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TALFOURD AND STEPHEN.

PHILADELPHIA:

A HART, TATE CAREY & HART. 1852



J. T. Talfourd

CRITICAL

AND

MISCELLANEOUS WRITINGS

OF

T. NOON TALFOURD,

AUTHOR OF "ION."

Second American Edition.

WITH

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IN THIS COUNTRY.

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No. 126 CHESTNUT STREET.

1852

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had you ever the sole right of multiplying copies, and a remedy by action, incident to every right, against any one who should infringe it. The jurisdiction of the Star Chamber, while it restrained the freedom of the press, at the same time incidentally preserved the copyright from violation; and this was one of the pleas urged for the power of licensing; for Milton, in his immortal pleading for unlicensed printing, states, as one of the glosses of his opponents, "the just retaining by each man of his several copy, which God forbid should be gainsaid." In the special verdict in *"Miller v. Taylor"* (1769), it was found as a fact, "that before the reign of Queen Anne, it was usual to purchase from authors the perpetual copyright of their books, and to assign the same from hand to hand for valuable considerations, and to make them the subject of family settlements." In truth, the claim of the author to perpetual copyright was never disputed, until literature had received a fatal present in the first act of parliament "For its encouragement"—the 8th Anne, c. 19, passed in 1709; in which the mischievous, unsuspected, for many years before it was called into action to limit the rights it professed, and it was probably intended, to secure. By that act, the sole right of printing and reprinting their works was recognised in authors for the term of fourteen years, and, if they should be living at its close, for another period of the same duration,—and piracy was made punishable during those periods by the forfeiture of the books illegally published, and of a penny for every sheet in the offender's custody—one-half to the use of the queen's majesty—the other halfpenny, not to the poor author, whose poverty the sum might seem to benefit, but to the informer; and the condition of enjoying these summary remedies, was the entry of the work at Stationers' Hall. This act, "For the encouragement of learning," which, like the priest in the fable, while it vouchsafes the blessing denies the farthing, also confers a power on the Archbishop of Canterbury and other great functionaries to regulate the prices of books, which was rejected by the Lords, restored on conference with the Commons, and repealed in the following reign; and also confers on learning the benefit of a forced contribution of nine copies of every work, on the best paper, for the use of certain libraries. Except in this last particular, the act seems to have remained a dead letter down to the year 1760, no one, as far as I can trace, having thought it worth while to sue for its halfpennies, and no one having suggested that its effect had been silently to restrict the common-law right of authors to the term during which its remedies were to operate. So far was this construction from being suspected, that in this interval of fifty years the Court of Chancery repeatedly interfered by injunction to restrain the piracy of books in which the statutory copyright had long expired. This protection was extended in 1735 to "*The Whole Duty of Man*," the first assignment of which had been made seventy-eight years before; in the same year to the "*Miscellanies of Pope and Swift*," in 1736 to "*Nelson's Festivals and Fasts*," in 1739 to

the "*Paradise Lost*," and in 1752, to the same poem, with a life of the author, and the notes of all preceding editions. Some doubts having at length arisen, the question of the operation of the statute was, in 1760, raised by a sort of amicable suit, "*Tonson v. Collins*," respecting the "*Spectator*," in which the Court of Common Pleas inclined to the plaintiff before giving judgment discovered that its proceeding was exclusive, and refused to pronounce any decision. In 1766 an action was brought, "*Miller v. Taylor*," for pirating "*Thomson's Seasons*," in the Court of King's Bench, before whom it was elaborately argued, and which, in 1769, gave judgment in favour of the subsisting copyright; Lord Mansfield, Mr. Justice Willes, and Mr. Justice Aston, holding that copyright was perpetual by the common law, and not limited by the statute, except as to penalties, and Mr. Justice Yates dissenting from them. In 1774 the question was brought before the House of Lords, when eleven judges delivered their opinions upon it—six of whom thought the copyright limited, while five held it perpetual; and Lord Mansfield, who would have made the numbers equal, retaining his opinion, but expressing none. By this bare majority—against the strong opinion of the chief justice of England—was it decided that the statute of Anne has substituted a shorter term in copyright for an estate in fee, and the rights of authors were delivered up to the mercy of succeeding parliaments!

Until this decision, the copyright vested in the universities had only shared the protection which it was supposed had existed for all, and in fact their copyright was gone. But they immediately resorted to the legislature and obtained an act, 15 George III., c. 63, "For enabling the two universities in England, the four universities of Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity the copyright in books given or bequeathed to them for the advancement of learning and the purposes of education; and the like privilege was, by 41 George III., c. 107, extended to Trinity College, Dublin. With the immunities thus conferred on the universities, or rather with this exemption from the wrong incidentally inflicted on individuals, I have no intention to interfere; neither do I seek to relieve literature from the obligation, recently lightened by the just consideration of parliament, of supplying the principal universities with copies of all works at the author's charge. I only seek to apply the terms of the statute, which recites that the purposes of those who bequeathed copyright to the universities for the advancement of learning would be frustrated unless the exclusive right of printing and reprinting such books be secured in perpetuity, to support the claim of individuals to some extended interest in their own. I only ask that some of the benefits enjoyed by the venerable nurseries of learning and of genius should attend the works of those whose youth they have inspired and fostered, and of those also who, although fortune has denied to them that inestimable blessing, look with reverence upon the great institutions of

our country, and feel themselves in that reverence not wholly strangers to the great body of associations they nourish.

The next act, 41 George III., c. 107, passed immediately after the Union, did little besides holding Ireland in the general law of copyright, conferring on Trinity College, Dublin, the privilege of English universities; prohibiting the importation of books from abroad which had been originally printed in the United Kingdom; and increasing the penalty on piracy from 1*l.* to 3*l.* per sheet. But in the year 1814, by the statute of 54 George III., c. 156, which is the principal subsisting act on the subject of literary copyright, reciting "That it would afford further encouragement to literature, if the duration of copyright were further extended," enlarges it to the absolute term of twenty-eight years; and if the author shall survive that time, secures it to him for the remainder of his life. Since then the legislature has extended its protection to two classes of composition which before were left in a condition to invite piracy—to the actual drama, by the measure of 3 William IV., c. 15, and to lectures, by 6 and 6 William IV., c. 65—and by an act of last session, lightened the load of some of the blessings conferred by the legislature, by reducing the copies which authors are privileged to render to five; but the term of twenty-eight years, with the possible reversal beyond that time for life, is all authors have yet obtained in return for all the labours of which the statute of Anne incidentally deprived them.

This limitation of the ancient rights of authorship has not been compensated by uniformity in the details of the law, by simply imbruing the notes of proving the right of transfer, or by the cheapness or adequacy of the remedies. The penal clauses have proved wholly worthless. Engravings, etchings, maps, and charts, which are regulated by other statutes, are secured to the author for twenty-eight years, but not, like books, for the continuous term of life. Instead of the registration at Stationers' Hall, which has been holden not necessary to the right of action, the work must bear the date and the name of the proprietor; but no provision is made in either case for cheap transfer. Now, I propose to render the law of copyright uniform, as to all books and works of art; to secure to the proprietor the same term in each; to give one plan of registration and one mode of transfer. As the stationer's company have long enjoyed the control over the registration of books, I do not propose to take it from them, if they are willing to retain it with the increased trouble, compensation by the increased fees which their labour will be entitled to receive. I propose that, before any proceeding can be adopted for the violation of copyright, the author, or his assignee, shall deposit a copy of the work, whether book or engraving, and cause an entry to be made in the form to be given in the act of the proprietorship of the work, whether absolute or limited; and that a copy of such entry, signed by the officer, shall be admitted in all courts as *prima facie* evidence of the property. I propose that any transfer should be

registered in like manner in a form also to be given by the act; that such transfer shall be proved by a similar copy; and that in neither case shall any stamp be requisite.

At present great uncertainty prevails as to the original right of property in papers supplied to periodical works or written at the instance of a bookseller, and as to the right of engraving from original pictures. However desirable it may be that these questions should be settled, it is impossible to interfere with the existing relations of booksellers and authors, or of patrons of art and artists. Neither, for the future, do I propose to lay down any rule as to the rights which shall originally be expressed or implied between the parties themselves; but that the right of copy shall be registered as to such books, pictures or engravings, only with the consent of both expressed in writing, and when this is done shall be absolute in the party registered as owner. At present, an engraver or publisher, who has given a large sum for permission to engrave a picture, and expended his money or labour in the plate, may be met by unexcepted competition, for which he has no remedy. By making the registration not the condition of the right itself, but of the remedy by action or otherwise, the independence of contracting parties will be preserved, and this evil avoided for the future. A competent tribunal will still be wanting; its establishment is beyond the scope of my intention or my power; but I feel that complete justice will not be done to Literature and Art until a mode shall be devised for a cheap and summary vindication of their injuries before some parties better qualified to determine it than judges who have passed their lives in the laborious study of the law, or jurors who are surrounded with the cares of business, and, except by accident, little acquainted with the subjects presented to them for decision.

But the main object of the bill which I contemplate is—I will not use those words of ill omen, "the further advancement of learning," but—"for additional justice to learning, by the further extension of time during which authors shall enjoy the direct pecuniary benefit immediately flowing from the sale of their own works.

Although I see no reason why authors should not be restored to that inheritance which, under the name of protection and encouragement, has been taken from them, I feel that the subject has so long been treated as matter of compromise between those who deny that the creations of the inventive faculty, or the achievements of reason, are the subjects of property at all, and those who think the property should last as long as the works which contain truth and beauty live, that I propose still to treat it on the principle of compromise, and to rest satisfied with a fairer adjustment of the difference than the last Act of Parliament affords. I shall propose—subject to modification when the details of the measure shall be discussed—that the term of property in all works of learning, genius, and art, to be produced hereafter, or in which the statutory copyright now subsists, shall be extended 10

sixty years, to be computed from the death of the author; which will at least enable him, while providing for the instruction and the delight of distant ages, to contemplate that he shall leave in his works themselves some legacy to those for whom a nearer, if not a higher duty, requires him to provide, and which shall make "death less terrible." When the opponents of literary property speak of glory as the reward of genius, they make an ungenerous use of the very nobleness of its impulses, and show how little they have profited by its high example. When Milton, in poverty and in blindness, fed the flame of his divine enthusiasm by the assurance of a duration coequal with his language, I believe with Lord Camden that no thought crossed him of the wealth which might be amassed by the sale of his poem; but surely some shadow would have been cast upon "the clear dream and solemn vision" of his future glories, had he foreseen that while booksellers were striving to rival each other in the magnificence of their editions, or their adaptation to the convenience of various classes of his admirers, his only surviving descendant—a woman—should be rescued from abject want only by the charity of Garrick, who, at the solicitation of Dr. Johnson, gave her a benefit at the theatre which had appropriated to itself all that could be represented of *Comus*. The liberality of genius is surely ill urged as an excuse for our ungrateful denial of its rights. The late Mr. Coleridge gave an example not merely of its liberality, but of its profuseness; while he sought not even to appropriate to his fame the vast intellectual treasures which he had derived from boundless research, and coloured by a glorious imagination; while he scattered abroad the seeds of beauty and of wisdom to take root in congenial minds, and was content to witness their fruits in the productions of those who heard him. But ought we, therefore, the less to deplore, now when the music of his divine philosophy is for ever hushed, that the earlier portion of those works on which he stamped his own impress—all which he desired of the world that it should recognize as his—is published for the gain of others than his children—that his death is illustrated by the forfeiture of their birthright? What justice is there in this? Do we reward our heroes thus? Did we tell our Marboroughs, our Nelsons, our Wellingtons, that glory was their reward, that they fought for posterity, and that posterity would pay them? We leave them to no such cold and uncertain requital; the spoils of their victories, which we deny to the author; we concentrate a nation's hottest feeling of gratitude and pride into the form of an endowment, and teach other ages what we thought, and what they ought to think, of their deeds, by the substantial memorials of our praise. Were our Shakspeare and Milton less the ornaments of their country, less the benefactors of mankind? Would the example be less inspiring if we permitted them to enjoy the spoils of their peaceful victories—if we allowed to their descendants, not the tax assessed by present gratitude, and charged on

the Future, but the mere amount which that Future would be delighted to pay—extending as the circle of their glory expands, and reaped only by those who individually reap the benefits, and are contented at once to enjoy and to reward its author?

But I do not press these considerations to the full extent; the Past is beyond our power, and I only ask for the present a brief revision in the Future. "Riches fineless" created by the mighty dead are already ours. It is in truth the greatness of blessings which the world inherits from genius that dazzles the mind on this question; and the habit of repaying its bounty by words, that confuses us and indisposes us to justice. It is because the spoils of time are freely and irrevocably ours—because the forms of antique beauty wear for us the bloom of an imperishable youth—because the elder literature of our own country is a free mine of wealth to the bookseller and of delight to ourselves, that we are unable to understand the claim of our contemporaries to a beneficial interest in their works. Because genius by a genial necessity communicates so much, we cannot conceive it as retaining anything for its possessor. "There is a sense, indeed, in which the poets 'on earth have made us heirs of truth and pure delight in heavenly lays'; and it is because of the greatness of this very boon—because their thoughts become our thoughts, and their phrases unconsciously enrich our daily language—because their works, harmonious by the law of their own nature, suggest to us the rules of composition by which their imitators should be guided—because to them we can resort, and 'in our golden urns draw light,' that we cannot fancy them apart from ourselves, or admit that they have any property except in our praise. And our gratitude is shown not only in leaving their descendants without portion in the pecuniary benefits derived from their works, but in permitting their fame to be frittered away in aridigence, and polluted by base intermixtures, and denying to their children even the cold privilege of watching over and protecting it!

There is something, sir, peculiarly unjust in bounding the term of an author's property by his natural life, if he should survive so short a period as twenty-eight years. It denies to age and experience the probable reward it permits to youth—to youth, sufficiently full of hope and joy, to slight his promises. It gives a bounty to haste, and informs the labours of youth, who would wear away his strength to complete some work which "the world will not willingly let die," that the more limited shall be his interest in its fruits. It stops the progress of remuneration at the moment it is most needed, and when the nobility of Nature would extract from her last survivors. At the season when the author's name is invested with the solemn interest of morality—when his eccentricities or frailties excite a smile or a sneer no longer—when the last seal is set upon his earthly course, and

his works assume their place among the classics of his country, your law declares that his works shall become your property, and you require him by seizing the patrimony of his children. We blame the errors and excesses of genius, and we leave them—justly leave them—for the most part, to the consequences of their strangely blended nature. But if genius, in assertion of its diviner alliances, produces large returns when the earthly course of a frail possessor is past, why is the public to insult his descendants with their alms and their pity? What right have we to moralize over the excesses of a Burns, and insult his memory by charitable honours, while we are taking the benefit of his premature death, in the expiration of his copyright and the tainted cheapness of his works? Or, to advert to a case in which the highest intellectual powers were associated with the noblest moral excellence, what right have we to take credit to ourselves for a paltry and ineffectual subscription to rescue Abbotford, for the falsity of its great author, (Abbotford, his residence in stone and mortar, but not more indelibly than those hundred fabrics, not made with hands, which he has raised, and made with his mind, and which he has poured for the delight of mankind,) while we insist on appropriating now the profits of his earlier poems, and anticipate the time when, in a few years, his novels will be ours without right—change to enjoy—and any one's to copy, to emulate, and to garble? This is the case of one whom kings and people delighted to honour. But look on another picture—that of a man of genius and integrity, who has resisted all the insult and injury from his contemporaries, and obtains nothing from posterity but a name. Look at Daniel De Foe; respect him pilloried, bankrupt, wearing away his life to pay his creditors in full, and dying in the struggle!—and his works live, undimmed, corrupted, yet casting off the stains, not by protection of law, but by their own pure essence. Had every school-boy, whose young imagination has been prompted by his great work, and whose heart has learned to shudder in the strange, yet familiar, solitude he created, given even the halpenny of the statue of Anne, there would have been no want of a provision for his children, no need of a subscription for a statue to his memory!

The term allowed by the existing law is seriously adapted to encourage the highest works, and to leave the noblest unprotected. Its little span is ample for authors who seek only to amuse; who, "to beguile the time, look like the time," who lend to frivolity or corruption "lighter wings to fly," who sparkle, blaze, and expire. These may delight for a season—gladden as the fire-flies on the heavy wing of public opinion—the airy proofs of the intellectual activity of the age;—yet surely it is not just to legislate for those alone, and deny all reward to that literature which aspires to endure. Let us suppose an author, of true original genius, disgusted with the inane phraseology which had usurped the place of poetry, and devoting himself from youth to its service;—deducing the grands which attract the careless, and unskilled in the moving accidents of

fortune—not seeking his triumph in the tempest of the passions, but in the serenity which lies above them—whose works shall be scooped at—whose name made a by-word—and yet who shall persevere in his high and holy course, gradually impressing thoughtful minds with the sense of truth made visible in the severest forms of beauty, until he shall create the taste by which he shall be appreciated—whose influence, one after another, the master-spirits of his age—be felt pervading every part of the national literature, softening, raising, and enriching it; and when at last he shall find his confidence in his own aspirations justified, and the name which once was the scorn admitted to the glory of his age—the shall look forward to the close of his earthly career, as the event that shall consecrate his fame, and deprive his children of the opening harvest he is beginning to reap. As soon as his copyright becomes valuable, it is gone! This is no imaginary case—I refer to one who "in this setting part of time" has opened a vein of the deepest sentiment and thought before unknown—who has supplied the noblest antidote to the freezing effects of the scientific spirit of the age—who, while he has detected that poetry which is the essence of the greatest things, has cast a glory around the lowliest conditions of humanity, and traced out the subtle links by which they are connected with the highest—of one whose name will now find an echo, not only in the heart of the secluded student, but in that of the busiest of those who are levered by political controversy—of William Wordsworth. Ought we not to require such our boyhood? For those works which are now insensibly quoted by our most popular writers, the spirit of which now mingles with our intellectual atmosphere, he probably has not received through the long life he has devoted to his art, until lately, as much as the same labour, with moderate talent, might justly produce in a single year. Shall the law, whose term has been amply sufficient to his scorers, now afford him no protection, because he has outlasted their scoffs—because his fame has been fostered amidst the storms, and is now the growth of years?

There is only one other consideration to which I will advert, as connected with this subject—the experience and justice of acknowledging the rights of foreigners to copyright in this country, and of claiming it from them for ourselves in return. If at this time it were clear that our law afforded no protection to foreigners, first publishing in other countries, there would be great difficulty in dealing with this question for ourselves, and we might feel bound to leave it to negotiation to give and to obtain reciprocal benefits. But if a recent decision on the subject of musical copyright is to be regarded as correct, the principle of international copyright is already acknowledged here, and there is little for us to do in order that we may be enabled to claim its recognition from foreign states. It has been decided by a judge conversant with the business and with the elegances of life to a degree unusual with an eminent lawyer—by one who

was the most successful advocate of his time, yet who was not more remarkable for his skill in dealing with facts than for the grace with which he embellished them—by Lord Abinger—that the assignee of foreign copyright, deriving title from the author abroad to publish in this country, and creating that right within a reasonable time, may claim the protection of our courts against any infringement of his copy.* If this is law—and I believe and trust it is—we shall make no sacrifice in so declaring it, and in setting an example which France, Prussia, America, and Germany, are prepared to follow. Let us do justice to our law and to ourselves. At present, not only is the literary intercourse of countries, who should form one great family, degraded into a low series of mutual piracies—not only are industry and talent deprived of their just reward, but our literature is debased in the eyes of the world, by the wretched medium through which they behold it. Pilfered, and disfigured in the pilfering, the noblest images are broken, wit falls pointless, and verse is only felt in fragments of broken music;—sad fate for an irritable race! The great minds of our time have now an audience to impress far vaster than it entered into the minds of their predecessors to hope for; an audience increasing as population thickens in the cities of America, and spreads itself out through its diminishing wilds, who speak our language, and who look on our

old poets as their own immortal ancestry. And if this our literature shall be theirs; if its diffusion shall follow the efforts of the stout heart and sturdy arm in their triumph over the obstacles of nature; if the woods, stretching beyond their confines, shall be haunted with visions of beauty which our poets have created; let those who thus are softening the ruggedness of young society have some present interest about which affection may gather, and at least let them be protected from those who would exhibit them mangled or corrupted to their transatlantic disciples. I do not in truth ask for literary favour; I do not ask for it in charity; I do not even appeal to gratitude in its behalf; but I ask for it a portion, and but a portion, of that common justice which the coarsest industry obtains for its natural reward, and which nothing but the very extent of its claims, and the nobleness of the associations to which they are akin, have prevented it from receiving from our laws.

Sir, I will trespass no longer on the patience of the house, for which I am most grateful, but move that leave be given to bring in a bill to consolidate and amend the laws relating to property in the nature of copyright in books, musical compositions, acted dramas, pictures, and engravings, to provide remedies for the violation thereof, and to extend the term of its duration."

The motion, seconded by the Chancellor of the Exchequer and supported by Sir Robert Harry Inglis, was carried without opposition; and the bill was ordered to be brought in by Sir Robert Harry Inglis, Lord Mahon, and the Chancellor of the Exchequer, in conjunction with the mover. The bill which under these auspices was introduced, contained, according to the proposition, clauses for the protection of the arts of painting and engraving, and provided for the recognition and security of copyright in the works of foreign authors, on certain conditions. Its second reading was carried without debate or division; and it stood for committee when the death of the king precluded the further progress of all measures except those of urgency, and in a few weeks produced the dissolution of parliament. On the 14th December 1838, the motion for leave to introduce the bill was renewed—with the difference that it had been found expedient to confine the measure to literature, and to defer until a suitable opportunity the introduction of a separate measure for consolidating and amending the laws affecting the arts of painting, engraving, and also that of sculpture, which had not been included in the original measure. This separation of the objects of the bill received the approbation of Lord Mahon, who had previously concurred in its necessity, and of Sir Robert Peel, who suggested the expedience of appointing a select committee to report on the state of the law relating to the fine arts, before proceeding to the arduous but most needful work of legislating for their protection, and securing their reward. On this occasion, also, that part of the original measure which related to international copyright was, at the request of Mr. Poulett Thomson, signed into the hands of ministers, under whose auspices a bill has since passed, enabling them to negotiate on this important subject with foreign powers. After expressions of approval from Sir Edward Lytton Bulwer and Mr. Disraeli, leave was given to bring in the bill. The circumstances and character of the opposition which had, in the interval, been raised against it, sufficiently appear from the following speech on the motion that it be read a second time.

* D'Almeida and another v. Bossey, 1 Young and Collyer's Reports, 388.

This case has been since overruled by that of Chappell v. Purday, in which the Court of Exchequer decided that a foreigner has no copyright in a work first published abroad.

SPEECH ON THE MOTION FOR THE SECOND READING OF THE BILL TO AMEND THE LAW OF COPYRIGHT,

DELIVERED IN THE HOUSE OF COMMONS, WEDNESDAY, APRIL 25, 1838.

MR. SPEAKER.—When I had the honour last year to move the second reading of a bill essentially similar to the present, I found it unnecessary to trouble the house with a single remark; for scarcely a trace then appeared of the opposition which has since gathered around it. I do not, however, regret that the measure was not carried through the legislature by the current of feeling which then prevailed in its favour, but that opportunity has been afforded for the full discussion of the claims on which it is founded, and of the consequences to individuals and to the public that may be expected from its operation. Believing, as I do, that the interests of those who, by intellectual power, laboriously and virtuously exerted, contribute to the delight and instruction of mankind—of those engaged in the mechanical processes by which those labours are made effectual—and of the people who at once enjoy and reward them, are essentially one; believing that it is impossible at the same time to enhance the reward of authors, and to injure those who derive their means of subsistence from them—and desiring only that this bill shall succeed if it shall be found, on the fullest discussion, that it will serve the cause of intellect in its noblest and most expanded sense; I rejoice that all classes who are interested in reality or in belief in the proposed change have had the means of presenting their arguments and their reasonings to the consideration of Parliament, and of urging them with all the zeal which an apprehension of pecuniary loss can inspire. I do not, indeed, disguise that the main and direct object of the bill is to insure to authors of the highest and most enduring merit a larger share in the fruits of their own industry and genius than our law now accords to them; and whatever satisfaction that it is the first which has been made substantially for the benefit of authors, and sustained by no interest except that which the appeal on their behalf to the gratitude of those whose minds they have enriched, and whose lives they have gladdened, has enkindled. The statutes of Anne and of George III., especially the last, were measures suggested and maintained by publishers; and it must be confessed to the silent toilers after fame, who in this country have no ascertained rank, no civil distinction, in their hours of weariness and anxiety to feel that their claim to consideration has been cheerfully recognised by Parliament, and that their cause, however feebly presented, has been regarded with respect and with sympathy.

In order that I may trespass as briefly as I can on the indulgence with which this subject has been treated, I will attempt to narrow the controversy of to-night by stating at once what I regard to be the principle of this bill, and call on honourable members now to affirm—and what I regard as matters of mere detail, which it is unnecessary at this moment to consider. That principle is, that the present term of copyright is much too short for the attainment of that justice which society owes to authors, especially to those (few though they be) whose reputation is of slow growth and of enduring character. Whether that term shall be extended from its present length to sixty years, or to some intermediate period—whether it shall commence at the death of the author or at the date of first publication—in what manner it shall be reckoned in the cases of works given to the world in portions—are questions of detail on which I do not think the house are to-night required to decide. On the one hand, I do not ask honourable members to vote for the second reading of this bill merely because they think there are some uncertainties in the law of copyright which it is desirable to remove, or some minor defects which they are prepared to remedy. On the other hand, I entertain them not to reject it on account of any objections to its mere details; but as they may think the legalized property of authors sufficiently prolonged and secured, or requiring a substantial extension, to oppose or to support it. In maintaining the claim of authors to this extension, I will not intrude on the time of the house with any discussion on the question of law—whether perpetual copyright had existed by our common law; or of the philosophical question, whether the claim to this extent is founded in natural justice. On the first point, it is sufficient for me to repeat, what cannot be contradicted, that the existence of the legal right was recognised by a large majority of the judges, with Lord Mansfield at their head, after solemn and repeated argument; and that six to five of the judges only determined that the stringent words "*and no longer*" in the statute of Anne had taken that right away. And even this I do not call in aid so much by way of legal authority, as evidence of the feeling of those men (nearly, though few,) to whom our infant literature was confided by Providence, and of those who were in early time able to estimate the labour which we inherit. On the second point I will say nothing; unable, indeed, to understand why that which springs wholly from within, and contracts no other right by its usurpation, is to be regarded as baseless, because, by the condition of its very enjoyment, it not only enlarges the source of happiness to readers, but becomes the means of mechanical employment to printers, and of speculation to publishers. I am content to adopt the interme-

diate course, and to argue the question, whether a fair medium between two extremes has been chosen. What is to be said in favour of the line now drawn, except that it exists and bears an antiquity commencing in 1814? Is there any magic in the term of twenty-eight years? Is there any conceivable principle of justice which bounds the right, if the author survives that term, by the limit of his natural life? As far as expediency shall prevail—as far as the welfare of those for whom it is the duty and the wish of the dying author to provide, may be regarded by Parliament; the period of his death is precisely that when they will most need the worldly comforts which the property in his works would confer. And, as far as analogy may govern, the very attribute which induces us to regard with pride the works of intellect is, that they survive the mortal course of those who framed them—that they are akin to what is deathless. Why should that quality render them profitless to those in whose affectionate remembrance their author still lives, while they attest a nobler immortality? Indeed, among the opponents of this measure, it is ground of cavil that it is proposed to take the death of the author as a starting point for the period which it adds to the present term. It is urged as absurd that even the extent of this distant period should be affected by the accident of death; and yet those who thus argue are content to support the system which makes that accident the final boundary at which the living efficacy of authorship, for the advantage of its professors, ceases.

I perfectly agree with the publishers in the evidence given in 1818, and the statements which have been repeated more recently—that the extension of time will be a benefit only in one case in five hundred of works now issuing from the press; and I agree with them that we are legislating for that five hundredth case. Why not? It is the great prize which, out of the five hundred risks, genius and goodness win. It is the benefit that can only be achieved by that which has stood the test of time—of that which is essentially true and pure—of that which has survived spleen, criticism, envy, and the changing fashions of the world. Granted that only one author in five hundred attains this end; it does not invite many to attempt it, and impress on literature itself a visible mark of permanence and of dignity? The writers who attain it must belong to one of two classes. The first class consists of authors who have laboured to create the taste which should appreciate and reward them, and only attain that reputation which brings with it a pecuniary recompense when the term for which that reward is secured to them wanes. Is it unjust in this case, which is that of Wordsworth, now in the evening of life, and in the dawn of his fame, to allow the author to share in the remuneration that society tardily awards him? The other classes includes those who, like Sir Walter Scott, have combined the art of ministering to immediate delight with that of outlasting successive races of imitators and apparent rivals; who do receive a large actual amount of recompense, but whose accumulat-

ing compensation is stopped when it most should increase. Now, surely, as to them, the question is not what remuneration is sufficient in the judgment of the legislature to repay for certain benefactions to society, but whether having won the splendid reward, our laws shall permit the winner to enjoy it? We could not decide the abstract question between genius and money, because there exist no common properties by which they can be tested, if we were dispensing an arbitrary reward; but the question how much the author ought to receive is easily answered—so much as his readers are delighted to pay him. When we say that he has obtained immense wealth by his writings, what do we assert, but that he has multiplied the sources of enjoyment to countless readers, and lightened thousands of else sad, or weary, or dissolute hours? The two positions are identical: the proof of the one at once establishing the other. Why, then, should we grudge it any more than we would reckon against the soldier, not the pensioner of the grant, but the very prize-money which attests the splendour of his victories, and in the amount of his gains proves the extent of ours? Complaints have been made by one in the foremost rank in the opposition to this bill, the pioneer of the noble army of publishers, booksellers, printers, and bookbinders, who are arrayed against it*—that in selecting the case of Sir Walter Scott as an instance in which the extension of copyright would be just, I had been singularly unfortunate, because that great writer received, during the period of subsisting copyright, an unprecedented revenue from the immediate sale of his works. But, sir, the question is not one of reward—it is

* This allusion has been singularly misconceived by the gentleman to whom it applies—Mr. Tegg, who thus notices it in his letter "To the Editor of the Times," of 26th Feb. 1859: "The learned serjeant calls me a pioneer of literature, because I open my shop for the sale of books, and not for the encouragement of authors, but whilst the object of any customers who buy the books? Not one in a thousand would allege that he bought a book for the encouragement of the author; they come to procure the means of amusement, information, or instruction. The learned serjeant—a liberal—a friend to literature, a promoter of education—perists in bringing forward an *ex post facto* law, to counteract the advantages of education, to check the diffusion of literature, and to abridge the innocent entertainment of the public, by enhancing the price of books. I glory in the difference of our positions; it will be seen by the comparison of the text and the comment, that Mr. Tegg is mistaken in supposing I had called him a 'pioneer of literature.' I only called him the pioneer of the opposition of the bill—and that he is equally mistaken in supposing that I complained that he opens his shop for the sale of books, and not for the encouragement of authors. I ask for no encouragement for those who seek to injure the position of authors, information, and instruction; '—will voluntarily take themselves up to the defence of the public; and I think it would be a service of a book as those of its author, it would be as beneficial to the public if the author of a book shared in the profit with the bookseller, even after the period to which the law now confines his interest in his own work, and when Mr. Tegg's good offices in opening his shop for its sale, some remuneration is due to him. Mr. Tegg as the 'pioneer of the march, who the law allows to collect the spoils which it denies to the soldier who has fought for them. He has ample reason, no doubt, to glory in the difference of his position; and mine; but he quite mistakes his own, if he think he has any relation to literature, except as the depository of its winnings.

use of justice. How would this gentleman approve of the application of a similar rule to his own honest gains? From small beginnings the very publisher has, in the fair and honourable course of trade, I doubt not, acquired a splendid fortune, amassed by the sale of works, the property of the public—of works, whose authors have gone to their repose, from the errors, the disappointments, and the jealousies which await a life of literary toil. Who grudges it to him? Who doubts his title to retain it? And yet this gentleman's fortune is all, every shilling of it, so much taken from the public, in the sense of the publisher's argument; it is all profit on books bought by that public, the accumulation of pence, which, if he had sold his books without profit, would have remained in the pockets of the buyers. On what principle is Mr. Tegg to retain what is denied to Sir Walter? Is it the claim of superior merit? Is it greater toil? Is it larger public service? In this course, I doubt not, has been that of an honest laborious tradesman; but what have been his anxieties, compared to the stupendous labour, the sharp agonies of him, whose deadly alliance with those very trades whose memories oppose me now, and whose noble resolution to combine the severest integrity with the ablest genius, brought him to a premature grave—a grave which, by the operation of the law, extends its chillness even to the result of his labours, and despoils them of the living efficacy to assist those whom he has left to mourn him? Let any man contemplate that heroic struggle of which the affecting record has just been completed; and turn from the rapid creation of a thousand characters growing from his brain, and stamped with individuality for ever, straining the fibres of the mind till the exercise which had been delight became torture—grinding himself to the mighty task of achieving his deliverance from the load which pressed upon him, and with brave endeavour, but relaxing strength, returning to the toll all his faculties give way, the pen falls from his hand on the unmarked paper, and the silent tears of half-conscious imbecility fall upon it—to some prosperous bookseller in his country house, calculating the approach of the time (too swiftly accelerated) when he should be able to publish for his own gain, those works that he has written for the public, and then tell me, if we are to apportion the reward to the effort, where is the justice of the bookseller's claim? Had Sir Walter Scott been able to see, in the distance, an extension of his own right in his own productions, his estate and his heart had been set free, and the publishers and printers, who are our opponents now, would have been grateful to him for a continuation of labour and rewards which would have impelled and augmented their own.

These two classes comprise, of necessity, all the instances in which the proposed change would operate at all; the first, that of those whose copyright only becomes valuable just as it is about to expire; the last, that of those works which, at once popular and lasting, have probably, in the season of their first success, enriched the publisher far more than the

author. It will not be denied that it is desirable to extend the benefit to both classes, if it can be done without injury to the public, or to subsisting individual interests. The suggested injury to the public is, that the price of books would be greatly enhanced; and on this assumption the printers and bookbinders have been induced to sustain the publishers in resisting a change which is represented as tending to paralyze speculation—to cause fewer books to be written, printed, bound, and bought—to deprive the honest workmen of their subsistence, and the people of the opportunity of enjoying the productions of genius. Even if such consequences are to be dreaded, and justice requires the sacrifice, it ought to be made at the expense of individuals, not is the Liberty of the Press (magic words, which I have heard strangely blended in the din of this controversy) the liberty to smuggle and to steal, often of intelligence and refinement beyond their sphere, which they have acquired from their mechanical association with literature, I could think the measure fraught with such mischiefs, I should regard it with distrust and alarm. But never, surely, were the apprehensions of intelligent men so utterly baseless. In the first place, I believe that the existence of the copyright, even in that five hundredth case, would not enhance the price of the fortunate work; for the author or the bookseller, who enjoys the monopoly, as it is called, is enabled to supply the article at a much cheaper rate when a single press is required to print all the copies offered for sale, instead of the presses and establishments of competing publishers; and I believe a comparison between the editions of standard works in which there is copyright, with those in which there is none, would confirm the truth of the inference.* To cite, as an instance of the contrary, "Clarendon's History of the Rebellion," is to confess that a fair test would disprove the objection; for what analogy is there between the motives and the acts of a great body, having no personal stimulus or interest, except to retain what is an ornament to their own power, and those of a number of individual proprietors? But, after all, it is only in this five hundredth case—the one rare prize in this huge lottery—that even this effect is to be dreaded. Now, this effect is the possible enhancing the price of a five hundredth or five-thousandth book, and this is actually supposed "to be a heavy blow and great discouragement to literature," enough to paralyze the energies of publishers, and to make Paternoster-row a desert! Let it only be announced, say our opponents, that an author, whose works may outlast twenty-eight years, shall bequeath to his children the right which he enjoyed, that

* The case of the Scriptures seems decisive on this point,—on which the entire argument against the bill hinges. In the first place, there is perpetual copyright; and does any one believe it would be cheaper than it is? In the second place, the subject of competition; the truth is, that the only way in which the printer could suffer by the extension of copyright is by a process which would be to his books cheaper—the employment of one press, instead of many, to produce the same number of copies.

possibly some sixpence a volume may be added to its price in such an event, and all the machinery of printing and publication will come to a pause! Why, sir, the same apprehension was entertained in 1813, when the publishers sought to obtain the extension of copyright for their own advantage to twenty-eight years. The printers then dreaded the effect of the prolonged monopoly: they petitioned against the bill, and they succeeded in delaying it for a session. And surely they had then far greater plausibility in their terrors; for in proportion as the period at which the contemplated extension begins is distant, its effects must be indistinct and feeble. Fewer books, of course, will survive twenty-eight years than fourteen; the act of 1814 operated on the greater number if at all; and has experience justified the fears which the publishers then laughed to scorn? Has the number of books diminished since then? Has the price of books been enhanced? Has the demand for the labour of printers or bookbinders slackened? Have the profits of the bookseller failed? I need no committee of inquiry to answer these questions, and they are really decisive of the issue. We all know that books have multiplied; that the quartos, in which the works of high pretension were first enshrined, have vanished; and, while the prices paid for copyrights have been far higher than in any former time, the proprietors of these copyrights have found it more profitable to publish in a cheap than in a costly form. Will authors, or the children of authors, be more obstinate—less able to appreciate and to meet the demands of the age—more apprehensive of too large a circulation—when both will be impelled by other motives than those of interest to seek the largest sale; the first by the impulse of blameless vanity or love of fame; the last by the affection and the pride with which they must regard the living thoughts of a parent taken from this world, finding their way through every variety of life, and cherished by unnumbered minds, which will bless that parent's memory?

If, sir, I were called to state in a sentence the most powerful argument against the objection raised to the extension of copyright on the part of the public, I would answer—"The opposition of the publishers." If they have ground to complain of loss, the public can have none. The objection supposes that the works would be sold at something more than the price of the materials, the workmanship, and a fair profit on the outlay; if the copyright be continued to the author; and, of course, also supposes that works of which the copyrights have expired are sold without profit beyond those charges—that, in fact, the author's superadded gain will be the measure of the public loss. Where, then, does the publisher intervene? Is the truth this—that the usage of the publishing trade at this moment indefinitely prolongs the monopoly by a mutual understanding of its members, and that besides the term of twenty-eight years, which the publisher has bought and paid for, he has something more? Is it a conventional copyright that is in danger? Is the real question whether the author shall hereafter have the full term to dispose of, or shall sell

a smaller term, and really assign a greater Now, either the publishers have no interest in the main question, or this is that interest. If this is that interest, how will the public lose by paying their extra sixpence to the author who created the work, instead of the gentleman who prints his name at the foot of the title-page, and who will still take his 25 per cent. on the copies he may sell? This argument applies, and, I apprehend, conclusively, to the main question—the justice and expediency of extending the term. I am aware that there is another ground of complaint more plausible, which does not apply to the main question, but to what is called the retrospective clause—a complaint, that in cases where the extended term will revert to the family of the author, instead of excluding, by virtue of an implied compact, all the rest of the world, they, like all the rest of the world, will be excluded; that they had a right to calculate on this liberty in common with others when they made this bargain; and that, therefore, it is a violation of faith to deprive them of their share of the common benefit. That there is any violation of faith I utterly deny—they still have all they have paid for; and when, indeed, they assert (which they do when they argue that the measure will confer no benefit on authors) they would not give an author any more for a copyright of sixty than of twenty-eight years, they themselves refute the charge of breach of faith, by showing that they do not reckon such distant contingencies in the price which they pay. If any inconvenience should arise, I should rejoice to consider how it can be obviated; and with that view I introduced those clauses, which have been the subject of much censure, empowering the assignee to dispose of all copies on hand at the close of his term, and allowing the proprietors of stereotype plates still to use them. But supposing some inconvenience to attend this act of justice to authors, which I should greatly regret, still are the publishers entirely without consolation?

In the first place, they would, as the bill now stands, gain all the benefit of the extension of future copyrights, hereafter sold absolutely to them by the author, and, according to their own statement, without any advance of price. If this benefit is small—is contingent—is nothing in 500 cases to one, so is the loss in those cases, in which the right will result to the author. But it should further be recollected that every year, as copyrights expire, adds to the store from which they may take freely. In the infancy of literature a publisher's stock is scanty unless he pays for original composition; but as one generation after another passes away, histories, novels, poems—all of undying interest and certain sale—fall in; and each generation of booksellers becomes enriched by the spoils of time, to which he has contributed nothing. If, then, in a measure which restores to the author what the bookseller has conventionally received, some inconvenience beyond the just loss of what he was never entitled to obtain be incurred, is not the balance greatly in his favour? And can it be doubted that, in any case where the properties of the publisher and of the author's representatives

an imperfect apart, either from additions to the original, or from the succession of several works falling in at different times, their common interest would unite them?

One of the arguments used, whether on behalf of the trade or the public I scarcely know, against the extension of the term, is derived from a supposed analogy between the works of an author and the discoveries of an inventor, whence it is inferred that the term which suffices for the protection of the one is long enough for the recompense of the other. It remains to be proved that the protection granted to patentees is sufficient; but supposing it to be so, although there are points of similarity between the cases, there are grounds of essential and obvious distinction. In cases of patent, the merit of the invention are palpable; the demand is usually immediate; and the recompense of the inventor, in proportion to the utility of his work, speedy and certain. In cases of pen, the subject is generally one to which many minds are at once applied; the invention is often no more than a step in a series of processes, the first of which being given, the consequence will almost certainly present itself sooner or later to some of those minds; and if it were not hit on this year by one, would probably be discovered the next by another; but who will suggest that if Shakespeare had not written Lear, or Richardson Clarissa, other poets or novelists would have invented them? In practical science every discovery is a step to something more perfect; and to give to the inventor of each a protracted monopoly would be to shut out improvement by others. But who can improve the masterpieces of genius? They stand perfect; apart from all things else; self-sustained; the models for imitation; the sources whence rules of art take their origin. But they are ours in a sense in which no mechanical invention can be—ours not only to ponder over and converse with—ours not only as furnishing our minds with thoughts, and peopling our weary seasons with ever-delightful acquaintances; but ours as suggesting principles of composition which we may freely strive to apply, opening new regions of speculation which we may delightfully explore, and defining the magic circle, within which, if we are bold and happy enough to tread, we may discern some traces of the visions they have invoked, to imbody for our own profit and honour; for the benefit of the printers and publishers who may send forth the products of these secondary inspirations to the world; and of all who may become refined or exalted by reading them.

But it may be said that this argument applies only to works of invention, which spring wholly or chiefly from the author's mind, as poems and romances; and that works which exhibit the results of historical search, of medical or scientific skill, and of philosophic thought, ought to be governed by the same law as improvements in mechanics employed on timber and metal. The analogy here is, to a certain extent, correct, so far as it applies to the fact discovered, the principle developed, the mode attended; the fallacy consists in this, that while the patent for fourteen years secures to

the inventor the entire benefit of his discovery, the copyright does not give it to the author for a single hour, but, when published, it is the free unincumbered property of the world, at once and for ever; all that the author retains is the sole right of publishing his own view of it in the style of illustration or argument which he has chosen. A fact ascertained by laborious inquiry becomes, on the instant, the property of every historian; a rule of grammar, of criticism, or of art, takes its place at once in the common treasury of human knowledge; nay, a theory in political economy or morals, once published, is the property of any man to accept, to analyze, to reason on, to carry out, to make the foundation of other kindred speculations. No one ever dreamed that to assume a position which another had discovered; to reject what another had proved to be fallacious; to occupy the table-land of recognised truths and erect upon it new theories, was an invasion of the copyright of the original thinker, without whose discoveries his successors might labour in vain. How earnest, how severe, how protracted, has been the mental toil by which the noblest speculations in regard to the human mind and its destiny have been conducted? Even when they attain to no certain results, they are no less than the beatings of the soul against the bars of its clay tenement, which show by their strength and their failure that it is destined and propertied for a higher sphere of action. Yet what right does the author retain in these, when he has once suggested them? The divine philosophy, won by years of patient thought melts into the intellectual atmosphere which it encircles; tinges the dreams and strengthens the assurances of thousands. The truth is, that the law of copyright adapts itself, by its very nature, to the various descriptions of composition, preserving to the author, in every case, only that which he ought to retain. Regard it from its operation on the lowest species of authorship—mere compilation, in which it can protect nothing but the particular arrangements, leaving the materials common to all; through the gradations of history, of science, of criticism, of moral and political philosophy, of divinity, up to the highest efforts of the imagination, and it will be found to preserve nothing to the author, except that which is properly his own; while the free use of his materials is open to those who would follow in his steps. When I am asked, why should the inventor of the steam-engine have an exclusive right to multiply its form for only fourteen years, while a longer time is claimed for the author of a book? I may reply, why should he have for fourteen years what the discoverer of a principle in politics or morals, or of a chain of proof in divinity, or a canon of criticism, has not the protection of as many hours, except for the mere mode of exposition which he has adopted? Where, then, the analogy between literature and mechanical science really exists, that is, wherever the essence of the literary work is, like mechanism, capable of being used and improved on by others, the legal protection will be found far more liberally applied to the latter—necessarily and justly so applied—but

affording no reason why we should take from the author that which is not only his own, but can never, from its nature, be another's.

It has, sir, been asserted, that authors themselves have little interest in this question, and that they are, in fact, indifferent or hostile to the measure. True it is, that the greatest living writers have felt reluctant to appear as petitioners for it, as a personal boon; but I believe there are few who do not feel the honour of literature embarked in the cause, and earnestly desire its success. Mr. Wordsworth, emerging for a moment from the seclusion he has courted, has publicly declared his conviction of its justice. Mr. Lockhart has stated his apprehension that the complete emancipation of the estate of Sir Walter Scott from its encumbrances depends on the issue; and, although I agree that we ought not to legislate for these cases, I contend that we ought to legislate by the light of their examples. While I admit that I should rejoice if the immediate effect of this measure were to cheer the evening of a great poet's life, to whom I am under intellectual obligations beyond all price, and to enlarge the rewards of other living authors whose fame will endure, I do not ask support to this measure on their behalf; but I present these as the proofs of the subsisting wrong. The instances pass away; successive generations do successive injus-

tice; but the principle is eternal. True it is, that in many instances, if the boon be granted, the errors and frailties which often attend genius may render it vain; true it is that in multitudes of cases it will not operate; but conceding it we shall give to authors and to readers a great lesson of justice; we shall show that where virtue and genius combine we are ready to protect their noble offspring, and that we do not desire a miserable advantage at the cost of the ornaments and benefactors of the world. I call on each party in this house to unite in rendering this tribute to the minds by which even party associations are dignified. I call on those who anticipate successive changes in society, to acknowledge their debt to those who expand the vista of the future, and people it with goodly visions; on those who fondly linger on the past, and repose on time-hallowed institutions, to consider how much that is ennobling in their creed has been drawn from minds which have clothed the usages and forms of other days with the symbols of venerableness and beauty; on all, if they cannot find some common ground on which they may unite in drawing assurances of progressive good for the future from the glories of the past, to recognise their obligation to those, the products of whose intellect shall grace, and soften, and dignify the struggle!

The motion was opposed by Mr. Haime, Mr. Warburton, the Solicitor-General, Mr. Pryce, Mr. Ward, Mr. Grote, the Attorney-General, Mr. John Jervis, and Sir Edward Sugden; and supported by Sir Robert Inglis, the Chancellor of the Exchequer, Mr. Disraeli, Mr. Milnes, and Mr. Wynn. On the division, the numbers were, for the second reading, 39; against it, 34. On the question that the bill should be committed, Mr. Philip Howard, who had voted in favour of the second reading, moved that it be referred to a select committee. This was declined by the mover; and after a short conversation, the house divided—for the committee of the bill in the usual course, 38; against it, 31,—upon which the bill was ordered to be committed on the following Wednesday.

On Wednesday, 2d of May, for which day the committee was fixed, there was no business, and the "dropped order" was fixed for the following Wednesday. On that day, Mr. Walker, advertising to the thinness of the house on the second reading of the bill, and the small majority by which it was carried,—pursuant to notice previously given, opposed the motion for the speaker leaving the chair. His speech on this occasion consisted chiefly of statements with which he had been supplied by Mr. Tegg, of the low prices at which he had purchased several popular works of living authors, some of whom were members of the house;—a series of personalities which afforded that kind of amusement which attend such allusions, and which, being delivered without ill-nature, gave no pain to the authors who were the subject of them, but not tending with very exact logic to show that the extension of the copyright, which protected all these works, would injure the public by maintaining a price beyond its reach. The motion for going into committee was also opposed by Mr. Warburton and Mr. Sturt, and supported by Mr. Wolverly Atwood, Mr. Milnes, and Sir Robert Inglis. On a division the numbers were,—for the committee, 116; against it, 64. In a desultory conversation which followed, Sir Edward Sugden complained that, as the bill then stood, the children of an author who had assigned his copyright to them "in consideration of natural love and affection," would be precluded from enjoying the proposed extension—the justice of which was felt by the supporters of the bill—and obviated in its further progress. The house then resolved itself into committee; but the lateness of the hour rendered it impossible to proceed with details; and the evening was spent without the measure having made any progress, except in the great increase of the majority by which it was supported.

The state of public business on the following Wednesdays—for which day the bill was always, without objection, fixed, and on which alone it had any chance of being discussed—prevented its further consideration till Wednesday, 6th of June. In the interval, an anxious consideration of the objections of the publishers of London and Edinburgh to the clause whereby a reversion in copyrights absolutely assigned was created in favour of authors, convinced those who had charge of the bill that it was impossible by any arrangements to pre-

vent the inconvenience and loss which they suggested as consequential on such a boon to authors. They, therefore, determined to confine the operation of the bill on subsisting copyrights to cases in which the author had retained some interest on which it might operate; and with this, to their honour, the publishers were satisfied. Other alterations in matters of detail were suggested, which induced the mover to listen to the wishes of both friends and opponents. If the bill, that it should be reprinted and committed again. When, therefore, on Wednesday, 6th of June, the bill again was before the house, and Mr. Warburton urged that it should be reprinted, the mover at once acceded to his desire; briefly stated the principal alterations which he had accorded to the wishes of the publishers, and did justice to the spirit of fairness and moderation with which they had foreborne to ask for themselves any share of the benefits proposed for authors; and had only desired that these benefits should not be attended by undesired injury to themselves. Lord John Russell, who had hitherto refrained from expressing his opinion on the measure, took this opportunity of throwing out a hesitating disapproval, or, rather, doubt, but did not object to the course proposed. The bill was accordingly committed *per se*, ordered to be reprinted, and its further consideration adjourned to Wednesday, 20th of June. In pursuance of this arrangement, the bill was reprinted in nearly its present form; and came on for discussion at a late hour on the 28th of June. It was then obvious that, considering the opposition with which its details were menaced by Mr. Warburton and others, and the state of the order-book,—no reasonable hope remained of carrying it through committee and the subsequent stages, during the session. When, therefore, the period of its discussion arrived, it was, on the friendly recommendation of Mr. Gladstone, withdrawn, with a pledge for its early introduction in the ensuing year.

On Tuesday, 12th of February, in the session of 1839, leave was obtained to bring in the bill, which, nearly in the state in which it had been settled the preceding year, was introduced the same evening. On Wednesday, 28th of February, its second reading was moved;—after the presentation of the petitions which are alluded to in the following sheets.