I have this moment been informed by my right hon. Friend next me (Mr. C. Wynn) that he actually knew of such an instance, and that there will be no breach of confidence in my stating it to the House. He refers to no less a man than Mr. Canning, who assured him that his eldest son had determined to embrace the naval profession from the effect of the *Life of Nelson* on his youthful mind. This is an instance, that, I am sure, the House will not hear without interest and pleasure. There are some other points of detail which I might now advert to, but which I may more properly reserve in case of objection being taken against them. I can assure the House, however, that great care and pains have been taken in their framing and adjustment. The House will remember, that when Mr. Sergeant Talfourd first introduced his measure, of the four classes, besides the reading public, interested in the bill, namely, authors, publishers, printers,



and stationers, three out of the four classes opposed the measure. Now, however, the leading men among all the classes which I have named have expressed themselves in favour of my measure, and have lately petitioned the House to adopt it as it stands. With these observations, then, do I commend this measure to the House. In what I have said it has been my most anxious wish to avoid a single word that should remind us of any political dissensions or awaken the dormant feelings (for dormant should they be on this occasion) of party. I commend this measure, conscious that we, the promoters of it, have no selfish or sordid objects in view. I commend it, persuaded that if you provide due and adequate rewards for literature, and encouragement to it as a career—if you raise it in the social scale, and adorn it with marks of public gratitude—you will bestow not merely on those who cultivate that literature a personal boon, but on the nation at large a public blessing.

Mr. *Macaulay* observed, that he was seldom fortunate enough to agree with his noble Friend, and the present was, he believed, the first occasion on which a speech made in one Parliament had been answered in detail in another. It would not be difficult for him to go into the topics adverted to by his noble Friend, and to set out anew the arguments which he had advanced last year, and to fortify them, if necessary, by additional facts and illustrations. He thought it, however, unnecessary to wander among topics foreign to the question then before the House. But if the speech of his noble Friend was directed against that which he had delivered last year, it was certain, that the measure of the noble Lord was more in conformity with the sentiments then expressed by him, than the measure of which he had spoken. He had objected to a term of sixty years, and the noble Lord had cut down the proposed duration of copyright to twenty-five years. He had set forth the danger of the works of an author being suppressed by the operation of the plan then proposed, and now his noble Friend had come down prepared with a clause to meet that difficulty. If, therefore, he were to apply himself to answering the speeches made in defence of the measure of Mr. Sergeant Talfourd last year, he should be arguing against a principle not now before the House. He therefore proposed to confine himself

strictly to the matter then in hand. He had never objected to an enlargement of the term of copyright to men of letters. When Mr. Sergeant Talfourd brought in his bill, he had not opposed it. It was his intention, on the contrary, to vote for the second reading, but the learned Sergeant concluded his speech by expressing his desire, that no one would vote for the measure who might be afterwards disposed to reduce the large term of sixty years which he proposed. The learned Sergeant had said,—

“Don't let me have support in this stage, if it be hereafter meant to reduce the term I propose to fifteen years. I despise such support; I don't wish for it.”

The learned Sergeant having expressed himself to that effect it became impossible for him to vote for the second reading. But they had now entered upon the discussion of this question in a very different spirit. He was not unwilling to extend, considerably, the protection afforded to authors. On the contrary, he was disposed to extend it more than his noble Friend, but at the same time he must express the opinion, that the mode by which his noble Friend proposed to effect their common object was bad, and that by which he sought to reach it was good. The present state of the law was this, copyright for life, or for twenty-eight years. His noble Friend proposed copyright for life, with the addition of twenty-five years. Now, what he proposed was this, copyright for life, or for forty-two years, whichever shall be the longer. He proposed to add a certain term of fourteen years more to the present term of twenty-eight years. Now, he thought, with all submission, he should be able to show to demonstration, that this plan was more just and reasonable, a greater boon to men of letters, and much less inconvenient to the public than the proposal of his noble Friend. He presumed it would be admitted, that with respect to all benefits intended to be conferred for the advancement and encouragement of works of literature, or those of an analogous kind, it was of the greatest importance that such benefits should not be capriciously or irregularly bestowed. It was of the highest importance that they should, as nearly as possible, be equally distributed. It was of the greatest importance, that those who best deserved the encouragement to be given should gain the largest share, and enjoy the



highest degree, and that the smallest share should fall to the lot of those who least deserved it. Upon these principles, which he conceived were perfectly clear, he believed he could succeed in showing that what he proposed was preferable to the measure of the noble Lord. He admitted, that perfect equality could not be gained. He agreed, for reasons so obvious, that it was quite unnecessary to enter into a detail of them, that there must be a term for life. But life being, of course, liable to casualties, and its duration being uncertain, he contended, that the evil would be exaggerated by the means proposed by the noble Lord. Take the instance of two contemporary authors, both ladies, and distinguished in the lighter walks of literature, Madame D'Arblay and Miss Austen. The most beautiful of the novels of Miss Austen would have only twenty-eight years of copyright, for the authoress died shortly after the composition, while the copyright of Madame D'Arblay's *Evelina* would last sixty-two years. Observe the contrast—twenty-eight years for one work, and sixty-two years for the other, each being of the same class of literature. He was not taking upon himself to determine upon the merits of the one work or of the other, but he simply adduced the instance to show the unequal working of his noble Friend's proposal upon two works of the same kind. Observe what his noble Friend would do. His noble Friend would add twenty-five years to the sixty-two years in the one case, and in the other leave the twenty-eight years where they were; thus making a difference as between twenty-eight and eighty-seven. He would raise the short term to forty-two years, and while his noble Friend extended the difference between the two terms to sixty years, he diminished it to eighteen or twenty years. Indeed, if gentlemen would go through the literary history of the country, and, taking the principles of his noble Friend and of himself, apply them to the works of authors for two centuries and a half, they would hardly find a case in which the application of his noble Friend's proposal could be wished for in preference to that which he had the honour to submit as an amendment. Milton died in 1674. Now, all Milton's copyrights would, by the proposition of his noble Friend, expire in 1699. *Comus* was written in 1634. To *Comus*, then, his noble Friend gave sixty-five years of copyright, to *Paradise Lost* thirty-

one years, and to *Paradise Regained*, and *Samson Agonistes* twenty-eight years. Compare his proposition with that of his noble Friend, and he would venture to say, that if the House were legislating only in the case of the works of Milton, it would determine that the fairer and more legitimate scheme—the scheme more gratifying to its own mind—more consistent with its own sense of justice to the author—and in every way more beneficial to the public, would be, that all the works of that great writer should have a copyright of forty-two years, rather than that the worst of them should be protected for a very long term, and the best of them left with scarcely any protection at all. Take another instance—take Dryden, the next great name in English poetry. His noble Friend's proposition would give a magnificent protection to the inferior poetry upon Oliver Cromwell, and to the *Wild Gallant*, and other bad plays, whilst to the *Fables* and to the *Ode in Honour of St. Cecilia's Day*, which were published towards the close of the author's life, and which classed amongst the most exquisite productions of his pen, the protection would be comparatively slight and insignificant. The verses which Dryden wrote upon Oliver Cromwell were published in 1658; the copyright proposed by his noble Friend would extend to 1726, a term of sixty-eight years; but to Dryden's last volume, containing the *Fables*, and the *Ode in Honour of St. Cecilia's Day*, the copyright, according to his noble Friend's plan, would be cut down to twenty-eight years. So that the copyright of Dryden's worst works would continue for sixty-eight years, whilst the copyright of the *Fables* and of the *Ode in Honour of St. Cecilia's Day*, the last great work of his life, would continue only for twenty-eight years. Then take Pope—it really mattered very little what great author one referred to, and the multiplication of instances after all might appear to be wholly unnecessary—but take Pope. His noble Friend's proposition would give to Pope's *Pastorals*, which were written when the author was only sixteen years of age, and which were remarkable as the literary production of a mere youth, a copyright of sixty years; but when he came to the later and more able productions of the same writer, to *The Dunciad*, for example, in its finished state, his noble Friend would give only a protection of thirty years. Now, according to the plan which he proposed, these inequalities,



so incongruous in themselves, and so utterly inconsistent with the relative value of the works to be protected, would be entirely overcome, because to every one of the works of Milton, Dryden, and Pope, would be given an uniform protection of forty-two years. Coming to writers of a later period, take the works of Johnson. Johnson's first work was a translation of a volume of *Travels in Abyssinia*, published in 1735; and a book so poor, that Johnson himself did not like to hear it mentioned in his later years. When Boswell told him that he had obtained a copy of it, "take no notice of it," said he, 'tis a thing to be forgotten." To this work his noble Friend would give a protection for the enormous period of seventy-five years, whilst to the *Lives of the Poets*, he would give only a protection of thirty-five years, and to *The Tour to the Hebrides*, a much shorter protection. So that in the instance of Johnson, as in the instances of the other great writers he had mentioned, the best works would receive only a comparatively slight protection, whilst the earlier and very inferior productions would receive an amount of protection infinitely beyond their relative merit or value. There was another instance that he could not pass by—the instance of Henry Fielding, whose first works no human being would ever think of reading, nor deem it worth while to revert to, or perhaps ever remember or know any thing of, except for the excellence of his subsequent great works, *Tom Jones* and *Amelia*. Who would ever think of classing *The Temple Beau*, and a host of earlier dramatic pieces, possessing no worth, and evincing no genius, with the incomparable *Tom Jones*? Yet to the first of these his noble Friend would give a copyright of fifty-two or fifty-three years, whilst to the last he would afford only a protection of thirty years. Take any or all of the most eminent writers in our language, and there was not one of them to whose works his noble Friend's proposition would not apply in the same objectionable manner. The worst works would be protected for a very long term—the best works only for a comparatively short term. But upon the principle which he proposed, it would be found, that all the works of the same writer would be protected, almost without exception, for a regular, fixed, and definite term of forty-two years. Take the instance of Burke; his first little tract on the *Vindication of*

*Natural Society*, in all probability, would not be remembered at this day, but for the subsequent eminence of the works of his maturer years. Yet his noble Friend (Viscount Mahon) would give to this earlier work a copyright of sixty years, whilst to the later and greater productions of the same great mind, such as the work on *The French Revolution*, and *The Regicide Peace*, he would give only a protection of thirty years. This appeared to him to be the ruling vice of his noble Friend's scheme. Nobody would pretend to doubt that the later works of all the great writers he had named were infinitely the more valuable; infinitely more illustrative of the extraordinary powers of mind possessed by the respective authors; infinitely the more worthy of the protection to be afforded by the extension of copyright. He had shown the sort of protection that would be given by his noble Friend's plan. There was this striking inconsistency in it: for Madame D'Arblay's *Evelina*, it would give a copyright of eighty-seven years, whilst to Milton's *Paradise Lost*, it would give a copyright of only twenty-eight years. He could conceive only one justification for this enormous inequality, and that would be, that the works to which the greater protection was given were better than the works to which the lesser protection was given; but it would be seen from what he had briefly stated, that under his noble Friend's plan the crudest and least finished books of all authors would receive the greater protection, and the ablest and best works the lesser protection. This, as he had said, was the ruling vice of the plan; and it was a vice that applied not only to the literature of England, but was equally applicable to the literature of all ages and all countries. There was no copyright with the Greeks and Romans; but go back to the most brilliant days of Greece and Rome, and it would be found, that what is true as regarded the earlier and the later works of the great writers of our own age, was equally true as regarded the youthful and the mature productions of the great men of antiquity. What comparison could be drawn between the earlier and the later works of Sophocles? Who would mention in the same breath, or hardly in the same day, the speech against his *Guardians*, and the speech upon the *Crown* of Demosthenes? Yet, under such a plan as that now proposed, the inferior of these works would receive



a protection twice as long as the works which gave to the authors their immortality. Go to Rome; the same remark applied to the works of Cicero. Take a later period. Go to Spain, go to France; the same remark applied to the writings of Cervantes and Racine. Go to Germany; his noble Friend would give to Schiller's *Robbers* a longer protection than to *Wallenstein*, and to Goethe's *Sorrows of Werter*, than to *Wilhelm Meister*. He begged pardon, if this reference to the authors of other countries, and of other ages, fatigued the House; but hon. Gentlemen must feel that upon this subject literary history was the same thing as national and constitutional history upon questions of general policy. The inequality in the production of authors, to which he had briefly endeavoured to direct the attention of the House, was not a matter of accident—not the result of mere chance—it was one of the inevitable consequences of the structure of the human mind, which did not receive all its impressions at once, but grew in strength and wisdom as it advanced in experience, and extended its range of observation. If he and his noble Friend were to sit down together, and draw up a list of the most eminent writers to whose works his noble Friend's plan would give a protection of sixty years, and another list of the most eminent writers, whose works, under that plan, would receive a protection of less than forty years, it would be found, that the works coming within the more limited range of years, were infinitely more numerous, and infinitely better than the number that would be included within the more extended range. Under his noble Friend's plan, the longest period of protection would be given to the works written in the earlier stage of the author's life. So that if a writer published a work hastily, at sixteen or eighteen years of age, as Pope published his *Pastorals*, or rather wrote his *Pastorals*, for he did not publish them till he was twenty-one, that early, crude, and imperfect work would receive probably double the protection afforded to the later and abler works upon which, perhaps, the whole of his reputation might rest. It was perfectly true, that young men often displayed extraordinary powers of genius; but it was not the fact, as far as experience yet went, that their first works were their best works. This was true even as regarded works of imagination. No great work of imagination had been produced under the age of thirty or

thirty-five years; and the instances were few in which any had been produced under the age of forty. Whatever powers of genius a writer might be possessed of, the saying of Marmontel was yet true, that "a man cannot paint portraits till he has seen faces." Whatever the vivacity or brilliancy of fancy exhibited in the writing of youth, it remained for the nicer and more discriminating observation of maturity to give that sterling value to the productions of the mind which secured an immortality to the author. The fact, therefore, was, that in matters of imagination, the class of books which his noble Friend's proposition would most favour, were likely to be the worst, whilst those which he particularly discountenanced were likely to be the best; for whilst his noble Friend gave this enormous addition to the copyright of works published in the earlier years of the author's life, he did nothing whatever for such works as might be published two or three years before the author's death; because by the existing law, there was a copyright of twenty-eight years from the time of publication, and under his noble Friend's plan, only a copyright of twenty-five years from the time of the author's death. So that in point of fact, as related to the work of an author published in the last year of his life, the protection given by his noble Friend would be less than the protection afforded by the present law; and for any work published during the last seventeen years of an author's life, the protection under his noble Friend's system would not be so long as under the plan which he proposed. Now he ventured to say, that no man acquainted with literary history would deny, that taking the writings of authors generally, the best and most valuable of their works had been produced within the last seventeen years of their lives. He had mentioned shortly and rapidly the names of but a few of the English works published within the last 250 years, to which his proposition would give a longer term of copyright than the proposition of his noble Friend. If the House should find included in that list, with scarcely an exception, everything that was greatest and most conducive to the glory of our national literature in the eyes of the world, then he did not see how it could hesitate about preferring his plan to that of his noble Friend. He did not propose to give to the earlier and cruder works of authors the same extent of copyright as his noble Friend would give them; but he



proposed a longer term of copyright for their maturer and better works. He did not propose to give to *Love's Labour Lost* the same amount of protection as to *The Tempest*, to *Lear*, *Othello*, and *Macbeth*, but to Spenser's *Faery Queen*, to Bacon's *Novum Organon* and *De Augmentis*, to Lord Clarendon's *History*, to Milton's *Paradise Lost*, to Locke's *Essay on the Human Understanding*, to Dryden's *Fables*, to the whole of Addison's *Spectator*, *Tatler*, and *Guardian*, to Cowper's *Task*, to Hume's *History*, to Gibbon's *History*, to Smith's *Wealth of Nations*, to all the poems of Burns, all the poems of Byron, and, with the single exception of *Waverley*, to all the novels of Sir Walter Scott: to the whole of these specimens of our literature—which he defied his noble Friend to match—to the whole of these, his proposition would give a longer term of copyright than the proposition set forth in the bill now before the House. To many of them, and amongst them the very greatest, such as the *Faery Queen* and *Paradise Lost*, his proposition, as compared with that of his noble Friend, would give an extension of from ten to fourteen years. He thought therefore that he had shown this:—first, that his noble Friend proposed to distribute his protection very unequally, whilst he proposed to distribute it equally; and, secondly, that his noble Friend's inequality was an inequality on the wrong side, giving the greater protection to the worst instead of the best class of books. Having established that point, he did not see how his (Mr. Macaulay's) amendment was to be resisted. He thought that there were other advantages attaching to the proposition which he ventured to offer to the House, which gave it a decided superiority over that of his noble Friend. He conceived that upon all the principles upon which patronage ought to be given to literature his was the better proposition of the two. He should therefore move that in the third clause of the bill now before the House, to leave out the words "twenty-five years;" and in a subsequent part of the same clause to substitute for "twenty-eight years," the words "forty-two years." If the House adopted these amendments he thought it would confer a great boon upon literature in the most unexceptionable manner, and with the smallest possible inconvenience to the public.

Sir R. H. Inglis said, no one could expect him, nor would he for one moment attempt, to follow the learned and elo-

quent speech, one full of so much research as that just delivered—indeed, during his whole life he had never known any person able to follow such a speech but one, and that was his late friend Sir J. Macintosh. He was the only man who, to his knowledge, could have met such an array of names of those eminent in literature as had just been laid before the House; but he did not think it necessary that he should follow his right hon. Friend through that great and illustrious list; it was enough for him to say that his right hon. Friend had omitted one very prominent object contemplated by the bill of his noble Friend, viz., the provision it made for allowing dying authors to make provision for those who were dear to them and whom they were leaving behind them. By the proposition of his right hon. Friend, the author, in his last moments, might be obliged to leave his family devoid of that provision which he might have been able to make for them had he turned his attention to anything else than literature. Take the case of an author surviving the period now allowed to him, and even after adding the fourteen years which were to be conceded to him, still he might be alive and see the provision he intended for his family snatched from him, while the proposition of his noble Friend would leave him the right of bequeathing the property he had created by the exertion of his mind in the same manner as if it had been property acquired in a different way. His right hon. Friend had forgotten the concurrent conduct on this point of every civilized country, except Austria, in Europe—he might say of the world, for America had always recognised the right of the author in the productions of his mind. Such concurrent testimony, if it did nothing more, at all events justified the presumption that his noble Friend was not so very far wrong as his right hon. Friend had insinuated. But his right hon. Friend had omitted a whole class of cases—with the exception of Sir Walter Scott he had wholly omitted the authors of the day, and he also believed that with that single exception none of the present writers ever sold their copyright, or if there was one other exception, he had made it his first object afterwards to recover possession of it again, if at all within his power. He was astonished at the omission of the whole of the authors of the present day from the catalogue of his right hon. Friend. There were three illustrious living authors, Wordsworth, Campbell, and



Southey. If such a bill as that proposed by his right hon. Friend were passed, they would be unable to derive that benefit from their literary labours which all classes would join in saying they deserved. He would venture to assume that all were united in the feeling that full justice and every liberality ought to be awarded to the living literature of England and those who had recently departed. The proposition of his noble Friend would better meet the claims of the three authors whom he had named than that of his right hon. Friend—by the former a longer interval would elapse, during which their works would receive protection. The great poems of Southey—some of the greatest of Wordsworth—all Campbell's greatest works, and with equal confidence Rogers's great works, to all of these his noble Friend's bill would give a protection, which would be denied them by that of his right hon. Friend. The *Pleasures of Memory* was published in 1796; but by the proposition of his right hon. Friend the copyright of that excellent poem would cease on the day they had the misfortune to lose Mr. Rogers. Again, in the case of the copyright of Sir W. Scott's poems, the copyright, supposing he were still alive, would cease in ten years; but, if his noble Friend's proposition were agreed to, they would remain in the possession of his family for an entire generation. It was certainly in favour of the proposition of his noble Friend that in spirit it had been adopted in every civilized nation throughout the world, with the one exception of Austria. Such had been the progress of opinion in France, that the proposition to extend the copyright to thirty years had been carried in one Chamber. In Prussia the copyright now extended to thirty years; in Belgium twenty years; in France twenty years; but in Spain, in Denmark, in Sweden, and in Norway, it was perpetual. He could understand the latter proposition, and, in his opinion, it was a much more reasonable one than taking any fractional term whatever. He could appreciate the demand made by the political economists for what they called a free-trade in literature; on the other hand, he could more fully appreciate that proposition which would give perpetual protection to the emanations of the brain: but he confessed he could not understand why any precise period, be it twenty-eight years or be it forty-two years, should be a just limit for the protection either to cease or to continue. But, knowing the state of public

opinion in this country, and knowing that because of that opinion he could not obtain what he thought the abstract justice of the case demanded, he consented to accept of that protection which, in his opinion, would most tend to the benefit of authors. His right hon. Friend had argued that the proposition of his noble Friend would afford the greatest protection to the weakest conceptions of authors, but that argument would not stand, for if a book were not good all the extension of copyright would prove wholly useless. Let hon. Members remember they were taxing only those who were themselves willing to pay the tax, for only those could encourage literature. He was not fond of quoting the example of Russia, either in point of literature or policy, still, when they found that no country, however barbarous, admitting all that had been ever said against that nation—when they found Russia affording that protection which they were now seeking, was it not a disgrace to an enlightened nation? Under those circumstances he felt that he would be discharging his duty by accepting that proposition which came nearest his own wishes, and that was the one proposed by his noble Friend. He saw that the hon. Gentleman opposite (Mr. Wakley) was prepared to argue the whole matter; but he trusted they would not again hear those arguments which had heretofore been used, but treat the matter, not upon the grounds of political economy, but on those of justice. The protection they asked for authors was very slight, and he trusted no one in that House—he knew few out of it—would grudge it. He would with much pleasure vote with his noble Friend.

Mr. *Wakley* felt, that there was scarcely an enemy to attack or to oppose—at any rate, if one had presented himself in front, he had done so with so little ammunition as scarcely to call for a shot in return. The noble Lord had made a most sensible speech, but it did not contain one argument in support of the proposition he made to the House: he had utterly failed to make out his case; he had shown no necessity for any alteration of the law of copyright. He had failed to sustain his statements by any allegation of facts showing a necessity for interference, and was the House, merely because the sympathy of the noble Lord had been acted upon by some sentimental persons out of doors, was the House on that mere ground to interfere with the literature of the people? Had the noble



Lord adduced any fact to show the necessity for any such interference? He had, indeed, stated that some authors had petitioned that House for an alteration of the law of copyright. But who were they? Were they authors who had been underpaid, and who had a right to come to the House and complain? If a committee of the House were granted, he was prepared to show that within the last forty years the authors had received sums altogether unexampled in the history of literature. Why, Sir Walter Scott had himself received upwards of 250,000*l.* for his literary labours; where was there anything equal to that in the olden times? He would ask whether a reading public could be created by act of Parliament? and further, he would ask what had brought authors such immense rewards? It was not literature alone. In all the arguments they had heard that night, or upon any former occasions, they had never heard anything in respect of the labours of the man of science. Where would authors be had it not been for the introduction of printing by Caxton in 1464? It was in consequence of the introduction of that art that authors had received such immense rewards. He saw in the conduct of certain parties who were constantly dinning that House, the real degradation of literature; never before was it so degraded as by the frequent applications to that House for further protection. Let them recollect that there were millions of people to be instructed, to be amused, and enlightened; were they to forget the influence which reading had upon the mind? Committees had sat upon the same subject in 1813 and in 1818. In the latter year an addition of fourteen years was made to the then copyright, and he was very sorry to hear that the right hon. Gentleman the Member for Edinburgh now proposed a further extension of fourteen years. He was sorry for it, because he was afraid it would operate to the injury of the public. The hon. and learned Gentleman had gone through a long catalogue of authors, and had reminded the House of works produced by the most powerful intellect, which would maintain a station in literature to the latest posterity. Was it expected that they would get better works than those to which the hon. and learned Gentleman had referred under the new law? Those works were produced, let it be observed, at a time when authors were worshipping something of a more estimable character than the molten calf; they were

now paying their devotions at the shrine of self—they were seeking to gratify feelings of avarice. [*“Oh, oh!”*] Hon. Gentlemen might say “Oh,” but he asserted that such was the fact. Why did authors come to that House and require such a protection as was proposed to be afforded them by the bill of the noble Lord, if it were not so? Why did they require such high recompense for their labours? Why were they not satisfied with the rewards received by such men as Milton, Bacon, Shakspeare, and Locke? Could not the authors of the present day be stimulated to such exertions as had been made by those men, unless they were allowed to thrust their hands into the pockets of the people? He knew of no circumstance so much calculated to lower the character of literary men in the estimation of the country as the attempt they were now making to obtain an extension of copyright for their own aggrandizement. At no period of history had literary men been guilty of such degrading and disreputable conduct. He now begged to direct the attention of the House to the investigations which had been made with reference to this subject before committees of the House. He was surprised, if Mr. Sergeant Talfourd and the noble Lord considered they had a good case—a case which could be sustained by facts proved in evidence,—that they had not, as was previously done, moved for a committee of the House, which might obtain evidence on the subject, and lay it before the House in the form of a report. What was the argument of the supporters of this measure? They said, “Alter the present law; hold out to literary men a greater inducement to produce works, by giving them a higher reward for their labours.” What was the evidence of publishers as to the price they would give for literary works if the copyright was extended? Before the committee of 1818 Mr. Murray was asked,

“In treating with an author for the purchase of copyright, should you give more for the twenty-eight years, now absolutely extended to authors, than you would for his copyright of fourteen years, as formerly?—I do not think I should, because there are so few books upon the copyright of which we can calculate for its extending to twenty-eight years. The chance that a book will survive the first fourteen years is so small that I do not feel that the twenty-eight years’ certain copyright in the generality of works would be sufficient to enable me to increase the terms of the author. Generally speaking, there are few books whose reputation extends beyond fourteen years, so



as to render them a valuable property after that period. Are you not aware that in 1814 it was considered a great point, for which many petitions were presented to the House of Commons, to have the contingency of the twenty-eight years' copyright turned into a certainty?—(To this Mr. Murray replied)—I think it was so considered, but I do not believe I was one of those who were very desirous of that extension. Can you form any calculation what the chances are of a book having a sale after the period of fourteen years is expired?—The average of chances is, that it would not have any sale beyond the fourteen years. Perhaps I should say that the average would be about one in a hundred that would be likely to retain any value of copyright after the first fourteen years had expired."

All the other witnesses confirmed this statement. They were of opinion that the copyright of not more than one book in 100, or one in seventy, would be valuable after the first fourteen years had expired. ["Hear."] The hon. Baronet (Sir R. Inglis) cheered this observation. If he understood the argument of the hon. Baronet, it was this, "Give a copyright for a longer period than is now allowed, and you will increase the number of really valuable books, you will encourage literature, and you will improve the minds of the people." The House, then, was asked to legislate for the one case, not for the ninety-nine. From his experience, he was convinced that men were not generally anxious as to what might occur after they had ceased to exist. There was no doubt men were desirous to obtain a lasting reputation, but they wished to obtain the benefits and advantages of that reputation during their own lives. It might happen sometimes that a gentleman would say, "I will plant such a hill for the benefit of my youngest son; it is a sandy soil, firs will grow well upon it, and it may produce him a fortune." But, in such a case, was not the Gentleman aware that a plantation of that kind might furnish a cover for game? And did it not enter his calculations that, though his project might prove beneficial to his offspring, it would not prove unproductive of advantage to himself? Was there, he would ask, any paucity in the number of works produced in the present day? If they applied in Paternoster-row, or at Mr. Thomas Tegg's, in Cheapside, to whom he had alluded on a former occasion, they might obtain plenty of publications, and at a very reasonable rate. There were many authors who thought the public remarkably dull

and stupid, and monstrously unjust, because they would not buy the sensible works which those authors had published. Now, he pitied such suffering authors; it was greatly to be deplored that they had so far miscalculated their own powers, or the taste of the public, as to have engaged in pursuits which had turned out so unprofitably. But could this be remedied by act of Parliament? Would they render the public anxious to purchase such works by giving the author an exclusive copyright for forty years. He could not forget what had been done in this country by men of science. The noble Lord (Lord Mahon) had forgotten such men; the hon. Baronet had forgotten them; Mr. Sergeant Talfourd had spoken of them as persons not deserving much consideration in that House. What was a book but an invention? A poet, according to the origin of the word, was a maker—a manufacturer. He would like to know why a distinction was made between the mere bookwright and the producer of other inventions? Look at Jenner, the discoverer of vaccination. Could they compare anything modern authors had done with that discovery? It had rescued hundreds of thousands of human beings from death, it had saved millions from distortion. But did the descendants of Jenner come to the House petitioning for reward in consequence of the discovery of their ancestor? He called upon the House to look at the other discoveries in medical science—in that profession to which he had the honour to belong, and to contemplate the benefits of which they had been productive to the public. Suppose that Jenner, after his discovery of vaccination, had operated, but had published no account of the discovery; suppose that another individual had printed in a book a description of that science, and had published it to the world; they would give to the publisher of that work an exclusive right to the advantages accruing from its sale for forty-two years, while to Dr. Jenner, the inventor, no protection was extended. He would direct their attention to the discovery of the circulation of the blood by Harvey. What had any authors done that could be compared with that discovery? If he were disposed to go into this subject, he might call upon the House to contemplate the discoveries of Hippocrates, Hunter, Sydenham, and many others, whose names had shed a lustre on their profession. The House was now called upon to legislate for the mere writer, the thrower together of letters, the recor-



der of facts; they were called upon to do honour to such a man, to grant him exclusive advantages, while such scientific men as he had named received no protection for their discoveries. The advantages conferred upon the human race by many of the discoveries in medical science were really enormous. Witness many of the operations performed upon the human body. He might mention the operation of cataract for blindness. An instrument had been devised by human ingenuity and research, which was carried absolutely into the globe of the eye, a lens was removed, an opaque body was discharged, and the sufferer again beheld the light of heaven. And yet the names of those who had produced such inventions were hardly known; in order to ascertain the originators of these great and masterly discoveries, it was necessary to look through pages and volumes of history. He asked them to contemplate the case of a man who, by falling from a height, fractured the mansion which enclosed his brain. He recollected one case of this nature which the House would excuse him for relating. A farmer fell from a cart containing a load of hay, and fractured his skull; he was taken home speechless, motionless, insensible, and to all appearance dead. His family, a wife and nine children, believed that every moment would terminate the sufferings of the unfortunate man. A surgeon with whom he was then residing was sent for, and attended. The surgeon found that there was a depression of the bones. He introduced an elevator, raised the bone which pressed upon the brain, and in less than five minutes the man was able to sit up in bed to receive the caresses of his wife and children. Who, then, was the inventor of the instrument which had in this case been used with such beneficial effect? He might say he was not unacquainted with the history of his profession, and yet he declared he did not know to whom the honour of that invention belonged. The profession of the men who had made these discoveries was not, like that of those engaged in literary avocations, one of pleasure, or unalloyed by danger. Where did they seek the information and experience which enabled them to confer these blessings on the human race? At the bedside of the sick, of the feverish, of the dying, of those afflicted with contagious diseases. Nay, after life had forsaken the patient, these men were compelled to pursue in the charnel-house those investigations which would enable them to acquire the informa-

tion they needed. Did these men petition that House to implore its protection? No; they were glad to contribute the result of their investigations for the benefit of their fellow-creatures. It might happen now and then, that a sordid wretch arose, unmindful of his obligations to society—a creature anxious only to promote his own pecuniary interest,—told the world that he had some secret remedy for the cure of disease which he would not disclose. But how did the hon. and high-minded members of the profession regard such a man? They set him down as a dishonest, despicable quack, unworthy to associate with honourable men; they scouted him; they spurned him; they scoffed at him; they treated him with contempt; they would not acknowledge him as a legitimate member of the profession. But what, he would ask, was done with the quack in literature? with the man who called himself a poet, and who had got one idea, which he worked out through 500 pages? Such a man said, “I am a poet; I have published a book; I think it such an admirable production, that I consider the world should give a guinea for every copy; and I will apply to my friend Sergeant Talfourd to protect my publication by statute.” This was the fact; he could prove it, if necessary. He had in his hand a specimen of poetry which it was his intention to read to the House. It was curious to see how dissatisfied authors were with the protection now afforded them. It was impossible to satisfy a disappointed author. In such a man the organ of love of approbation was very strongly developed, and the organ of self-esteem was also very large. He was very reluctant to quote the specimen of poetry he had mentioned; but if persons would pester the House with petitions and torture him for one, they must be content to take the consequences. The poetry he was about to quote was called exquisite poetry. A work had lately been published called the *Book of Poets*; it contained 1,000 pages, comprising selections from the most celebrated living poets; consequently the specimens it contained were gems. It was a curious fact, that so favourable was the existing law to the interests of authors, that one individual, twenty-eight pages of whose productions were copied into this book of 1,000 pages, had applied to the Court of Chancery for an injunction to restrain the sale of the volume, and had made a solemn affidavit that he believed the circumstance of twenty-eight pages of his poems having



been printed in this book would injure the sale of his extended works. It might have been supposed, if the samples given in the book to which he had alluded, were good and interesting, they would have tended to promote the sale of the author's works; but the author himself thought he would be injured by their publication. The extracts he was about to read to the House were from the works of a very distinguished poet, Mr. Wordsworth. This course had been forced upon him. He had never done anything of the kind before; but surely, if hon. Gentlemen were anxious to give an extended protection to authors, they could not object to hear what were the kind of works which they proposed to protect. The first poem he would read was entitled *Louisa* :—

“ I met Louisa in the shade,  
And, having seen that lovely maid,  
Why should I fear to say  
That she is ruddy, fleet, and strong,  
And down the rocks can leap along,  
Like rivulets in May ?

“ And she hath smiles, to earth unknown,  
Smiles that, with motion of their own,  
Do spread, and sink, and rise,  
That come and go, with endless play,  
And, ever, as they pass away,  
Are hidden in her eyes.

“ She loves her sire, her cottage home,  
Yet o'er the moorland will she roam  
In weather rough and bleak ;  
And when, against the wind, she strains,  
O, might I kiss the mountain rains  
That sparkle on her cheek !

“ Take all that's mine beneath the moon,  
If I with her but half a noon  
May sit beneath the walls  
Of some old cave, or mossy nook,  
When up she winds along the brook  
To hunt the waterfalls.”

This was a gem ! He assured the House he did not read these extracts with any invidious purpose. No man entertained a higher respect for Mr. Wordsworth than he did ; but if the House was prepared to give protection to works containing matter of that description, he did contend that men of science, who had conferred the highest blessings on the human race, had a strong claim on the Legislature, and some protection ought certainly to be bestowed upon them. The next poem he would read was addressed *To a Butterfly* :—

“ I've watched you now a full half-hour,  
Self-poised upon that yellow flower,  
And, little butterfly ! indeed  
I know not if you sleep or feed.

How motionless !—Not frozen seas  
More motionless ! and then  
What joy awaits you, when the breeze  
Hath found you out among the trees,  
And calls you forth again !

“ This plot of orchard ground is ours ;  
My trees they are ; my sister's flowers ;  
Here rest your wings when they are weary ;  
Here lodge, as in a sanctuary !  
Come often to us, fear no wrong,  
Sit near us on the bough !  
We'll talk of sunshine and of song,  
And summer days when we were young,  
Sweet childish days, that were as long  
As twenty days are now.”

If they gave a poet an evening sky, dew, daises, roses, and a rivulet, he might make a very respectable poem. Why, anybody might do it. [“ An hon. Member exclaimed, try it.”] Try it ! he had tried it. And there sat an hon. Gentleman, who was a poet of the first water. (The hon. Member for Pontefract). He thought, however, a member of society might employ his talents to much better advantage than in the composition of such productions as he had quoted. Who could not string such lines together by the bushel ? He could write them by the mile. Here was another specimen :—*The Stock-Dove*.

“ I heard a stock-dove sing or say  
His homely tale, this very day ;  
His voice was buried among trees,  
Yet to be come at by the breeze.  
He did not cease, but coo'd and coo'd,  
And somewhat pensively he woo'd,  
He sang of love with quiet blending,  
Slow to begin and never ending ;  
Of serious faith and inward glee,—  
That was the song, the song for me.”

Now, when authors such as these came to that House and asked for an extension of copyright, he in return asked the Members of that House in their sober and calm judgment, if they believed any act of Parliament they could frame would ever give to such authors a pecuniary advantage. But suppose they could give an author an advantage, ought they not to recollect that there was a public—that there was a people whom they were called upon to instruct, and would they give to an author the right of shutting up his ideas, and making his book a closed book to the people for forty or fifty years ? What did common sense say ? As soon as a thing was discovered, if it were calculated to benefit the people, it ought to be bestowed upon them, if it could be so without injury to the inventor. That was the principle on which they ought to act. But was that the principle



on which they acted? They proposed to give a right to authors to publish their own books for forty-two years. Was that the case with regard to inventions? The inventor took out a patent for fourteen years, if his invention were one of great advantage to the public, and he were discontented with the profits he had made, he had the privilege of going before the Judicial Committee of the Privy Council, and asking for an extension of the patent, and if the Judicial Committee thought his request reasonable they could give an extension of seven years to his patent right. Why was not a similar principle adopted as to books. If the object were one of great intellectual exertion, what mattered it whether the individual impressed his mind upon papers or upon metals? In each case there was the same amount of intellectual labour; nay, in the exact sciences everybody knew there was much more intellectual labour and precision required than in writing such poetry as he had read; there must be niceness of calculation; no "poetic license" was allowed, but everything must be perfect in shape and form, and fit for examination by the world. And see the advantage bestowed by scientific men on the country. Mere literary works conferred no such benefits. And let it be remembered, that the men of the greatest literary attainments were not the men who came and asked for the interference of that House. Had the noble Lord communicated with Sir John Herschell on the subject? ["Viscount Mahon: No, I have not."] The name of Herschell was not insignificant in this country; it was a national name, it was known all over the globe. Take his celebrated work on astronomy and class it with your poetical works; did he say that literary men were not adequately rewarded? he was sorry to see the course the House was disposed to take on this question; he was convinced the proposed measure would be a great injury to the community. The people of this country required amusement and instruction. The gaols were filled with men who could not read and write; was this the way to improve the mass of the population—by giving to authors an exclusive right of publishing their own books, and, of course, at their own price; and everybody knew they did not make a very moderate estimate of their own attainments and productions. If the House would permit him, he would mention the price of some of the cheapest copyright books and their price after the copyright was ex-

pired. Hume and Smollett's *History of England*, at the cheapest copyright price, was published at 3*l.* 10*s.*; at the cheapest non-copyright price, it was published at 1*l.* 5*s.* Robertson's historical works were published, at the copyright price, at 3*l.* 4*s.*, afterwards at 1*l.*; Tytler's *Elements of History*, first published at 1*l.* 1*s.*, after the copyright expired, at 4*s.*; and so they went on. Scott's *Last Minstrel* was published, at the original copyright price, at 2*l.* 2*s.*, and it had been sold to the public in a neatly printed form at 1*s.* 6*d.* *Marmion*, first published at 1*l.* 11*s.* 6*d.*, had been sold to the public at 10*d.* *Gibbon's Rome*, published at 6*l.* 6*s.*, had been reduced to 18*s.*, the non-copyright price. Paley's works, published at 6*l.*, were now sold at 7*s.* 6*d.* Pope's works had been reduced from 8*l.* 14*s.*, the copyright price, to 9*s.* The *Spectator*, from 3*l.* 4*s.* to 10*s.* 6*d.*; and *Johnson's Dictionary*, from 3*l.* 3*s.* to 2*s.* 6*d.* Every person should be delighted at this. An allusion had been made to the distress of Dr. Johnson and to his great difficulties. There was no doubt that he was in difficulties; but he had laboured with great zeal and overcome them. But what was Dr. Johnson's opinion with regard to copyright? He himself had left his opinion. He said,

"Were an author's right in his book to be perpetual, no book, however useful, could be universally diffused among mankind, should the proprietor take it into his head to restrain its circulation. For the good of the world, therefore, whatever individual work has once been created by an author, and issued out by him, should be understood as no longer in his power, but as belonging to the public; at the same time, the author is entitled to an adequate reward. This he should have by an exclusive right to his work for a considerable number of years."

They all admitted that. The author had now a copyright for twenty-eight years. Those who would disturb the law were called on to show the necessity of the change. It was for them to make out a case: they said, "Give us a change in the law, authors have not a sufficient encouragement." Indeed, he thought they had had ample encouragement of late years. He had already stated, that Sir Walter Scott received above 250,000*l.* for his works; no one grudged it nor would grudge it, if the amount were ten times as great. He should have rejoiced if Sir Walter Scott had never felt any pecuniary difficulties in the whole course of his life. But whence had his difficulties arisen? He



was afraid it was from a desire of obtaining too much; because, if he had been contented with his rewards as a literary man, and had not entered into the speculation of becoming a bookseller, his difficulties would never have arisen. He would state some of the rewards which had been received by authors:—Pope, for his *Translation of the Iliad* alone, received 5,320*l.*; Lord Byron, though he died so early, received for his works 23,540*l.*; Sir J. Macintosh, for his *Fragments of English History*, 5,000*l.* He should think that this was pretty good payment. Dr. Lingard had received for his *History of England* 4,633*l.*; the rev. Messrs. Wilberforce, for the life of their father, 4,200*l.* One would suppose that it would have been a work of pleasure to the sons to write the life of their father without any reward. But there was a time when authors would write for fame, when they would be stimulated by the benefit they could confer on the human race: ay, and the works, the offspring of that emulation, were works which would never be surpassed by works stimulated by coin. Moore obtained for the *Life of Byron* 4,000*l.*, and 3,000 guineas for *Lalla Rookh*. Dr. Southey received for the *Life of Cowper* 1,000*l.* He did not know why authors should be discontented. He knew that in many respects the world was very dull and slow to appreciate literary merits. He had been an author, too, in a humble way; but he had never expressed dissatisfaction; he was afraid he had been looking to present rewards more than to posterity. Well; posterity must take care of itself, he would endeavour to take care of himself. He entreated the noble Lord even now to withdraw his bill. His own solemn conviction was, that it could only work mischief to the public, while it could not by possibility work any benefit. But if the House was prepared to enact a law for the special protection of literary men, of writers of history and of poetry, hon. Members must expect, that men of science would come and ask for protection too. They asked them to do so. They were, in fact, asking them to be selfish. They were saying to them, “We implore you to come to the House and solicit special protection; we have given that protection to authors; considering what are your deserts, we cannot deny that protection to you.” Did they believe, under such a state of things, they could benefit the community? He deliberately

put that question to the House; because it could not be expected that men of science would labour in their pursuits to the danger of their lives, and at the sacrifice of their property, and see a patent right given to literary men, while that House was prepared to withhold from them any similar protection. With these remarks he should conclude. He could assure the House, that he had not quoted those fragments of poetry to give pain to the author. He would be the first to advocate the rewarding of meritorious authors out of the public funds of the country; but if the House was prepared to interfere in favour of literary productions in the manner proposed, it would inflict the greatest injury on the country. As he knew that the bill would not be withdrawn, he should support the proposition of the right hon. Gentleman who had so eloquently advocated an additional period of fourteen years to the copyright, as the least of two evils in the propositions before the House. His own conviction was, that twenty-eight years was an ample protection for authors, and he was certain, that an additional protection could not operate to the advantage of the people.

Mr. Milnes could not hear the speech of the hon. Gentleman who had just sat down and not feel an earnest desire to protest against some parts of it, and, if possible, to refute others. Though that hon. Gentleman had been led by perhaps nothing worse than a light and flippant spirit into some remarks which he had made, he did think it necessary that a public protest should be made in that House against the manner in which the works of a great poet had been brought before it, a manner by which the Bible itself might be made equally obnoxious. So far from having the slightest bearing on this question, if the hon. Gentleman had chosen to read any poetry, and had read that with which he might be more familiar, the ballad of *Billy Taylor*, or *The Ratcatcher's Daughter*, it would have been quite as appropriate. He would not attempt to follow the hon. Gentleman through his very desultory and unargumentative speech. The question rather laid between the hon. Member for Edinburgh and his noble Friend who had brought forward the motion. The hon. Gentleman who had just sat down had talked of the act being urged for authors only, and that no attention had been paid to the public; yet the hon. Gentleman had not brought forward a single argument to



show that the public were injured by the proposed extension of copyright. He had never succeeded in shewing that books would be made dearer by it. There never was a greater absurdity than to say, that books would be increased in price to any great degree by the extension of the copyright. The cheapest editions of books were all copyright editions. Whittaker's translations of foreign historians were all copyright editions, and as cheap as well-printed books could be. The whole question resolved itself into this,—both the public and authors had discovered that the only way to make their books sell was to publish them at a cheap rate; that if they published them cheaply, and were satisfied with small profits, they would make much more in the end than by publishing them at a dear rate. Where there was no copyright, great works often became scarce and got out of print. The works of Bacon and Hobbes were difficult to get, because it was nobody's interest to publish them. Few books continued to sell at their original price; nearly all copyright books a short time after their first publication might be had at a much cheaper rate. He wished that hon. Members who had any doubt on this subject would refer to a pamphlet entitled *A Plea for Perpetual Copyright*, by the hon. Member for Weymouth (Mr. Christie). There were men of science as distinguished as the hon. Member who had just sat down, who held a very different opinion on this question from the hon. Member for Finsbury. Sir David Brewster was of opinion, that it was the right of literary men to have a permanent property conferred on them in their works, and that science and literature were suffered to fall into decay for want of it. These were the sentiments of a man of real and profound science, who knew that any attempt to exalt science and depreciate literature must be vain. The hon. Member for Finsbury had spoken of a number of persons whom the House had seen coming before them with petitions on this subject as literary quacks. Among these were the names of Campbell, Miss Martineau, Fonblanque, Fox, Leigh Hunt, Carlyle, Dickens, Rogers, and Joanna Baillie. These were names of persons who had exalted their country and would ever be held in affectionate veneration; and these were the persons who were called literary quacks by the hon. Member for Finsbury; and that, too, at the very time when one of those distinguished persons

(Mr. Dickens) was receiving from the Republicans of America such demonstrations of sympathy as perhaps never literary man received from a whole nation before this time; and yet this was just the time at which the hon. Member, with his republican bias, and with his love for America, came forward to call such men literary quacks. Now, as to the men of science who supported his noble Friend's views:—in the University of Edinburgh there were Professor Hope, professor of Chemistry; Mr. Christison, professor of materia medica; Mr. Trail, professor of the practice of medicine; Professors Hume, Anderson, and Abercromby. In the University of Glasgow, also, there were a number of medical and other professors favourable to the measure of his noble Friend. The hon. Gentleman had told the House of the adequate remuneration of men of literature, and had spoken as if the career of literary men was always one of prosperity; the hon. Gentleman had spoken as if those who worked with the head had not as much pain to go through, and as much disappointments, and difficulty, and sorrow to struggle with as those who worked with the hand. But when the hon. Gentleman spoke of Scott and the great gains he had made, he would ask the hon. Gentleman whether there were no instances of men making quite as large or even larger gains in his own profession? Let the hon. Gentleman show him the literary man who, in the present state of the law, could gain as much as a Sir Astley Cooper or a Sir Benjamin Brodie. In fact, it was perfectly absurd to single out such men as Scott or Byron, and say, that because they made great gains, therefore, that literature was a good profession, and did not require any protection from Parliament. On a question of this kind he was aware, that it was impossible to expect the House would bestow on it much attention, and he should only add a few remarks on the proposition of the right hon. Member for Edinburgh. In common with all those who felt an interest on this subject, he begged to thank his right hon. Friend for the spirit in which he had spoken, and which must have completely disappointed the expectations of those allies of his of last year who looked to have found in him a powerful supporter on the present occasion. After all, he thought there was no very wide line between the proposition of his noble Friend and that of the right hon. Gentleman; but, for his own part, as



far as he had heard of the debate, he was in favour of the proposition of his noble Friend, because he thought that the limitation of forty-two years or the life meant, in the majority of the cases, the life and nothing beyond. If he was not mistaken, the best works of a great number of authors were published when they were between twenty and thirty-five; against the names cited by the right hon. Gentleman, he would set many writers of our own time, Byron, Rogers, Campbell, Dickens, Shelly, Keats, and others; therefore, by the operation of the right hon. Gentleman's plan, the authors would be left very much where they were now; and if an author went to sell his copyright under that plan, he did not think that he could get a shilling more for it than now. A bookseller would give no more for the extended time of the right hon. Gentleman's plan than he gave now. As far, therefore, as to the personal interests of authors themselves, the right hon. Gentleman conferred no boon whatever. What, then, would be the operation of his plan with respect to the family of the author? He must say, he thought that this point had not been put forward with sufficient prominence in this debate; but, in truth, the great evil which they were called upon to prevent was, authors leaving their families totally unprovided for. Certainly, the right hon. Gentleman offered a high premium for the celibacy of literary men, and if they were to have no friends and no one to leave the fruits of their labours to, no doubt the right hon. Gentleman's plan might be less objectionable. The hon. Member for Finsbury had accused his noble Friend of being led away by sentimental tales, but when the hon. Member talked of sentimental tales, he must have heard the tale of a man of the purest and highest life who was distinguished in many walks of literature, who was not only a poet, but a distinguished historian and a distinguished critic, and who had received from his country a great literary honour, such as literary honours were in this country—the hon. Member must have heard that this man was at present bereft of his great mind, and that his family were very dependent for their future comfort on the event of the debate of that night. Such was the pitiable condition in which this great and excellent man was left. He knew that it was sometimes objectionable to single out particular instances, and then to attempt to build general positions upon them; but he thought

that as this was an instance of a striking and salient character, they ought to allow such a one to act in a certain degree on their opinions, and mould them accordingly; and when he mentioned such cases as those of Wordsworth and Southey, he must insist that those men were particular and signal instances of the defects of the present system. He had only now to congratulate the House on the general tone of the debate, with the exception of the remarks of the hon. Member for Finsbury; and to thank the right hon. Member for Edinburgh, for having given them so agreeable an alternative as voting either for him or for the noble Lord. He thought that the spirit in which that debate had been carried on would have a beneficial effect on the country, and do something to dispel the opinion that literature met with but very little regard in the House of Commons, and give reason to hope that although in this country literature was less honoured than in others, yet that we were now getting into the right way. The favour with which literature was practically regarded in this country might be appreciated from the fact, that a sum of money was raised annually for the support of decayed literary men of hardly the amount required to keep a pack of hounds. The law of France was somewhat different, and to that he and his hon. Friends wished to approximate here. But the French government, not content with the present state of their law, wished to extend the term of copyright, and they had introduced a plan with that object, which had passed one Chamber, and was only rejected in the other by a small majority. Now, in France this respect for literary men worked well. It produced harmony between literary and political life. The historian of the *Civilization of Europe* was the Prime Minister of France; the historian of the Revolution was leader of the Opposition; the historian of the wars of the Fronde was Ambassador to the Court of St. James; the historian of the Dukes of Burgundy was Ambassador at St. Petersburg. He must repeat that the tone taken by the right hon. Member for Edinburgh, was matter of great congratulation to the House and to the country, and he hoped, that if he voted with his noble Friend the right hon. Gentleman would not take it ill, but would believe that it was a friendly competition between the two parties, and, whichever conquered, no doubt the result would be most beneficial to the country.



Clause 1, and 2, agreed to.

The third clause being put as follows:—

“And be it enacted, that the copyright in every book which shall, after the passing of this act, be published in the lifetime of its author, shall endure for the natural life of such author, and for the further term of twenty-five years, commencing at the time of his death, and shall be the property of such author and his assigns: provided always, that in no case shall the whole term be less than twenty-eight years; and that the copyright in every book which shall be published after the death of its author shall endure for the term of thirty years from the first publication thereof, and shall be the property of the proprietor of the manuscript from which such book shall be first published, and his assigns.”

Mr. *Macaulay* said, it was here that he wished to propose his amendment. Before doing so, he need hardly tell the House that he did not by any means concur in the views stated by the hon. Member for *Finsbury*. He should not have felt himself justified in making reference to the works of a man of genius in the spirit of that hon. Gentleman. He entertained a more proper respect for genius, and for the venerable persons of whom the hon. Member had allowed certain disrespectful expressions to escape him. He would not detain the House with any further exposition of his amendment, but he really must say, that having listened with attention to what had fallen from hon. Gentlemen on the other side, he had not heard any refutation of the arguments he had used. He had not heard any arguments showing that what he proposed was a smaller boon than what his noble Friend proposed. The right hon. Gentleman concluded by moving an amendment to the effect “that the copyright of every book should endure for the terms of forty-two years, or for the natural life of the author.”

Lord *Mahon* said, that he was desirous of stating briefly the reasons which induced him to prefer the clause as it stood, to the amendment of it proposed by his right hon. Friend; but in the first place, he must say, that he had listened with almost unmingled pleasure to the speech of the right hon. Gentleman, and, though they differed as to the details, he was glad to find that on the main principle—that of giving encouragement to literature, they were now entirely agreed. As to the proposal of the right hon. Gentleman, he did not think that the boon of forty-two years would, according to his statement, afford protection in all cases to the best works;

it would not, in his opinion, be found as universal a protection for them as the right hon. Gentleman expected. If that was the general rule it was at least a rule subject to many exceptions. Let them take almost the first name quoted by the right hon. Gentleman, that of *Madame D'Arblay*; *Evelina* was her first work, and certainly her best, or, as some people ventured to think, her only good one; and under the bill protection would have been given to *Evelina* for twenty-five years after *Madame D'Arblay's* death; but looking to the period of that death, and taking the clause as proposed by the right hon. Gentleman, *Evelina* would have had no protection whatever. Again, the works published by *Lord Byron* in the two last years of his life were certainly of very inferior literary merit; he would allege for instance *The Deformed Transformed*, which was published in the last year of his life. Now the proposal of the right hon. Gentleman would give to that worthless production a copyright after *Lord Byron's* death of forty-one years, while the bill would only give twenty-five. Another example might be given of an eminent foreign writer, *Jean Jacques Rousseau*. His latest work, the *Reveries d'un Promeneur Solitaire*, was probably his worst, or at all events a very bad one, yet to that work the amendment of the right hon. Gentleman would give a protection after *Rousseau's* death of not less than forty years. But on the other hand, when we come to *Rousseau's* most celebrated production to his *Emile*, which was published about 1760, which *Rousseau* survived till 1778, then the protection which the right hon. Gentleman would give extended only till 1802, while his own (*Lord Mahon's*) would continue till 1803. Therefore it was no invariable rule as stated by the right hon. Gentleman that his amendment would give most protection to works of most merit. But if even it were, what was the value of that principle in practice? The right hon. Gentleman had laid great stress on the case of *Dryden's* early plays, and of the enormous term of protection which they would receive under the bill as it stood. But that protection was merely nominal since no one sought for those early plays separately and by themselves, but valued them only as part of *Dryden's* collected works. And this led him (*Lord Mahon*) to a main objection against the proposal of the right hon. Gentleman that it was hostile to complete editions. For instance, let them



take the case of Milton ; his *Comus* would have been free from copyright under the right hon. Gentleman's clause, much sooner than the *Paradise Lost*." But all those who admired *Comus* would wish still more to possess *Paradise Lost*, and therefore an edition comprising both would still be preferred. Works of this sort came out slowly and by degrees, and if the copyright of the different works of the same author was made to determine at different periods, the tendency must be, to prevent the publication of complete editions. Upon the whole, he was inclined to think that twenty-five years from the death of the author would meet the justice of the case. They were agreed as to the main object of enabling men of literary merit in the decline of life to make, or hope that they had made, some provision for their families. He fully admitted, however, that great benefit would be derived even from the proposal of the right hon. Gentleman, and so unwilling was he to have him as an opponent, that if he were prepared to adopt, with his term of forty-two years, a diminished term after life, he would willingly accede to such a proposal.

Sir *R. Peel* did not wish to give a vote without stating generally the opinion to which he had come upon the arguments he had heard upon the subject. He had always felt great doubts upon it. He had not hitherto given a vote upon the question, but had resolved to listen with great impartiality to the arguments on both sides, and then to form his own conclusion upon those arguments. His impression hitherto had been, that with respect to the vast majority of cases, the existing protection was sufficient. There might be cases with regard to works of authors in which some additional protection for literature might be necessary. He had always listened with favour to that suggestion which proposed that in special cases exceptions might be made ; and that in the case of great and distinguished men, where a peculiar hardship might arise if the term of the copyright were not extended, some public authority should have the power to extend it. Taking that view of the case, he had moved for a return of the cases in which the Privy Council had extended patent rights. As there appeared to be a tolerably general acquiescence as to the principle upon which the House ought to proceed, and that there ought to be some legislative measure on the subject, he should not press the views upon which he had hitherto

felt inclined to act. Having heard the speeches of his noble Friend and of the right hon. Gentleman (Mr. Macaulay), he thought the argument of the right hon. Gentleman as to a preference to be given to a certain period of forty-two years, or the life of the author, was an argument which carried conviction with it. The later works of an author were usually superior to his earlier productions, as the right hon. Gentleman (Mr. Macaulay) had established by reference only to the two names of Dryden and Pope ; it was in the later works, that the public had most interest. At the same time he admitted the weight of the argument founded upon the necessity for an author to provide for his family after death, and on this account he should be glad, if possible, to combine the two propositions, and besides the forty-two years of the amendment to give an author's family a right for seven years after his death. If, however, the question were only between the proposition of his noble Friend and the amendment of the right hon. Gentleman, he must vote for the latter.

Mr. *Macaulay* could not consent to adopt the suggestion of the right hon. Baronet, and thought that the arguments he had advanced all bore against granting an additional term at the end of life. Neither did he feel (what the right hon. Baronet had felt) the weight of the argument founded upon the provision for the family of an author. In forty-two years an author might be able to make a saving for his family, and to give a term afterwards could only apply to some great standard work in which the public would have a deep interest. Having the enjoyment of a valuable right for so many years, a prudent man ought to be able to make some provision for his children, and to give a term after death was rather offering an encouragement to expenditure. Already the disposition of literary men might be considered somewhat too inconsiderate of the future, but the course suggested by the right hon. Baronet would render them even more careless than at present. With any regard to his own convictions, he could not, therefore, consent to the alteration proposed.

Mr. *Williams Wynn* would not enter into any controversy respecting the merits of a distinguished, respected, and venerable living poet. Allowing the lines quoted to be as bad as the hon. Member for Finsbury contended that they were, it



could have no bearing on the question; the object was to provide better for the writers of good poetry and of good books — books of a permanent character. The hon. Member for Finsbury had complained that authors now looked to money, whereas they formerly looked to fame. He did not know the time when “empty praise” was sought without some regard to “solid pudding.” All authors must look for remuneration, and if in a former day they were more disinterested, it ought to be recollected that the circumstances of the times were now different. The rewards of authorship in the reign of Elizabeth, for instance, were of a different kind; no doubt authors wrote then, as now, for money, but they were also remunerated in other ways, and the instances were not unfrequent where poets had obtained public employments. Spenser was not twenty when he was first engaged in the service of the State, and other poets, not of equal, but still of great distinction, had also been selected for public reward. Shakspeare, to be sure, had derived his emoluments from other sources. It was, however, probable that he never received a shilling from a bookseller for any of his plays. On the contrary, he would have given publishers money not to print his popular works, because the printing of them lessened his profits at the theatre. Yet profits, and large profits too, there was no doubt that he did obtain. Shakspeare, therefore wrote for money, though it was not money paid in the usual way in which authors in our day were remunerated. Say what you will about fame — “that last infirmity of noble minds” — and its influence upon authors, nobody could dispute that the desire to procure pecuniary emolument had been the incentive with many great authors to produce their most valuable works. Look at the case of Dr. Johnson: why did he undertake the *Lives of the Poets*, a work of the highest rank in its class, yet with notorious and glaring defects? He undertook the work because a bookseller came to him and offered him a large sum of money for writing it. With regard to the two proposals, that of his noble Friend and the amendment of the right hon. Gentleman, he was happy to see so strong a disposition on the part of the House to combine both. He hoped that this course would be taken, and that an additional motive would thus be given for the production of

works “which the world would not willingly let die.” On books that were merely worthless, and meant only for the day, the measure could have no effect; they would still be written, still be bought, and still in a short time handed over to the trunkmaker, or the cheesemonger: to them such a bill as this would be (as a friend of his had well illustrated it) like a license to sell mackarel after it had ceased to be fit for human food. He hoped that the conclusion of this discussion would be the uniting of the two propositions before the committee, and that each party would be willing to concede something, where so much might be gained by concession.

Lord *John Russell* wished to explain, in a few words, why he should vote for the proposal of the noble Viscount, and against the amendment of his right hon. Friend. The general feeling of the committee seemed all one way, with the exception of the hon. Member for Finsbury, and whether one course were adopted or the other, either way a considerable benefit would be conferred upon literature. As he had said, in principle he concurred most with the noble Lord, and the argument which had carried conviction to the mind of the right hon. Baronet (Sir R. Peel) had failed to produce the same effect upon his mind. He had no doubt of the correctness of the facts, and that, looking at the literature of this and of other countries, men’s greatest works would be found to have been produced late in life. On that point the position of his right hon. Friend was unassailable; but though the statement might be true, it did not follow that it was a sufficient ground for legislation: on the contrary, it seemed to him rather too refined a ground—it was too refined for Parliament to say, as a reason for legislating for the extension of copyright, that it appeared to it that most authors had written their greatest works late in life. It seemed to him much better to proceed upon the simple principle of giving a copyright for twenty-five or twenty-eight years after the publication of an author’s work. At the same time, he much lamented that there should be any division of opinion, and he wished that his right hon. Friend would give way, and consent to the small concession of seven years after the death of an author. The cases would, no doubt, be rare where it would be any boon; it could only apply to works



of the highest merit, the author of which had lived forty-two years beyond the date of original publication. If the noble Lord consented to the forty-two years, he thought that his right hon. Friend might, in return, concede as regarded the seven years.

Mr. *Macaulay* was aware that he could not hope to carry his amendment against the expressed sentiments of Members so important; but he had already gone far to come into the views of his noble Friend, and he felt that he ought not to go farther. He thought that forty-two years, and seven years after death, a greater boon than merely twenty-five after death; but as he could not agree to the seven years, he must unwillingly divide the committee. If the decision were against him, he had no disposition vexatiously to obstruct the progress of the measure, and would do what he could in committee to make it unobjectionable.

Sir *R. Peel* repeated, that he should divide in favour of the amendment.

Lord *Mahon* said, that if the amendment were carried, he should propose the addition of seven years after death.

Mr. *Aglionby* reminded the House, that there was a third party, at the head of which was the hon. Member for Finsbury, who thought, that for the sake of the public nothing should be done. Such was his opinion also, and as he looked upon the amendment as the least evil of the two, he should vote for it.

The committee divided on the question that, the words "for the further term of twenty-five years" stand part of the clause:—Ayes 56; Noes 68;—Majority 12.

*List of the AYES.*

Acton, Col.	Fuller, A. E.
Allix, J. P.	Gladstone, rt. hn. W. E.
Arbuthnott, hon. H.	Goring, C.
Bell, J.	Grogan, E.
Blackstone, W. S.	Hamilton, W. J.
Botfield, B.	Hayes, Sir E.
Broadwood, H.	Heneage, G. H. W.
Browne, R. D.	Howard, hn. C. W. G.
Browne, hon. W.	Jolliffe, Sir W. G. H.
Buckley, E.	Law, hon. C. E.
Darby, G.	Lincoln, Earl of
Dick, Q.	Lockhart, W.
Dickinson, F. H.	Mackenzie, W. F.
D'Israeli, B.	Manners, Lord J.
Egerton, Lord F.	Marshall, Visct.
Estcourt, T. G. B.	Milnes, R. M.
Fielden, J.	Napier, Sir C.
Ferrand, W. B.	O'Brien, A. S.
Forbes, W.	Palmer, R.
Fox, C. R.	Pechell, Capt.

Praed, W. T.  
Protheroe, E.  
Round, C. G.  
Russell, Lord J.  
Russell, C.  
Ryder, hon. G. D.  
Stanton, W. H.  
Sutton, hon. H. M.  
Trotter, J.  
Turner, E.

Vane, Lord H.  
Vere, Sir C. B.  
Vyvyan, Sir R. R.  
Waddington, H. S.  
Walsh, Sir J. B.  
Wynn, rt. hn. C. W. W.

TELLERS.

Mahon, Visct.  
Inglis, Sir R. H.

*List of the NOES.*

Aglionby, H. A.	Lindsay, H. H.
Ainsworth, P.	Listowel, Earl of
Aldam, W.	Mainwaring, T.
Baskerville, T. B. M.	Masterman, J.
Berkeley, hon. C.	Mitcalfe, H.
Bowring, Dr.	Mitchell, T. A.
Broadley, H.	Morison, General
Brocklehurst, J.	O'Brien, W. S.
Brodie, W. B.	O'Connell, M. J.
Brotherton, J.	Ogle, S. C. H.
Busfield, W.	Peel, rt. hon. Sir R.
Campbell, A.	Philips, M.
Christie, W. D.	Pigot, rt. hon. D.
Clements, Visct.	Plumptre, J. P.
Clerk, Sir G.	Pollock, Sir F.
Cobden, R.	Power, J.
Duke, Sir J.	Rashleigh, W.
Duncan, G.	Rawdon, Col.
Easthope, Sir J.	Reade, W. M.
Escott, B.	Rous, hon. Capt.
Fitzroy, Capt.	Scholefield, J.
Forster, M.	Scott, R.
Gill, T.	Smith, B.
Graham, rt. hn. Sir J.	Stanley, Lord
Greenall, P.	Strutt, E.
Grosvenor, Lord R.	Tancred, H. W.
Hardinge, rt. hn. Sir H.	Thornely, T.
Hardy, J.	Villiers, hon. C.
Harris, J. Q.	Wakley, T.
Heathcoat, J.	Williams, W.
Henley, J. W.	Wilshire, W.
Howard, hn. E. G. G.	Wood, B.
Johnson, W. G.	Wood, G. W.
Knatchbull, right hon.	TELLERS.
Sir E.	Macaulay, rt. hn. T. B.
Leader, J. T.	Evans, W.

Words rejected.

Lord *Mahon* moved to insert in the clause the words, "and for the further term of seven years, commencing at the time of the author's death."

Mr. *Macaulay* could not consent to the proposal, and should again divide.

The committee divided on the question, that the words be added:—Ayes 91; Noes 33;—Majority 58.

*List of the AYES.*

Acton, Col.	Baskerville, T. B. M.
Adare, Visct.	Bell, J.
Ainsworth, P.	Blackstone, W. S.
Allix, J. P.	Botfield, B.
Arbuthnott, hon. H.	Broadley, H.



Broadwood, H.	Manners, Lord C. S.
Browne, R. D.	Manners, Lord J.
Browne, hon. W.	Marsham, Visct.
Buckley, E.	Masterman, J.
Campbell, A.	Milnes, R. M.
Clerk, Sir G.	Mitcalfe, H.
Coote, Sir C. H.	O'Brien, A. S.
Darby, G.	O'Brien, W. S.
Dickinson, F. H.	O'Connell, M. J.
Egerton, Lord F.	Ogle, S. C. H.
Estcourt, T. G. B.	Palmer, R.
Fielden, J.	Pechell, Capt.
Ferrand, W. B.	Peel, rt. hon. Sir R.
Fitzroy, Capt.	Pigot, rt. hon. D.
Forbes, W.	Plumptre, J. P.
Fox, C. R.	Pollock, Sir F.
Fremantle, Sir T.	Power, J.
Fuller, A. E.	Praed, W. T.
Gill, T.	Protheroe, E.
Gladstone, rt. hn. W. E.	Rashleigh, W.
Goring, C.	Reade, W. M.
Graham, rt. hn. Sir J.	Rose, rt. hon. Sir G.
Greenall, P.	Round, C. G.
Grogan, E.	Rous, hon. Capt.
Hamilton, W. J.	Russell, Lord J.
Hardinge, rt. hn. Sir H.	Russell, C.
Hardy, J.	Scholefield, J.
Hayes, Sir E.	Stanley, Lord
Heneage, G. H. W.	Stanton, W. H.
Henley, J. W.	Sutton, hon. H. M.
Hillsborough, Earl of	Tancred, H. W.
Howard, hn. C. W. G.	Trotter, J.
Howard, hn. E. G. G.	Vane, Lord H.
Johnson, W. G.	Vere, Sir C. B.
Jolliffe, Sir W. G. H.	Vyvyan, Sir R. R.
Knatchbull, right hon.	Waddington, H. S.
Sir E.	Walsh, Sir J. B.
Law, hon. C. E.	Wilshere, W.
Lincoln, Earl of	Wodehouse, E.
Lindsay, H. H.	Wynn, rt. hn. C. W. W.
Lockhart, W.	
Mackenzie, W. F.	TELLERS.
Mainwaring, T.	Mahon, Visct.
	Inglis, Sir R. H.

*List of the NOES.*

Aglionby, H. A.	Leader, J. T.
Aldam, W.	Listowel, Earl of
Berkeley, hon. C.	Mitchell, T. A.
Bowring, Dr.	Morison, General
Brocklehurst, J.	Philips, M.
Brodie, W. B.	Rawdon, Col.
Brotherton, J.	Smith, B.
Busfeild, W.	Strutt, E.
Christie, W. D.	Thornely, T.
Clements, Visct.	Turner, E.
Duke, Sir J.	Villiers, hon. C.
Duncan, G.	Wakley, T.
Easthope, Sir J.	Williams, W.
Escott, B.	Wood, B.
Forster, M.	Wood, G. W.
Grosvenor, Lord R.	TELLERS.
Harris, J. Q.	Macaulay, rt. hn. T. B.
Heathcoat, J.	Evans, W.

Mr. *Macaulay* moved, to leave out "twenty-eight years," in order to insert "forty-two years," instead thereof.

Mr. *Aglionby* objected to such a change, as being worse for the public than the original proposition.

Mr. *Macaulay* thought it better to give a term of forty-two years certain.

The committee divided on the question, "That the words twenty-eight years stand part of the clause:"—Ayes 22, Noes 101; Majority 79.

*List of the AYES.*

Berkeley, hn. C.	Mitchell, T. A.
Blake, Sir V.	O'Brien, W. S.
Bowring, Dr.	Philips, M.
Brotherton, J.	Smith, B.
Busfeild, W.	Strutt, E.
Duke, Sir J.	Thorneley, T.
Duncan, G.	Villiers, hn. C.
Eatshope, Sir J.	Williams, W.
Escott, B.	Wood, B.
Evans, W.	
Forster, M.	TELLERS.
Harris, J. Q.	Aglionby, H.
Leader, J. T.	Wakley, T.

*List of the NOES.*

Acton, Col.	Hamilton, W. J.
Adare, Visc.	Hardinge, rt. hn. Sir H.
Ainsworth, P.	Hardy, J.
Aldam, W.	Hayes, Sir E.
Allix, J. P.	Heathcoat, J.
Baskerville, T. B. M.	Heneage, G. H. W.
Beckett, W.	Henley, J. W.
Botfield, B.	Herbert, hon. S.
Broadley, H.	Howard, hn. C. W. G.
Broadwood, H.	Howard, hn. E. G. G.
Brocklehurst, J.	Johnson, W. G.
Brodie, W. B.	Johnstone, H.
Browne, hon. W.	Jolliffe, Sir W. G. H.
Buckley, E.	Knatchbull, rt. hn. Sir E.
Campbell, A.	Law, hon. C. E.
Christie, W. D.	Lincoln, Earl of
Clements, Visc.	Lindsay, H. H.
Clerk, Sir G.	Listowel, Earl of
Crosse, T. B.	Lockhart, W.
Currie, R.	Macaulay, rt. hn. T. B.
Darby, G.	Mackenzie, W. F.
Dickinson, F. H.	Manners, Lord C. S.
Egerton, Lord F.	Marsham, Visct.
Eliot, Lord	Masterman, J.
Estcourt, T. G. B.	Milnes, R. M.
Farnham, E. B.	Mitcalfe, H.
Fielden, J.	Morison, General
Fitzroy, Captain	O'Connell, M. J.
Forbes, W.	Ogle, S. C. H.
Fox, C. R.	Palmer, R.
Fremantle, Sir T.	Peel, rt. hn. Sir R.
Fuller, A. E.	Peel, J.
Gill, T.	Pigot, rt. hon. D.
Gladstone, rt. hn. W. E.	Plumptre, J. P.
Gore, hon. R.	Pollock, Sir F.
Goring, C.	Power, J.
Graham, rt. hn. Sir J.	Praed, W. T.
Greenall, P.	Protheroe, E.
Grogan, E.	Rashleigh, W.



Reade, W. M.	Vere, Sir C. B.
Reid Sir J. R.	Waddington, H. S.
Repton, G. W. J.	Walsh, Sir J. B.
Rose, rt. hon. Sir G.	Wilshere, W.
Russell, Lord J.	Wodehouse, E.
Russell, C.	Wood, Col. T.
Ryder, hon. G. D.	Wood, G. W.
Stanley, Lord	Worsley, Lord
Stanton, W. H.	Wortley, hon. J. S.
Sutton, hon. H. M.	Wynn, rt. hn. C. W. W.
Tancred, H. W.	
Trotter, J.	TELLERS.
Turner, E.	Mahon, Visct.
Vane, Lord H.	Inglis, Sir R. H.

The words "forty-two years" were inserted.

On the question that the clause as amended stand part of the bill,

Mr. *Wakley* thought the clause so objectionable and so unfavourable to the public, without benefitting the author, that he must divide against it.

The committee again divided—Ayes 96, Noes 17; Majority 79.

*List of the AYES.*

Acton, Col.	Graham, rt. hn. Sir J.
Adare, Visct.	Grimston, Visct.
Adderley, C. B.	Grogan, E.
Aldam, W.	Hamilton, W. J.
Baring, hon. W. B.	Hardinge, rt. hn. Sir H.
Baskerville, T. B. M.	Hardy, J.
Beckett, W.	Hayes, Sir E.
Boldero, H. G.	Heneage, G. H. W.
Botfield, B.	Henley, J. W.
Broadley, H.	Herbert, hon. S.
Broadwood, H.	Howard, hn. C. W. G.
Browne, hon. W.	Jermyn, Earl
Buckley, E.	Jocelyn, Visct.
Busfeild, W.	Johnson, W. G.
Campbell, A.	Johnstone, H.
Christie, W. D.	Jolliffe, Sir W. G. H.
Clerk, Sir G.	Knatchbull, right hon.
Colborne, hn. W. N. R.	Sir E.
Crosse, T. B.	Law, hon. C. E.
Darby, G.	Lincoln, Earl of
Dickinson, F. H.	Lindsay, H. H.
Dodd, G.	Listowel, Earl of
Douglas, Sir C. E.	Lockhart, W.
Eaton, R. J.	Mackenzie, W. F.
Egerton, Lord F.	M'Geachy, F. A.
Eliot, Lord	Mainwaring, T.
Estcourt, T. G. B.	Marsham, Visct.
Farnham, E. B.	Milnes, R. M.
Fielden, J.	Morison, General
Fitzroy, Capt.	Newry, Visct.
Fleming, J. W.	O'Brien, A. S.
Forbes, W.	O'Connell, M. J.
Fox, C. R.	Palmer, R.
Fremantle, Sir T.	Patten, J. W.
Fuller, A. E.	Peel, rt. hon. Sir R.
Gill, T.	Peel, J.
Gladstone, rt. hn. W. E.	Pigot, rt. hon. D.
Gore, hon. R.	Plumptre, J. P.
Goring, C.	Rashleigh, W.

Reade, W. M.	Vane, Lord H.
Reid, Sir J. R.	Vere, Sir C. B.
Repton, G. W. J.	Waddington, H. S.
Rose, rt. hon. Sir G.	Walsh, Sir J. B.
Rous, hon. Capt.	Wilshere, W.
Russell, C.	Wood, Col. T.
Ryder, hon. G. D.	Wortley, hon. J. S.
Stanley, Lord	Wynn, rt. hn. C. W. W.
Stanton, W. H.	
Stuart, H.	TELLERS.
Sutton, hon. H. M.	Mahon, Visct.
Tancred, H. W.	Inglis, Sir R. H.

*List of the NOES.*

Berkeley, hon. C.	Leader, J. T.
Blake, Sir V.	Mitchell, T. A.
Bowring, Dr.	Smith, B.
Brotherton, J.	Strutt, E.
Clements, Visct.	Thornely, T.
Duncan, G.	Villiers, hon. C.
Easthope, Sir J.	Williams, W.
Evans, W.	TELLERS.
Forster, M.	Aglionby, H.
Harris, J. Q.	Wakley, T.

Mr. *Wakley* thought the clause so objectionable, that it ought to be omitted.

On the fourth clause (in cases of subsisting copyright, the extended term to be enjoyed, except when it shall belong to an assignee for other consideration than natural love and affection; in which case it shall cease at the expiration of the present term, unless its extension shall be agreed to between the proprietor and author).

The committee divided on the question, "That the clause, as amended, stand part of the bill:"—Ayes 69, Noes 26; Majority 43.

*List of the AYES.*

Acton, Col.	Fremantle, Sir T.
Adare, Visct.	Fuller, A. E.
Adderley, C. B.	Gladstone, rt. hn. W. E.
Baring, hon. W. B.	Goring, C.
Barrington, Visct.	Graham, rt. hon. Sir J.
Baskerville, T. B. M.	Grogan, E.
Bell, J.	Hamilton, W. J.
Boldero, H. G.	Hardinge, rt. hn. Sir H.
Botfield, B.	Hayes, Sir E.
Broadley, H.	Henley, J. W.
Broadwood, H.	Herbert, hon. S.
Browne, hon. W.	Howard, hon. C. W. G.
Christie, W. D.	Jermyn, Earl
Clerk, Sir G.	Jocelyn, Visct.
Colville, C. R.	Johnson, W. G.
Darby, G.	Johnstone, H.
Dawnay, hon. W. H.	Jolliffe, Sir W. G. H.
Dickinson, F. H.	Knatchbull, rt. hon.
Douglas, Sir C. E.	Sir E.
Eliot, Lord	Law, hon. C. E.
Estcourt, T. G. B.	Lincoln, Earl of
Fielden, J.	Lindsay, H. H.
Fitzroy, Capt.	Lockhart, W.
Fleming, J. W.	Macaulay, rt. hn. T. B.
Forbes, W.	Mackenzie, W. F.



M'Geachy, F. A.	Russell, C.
Marsham, Visct.	Stanley, Lord
Milnes, R. M.	Stuart, H.
Newry, Visct.	Sutton, hon. H. M.
O'Brien, A. S.	Trotter, J.
O'Connell, M. J.	Vere, Sir C. B.
Patten, J. W.	Wood, G. W.
Peel, rt. hon. Sir R.	Wortley, hn. J. S.
Pigot, rt. hon. D.	
Pollock, Sir F.	TELLERS.
Rashleigh, W.	Mahon, Visct.
Rous, hon. Capt.	Inglis, Sir R. H.

*List of the NOES.*

Aglionby, H. A.	O'Brien, C.
Aldam, W.	Palmer, G.
Bowring, Dr.	Pechell, Captain
Brotherton, J.	Power, J.
Busfeild, W.	Scholefield, J.
Clements, Visct.	Smith, B.
Duncan, G.	Somers, J. P.
Evans, W.	Strutt, E.
Fox, C. R.	Thornely, T.
Gibson, T. M.	Villiers, hon. C.
Gill, T.	Williams, W.
Gore, hon. R.	Wood, B.
Leader, J. T.	TELLERS.
Listowel, Earl of	Hardy, J.
Mitchell, T. A.	Wakley, T.

The clauses to 14 were put and agreed to.

House resumed.

Chairman reported progress, committee to sit again.

**PUBLIC HOUSES BILL.]** On the Order of the Day for the second reading of the Public Houses Bill,

Sir *James Graham* said, that he had to request the hon. and gallant Member for Westminster, to postpone the further progress of this bill for a few days, and, in doing so, he could assure the gallant Officer that he believed that by a postponement, such an arrangement might be made as would be satisfactory to all parties.

Captain *Rous* observed, that under the circumstances he would willingly postpone the bill; but he would then give notice that he should bring it forward that day fortnight.

Bill postponed.

**CORN IMPORTATION BILL.]** On the motion of Sir Robert Peel, that the Corn Importation Bill be reported,

Mr. *M. Gibson* remarked that, as he believed that this bill was only a step to further and more extensive changes in the Corn-laws, and believing, as he did, that before long it would become abso-

lutely necessary to introduce another bill for making these alterations, he would suggest to the right hon. Baronet the propriety of introducing a clause for limiting its duration to one year; so that the subject would again come under the revision of Parliament, when it would have to decide whether the system should be continued or not. He was more confident in asking this, because he was convinced that this bill would only excite hopes which would be disappointed. He also recollected what occurred when the last Corn-bill was before Parliament, when the credulity of the farmers was acted upon in such a way as to induce them to believe that the continuance of that measure would be of a considerably longer duration than it would be. As the manufacturers also of this country had most gloomy prospects before them, and as trade was in a most despondent state, he thought that it would be desirable that a fixed period should be named for the revision of the matter.

Sir *R. Peel* observed that, after the courteous manner in which the hon. Gentleman had appealed to him, he felt bound at once to state that he could not assent to his suggestion. The hon. Gentleman seemed to intimate that inconvenience might arise from a feeling of uncertainty as to the duration of the proposed law, but he would suggest that by introducing a clause limiting the duration of the bill for one year, all the evils of uncertainty would be occasioned, and, at the same time, a pretty general opinion would prevail that the bill would be repealed or materially altered in the course of the next year; for his own part, however, he was confident that this would not be the case, nor would any necessity for such a rapid change arise. Under these circumstances, he could not assent to the suggestion of the hon. Gentleman. He regretted deeply the state of trade alluded to by the hon. Member, and, above all, that it should be so much depressed at a period of the year when they had every reason to hope for a better state of things; but he attributed much of this to the circumstance that the country wished to know what was the determination of Parliament as to the Corn-law and the tariff. He, therefore, would recommend the House to sanction both with as little delay as possible.

Dr. *Bowring* would suggest, that if the right hon. Baronet would not listen to