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COPYRIGHT AND PATENTS FOR INVENTIONS.

PLEAS AND PLANS

FOR CHEAPER BOOKS AND GREATER INDUSTRIAL FREEDOM,
WITH DUE REGARD TO INTERNATIONAL RELATIONS,
THE CLAIMS OF TALENT, THE DEMANDS OF TRADE,
AND THE WANTS OF THE PEOPLE.

VOLUME I.

*ESSAY ON THE ORIGIN & PROGRESS OF LITERARY PROPERTY,
BY LORD DREGHORN, F.R.S.E.;*

*EVIDENCE GIVEN TO THE ROYAL COMMISSION ON COPYRIGHT
IN FAVOUR OF ROYALTY RE-PUBLISHING;*

*EXTRACTS, NOTES, & TABLES ILLUSTRATING THESE SUBJECTS,
COPYRIGHT OF DESIGN, ETC.; COMPILED BY*

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BEING A SEQUEL TO "RECENT DISCUSSIONS ON THE ABOLITION OF
PATENTS FOR INVENTIONS, WITH SUGGESTIONS AS TO
INTERNATIONAL ARRANGEMENTS REGARDING
INVENTIONS AND COPYRIGHT, 1869."

EDINBURGH: T. & T. CLARK.

LONDON: HAMILTON, ADAMS, & CO.

PARIS: GUILLAUMIN ET C^{IE}.

NEW YORK: SCRIBNER AND WELFORD.

PHILADELPHIA: HENRY CAREY, BAIRD, & CO.

1879.



1814

AND PRINTED FOR THE AUTHOR

BY T. AND A. CONSTABLE,

PRINTERS TO THE QUEEN, AND TO THE UNIVERSITY,
EDINBURGH.

4969
2079/100 20

P R E F A C E.

THE compiler presents the material, more and less valuable, that is piled up in the following pages not as a book to be read through, but only as a depôt in which diligent and irksome search for information on two important subjects will be rewarded.

Bills on the two cognate subjects of copyright and patent-right are soon to engage the attention of Parliament. These subjects happily have never been brought into the arena of party strife. Yet on this account they have failed to become well understood. Views favoured in this compilation are, if superficial appearance is to be trusted, not entertained generally. Nevertheless they receive support, not in this country only but also abroad. They concern the people far more than most persons suppose. Vital national rights and liberties are being seriously and dangerously compromised (public opinion has already got a twist) through the persistent and organised efforts of associations and publications which espouse the cause of the directly interested few, as if it were at the same time the cause of the many.

There is a certain analogy between the two monopolies. Alike they have been spared or instituted when other kinds of exclusive privilege were condemned and abandoned by all statesmen.

For both has been recently claimed the rank of intellectual property not merely *ex lege* but *ex debito justitiæ*.

But there is one broad distinction between them. Copyright concerns subject-matter, the original and sole creation of which can be easily established. Patent-right concerns subject-matter, an invention, which may be, and commonly is, originated by a

plurality of persons in complete independence and ignorance one of another, and of what each other does or has done, and which is constantly likely or liable to be improved upon both by the first and by simultaneous or subsequent inventors. Patent-right, therefore, constitutes or describes a more difficult, and, as to its justification, a more doubtful monopoly. Besides, it concerns trade much more than does copyright, which, however, occupies a higher position, wherein adoption of a false principle affects pursuits loftier than those of commerce.

Here a caution may be offered. It is well to call things by their correct names. The law, in its concessions on behalf of literary adventures and of invention, either does not constitute *property*, or the property is of such a kind as to bear the name of *right*. Consequently we speak of *copyright* and *patent-right*. The distinction between the subjects of these rights and property a very slight amount of consideration clearly shows, although a school of scientists and its allies, including a few sporadic philosophers, have arisen who think it well to proclaim a dogma that obliterates or rather ignores it. These, from whatever motive, and under whatever impulse, magnify literary production; which they say has, compared with land or other (heretofore so denominated) property, even higher claims. Doubt may fairly be expressed as to the ground on which they rest this pretension. The common-sense and practical view is, that land is *recognised* as property, not because the person who chooses to occupy it is meritorious and deserves favour, but simply because what he occupies is something tangible and limited which *can* belong to him without his requiring to go out of his way or into any other person's way in order to watch it, work it, and profit by it. *True property* is manifestly a right to an existing thing, visible and palpable, that only a single person, or at the most a limited number of persons can hold, occupy, employ, or enjoy. What copyright or patent-right establishes—for it does not recognise but constitutes—is not that, but something more, something different, as we shall see. The writer has, under common law, a right to his book, and the inventor a right to use his invention, of whatever nature it be, without hindrance, and each has further a right to the protection which the law gives in the event of that right being

infringed. In old times what was granted to an author or printer was a *license*. The State of old granted this on a principle, disavowed in modern times, of a right and duty on its part to supervise or control everything printed or, as then held, *privileged* to be printed. Nowadays the field which was jealously restricted has become free. And so also with respect to the use of inventions, for as to these, or, more exactly, as to trade, which is their sphere, there were severe restrictions too. Yet, where sufficient reason or inducement is offered, the nation acquiesces cheerfully in such restrictions or encroachments upon the public domain. The Queen, repudiating the false notion that there is as yet any *property* right, permits her officers to concede *powers to prevent others from doing what in the nature of the case they wrong nobody if they do*. In order to secure book production and publication, they on behalf of the Crown and the people pronounce that nobody but so and so may publish such and such a book, that nobody but so and so may practise such and such an invention. In fact *monopoly*, and that of an extraordinary kind, is tolerated and legalised; but the motive is the public good, and conditions are or ought to be stipulated, which, if the notion of property were held, there would not be. If the Crown could secure the object without interfering with its subjects' liberty, of course it would; that is, if the cost appeared to be the less of two losses. Unfortunately, no public funds are available wherefrom to compensate authors and inventors; and grants of privilege, though in the end the most expensive form of remuneration, it costs nothing to initiate. Hence these grants have been resorted to. Far be it from the compiler to deny that frequently such concessions of power, harassing and hindbersome though they sometimes be, are expedient and indeed necessary. Nor may any man say that persons of the highest character and ample fortune cannot legitimately make use of them. Certainly, however, there ought to be moderation in that use. While the State ought not to expect, far less indicate its desire, that individuals shall *pro bono publico* make themselves martyrs or burden-bearers—a rôle which, when extremities arise, is commendable, but must be wholly voluntary and spontaneous—applicable to both sides is the humane counsel, of the highest authority, set forth on an earlier page.

It is commonly supposed that reformers of the actual legislation with respect to books and inventions aim at abolishing privilege indiscriminately and entirely. This is true of but a few.

The principles on which reformers proceed are these:—

1. The question whether or not, as well as when, to take this mode of stimulating or rewarding authors and inventors, it is for the State to determine on the ground of expediency.
2. The length of the privilege's term and the limitations on its exercise are to be determined on this same ground.
3. There should be as little hindrance as possible to free competition. And
4. As little raising of prices beyond the cost of production as possible. In fact a leading idea in the Statute of Monopolies is thus expressed:—"So as also they be not contrary to the law nor mischievous to the State, *by raising prices of Commodities at home*, or hurt of Trade, or generally inconvenient."
5. There is one principle, the application of which would remove almost all the objectionable characteristics, viz., the equity of seeking some *proportion*, albeit to individuals a liberal one, between the reward and the service,—the concession given and the benefit to be received. That proportion is to be found either in the length of time during which the privilege in each case will be in force, or the extent of its area and range, or the money to be received for copy-money or licences. Connected herewith is the wisdom or the necessity of reserving power, when circumstances call for its exercise, to extinguish the concession. *Conditions*, too, are requisite, but these as few and simple as possible.
6. This carries with it *investigation* and *estimation* at some stage, and of some sort.
7. The difficulty of estimation, the impossibility of making 'estimation more than approximate, logically leads to the conclusion, not that everybody may have the same dotation or privilege, but that the dotation or privilege must lean to the side of liberality and may even be generous, though avoiding the reproach of being lavish.

Until some such amelioration be introduced, the sense of justice violated will rankle in the mind of sufferers, and the glaringly-, ludicrously- (if they were not also shamefully-) exorbitant exactions which the law enables, if few authors, certainly some inventors to make, must grievously offend. What other transactions between man and man are conducted as is this purchasing of inventions? No wonder that, in order to justify the absurdity, a doctrine that the State merely recognises and protects what is *natural property* has been elaborated, and is of late continually "tried on."

Having got hold of one sound principle, another follows, which is this: That as patents cannot be granted indiscriminately, so neither is there necessity that they should be granted with *secrecy* at any stage of Patent-office proceedings, an element probably introduced into the practice of patent-granting without any indication in the Statute of Monopolies that it is compatible with the main object of the exception made in favour of inventors. This object was to secure the introduction of new trades with the smallest possible interference with public rights and enjoyment. Obviously where a trade would be introduced without a patent, the spirit of the Act is not to grant one. To grant a patent in that case would be favouritism, violation of the moral requirement to get something adequate in return, at least to have an ostensible *quid pro quo*. The less secrecy therefore the better. It is wanted only in what should be a rare case, when having a dishonest rival claimant to deal with.

In such a case, maintaining of secrecy serves only the first applicant. It is possibly for the benefit of an individual; but individual benefit is not intended, except in so far as assured making of a new "invention" or commodity, and establishing of a new trade, in consequence of the privilege, is hereby obtained for the nation's benefit.

The same motive characterised copyright. It was originally a privilege conceded in order to warrant and induce authors and printers to publish. The idea of recognising or even of constituting *property* was alien to the whole proceeding, as we have just said. To get or multiply, for sale at reasonable prices, useful books was the aim.

The population was then small, and its buying or remunerating

power still smaller. Inducements or guarantees were expedient, and, as was thought, needful in the circumstances. The nation in fact was in a position like that with which we in Scotland are familiar, where a landed proprietor, or a knot of landed proprietors, feeling the want of a skilful doctor for the district, obtains such a benefit by promising practice for a few years. In large communities doctors settle at their own risk.

In collecting the information brought together in the succeeding pages, impressions and convictions have been produced, such as:—

Other countries and our colonies offer examples, which we should not be too proud to copy, of a jealous resolute concern and purpose to attract, keep, and foster industries in general.

Statesmen and political parties view with undisguised indifference such matters, even though of high imperial concern, as are not subjects of agitation or debate.

Modern legislation has allowed, and tends to further allow, encroachments on those public liberties and rights that lie within the sphere of literature and science, industry and art.

An aggressive movement, with enlarging self-regardful pecuniary aims till lately not entertained seriously, is being promoted by men of science and culture, or under their wing by interests and organisations, combined and powerful.

The periodical press, facilely imbibing ideas current in those circles, is in too great accord with them.

There is no department of the State, and no league for united counsel and action, that is organised and can be relied on for resistance thereto, nor any philanthropic sentiment even, in active exercise, still less in the ascendant, that leavens the public mind with salutary corrective influences.

A reconstitution of the Board of Trade, giving it a true representative character, and identifying it with the nation's industrial life, is wanted.

Even now individuals could do much to inform and instruct and arouse the nation on these matters. But whence will they come?

There is room to fear that in all classes patriotism and public spirit are not adequately developed, and that personal and class interests of the day outweigh interests that are national and per-

manent. It would be sad if sense of duty and conscience prove, under outward prosperity and improved systems, weak as principles and motives of judgment and action.

Another conviction could not fail to be produced—that, for the good and the happiness of mankind and the best solution of difficult questions as to the treatment of Literature and Invention, international agreements are required.

The British people cannot afford, at any rate in matters of trade, to look with indifference on the strides that are making abroad. It is not reassuring to see in the most widely-circulated technic journal on the other side of the Atlantic a British cry on the subject of foreign competition reproduced, with the heading in large capitals, "Poor England," especially when this difference between the two nations is realised, viz., that while *we* as a people are generally dispirited, and becoming more so, and sending away our workmen, *they* are universally altogether confident and cheerful, and receiving, as well as providing for, these our most valuable earthly creators of commerce and prosperity.¹

The compiler hopes the material he has collected will lighten the labour of some philanthropic searchers after truth. To the wisdom and patience of such worthier fellow-labourers he commits the work. It is for these it is intended. They will, he trusts, extend to it and him the indulgence and lenient judgment which are needed. He regrets much the incompleteness and want of elaboration and sequence that are manifest throughout, and the injustice consequently done to two good causes by the manner in which he presents a mass of material, much of it valuable.

Apologies are necessary for the fragmentary and disjunctive way in which the extracting has been done, and *especially for the want of indications*, which should have been given, *that sentences presented in juxtaposition are, in the sources whence they are drawn, separate and not in immediate connection with one another*, besides here and there being abbreviated.

Copious, though imperfect, indices will facilitate consulting.

¹ At p. 107, along with other observations not quite akin to the main subject of this volume, are given reasons for Britons to reconsider their ways and occupy at once, with restored vigour, the position which kind and all-wise Providence appears still to point towards.

These show that the book is full of reiterations and breaks of continuity more glaring and troublesome than those of an Evidence Blue-Book. The form, manner, and order in which the material has presented itself account for, but are not pleaded as a justification of the fault. Much more material, some of it even more demonstrative, pointed, and conclusive, could have been introduced; but the compiler, living in the country, has not ready enough opportunities. He regrets much that other persons better qualified stand aloof, leaving a great field open and exposed for his clumsy performance upon it.

The greatest part of this agglomeration was in type, and a large part of it was printed, two years ago. We are now able to enrich it with valuable matter from the Report of the Royal Commission on Copyright, and with the principal part of an admirable treatise on Patents, which M. Chevalier generously allows us to present.

Much matter on one of the subjects herein treated is contained in *Recent Discussions on the Abolition of Patents for Inventions, with Suggestions as to International Arrangements regarding Inventions and Copyright* (Longmans, 1869), and other compilations, chiefly on Patents, made by its editor.

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GLOSSARY.

- Blue-Books*.—Government publications, usually issued in covers of thick blue paper.
- Book-manufacture*.—The material processes of book-production, including type-work, binding, etc.
- Cargo-manufactures*.— } Commodities usually exported in such quantities as to
Cargo-productions.— } contribute largely to ships' freightage.
- Compulsory Licensing*.—Legal obligation to grant leave to use a patent by paying therefor.
- Compulsory Working*.—Legal requirement to put the patent into regular use.
- Copy-money*.—Payment for partial or complete acquisition of an author's right or leave to publish.
- Copyright*.—The privilege conceded to an author or publisher.
- Copy-royalties*.—Payment proportionate to the number of copies to be published.
- Copy-tax, Library-tax* (rather Library Presentation Requirement).—The obligation to supply copies to certain public institutions, which is a condition prescribed for the concession.
- Exploitation (Exploiter)*.—The doing the business connected with introducing into practical use a patent or an invention.
- Expropriation*.—The surrender of privilege in order to public use.
- Free Industry, Freedom of Industry*.—Unrestricted liberty to use every agency and appliance in mechanical and chemical operations.
- Free Trade, or Free Exchange*.—Right to exchange or manufacture without being subject to any hindrance or differential pecuniary burden.
- Idea-Property or Intellectual Property*.—Privileges conceded to authors, artists, designers, inventors, and composers.
- Industries (Industrials)*.—Manufactures, mining, farming, fisheries, shipbuilding, transport, navigation, etc.
- Infringer*.—Whoever without authority does or makes what another person has a privilege for.
- Invention*.—A new article, or commodity, or machine, or process, or method (not a principle), or a new application of such.
- License*.—Leave to use a patented invention or publish literary property.
- Marginate, to, well or ill*.—To leave of the selling price a "margin," after charging cost of raw material or like elements of cost, broader or narrower, as the case is, wherefrom to yield a rateable profit, or, sometimes, expenses and profit together.
- Monopoly*.—Exclusive right to do or make a thing, and, strictly, exclusive right to sell.
- Patent*.—The document whereby an exclusive privilege to use an invention is granted.

Patent-fees.—Payments in whatever form for use of an invention, sometimes, of late, Government charge made at obtaining a patent.

Patent-interest.—Patentees and their assignees and agents.

Perfectionation or Perfectionment.—A patented improvement on a patented machine or process.

Piracy.—Contravention of rights granted under statute law by publishing a book without due consent.

Privileges.—State grant of exclusive rights.

Process.—An industrial operation or part of it, or mode of performing it.

Publicists.—Conductors of periodicals or contributors of copy thereto.

Royalty System.—Copyright-law authorising publication by any proper person who agrees to pay rates of royalty fixed by law.

Specification.—A description of an invention describing its essence and methods.

Stationers' Hall.—An office in London where records connected with the publishing business are made and kept.

ON THE ORIGIN AND PROGRESS OF LITERARY PROPERTY.

AN ESSAY BY LORD DREGHORN,
FROM VOL. II. OF HIS WORKS, 1798.

THAT learning and learned men should be encouraged, not checked, and that the knowledge which books impart should be diffused, not confined, are propositions which, in this age and in this country, will not be controverted.

Several acute and ingenious essays have been published on the subject of Literary Property; but every one who reads them must observe, that however much booksellers may pretend, all authors are interested in the quarrel; these pamphlets are not the spontaneous productions of authors, zealous to assert their injured rights, but the laboured efforts of gentlemen learned in the law, employed or importuned to compose them. Nor will this appear at all surprising to those who reflect on the trifling copy-money paid to the authors of "Paradise Lost" and the "Justice of Peace," by which two books thousands and ten thousands of pounds have been gained to the trade; and it is too true, that invariably, though not always perhaps in the same proportion, the profits of the author are but a mite when compared with those of the bookseller. No wonder then that authors should

"Think what penurious masters they have served,
Tasso run mad, and noble Spenser starved;"

and for that reason behold the battles of booksellers with a frigid indifference, since, whatever way the disputes may terminate, they are, to authors, *bella nullos habitura triumphos.*

It is the intention of this paper to state some facts and observations relative to this controversy, not hitherto taken notice of; which, it is hoped, may have some tendency to throw additional light on the question, and assist those who are desirous to try it by the dictates of common sense and the rules of public utility.

Before the art of printing was invented, and while copies of books could only be obtained by the tedious method of transcribing, it is evident that authors could reap but little pecuniary advantage from the sale of their performances, to compose which, the love of fame or of mankind (noble inducements!) were, for the most part, their only motives. Though we are now-a-days told, that were it not for the interposition of booksellers, the public would be deprived of most works of merit, and of all that are attended with labour, difficulty, and expense; yet every person, not a stranger to classical learning, can attest, that while copy-money was almost unknown, the most admirable works of genius, judgment, and application were produced; and those who are conversant with modern writings must be sensible, that though copy-money has multiplied books, yet it has rendered them generally worse,—has bribed men to prostitute their talents, subjected wit and abilities to drudgery and dependence, and consequently degraded, rather than advanced, the character of author.

But though there is no doubt that the earliest and best works of antiquity were written and communicated to the world from no prospect of gain, yet we may gather from several passages in Latin authors, that sales of literary copies, for the purposes of recital or multiplication, were not unknown to the Romans;¹ and yet it is certain that their lawyers, accurate and subtile as they were, never entertained an idea that authors, after publication, could prohibit others from transcribing their compositions,—a discovery reserved, it seems, to illustrate the annals of modern jurisprudence.

¹ See Blackstone's *Comm. on the Laws of England*, vol. ii. p. 406, in fine 4to. Oxford, 1766.

The first inventors of printing were very desirous to monopolise it, and therefore did their utmost to conceal it,¹ not being metaphysicians enough to imagine that by inventing they had acquired an exclusive right to exercise that art; but, in spite of their endeavours, it soon spread; printers multiplied, and interfered with one another, as all persons must do, more or less, who are concerned in the same trade.

To prevent this inconvenience, some of the early printers applied to the Pope, the Republic of Venice, and to the Duke of Florence, to get the sole privilege of printing the books of which they were the first publishers; and this they obtained for a term of years, seldom exceeding fourteen, and often not so long, as appears from the first editions of the classics, to which patents are commonly prefixed, excepting Cicero's *Offices*, and some others, printed before such privileges were thought of.

Hence it is clear that literary property was, originally, a privilege granted, not to authors, to prompt them to write, but to printers, to induce them to print editions of works that then lay in manuscript.

But the transition, from the encouragement of printers to that of authors, was obvious; and accordingly, soon after, privileges appear in favour of the author, which are by him commonly assigned to the bookseller, whose name is marked on the title-page; and as the privilege is always limited to a certain period, the author never pretends to convey more.

Many of these privileges are granted under certain conditions; such as, that copies shall be given to so many libraries, that the price shall not exceed a certain rate, and that the work shall be executed on the same paper, and

¹ "Inventores primos id clam habuisse, omnesque secreti conscios, religione etiam jurisjurandi interposita, exclusisse, ideoque vastæ molis opera perpaucis operariis fuisse concredita." Maittaire, *Annal. Typogr.* vol. i. p. 4, and in p. 10 he cites a passage from an author, who explains the particulars of the discovery: "Cum igitur Gutembergus ad sumptus refundendos damnatus fuisset, et ex eo similitates inter illum et Faustum magis exarsissent, ille autem interea artem vidisset et didicisset, siquidem inter tot operas, quæ ad illam excudendam requiruntur fieri non potuit ut ea diutius occultaretur, quod etiam Deus procul dubio noluit, Moguntia Argentinam se contulit," etc.

with the same types, of which a specimen had been exhibited before the privilege was conferred. The two first of these conditions were adopted by our statute *8vo Annæ*; but the proviso for regulating the prices was afterwards repealed as impracticable: so that, in this country, we have no check against the extortion of literary monopolists.

As absolute power prevailed in the countries where those privileges were first desired, they would, doubtless, be granted without any demur about their legality, as they gave the prince a handle for superintending and controlling the press, which must have been perceived by him, or his ministers, to be of very great consequence to government.

That power was early claimed as a part of the royal prerogative in this island, where the lawyers held that printing was *inter regalia*; and in Scotland an Act was passed in Queen Mary's time, discharging any book to be printed without a licence, under the pains of confiscation of movables and perpetual banishment; and in the reign of Charles II. a law was enacted much to the same purpose in England,¹ and privileges to printers and authors were readily granted in both kingdoms, all on a narrative of the humble supplication of the printer or author, and of the favour and indulgence of the prince.²

Upon this footing stood these privileges all over Europe, it never having been once thought that they were granted *ex justitia* in virtue of a *perfect* right, but indulged from favour and a view to public expediency, in the same way

¹ Sir George Mackenzie, who was Lord Advocate for Scotland, in his observations upon the Act just now mentioned (Act 27th Par. 5th Queen Mary), expresses himself thus:—"Printing is *inter regalia*, and so the King may discharge any man to print without his licence. *Vide Fritch. de Typographia Abusu*, where he makes the regulation of the press to depend upon every magistrate, by the law of nations; and printing may do as much hurt to the Government as arms; and so the magistrate should have the command of the one as well as of the other; though I know it is most unjustly pretended by some republicans, that printing being a trade, no man can be debarred from the free use of it, except by Parliament, in which their own consent is implied. We see also that the King allows his own printer only to print Bibles and other school-books, etc. *Vide Act 25 Par. xi. James VI. against the sellers of erroneous books.*" The same doctrine was maintained in England.

² See Ames's *Typogr. Antiq.*, from p. 484, *passim*.

as they had long before been given to the contrivers of useful machines, and others

“*Inventas aut qui vitam excoluere per artes.*”

On the contrary, the strict legality of them was called in question, and only supported by arguments drawn from public utility; and it was admitted they ought to be recalled whenever productive of any inconvenience; and instances are not wanting of that having been done, as appears from several treatises of that period.¹

In Britain, literary property was taken under the consideration of the Legislature, and an Act was passed to regulate it, which comes next to be considered; and for that purpose it will not be improper that the procedure in Parliament, previous to the enactment, be laid before the reader, as recorded in the Journals of the House of Commons.

12th December 1709.—“A petition of Henry Mortlock, etc., on behalf of themselves, and other booksellers and printers about the city of London and elsewhere, was presented to the House and read; setting forth, That it has been the *constant usage* for the writers of books to sell their copies to booksellers or printers, to the end they might hold those copies *as their property*, and enjoy the profit of making and vending impressions of them; yet divers persons have, of late, invaded the properties of others by reprinting several books without their consent, and to the great injury of the proprietors, even to their utter ruin, and the discouragement of all writers in any

¹ See Fritchius *de Abusibus Typographiæ tollendis*, § 2, par. 4, and also his *Treatise de originali ac naturali libertate commerciorum necessaria et legibus munienda*, cap. 10, which is intitled, *Quæ et quatenus Monopolia sunt licita*, towards the end. That such grants were considered in England as monopolies, appears from the statute against monopolies, 21 Jac. I. cap. 3, sec. 8, which provides that the Act shall not extend to any patents of privilege concerning printing or the making of ordnance, etc. By 1 Richard III. cap. 9 (which restrains aliens from using any handicrafts, except as servants to natives), it is provided that they may import printed or written books, to sell at their pleasure. This was repealed by 25 Henry VIII. cap. 15, upon a narrative, that it had been enacted because there were few printers in the realm at the time, but that now there were many cunning and expert in that science or craft, as also many that lived by the craft and mystery of bookbinding. This Act likewise provides that the prices of books excessively rated shall be qualified by the Lord Chancellor and others.

useful part of learning ; and praying, That leave may be given to bring in a Bill for securing to them the property of books bought and obtained by them.

“Ordered, That leave may be given to bring in a Bill according to the prayer of the said petition ; and that Mr. Wortley, Mr. Compton, and Mr. Pyton, do prepare and bring in the Bill.”

Here it is to be observed that the narrative of this petition differs from the subsumption ; and that the first is justly and accurately expressed, the other not so. The narrative does not allege that, at common law, the authors, or booksellers who purchased from them, had any right of property ; but only sets forth that there had been a constant usage of selling books, to be held *as* a property ; which is a plain acknowledgment by the petitioners themselves that there was here no real right of property, but only something which they had been pleased to view as a sort of property, or compare to a real property. But the subsumption immediately infers from this, that they actually had a real property, entitled to the protection and aid of the law, which, however artful, is plainly inconsistent and inconclusive.

11th January 1709.—“Mr. Wortley, according to order, presented to the House a Bill for the Encouragement of Learning, and for *securing the property of copies of books to the rightful owners thereof*, and the same was received, and read the first time.

“Resolved, That the Bill be read a second time.”

14th January 1709.—“Ordered, That the Bill for Encouragement of Learning, and for securing the property of the copies of books to the rightful owners thereof, be read a second time upon Thursday morning next.”

Further consideration of this Bill lay over till the 2d of February 1709 ; when

“A petition of the poor distressed printers and bookbinders, in behalf of themselves, and the rest of the same trades, in and about the cities of London and Westminster, was presented to the House and read ; setting forth, That

the petitioners having served seven years' apprenticeship, hoped to have gotten a comfortable livelihood by their trades, who are in number at least 5000 ; but, by the liberty lately taken of some few persons printing books to which they have no right to the copies, is such a discouragement to the bookselling trade that no person can proceed to print any book without considerable loss, and consequently the petitioners cannot be employed ; by which means the petitioners are reduced to very great poverty and want, and praying that their deplorable case may be effectually redressed in such manner as to the House shall seem meet.

“Ordered, That the petition do lie upon the table until the Bill for Encouragement of Learning, and for securing the property of copies of books to the rightful owners thereof, shall be read a second time.

“Ordered, That the Bill be read a second time upon Saturday morning next.”

Here the poor printers and bookbinders are introduced *in forma pauperis*, to revive and second the petition of Messrs. Mortlock, Tonson, and other rich London booksellers, which seems to have been neglected. It will not escape notice that the fact upon which this petition rests does by no means infer the conclusion, for how should the printing of books make printers or binders want employment, and reduce them to poverty ?

4th February 1709.—“Ordered, That this Bill be read a second time upon Thursday morning next.”

9th February 1709.—The Bill was read a second time. It was ordered, That the Bill be committed.

“Resolved, That the Bill be committed to a committee of the whole House.

“Resolved, That this House will, upon this day se'ennight, resolve itself into a committee of the whole House upon the said Bill.”

16th February 1709.—“Resolved, That this House will, upon Tuesday morning next, resolve itself into a committee of the whole House, upon the Bill for Encouragement,” etc.

21st February 1709.—“The House resolved itself into a

committee of the whole House, upon the Bill for Encouragement, etc. Mr. Speaker left the chair. Mr. Compton took the chair of the committee. Mr. Speaker resumed the chair.

“Mr. Compton reported from the said committee, That they had gone through the Bill, and made several amendments, which they ordered him to report, when the House were pleased to receive the same.

“Ordered, That the report be received upon Saturday morning next.”

25th February 1709.—“Mr. Compton, according to order, reported from the committee of the whole House, to whom the Bill for Encouragement, etc., was committed, the amendments they had made on the Bill, and he read the same in his place, and afterwards delivered them in at the clerk’s table, where they were once read throughout, and then a second time one by one; and, upon the questions severally put thereupon (with amendments to some of them), agreed unto by the House. A clause was offered to be added to the Bill, that if any person shall incur the penalties of the Act in Scotland, they shall be recoverable in the Court of Session there; and the same was twice read: and upon the question put thereupon, agreed unto by the House to be made part of the Bill; and some other amendments were made by the House.

“Ordered, That the Bill, with the amendments, be engrossed.”

14th March 1709.—“An engrossed Bill for the Encouragement of Learning, by *vesting the copies* of printed books in the authors or purchasers of such copies, during the times therein mentioned,” was read the third time. “An amendment was proposed to be made to the Bill, *pr. 3. l.** to leave out ‘refused;’ and, instead thereof, to insert ‘refusing;’ and the same was, upon the question put thereupon, agreed unto by the House, and the Bill thus amended at the table accordingly.”

Resolved, That the Bill do pass, *and that the title be*, a Bill for the Encouragement of Learning, *by vesting the*

copies of printed books in the authors or purchasers of such copies, during the times there mentioned.

“Ordered, That Mr. Compton do carry the Bill to the Lords, and desire their concurrence thereunto.”

Here it is material to observe that the title given to the Bill when engrossed, and the title the House resolved it should bear, when they passed it, is extremely different from the title the Bill had when presented by Mr. Wortley (11th January), and till it was engrossed; for the title it had, when presented by Mr. Wortley, and till its engrossment, was, “A Bill for the Encouragement of Learning, and for securing the *property* of copies of books to the *rightful owners* thereof.” Which plainly supposes and implies that the authors or purchasers of books had, *ab ante*, a rightful property in the copies; whereas the title given to the Bill when engrossed and passed, viz., “A Bill for the Encouragement of Learning, by *vesting* the copies of printed books in the authors or purchasers of such copies during the times therein mentioned,” as plainly supposes and implies, that the authors or purchasers had no right of property but what was vested by this Act, and would have none after the time mentioned therein should expire.

4th April 1710.—The House proceeded to take into consideration the amendments made by the Lords to the Bill intituled, “An Act for the Encouragement, etc.,” and the same were read, and are as follow:—

The first four amendments being of no consequence, it is needless to insert them.

The next is, “Leave out from allowed to provided;” that is the proviso intended to prevent exorbitant prices. All the other amendments were likewise of no consequence, except the following proviso, proposed to be added to the end of the Bill, which is as follows:—“Provided always, That after the expiration of the said term of fourteen years the sole right of printing, or of disposing of copies, shall return to the authors thereof, if they are then living, for another term of fourteen years.”

All the amendments were agreed to, except that respecting the prices.

Ordered, That a committee be appointed to draw up reasons to be offered to the Lords at a conference, for disagreeing to the said amendment; and it was referred to Mr. Secretary Boyle, and several others (of whom Mr. Addison was one) who were ordered to withdraw immediately into the Speaker's Chamber, and report to the House.

Mr. Compton reported from the committee, that they had drawn up reasons, which he read in his place, and afterwards delivered in at the clerk's table, and are as follow:—"The Commons disagree to your Lordships' amendments in *pr. 3, l. 14.* *First,* Because authors and booksellers having the sole property of printed books vested in them by *this Act*, the Commons think it reasonable that some provisions should be made, that they do not set an extravagant price on useful books. *Secondly,* Because the provision made for this purpose by the statute 25th Henry VIII. chap. 15, having been found to have been ineffectual, and not extending to that part of Great Britain called *Scotland*, it is necessary to make such a provision as may be effectual, and which may extend to the whole united kingdom.

"Ordered, That Mr. Compton do go to the Lords, and desire a conference with their Lordships upon the subject-matter of the amendments made by their Lordships to the said Bill."

"Same day, Mr. Compton reported, That they had been at the conference, and that they had given the Lords the reasons for disagreeing to the said amendment."

A message from the Lords, by Sir Robert Legard, and Mr. Fellows:—"Mr. Speaker, the Lords do not insist upon their amendment to the Bill intituled, 'An Act for the Encouragement, etc. ;' and then the messengers withdrew."

The clauses of the Act, which it is necessary to attend to in this question, are these:—

“Whereas printers, booksellers, and other persons have, of late, frequently taken the liberty of printing, reprinting, and publishing, or causing to be printed, reprinted, and published, books and other writings, without the consent of the *authors or proprietors* of such books and writings, to their very great detriment, and too often to the ruin of them and their families; for preventing therefore such practices for the future, and for the encouragement of learned men to compose and write useful books, be it enacted, That, from and after the 10th of April 1710, the author of any book or books already printed, who hath not transferred to any other the copy or copies of such book or books, share, or shares thereof, or the bookseller or booksellers, printer or printers, or other person or persons, who hath or have purchased or acquired the copy or copies of any book or books, in order to print or reprint the same, shall have the *sole right and liberty* of printing such book and books, for the term of one and twenty years,¹ to commence from the said 10th of April, *and no longer*; and that the author of any book or books already composed, and not printed and published, or that shall hereafter be composed, and his assignee or assigns, shall have the *sole liberty of printing and reprinting* such book and books, for the term of fourteen years, to commence from the day of the first publishing the same, *and no longer.*” Then follow the penalties on transgressors of the Act, and provisos for entering in Stationers’ Hall, presenting copies to the Universities, and regulating the prices. “Provided, That nothing in this Act contained shall extend, or be construed to extend, *either to prejudice or confirm* any right that the said Universities, or any of them, or any person or persons have, or claim to have, to the printing and reprinting any book or copy already printed, or hereafter to be printed: Provided always, That after the expiration of said term of fourteen years, the sole right of printing or dispos-

¹ Here it appears plainly, that all monopolies of books that had been printed prior to 10th April 1710 were, by this statute, restricted to twenty-one years after that period, which cuts off all claims of right by common law.

ing of copies *shall return* to the authors thereof, *if they are then living*, for another term of fourteen years."¹

As this Act expressly declares that authors, printers, and booksellers shall have the *sole* right and liberty of printing for a certain number of years, and *no longer*, it surely would, to common reason, appear extremely plain that after that certain number of years was elapsed, they had no sole and exclusive right, but that afterwards any person might print who thought proper. But the London booksellers, some time ago, whose great stocks and residence in the capital had enabled them to purchase all the books of any reputation that have been written in this country, though they had made immense sums by the exclusive right of printing these books during the time mentioned in the statute, were not content, but grudged to others the gleanings of a harvest by which they had been enriched; and therefore resolved, if possible, to vindicate to themselves a perpetual right of monopoly.

With this view they thought proper to maintain that an author, or bookseller who purchased from him, had, at common law, independent of, and antecedent to the statute, a right of property that gave them an exclusive privilege to print and sell. That the statute was not a restrictive, but an accumulative law, which did not create a new species of property, but secured, by penalties, a property that existed before. And upon this principle they claimed a right of monopoly in the works of Milton, Shakespeare, and many other authors who had been dead more than eighty or a hundred years before, and insisted that it was competent for them, without the aid of the statute, by the interposition of the ordinary courts of justice, to restrain others from printing books of which they claimed the property, and to make them liable in damages in case they had printed such books; accordingly they have attacked, at different times, several booksellers, both in England and Scotland. But it is remarkable

¹ It is clear, by this clause, that if the author dies within fourteen years after publication, the monopoly ceases at that period, as his being alive after that time is made an express condition for continuing the monopoly for fourteen years longer. This shows, also, there is no right at common law.

that they have never once attempted to call the booksellers of Ireland to account, though they have suffered most by them, which seems to indicate that they themselves have no faith in this new doctrine of a right at common law, which must have supported them equally in Ireland as in Britain, though the statute of Queen Anne could not reach that country.

In opposition to this their doctrine, it is the object of this paper to show that, *at common law*, there is no such thing known as an exclusive perpetual literary property in an author after publication.

The general question, with respect to this right of literary property, is commonly said to be, whether an author has an incorporeal right to the sole printing and publishing of somewhat intellectual, communicated by letters?¹ But this state of the question is really defective, and does not take so comprehensive a view of the subject as one ought to do in considering this important point, or make way for all the equity that ought and must be given by a decision in favour of literary property, in the true sense and meaning of that expression.

The question should be rather stated thus, whether the author of an intellectual composition has the sole and exclusive right of communicating it to others?

If the question be confined to intellectual compositions, then musical must doubtless be excluded; and yet the composer of a solo, or concerto, has as good an exclusive right to his piece of music as the author of a book; besides, if the question be confined to something intellectual, communicated by letters, then arithmetical, mathematical, and algebraic compositions will be excluded, as these are not communicated entirely by letters, which are the signs of sounds, but by marks that stand for ideas.

In order to get at the bottom of this matter it will be necessary to consider the different kinds of mental compositions, and the different modes of communicating them. A musical composition is mental, but not intellectual. It is

¹ See Burrow's Reports.

communicated by sounds, or by signs that stand for sounds. A good musician, when a piece of written music is put into his hands, will, merely by reading, without playing it, understand it perfectly, and perceive whether it be good or bad. Musical compositions are not literary, either in the proper or metaphorical sense of the word. No composition is understood to be literary but what is intellectual; but musical compositions are not intellectual, for they do not excite ideas in the hearer, but only sensations, yet the composer of these is, in reason and equity, equally well entitled to an exclusive right of communicating them to the world as the writer of a book.

With respect to intellectual compositions, or combinations of ideas, they may be published, that is communicated to others in different ways, according to the nature of the composition. Some combinations of ideas may be communicated by gestures—this is the case in pantomimic entertainments, which are regular pieces having a plot, a beginning, a middle, and an end, so that there is no reason why the author of such a piece should not have the same privilege with any other literary writer. Indeed some ideas may be communicated by gestures that cannot by words, hence it has been said that, on certain occasions, one may look “unutterable things.”

A combination of ideas may also be communicated by figures or pictures; and this, we are told, was the most ancient way of writing.¹ When the Spaniards anchored in the Gulf of Mexico, the people on the coast sent the news of their arrival to Court in writing, but that writing was a drawing of the ships and men.² We have many modern publications of great merit, that communicate ideas in a similar manner, such as Hogarth’s engravings, which are as noble satires as those of Horace or Juvenal, and the combinations they express may be communicated in prose or in verse.

A combination of ideas, too, may be communicated by

¹ See Warburton’s *Div. Leg.*, vol. iii. p. 75.

² See *Recherches Philosophiques sur les Américains*, tom. ii. p. 204.

things. This is the case with machines, the most proper way of giving a description of which is by models, or by putting the component parts of the machine together. The principles of its construction may be communicated in a still less perfect manner by drawing or in the most imperfect manner of all by description in words. This last is admitted to be a literary composition, and consequently the inventor is allowed to have an eternal property in this the most imperfect mode of describing the organisation of the machinery; and yet no property is allowed in the most perfect communication possible, which is the model or exhibition of the machine itself.

Lastly, a combination of ideas may be communicated by particular marks, which men have agreed shall stand for the signs of sounds. Poems can only be communicated in this way, because they participate of musical composition; consequently sound is their essence, and therefore they cannot be communicated by gesture, representation, or figures.

All these different combinations are mental productions in reality: when published they convey to mankind particular sentiments, and afford information, or instruction of some kind or other; therefore, if there be property in one there should be property in all, for there is, properly speaking, a combination of ideas and great labour of mind in all such compositions. But the advocates for an exclusive right of property only allow it to exist where the combination of ideas is communicated by letters, not in engravings or machines, although it is plain there is labour and invention in all, and consequently the same equitable common-law claim. Accordingly the legislature itself has considered literary property in this point of view, for engravers have by statute the same privileges as authors, and mechanics are almost always indulged with the privilege when a patent is applied for. Indeed the most plausible argument for literary property applies to them all indiscriminately, viz., the protection of the invention before publication, for it is impossible to make a rational distinction between the case of a machine and a book. The former owes its birth to much thought,

invention, and labour, as well as the latter, and a monopoly of the one is of as much consequence to the composer as that of the other.

It has been maintained on the other side that the principles of a machine are general, those of a book particular. This distinction is certainly not very intelligible, and, unfortunately, proves too much, for in this way arithmetic, algebraic and mathematical compositions, would be excluded, which are unquestionably literary; and indeed the most useful of any.

It has also been argued that he who copies a machine does it in consequence of a knowledge acquired from seeing the original model, but that he who reprints a book does not do it from any knowledge acquired from the work itself but by a mere mechanical operation. Supposing it to be true that a machine could not be copied but by a person who understood the theory of it, which is certainly not the case, the difference pointed at is immaterial. Every man has a right to use the knowledge he fairly acquires. If he has got the knowledge of the art of printing, why may he not use it in reprinting an author's book, although he may not have obtained his knowledge of printing from such book, as the author has surely no business in what way the printer has acquired this art? It is conceived an author's claim to an exclusive property in his ideas must rest upon his invention and labour, upon his own merit, not on that of another. Now, it is plain that the title upon which he founds may be claimed, with equal justice, by the inventors of a machine.

It has, with apparent plausibility, been maintained that a machine made by one man is not the same invention with a machine made by another; whereas the copy of a book reprinted is precisely the same original performance. It is certainly true that a model of a machine made by the purchaser cannot physically be the same with that made by the inventor, but it is the same for all the purposes intended, and the execution of it required the same mechanical powers and labour. It may, indeed, be better or worse

made, but the idea of goodness or badness in the execution of the work is excluded by the state of the question.

As to combinations communicated by engravings it is obvious they likewise are the production of invention and labour. All these different compositions stand upon the same footing, and as an exclusive property is only held to exist in one of them, hence I infer there is property in none of them. It is either unlawful to interfere with any, or it is lawful to interfere with all of them.

It has been asserted in some of the arguments on literary property, that an author has not only an exclusive right to the thoughts themselves, but to the style and mode of expressing them. It is, however, not very obvious how he can have a right to the style, except in so far as it excites ideas. For surely if a man should throw together a multitude of English words without any connection, that would not be esteemed a literary composition. It would, no doubt, excite ideas, for every word is itself an idea; but there would be no combination of them requiring invention and exertion of the mind on his part, consequently he could have no exclusive right to them. No man, therefore, can have any property merely in words; it is only in so far as they communicate and combine ideas that he has an equitable claim to the exclusive right to the composition, as being the production of his labour and genius.

From this it seems to follow that it is not material what the particular mode of communication be, so that if a man communicate all my ideas, though he use different words, this is clearly an invasion of my property, and this leads to the question whether translations and abridgments of a work be violations of literary property? Translations clearly communicate all the ideas of the author, and therefore, in a question with him, the translator must be reckoned a violator of his property, although, perhaps, in a question between the translator and one who printed his book, the latter might prevail. The same argument would be good in a question between an author and his abridger.

The leading question in all such cases is, Whether, at

common law, a man can have the sole and exclusive right of communicating a mental composition to others?

All the possible combinations of ideas are not infinite, although they are more numerous upon some subjects than upon others. Upon speculative subjects they are limited and different. Men hit upon the same combinations and entertain the same opinions as to them in different parts of the globe, without any communication.¹ The same ideas have often occurred on metaphysical subjects, mathematics, arithmetic, and the arts. It appears from the history of India, that the philosophers there have adopted all the systems, even the most whimsical of other sages in different parts of the universe; nay, it is said that Pascal, by the mere force of his own genius, demonstrated without assistance the first thirteen propositions of Euclid.

But though men will often hit upon the same combination of ideas in considering certain subjects, yet they will necessarily vary in their style and mode of expression, not only on account of the different structure of languages in different nations, but because in every language the various ways of combining words are so numerous it is almost impossible two persons should at any time adopt the very same expressions. This, however, does sometimes happen in mathematics and other abstruse sciences, for in these words are not so often used as signs, and the nature of the subject, besides, excludes any metaphorical expressions.

Combinations of fancy and fiction are vastly more numerous, though it is surprising that a greater number of original combinations have not made their appearance, and equally surprising that the same thoughts and arguments have not often occurred to different people; hence it is from the want of invention authors have too often borrowed their ideas from former writers. How much has Virgil borrowed from Homer?—How much Tasso and Ariosto from both?—How much Milton from them all? But as they have written in different languages the theft is not so

¹ See *Recherches Philosophiques sur les Américains*, part v. tom. ii. sec. 1. p. 188.

perceptible ; and, at the same time, each of them has very great merit on account of the fine versification, for sound itself is certainly the essence of poetry.

When a man combines ideas on any subject, it is clearly possible that another may be putting the same ideas together, if the subject be speculative. When a man has combined ideas in his own mind, it may, no doubt, be said that he has occupied them, but it is plain that he cannot on this account prevent any other from doing the same thing ; he cannot, by the mere combination in his mind, attain an exclusive possession of the ideas combined. If, for instance, a man in America has formed the same combinations of ideas with a man in England, he has the same merit, he has exerted the same invention, and the same labour of mind, consequently the one has just as good a title to claim the property of the thoughts as the other. When a man has combined ideas in his own mind, it is plain he has a power over them, a power to communicate them to others or not as he thinks proper. It may be doubted if it can be properly said he has a right to do so, for the word *right* involves the idea of legal interposition ; whereas it is plain, that as long as ideas remain in the mind no law can create a right of property in them. However treasonable a man's mere ideas may be, the law does not punish him for them ; neither can it reward him, however noble and virtuous his sentiments.

If a man write down ideas he has combined, as long as he keeps that writing in his own possession he has no exclusive right to the thoughts contained in it : he has, indeed, as he had before, a power of communicating them to the world ; but as long as he keeps them to himself he has no real property in them, the law cannot protect them, and it is plain he cannot hinder any other person to combine the same ideas, write them down, and publish them.

Compositions in prose and verse were known long before the art of printing or writing was discovered. Savages in different countries, where neither of these arts are known, have their love and war songs ; and these amorous or martial

ditties are certainly not composed in hopes of gain, but for amusement and the love of fame. If one savage repeat his song so often to another that the latter can by attention learn to repeat it, upon what principle of justice can the savage author complain of his neighbour for rehearsing it? If, indeed, he should repeat it as his own composition, that perhaps might be complained of as ungentle and ungenerous; but such conduct could never surely be considered in any other point of view.

If it shall be supposed that a savage could derive profit from repeating his neighbour's song, the question whether he could be complained of for doing so would depend on a great variety of circumstances. If, for example, he should chant it at a great distance, and in a foreign country, which the composer might never see, perhaps never hear of, what injury does he sustain? Nay, suppose his rehearsing it should be attended with gain, where is the injustice in the repeater's reaping advantage from his memory as well as the author from his invention?

Even after the art of writing was introduced, no such thing as what is called copy-money was for some time known; not until the art of printing was for some time discovered.¹ In ancient Rome we are informed it was expensive to be an author.² It is clear, therefore, by the common law, before printing was introduced, it would be considered as no injury done to an author to publish his works; on the contrary, he must have considered it as a very great favour if any person by doing so saved him the expense attending publication.

The argument for literary property then resolves into this proposition, that there is a common law right without any precedent; or, in other and perhaps better words, that in a refined state of society rights emerge which were not known in more uncivilised times, and which the law is now bound to protect. It is said, too, that authors should alone be entitled to reap the fruits of their labour, and all others ought to be prevented from interfering with them. The

¹ See Pliny's *Epist.*, lib. iii.

² See *Juvenal*, Satire vii.

common law protects the copy before publication, therefore it is maintained it should protect it afterwards, unless it can be held that, by publication an author relinquishes the previous exclusive right he had acquired to the manuscript ; but that he does not mean to do so by selling a single copy for a trifle ; for it is contended he does not mean to transfer his right to deal in the trade of selling his book, but only a right of perusal. And it is said to be further fit that an author should have an exclusive right of printing his work, in order that he may see it be correct, and that he may have an opportunity of altering or amending it. From all which it is inferred that it is a moral wrong to publish another's work, and that it is just and fit he should have an exclusive right to do so himself.

In answer to this ingenious argument, it is maintained that it is no doubt true there is a common law without precedent, as rights must from time to time occur among civilised nations, and require the aid of law to protect them, which were not known in a ruder and more unpolished state of society, and these ought to be made effectual, unless incompatible with the public welfare, for with regard to such rights a Court of Justice has, in some measure, a legislative power. Rights that have long had the sanction of law will not, without reluctance, be cut down on any occasion, though a change in the state of society and manners of the people may perhaps render them somewhat hurtful. But rights that have no foundation in usage or law may be rejected by Courts of Justice, if repugnant to utility. But an exclusive right of property in authors is unquestionably a new right, and therefore may, with propriety, be rejected if prejudicial to society.¹

With regard to the property in the original copy of a book before publication, it is perfectly obvious that an author has a good title to the exclusive property of his book before publication ; for the author has, unquestionably, a complete right of property in the manuscript, which is protected by the common law as a corpus under the dominion

¹ See Lord Kaimes's *Principles of Equity*, B. ii. chap. 2.

of the author. It is said, however, that in England an action could not be sustained to recover the manuscript as being the property of the author. This perhaps may be the case in England, but in this country surely an action would be competent for recovery of manuscripts as well as for any other property ; and if they could not be recovered, an action of damages would undoubtedly lie, to what extent would depend on circumstances.

But it is not the right in the thoughts and style that is protected in the manuscript before publication ; for a person may have a legal right to a manuscript, to the ideas and style of which he has no right. For example, if one should find a manuscript containing the books of Livy that have hitherto been amissing, he has undoubtedly no right to the sentiments or style ; these are Livy's, not his, and yet it is thought he would have a legal right to the manuscript before publication, and might get a warrant to search for and seize it wherever he could find it. If he could not recover it, he would be entitled to damages from the trespasser who carried it off ; and if the latter had printed it and made profit by it, he would be obliged to account to the proprietor for the profits. This argument, therefore, with respect to a person's having a legal right to a manuscript before publication, certainly proves too much, for it tends to prove that I have a right not only to my own ideas and style, but a property in the thoughts and style of another. An author's manuscript is protected by the law before publication, not because he has a right to the mere sentiments and style, but because by writing down his ideas he makes a combination of them, and brings them into such a form as to render them capable of becoming a subject of property, the paper manuscript being a corpus or tangible substance, entitling the author to claim it as his property ; for paper, by writing on it, becomes a different thing from what it was before, and, therefore, upon a theft or robbery of it the writer ought not only to have action for the paper, but for the specification ; and what ought to be the amount of damages on that account must be arbitrary.

It has been argued that supposing a man does not carry off a manuscript by force or theft, but copies and publishes it clandestinely, and without the author's consent, no action of trover or trespass would lie on the common law in England, although he has deprived another of a valuable right. There can be no doubt that there ought to be a remedy in this case; and whatever difficulty the subtleties of the law of England may occasion, there can be none in this country. Action would lie against him for delivering up the copy he had made, for, in having clandestinely copied the manuscript without the proprietor's consent, he was guilty of an illegal act, and on account of this illegal conduct of his he must either restore the copy or be liable in damages. In support of this proposition we need only refer to the civil law, where it is expressly laid down in the title of the Institutions "*de Obligationibus que ex delicto nascuntur, Delictum est factum illicitum sponte admissum, quo quis et ad restitutionem si fieri possit et ad pœnam obligatur.*" The only complete restitution possible in such a case as this, is restoration of the copy made, so that the proprietor may regain exclusive possession; and if it cannot be restored, damages must be awarded on the principle, "*loco facti imprestabilis subit damnum et interesse.*" This argument likewise proves too much, for where a person copies a manuscript in the possession of another, though not composed by him, without his consent, he deprives him of a valuable right, and he is, undoubtedly, entitled to have legal redress for any such violation of his property, as much in the one case as in the other.

The result of the whole of the argument with respect to a person's right to the manuscript seems to be, that after an author has written down his ideas, he has a power of publishing them or not as he thinks proper, consequently he has a power of giving a priority of publication to whom he pleases; and whoever deprives him of that power does him an injury and must repair the loss thereby occasioned. Of course damages must be awarded as a solatium to the author, and *in modum pœnæ* of the trespasser; but in such a case,

no incorporeal right is protected by the law, for it neither does nor can countenance such a right. It has been said the law protects a man's fame and reputation; but fame and reputation are inherent in a person, and any attack upon the one or the other only entitles the injured individual to reparation. Hence no action of defamation, it is believed, would be sustained in this Court, except in so far as it concluded for damages, for this Court would certainly have very great difficulty in sustaining action against any person for depriving an author of mere literary fame; and if such action should be deemed competent, the decision would only prove that such right is inherent in a person, not that there is an actual property in the mere ideas of an author.

As to the moral wrong said to be committed by persons interfering with an author in the publication of his work, many cases may be figured in which it would be very ungenerous and ungentle to do so; in particular it would be extremely unhandsome to presume to publish a second and cheaper edition immediately upon the publication of a book. But however improper this may be in a moral point of view, the question still is, whether this be such a wrong as the common law can prevent? for there are many acts inconsistent with rigid morality, which the common law cannot possibly punish; *non omne quod licet honestum est.*

Every man has a right to profit by his own knowledge. He who buys a book purchases every use to which it can be applied, and he has as good a right to profit by his knowledge of the art of multiplying it as the author had by his skill in composing it. The author's claim to a monopoly, until he be reimbursed of any expense incurred, or until he receive a proper recompence for his trouble, is but an imperfect right, which it may be ungenerous to interfere with, but which the common law cannot protect. The only remedy an author therefore has, is to apply to the Crown for a patent, and that all authors have, in fact, already obtained, for the Act of Queen Anne must be considered as a standing patent to authors.

It may, no doubt, be said that the author's intention in publishing a book was to give to the purchaser of a single copy a right of property to that individual copy, but no more. To this it is answered, that whatever is the necessary consequence of an action, must be deemed intended by it. Now the necessary consequence of printing and selling a book is to make it common property; and no private bargain between the author and bookseller can prevent a purchaser from making what use of his purchase he pleases. If, indeed, an author could show that he sold a person a copy from which he had reprinted, when it was an express condition in the sale that he should not reprint, in that case, perhaps, action might lie upon the contract entered into between them; at the same time it is almost impossible, by any bargain or proviso, to prevent every person purchasing the book from reprinting it.

An author's entering his book in Stationers' Hall, no doubt, has this effect; but this is solely *vi statuti*, not in consequence of his having any common-law right of property in the book.

This refined idea of literary property is surely inadmissible in a Court of Justice, as it renders judges arbitrary in all questions coming before them. Since then no general rule can be laid down for the determination of such questions, this of itself shows that there is no such thing at common law as literary property, for surely no right in equity can exist that cannot be ascertained by general rules.¹

Besides, this pretended right in authors is inadmissible in another point of view, as being incompatible with the common rights of mankind, and other regulations of law.

The Legislature, indeed, may create any right it pleases, however anomalous, but the common law will adopt nothing that is inconsistent with the general principles of justice and utility; it will admit of no right that is inconsistent with its first principles and general rules. But this claim of authors to an exclusive right of property in a book

¹ See Lord Kaimes's *Principles of Equity*, p. 10. Edinburgh, 1760.

after publication, is highly inexpedient, as it both gives a right of suppression and confers a power of extortion. *2dly*, It is impossible to ascertain or define it; and a multitude of inextricable disputes must continually arise from it. *3dly*, It cannot be transmitted in the way in which property is transferred, or affected by the legal diligence of creditors. *4thly*, This anomalous right is an encroachment upon the natural liberty of mankind.

It does not follow that because the Crown has a clear right to the sole exclusive publication of Acts of Parliament, that every author has an exclusive right of property in his book after it has been published. The reason for giving the Crown an exclusive right to print Acts of Parliament is, that they must be promulgated; which was at first done by proclamation, and now by printing. As the State is materially interested in the publication of statutes, it is necessary that there should be an exclusive right to print them vested in the Crown, that they may be accurately published; besides, there must be a copy which will bear faith in judgment. For the same reason, the Crown has an exclusive right to the printing of Bibles; because the Bible, too, is a rule of conduct for the subject, and strange consequences might follow if incorrect editions of the Sacred Text were allowed to be published.

With regard to the Act of Queen Anne, it does not appear that any injunctions were granted in Chancery before it, and the injunctions after it do not show that the Chancellor thought authors had a property in their works at common law, but only that he thought the statute vested a property, or right; and that a common-law action lay for damages on the statute, and not merely an action for penalties. This opinion seems to be supported by every principle of justice, for when a statute creates a right, for every violation of that right there must be a remedy: he who transgresses the statute commits a wrong, and must repair any damage sustained by such transgression. The superadding penalties against offenders neither did, nor could mean to, annul the preceding clause which creates

the right ; so that it is clear, although there was no such thing as literary property before the statute at common law, yet there being such a property created by this Act, an author is entitled, upon any violation of it, to sue for damages at common law, as well as for the penalties specified in the statute.

The general conclusion to be drawn from what has been stated, seems to be, with regard to the property claimed at common law, independent of the statute, that the most plausible argument offered on the part of the booksellers is, that when an author has bestowed much time and labour in composing, and expended great sums, perhaps his whole stock, in printing and publishing an edition of a book, it is manifestly unfair and unjust that another, the first day that the work is published, should purchase a single copy, and set about a cheaper edition, by which he not only intercepts the profits the author would have drawn, but brings upon him a certain and ruinous loss, by stopping the sale of the copies he had thrown off : that the author has evidently a right to prevent this ; and wherever there is a right, there must be a remedy, and a remedy in course of common law or equity.

That the author of a book, or of a machine or an art useful in life, has an equitable title to insist that he should have the exclusive right of selling his work for such a length of time as ought to reimburse him of his expense, and recompense him for his trouble, is indisputable ; but it by no means follows that this right ought to be enforced by the ordinary Courts of Justice. The poor have a most equitable title to demand maintenance from the rich ; but it was never imagined that, independent of any statute, they could have brought actions before Courts of law or equity, for establishing rates upon the rich, sufficient to subsist them. Courts of Justice can only interpose their authority to make perfect rights effectual, not imperfect ones, as all those just now mentioned evidently are, as well as many others arising from the obligations of friendship, gratitude, and benevolence. When a man has discovered any useful

theory in mathematics, or in any other science, it is ungentle and ungenerous in any other to assume the honour of the invention to himself, or falsely ascribe it to any but the true author; yet it surely cannot from that be inferred that the true author could bring an *actio injuriarum*, or of scandal and defamation, against any person who should falsely assert that it was either his own or another's. In the same way, it may perhaps be ungentle and ungenerous to interfere with an author in the trade of printing and selling his book; but it is not therefore a consequence that the author will have a right to bring either a civil process for damages, or a criminal one for robbery or theft. The circumstance of his having been at much pains in composing, and at great expense in printing his book, may give him an equitable claim for having a temporary exclusive right conferred upon him; but it never can *ipso facto* establish a perpetual property in him. The proper remedy, therefore, is an application to the supreme magistrate or Legislature of the country for a privilege; and accordingly that was the method constantly followed before the statute passed, and it is the only one yet pursued in foreign countries, whose lawyers have no notion of an exclusive right in authors at common law.

With regard to the Act of Queen Anne, it was evidently intended to be a general standing patent, as Lord Hardwicke called it, to authors and booksellers, and to save them the trouble and expense (from £80 to £100) of applying to the king for a privilege every time they printed a new book; at which time, it is often uncertain whether the profits would pay that expense.

The writers for the booksellers argue that it appears the Legislature understood that authors, and those who purchased from them, had a property antecedent to the statute, because the preamble of that statute sets forth that a liberty had been taken of printing, reprinting, and publishing books, and other writings, without the consent of the *authors or proprietors*; which, it is said, ought not to be reckoned a mere inaccuracy of expression, because "the

sentiment necessarily supposes that they used the word *proprietors* in its strict and exact signification, it being a representation of the bad effects from the liberty taken of printing and reprinting books, without the consent of their authors, or their assigns."¹

The expression here founded upon is palpably an inaccuracy, owing to the inaccurate expression in the petition from the booksellers and others, which procured the Act, and is partly transcribed into its preamble. The bad effects mentioned in this Act are the discouragement of learned men, and loss they had sustained. These might afford a good reason for *vesting* the property in them, but not for holding that they had, *ab ante*, a property.

The sense of the Legislature upon this point is not to be gathered from an expression in the preamble; and that it lay quite the other way, is apparent from the amendment made upon the title of the Act. From the history of the procedure in Parliament, it is plain that the Act was obtained by the booksellers: the bill, no doubt, would be drawn by gentlemen in their interest: accordingly the title first given to the bill, as has been already observed, supposed and implied that authors and purchasers from them had, *ab ante*, a property in their books; but this title was amended and altered before it was engrossed, in such a manner as to suppose and imply the direct contrary. It was then entitled, "An Act for the Encouragement of Learning, by *vesting*," etc. This alteration sufficiently indicates the sense of the Legislature, and cannot be opposed by an expression in the preamble, which was not corrected, either because it was not adverted to, or because it was not thought capable of the construction the booksellers put upon it.

The writers for the booksellers lay hold likewise of a proviso in the conclusion, "That nothing in this Act contained shall extend, or be construed to extend, either to prejudice or confirm any right that the said Universities, or any of them, or any person or persons, have, or claim to have, to the printing or reprinting any book or copy already

¹ See the Letter to a Member of Parliament on this subject, published in 1747.

printed, or hereafter to be printed." They admit that one purpose of this proviso was to leave undecided all claims to exclusive printing, from patents, licences, etc. But they contended that "the large wording of it appears to have a particular aim at obviating such misconstruction of the statute; as if the additional temporal security thereby given either implied that there was no right of property before, or else abrogated what it found."¹

But it is obvious that if the words of this proviso are interpreted to mean any more than a *Salvo* upon all patents, licences, etc. (such as law-printers, king's printers, etc.), they must operate as a repeal of all the preceding clauses; for the booksellers surely will not deny that this law was passed in order to confirm, by penal sanctions, the rights of authors and booksellers.

But what renders the question entirely insignificant, whether the Legislature understood authors and booksellers to have *ab ante* a right of property,—as also the argument for the booksellers, that "the Act establisheth no right, but takes up a right already established, which it guards by additional penalties,"² is not only the title of the Act, which establishes and vests a right, but the enacting clause, which ordains that authors of books, or purchasers from them, shall, in one case, "have the sole right and liberty of printing such book and books for the term of one and twenty years, to commence from the said 10th day of April, *and no longer*;" in another case, "that they shall have the sole liberty of printing and reprinting such book and books, for the term of fourteen years, to commence from the day of the first publishing the same, *and no longer*:" And, "That, after the expiration of the said term of fourteen years, the sole right of printing or disposing the copies *shall return* to the authors thereof, if they are *then living, for another* term of fourteen years."

Supposing authors to have had a right of property antecedent to the Act, yet it cannot be disputed that the

¹ See the Letter to a Member of Parliament.

² See a Vindication of the Exclusive Right of Authors, written in 1762.

Legislature could annihilate it altogether, or new-model and abridge it at pleasure. The Legislature has, in the most explicit terms, declared that authors and purchasers from them shall have the sole right of printing their books for a certain term of years, and *no longer*; which is the same thing with expressly declaring that, after that period of years, other persons should have the right and liberty of printing books as well as they, though it does not exclude them from printing in common with others. Though authors, and those in their right, had a perpetual right of property in their books, yet there was no iniquity in rendering it temporary by this Act, on account of the severe forfeitures and penalties by which their right is protected for a long tract of time, during which, if their books are good for anything, they will draw much more than suffices to reimburse and recompense them; and it ought not to escape observation, that authors have never shown any dissatisfaction with the regulations of this statute, a junto of booksellers only have complained of it.

It only remains further to be suggested, that every consideration of public utility strongly opposes the perpetuity claimed by the booksellers, which, supposing the question to be embarrassed with any doubt or difficulty, should turn the scale against them.

The most cursory reflection must satisfy every person—

1st, That the perpetuating a monopoly of books, though it will tend to enrich and aggrandise about half a dozen of booksellers, will, at the same time, depress and discourage all the other booksellers and printers in the kingdom.

2dly, That it will occasion slovenliness, inelegance, and incorrectness in printing.

3dly, The limiting the monopoly of books, and opening a larger field for the art of printing, would greatly increase the revenue arising from the consumption of paper.

Lastly, The perpetuating the monopoly of books must, inevitably, enhance their prices beyond all bounds; the infallible consequence of which is to retard, and, indeed, stop altogether the progress of learning. This has been

complained of as the consequence of patents and privileges, from their first introduction; and that there is as much reason, if not more, for exclaiming against that abuse at present as formerly, must be felt by every man who is desirous of having a tolerable library of books, and is not possessed of a most opulent fortune.

The editor of Lord Dreghorn's works, in an introductory account of his Lordship's Life and Writings, describes the foregoing dissertation thus:—"An Essay on Literary Property, published in 1772, when the question whether an author had at common law a right of property in his works; independent of the Statute 8th of Queen Anne, came to be tried before the Court of Session in Scotland between Mr. Donaldson, the bookseller, and others. He pleaded as counsel for the booksellers; and the pleading he made upon the occasion, the notes of which he preserved, is now incorporated with the essay he afterwards wrote."

NOTES ON AN AMENDED FORM OF COPYRIGHT AND THE CHEAPENING OF BOOKS.

An Address delivered to the Colinton Young Men's Association by the Honorary President, on 7th December 1876; and on the 21st to the Edinburgh Chamber of Commerce and Manufactures.

“THE statute of Anne,” said Lord Brougham, “had been passed for the purpose of encouraging learned men,” and with that view that Act had given them the exclusive right in their publications for a term of years. This, however, was clear, they had no copyright by common law, for if they had, there would have been no necessity for the passing of that statute.¹

“It has been a question,” says the article “Literary Property” in Rees’ *Cyclopædia*, 1819, “much agitated in our supreme courts of judicature, and at length determined by the House of Lords against authors and their assigns, whether the copyright of a book belongs to the author by common law.”

The cardinal principle on which legislation affecting so-called “property” in literature and art ought to proceed, is that copyright is a creation of, or concession by, the State, with three objects in view: stimulation of authors, emboldenment of publishers, and, thereby, advantage to the public. The law of Scotland, that is to say, the practice of the Privy Council (for there was no common and no statute law to regulate the matter), had the second of these objects distinctly and, so far as appears, solely in view.

¹ Quoted from article “Copyright” in *Encyclopædia Britannica*, 8th edition.

In confirmation I quote the following from the article "Copyright," in Chambers's *Encyclopædia* :—

"It was customary for the Lords of Privy Council to grant exclusive right to print and vend books for certain terms—being all that then existed as equivalent to our modern idea of copyright. Most generally, this right was given to booksellers and printers, and bore reference rather to the mercantile venture involved in the expense of producing the book, than to any idea of a reward for authorcraft."

Lord Dreghorn, a judge of the last century, says the same, referring to Europe in general :—

"Hence it is clear that literary property was originally a privilege granted not to authors to prompt them to write, but to printers to induce them to print editions of works that then lay in manuscript." (See page 3.)

I am favoured with the following exposition from an eminent judge, who at the present day adorns the Scottish bench :—

"In strictness there is no copyright at *common law* in *published* works ; that is, in works which the *author himself* has given to the public by *publication proper*. I am speaking of the law of Scotland. The first statute conferring a proper copyright is the 8th of Queen Anne, cap. 19, and it has been followed by numerous other statutes. But although copyright *strictly so called* is created by statute alone in Scotland, the common law seems to have been sufficiently strong to protect an author's rights in every case when he had not openly published his work by printing it for common and public sale, and the remedy seems to have been given by interdict against third parties who threatened publication. In short, until an author *actually prints his words for the public* the *common law* would prevent any one else from doing so.

"The Privy Council grants were really *monopolies*, and not proper grants of *copyright* at all." (See Appendix.)

Copyright is an encroachment on the public domain which can only be justified on the plea that the public interest demands it or consists with it. Every author has

unquestionably the fullest legal right to keep his manuscript from the world, or to give, with or without pecuniary consideration, a copy or copies to whomsoever he will, but he has no natural right to prevent honest recipients from making other copies. The presumption is, or used to be, that he wrote for the instruction or pleasure of that portion of the public who might avail themselves of his work. His publishing was fairly regarded as the means whereby he conveyed a benefit which he intended for his fellows—a service rendered, or contribution presented, gladly and gratuitously, to the nation through exercise of a divine gift on behalf of mankind.

Often it might be difficult for him to secure the desired publishing, if he or his publisher had not legal power to prevent a rival publisher from reprinting. To meet such a contingency and thereby prevent the author's disappointment, no objection was seen to enact that, assuming the first edition or issue is of so many copies as at a fair selling price would recoup the cost of production or "manufacture," everybody else should be prohibited from republishing until that edition should be disposed of.

But the author, is he not to be recompensed? Many writers may be able and satisfied to work without remuneration: still the nation is willing to be liberal, and besides there are cases in which the composition of a book is purely labour,—a directory or an almanac, for instance. The cost of this labour, everybody will admit, may fairly be treated as a part, for indeed it is an important part, of the expense of production. Even with regard to literature proper, why, if a profit is made, should it all go to the commercial branch and none to the author? Not to insist on the value of his time and labour, he may have incurred expenses of journeying and researches, or have laid aside lucrative employment in order to do his, the foundation and principal, share of the bookmaking adventure.

On the whole, the good sense which guides legislation saw it clearly right, or at any rate not at all unfair, and not inexpedient, to grant, all round, exclusive right of publi-

cation for a term of years. The length of the term has been continually tending to prolongation. It was first a minimum of fourteen years, then of twenty-eight, and now of forty-two. The present length may be regretted, because as a general rule the public does not derive proportionate benefits from the elongation. On the contrary, it suffers. For an unduly extended term it misses the cheapening which follows or discounts the expiration of a copyright.

Let me in illustration quote a few sentences from Mr. Hotten's letters on "Literary Copyright." After telling us, "The late Lord Cranworth, then Sir Robert Rolfe, declared from his seat in Parliament that books should be had for the benefit of the public at the lowest possible price, and that no greater inducement should be held out to authors than may be necessary for securing the production of the desired works," this eminent bibliopole writes:—"Though the Parliament of 1842 refused to legislate for authors' interests merely, the influence of authors, who were of course more active than any other class in impressing their views on the Legislature, is clearly traceable in some very glaring omissions in the Copyright Act to secure for the public benefits which were in theory intended to be conferred;" and adds, with respect to Sir Walter Scott's works, as an instance:—

"It cannot be doubted that the increased sum paid by the public in the shape of monopoly price for these works, has infinitely exceeded the amount really obtained by the author's descendants. . . . It may well be doubted whether the Legislature would not have done better to have acknowledged, by a public grant to the family of the distinguished author, the benefits conferred on the country by his writings, rather than to have thus extended a monopoly."

What Lord Droughorn says in concluding his Essay, viz., "The perpetuating the monopoly of books must inevitably enhance their price beyond all bounds. . . . That there is as much reason, if not more, for exclaiming against that abuse at present as formerly, must be felt by every man who is desirous to have a tolerable library of books, and is

not possessed of a most opulent fortune," is true to the present hour, with this difference, that people have become so fast asleep on the matter that they do not remonstrate, and are not aware that they have ground for remonstrating. Yet, but for those most praiseworthy makeshifts,—Mr. Mudie and the librarians,—where would families in the upper and middle ranks see new books? As to the ranks below—the more numerous ranks—they do not see them at all. Few families possess what may fairly be called a library—an ornament and luxury immeasurably better than an array of paintings—just because books when they first come out are far too expensive, and are vended at prices so much beyond the known cost of production that they are avoided as one of the most losing of investments.¹

All this it is desirable to change if it be possible to do so. Possible it is. However advisable it may be to abolish copyright, we do not require to do so and to throw the risks of publication on men of public spirit and benevolence and piety,² who, no doubt, would soon learn to remunerate worthy authors, and to guarantee publishers against loss, for the sake of the people, in order that profitable and entertaining reading may be within easy reach. All that is wanted is to introduce into the "exploitations" of literature that facility for supplying demand which is habitual with regard to inventions. A usual course with inventions is to let whosoever will work them, that is, make and sell copies of the patented article, under an obligation to pay the patentee a royalty on each. This introduces the panacea of COMPETITION, which causes the public to be better served than if the patentee kept the manufacturing in his own hands, which he seldom does and which the recent Patent Law Amendment-Bills of the Government aimed at rendering no longer

¹ Besides, A is apt to stand aloof when otherwise he would gratify his buying propensity, by the thought how hard it is he should have a couple of guineas to pay for a book that his neighbour B manages to get for one and a half.

² Of course, even as matters stand now, it would be commendable, and well worth while for authors who can afford to dispense with copy-money, to omit from their title-page the unpleasant words, "All rights reserved," and substitute, as conveying a precious gift to their countrymen, those others, "Rights not reserved."

legally permissible. The author stands precisely in the position of a patentee, and would find advantage in doing as *he* does. Well, let every author, at any rate with respect to editions after the first, be bound to do what the Government Patent Bill would require inventors to do, *i.e.* allow anybody to reprint who is responsible and pays a fair "rateable" consideration in money for the privilege. What should the rate be? Five per cent. on the retail price would probably be about fifteen or twenty per cent. on the cost of production, which certainly looks ample. It would be competent for the author to transfer this right of taxation to the publisher of his first edition, if he deems such a proceeding to be prudent. In weighing the *pros* and *cons* of the royalty scheme, it will be borne in mind that practically the interests of author and publisher are one. Not the same are those of the public. The former, if moved by self-regardful aims—which is "normal"—will calculate whether more profit will be made at a high price than a low, more by a large margin of profit on a small number of copies than by a small one on a large number. How they determine is painfully evident on all hands. Mr. M'Culloch tells us as *apropos* of this, in his *Commercial Dictionary*, page 174—speaking of "the high price of new publications in this country, and their generally limited circulation"—"In the few instances in which books are written by popular authors, the copyright charged by the latter may form an important part of their cost. But in the vast majority of instances either nothing is set down for copyright, or the sum is too trifling to deserve notice; and in those cases the high price of books originates, as we apprehend, in an erroneous system of publishing, that is, in printing comparatively few copies of a book, and burdening them with a proportionally high price. If 500 copies of a book be printed, and if it cannot be retailed without loss for less than 12s., it might be sold for less than half that price if 1000 copies were printed . . . Nothing, at all events, can be worse than the present system;" and in a note, he explains, "The cost of setting up the types, and of adver-

tising 50 and 5000 copies is the same. The only extra expense for the larger impression being press-work and paper," the latter including binding.

The evils of preposterously long monopoly are partially lessened by a habit, more or less frequently concurred in by publishers, of issuing cheaper editions sometimes long before its expiration. These cheaper issues, however, rarely appear while the work is fresh and crisp and the public taste would most enjoy it, and while the impression it makes would be most vivid and effective. Parliament has, as we have seen, left itself a great duty to do in this matter. For the sake of printers and authors it has injured readers. It intervened to secure certain advantages to the former, but failed to do this in such a manner as to keep books reasonable in price. Hitherto the only known check on that indefinite and almost *unfelt* wrong, excessive price, has been an authority vested in certain high functionaries—but never exercised, never invoked—to reduce the price. Probably that authority no longer exists, for I do not find in the index of Copinger's *Law of Copyright* any allusion to the subject.

In the year 1709, when a Copyright Act was first passed, the population of England and Wales was 5,000,000, of whom comparatively few were book-readers and book-buyers. Scotland added about 1,050,000. Now the area over which copyright within the United Kingdom extends includes also Ireland, and embraces a population of 32,000,000, of whom a much larger and rapidly increasing proportion is able to read, and can afford to buy books. We have also millions in the Colonies and India to add to the reckoning. The privilege is thus very much more valuable. The number of potential readers or buyers is probably tenfold, possibly twenty or thirtyfold. If the compensation was adequate in 1709, it is, therefore, many times more than adequate now, only that the remuneration of all other work is now greater. Calculate that counterpoise as high as you please, we still must recognise as a great fact this vast enlargement of the field that yields the golden fruit.

We are here again brought face to face with the *principle*

on which the remuneration or compensation to authorship should be granted by the State. This transaction is not the *purchase* of a right acknowledged to belong to an author, nor *payment owing* him for a stipulated service, but a spontaneously undertaken obligation or voluntary intervention in which the State, either from gratitude, from admiration, or from policy, confers a privilege, and facilitates the sale of it to a publisher. The transaction ought not to be one-sided. It should be a defensible *contract*, with fair conditions, one of which should limit the advantage to be derived by the author, and the burden to be imposed on the public and on individual purchasers of his work. If an author is entitled to look for £500, and if the issue of 4000 copies, on each of which he receives 2s. 6d., produces him this sum, why should not the concession cease as soon as that number is sold? It may be urged that publishing partakes of the nature of a hazardous adventure, and therefore its profits ought not to be rigidly meted out. Well, then, as soon as such a number is sold as doubles or triples the £500, surely, in all good sense and fairness, the concession should cease then. Whatever greater number is subjected to royalty would be a burden on the public, a tax imposed without an adequate motive, a payment without equivalent service rendered. For my part, I think the concession ought to cease; but the scheme I present (though the modification would mightily improve it) does not provide for such an extinction, still less does it abolish monopoly. On the contrary, it gives monopoly for a time made sufficient to pay the expense and compensate for the risk of a first edition, and only then caps it with a royalty on every copy printed.

Let no one blackball the scheme as novel and impracticable, for in truth it is, except as to the length of time during which monopoly subsists, the law of the kingdom of Italy,—nor as found wanting when tried in the Colonies, for there it is only in the form of a customs' supervision and charge that the business is attempted, without the regulations and safeguards that have been indicated. Nor let

any one fear that it would lessen the profits of authors. My conviction is that they would, as a body, gain greatly.¹ Even were the case less hopeful, who will dare to impute to such "élite" a desire to postpone their individual interests to those of the community?

As to booksellers, wholesale and retail, they might look forward to an enlargement and multiplication of their transactions to which the history of the world affords no parallel, except in the rapid expansion within our own time of "the newspaper press." Helped by the legislation proposed, which, indeed, must be regarded as a requisite preliminary, they might easily cause as satisfactory and a much more salutary revolution in the traffic of literature. There is no reason in the world why, just as a newspaper after it is read is, on account of its cheapness, returned to the paper-mill (if not forestalled for kindling the domestic fire), so books, when not wanted to be bound for the bookcase, should be made serviceable in the same place without hesitation, because of their cheapness.²

Till this happy consummation arrives, let the trade at least do what in them lies to consult public convenience in every way.³ Let them not be content till every village has, along with its daily supply of newspapers, its prolific book-store and actively employed book-agency. There is

¹ Take a modern instance. The author of the *Life of Christ* commendably does not write for profit; but if he did, how much more would he have received under a royalty system of copyright—several-fold! Quotations I make abound with most promising and striking indications that authors, even if they regarded mainly their pocket interests, should hail any proposal for a change.

² Mr. James Greenwood, who "calls attention to the very common and dangerous practice of obtaining novels" (I wish he could have spoken of books of more solidity likewise being in such use) "from the circulating library for the use of invalids recovering from infectious diseases, and returning them without being properly disinfected," must applaud a suggestion that would enable the infected books to be without hesitation *bought* for the purpose, and, like infected clothes, *burnt* off-hand after they are read.

³ Should not copyright be refused to every book that comes out without an alphabetical index, wherein such an addition would be useful?

While I am sending this brochure to press, instances of the inconvenience continually experienced when one wants such help in referring to a book come before me repeatedly. I looked a good while in vain in Mill's *Political Economy*, people's edition, 1872, for his notions regarding copyright and patents. There is no index that would shorten my search. There is no index in Spencer's *Social Statics* either, nor in *The Ideas of the Day on Policy*, by the late C. Buxton, M.P., nor in Chalmers' *Political Economy*, which I have taken up while at press.

no need to lessen the size of type and put lines closer together, in order to cheapness. The margins, which make a book big and uncomfortable to hold, may be reduced by a half, the edges of course cut,—and limber, stout, glazed-paper or *cloth* used for covers, instead of the thick and gaudy boards so often seen. In that way the weight could be reduced a fourth,—and the cost likewise, by this lessened amount of material.¹ A less cost of transmission by post would be the consequence, which is a point of considerable importance, for it is by post that the earliest and easiest receipt of new books can be secured. Indeed, in many parts of the British Islands, if not most, by no other channel can books be handily got. To stimulate the distribution of literature, the Post-office, anticipating the good time coming when the nation shall have the inestimable comfort of a general parcel-post, might, with great propriety, and to no loss, reduce the rate for transmitting book packages exceeding a pound in weight. But the whole system of the trade, with its illusory big profits, its long credits, and its large and irregular discounts, should be brought into conformity with the modern system of conducting manufactures, to which this trade must more and more assimilate itself. The grand discovery in other manufacturing businesses needs to be applied to this, viz., that since there are certain elements of cost that are stationary and bear no relation to the quantity of work done and sales made, it is necessary or desirable to seek profit by multitude of articles produced and sold. For thriving concerns the rule is small profits and quick returns.

I have beside me M'Culloch's *Commercial Dictionary*, 1862, and refer to its article on "Books," at page 173. There I find three tables, exhibiting the cost of books, in the boldest of which the number printed is 1000; and on page 175, another table containing this estimate (repeated in the edition of 1875)—total of books, published annually in 1849-52, new and new editions, 4380 × 750 copies

¹ If I err in dealing with details of which I cannot be expected to be cognisant, I trust to being pardoned. What I attempt will, I hope, be done more effectively and soon by younger and abler men.

—mark the miserable number of copies (printed, not sold)—a number confirmed by the late good and shrewd Adam Black,—a name remembered with honour for services as a citizen and Member of Parliament,—in his article on “Copyright” in the *Encyclopædia Britannica*. Who will say the trade is not cruelly and preposterously dwarfed? If the trade were free, if there existed competition, we might read 75,000 where we see 750. The fact is, the bookselling fraternity has not yet learned to accommodate the goods or article it supplies to the demand,—to suit the wants and tastes of those who would be customers—frequent and large customers. It has left out of its purview the great body of buyers, most notably the lower, middle, and the working classes (*Quid rides!*), for whom it is as necessary to provide cheaply at bookshops as in lecture-halls and on railways.¹ The working millions have been very hardly used in this matter.

The same may be said of Ireland. Can any lover of his country measure the political loss the empire has sustained by the withdrawal of the power which the sister island used to enjoy and freely exercise, of reprinting English and Scotch works? How different might her condition and her leanings have been at this day but for that privation!

The self-constituted friends of authorship try to promote the cause they espouse by branding the reprinting that used to exist in Ireland, and now exists in the United States, as piracy, robbery, fraud. Their tactics have been but too successful at home. They have contrived to leaven the public mind with the misleading idea that authors have a right of property in their works after they are given forth, that is, a right to call on the State to use the strong arm of the law to enable them to enforce monopoly. There is little fear that the knowing people of the United States will be misled so as to punish themselves in order to avoid opprobrious and slanderous epithets. Yet they are far from

¹ It is true we have no great distinction in the catering of the newspaper press. The reason is plain, newspapers are sold so cheap that there is not any occasion for first and second class accommodation.

wishing to confer no grateful recognition on British authors. Let them be asked if they will consent to international copyright on the footing of royalties. They are likely enough to agree to such a proposal: but it would be nigh the height of absurdity, and surely most bungling legislation, to retain simultaneously with such an arrangement the régime of monopoly at home. It is impossible to overestimate the advantage in every way of so happy a conclusion to the long-continued growl of the literary world or of the booksellers.

By the multiplication of copies, consequent on enlargement of the outlets and area for sales, it would probably become usual in the case of most works to stereotype. This would be attended, *inter alia*, with two advantages: (1.) keeping the first set of plates at home, a second set of plates could be sent to the United States, a third to Australia, and so on; (2.) It would be no longer necessary to throw off prematurely, and hold for years as heavy stock, an unduly large number of copies.

Allow me, on the basis of the tables already referred to and of the article "Copyright" in the *Encyclopædia Britannica*, to show how grandly the cost of a book can be reduced by means of a large sale.

The cost of setting up types appears to be, for an octavo volume, about £62, 10s. This on an edition of 500 copies is 2s. 6d. each. If the number were 5000 it would be no more than 3d., if 15,000 only a penny. In the same way the cost of advertising,¹ set down as £30, is on an edition of 500 much more than a shilling a volume, but in one of 5000 less than three-halfpence. This way of presenting figures is, however, extenuative. In the *pro forma* account exhibited by Mr. Black the *sale* (which is what we have to do with) in the first year is estimated at 150, in the second 80, in the third 50; so that, even though the advertise-

¹ There is a loud call for some improvement in the current modes of advertising. The trade would do well to offer a reward to the inventor of a better system. Something might be said, too, of that quasi-advertising which is carried on by presenting copies to the periodical press (no doubt very pleasantly for the public).

ment should not be repeated after the first year, the cost would be enhanced by this item to about 2s. 3d. per copy. But this is not all, since it is (as understood) the custom of the trade to double the cost in determining what shall be the retail price, the buyer is charged not 2s. 3d. but 4s. 6d. more. How strong then is the interest of the community to see a change introduced that will increase sales!

The same may be said as to the price paid to the author for his privilege. I illustrate this point and certain others by an actual case. About forty years ago I collected a fund for prizes to elicit essays in promotion of Christian Missions. The first prize was awarded to Dr. Harris, the well-known author of *Mammon*, then extremely popular, for *The Great Commission*. Unfortunately the committee promised the author half the copyright. This, to the extent of the first 6000 copies, was disposed of to Thomas Ward & Co. for £750. That number, I presume, was never printed; but if it had been, and sold, the burden or tax included in the price of each half-guinea volume would have been 2s. 6d. plus interest (which, according to the practice of the trade already adverted to, adds to the retail sale price 5s.) If the number sold was 4000 (which I doubt), the premium for authorship was 3s. 9d. on every volume. Thus we in a very great degree missed and frustrated the object we had in view. As the term of forty-two years has not expired and the publishing firm is extinct, and as the author is deceased, the committee (if after the long lapse of time it still subsisted) cannot yet issue a shilling edition, which otherwise might have been done long long ago, and by which a very large circulation might, at the time when the work was fresh and its author at the height of his popularity, have been depended on, and much good have been done.¹

¹ Christian authors when they publish would do well to inquire whether or not copy-money, or rather copyright, will raise the price and so lessen the sale (and of course both the reproduction and the intended effect) of their work, which most probably they will find it admittedly does,—and endeavour to regulate their transactions in accordance with what they may properly think is a principle of universality and unlimitedness, applicable to printed, as primarily to oral, promulgation of the great commission contained in the concluding words of the three first Gospels, and in passages of the first and second Epistles, viz., “Going, disciple [= act as disciples to?] all the nations . . . teaching them.” “Going into

The second prize was awarded to a work of distinguished excellence by the late Dr. Hamilton of Leeds, who had not the committee to account with regarding copyright, and issued it in the ordinary way, commanding no doubt even a much smaller sale. He also is gone, and I do not know how to ascertain to whom belongs now the copyright.

I apprehend that a similar mistake has been made by disposing of the exclusive right to sell the new translation of the Bible, unfortunately without stipulation and control that will secure that it shall be sold at a moderate "living profit."¹ It was avowedly in order to sell at a moderate price that the Church of Scotland at first constituted the publication of its paraphrases a monopoly. There could be no other justification. The Presbyterian Church of England's Hymn Book is Nisbet and Co's. property.

I have in these observations made not more than a passing allusion to what after all might be the best system of publishing works of merit, that in which men of wealth would liberally compensate authors, and would guarantee the printers of first editions against loss. The time is not favourable for its ventilation. Nor have I called attention to the evil effect of the excessive (as some may think them) pecuniary inducements which the monopoly principle presents to pander to the less worthy tastes of readers. I apprehend that in this respect we should fare no better under a system of royalties.

I must, however, say a word or two as to the effect of increased sales on commerce. It would employ a large

the world all, announce the Gospel to all the creation." "Announced to all the nations, beginning at Jerusalem." "But now made manifest, by forthtelling [or forth-tellers'] writings, according to Eternal God's command, unto obedience of faith, made known to all the nations." "Ye can all speak forth, that all may learn, and all may be heartened."

The habit of disposing of control over religious books by taking copy-money is allied to another modern practice, selling or renting places in church for money. Both growths may be traced to the same root, and they are alike in fruits: a quasi-aristocracy hire books and pews, while the poor are, to say nothing unkind, very indifferently cared and provided for. When may we hope for a rivalry of religious as against secular literature to be more excellent in its line and yet be cheaper?

¹ The price to be paid by the favoured purchasers is hardly more than a single payment made by Longmans to Lord Macaulay for (chiefly) the first two volumes of his history! See Appendix.

number of people in papermaking and printing, etc.,—large businesses in this part of the kingdom, and so be a boon to the nation, such as in past years of prosperity we have made too light of. Nevertheless, the time is coming when work will be more valued. Our statesmen ought to resume the good old policy of encouraging home employment. Have we not as a nation, in our cosmopolitanism, shut our eyes to the immense difference that exists between supplying ourselves, say, *e.g.*, with shoes made in our neighbourhood over the same article made in Paris? In the latter case, we give some local dealer a profit, and, may be, some foreign agent or commercial traveller a commission, who leaves a part of his share of the spoil in an Edinburgh hotel and at the railway ticket-office, but there the participation, so far as *Britons* are concerned, ends. How different the former case. Crispin lives among us, keeps house, pays rent, has got married, has a family, employs and helps to enrich baker, butcher, grocer, tailor, sempstress, doctor, schoolmaster, and lots of other neighbours, who in their turns, for growing families, daily circulate the moneys they earn, right and left, in a never-ending series of single seeds or mere rays and drops, it may be, which contribute, like sunshine and dew, to the fertilising and gladdening of the district and our native land. Yes, it indeed is wise, in the spirit of *true political economy* (a science which includes policy that seeks the *weal of the nation*, and not simply the selfish money interest of individual loyal or unloyal subjects), to contrast the advantages of fostering manufactures at home as against those of importing foreign goods. But the question now before us is simpler far than that. It is this: a large augmentation of businesses that exist among us is within our reach, if we will but legislate so as to remove certain artificial restraints that cramp the natural home demand for books. Shall we go on year after year without an effort to obtain relief from such oppression?—No more can it be doubted that the *exportation* of printed books (to say nothing here of its civilising and Christianising power) ought to receive

special encouragement on account of the great amount of peculiarly desirable employment it causes. Notwithstanding, I believe I am correct in stating that as an article of general commerce, the merchandise of literature is not known. Merchants receive from correspondents all the world over orders for commodities innumerable, but seldom, and to a very small extent, for books. We want statistics to throw light on this branch of trade. The Board of Trade returns show that it is increasing. From 61,480 cwts., in 1868, it has risen to 85,734 in 1875, and to 75,269 in the eleven months ending 1st December 1876, which, formidable though the figures loom, after all is far below what it ought to be. I hope the Royal Commission, among its other investigations, will let us know (approximatively) what proportion is *second-hand* books (for which there has sprung up of late years an increasing demand for the Colonies and the United States), and how many *volumes* are exported. If we deduct Bibles, probably the whole number of books, new and old, exported is three millions (if it is so much), that is, only one to every fifteen English readers resident beyond the British Isles, and none left for the quota of other foreigners. But is not my guess far too flattering, for in the last, the 1854, edition of the *Encyclopædia*, Mr. Black, no mean authority, estimated the total number of new *volumes published* annually in Great Britain as "above two millions," which number may now have expanded to three millions. M'Culloch gave a million more. (See *infra*.)

It is hard to credit that, even though not a single volume were exported, the number of books provided for the British people is (of course excluding Bibles and church-books—surely school-books too?) only about *one* a year for every dozen of persons! Correct the figures with the utmost freedom of treatment, enough remains to show how very low is our ebb, and how loath the spring-tide is to rise.

The *valuation* of books exported must be too high. It is set down at above £900,000 in M'Culloch's *Dictionary*, which surely gives too low an estimate when it sets down the whole value of the books annually produced in the

United Kingdom as a third more than £574,875 ; that is, about £770,000. This, however, is a valuation on the basis of the cost of production ; the other is no doubt on the basis of selling, perhaps of retail, prices.

The commission has a grand work to do. Let it prosecute its inquiries bravely in the pursuit of justice to all and enlightenment of all, unblinded by the smoke and dust of prejudice in favour of those self-asserting and timid interests¹ and obsolete systems, which past complaisance (or *insouciance* towards growing pretensions) has allowed to pervade national legislation that ought to have for its first object, though in harmony with due consideration for authors, the preservation of the people's rights and the promotion of healthy literature. Let them do this, and tens of millions will feel an infinite debt of liveliest gratitude.

¹ I trust nobody, ungenerously and ungratefully, grudges literary men—who, however, ought not to be, or be regarded as, a distinct class or caste—the much more favourable circumstances into which social and legislative changes have conducted them since even the time of Adam Smith, who (I quote from the first edition of *The Wealth of Nations*, vol. i. p. 165) wrote :—“ Before the invention of the art of printing, the only employment by which a man of letters could make anything by his talents was that of a public teacher, or by communicating to other people the curious and useful knowledge which he had acquired himself. And this is still surely a more honourable, a more useful, and, in general, even a more profitable employment than that of writing for a bookseller, to which the art of printing has given occasion. . . . The usual recompence, however, of public and private teachers, small as it may appear, would undoubtedly be less than it is if the competition of those yet more indigent men of letters who write for bread was not taken out of the market. Before the invention of the art of printing, a scholar and a beggar seem to have been terms very nearly synonymous.”

These words were never withdrawn. They are reproduced by Mr. J. S. Mill in his *Political Economy*, book II, chap. xiv., who adds the following comments :—“ An effect nearly equivalent is now produced by a cause somewhat similar—the competition of persons, who by analogy with other arts may be called amateurs. Literary occupation is one of those pursuits in which success may be attained by persons the greater part of whose time is taken up by other employments. . . . These motives now attract into this career a great and increasing number of persons who do not need its pecuniary fruits, and who would equally resort to it if it afforded no remuneration at all. In our own country (too well-known examples), the most influential and on the whole most philosophical writer of recent times (Bentham), the greatest political economist (Ricardo), the most ephemerally celebrated and the really greatest poets (Byron and Shelley), and the most successful writer of prose fiction (Scott), were none of them authors by profession. . . . Nearly all the high departments of authorship are similarly filled. . . . Whether these considerations are not connected with something radically amiss in the idea of authorship as a profession, and whether any social arrangement under which the teachers of mankind [by the press] consist of persons giving out doctrines for hire, is suited to be, or can possibly be, a permanent thing, would be a subject well worthy of the attention of thinkers.”

The constitution of the Commission might perhaps have comprehended with advantage more distinctively the general commercial element, and particularly the philanthropic element that aims pre-eminently at the advancement of society in morality, intelligence, religion, and happiness. But the deficiency admits of being supplied in the form of evidence (which should be offered without any further loss of time), whose characteristic feature must be proof of the advantage and practicability of, not that faint competition which at present subsists languidly between publishers, who shall be most liberal to authors, but a competition nobler and more beneficent, who shall, consistently with due gratification of authors, produce the greatest number of good books at the lowest price.

Lord Macaulay is commonly referred to as an authority on the side of authors. I claim his recorded opinion as a support of the proposal I advocate. Though his Lordship favoured copyright, he abhorred monopoly, and was of all men the most likely to embrace this proposal as a promising and (if successful) a happy escape from a dilemma, which evidently occasioned him deep concern. You will judge whether I am right when you hear the following extracts from his works, vol. viii. pp. 198, 201, 213.

“Those inconveniences in truth are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly.”

“The principle of copyright is this: It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of pleasures; and never let us forget that a tax on innocent pleasures is a premium on vicious pleasures.”

“There was no copyright at Athens or Rome.”

A SCHEME FOR AMENDING THE FORM OF COPYRIGHT, SUBMITTED TO THE ROYAL COMMISSION.

[The italics show additions that have been made since the scheme appeared in *Abolition of Patents*, Longmans & Co., 1869. The foot-note was not in the scheme as submitted.]

1. THE period of exclusive privileges to continue as at present, unless any republisher demand that it shall be shortened, which he may do any time after the end of the first year, *or after the first edition is out of print*, provided he intimates to the author or assignee of the author, or their agent, at the Stationers' Hall, or other place duly appointed, that he intends to publish an edition at a lower price within a year, and also lodges there a specimen copy and a statement of the intended price. *A publisher who wishes the period of exclusive privilege to last till the first edition is out of print shall lay before an officer to be appointed, a statement in the form of an approximate estimate of the expense of making ready for sale (in which statement may be included a reasonable sum for authorship, and editing, and trade profits), along with an intimation of the intended retail price; and upon the said officer certifying that he is satisfied of the general accuracy of the statement, and of the fairness of the price intimated, it shall become unlawful to publish another edition without consent of the author, until either the first edition is exhausted, or else the wholesale price of the copies that remain unsold is paid to the publisher by the intending republisher.*¹

¹ A duly constituted authority should be at liberty proprio motu, or on the call of the competing republisher, or of an Officer of State, to ask the original publisher for a justification, if cause appear, and after hearing him, to reduce the price or the number required to be sold before competition is lawful. This regulation of the number

2. On such new edition the intending republisher shall be liable to pay in advance [five] per cent. on the retail price of the book.

3. And there shall be impressed on the first sheet of each copy a distinctive stamp approved by the Stationers' Hall, without which it shall be a penal offence to print or vend any copy. *The author may demand that the printer to be employed shall (1.) be of unblemished repute for integrity in his dealings; and (2.) shall give security for the faithful fulfilment of his obligation to print the stipulated number of copies and no more; and (3.) if required, shall pay the wage of a competent supervisor of the operation of printing and stamping.*

4. Every publisher making such an intimation shall be bound to actually publish, according to his notice, unless the author or his assignee, within six months of his receiving intimation, shall lodge at the Stationers' Hall a bond obliging himself to publish on his own account an edition

answers the case of books that are to be stereotyped, and it is hoped also of those that are, to a considerable extent, engraved or photographic. Is it not easy and desirable to go further and empower the same authority to fix—prospectively, or if this involve difficulties from which our legislators would shrink, after a given set of circumstances shall emerge, and on the demand of an intending republisher—a maximum amount of money receipts, upon the attainment of which even the royalties shall cease? For instance, the republisher might, in due form, represent that, assuming £500 as an adequate recompence for the time and labour of the author of a particular work, already by the printing of such or such a number of copies three times as much, say £1500, had been received, and have a right to demand that the authority should thereafter declare that in the interest of the public the privileges with respect to that book had ceased.

By this means a partial approach would be made to the great guiding principle that should dominate legislative recompences, both under copyright and patent law, viz., that the payment by the people, whether out of public or private revenue, shall proceed on the footing that a *measurable* debt has been contracted, and that there shall be some relation, even though it be a very rough-and-ready one, and far from approximative, between the amount of that debt (or call it the value of the service rendered, or, looking at the matter somewhat differently, the cost and labour involved in rendering the service) on the one side, and the pecuniary burden to be imposed as its equivalent or liquidator on the other side. There should be no *unlimited* right to monopoly or taxation by and for individual State favourites.

The following is from the pen of the late Mr. Watts, keeper of the printed books of the British Museum (I quote from *The Abolition of Patents*), in support of these opinions:—"We were in hopes of finding at least one other, to provide for some method of 'taxing' the price of new works, as used formerly to be done in foreign countries when a copyright was granted. A limit is proposed to be fixed to the profit of railway companies: why are authors and publishers to be allowed to demand what sums they please? When they find they have a giant's strength, they are too apt to use it like a giant."

at least as good in quality, at a price no higher ; such bond to bar any action under the provisions of Article 1.

5. No reprint to differ from the original edition, without the author's consent, either in the way of abbreviation, enlargement, or alteration of the text. *The republisher shall make any corrections and alterations, and insert any preface and notes of reasonable length, which the author may wish.*

6. If a book is out of print for a whole year, the copyright privilege to lapse.

7. By special arrangements a longer period of exclusive privilege shall be allowed for Encyclopædias, works *de luxe*, etc. *Books printed only for private circulation shall always, and, by special arrangement, books largely composed of engravings and photographs may, be exempted from liability to competition.*

8. Government to endeavour to negotiate international copyright treaties on the principle exhibited in the foregoing, with the United States and other foreign countries, in order to (*first*) the increase of the area of remuneration to authors ; and (*second*) the removal of all unnecessary obstruction to the exchange of literary productions.

9. On the completion of the above treaty or treaties, all examination and stopping of books by the Custom-house and Post-office to cease.

10. Government to endeavour to persuade foreign Governments to exempt printed matter from duty, or else to charge duty at a moderate rate by weight, and not *ad valorem*.

The British colonies to enter into the Copyright "Verein" which would be so constituted, but without any import or export duty, except in so far as proximity to the United States may render modification in Canada desirable.

In the event of such international arrangements being negotiated, the author or assignee of any copyright work to have an agent in the capital of each of the united countries, who shall be empowered to receive and give the notices, intimations, and bonds provided for in Articles 1 and 4.

I am satisfied that the system of royalties could be carried out without difficulty. Each author¹ would have a special stamp—call it, if you will, trade-mark—the use of which, required as a condition of circulation, he would authorise under such superintendence as he may think fit. No copy should be legally saleable without the stamp, just as in France no pamphlet can be sold without the Government stamp.

¹ Or publisher. The publisher's would sufficiently protect an author.

PRO FORMA ESTIMATE to be submitted to STATIONERS' HALL in registering for exclusive Sale of a first Copyright Edition of a Book.

Printing and Paper,	£274 0 0
Boarding,	140 0 0
Advertising,	60 0 0
Incidents,	20 0 0
	£494 0 0
Commission and profit of publishers,	£265 0 0
Author,	250 0 0
	515 0 0
	£1009 0 0

2000 copies.
Less 100 for presentation.

1900 at 15s.,	£1425 0 0
25 % and other allowances to the trade,	410 0 0
	£1015 0 0

On the ground that an edition of 2000 copies must be disposed of before author and publisher can receive adequate remuneration, I ask that my exclusive privilege of sale shall last until an edition of that extent has been sold.

A. B.

APPENDIX.

COPYRIGHT AND THE CUSTOM-HOUSE, A PRACTICAL SUGGESTION.
Speech to the Edinburgh Chamber of Commerce and Manu-
factures, 21st December 1876 :—

Mr. R. A. MACFIE submitted a motion on this subject as follows :—“That, even having regard to its commercial bearing, the question of copyright deserves the attention of Chambers of Commerce, especially of those which, like that of Edinburgh, comprehend many members familiar with and concerned in the very important trades of papermaking, printing, and publishing, to which a more active production of and demand for books, resulting from copyright law and practice, well adjusted, would tend to give prosperity,” and said : This subject is opportune, because there is a Royal Commission on the law of Copyright,—the law that regulates and restrains the publishing trade,—now making inquiries. It is appropriate, because this city and county are greatly concerned, not only in that trade, but in the others which it nurtures,—papermaking, the leather manufacture, bookbinding, and bookselling. This last trade is everywhere far too limited. We can, I contend, by a change of practice dependent on another change,—viz., on Copyright law,—impart to it life. As to publishing, we have some figures in the Board of Trade returns. Last year there were *exported* printed books to the *value* of £915,000. (This year the trade shows diminution.) Scrutinise these figures. They do not square with the estimate made in 1854 by Mr. M'Culloch, in his *Commercial Dictionary*, viz., a production valued at £575,000. It is true, a large part of the exportations are Bibles and second-hand books, and the valuation, there being no export duty, may be at retail prices. The *quantity exported* was 85,000 cwts. Take off half for Bibles and old books, which may be beneath the facts, and the weight is 42,500 cwts, and the number of volumes, estimating sixty to the cwt., is about two millions and a half,—that is, even though none at all went to countries which speak foreign tongues, —somewhere about one for every twenty English-speakers out of

these islands ! There again we are met with an incongruity ; for a still higher authority, Mr. Black, M.P., a former Chairman of the Chamber, in the *Encyclopædia Britannica*, estimated the whole number of *new* literary works published in Great Britain annually at "above two millions of new volumes." This was a quarter of a century ago. The number may be now set down at three millions, on the same basis. But this estimate is evidently too low, for it leaves only half a million copies for the whole readers of the United Kingdom. Mr. M'Culloch's estimate of the number in the *Commercial Dictionary* must be held more correct, viz., about two millions and a half ; but that too must be far below the mark surely, since, allowing for increase, that might raise it to three and a half millions now, and, deducting for exportation only one million, the proportion is only one *new book* to every thirteen of our population ! The smallness of the book-trade is shown in another way. Both of these estimates are formed on the supposition that the average number of books in a first edition is 750. We ought, however, to amend our proportion by reckoning in say two-thirds of the *new editions*. This brings us up to say four millions and a half, or, for home supply, three millions and a half, being little less than one volume a year for every nine of our people, or let us say one every two years to each family. There is yet another test. Let us in memory go over our friends : how few of them have libraries ; how few buy new books ! Contrast the number of books bought with the number of their newspapers, and what room does there appear for increase ! What causes the difference ? In a great degree, that books are dear. But here cause and effect act and react. They are dear chiefly because the sale is so limited. When thinking of dearness, don't let us forget that it is not so much absolute highness of price we have to contend with, as dearness in relation to cost and form of production. The expected profits are too large, —profits of authors, of publishers, of booksellers. I say, expected. If we have regard to what are realised, they are, I contend, unduly small. Then as to the form in which books are thrown on the market, is it what it should be ? If we are to have only one form and style, it should be adapted, like that of newspapers, to the million ; but why not have two forms—first and second class—to suit the millions on the one hand, and the upper ten thousand on the other ? We could easily, and should, make books up in a way more suitable for the purse, for their purpose, and for the post, which last is the proper channel for distribution in most cases. Why is not there this adaptation ? Because an old—and in other great or potentially great businesses an exploded—system of trade

is in favour in bookselling, and all because the stagnant air of monopoly infuses torpor into it. There is not adequate competition. An author is, after all, just like a farmer or builder, who has the one his produce, the other a house, to sell. What would be thought of the merchant—the desired “customer”—who, when he went to market, and, knowing that the farmer’s crop of wheat was for sale, went past the sack or stall because another merchant, forsooth, had been fortunate enough in former seasons to secure that farmer’s well-known growth? The merchant would not thrive. He would learn that such delicacy is not business. Or what would be thought of the agent who, when he had a commission to buy a house, was so sensitive that he made no offer, because he knew that a friend also wanted it and had his eye on it? The farmer and the builder would suffer by these uncommercial and unworthy diffidences. Do not authors continually suffer in substantially that very way? But there is another and a worse absence of competition,—worse, because, after all, authors may in general be safely left to look after their own interests; and worse, because the sufferers by it are ten thousand times more numerous, viz, want of competition in supplying the book-market. If A brings out a book, nobody else does, nobody else dares, bring out another and a cheaper edition for two-and-forty long years! This again, while it keeps up the price and limits the supply, unfavourably affects authors. Is there any other manufacture subjected to this dire and deadening monopoly? A strange thing connected with it is, that while all other productions can be imported, this last mode of escape from inexorbitant charges is shut. Not a copy of any privileged book may Mr. Maclaren or Mr. Robertson import. In the palmiest days of Protection we had what were called prohibitory duties, for absolute exclusion was disclaimed as being too shocking. There are not even prohibitory duties to mitigate the protectionism of literature. That is not all. Read what is said in the *Standard Library Cyclopædia of Political Knowledge*, Bohn, 1853:—

“The strict powers given by the 5 and 6 Vict. cap. 45 have been exercised rigorously by the Custom-house authorities, and found very effectual to prevent the importation into this country of the French, Belgian, German, and American reprints of popular English works; but English authors still suffer by the circulation of their reprints abroad; and a practice so destructive of the fair profits of mental labour can only be effectually repressed by prevailing on foreign countries to extend the benefits of their own laws against literary piracy to aliens as well as native authors.”

I will make this extract the text for my remaining observations, and I remark :—

First, It is a thing unique in British legislation, a thing that shows the vast power of authorship (which, indeed, has the press in its hands), or else the amiable complaisance of the British public, that all our Custom-house establishments should be turned into spies and inquisitors for behoof, not of the State, not of the people, but of private individuals.¹ What a work these prostituted officials have had set before them! Consider only its magnitude. Besides pamphlets innumerable, and to say nothing of musical compositions, they must be guardians of the pocket-interests of the authors of how many books, think you? If the number published is only 4000 a year, this, extended over forty-two years, is 168,000!² But that is not the whole difficulty. Those ubiquitous and omniscient gentlemen, or their underlings, are not only to know in what year any particular book was published, so as to determine whether to seize or to let it pass unchallenged if the forty-two years have expired, but whether the author, whoever he may be, is deceased, for if he is yet alive, even the lapse of the forty-two years does not free his writings from this cruel ban! I would do away with a requirement so unlike anything we call British, and, since protectionism is to dominate, impose a high fixed duty on all printed matter in the English language,—even, if you like, a shilling a pound.³ If this protection is not thought ample, it ought to be.

¹ The following paragraph, which the *Daily Review* has extracted from one of its contemporaries, indicates that the troubles of copyright begin to be felt in new ways and very near our homes :—

“COPYRIGHT IN SONGS.—All persons singing in public (says a London correspondent) for charitable or any other object had better beware of Balfe’s and Wallace’s music. Even so well known a song as ‘Sweet Spirit, hear my Prayer,’ will get the singer of it into trouble, unless he has gone through an infinity of trouble previously in order to render himself safe. There is a certain ‘protection office’ in the North of London, which is on the look-out for all persons who sing that and many other popular songs, such as ‘I dreamt that I dwelt in marble halls,’ ‘Let me like a soldier fall,’ ‘When other lips,’ ‘The heart bowed down,’ ‘The magic-wove scarf;’ and a lady who sang one of the forbidden songs for a charity lately received from this protection society a claim for 40s., without prejudice to a further demand of equal amount, for singing the words without getting the author’s leave and paying a fee. Unfortunately, it is very difficult to know what songs are copyright in this extended sense. That any such copyright should exist seems monstrous. As well might a poet publish a volume with the condition that no poem is to be read aloud at a school treat or a penny reading.’

² The Act requires authors or publishers who desire their books to be stopped to send the Commissioners of Customs notice in writing. Probably few such notices are actually given.

³ The principle of this suggestion—a fixed duty—is well supported. Mr. Black in the *Encyclopædia Britannica*, in the article already referred to, writes :—“With the view of remedying this evil, the British Legislature passed an Act in 1838 for securing to authors, in certain cases, the benefit of international copyright. In conformity with this statute, conventions have been entered into with France,

If, however, cent. per cent. does not satisfy, make it more. Double it rather than perpetuate present evils. *Second*, Notice a very bold avowal, that the revellers in literary monopoly are not content with the complete and price-raising monopoly they have at home, but aimed (in part successfully) at extending it to the Continent and America, using as an argument the pretty epithet, "piracy." To what extent they have accomplished their aim I do not know. But let us go so far along with them nevertheless. They move in a right direction, only they go too far. They ask something right, but they ask too much—too much to be fair, say I; too much to expect, say you. If they will try the United States,¹ the chief reprinting country, with an offer to abandon their claim for monopoly, and accept a royalty of five per cent. on retail prices, they might succeed, and they ought. Why not try this? But it would be wrong, though not without precedent in literature (which, strange to say, has been allowed to take extraordinary, if not improper liberties), to give to foreign countries the benefit of an improvement, and not to introduce it at home. The system of paying authors by royalties is quite common. It is the established

Prussia, Saxony, Hanover, Brunswick, and some others, by which it is agreed that the authors in the two contracting states shall, 'with regard to any such work or articles first published in either of the two states, enjoy in the other the same privilege of copyright, as would by law be enjoyed by the author, inventor, designer, or engraver of a similar work if first published in such other state, together with the same legal remedies and protection against piracy and unauthorized republication.' Certain regulations are provided for the purpose of giving effect to this general principle, and moderate duties on importation are agreed to, viz. :—

Works originally produced in the United Kingdom, and republished in —, the cwt.,	£2 10 0
Works not originally produced in the United Kingdom,	0 15 0
Prints or drawings, plain or coloured, each	0 0 0½
Bound or sewed, the dozen,	0 0 1¼

It is to be regretted that the offer of Great Britain to enter into treaties for the establishment of international copyright has been accepted by so few; especially that the United States of America should have refused to reciprocate in the protection of literary property. . . . Were both countries to agree to protect literary property, and to permit importation on the payment of moderate duties, such as those stated above, not only would authors receive the just reward of their labours, but the booksellers would be enabled to carry on a larger and less hazardous trade, and the public would be more extensively benefited. Many valuable books are published in Britain which have a limited sale; and these no American bookseller would reprint, since if he were to import copies, he must pay a high duty, which, when added to the original price, effectually checks the sale. Could the publisher calculate on both the British and American market, open and unfettered, he could remunerate the author more highly, the edition might be larger, and the cost of paper and print smaller; and the public would receive the benefit of this free intercommunion."

¹ Beton and Wagner estimate the population of the United Kingdom, in 1876, at about 33½ millions, that of the United States at not quite 40 millions.

usage in the working of patents, and it can easily and efficiently be applied as a system. It would, almost to a certainty, bring in more money to authors, while it would bring into the publishing trade the healthy breezes of competition.

My proposition, stated roundly, is this: After a given time, within a year, or after exhaustion of the first edition, any publisher shall be at liberty to reprint who pays in advance five per cent. on the retail price of the intended new edition. There are several conditions to secure the interests of all the parties, and provisions that will prevent the possibility of frauds that would injure authors. You will, I hope, now establish the *principle* of the proposition. Details as to its application must be left till another time. Meantime I think you may rest assured that no real difficulty will be experienced.

It would bring literature to the door of every cottage, and, in doing so, would elevate the people and provide an excellent counteractive against those habits and haunts that debase and debilitate. Few causes are more benevolent. The Temperance Societies have here an instrument quite as worthy, and quite as hopeful, as their too exclusively fondled Permissive Bill. If this reform, notwithstanding all that can be urged, should not be desired by authors, who may be timid, let me remind you of two things, first, that authors are not a class or caste, they are of ourselves, or at anyrate they are, or the best of them are, philanthropic and public-spirited men of intelligence, who write, not for profit, which they often don't need, but because it gratifies some of their noblest propensities and best impulses; and second, seeing what is called literary "property" is not property except as created so by legislation, but is privilege granted for countervailing considerations, is temporary enclosing of a part of the public domain on certain conditions, a duty rests on the Legislature to see, and the interest of the nation demands, that the considerations are really sufficient, the conditions really equitable. If authors render the people a *service*, let us remunerate liberally, only not in the form of making them collectors of an unlimited tax; if we owe them a *debt*, let it be paid, but, being a debt, its amount must admit of reckoning; if they have done us a *favour*, let not Parliament or Government, in the return favour it enacts, be lavish of the people's money. The people will not act meanly—they will compensate right royally. Surely the *literati*, who are the very aristocracy of our citizenship, will on their side respond worthily. Will not the literary Muse, a ministrant too pure and benign to be a *meretrix* and *venatrix* victimiser, become the self-unasserting, unobtrusive *vis medicatrix* vitaliser of the body politic?

Gentlemen, I trust that you will pass my resolution. It simply states that there is room for a better system of remunerating authors than the present, in which the worst books too often pay best, and under which trades most important to this district are affected unfavourably; but the natural consequence of adopting it will, no doubt, be to induce our Directors to consider whether they cannot, through the Commission now at work, promote reform, even though that reform be less thorough and radical, or less novel and ambitious, than that which I press, confident of its merits but conscious that its advocate does them but imperfect justice.

Mr. T. J. BOYD, the eminent publisher, though he does not concur in the views of Mr. Macfie, was good enough to second the motion, and mentioned a thing very generally known, that "What was wanted was an international copyright law with the United States of America, but all attempts made to get this have hitherto failed. The reason was that *British works are reprinted there at a very low price*, and the Americans are unwilling to enter into any arrangement which would have the object of raising the price, and of course if authors were to be paid this would be the result. . . . To compete with the works of the British authors *they have to publish their own books at a low price.*"

To the above it is only necessary to add that our legislators look as if they held the officers of the Customs in queer esteem. These honoured gentlemen are to stop all copyright books, and, I presume, musical compositions. How many of the latter they are to know something of, there is not any return to tell. But we may suppose the number of books and pamphlets issued in a year is 5000, which, multiplied by 42, the number of years, gives a total of 210,000, whereto must be added the further number appertaining to authors who survive the 42 years' term. Should not Stationers' Hall supply each officer with a copy of *Men of the Time*, or some *Dictionnaire des Contemporains*, else how can it be known which works retain the privilege? How has the Post-office escaped subjection to this *detective duty*?

3d Jan. 1877.—Since writing the foregoing, I am favoured with a copy of one of the folio volumes which the London Custom-house issues, and sends to the several custom-houses, containing "A list of works (alphabetically arranged) in respect of which notice has been given," etc. It is for the year 1868, and contains 231 pages, one-half of them being blank, in order that thereon may be

recorded, in writing, by the officers, the additions that are from time to time made by circular, sometimes more than once a month. The list contains about two thousand five hundred books. As Scotch owners of copyright I find Messrs. Black, Blackwood, Oliver & Boyd, and Constable. Among authors who retain,—with respect to most of them we must say, retained,—copyright entirely in their own hands, are J. C. Loudon, Dr. A. K. H. Boyd, Dr. Legge, Dr. Hook, the Archbishop of Dublin, J. S. Mill, Mrs. Marcet, G. P. R. James, Justice Grove, Rev. D. E. Ford, Harriet Martineau, Henry Reeve, Wm. Howitt, Henry Hallam, J. R. M'Culloch, Sir F. B. Head, Sir James Clark; while George Eliot, Lord Lytton, Charles Kingsley, W. E. Aytoun, George Gilfillan, Charles Dickens, Theodore Martin, Frederika Bremer, Elizabeth Browning held jointly with their publishers. The next complete list, due in 1878, will be scanned with attention.

The completeness with which copyright books are excluded deserves to be noticed. The following is the practice of the Customs :—

“Foreign reprints of copyright books are absolutely prohibited to be imported by the Customs Law. Single copies, therefore, brought by passengers in their hands or their luggage are liable to seizure, and are detained if discovered; nor would any cutting or defacing, or any inscription of the owner's name, relieve them from their legal liability to forfeiture.”

I was surprised that such should be the practice, for the Act 5 & 6 Vict., c. 45, prohibits the importation of only books for *sale* or *hire*. The prohibition, for aught that appears, became law unobserved, under a clause containing “A Table of Prohibitions and Restrictions inwards” of a *Customs Act*, clauses 46 and 160 of which contain the provision for giving effect to what I conclude was an innovation.

The ingenuous reader will remember that the advocates for international copyright virtually demand that the United States should institute or perpetuate grievances of this sort. How much simpler a high fixed duty.

ON PROPERTY PROPERLY SO CALLED, AND THE MEANING
OF THE WORD WHEN USED IN CONNECTION WITH
LITERATURE.

WOULD that scientific treatment were applied to this subject, so as to pull up by the roots the heresy that the contents of a book, after being given to the world, which it is by the act of publishing (*i.e.* making public property), is truly *property*, a thing legitimately and actually appropriable, and as such can still remain the property of only the author, in the accurate sense of the word. He does not stand alone if law, conformable to nature, does not reconcile giving away and keeping. The sportsman who rears game-birds, and in autumn allows them to fly in the open air of heaven, far beyond the bounds of his estate, relinquishes the exclusive right which was his as long as they were confined in his coops or within his preserves, and cannot complain of a legal wrong if neighbours, coming across them on their own grounds, avail themselves of the advantage which his care presents. Nor has he much cause to complain. He is one of a *set* of men who, on the whole and in the end, have justice substantially done them. Law ignores his particular claim. His turn comes when the birds reared by his neighbours fly within range of *his* gun. To tie red strings round the neck or leg would hardly entitle him to re-claim the birds, because these are classed with *feræ naturæ*. If they are sent him back, it is a voluntary act of courtesy. So with literature, but with this difference, the birds are identifiably reared beyond question on a particular domain; the books, *i.e.* the copies, are with equal certainty produced beyond the domain of the authors. They do indeed somewhat resemble birds hatched from eggs for which thanks are acknowledged to be due to a male bird of the preserving sportsman. Perhaps there is no analogy nearer than that between the author or publisher and the lessee of a shooting. The reader may follow up the points of resemblance for himself.

Again, a book may be compared to an *art* or a *secret*, say, *e.g.*, a secret process, which a person may keep or even sell. When it is published, he may still take money for repeating it, but the law gives him no claim, and will not help him to enforce a claim where there is not a stipulation or contract entered into, even though

knowledge of the *quondam* secret is of great pecuniary advantage to those who hear it after it is made public. No doubt the State has instituted for such a case patent-right, a privilege exactly like (though perhaps not on grounds so defensible as) copyright.

Two essential characters of property are these—first, it *does not originate in, nor depend on, legislation*. If A and B live in a desert island and on the ocean-shore, both might hunt and fish, and what each catches is admittedly his own, and he is able to keep as his own by the use of his own eyes and fists, although the island were under no government whatsoever. Suppose A to invent a new trap by which he doubles his catch of wild animals, or to discover a bank on which he takes double the number of fish, he has no right to prevent B from adopting the invention or resorting to the bank, although it is from A entirely that the information about them proceeded. If they had come to an agreement that the one who invents or discovers shall be entitled to exclusively benefit by the knowledge, even if communicated, the case is one of *contract*, not of *property*. If the island were part of a kingdom where the law gives a first inventor and a first discoverer *ipso facto* such a title, it would be a case of *privilege*, a *grant*, a matter of statute law.

Second, such property is *localisable, individual, and personal*. By this I mean that before there can be a trespass on property, there must, wherever it is committed, be some ground belonging to the person against whom it is committed, and which he is entitled to claim as his own; before there is abstraction, there must be a place or proprietor from which the offence of abstracting is committed. If *restoration*, as of a bird that has flown away, is claimed, it must be a particular and individual bird. A table, a house, the plot of land on which a house is built, are property, but possession of any one table or house or plot does not entitle its owner to prevent other people from possessing elsewhere a table, house, or plot. Yet this is the pretension of the maintainers of a natural right of literary property.

There may be a river running through the land, on which there is a ferry-right. That right, though originating in contract or privilege, partakes of the character of property; it is limited to a particular person or place, and can be exercised without leave of anybody else, and without affecting the rights of other people: it is enforceable without trespassing on any property of others. It could not, without injury or offence to other persons, extend beyond his own land and banks, for to guard *that* right, and work that concession, the grantee must interfere with the rights of

his neighbour riparian proprietors, which rights entitle them to prevent him, as being a trespasser, from coming to river banks which are not his property. We can conceive a case, say, in the colonies, where one of the banks opposite or beyond the ferry owner's land is not in the hands of private proprietors but of the government or a municipality. They of course, have the same rights as the individual riparian neighbours, whom we have supposed to be proprietors. If, notwithstanding, a ferry right exists, plainly it is exercised not on the basis of proprietorship and in virtue of the power that proprietorship gives, but as a privilege, grant, or concession at some time acquired from the public. No individual author—not even authors as a body—can point to any early grant in virtue of which a monopoly or exclusive privilege belongs, or ought to be made over to them. They are precluded from founding copyright on the plea of its being property in its nature, and obviously so, since the power or right to copy is not a power or right which, like that of sitting on a chair, or using a house, or profiting by a piece of land, is in the nature of the case limitable, and indeed requires to be limited, both for public and private advantage, to one person or a few persons. Everybody would suffer, if, in these cases, there was "*community*" instead of property. It is the reverse as to literature. The greater the number of persons who use and enjoy a book (not a particular copy, for that is true property and comes under the rule applicable to property, but the *right* to make and read copies), the better: *they* benefit by this "*community*;" the State benefits. The enjoyment is universal, whereas copyright, that is, the power and right to prevent other persons from using their natural right and power to copy, is in its very essence a curtailment both of the public and the private domains,—is interference with antecedent liberty and rights presumably beneficial to the public as well as individuals, which it would be criminal for anybody to attempt without a concession from the State.

The State surrenders a very valuable right and power, that of its citizens to print and to import almost the whole current literature of the period, and thereby it imposes on them a very heavy tax.

In other words, it is a State privilege, and as such, it can be legitimately conferred only with some public purpose in view, or for some public service sufficient to justify it. The State reserves, and its officers are bound in faithfulness to exercise, its title to dictate terms by imposing conditions on which it is to be held. The State is a duly constituted authoritative mediator and umpire—to balance and reconcile two interests, diverse or conflicting, both of which it seeks to promote. After the misapprehension is removed

as to the true character of copyright, the way is open for establishing the principle—a neglected though important one—which it involves, that concessions of copyright ought to be discriminative, and not the same for all books, whatever the labour with which they have been elaborated, and the cost at which they have been produced. A way to bring this principle into play, the note on page 52 partially indicates. No doubt some bolder course would attain the end better. This much is clear, that although it should be imperfect, there would be satisfaction felt in seeing an attempt made, and that any result must be an improvement on the present utter indiscriminateness, in which one book without any claim for distinguished favour brings to its publisher and author a little fortune, while another which merits the highest consideration, brings them almost nothing.

We are led to the conclusion that nothing can be legitimately regarded as property which, first, is capable of being held or used by an unlimited number of persons at one time; or, second, if held, or practised, or used, by an unlimited number of persons, would be, or tend to be, sensibly less productive, or less enjoyed by mankind. The right to copy *can* be held or used by an unlimited number; its being held or used by a limited number *would* tend to diminish the enjoyment or use of it by a certain portion of mankind, and therefore it is not appropriable; it may, however, be granted as a *privilege* by the State in any case where the granting would in some way confer an equivalent advantage.

Unquestionably the advantage of copyright is largely participated in by the publisher. Originally, as has been shown, what has now established itself as copyright appears to have been something very different, viz., a monopoly granted to persons who were intending to print, in order to guarantee them against competition for a time long enough to warrant their outlay. In the centuries of which we speak few books had the light and lively character of those that form the staple of modern literature. The population that then constituted Europe was inconsiderable, the proportion of persons able to read, able to buy, and inclined to possess such books (there were no Mudies), was less than now. Our present means of making the existence and merit of a book known were undeveloped; the time required for ordering and obtaining a book was long. It was to be lent after the buyer himself read it: the borrower had but rare opportunities to get it and to return it. In these circumstances, a period of several years was perhaps not greater than the same number of months would be now. The wonted term was probably in practice not more

an was required for an *edition*. If the law had recognised this, and had enacted specifically that the monopoly should last till the first edition was out of print, very likely all publishers would have been satisfied. Length of time may be supposed to have introduced a question why the residuary advantage, which would in most cases accrue, at least in the case of books which we might call "popular," should belong to *them*. It should rather, most people would contend, belong to the authors. Thus the transition was natural and easy from regard for only the safety of the venture to regard for the remuneration of authors. Was not this the way in which copyright arose? and did not the introduction of a hypothetical notion of *right* encourage authors, or rather booksellers, to conceive of *property* in books? As Lord Dreghorn tells, the war that last century was waged, though fought under the flag of authors, was really one for the interest of publishers. Even at this day, when authors are sometimes recompensed splendidly, it would be bold to assert that, with all their extended privileges, they, on the whole, fare remarkably well. An estimate should be made of the total amount received by authors annually. Take any single book, and calculate how much its author gets compared with the burden thrown on the public. Would we be surprised to find that not a third of what is added to its price, in consequence of copy-money, reaches him? What is the burden the public has to bear? At first glance there comes into view the extra price just mentioned. Assume the number of books liable to copy-money that are sold annually at only two millions, and assume that extra price to be five shillings each, here is a burden of a *million pounds*, of which, let us say, £300,000 reaches authors!¹ Of course these figures may be wide of the mark, in absence of reliable data. If so, will publishers exhibit a more correct statement? But the extra price thus "totted up" is not the heaviest part of the cost to the public. We have to consider the influence that habituation with a mischievous system exerts to make *all* books dear and to prevent leading publishing houses from striking out on the American system (in which, I suppose,

¹ In order to discover guiding truth, light should be thrown into the darkness of another part of the question, viz., in what *proportions* this very large sum is distributed among the favoured recipients of this national generosity or appreciativeness. The chance is that a few receive large prizes, and most of the other prizes are small, among innumerable blanks, in a lottery where labour and merit and intrinsic excellence are not seen by the blind, and according to the rule of lot unrecognising and non-judging, turner of the wheel of fortune. Is this a sensible mode of applying the people's money? One that stimulates the application of talent to the high aims which such a transference of power to tax us all ought to honour and foster?

books are got up less expensively and sold more cheaply), and *the loss of knowledge, religion, and happiness* that ensue.

A philanthropist may well be grieved when he sees in books of high repute lately written, extremely loose theories and wild assumptions regarding the foundations and limits of "literary property." A chapter of Mr. Herbert Spencer's *Social Statics*¹ has for its title "Literary Property;" but what does he mean by property? Something different from other people, it is evident, for the chapter that comes next is headed "Property in character!" as if a man could transfer his character to another; for, if he cannot, as property, it is no better than a shadow, as unsubstantial and as inappropiable. There is a great deal of the eloquence of the platform and the style of pleader before a jury in the chapter we are concerned with. We find less declamation in the first paragraph, but can it be credited with more logical force? Let me quote it:—

"It is tolerably self-evident that no violation of the law of equal freedom is committed in the acquisition of knowledge—that knowledge, at least, which is open to all. A man may read, hear, and observe to as great an extent as he pleases, without in the least diminishing the liberty of others to do the like—in fact, without affecting the condition of others in any way. It is clear, too, that the knowledge thus obtained may be digested, re-organised, or combined afresh, and new knowledge eduved from it by its possessor, without the rights of his fellows being thereby trespassed upon. And it is further manifest, that the moral law permits a man who has by his intellectual labour obtained such new knowledge, to keep it for his own exclusive use, or claim it as his private property. He who does this, in no degree exceeds the prescribed

¹ Mr. H. Spencer's *Social Statics*, chap. xi. § 1:—"Seeing, therefore, that a man may claim the exclusive use of his original ideas without overstepping the boundaries of equal freedom, it follows that he has a *right* so to claim them; or in other words, such ideas are his property." With all due respect to the philosopher, I fail to acquiesce in the above "therefore." The inference he draws has no basis to rest on, as any one will see who reads what goes before in the chapter. No doubt the "ideas" are the hypothetical personage's "property," his for "use," but why his exclusive property, and for his exclusive use? How can the philosopher assert that to "claim the exclusive use" is not "overstepping the bounds of equal freedom?" The views of Mr. Mill approach soundness of doctrine—which is also sound practice—when he says in his *Political Economy*, book v. chap. x. § 4.—"In the closely analogous one of copyright, it would be a gross immorality in the law to set everybody free to use a person's work without his consent, and without giving him an equivalent." Though wondering how this philosopher too perverts (if I may use that strong term without offence), when he calls continued enjoyment of a liberty which nature and morality insure, *setting free*, I am well satisfied with the claim as he presents it, which is for "an equivalent." A measured recompence, heaped up, pressed down, and running over, by all means let authors have.

limits of individual freedom. He abridges no one's liberty of action. Every other person retains as much scope for thought and deed as before. And each is free to acquire the same facts—to elaborate from them, *if he can*, the same new ideas—and in a similar manner employ those new ideas for his private advantage. Seeing, therefore, that a man may claim the exclusive use of his original ideas without overstepping the boundaries of equal freedom, it follows that he has a *right* so to claim them ; or, in other words, such ideas are his property.”

Subjoined are extracts from an author whose views on property are, if I am entitled to speak after a glance, peculiar, in a direction very different from Mr. Spencer's, *Les Majorats Littéraires*, edition 1868. I see nothing in the work that directly or at all conflicts with the object of the present brochure.

“ La question, en effet, est de savoir, non pas si l'homme de lettres, l'inventeur ou l'artiste, a droit à une rémunération de son œuvre : qui donc songe à refuser un morceau de pain au poète, pas plus qu'au colon partiaire ? On devrait, une fois pour toutes, bannir du débat cette question odieuse, texte aux déclamations les plus ridicules. Ce que nous avons à déterminer, c'est de quelle nature est le droit de l'écrivain, de quelle manière se fera la rémunération de son travail ; si et comment ce travail pourrait donner naissance à une propriété analogue à la propriété foncière, ainsi que le prétendent les pétitionnaires du monopole et que le croyait en 1844 le prince Louis-Napoléon ; ou si la création d'une propriété intellectuelle à l'instar de la propriété foncière ne repose pas sur une fausse assimilation, sur une fausse analogie.

“ Raisonnant par premier aperçu et d'après une généralisation mal faite, les partisans du monopole disent oui. Je déclare, après un examen attentif de leur argumentation, et sur la foi d'une analyse dont le lecteur va être juge, que non.”

“ Son œuvre est un *produit*, lequel produit, introduit dans la circulation, ouvre crédit à une indemnité, rémunération, salaire ou paiement, je ne discute pas en ce moment sur le terme.”

“ 3.—Droit du producteur sur le produit.—Que l'idée de production n'implique pas celle de propriété.

“ Remontant aux principes de cette production, nous arrivons à deux termes, de la combinaison desquels est résulté le produit : d'un côté, le travail ; de l'autre, un fonds, qui pour le cultivateur est le monde physique, la terre, pour l'homme de lettres le monde intellectuel, l'esprit. Le monde terrestre ayant été partagé, chacune des parts sur lesquelles les cultivateurs font venir leurs

récoltes a été dite *propriété foncière*, ou simplement propriété, chose très-différente du produit, puisqu'elle lui préexiste."

"Serait-ce par hasard le produit même de l'écrivain, serait-ce le livre, conquête du génie, qui, détaché du fonds commun intellectuel, va devenir à son tour un fonds d'exploitation, une propriété? Comment par quels rapports sociaux, par quelle fiction de la loi, en vertu de quels motifs s'opérera cette métamorphose?"

"C'est donc par l'échange que tout produit ou service reçoit sa *valeur*; c'est par l'échange que naît pour toutes les catégories de la production l'idée de rémunération, paiement, salaire, gage, indemnité, etc.

La propriété, j'entends toujours par ce mot cette propriété foncière, domaniale, dont le partage de la terre nous a donné une idée si nette, et à laquelle il s'agit de créer un analogue dans l'ordre intellectuel; la propriété, dis-je, que nous avons vue ne pouvoir sortir de la production, peut-elle naître de l'échange? C'est ce que nous avons maintenant à examiner.

"Les lois de l'échange sont : que les produits s'échangent les uns contre les autres; que leur évaluation ou compensation a lieu dans un débat contradictoire et libre, désigné par les mots *offre et demande*; que, l'échange opéré, chaque échangiste devient maître de ce qu'il a acquis comme il l'était de son propre produit, en sorte que, la livraison faite et l'échange consommé, les parties ne se doivent rien."

"Mais entre ces produits et l'œuvre de génie qui est une idée, idée que la consommation semble, au premier abord, laisser toujours entière, et dont la communication, faite premièrement à un seul, peut se répandre à l'infini sans l'intervention du producteur, l'échange ne paraît plus d'une pratique aussi sûre; le législateur hésite, et plus d'une fois les intéressés ont crié, celui-ci à l'exagération, celui-là à l'ingratitude."

"Passons à l'écrivain. D'après ce qui vient d'être dit, il est clair que si l'écrivain était fonctionnaire public, sa rémunération n'offrirait pas la moindre difficulté. Il serait traité comme le professeur d'Université, comme le magistrat, l'administrateur, le prêtre, qui tous font comme lui œuvre de génie."

"Existe-t-il un livre qui se soit débité à un plus grand nombre d'exemplaires que l'Évangile, et dont l'auteur soit demeuré plus pauvre que Jésus-Christ?"

"D'après la théorie de MM. de Lamartine, Laboulaye, J. Simon, F. Passy et *tutti quanti*, l'Évangile étant la propriété de Jésus-Christ, l'Église son héritière, les apôtres et leurs successeurs auraient eu le privilège, à perpétuité, de la vente des sermons sur la mon-

tagne, des paraboles, en un mot, de tous les dits et gestes du Christ, et tout chrétien, pour lire le Nouveau Testament, aurait dû, jusqu'à la fin des siècles, payer une prime.

“ Jésus ne l'entend pas ainsi. Il sait, et en cela il est plus profond économiste que les disciples de Malthus, que l'argent et la religion sont valeurs incommensurables, et il répond à ses disciples : *Vous mangerez ce que vous trouverez.* Ce que vous avez reçu en grâce, donnez-le gratuitement : *Gratum accepistis, gratis date.* Plus positif, plus fier encore, et déjà moins confiant en l'hospitalité des néophytes, Paul prend un parti énergique : donant ses *Epîtres* et sa prédication pour rien, il gagne son pain en fabriquant des tentes.”

“ Il en est du philosophe comme du législateur, comme du magistrat, comme du prêtre : sa vraie récompense est dans la vérité qu'il annonce.”

“ C'est pourquoi je repousse, comme une offense à la tribune tant sacrée que profane, et un blasphème contre la science, les paroles de la *Commission mixte* dont je parlais tout à l'heure : ‘ Les professeurs, les prédicateurs ne doivent au public que leur *parole* : à eux seuls appartient le droit de la reproduire (en vue du gain) par l'impression.’ Triste sophisme, qui ne pouvait se produire qu'à une époque de vénalité et de décadence.”

“ Se figure-t-on le roi David levant un tribut sur les *Psaumes* ; l'architecte Hiram percevant un péage à l'entrée du temple ; Bossuet tirant un casuel de ses *Oraisons funèbres*.”

“ Tout auteur qui, pouvant vivre de son patrimoine, tire un sou de ses écrits, se rend, en principe, coupable d'indignité. Indemnisé par la naissance et la fortune, il se devrait à lui-même de repousser, du titre de ses œuvres, tout supplément de revenu, s'il n'était arrêté par la crainte d'humilier ses confrères moins heureux. C'est l'humiliation de l'écrivain pauvre, en effet, de se sentir obligé, pour remplir sa mission, de réclamer un émolument.”

“ L'art de vendre un manuscrit, d'exploiter une réputation, d'ailleurs surfaite, de pressurer la curiosité et l'engouement du public, l'agiotage littéraire, pour le nommer par son nom, a été poussé de nos jours à un degré inouï. D'abord, il n'y a plus de critique : les gens de lettres forment caste ; tout ce qui écrit dans les journaux et les revues devient complice de la spéculation. . . . Mais le grand moyen de succès est le haut prix auquel se vendent les auteurs. On annonce que tel ouvrage, impatientement attendu, annoncé avec mystère, va enfin paraître : l'auteur a traité avec telle maison de libraire pour le prix de 30,000, 100,000, 250,000 et 500,000 fr. Il existe, à ce qu'il paraît, des exemples de pareils marchés. Le plus souvent, chose dont on a garde d'informer le

public, ces prix fabuleux sont payés par une commandite dans laquelle l'auteur entre pour la plus forte part, en sorte que, liquidation faite, il lui revient le dixième de la somme annoncée. . . . La primeur en littérature est toujours chère : on commence par attaquer les grosses bourses, après quoi l'on s'adresse aux petites. Alors on change format, caractères, papier, mise en pages. Tel ouvrage vendu 15 fr., en deux tomes, à ses débuts, s'est donné six mois après, en un seul volume, pour 3 fr. Difference, 80 0/0."

" En vertu de je ne sais quelle loi de 1791, confirmée dans ces dernières années par arrêt de Cour impériale, les livres liturgiques sont devenus propriété épiscopale. Dans tel diocèse ils se vendent au bénéfice de l'archevêche ; dans tous les cas, nul n'a droit de les vendre qu'avec la permission du prélat. Une conséquence de cette appropriation, c'est que les livres de prières se ressemblent tous ; en sorte que le fidèle ne peut prier Dieu que suivant la forme prescrite et dans les termes indiqués par le supérieur ecclésiastique."

" Il est possible que l'impôt sur les livres n'en arrête pas d'abord la circulation : avec le temps, l'effet moral sera terrible. En décidant, par le double fait de l'appropriation et de l'impôt, que toutes les choses qui, jusqu'à ce jour, avaient paru sacro-saintes aux nations, inviolables au fisc, étrangères au trafic, seront à l'avenir réputées choses d'utilité simple, partant vendables, imposables, appropriables, vous aurez d'un trait de plume produit dans l'ordre moral la plus épouvantable révolution."

" Il n'y a pas, il ne peut pas y avoir de propriété littéraire analogue à la propriété foncière. Une semblable propriété est contraire à tous les principes de l'économie politique ; elle n'est donnée ni par la notion de *produit*, ni par celles d'*échange*, de *crédit*, de *capital* ou d'*intérêt*, et ne saurait résulter de leur application. Le service de l'écrivain, considéré du point de vue économique et utilitaire, se résout en un contrat, exprimé ou tacite, d'échange de service ou produit, lequel échange implique que l'œuvre du génie, rémunérée par un privilège de vente temporaire, devient propriété publique du jour de la publication.

" Relativement au domaine intellectuel, sur lequel seul pourrait être constituée, à titre gratuit bien entendu, une nouvelle espèce de propriété, ce domaine est essentiellement, par nature et destination, inappropriable, placé hors de la sphère de l'égoïsme et de la vénalité. De même que la religion et la justice, la science, la poésie et l'art se corrompent en entrant dans le trafic et en se soumettant à la loi des intérêts. Pour mieux dire, leur distribution et leur rémunération suivent une loi contraire à celle qui régit la distribution et la rémunération de l'industrie."

(I do not remember, except the desultory exhibition in the *Encyclopædia Britannica*, any English argument on the theory by which *property* is claimed for authors. There are no doubt pamphlets if not bulkier treatises on the subject somewhere to be seen. I therefore produce a few extracts from an American work. Its fallacies are obvious.)

Extracts from Curtis's *Treatise on the Law of Copyright*. London and Boston, 1847.

"First, then, the definition of property, on which mankind are agreed, is, that it embraces what is not common to the whole race but belongs to a less number than the whole human family, whether one or more individuals. . . . An exclusive title, which embraces the right to use and the right to exclude all others both from use and possession, and the right to transmit both use and possession to others, constitutes property, in the sense in which all mankind are agreed, implying the total separation of the object itself from a community of goods.

"In the second place, all property possesses two uses, or qualities. First, it implies the right of possession and use, which constitutes a part of the ownership, or appropriation of the individual. This right of possession and use is full and exclusive. The object may be enjoyed by the individual in any mode consistent with the general welfare; a limitation which does not arise from any inherent defect in the right itself, but is imposed upon it from without. Secondly, property implies the faculty of transmission, by exchange, or sale, or gift. . . . But, as the original owner may grant the whole unrestricted right of possession and use, so it follows that he may grant a less right than he himself enjoyed, by restricting or qualifying the use.

"In the third place, property may be in everything capable of these uses. Whatever admits of occupancy and of the transmission of occupancy may be the subject of property. Whatever, on the contrary, does not admit of occupancy, and is not capable of being transferred with an exclusive title to others, cannot be the subject of property.

"We are to inquire, then, whether the claim of authors to the exclusive multiplication and sale of copies of their own literary productions can be brought within the fair scope of these principles.

"If this right can be distinctly traced to original possession and invention, and if the exercise of the right involves the general attributes which belong to property, there is no reason why it should not be placed among the rights of property."

“The author, then, has in his possession a valuable invention, which he may withhold or impart to others at his pleasure. His dominion over his written composition is perfect, since it is founded both in occupancy or possession, and in invention or creation. No title can be more complete than this.

“From this full and complete title flows the right to annex conditions to the transfer of such a written composition, when the author chooses to impart the possession of it to others. It cannot be doubted that this right is inherent in every possession vested in an individual by the rules of natural or positive law. It enables the owner of a literary composition to declare the purposes for which he grants it to others, in the same manner as it enables the owner of a piece of merchandise to declare that he grants the full property, or only a qualified use thereof, when he gives the possession of it to another.

“The author’s exclusive title is not only theoretically perfect but it is practically acknowledged by mankind, since in every civilised society men are willing to give him valuable possessions in exchange for the opportunity to read what he has written. This opportunity men will purchase, if they cannot have it without purchase. It is in the power of the author to say, that they must purchase it, because he is the absolute owner of the copy which they desire to peruse. In the contract of sale which thus takes place, the owner of the literary composition may, of course, annex to the transfer any conditions that he pleases; and the question therefore next arises, whether he does not tacitly annex the condition, that other copies shall not be multiplied from the copy that he sells, and whether the purchaser does not take the copy burdened with this restriction.

“Such being the nature of the author’s claim, and such the right upon the exercise of which it depends, it is in the nature of property, because there is in possession an invention capable of being made a source of profit, and which will certainly produce profit to the proprietor, if society does not permit others to avail themselves of it without returning any compensation.

“It remains to answer certain objections. In the first place, it may be asked, if the rights of authors are so clearly founded in natural justice, how is it that the law of nations, which recognises and respects most of the rights of property, has not recognised the property of authors in their works, but has allowed them to be treated, in a foreign country, as if they were *publici juris*?

“The actual legislation on this subject should be regarded as a compromise. The claim of authors, resulting from the principles

of natural right, involves the perpetual duration of the property. But in order that such property should be of any value, it is necessary that society should interfere actively for its protection. It can interfere by the enactment of penalties, which, in order to be effectual, must be severe ; or it can interfere by prohibition, which is a stern and summary exercise of power. Society will not ordinarily be willing to apply such remedies in favour of an exclusive right, any further than it finds such a course beneficial to its own interests, in the broadest sense of the term. . . . This would be a great misfortune to society ; and it is to guard against this and other inconveniences, that society may fairly require, as the price of its active protection by stringent enactments, that the author and his representatives should surrender a part of their full right regarded as a right according to the general principles of natural justice."

The following brief extracts from Bastiat's *Harmonies of Political Economy*, translated from the French by Patrick James Stirling, F.R.S.E., may be acceptable. They show the idea present to the mind of the able and sprightly author, of *estimation* in relation to property :—

"We have also human efforts devoted to the appropriation of these materials, to the direction of these forces,—efforts which are exchanged, *estimated*, and compensated. This is the domain of *Property*.

"In other words, as regards both, we are not owners of the Utility of things, but of their Value, and value is simply the appreciation of reciprocal services.

"Does an exchange intervene ? It is effected by a comparative estimate of the two efforts or the two services.

"If, on the other hand, labour be necessary, in equity it falls upon the person who is to receive the satisfaction ; whence it follows that the satisfaction is the recompence of the pains taken, the effort made, the labour undergone. Here you have the principle of Property. . . . But we must not lose sight of this, that the transaction is effected by the comparison, by the *appreciation*, not of the two utilities (they cannot be brought to this test), but of the two services exchanged.

"We have more facility in the art of printing than we had formerly, but we print more. Each book corresponds to a less amount of human effort, to less value, less property ; but we have more books, and, on the whole, the same amount of effort, value, property.

“The reader will observe that we use the word Property in a very extended sense, but a sense which on that account is not the less exact. *Property is the right which a man possesses of applying to his own use his own efforts, or of not giving them away except in consideration of equivalent efforts.*”

“The man who works for himself has in view utility.

“The man who works for others has in view value.

“Now Property, as I have defined it, is founded on Value, and value being simply a relation, it follows that property is also a relation.”

A noble instance of generosity was given by the author and the publishers of *The Last Day of our Lord's Passion*, who, relinquishing, while it was new and fresh, their respective claims, allowed and carried out a disposal of about 30,000 copies of that far too little known work at cost of manufacturing production. It will be perceived, however, that fitful and entirely occasional supplies of wholesome literature is not what is wanted, it is a systematic continuous reliable supply.

A DIALOGUE.

[THE conversation which followed the speech made in the Edinburgh Chamber of Commerce, reported in page 55 of this brochure, showed where the difficulty lies which the reformer of copyright has to remove, and has suggested the dialogue below.]

A.—I would adopt your conclusions if I could only accept your premises. You proceed on the assumption that an author has not property in his writings, to which I demur. I am not prepared to act on that principle.

B.—You are not *inclined*. You feel kindly towards authors, and would favour them. We are at one in inclination, feeling, favouring, but have to feel also for the *people*, whom the high price and scarcity of good books affects; we must not *favour* the few at the expense of the many. It is, as you properly view it, a question first of justice, and only after that of expediency—justice primarily let us admit to authors. Taking your stand on that, you say, *Fiat justitia, ruat coelum*.

A.—Especially, justice to the weaker party—authors.

B.—Perhaps not weaker. Though not numerous they are united in aim, and they have in their hands the press, almost the only channel for diffusing right and wrong ideas on this and other practical subjects over the land. Still, *magna est veritas*.

A.—But is not *vox populi vox Dei*?

B.—It is a voice of power, but in this case what you call a voice is mere silence, which does not here quite mean consent. The subject has not been discussed, at least not in the United Kingdom. In France it has. Rather significant is the little that Garnier in his *Political Economy*, 7th edition, p. 108, says:—

“Toutefois, les droits de la *propriété intellectuelle* ne sont pas encore nettement établis. Les meilleurs esprits se partagent sur la nature de la propriété créée et de services rendus à la société par les *inventeurs* et par les *auteurs* d'ouvrages littéraires; sur la question de savoir si ces services donnent droit à une propriété proprement dite et perpétuelle, ou doivent être temporairement récompensés, soit par de simples encouragements directs, soit par des privilèges d'exploitation exclusive.”

“No wonder,” the intelligent foreigner might murmur. If he

has read *The Tale of a Tub*, he knows how sound principle yields, or is misunderstood, when a strong bias of will pulls the reasoner in a direction antagonistic.

A.—Does not the scarcity of English writing in support of your opinion form a presumption against its correctness?

B.—Rather let me ask if advocacy by literary men, who suppose their interests are identical with the doctrine they support, should be conclusive in its behalf?

A.—You do not mean to charge men so honourable with conscious perversion?

B.—Certainly not. But this I say, that their doctrine is new, unknown to the ancient jurists, and not to be found in even so recent a treatise as the great work of the founder of Political Economy. The very word "copyright" does not appear in Johnson's Dictionary. It is not in Fulton and Knight, 1814, nor in Walker, both now beside me.

A.—You speak of copyright. Is its existence not a recognition of what is now popularly called "Literary Property"?

B.—Possibly both expressions were coined by persons who hold your idea. It is an old stroke of policy to get a word that helps one's cause into circulation. But, after all, what do these words mean but the right, and the property, which the State, as I say, creates?

A.—It will be convenient to confine ourselves to the word "property." Have not books (to go no further than our own northern kingdom) for centuries been dealt with as property belonging to the writers?

B.—All that can be said thereanent is contained in the Records of Privy Council and the Acts of the Parliaments of Scotland.¹ The former are not yet published, but this week we have the index to the Acts, through the wise care and patriotic labours of the Lord Clerk Register and his painstaking auxiliaries. I have looked at several of the interesting volumes of both. There are a good many licenses and monopolies given. There appears no vestige of your doctrine. The fact that these licenses and monopolies were for limited periods proves that the only property that was then known was in the manuscript, or in a particular copy. Nobody dared take what anybody, author or legatee or buyer, so owned. Observe, too, the periods allowed differed in length; for an almanac one year, another book seven, another ten, another on Law, twenty-one. They would not have been thus diminished or have been terminable if the doctrine of property had been in vogue.

¹ See page 110, *et seq.*

The object being, as is distinctly stated, to encourage and warrant authors, publishers, churchmen, printers, stationers, as the case might be, to venture on the expense of printing, the length of time was made such as would meet the number of years that would probably elapse before the impression could be disposed of. The population and the wealth were so small, that twenty years then was not much more than seven now.

A.—Our country with its small population may have been exceptional.

B.—Scotland certainly showed her desire to encourage literature that was worthy of the name. There seems to have been nothing then of the fashionable light literature of this century, for which—whether for good or evil on the whole judge you—we are indebted to copyright. Duties were not charged on paper imported for printing. Books might be imported duty free. Money was voted, etc. As to your observation, Lord Dreghorn tells us the principle, judged by the practice, was the same all over Europe. Book-writing was not a profession then. Even yet it is not so, although men not a few lean on it. *Their* interests prevent the main question being so easily solved as otherwise it would be. If we might leave them out of view, there would be little hardship in doing away entirely with copyright.

A.—I hold that such men write for a livelihood, and are entitled to expect from the State protection against those who would deprive them of their property and livelihood.

B.—Ah! you touch on the nature of the new property which your protégés have got instituted. Define what property is.

A.—A person's property is what belongs to him. A manuscript is an author's property. He may do with it what he likes.

B.—I go along with you so far.

A.—He may betake himself to the Court for redress against any person who takes it without his leave.

B.—Quite so.

A.—Or print it without his consent?

B.—I will not dispute about that, but you mean reprints after it has been first printed and published by himself. Now, to give to the public, and hold to be still private, is very much like eating your loaf and having your loaf. The very words by their derivation in a manner answer you. To PUBLISH is to give to the *public*, make the *people's*, the *plebs'* as well as the gentle *folk's*. PROPERTY is *proprium*, a person's own; or *privum*, another form of the same word, akin to the Greek *πρίμααι*. If public, it is *communis*, common.

A.—Since you descend to mere words, let me illustrate by your last one. I do not hold that a book is like a public ground or common, but is like a piece of garden ground which a proprietor lets the public use on paying him rent.

B.—It is not the public that use it, but only individuals, those who pay rent. Your analogy fails.

A.—How so? Does not an author give use to individuals, to those persons who buy his book, and is not there an understood condition that they shall not reprint?

B.—There is a great distinction. The visitors to the garden pay for a *right*. They lose their right at the end of a term, longer or shorter. The purchaser of a book gets *property* in it, not right to use. You are probably right that if there is such a condition it could be enforced; but the buyer has then made himself a party to the condition. This, you know, is not the law's protection of *property*, but enforcement of a *contract*, an obligation voluntarily undertaken. Mark this too. The law in the case you present only backs up what the proprietor has a power to do, and first does, for himself. He surrounds the ground with a fence. He appoints watchmen. He could and would forcibly eject any intruder in his own right and in exercise of his own powers. The ejected would really be an intruder, he would be on another person's, *i.e.* on private, property. Whereas, in the case of copyright the alleged intrusion would be one on the *public* domain. And the author, the so-called proprietor, the complainant, does and can do nothing for the protection of his so-called property. He calls on the Courts to do everything; and not the police and criminal Courts, but the civil. Let these Courts, that is, the State, cancel laws that establish copyright, and abstain from acting, and what is the essence, and where the existence, of his property? It is a castle in the air, or like the kite which a schoolboy flies, when the string is cut and the hold it had is gone.

A.—You are too materialistic. Can nothing be property that is not visible and tangible?

B.—No doubt in a sense there may, but what belongs to the region of the immaterial is not naturally property—a thing that exists, or thing that can be got and kept, as one's own by his own power, and independently of the State, and lies within definite bounds,—a thing a second person's possession of which would bar and mar the original owner's possession. A book a person can get and keep. "Literary property"—that is, right to trouble whoever copies a book—I have just said would be not only a thing merely imagined, if the State do not constitute it; it cannot be made

available or guarded without the State's intervention ; it belongs to the "infinite domain," and as such is, unlike what is naturally appropriable matter, a thing whose enjoyment by ten thousand persons lessens not the possessive use of any other possessor. It is universal and common.

A.—You mean that a book is naturally property, but the right to prevent other persons from copying it is not so, but depends on the will of the State ?

B.—Quite so. I might illustrate the position in this way. An inventor has a cleverly contrived machine, but he has not capital to work it, so he looks out for a partner. A capitalist joins him, but he claims part of the control and profit. It is a matter, first, of contract entered into, and, secondly, of equivalents rendered.

A.—Your illustration does not contradict my view surely ; for does not the State obtain its equivalent ? The book is published.

B.—Only half true, for a further price must be paid,—a price made high enough to give the author, who answers to the supposed partner, a profit for himself. Yet I don't build much on this incongruity. You have yielded all I contend for, if you acknowledge that the affair is one of contract. You are quite welcome to regard the State, not as a partner in working the invention, but as the purchaser who, at a given price, buys the invention. The price paid, in the case of authors, is the concession of a right to levy money by means of an exclusive privilege. It is for the State to say in what form it will give the privilege ; that is, whether in monopoly, or royalties, or first one and then the other. It is still a matter of contract, not property. Having tried to convince you that this view is the correct one, let me next try to satisfy you that the effect of acting on it will not be to injure authors, but to restore to the State full power and freedom to do what will be equitable, to apportion to authors and people their due shares of the advantage ; or, if you like to put it thus rather, to permit the liberality to authors, which it intends to exercise, from being abused by becoming an engine for keeping prices of books high, and doing this by making them scarce, probably contrary to the authors' own interests, and in utter inconsistency with the purpose commonly imputed to them, viz., enlightenment and entertainment of their fellows.

A.—I am quite disposed to look on authors as being to the nation like public servants in the army, navy, or civil service, who, notwithstanding their character and duties are so honourable and responsible, the Exchequer does not pay lavishly, and who, if they are not satisfied with their emoluments, need not

accept, and may leave office. Right ideas as to the footing on which the "literary service" stands enables the State to take away the exorbitant and exceptionable mode and measure of remunerating—self-estimation and self-payment—which prevails under the influence of the property hypothesis.

B.—I am glad to hear you say that far too little do the leaders of opinion realise how much is lost by yielding to the hypothesis. For my part, I feel as if I could not over-estimate the transcendent advantage we should have in providing for the young and the endangered. When will Temperance Societies open their eyes to the power it would give to counteract the attractions of those habits and haunts that debase and debilitate? Efforts in this direction would be at least as hopeful as the agitation for a Permissive Bill.

A.—There is a growing tendency to regard and employ literary work as a money-making business. It should be the spontaneous living exercise of a faculty to benefit and elevate man.

B.—Hope on, hope ever. Let individuals be philanthropic. Meantime, within the sphere of legislation, so as to permit and give scope for individual action such as you desire, let all be done that can. COMPETITION is the word.

A.—I am glad you look to competition, as it regards authors. There is on the part of publishers what may be characterised as uncommercial *mauvaise honte*, a delicacy of feeling which no other TRADE exhibits. If A has published works of an author of repute, B, C, D, and the rest of the respectable alphabet, sometimes shrink from putting forward competing offers for his forthcoming works. What would be thought of a corn-merchant who would not bid for a farmer's wheat because last year's crop of the well-known growth another had secured for himself? Or what agent would get commission as a horse or house buyer if he missed purchasing a horse or a house for his client because, forsooth, a smart speculator had a fancy for it? Farmer, rearer, and builder would suffer and complain. But the case never happens. Authors suffer much in that way, I fear. The royalty system would so far do away with the cause of the pecuniary disadvantage.

Author.—I have allowed your conversation to proceed uninterrupted, although I might have interposed a sentence in vindication of professional literary men. No doubt there are, according to the modern form of expression, authors and authors. There must be, among so many, varieties of position, of aims, of expectations, and of principle, but for myself I am acquainted with none who would for a moment resist or stand in the way of desiderated

reform. First prove your case,—convince those, who can take a disinterested view of the practicability and of the expediency of your novel, and, up to this time unconsidered, and, if I do not use an offensive word, crude scheme. Not till then appeal to our patriotism and unselfishness. So far as I know, although it is convenient and fair to distinguish the case of authors from the case of publishers, the interests of the two parties may, without impropriety, be looked at as one. Authors do not claim authority as experienced men of business, least of all within the sphere of publishing, for which they would require to serve an apprenticeship. They leave this administration of affairs to the trained and competent. We not infrequently are assigned royalties, very like those which a theorist recommends. The system works well. Very generally, however, we dispose of our exclusive privilege to our publisher, who by the acquisition becomes possessed of the powers and emoluments which the law permits and intends us to enjoy. Whatever Paternoster Row wills, authors acquiesce in. Charitably credit us with an honest design to work our intellect and wield our influence *pro bono publico*.

Bookseller.—I am ready to acknowledge that very much intercourse with authors convinces me that while (without being greedy of money) they are gratified to receive the people's tribute to their talented exertions in the form of a handsome cheque when accounts are rendered, and while (without being greedy of applause) large sales are felt and valued as a compliment more precious still, they are, quite independently of their more or less noble sentiments and encouragements, gladdened when I am able to tell of a large demand for their lucubrations. They are often enthusiasts and ardent propagandists, and they are impressed with the maxim, that just in proportion to the circulation of their writings will the enlightenment and stimulus they seek to impart exert directive and impellent force.

Cottager.—I too listened with hope to the conversation, as one of the principally concerned. Gentlemen all, think of *us*. Do what you can for the masses, as we are somewhat unceremoniously called. You are providing for the education of our children. You have partially admitted us to the franchise. We are perhaps to have, being numerically strong, a preponderating say in the management of local institutions. We now get our indispensable newspaper. But we never see a new book. We have cravings that are not satisfied. We know that we, and others through us, suffer from our ignorance and from the one-sidedness of our knowledge. There is not in even the best newspapers the kind of

instructive reading that we need, and that we would enjoy. How I would like to read of an evening to my goodwife, or to hear my children read to us both. As to the lads, they don't relish a room at the club or the public, in which they cannot breathe pure air and enjoy quiet, to say nothing of their praiseworthy dislike for the expense and selfishness of tobacco and tipping; but for want of books at home, which I cannot afford (they are, through the short-sightedness of statesmen, a costly luxury, though they should not be: and I don't want my sons to acquire such habits), what are they and I to do?

Daughter.—It would be a great pleasure to my sister and me to do the reading. How often on a Sunday do I wish I had a profitable book! Religious books ought not to be borrowed ones, but be a family's own, that they may be marked, and looked at again and again. There are books which in these times I long for but can't get. They are beyond my reach. I have heard of Dr. Candlish's work on the First Epistle of John, Dr. Hanna's books about the Life and Death and Resurrection of the Lord, and Dr. Eadie's account of the dear English Bible, but their price is too high for us plain people. There are no people's editions of them. I look to the South. How would I feed on *Ecce Deus*, and on Dr. Donald Fraser's *Synoptical Lectures*, the very book I have pined for! I wish our minister, and every minister, would give us such explainings. These, however, likewise are high priced. The three Archbishops (their title of principal overseers to their people might have suggested to their minds that an example from these high quarters would have due influence on other servants of the Church),—Tait, Thompson, Trench—sell only dear. I turn to reprints of American, Dutch, and German books from the London press, but they are stricken with the same complaint. Fain would I read the *Catacombs of Rome*, for instance. Before I got Gall's *Sunday Scholar's English and Greek Concordance*, which I find an invaluable help (being, like others whose ways I humbly imitate, a student of the Scriptures of truth), I tried to buy the *Englishman's Greek Concordance of the New Testament*, but it is high above reach. I wish, in place of "profits applied to Missions," the title-page had said "no profits," not even for so holy and supreme a cause. Amid this gloom one star of magnitude shines brightly forth. Mr. Spurgeon, for a penny a week, supplies us with two practical and—may I say it?—most readable sermons. But then even sermons cannot form our only reading for the Lord's Day, still less for week-day evenings. Excuse my long and loud lamentation. If I had not been so unlike a quiet young woman

in my disquisition, I would have asked your patience that I might expatiate on women's rights, or rather women's wrongs, in this matter.

Evangelist.—The subject under review is of infinite moment. Many a time I think with astonishment of the inconsistency that is involved in prolonged copyright as it affects the sale and circulation of books of piety and philanthropy. One exemplification of it occurs to my mind. We have Cunningham, Baird, Croall, Bampton, and other lectureships. One might expect that at any rate these endowed courses would be published so cheap as to become popular works. But did ever anybody know of such a thing? In the present day, when so many parishioners and hearers are highly educated and scientific, and when critical questions and objections require to be understood and fathomed, a minister needs to be well equipped for conflict, and armed with the best artillery to resist and repel assaults, and to carry war into the enemy's territory,—indeed, to recover ground that has been for a time kept open to hostile inroads :—his library requires to be well and liberally furnished,—yet how can he afford it? No minister can start, I should suppose, without £200 worth of books, and he should be able to add to it at the minimum rate of £20 a year, besides what he spends in periodicals. Not even lawyers and doctors have so much occasion to spend money on books, if they would keep abreast of the wants of their “professions.” I fear that already inconceivable ill has been done by the failure of requisite equipments. The inconsistency of which I spoke is a matter to me of every hour's regret. I never enter a house, whether of rich or of poor, without seeing indications of the havoc it is making. It is not simply that books are dear, and therefore scarce, but the kind of books that I do see are not such as I could recommend. Limited is the number of town and village libraries, and of libraries for the poor and the lower middle classes, and limited the number as well as the range of the books to be had in them. Limited, too, the time for which the books are lent out. Possibly the following extract from Dymond's *Essay on Christian Morality* is applicable to all libraries. If so, how sad! and how clamant the call on us to consider what should and what can be done in the way of remedy and rectification. *Da lucem, Domine.*

“The case of the proprietors of common circulating libraries is yet more palpable; because the majority of the books which they contain inflict injury upon their readers. How it happens that persons of respectable character, and who join with others in lamenting the frivolity, and worse than frivolity, of the age, never-

theless daily and hourly contribute to the mischief, without any apparent consciousness of inconsistency, it is difficult to explain. A person establishes, perhaps, one of these libraries for the first time in a country town. He supplies the younger and less busy part of its inhabitants with a source of moral injury from which hitherto they had been exempt. The girl who, till now, possessed sober views of life, he teaches to dream," etc. See pp. 214-5.

Friend of the People.—The agitation of these questions will surely do good. There has been slumber. It is time to awake. I remind the moralist who last spoke that it is not only the frivolity of the books that are read we have to lament, but the time that such reading absorbs. No leisure and little disposition remains for what books may be distinctively called informing and improving. The superfluity and alluringness of the other applicants for favour that come in shoals cannot be disconnected from our system of publishing—a system dependent on copyright. My friend has not alluded to the inspired writers and the early Christian authors. The thought is too grotesque and preposterous to imagine that men so devoted would have charged a price for their works, and have availed themselves of monopoly's repressive power. True, they had not the temptation. The early Christian readers were comparatively not many, and the majority of them were poor in this world's wealth. (Mind, this same prevails to a great extent still.) More particularly printing, and its darkening shadow or parasite, the law of copyright, had not yet been invented. But if these Fathers had known of an art that vastly extends the range of the preacher's words, and multiplies the audiences he addresses, would it not have been hailed as a boon from Heaven, and turned to account as a means designed by Him from whom all wise counsels and good works proceed, for promoting to the utmost the grand end, if not in our eyes, at any rate in theirs, the only worthy object in life—promulgation of the Gospel of grace, the *χαρὰ μεγάλη*? Would not they have spurned any proposal of a bibliopole to charge extra prices in order to enable him to pay them as authors so much a copy? Would not the rejoinder to such an offer have been this, undoubtedly: "Perish the money! let not souls perish for its sake"?

Grandfather.—I heard in my youth of a Frenchman who, on a visit to Glasgow, denominated its happily now unknown dangerous punch a *contradiction*. "You put in spirit to make it strong, water to make it weak, sugar to make it sweet, lemon to make it sour." What if copyright makes a like hurtful contradiction? Men write that everybody may read and benefit. Monopoly prevents

almost everybody from buying, reading, profiting. Some tastes, no doubt, liked the beverage. That must not be reckoned a sufficient testimony in favour of mixed motives! It suggests to my mind that literature, like the stage, under copyright or the now indispensable money-making aim, must assimilate itself to the too low tastes of the majority whom it seeks to please, whereas both of them in a perfect state of society would mainly seek to elevate and ennoble. *Virtus nobilitat!*

When I was a schoolboy, students of the University of Edinburgh issued a lively small periodical, the *Lapsus Linguae*, four duodecimo pages for a penny! I remember a couplet in it:—

“That she was immortal, Calypso lamented,
Medicine, of course, had not been invented!”

May not I, in miserable imitation, say?—

“Buoyant *feathers* the Muse gave to Learning and Letters,
Silly copyright changed them to heavy gold *fetters*.”

“Living words to endure aye, with aim universal,
Sank and died, a faint echo, in hireling rehearsal.”

“Wingéd words in coop pine: mounts the eagle in freedom.”

Author.—Stay! be helped with rhyme and reason.

“On home poultry we dine: and their gold eggs, we need 'em!”

Author and Bookseller.—Pray let none make a personal application. We have no objection to even harder and more pointed satire. Rest assured we will consider what has been said. Objectors to price must principally have regard to books of the character and quality which they wish to promote. Why not establish a fund, or a society, to “help the weak” and “remember the poor,” even under the present imperfect and abusible system? With the fifty thousand pulpits and innumerable meetings that weekly are filled so honourably, if not so hopefully as they might be were improved systems initiated *there*, religion has at command an advertising agency and apparatus, and a distributory machinery and organisation, such as the secular press, if it but had the like, would gloat over and make of immeasurable service. *Verbum sapienti*.

Hindu.—You wish English ways, at any rate English thought to influence India. This of course is to be done by the presence among us of good and amiable men and women from the British Islands, but also in a great measure by the silent leavening power of English books. We depend for a supply of these companions of our

solitude on the British press, but their price is exceedingly great, especially after the expense is added of bringing them so far.¹ Our Governor-General ought to strongly represent that national policy requires a radical overturn of the existing restrictive system of literary production and supply. My Latin teacher told me that *Liber, a book, may also be translated free.* Let literature be free, with the proper quantity!

Irishman.—I am become an Imperialist. My voice is raised for unity of the Empire. Emigration I tried. New York was pretty well, but my heart clung to the fairest isle of the sea, and back I have come to her and you. Just one thing I miss. In the States I revelled in cheap English books. They made me proud and thankful to be a subject of our good Queen. I had not been a reader before I left Ireland. Surely, thought I, when I get to the old country, where the books are written and printed, they'll be cheaper than here. But no! they are, I am afraid to say how very much dearer. This is a pity. My poor countrymen are terrible sufferers by it. If we had Home Rule, would we not, as of old, get books as cheap as the Americans? The Members for Ireland will surely have the unparental laws abolished.

Journalist.—I have not been an uninterested listener. I have taken notes, and will be glad in my own sphere, and at the fit time, to advance a cause which so many of you, as I do, regard as patriotic. As my avocation partakes of the nature of authorship and publishing, lessons from newspaper people's experience and their carelessness about the over-nursing by which law enfeebles, may help you booksellers not a little.

Men of my profession continually come into friendly relations with authors, to whom indeed we are often indebted, and we are glad to return their favours; but we seek to be in accord with the public, at any rate we do service to the State as guides of opinion,

¹ The subjoined extract from the London correspondence of the *Scotsman*, 1st January 1877, is interesting. It is pleasant to see the philanthropic baronet contemplates that the royalty he suggests should be for any part of the empire,—*a fortiori* the United Kingdom? His royalty is reasonable, one-eighth of the proceeds:—

“In connection with the copyright question, I hear that some curious facts have been mentioned to show that there is a large and increasing demand for English classical literature in India. Sir Charles Trevelyan states that during the period that the copyright of Lord Macaulay's works was vested in him, he received numerous applications, from persons interested in the education of the natives, for permission to reprint copious extracts from those works. He is in favour of allowing reprints of English copyrighted works to be made in any part of the British Empire, or of the United States, on the payment of 12½ per cent. of the proceeds to the author. It appears that, under the Act and Order in Council of 1847, only the ridiculous sum of £5 or £10 a year was received by him on account of colonial copyrights in Macaulay's works.”

for we are commonly in advance of our readers. Depend upon it, we will not dismiss the subject of the present conversation as undeserving of a good place in our columns. At any rate terse letters of competent correspondents shall readily be inserted. But the younger generation have means of their own for propagating, or, let me say, ventilating questions of this sort in their literary and debating societies. These are the schools of our future statesmen and leaders. For myself, I acknowledge some of the lamentations which I have just heard do deeply impress me. If I were a legislator, I would find it difficult to resist the pleas of my Indian and Hibernian fellow-subjects, who have just—if not justly—complained. Though, undoubtedly, the claims of literary men cannot be ignored, it is the demand of sound national *policy* to encourage and facilitate the circulation of good books. Any system of rewarding their writers which has the effect of making these dear, and because dear scarce, and because scarce uninfluential, stands self-condemned. As to what my friend the young cottager has said, I hope the philanthropic and religious portion of the community will add one more to the many obligations under which their beneficence lays our countrymen, by considering if there is not an opportunity, and therefore a call, presented to cheapen and multiply standard works. I need not commend an institution so trustworthy as the Religious Tract Society. If I were on its committee, I would propose a change of procedure, viz. this :—Write down to profit and loss the sums paid for copyright and for setting types ; that is, apply the subscriptions thereto as the best expenditure of our benevolently destined income, and repudiating profit, supply our publications at prices only as much above what will repay the other elements of their cost as will enable us to allow the regular discount or profit to ordinary booksellers, and “let them *live*” by selling them. I would try to make our books so popular, because so superior and at the same time so low-priced, that they would be in universal request and be in favour with the trade, whose gratitude in such circumstances would be sure to take practical expression in supplying and recommending them to all customers.

Grandfather.—“Live and let live” is indeed a good rule. Without disparaging the proposition our journalist would table, I remind him that the utmost any single institution can effect or attempt must fall very far short of the aims which are set before us. I would engraft on that proposition something akin, viz. :—Let our men of wealth—rather let me say of sufficiency—realise that in literature a new way of benefiting mankind is open to them ; such, when they know any highly-accomplished students of an impor-

tant subject, should persuade them to employ their pens upon it, and should undertake to pay a reasonable honorarium and give the work, when ready for the press, to accredited publishers to stereotype and dispose of, without profit, on commission. Houses like Nisbet and Co., or Longmans, would do this heartily as a piece of their regular business. The commission, where the proprietor of the manuscript pays the expenses so as not to require cash advances, is not more than ten per cent. The experience and machinery of distribution which such houses bring into play is well worth that remuneration. The Christian Evidence Society, I think, issues books in some such way. But it is adapted to every sort of publication. Wisdom directs us to be many-sided, and not narrow, in plans for elevating our fellow-countrymen.

Friend of the People.—Is not the way just indicated an *old way*? At least in this respect; it is a reverting to the habit that prevailed up to the beginning of last century, of patrons (men of position or rank or influence, debtors to the State) whose aid justified or enabled men of letters to write and publish. Undue opprobrium has been cast on that habit. It was not necessarily mean. It did not savour of subserviency, though fulsome dedications may have done. These excrescences may be dispensed with. The truth is, a very large proportion of our literary men of the present day earn a livelihood honourably by what is substantially accommodating themselves to a practice and principle that are much the same as depending on patrons, and perhaps with less of real independence.¹

Journalist.—It would be well if somebody would follow up what Lord Dreghorn has written in his essay, and write a history of literary property for the century that has elapsed since his Lordship's graceful pen defended public rights. It would be the narration of progress very much like British progress in India, advance upon advance, and acquisition of territory upon territory without any retrogression. Soon after the time when Lord Dreghorn wrote, Adam Smith published *The Wealth of Nations*. We have seen in what terms the condition of literary men is spoken of there, just a hundred years ago. Since then, or rather within the present century, the

¹ Such stipendiary or professional work is dishonourable only (1.) if what is written is not perfectly sincere; (2.) if it is done by a person in the employment of another without that other's permission; or (3.) if it engrosses thoughts so much as to lessen that undivided energy and application of the mind's and the body's powers which an employé or the holder of an appointment or office is presumed to give for his salary or stipend. It must be admitted that the shortened day's service of these times tempts persons to undertake evening tasks or by-work which do impair that energy, and that laxer views of what is dutiful and befitting begin to prevail, in the paths of commerce as elsewhere. No man can serve two masters. Day-service carries with it evening rest and night ruminating as part of the employer's claim.

length of time for which copyrights are granted has been twice extended. Ireland has been brought under subjection to our copyright law. The population of the empire has vastly increased. Legislation has attempted to grapple with difficulties that affect restrictions in the Colonies. The Customs have been made a *cordon sanitaire* or *insanitaire* to exclude books printed abroad, which, till lately, could be imported if they were not intended for hire or sale. And negotiations are continually pressed, in which a hardly patriotic discrimination is sanctioned between the outside and the inside of the cordon,—monopoly to be stringent within, competition to be allowed without; that is, in effect, our own people at home are to pay maximum prices for books, people elsewhere minimum prices.

Hindu.—The Colonies have been alluded to. What, pray, of India?

Friend of the People.—Mr. Copinger says,—“The law now, therefore, is, that if a literary or musical work be first published in the *United Kingdom*, it may be protected from infringement in any part of the *British dominions*; but if, on the other hand, any such work be first published in India, Canada, Jamaica, or any other British possession not included in the United Kingdom, no copyright can be acquired in that work, excepting only such (if any) as the local law of the colony, etc., where it is first published may afford. This opinion has caused great and general dissatisfaction in the Colonies and India.”

Hindu.—What about the methods taken to prevent importation of reprinted British copyright works from the United States or the Continent? The overweening artisans of Sheffield have just awakened from a delusive dream of fancied security by learning that tools and ironwares, the manufacture of which they gloried in, are now freely sold, being cheaper, if not also better, in the island colonies of the southern hemisphere by commercial travellers from the United States. Trades grow, and they attract other trades. I suspect these shrewd men of business will not leave British *book*-producers to run riot and have all their own way in those promising fields. Colonial feeling will favour the emancipation. There are strong inducements. India will of course share the benefit.

Friend of the People.—All I need say in answer to the question put to me is to quote the Act 16 and 17 Vict. c. 107, sect. 46 (1853): “The Commissioners of Customs shall cause to be made, and cause to be publicly exposed, at the several ports of the United Kingdom, and in Her Majesty’s possessions abroad, printed lists of all books

wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said Commissioners that such copyright exists, stating in such notice when such copyright expires." Mr. Copinger's treatise may be consulted for more information. He states that "In 1847 the 10 and 11 Vict. c. 95 (a), was passed for enabling Her Majesty, by order in Council, to suspend the enactment contained in the Copyright Act, 1842, against the importation into any part of Her Majesty's colonies, etc., of 'foreign reprints' of English copyright works. But such order in Council was not to be made as to any colony, etc., unless by local legislation such colony had in the opinion of Her Majesty, so far as foreign reprints were concerned, 'made due provision for protecting the rights of British authors there.' . . . Accordingly, the following colonies have placed themselves within its provisions, viz. . . . In fact, all the important colonies with the exception of Australia. The understood arrangement is, that English publishers shall furnish catalogues of their copyrights to the custom-house authorities in the different colonies, as a guide for exacting what is termed the protective duties (amounting in Canada to 12½ per cent. *ad valorem*). These measures are next to inoperative, and the whole thing is little better than a delusion; so little is collected, that publishers generally have ceased to give themselves any concern in the matter. In short, unauthorised cheap reprints of British copyright works may be said to be freely imported into and sold in the Colonies; this kind of trade in itself tending to indispose the United States to enter into an international treaty with the United Kingdom." Plainly there is room here for trouble in the future. We must not have in Australia a repetition in respect of books of what in America resulted so awkwardly in respect of tea. I wish your expectations were safely verified, partly because in what you call emancipation, the good folks at home will surely share. Charity begins there. Fair play is a jewel; as say the proverbs.

A.—I must go, but I will not do so without declaring that I now see two things more distinctly—the width and seriousness of the whole subject, and the desirableness of eradicating that growing tendency to regard literary works as *property* which so greatly embarrasses legislators, who then would, if supported by public opinion, easily solve the many difficulties and questions which have been under review.

B.—I become hopeful. A word more as to the misnomer. People do not call a *right* to shoot over an estate *property*. If there

is property in the thing, it belongs to the proprietor of the estate, not to the lessee. The *right* is his. The publisher is such a lessee. He acquires a manuscript, just as a sportsman, or for that matter a game-poulterer, acquires a gun. The State yields to him a certain right for a term of years, within its dominions, just as the proprietor of the estate lets the shooting; that is, for a consideration satisfactory to himself—generally a sum of money—he allows the sportsman to traverse his property, to exercise his right, and to fill the game-bag by means of the gun; he also forbids every other person to do this. The right of the publisher to put into his money-bag a profit from every book-buyer, and interfere with every “poacher” or “pirate,” corresponds to the exclusive right of the sportsman to acquire game whether for gift or sale. It is the same, *mutatis mutandis*, whether the place in which the right is exercised be a pleasure garden, a skating rink, or an area of greater size, in which definite rights and powers are temporarily conveyed by deed of agreement from a superior.

Evangelist.—Enough perhaps of political economy. Let me before we part impress on every one the necessity of filling well dangerous vacuities. The empty and garnished house is a practical invitation for evil spirits to enter in. Close the doors of drink-shops, and places which dangerous company frequents; you have not done enough, you have got to supply the means of employing pleasantly and aright the vacant seat at home and the hours of leisure. The best of books is not negative but positive. Look, as one instance of this among many, how practical and definite is the programme in the second chapter of Titus, especially in Alford’s or Davidson’s revision.¹ Religion in the heart will like the blood be a principle of life, warm and active, silently but beneficially propulsive. The present generation has almost dropped from use the good word piety = *εὐσέβεια* (from whose root it seems to be derived), or in plainer English *dutiful regard for superiors*. It is a frame of mind that lifts a man or a class out of that *self-regardfulness*, which is so unpleasantly developed in many quarters. *Public* interests, those of the clan—Scotch people are familiar with the thought—should predominate.

Grandfather.—You anticipate me. Religion as a constraining

¹ The chapters that precede and succeed contain matter of another sort, that deserve special consideration in the present age. We there read *ἵνα ὑγιαίνωσιν ἐν τῇ πίστει, μὴ προσεχόντες Ἰουδαϊκοῖς μύθοις*, and again *μωρὰς δὲ ζητήσεις καὶ γενεαλογίας, καὶ ἔρεις καὶ μάχας νομικὰς περιίστασο*. If *mythoi* is not = myths, but is = things of old spoken, and observing the use of the terms “Jewish,” and “belonging to the law” (especially the Pentateuch?), is it a fair deduction that controversies and battles should not be challenged, and as far as possible not engaged in, on a field that appears to be very similar in the present day?

and restraining influence has more to do than a mere casual glance recognises with individual and national worthiness and elevation, if I may not say greatness in its low and vulgar acceptance. I have long felt uneasy in regard to some matters of high statesmanship, and the present conversation which is now coming to a close has deepened the feeling. But I am hopeful, and therefore, while the opportunity lasts, I urge. The subject before us has been presented as part of a sound and comprehensive *imperial* POLICY, a grand aim to be pursued irrespectively of miserable party and mere "governmental" considerations. As such let it be viewed by all. What the central luminary is to the solar system should Britain's literature be to the empire. The rays of light ought not to be intercepted, the enjoyment of them ought not to be taxed. If it can be shown that our manner of dealing with literature has these effects, there must be some fundamental mistake. If it makes the books we produce dear so that they reach not all parts of the Queen's dominions,—if the channel by which the Queen's subjects are supplied with reading (that is, with information and opinions, and influences) is caused to be American, and therefore alien,—our system is suicidally at fault. Our countryman in old time said, "give me the making of the people's ballads." In our day other and larger compositions take the place of these short pieces. Let us not lose hold of the benefits we might diffuse and gain in thus training the empire and the world, for more truly far than literature can be property is it a POWER.

In France the advancing concessions to authors are shown in Garnier's *Traité de l'Economie Politique*, thus :—

1778.	Privilege for author's life.	
1791.	5 years beyond.	
1793.	10 " "	
1810.	20 " "	
1844.	30 " "	(Dramatic works.)
1854.	30 " "	
1866.	50 " "	

JOTTING ON WORDS USED IN ACTS OF PARLIAMENT
QUOTED IN COPINGER'S "LAW OF COPYRIGHT."

PARLIAMENT is perhaps not so wide-awake as it used to be. Lord Dreghorn (see page 9) calls attention to the elimination of the words "*securing* the property" in compositions, from the Act of Queen Anne. That elimination was of set purpose and significant. His Lordship's treatise was published in 1772. The Act 17 Geo. III. c. 57 (1777) has this title, "An Act for more effectually *securing* the Property of Prints to Inventors and Engravers, etc." [the Act 6 and 7 Will. IV. c. 59, quotes the title of this Act, and extends its provisions to Ireland]; and the Act 41 Geo. III. c. 107 (1801) this title, "An Act for the further encouragement, etc., by *securing* the Copies and Copyright, etc." The Act 54 Geo. III. c. 56, in its preamble, says, "It is expedient to *secure the profits*," which is not the same as to *secure property*. The Act 156 of the same Parliament has this title, "An Act, etc. by *securing* the Copies and Copyright of printed Books, etc." The provisions of this Act were in 1833 extended to "*dramatic literary property*." The title is repeated in another of the "birze yont" Acts, viz., 5 and 6 Will. IV. 65, "An Act for preventing the Publication of Lectures without consent." The Act 2 Vict. c. 17 is intituled, "An Act to *secure* the Proprietors of Designs," etc. The important Act 5 and 6 Vict. c. 45, does not use the word "secure," but is extremely stringent, and in my "laic" opinion proceeds on the highest assumptions of right. Section 3 begins, "Be it enacted that *the* copyright in every book which shall upon the passing of this Act be published," etc. Section 4 begins, "And whereas it is *just* to extend the benefits of this act to *authors* of books, published before the passing thereof," etc. Section 5 begins, "And whereas it is expedient to provide against the suppression of books of importance to the public," etc.

The schedules are bold indeed. See this one :—

"ORIGINAL ENTRY OF PROPRIETORSHIP OF COPYRIGHT OF A BOOK.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
	Y.Z.	A.B.	C.D."	

The Act 5 and 6 Vict. c. 100 is more judicious. It uses the noun and verb "grant," and says the author of any such new and original design shall be *considered* the proprietor thereof, etc. The Act 6 and 7 Vict. c. 65 relapses: after reciting the titles of the last-mentioned Act, it enacts "that *the proprietor* of such design," etc. We may be relieved, or made more apprehensive, so far as the word "secure" goes, by the meaning given it in a late "Act for *securing* to Authors the benefit of International Copyright." The Act 7 and 8 Vict. speaks, more properly, of "the *privilege* of copyright," but it is in favour of works "*first published in any foreign country.*" The Act 10 and 11 Vict. c. 95 speaks of "*securing* or protecting the rights of British *authors,*" and "securing to British authors reasonable protection." A very strange marginal account is given of what this act allows. "Her Majesty may suspend in certain cases the prohibitions against the admission of *pirated* books into the colonies in certain cases;" very complimentary to the colonists. The margin of the Act 15 and 16 Vict. c. 12 has a like abuse of the word "pirated." The 13 and 14 Vict. c. 104, speaks of "the *proprietor* of any design not previously published." The Act 21 and 22 Vict. c. 70 has this, "Whereas it is *expedient* that the term of copyright in respect to the application of designs to the ornamenting of articles of manufacture comprised in the tenth class should be extended," etc. This word "expedient" occurs also in the Act 24 and 25 Vict. c. 73, "relating to the copyright of designs." The Act 25 and 26 Vict. c. 68, in section 1, according to the margin, *vests* copyright of works of the fine arts. The margin of its section 10 uses the word "pirated" property, applying it only to works made "contrary to the provisions of this act."

The present Parliament, in an Act concerning copyright in Canada, 1875, uses the words "secure the rights" of authors.

United States acts, borrowing from the mother country, and perhaps receiving infection from France, use the word "secure."

NEWSPAPER ARTICLES: AN UNEXPECTED JUDGMENT.

Extract from Vice-Chancellor Malins' judgment in the case of *Cox v. Land and Water Journal Company*, 9 Equity L. R. 324, 1869:—

“It appears to me that a ‘newspaper,’ which is the best and only definition of such a publication as the *Field*, not being within any of the provisions of this Act (the Copyright), I must infer that it was not the intention of the Legislature to apply the Act to newspapers, and that the circumstance of non-registration throws no difficulty in the way of the plaintiff maintaining his right in law or equity; and though it is seldom worth the while of proprietors to assert the right of copyright in a newspaper, I am of opinion that whether it be the letters of a correspondent abroad, or the publication of a tale, or a treatise, or the review of a book, or whatever else he acquires—I will not say copyright, but as property—such a property in every article for which he pays . . . as will entitle him, if he thinks it worth while, to prohibit any other person from publishing the same thing in any other newspaper or in any other form.”

By the above is understood that “proprietors of newspapers have not ‘copyright,’ but such a property as enables them to prohibit publication of the same article elsewhere. Apparently such a right would only be temporary, and would cease when, from the lapse of time, the newspaper would not be injured by the republication, unless in the meantime the proprietor of the article took advantage of the Copyright Act.”

VALUE OF HOME-TRADE AND MANUFACTURES.

I HAVE never seen a tabular statement showing the amount of home employment and pecuniary advantage which a working man with a family, by his residing in this country, affords. To begin with, he pays rent. That rent enriches his landlord, who has thereby more income to spend. It may be said, No, somebody else would occupy the cottage. Be it so; then a *new* cottage is wanted, which excavators, masons, joiners, slaters, plasterers, plumbers, painters, glaziers, ironmongers, etc., will find employment in building and making habitable. To return. He and his household must be fed. This will carry most of his wages to baker, butcher, grocer, milkman, green-grocer, etc. They must be clothed and shod. This will carry so much more to draper, tailor, capmaker, shoemaker, hosier, etc. The schoolmaster, doctor, coal-merchant, chandler, and others, not excluding the newsboy and the goodie-vendor, will in their turn have shares of the patronage or custom. We need not go further in specifying the several receivers into which the enrichment is distributed.

But we are still only at the beginning of our reckoning. All of these participants, without exception, for themselves and their families, spend this money they draw from him in the same manner as he does. They—every one—are by their residence diffusers or channels as well as receivers. It is true that not the whole of the money the grocer is paid stays in this country. Some of the articles he sells are imported from abroad. Tea for instance. Well, it not only yields him and the wholesale grocer and the bagman, as well as the merchant and broker, profit, commission, or salary, but also, before it reaches the grocery, British shipowners, sailors, warehousemen, porters, carters, etc., have been earning a part of their livelihood; and further, besides local imposts, the nation has levied duty for the benefit of the public exchequer. As to the sugar, it has employed the refiner and the multitude of men and tradesmen who are required for the operations of the sugarhouse. And to go further back, some colonist, we may hope, has produced the saccharine: and through the same number of hands it must have passed as the tea does. As for the soap and candles, some portion of the raw materials may be

foreign, but they are manufactured here, and so with the woollens, cottons, linens, etc., they are at least in a great measure British, both in their raw material and in their fabrication. The stones, slates, glass, and ironwork, like the furniture, of the house he occupies, are entirely British.

But, to proceed further, our exemplar working man must be employed. He may be, according to the supposition on page 47, a shoemaker, and in that capacity he or his master will have custom to give for the operations of his business. The leather comes from a British leather-dealer, who, in his turn, had it from a tanner and currier, who bought the hide from a butcher, who bought the ox from a grazier, who paid rent to a landowner, who bought manure from a manufacturer, who, with all the others likewise, has been giving employment and profits. The tacks, the binding, etc., of the boots and shoes that Crispin makes, give rise to a similar series of employments and earnings. His industrious habits and the increase of his family contribute to the prosperity of the place where he resides, and of the country as a whole, as long as he lives among us. If the fashion were to prevail generally of buying boots and shoes of Parisian manufacture, he must look out for other employment or else emigrate.¹ Other employment he cannot get without displacing somebody, who, in that case, will be the emigrant. Of course, when he leaves his native land, he may use and consume a fractional amount of British manufactures, but it will be a very minute and a decreasing fraction, and as to the various professional gentlemen and tradesmen whom he encouraged, they cease entirely to receive benefits, and even his house becomes tenantless, unless indeed some new trade giving employment is attracted, which is a supposition rather too sanguine; but, even

¹ Loyal Britons will not grudge the Colonies the benefit of large emigration to those parts of the empire so steadily rising in importance, although there is sadly too great reason to exclaim against the tardiness and blindness of our statesmen in respect to the grand question of making the empire one. Every session that is suffered to pass without the problem of unity being solved is an incalculable loss—to the world perhaps—and replete with increasing danger. Unfortunately, far too few of the emigrants go to the Colonies, partly, no doubt, because the empire is not yet federated. The official people of the United States have published what some persons may think unduly high estimates of the value of an immigrant, apart from the capital he brings to the republic. But further consideration would probably not only remove these doubts, but doubt, because these estimates are too low. Will any of our own countrymen, whether on the basis of cost of rearing, or on that of productive power, or on that of a money-circulating, tradesmen-employing and tax-paying yield of benefits and profits, show how much a brawny, honest man's is worth to the nation? I should not wonder, on the average, nearer £1000 than the officials' sum. We mean an average man of the type in ordinary times. Who can tell what in war? What at all times if he be a man of fertile brain, and a leading spirit?

so, it only proves the point we are illustrating, viz., that employment is highly desirable. If Crispin or the workman he displaces should not require to emigrate, the accession of the new trade would be an addition to, and not merely a substitution in, the ranks of those who "drop fatness."

We are continually told that people ought to buy in the cheapest market. I presume that this means the State should so frame its policy as to enable and encourage individuals to do so. In order to know the cost and better appraise the wisdom of this policy, should we not have such a tabular view as I suggest? In its absence we cannot but on the most superficial view become satisfied that, *e.g.* (*ecce iterum Crispinus!*), to furnish employment to shoemakers who dwell among ourselves, rather than to furnish it to shoemakers who dwell abroad, must be immeasurably more conducive to the prosperity of our country; for to how small an extent do the latter contribute to the earnings of Britons! If there were free trade—that is, exchange on terms of equality—all over Europe and in that great country the United States, the case would be bettered; but there is nothing of the kind. Consequently every year we see an influx of foreign merchants, foreign shop-keepers, foreign commodities, because our system is liberal almost to the extreme of quixotism, and all the while we are not in any proportionate degree, or in any reciprocative manner, compensated by liberality abroad. How many British articles find their way into continental shops? How few continental signboards bear British names! Yet, even although the tables were turned in this respect, and other lands took much more of British and Irish goods than Britain and Ireland take thence, would the case be materially mended? Would the tradesmen and professional men whom we introduce in our illustrative case be righted? Not at all.

Was free trade scanned closely? My belief is that legislators have failed to discriminate. The protective duties on food were injurious, because they raised, and could not but raise, prices. After their just and necessary abolition, in the spirit of fairness towards agricultural interests, and not un-mixed with over-confidence,¹ the great manufacturers repudiated desire to be themselves protected and they, almost generously, threw away whatever advantage they derived, and this not-

¹ I have all along in my humble sphere remonstrated against the French Treaty of Commerce under this conviction. Besides, is it *becoming* or *sensible* to be a party to an unequal treaty which secures on its face greater favours for the other side? Let us be generous, but not under the bonds of a treaty. Who dares say that an obligation to impose no export duty on coal is wise or safe?

withstanding the obvious and important difference between the merely hypothetical favour they enjoyed, and the very practical and oppressive monopoly that gave foundation and force to their attack against corn and other food laws, viz., that whereas no area on which new farms could be formed exists within the United Kingdom, the plots on which factories and shops could be still set down are innumerable.

Another point. Was due heed paid to the distinction between large manufacturers and small ones like that which I use as illustration? and was the case considered of tradesmen and shopkeepers?

Can any one say that attention was paid to another consideration—the difference between the *bulk* or *weight* of commodities? It was of the utmost importance to retain for the United Kingdom a direct trade in bulky and heavy goods,—in sugar, for instance. These not only employ more shipping on long voyages, but in doing so attract and command trade in other commodities which require to cluster round or follow them.

Whatever answer can be given to these my questions, and whether our policy was sound or unsound, we must all admit that to increase home employment by enlarging the trades we have, and opening out new ones, is true patriotism. But, indeed, statesmen should demand of the maintainers of a prevalent and popular opinion or fallacy on this subject to prove it correct, and if correct, applicable. I allude to the notion that if trade is free, the labour of each particular country will always direct itself to the *work* which is best adapted for that country. Would that this were true! Does not labour rather direct itself to the *country* where it is most profitable or most encouraged? If not, why do many of our labourers emigrate to the United States? If many do emigrate, and, of course, thereby lessen British profits, British revenues, and British strength, should we not, as a nation and as its citizens, pause to reflect in what way they who contribute thus to Britain's power and prosperity can find employment at home? What if the calculation that is longed for make it clear that, however true may be the commercial doctrine that individuals should buy in the cheapest market, it is for the greatest good of the greatest number of the community,—that it is the healthiest political economy (as the Greek name in a measure indicates)—so to frame its laws and promote domestic industry, that their cheapest marketings shall be at home and in home productions?

The following are extracts from *Sophisms Examined*. Seeleys, 1849 :—

“ A capital therefore employed in the home trade, will sometimes make twelve operations, or be sent out and returned twelve times before a capital employed in the foreign trade of consumption has made one. IF THE CAPITALS ARE EQUAL, THEREFORE, THE ONE WILL GIVE FOUR-AND-TWENTY TIMES MORE ENCOURAGEMENT AND SUPPORT TO THE INDUSTRY OF THE COUNTRY THAN THE OTHER.”

“ The entire price or value of every *home-made* article constitutes net revenue, net income, to British subjects. Not a portion of the value, but *the whole value*, is resolvable into net income and revenue maintaining British families, and creating or sustaining British markets.

“ Whereas, on the contrary, the entire value of every foreign article imported is net income to the foreigner, and creates and sustains foreign markets.”

“ Suppose the 2s. 6d. spent for a spade. It may be that the money is laid out with the retail ironmonger in the next market-town. Sixpence we will suppose is the ironmonger's profit. A second sixpence is the cost of a wooden handle. That second sixpence is expended in this way. One fourth of it, or three halfpence, goes as rent to owner of the copse from which the rough wood comes, threepence go as wages to the labourers who cut or fashion the wood, and the remaining three halfpence go as profit to the dealer in wooden spade-handles. One shilling out of the 2s. 6d., the entire price of the spade, is thus traced back and found to be net income.

“ The remainder of the price of the spade, viz., 1s. 6d., goes for the iron part of it, and has been paid by the retail dealer in spades to the wholesale dealer in the iron part of spades. Part of this 1s. 6d. is his profit, part goes to the manufacturer. The manufacturer's portion, when analysed, is again resolved into his profit—his payments for implements or machinery (also resolvable into net income)—his rent—and the cost price of the iron. The cost price of the iron is, lastly, paid to the ironmasters, and by him distributed to himself as profit, to his workmen as wages, to his landlord as rent.

“ The whole price or value of the spade is thus net income to some persons or other, available like all the rest of the price of a quarter of English wheat, first to the maintenance of British

families, next to the creation or maintenance of British markets for cotton, woollen and hardware, bread, beef, beer, tea, soap, candles, buildings, and furniture."

"It is said they could turn their hands to some new employment. Alas! this is one of the things easier said than done. To find employment for the people is just the very thing which is so supremely difficult as to be often pronounced impossible."

"On the Dover glove-makers were dependent bakers, millers, grocers, butchers, tailors, shoemakers, with their servants and families."

"DRIFTING TRADE"

There has been a gradual drifting of the foreign arms trade from England to the United States, and it seems that in another and even more important branch of industry we are threatened by something worse than the mere loss of a foreign market or two. Our transatlantic cousins used to be content with sending us the bulk of the raw material for the cotton goods with which England supplies the world. They are now, it appears, determined to contest our supremacy in the field of manufacture. During 1876, New York exported no less than 74,456 packages of cotton goods, against about half that quantity in the preceding year. When compared with 1872, however, the increase amounts to 470 per cent., a strong proof that the influences at work are of a permanent and progressive character. The unfortunate part of the affair is, that during last year a large number of these packages came to England. Liverpool took 12,782, London 5760, and Glasgow, 2125. It is said that the people of South America are beginning to show a decided preference for cotton goods produced in the States, which they consider superior in many important respects British fabrics at the same price.

PROSPECTS OF TRADE.

THE subjoined extracts from a paper read to the Statistical Society on 19th December, by Mr. Stephen Bourne, F.S.S., on "The Growing Preponderance of Imports over Exports in the Foreign and Colonial Trade of the United Kingdom," are suggestive. They are a confirmation of what has been said on pp. 98, *seq.*, and written, I regret to see, without apparent realisation of the ills that emigration, not rightly guided, inflicts on the country we love:—

"Unless, therefore, some radical change take place in the conditions of our trade and manufacture, or the system upon which they are conducted, these unfavourable symptoms will every year become more painfully apparent."

"Whilst fancied security in our ability to defy competition, and a knowledge of the large profits hitherto accruing to our manufacturers, has induced our artisans and labourers to grow more exacting in their demands, and their masters to be more lavish in their expenditure, other nations have been profiting by our experience, and rival manufactories have been springing up on all sides."

"It is said that we spend annually 150 millions in intoxicating drinks, as much as all our food imports cost us."

"Our capitalists, and those who live upon them, need to restrain the heavy expenditure accompanying the cravings of ambition, the undue pursuit of pleasure, and frivolous idleness."

"The food we eat, the water we drink, the air we inspire, are but so many constituents in creating and maintaining the physical power and the nervous energy which must be expended in labour of some sort, or they become inert; are there not abundant fields for their employment, as so many have already found, in new countries, or old ones capable of being renewed?"

"I firmly believe that Britain now stands tottering on the eminence to which she has attained, and that it rests entirely with her sons whether a further rise or a rapid fall is to mark her future history. . . . Let these but be consecrated to the advancement of civilisation and Christianity throughout the world, and I for one have no fear for our lasting prosperity or enduring glory."

In sad agreement with the foregoing are the appeals of the earnest and philanthropic member for Liverpool. On the 9th January he told the working men of the great port :—

“Pointing out the increasing competition against which this country as the great commercial centre of the world had to contend, Mr. Rathbone proceeded to show we were spending faster than we were making, consuming more than we were producing. It would be impossible to continue thus to burn the candle at both ends, and at the same time maintain our present position and prosperity. Turning to the savings, he found that the increase in deposits in the savings-banks was greater by £200,000 in 1872 than it was in 1875, although in the latter year £11,000,000 more was spent in drink. America, to recover from the effects of her civil war, had been economising steadily, had been rapidly paying off her debt, and was one of our most formidable competitors. The condition of the people of France was shown by that country’s prosperity.”

Extracts from *Trades-Unionism the Blight on British Industries and Commerce*, by John Honeyman, Member of the Council of the Royal Institute of British Architects :—

“After making very liberal allowance for the steady price of timber and lead, we learn that the cost of erecting a house now (without any reference to the price of ground) is at least sixty per cent. greater than it was twenty years ago.”

“It is remarkable, and deserves the serious notice of intelligent workmen, that in America trades-unions have failed to gain a stable footing. . . . Surely there is enough around them in their everyday life to awaken at least a strong suspicion that they are altogether on the wrong tack. Here, in Glasgow, in the midst of iron and coal fields, we span our magnificent Central Station with girders from Belgium, and our river with a bridge from the same workshops. We use American cloth, American organs, clocks, chairs, pails, doors, and a thousand other things. American cars run along our streets, and American ‘Wooton’ desks are in our offices and libraries. German tartans and other goods are in our shops, German bottles in our cellars, and French and Belgian plate-glass in our windows. These and such manufactured articles are brought here, freight and charges paid, and sold with a profit for less than we can make them with all our natural advantages. Now, such evidences of successful foreign competition are new, and they are annually multiplying; they are therefore not to be ignored, or thoughtlessly passed by as of trifling signifi-

cance. They deserve the earnest consideration of every class of the community, but especially are they fraught with momentous lessons for our operatives, who cannot escape from the threatened danger by merely shutting their eyes. . . . Take such simple cases as these :—If India supplies herself with a large quantity of manufactured goods, formerly sent from this country, and also sends them to our colonies, and to Eastern Africa, as it is opened up to trade, at lower prices than we can produce them here, will this or will it not affect in any way the cotton industry of this country? Or, if the Americans send over here—as they do—copper goods, tramway cars, doors, and other joiner work, and sell them for less than they can be made by our own mechanics, will this or will it not affect the coppersmiths and joiners of this country? Or, if large contracts for iron for colonial railways must be given to foreign houses, because no English maker can undertake them at the same figure, will this, and such transactions, make no difference to our iron-workers, our iron-masters, our ship-owners, ship-builders, and merchants? . . . ‘JUSTICE AND FREEDOM’ must become their motto—justice for employers as well as for themselves, and freedom for all.”

French Treaty.—The following paragraph from a letter of the clever London correspondent of the *Daily Review* (January 24), taken in connection with the many other previous exposures of the inequality, that is the unfairness, which is the characteristic of the French treaty, and even is its principle, will help to open eyes to the mistake we are making in renewing such a derogatory (?) instrument. Mr. Cobden agreed to ten years of these audacious and cruel French demands and British disadvantages, as a tentative step and a temporary sop. Would *he* have consented to their renewal? Every one acquainted with manufactures knows that it is the extent of the area of supply, and the number of countries and places to be supplied (which maintain continuity of demand, and the benefit of the most favourable times in each), that enable production to be cheap, and excellent too. If a French manufacturer has the supply of his own markets and of ours, he has a great advantage over any British rival who is confined to our own, and who, if he does send abroad, sends under the obvious disadvantage of a duty that disenables him to compete on equal terms. Such trade cannot be expected to last long. To give the guarantee of a treaty is to tempt and embolden our neighbours to make new preparations to oust us from our natural home-trade :—

“There is some prospect, it can hardly be called an immediate

one, of a revision by the French Government of the import duties still levied upon some English productions, notably pottery. It is certainly hard that while the manufacturers of France are admitted into this country free, our industries should be so seriously handicapped as they are under the working of a commercial treaty intended to confer reciprocal advantages upon the two countries. The economic folly of paying to the French refiner a bonus upon every pound of his sugar exported, has so far survived derisive criticism. But, while the English consumer has thus his cup sweetened at the expense of the French taxpayer, the English refiner is seriously crippled. French porcelain is to be seen in untaxed abundance in London shop-windows, and appears to be growing in favour, but an import duty of 15 per cent. is still exacted by France upon English china and earthenware. The representations which have heretofore been made have proved futile, but it is perhaps indicative of more equitable dealings that the French Minister of Commerce has received a deputation of English potters this afternoon, and has quietly talked the matter over."

When peace was restored in 1815, a statesman might have pointed to the advantage of adopting for the empire a *policy of trade and manufactures*. He could urge it on the ground of the benefits people derive from being actively employed,—of its enriching and elevating effects,—of its tendency to establish international relations, to foster a love of peace, and to introduce refinement and taste. Another statesman might have pointed to the advantage of a *policy of colonisation*. He could urge it on the ground of the permanence and the remunerativeness of agricultural and pastoral pursuits,—of the manly independence these foster,—of the self-containedness and unity with which they endow the empire,—and the influence over mankind for good which the spread of loyal and free and thriving communities over the globe, would give this nation. Both of the statesmen could have pleaded that history and the geographical position of the British territories favoured their views. In fact, the views of both *were* adopted in practice. Has the time not come for *the nation to reconsider the whole subject*? Ought we not now to lean towards the policy of colonisation? The hereditary character of our throne and aristocracy ought to assure us that the nation *has* a policy, a policy which, instead of mainly consulting immediate and individual interests, and being satisfied with tiding over the wants of the present generation, contemplates the working out of a larger problem. If we

look at the progress of other nations, and the new or increasing competition our manufactures and mines have to face, and at the altered relations between employers and employed (which it is vain and perhaps a mistake to regret), are we not drawn towards a conclusion more favourable to colonisation than heretofore? Pioneers have long ago established themselves in all parts of this happily united empire; steam navigation, the telegraph, and the press have brought the extremities almost into juxtaposition. Thither, a noble stream of what for want of a more befitting word we call emigration would easily be caused to flow from the mother country if a proper and permanent bond of confederation of the Queen's dominions were instituted, if citizenship were felt to be equally real and recognised and warm wherever the subject of the Queen is doing his duty to himself and to the State, if honour were as much or more accorded to the occupants and guardians of these outposts as to the gentlemen of England who loiter at home, if the aristocracy were encouraged to plant their sons on these wide fields, and to remember that peerages and titles of rank are misunderstood or abused when they fail to stimulate their wearers to fresh exertions and high aims on behalf of the nation and of mankind.

There is no time to lose. If our statesmanship, faithful to its responsibilities, tackle itself to this question, a grand empire may be now built up, one and indivisible, enjoying independence and wielding influence both of them unexampled. Opportunities do not last for ever. If present calls continue to be neglected Britain's sun may set, only to be lamented by the races in every quarter of the globe who looked to her for light and liberty and peace. No part of the population has so much to hope for in connection with this question as our industrials in all departments of employment. Yet their leaders sit silent. Questions immeasurably less urgent absorb thought; and because this is not a question of party it excites no visible interest, almost nobody mentions it, and the few who would be restrained by fear that in prosecuting what ought to be a mission, they will lack the requisite strong and general support.

A. Definite Imperial Policy.—Undoubtedly there is a vast store of patriotism (let us hope also of devout gratitude) hidden in the breasts of her Majesty's subjects. But in ordinary circumstances we see rather what is mere national satisfaction. Yet is the other a frame of mind and an attitude which in past ages wise statesmanship sedulously encouraged, if indeed the cultivation of

what grows rank were needful. Would not some stirring appeals and fresh national songs be in our days welcome and well-timed, and any other mode of evoking the slumbering sentiment? Still, the lively declaration of a national policy of the kind indicated above would be far the most effectual mode, and at same time the most pregnant with valuable results.

There is another inducement to prefer a policy of colonisation. If it should be Britain's sad fate to be engaged in war, the existence of vigorous and in a great measure unassailable portions of the Empire in several parts of the globe must give great strength, whereas dependence on commerce and manufactures would throw idle a large portion of the population, and actually expose us to peculiar risks of a most serious character. These considerations, and the transition in India which recent policy seems to aim at or facilitate, should stir up our leading statesmen to negotiate well-braced Imperial unity without delay.

PRINTING IN SCOTLAND BEFORE THE UNION.

MR. DICKSON of the Register House has most kindly showed me in the Records of the Privy Council of Scotland, a number of entries in which printing and publishing are regulated. Subjoined are copies of some of them, suggestive enough to require no comments. The only remarks I make are these :—The number of books published must have been small. The printers were under strict supervision, and were dealt with in a summary and high-handed way. The supervision had reference not only to political considerations but religious. In only a single instance did I observe any regulation or stipulation affecting price. In that instance the printer of the Acts of two sessions of Parliament was to sell “at half-a-crown, and at no higher rate.” A reason assigned for a license was, in another case, that the book was to be sold at a “small price ;” price, however, not mentioned. The only condition required anywhere is fineness of paper, etc. The monopolies were for terms of years, and were, in a large proportion of the concessions, granted for reprinting books published long before, and books of English authorship. In a particular case, while booksellers and others were prohibited from printing, importing, and vending a work, an exception was made of copies already printed or imported. To these the interdiction was not to extend.

From the Records of the Privy Council.

Att Edinburgh, the twenty-fourth day of June, j^mvij^o years.

His Majesties High Commissioner and the Lords of his Majesties Privy Councill doe heirby recommend to Sir James Stewart, his Majesties advocat, to return ane answer to a letter written from Aberdeen anent the printing of a book emitted by George Keith and Robert Sandilands, late quakers, now turned protestants, and to write the said answer to Mr. . . . Osburne, Principall of the Colledge of Aberden, and to allow and appoint the said Mr. Osburn to revise the said book, and to causs print the same, if he find it to be fully orthodox.

Att Edinburgh, the twenty day of March, j^mvij^o and one years.

The Lords of his Majesties Privy Councill do heirby appoint and ordain Agnes Campbell, relict of umquhill Andrew Anderson

printer to the King's Majesty, to sell the Acts of the eight and ninth sessions of this present current Parliament, at the price of half-a-crown, and at no higher rate; and hereby discharges her to exact any higher rate for these Acts she will be answerable.

Att Edinburgh, the fourteenth day of March, 1701 years.

Anent the petition given in to the Lords of his Majesties Privy Council by Agnes Campbell, his Majesties printer, shewing that where the deceased Andrew Anderson, her husband, having obtained a gift under the Great Seall, for payment of a composition in Exchequer, and other weighty reasons, giving him his heirs and successors the sole right of printing within this kingdom, and which was ratified in Parliament, and often confirmed by decreets and acts of Council upon compearance and debate, and all persons were discharged during the tyme limited in the said gift, to print or to import into this kingdom any books in whatever airt, faculty, or language, which he, his heirs or successors, should at any tyme print, without his or their licence, except in sua fars as the said gift was restricted out of meer favour by his consent, as is more fully contained in the gift and decreets of Council following thereon. Their petitioner, upon the faith and encouragement of the forsaid gift, and severall acts and decreets of Council above mentioned, hath so fars advanced the art of printing, that altho in our neighbour nation the printers, upon the very designing of any extraordinary and expensive work, use not only to join together in the expenss, but also gett considerable encouragement and gratuities from the publick. Yet their petitioner, for the credit of this kingdom, did by herself undertake, and has now near finished, the printing of Mr. Mathew Pool's annotations on the Holy Bible, with Clark's Harmony on the Evangelists, not contained in the English book, which hes occasioned a great expenss, and which she has carryed throw, notwithstanding of many discouragements, and in some manner threats of the English, and she may boldly say, that her work is better done, and upon fyner paper, then that done in the English nation. She hes also begun editions of Durham and Flavel's works, which the English are likewise carrying on at the same tyme, upon the faith and hopes of getting subscriptions in Scotland to their proposals, thinking thereby to receive their petitioners design and consequently her press. She is also printing a Treatise by Mr. Daniell Campbell on the Sacrament, called the Frequent and Devout Communicant, and some of Mr. Craighead's Sermons; and the encouragement she craves from their Lordships is what she humbly conceived is her right from the gift itself, vide-

licit, that no printer or other person quahatsomever be allowed to print, reprint, or to import into this kingdom any of the forsaid books already printed or to be printed by her, under the pain of confiscation, and such other punishment as their Lordships think fitt. Their petitioner took only leave to represent to their Lordships that she hes so farr improven the art of printing in this kingdom, that her printing house is equall, and perhaps exceeds any printing house in England, and the encouragement of her work tends very much towards the maintenance of a great many families. The Generall Assembly hade so farr considered the usefulness of this undertaking that they have recommended to all noblemen, gentlemen, ministers, and others within this kingdom, to give her their concurrence and assistance, which is all she could demand of them. And therefore humbly craving their Lordships to consider the premises, and discharge the printing or reprinting, or the importation of any works printed or undertaken by there petitioner, and particularly of the works above mentioned, under the certifications and penalties contained in her gift, videlicet, the confiscation of the books so printed or imported, the one half to his Majesty and the other half to her, and to grant her warrand to seaze any books imported, printed, or reprinted contrary to the said prohibition, as also to discharge all tacksman of the customs, collectors, waiters, surveyers, to suffer or connive at the importation of the saids books, and to appoint such other certifications as their Lordships should find necessary, to whom the said matter is recommended by the gift and Act of Parliament ratifying the same, as the said petition bears. The Lords of his Majesties Privy Councill having heard the above petition, given in to them by Agnes Campbell, relict of Andrew Anderson, his Majesties printer, read in their presence, they, upon the sixth day of March last, nominated and appointed the Earles of Lauderdale and Leven, the Lords President of Session and Thesaurer deput, Mr. Francis Montgomry and the Provost of Edinburgh, to be a committy to consider the said petition, with the gift in favours of his Majesties printer, how farr the samen doth or may extend, and recommended them to meet the morrow morning at ten ackloak in the forenoon, and declared any three of them to be a sufficient quorum, and recommended to them to make their report with their first conveniency, which being again this day considered by the saids Lords of his Majesties Privy Councill, they heirby recommend to the Lords of the committy appointed upon the above petition, given in by the relict of Andrew Anderson, his Majesties printer, to authorize and impower the said Mrs. Anderson to print Pool's Annotations, Mr. Durham's work, Mr. Daniell Campbell's books anent the

Sacrament of the Lord's Supper, and Craighead's Sermons, and impowers the said committy not only to give the said Mrs. Anderson liberty to print the saids books, but likewise to grant her the sole priviledge for printing of the same, and to discharge all persons quhatsoever to print these books for said number of years as they think fitt, the said committy being always first satisfied as to the flyness and sufficiency of the paper and types to be made use of and imployed by her in printing of the saids works or books, and to declare that if any of these works or books shall be printed by any other person within this kingdom during the space forsaide, the same shall be seized upon and confiscat by the said Mrs. Anderson and applyed to her own proper use and behoove. And the saids Lords of his Majesties Privy Councill have refused and heirby refuse the desyre of Mrs. Anderson's petition given in to them as to Flavell's works, and heirby allows these works to be printed, imported, and sold by any person quhatsoever.¹

From the Acts of the Parliament of Scotland.

1646.—“Supplication. Mr. David Buchannan desireth a restrains of the printing of any book of the History of the Kirk of Scotland for some time. The Estate grants the desire thereof, conform to the Act,” etc.

PETITION OF MR. ROBERT FORBES, Professor of Philosophy in the University of Aberdeen.—From the Minutes of Parliament, July 1661:—

“And because by the iniquity of the late times these books have been almost destroyed and worn out of print, your Grace's petitioner having a perfect copy . . . intends for the public good and information of the people of this nation . . . to publish and cause reprint them, and seeing the charge and pains to be taken in that work will be vast and above the reach of the petitioner's power,” etc.

¹ What follows met my eye, under date 8th February 1684: a printer had objected to a rival's reprinting an *Almanack of Aberdeen*. “Discharge the said Agnes Campbell, Robert Sanders, or any other, to reprint the same, at any time within one year after his publishing thereof, or affixing the town of Aberdeen's arms thereto. And the Lords upon this occasion, taking notice that books and papers are printed without allowance and license, and finding it very unfit that any person should presume so to do, do hereby discharge the said Agnes Campbell . . . or any other persons, printers in this kingdom, to print any books or papers whatsomever, or to reprint any of those formerly printed, without special license from the Bishop of the Diocese for anything in Divinity, the Dean of Faculty for the Law, the President of the Colledge of Physicians for Phisick, and the Clerk of Council to license anything else, the King's printer notwithstanding may print books taught in schools as,” etc.

1663.—“All materials for printing, as printing paper, ink, potashes, and the like, and all licensed books imported by stationers and booksellers, shall be free of all custom, excise, and all imposition whatsoever; and the exportation of all the said commodities brought by books within this kingdom, to be likewise free of all imposition whatsoever for seven years after the date hereof.”

ENGLAND.

The following are extracts from Lowndes's *Historical Sketch of the Law of Copyright*, 1840 :—

“It is improbable, that even in the Augustan age, an age rich in literature and the arts, any such right ever existed. . . . But copies appear to have been sold for the purpose of recital before an audience. . . . But this doubtless implied no exclusive right.”

“After this, privileges were, during the reign of Henry the Eighth, very freely granted. We find patents to several printers, for seven years, for all books they may have then printed, or thereafter should print.”

“About this time, also, we find a privilege for printing, which upon the face of it, though not in express words, is granted in consideration of the claims an author has to his copy. It is dated in 1530, and is in favour of ‘maistre Jehan Palsgraue Angloys natyf de Londres, et gradue de Paris,’ for a book to teach the French language, which he is said to have ‘made with a great and long continued dyligence;’ and in which, ‘besydes his great labours, payns, and tyme there about employed, he hath also at his proper coste and charge put in prynt;’ wherefore, continues the patent, ‘we greatly moued and stered by dewe consyderation of his sayd long tyme and great dyligence about this good and very necessary purpose employed, and also of his sayd great costes and charges bestowed about the imprintyng of the same, haue liberally and benignly graunted vnto the sayd maister Palsgraue our fauorable letters of priuilege, concernyng his sayd boke, called, Lesclarcissement de la langue francoyse, for the space and terme of seuyne yeres next and immedyatly after the date hereof, enswyng,’ etc.”

In regard to Matthew's Bible, August 1537 :—

“It were therfore (as yo^r Lordship dothe euydently perceae) a thynge vnreasonable to pmyt or suffer them (which now hath no soche busynes) to enter into the laboures of them that hath bothe sore trouble & vnreasonable charges. And the truthe is this that if yt be prynted be any other before these be solde (which I thynke shall not be this iii yere at the least, that then am I yo^r poore Orato^r

vtterly vndone. Therefore by yo^r moost godly fauo^r if I maye obtayne the Kynges moost gracyous priuiledge that none shall prynt them tyll these be solde, which at the least shall not be this iii yere, yo^r lordship shall not fynde me vnthankfull, but that to the vttermost of my power I wyll consyder yt, etc.”

“It is most probable that the parties applying for these privileges never looked beyond the protection of the one edition they printed ; there was but one class of readers, an impression was calculated on which would supply their wants, and the only time for which a privilege was valuable, was, till it was sold off. Second, third, and fourth editions, were not confidently looked to, with the calculating eyes of modern bibliopoles, as a means of repayment for their vast outlays at the commencement.

“Therefore, the foregoing facts prove, that as soon as by the increase of printers, and the improvements in printing, it became possible for one man by printing another’s copy to avail himself of the money and labour expended by the other upon its production, without sharing in the cost, and so to undersell him ; so soon was the injustice of such a proceeding on all sides proclaimed.”

“For the Queen [Elizabeth], directly on her coming to the throne, had issued injunctions in which she positively prohibited any one from printing ‘any maner of booke or paper, of what sort, nature, or in what language soeuer it be, *except the same be first licensed* by her Maiestie, by expresse woordes in writing, or by six of her priuie Councell : or be perused & licensed by the Archbishops of Canterburie and Yorke, the Bishop of London, the Chauncelors of both Universities, the Bishop being Ordinarie, and the Archdeacon also of the place where any such shall be printed, or by two of them, whereof the Ordinarie of the place to be alwayes one.’”

*Registers of the Stationers’ Company.*¹—“The Master and Wardens who originated them had no other object. in view than the prosaic one of keeping a list of the fees received during their year of office. . . . They had no control over the books printed at the Universities of Oxford and Cambridge, or over the printing presses of Edinburgh, and even in London itself the influence of powerful friends at Court had already obtained for the wealthier *printers* the exclusive privilege of printing many of the most valuable sets of books.

“It was during the reign of Elizabeth that monopolies in printing were introduced. On Richard Tottel, the publisher of the first

¹From the *Times*, 4th January 1877.

poetical Miscellany compiled in this country, was bestowed the privilege of printing every law-book published in England, and to John Day and William Seres was assigned the monopoly of Printing all the Psalters and Primers. In the succeeding reign these rights passed, partly by purchase and partly by inheritance, to the Stationers' Company, and by this means, as the reader will see at a glance by turning to the lists of law, school, and prayer-books printed on pages 668-71 as the property of the Company, they became possessed of the lucrative privilege of printing the books in most frequent use throughout the land. To the circumstance that works printed under the authority of a patent from the Crown required no entry in these books, such volumes being licensed in anticipation as belonging to subjects in whose loyalty and discretion the Crown could place the fullest confidence, may be attributed the most remarkable omissions in the Registers. . . . Under the authority of an ancient patent, all property in Bibles was granted to Robert Barker, and it was at his sole expense that the publishing of this great work was accomplished. . . . The most valuable set of books mentioned in this volume as belonging to any printer is the stock possessed by George Bishop in 1611. . . . We can form some idea of the expense incurred by the adventurous Bishop in printing such ponderous volumes and in acquiring their copyrights by reading the history of Dr. Fulke's *Confutation of y^e Rhemish Testament, with a Defence of y^e English Translacion*. For this single work Bishop maintained the learned doctor and two of his men, with their horses, for nine months, provided the books which the author required for pursuing his labours, and paid him the considerable sum of £40.

“As in the course of years the printing of many important books passed into the hands of younger and irresponsible printers, the authorities in Church and State deemed it prudent to establish a stricter system of censorship. Although Queen Elizabeth's injunctions of 1559 nominally placed the products of the English press under the control of the Bishops of the English Church, yet in the early years of her reign no higher authority was required for licensing books than that of the Master and Wardens of the Company itself, and in some instances the Warden alone gave his sanction. The earliest work licensed by the Archbishop of Canterbury was the brief Chronicle of John Stowe, published in 1564-65, but for many years after this the Master and Wardens ventured to license books merely on the advice of some discreet ministers in London. . . .

“The second part of the *Faery Queen* is entered in January

1595-96, as the property of Master Ponsonby, and the Registers are silent as to the authorship, though the name of Spenser duly appeared on the title-page of the volume. Ben Jonson's *a comicall satyre of Eevery Man out of his Humour*, the companion volume *Eevery Man in his Humour*, and *The Poetaster* are all entered anonymously. . . . Knolles' *History of the Turks*, which Dr. Johnson in the 'Rambler' lauded to the skies, as displaying all the excellence of which narration could admit, was registered on the 5th of December 1602, when it was deemed of sufficient importance for a special memorandum of the shares which the various booksellers had in the property."

THE REFORMED CHURCHES OF OLD FRANCE.

A FEW passages culled from *Synodicon in Gallia Reformata*, London, 1692, show how a continental reformed church of old regarded its duty and opportunities in the book way :—

“It was resolved, That those who had been appointed by the National Synod to answer the writings of our adversaries, should be reimbursed all charges they were at in printing their works : But such as were appointed by a particular province unto such a task, that province shall take care to defray their expences. And therefore in pursuance of this order, the province of Higher Languedoc and Guyenne are required to give satisfaction unto Monsieur Sonis, for his costs and trouble in printing his books against Spond.”—1598.

“Monsieur Chamier having presented his controversial writings unto this Synod, according as he was enjoined by the last National Synod, he received the thanks of the whole Assembly for the great progress he had made in them, and he was earnestly intreated and encouraged to finish his designed labours, and that he would be pleased to print the three first Tomes at once, and to assist him in the great and necessary charges he must needs be at, the sum of two thousand livres is ordered to be paid him now in hand.”—1612.

“The Sieur de la Viale, one of the deputies of Higher Languedoc, presented unto this Assembly letters from Monsieur Chamier, Pastor and Professor of Divinity at Montauban, by which he informed us of the progress made by him in his body of controversies, which he undertook at the intreaty of the last National Synod held at Rochelle, and that there were three volumes ready and fitted for the press, the heads and matters of which were included in a particular memorial, that was also tendered by him. The Assembly ordered their thanks to be returned him for his great and worthy labours, and that the two thousand livres which had been formerly promised him by the synod of Privas, should be kept by him as an encouragement for his travail, and to help defray his charges : and that the Church of God may be no longer deprived of his most singular and fruitful labours, whose publication it hath most ardently desired these many years ; The consistories of Paris and Lyons are ordered to treat with the printers and booksellers of their cities, and with those of Geneva, or with their company, who deal in such matters, to undertake the impression of these three volumes without delay, and to get them

printed either in Germany or Geneva; and in case they should demand moneys to be paid them in beforehand, they may oblige themselves to advance three thousand livres, deposited for this purpose with the Lord of Candal, unto those that will ingage to finish the said impression, provided, that as soon as it is finished, they do cause to be delivered into those afore-mentioned consistories of Paris and Lyons, according to the articles covenanted between them, so many intire and perfect books, as will satisfy the aforesaid sum of three thousand livres already received by them, at the rate of four deniers per sheet. And these books lodged in the hands of those two consistories shall be sold unto the pastors of our churches at a very moderate price; reserving always twelve complete copies to be presented unto their reverend and learned author, free of all costs and charges whatsoever. And further, those consistories before mentioned shall be accountable unto another National Synod for their receipt and disbursement of the sum aforesaid, and of the books received and sold by them, And that this excellent work of Monsieur Chamier may be the sooner finished and wrought off at the press, he is intreated to send speedily unto the above-mentioned consistories, the titles of his works, the number of quires, and of folio's in each quire, together with one folio-leaf of the same fairly written, that so an estimate may be made of the bulk of the whole. And these two consistories having perused it, they shall consult together about the best and most advantagious terms they can agree on with the printers, which being signed, notice thereof shall be given unto Monsieur Chamier, with their request, that he would be pleased to send his manuscript copy unto such a place as they shall appoint him, at the charges of the undertaker, who shall be reimbursed, by deducting such a number of books, at the rates before contracted for, as his charges amounted to in fetching the said original papers from their reverend author. And the said printers shall be obliged to work off the whole impression within the space of one year at the farthest, from the date of the contract made with them.

“ In pursuance of this order for printing those worthy labours of the most reverend Chamier, Thomas Portau, a printer, living at Saumur, appeared in person before this Assembly, and offered those terms unto it, which were accepted. Whereupon the consistory of Saumur were charged to contract with him, taking therein the advice of the Lord du Plessis their governour, and of Monsieur Rivet, pastor of the Church of Tours; and Monsieur Chamier shall be intreated to deliver unto the said Portau his manuscript copy, who on notice given him shall wait upon him for it,

and at his own charges : And besides this article, there shall be added these ensuing conditions unto the contract, stipulated with him, that he shall finish the impression of these three books against the next Mart of Frankfort, and that he shall bring them to the place appointed before the next Easter at the farthest, that he shall print them on fair and large paper, which will hold ink without washing, such as that on which the Lord du Plessis his book of the Eucharist was printed, with as large a margent, and weighing fifteen pounds a ream, or thereaway ; that the character shall be such as that Little Cicero printed by Colomiés ; that the letters shall be new founded with which he begins the work, and to be renewed in the progress thereof, in case occasion do require it, and that the consistory, contracting with him, do judge it needful ; that the stamps for the Latine, Greek, and Hebrew quotations shall be all new and proportionable to the work, that the books, which according to the before-mentioned articles and conditions he is to render unto the churches, shall be kept at Saumur, there to be sold, and a part of them shall be sent by the said Portau to Lyons and Rochelle, and all of them delivered unto the respective consistories of those churches, who shall take care for their being distributed abroad among our ministers.”—1617.

“ Mr. John Paul Perrin, minister of Nions, in Dolphiny, presented himself before this Assembly to render an account of printing his *History of the Vaudois and Albigeois*, and he farther declared that he was now writing the general history of the Church from the beginning of the world to this age in which we live. This Assembly applauding him and thanking him for his pains and labours in the before-mentioned history, leaveth it to his prudence and conscience to judge whether such a work as he is now undertaking will be of use and benefit unto the churches, because we would not impose that task upon him which would be needless and unprofitable.”—1620.

“ To finish that great work of Monsieur Chamier, deceased, upon the Controversies of Religion, the Sieurs Garrissoles and Charles were chosen and appointed to write *De Reali Præsentia* and *Transubstantiatione*, to handle the questions *De Ecclesia* and *Consiliiis* ; Monsieur Amyraut to treat *De Manducatione Spirituali*, and *De Sacrificio Missæ* ; Monsieur De la Place and the aforesaid Sieur de Garrissoles is entreated and exhorted to publish his work *De Christo Redemptore*. And the Sieurs de Chanvernoun, Mestrezat, de Croy, Aubertin and Daille are also desired to print their works, which they have undertook and performed for the common edification of the churches.”—1645.

TABLES ILLUSTRATING THE BOOK TRADE.

THE first and second of the tables that follow show the principal elements that constitute the cost of a book. The first gives a low or "potential" estimate, the second a more liberal one. The framer has not access to exact information as to the profits which are current or expected. In case even the second is not regarded as liberal enough, a line appended to the third table supplies the deficiency. From the sums set down for the publisher, there must, before his profit is seen, be deducted fair allowances for interest on capital, insurance, bad debts, collecting of debts, business expenses, etc. These the reader may estimate for himself.

The third table combines in one view several of the particulars contained in these tables or deduced from them. A main object of these tables is to prove that by increase of sales, prices might be reduced.

Of the fourth table a main object is to exhibit the profit that would accrue if sales were very large on the ratio of the present current prices of books.

The reader will judge for himself, whether the basis on which the several calculations have been made are correct. They are presented as mere approximations or guesses, except as to printing and binding, wherein accuracy may be relied on.

APPROXIMATE VIEW I. OF THE COST OF AN OCTAVO VOLUME.

	If the number printed for sale is 250.		If 500.		If 1000.		If 2000.		If 4000.		If 8000.		If 16,000.		If 32,000.		If 64,000.	
	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.
Paper (432 pp.),	8	0 7 ¹ / ₁₀	16	0 7 ¹ / ₁₀	32	0 7 ¹ / ₁₀	63	0 7 ¹ / ₁₀	125	0 7 ¹ / ₁₀	248	0 7 ¹ / ₁₀	494	0 7 ¹ / ₁₀	984	0 7 ¹ / ₁₀	1965	0 7 ¹ / ₁₀
Setting types, . .	75	6 0	75	3 0	75	0 9	75	0 9	75	0 4 ¹ / ₁₀	75	0 2 ¹ / ₁₀	75	0 1 ¹ / ₁₀	75	0 0 ¹ / ₁₀	75	0 0 ¹ / ₁₀
Printing,	7	0 6 ⁷ / ₁₀	12	0 5 ⁷ / ₁₀	20	0 4 ⁸ / ₁₀	32	0 3 ⁹ / ₁₀	62	0 3 ⁸ / ₁₀	103	0 3 ¹ / ₁₀	189	0 2 ⁸ / ₁₀	341	0 2 ⁸ / ₁₀	675	0 2 ¹ / ₁₀
Binding,	10	0 9 ¹ / ₁₀	18	0 8 ¹ / ₁₀	33	0 7 ¹ / ₁₀	65	0 7 ¹ / ₁₀	125	0 7 ¹ / ₁₀	245	0 7 ¹ / ₁₀	480	0 7 ¹ / ₁₀	950	0 7 ¹ / ₁₀	1875	0 7 ¹ / ₁₀
Cost of manu- facture,	100	8 0	121	4 10	160	3 2 ¹ / ₁₀	235	2 4 ¹ / ₁₀	387	1 11 ² / ₁₀	671	1 8 ¹ / ₁₀	1238	1 6 ¹ / ₁₀	2350	1 5 ⁶ / ₁₀	4590	1 5 ¹ / ₁₀
Copies given, 40 to 80 and incidents, . . .	20	1 7 ² / ₁₀	12	0 5 ⁷ / ₁₀	11	0 2 ⁶ / ₁₀	7	0 0 ¹ / ₁₀	7	0 0 ⁴ / ₁₀	7	0 2 ⁰ / ₁₀	8	0 0 ¹ / ₁₀	8	0 0 ¹ / ₁₀	8	0 1 ⁸ / ₁₀
Advertising, . .	20	1 7 ² / ₁₀	30	1 2 ¹ / ₁₀	40	0 9 ¹ / ₁₀	60	0 7 ¹ / ₁₀	90	0 5 ⁴ / ₁₀	130	0 3 ⁹ / ₁₀	200	0 3 ¹ / ₁₀	300	0 1 ⁹ / ₁₀	500	0 1 ⁸ / ₁₀
Sum to author .	250	20 0	250	10 0	250	5 0	250	2 6	250	1 3	250	0 7 ¹ / ₁₀	250	0 3 ¹ / ₁₀	250	0 1 ⁸ / ₁₀	250	0 0 ¹ / ₁₀
Publisher 25% on above, . . .	390	31 2 ¹ / ₁₀	413	16 6	461	9 2 ¹ / ₁₀	552	5 6 ³ / ₁₀	734	3 8	1058	2 7 ⁷ / ₁₀	1696	2 1 ⁴ / ₁₀	2908	1 9 ⁷ / ₁₀	5348	1 8
Publisher can afford to sup- ply the trade at Bookseller, 33 ¹ / ₁₀ % on above,	98	7 9 ⁶ / ₁₀	103	4 1 ⁵ / ₁₀	115	2 3 ⁶ / ₁₀	138	1 4 ¹ / ₁₀	183	0 11	265	0 7 ¹ / ₁₀	424	0 6 ¹ / ₁₀	727	0 5 ⁵ / ₁₀	1337	0 5
Price the pub- lic might be supplied at, .	488	39 0	516	20 7 ¹ / ₁₀	576	11 6	690	6 10 ⁹ / ₁₀	917	4 7	1323	3 3 ⁴ / ₁₀	2120	2 7 ¹ / ₁₀	3635	2 3 ² / ₁₀	6685	2 1
Second last line of Table II, . .	163	13 0	172	6 10 ¹ / ₁₀	192	3 10	230	2 3 ⁷ / ₁₀	306	1 6 ³ / ₁₀	441	1 1 ¹ / ₁₀	707	0 10 ¹ / ₁₀	1212	0 9 ¹ / ₁₀	2228	0 8 ³ / ₁₀
Difference, . .	651	52 0 ¹ / ₁₀	688	27 6 ¹ / ₁₀	768	15 4 ³ / ₁₀	920	9 2 ⁴ / ₁₀	1223	6 1 ⁴ / ₁₀	1764	4 4 ¹ / ₁₀	2827	3 6 ³ / ₁₀	4847	3 0 ² / ₁₀	8913	2 9 ⁴ / ₁₀
	728	58 2 ⁸ / ₁₀	771	30 10	861	17 2	1031	10 3 ⁷ / ₁₀	1371	6 10 ² / ₁₀	1975	4 11 ² / ₁₀	3166	3 11 ² / ₁₀	5429	3 4 ⁵ / ₁₀	9983	3 1 ² / ₁₀
	77	6 2	83	3 3 ⁸ / ₁₀	93	1 9 ⁷ / ₁₀	111	1 1 ⁸ / ₁₀	148	0 8 ⁸ / ₁₀	211	0 6 ² / ₁₀	339	0 4 ¹ / ₁₀	582	0 4 ² / ₁₀	1070	0 3 ⁸ / ₁₀

APPROXIMATE VIEW II. OF THE COST OF AN OCTAVO VOLUME.

	If the number printed for sale is 250.		If 500.		If 1000.		If 2000.		If 4000.		If 8000.		If 16,000.		If 32,000.		If 64,000.	
	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.
1. Paper, 432 pages, fine quality, . . .	8	0 7 ¹ / ₁₆	16	0 7 ¹ / ₁₆	32	0 7 ¹ / ₁₆	63	0 7 ¹ / ₁₆	125	0 7 ⁵ / ₁₆	248	0 7 ⁴ / ₁₆	494	0 7 ⁴ / ₁₆	984	0 7 ⁴ / ₁₆	1965	0 7 ⁴ / ₁₆
2. Setting types, . . .	75	6 0	75	3 0	75	1 6	75	0 9	75	0 4 ¹ / ₁₆	75	0 2 ¹ / ₁₆	75	0 1 ¹ / ₁₆	75	0 0 ¹ / ₁₆	75	0 3 ¹ / ₁₆
3. Printing, . . .	7	0 6 ¹ / ₁₆	12	0 5 ⁷ / ₁₆	2	0 4 ⁸ / ₁₆	32	0 3 ⁹ / ₁₆	62	0 3 ⁸ / ₁₆	103	0 3 ¹ / ₁₆	189	0 2 ⁸ / ₁₆	341	0 2 ⁶ / ₁₆	675	0 2 ⁵ / ₁₆
4. Binding, . . .	10	0 9 ¹ / ₁₆	18	0 8 ¹ / ₁₆	33	0 7 ⁸ / ₁₆	65	0 7 ¹ / ₁₆	125	0 7 ¹ / ₁₆	245	0 7 ¹ / ₁₆	480	0 7 ¹ / ₁₆	950	0 7	1875	0 7
Cost of manufacture, . . .	100	8 0	121	4 10	160	3 2 ¹ / ₁₆	235	2 4 ¹ / ₁₆	387	1 11 ³ / ₁₆	671	1 8 ¹ / ₁₆	1238	1 6 ⁵ / ₁₆	2350	1 5 ⁶ / ₁₆	4570	1 5 ¹ / ₁₆
5. Copies given, 40 to 80, and incidents, . . .	20	1 7 ² / ₁₆	12	0 5 ⁷ / ₁₆	71	0 2 ⁶ / ₁₆	7	0 0 ⁸ / ₁₆	7	0 4	7	0 2	8	0 1	8	0 1	8	0 1 ⁸ / ₁₆
6. Advertising, . . .	20	1 7 ² / ₁₆	30	1 2 ¹ / ₁₆	40	0 9 ⁴ / ₁₆	60	0 7 ¹ / ₁₆	90	0 5 ⁴ / ₁₆	130	0 3 ⁹ / ₁₆	200	0 3	300	0 1 ⁹ / ₁₆	500	0 1 ⁸ / ₁₆
7. Sum to author	250	20 0	250	10 0	250	5 0	250	2 6	250	1 3	250	0 7 ¹ / ₂	250	0 3 ³ / ₄	250	0 1 ⁶ / ₈	250	0 0 ¹ / ₁₆
8. Publisher, 33 ³ / ₄ % on above, . . .	390	31 2 ¹ / ₁₆	413	16 6	461	9 2 ¹ / ₁₆	552	5 6 ³ / ₁₆	734	3 8	1058	2 7 ¹ / ₁₆	1696	2 0 ¹ / ₁₆	2608	1 9 ¹ / ₁₆	5348	1 8
Publisher can afford to supply the trade at, . . .	130	10 4 ⁸ / ₁₆	138	5 6	154	3 0 ⁸ / ₁₆	184	1 10 ¹ / ₁₆	245	1 2 ⁷ / ₁₆	355	0 10 ⁶ / ₁₆	566	0 8 ⁵ / ₁₆	969	0 7 ² / ₁₆	1783	0 6 ⁷ / ₁₆
9. Booksellers, 40% on above, . . .	520	41 7 ² / ₁₆	551	22 0	615	12 3 ¹ / ₁₆	736	7 4 ¹ / ₁₆	979	4 10 ⁷ / ₁₆	1411	3 6 ³ / ₁₆	2262	2 9 ⁸ / ₁₆	3877	2 4 ⁹ / ₁₆	7131	2 2 ⁷ / ₁₆
Bookseller could sell at, . . .	208	16 7 ⁷ / ₁₆	220	8 10 ² / ₁₆	246	4 11 ² / ₁₆	295	2 11 ⁴ / ₁₆	392	1 11 ⁵ / ₁₆	564	1 4 ⁹ / ₁₆	904	1 1 ⁶ / ₁₆	1552	0 11 ⁶ / ₁₆	2852	0 10 ³ / ₁₆
	728	58 2 ⁹ / ₁₆	771	30 10	861	17 2	1031	10 3 ⁸ / ₁₆	1371	6 10 ² / ₁₆	1975	4 11 ² / ₁₆	3166	3 11 ² / ₁₆	5429	3 4 ⁵ / ₁₆	9983	3 1 ³ / ₁₆

TABLE SHOWING CERTAIN POINTS BROUGHT OUT IN APPROXIMATE VIEW II.

	If 250 Copies are printed for sale.		If 500.		If 1000.		If 2000.		If 4000.		If 8000.		If 16,000.		If 32,000.		If 64,000.			
	Per copy.	s. d.	Per copy.	s. d.	Per copy.	s. d.	Per copy.	s. d.	Per copy.	s. d.	Per copy.	s. d.	Per copy.	s. d.	Per copy.	s. d.	Per copy.	s. d.		
Cost of manufacture and advertising,	11	2	6	6	4	2	3	0 ³ / ₁₀	2	5	2	0 ² / ₁₀	1	9 ⁷ / ₁₀	1	8 ¹ / ₁₀	1	7 ¹ / ₁₀		
Charge for authorship or production,	20	0	10	0	5	0	2	6	1	3	0	7 ¹ / ₂	0	3 ² / ₄	0	1 ⁸ / ₈	0	0 ² / ₁₀		
Expenses and profits of distribution,	27	0 ¹ / ₁₀	14	4 ² / ₁₀	8	0	4	9 ⁵ / ₁₀	3	2 ² / ₁₀	2	3 ⁵ / ₁₀	1	10 ¹ / ₁₀	1	6 ⁸ / ₁₀	1	5		
Total,	58	2 ¹ / ₁₀	30	10 ² / ₁₀	17	2	10	3 ⁸ / ₁₀	6	10 ² / ₁₀	4	11 ² / ₁₀	3	11 ⁵ / ₁₀	3	4 ⁵ / ₁₀	3	1		
Of the above, after deducting half of the publisher's 33 ¹ / ₃ per cent. for expenses, author and publisher receive, together, as profit,					6	6 ⁴ / ₁₀	3	5	1	10 ³ / ₁₀	1	0 ⁵ / ₁₀	0	8	0	5 ² / ₁₀	0	4 ³ / ₁₀		
Which, if divided equally, make the author better or worse than he would be on the fixed sum of £250 by					-1	8 ⁸ / ₁₀	-0	9 ⁵ / ₁₀	-0	4 ⁸ / ₁₀	-0	1 ¹ / ₁₀	+0	0 ¹ / ₂	+0	1	+0	1 ⁴ / ₁₀		
					£	1469	7	4 ² / ₁₀	2116	5	3 ⁵ / ₁₀	3393	4	2 ⁹ / ₁₀	5815	3	7 ⁶ / ₁₀	10796	3	4 ⁵ / ₁₀
					£	1104	11	0 ⁵ / ₁₀	1469	7	4 ² / ₁₀	2116	5	3 ⁵ / ₁₀	3393	4	2 ⁹ / ₁₀	5815	3	7 ⁶ / ₁₀
					£	1104	11	0 ⁵ / ₁₀	1469	7	4 ² / ₁₀	2116	5	3 ⁵ / ₁₀	3393	4	2 ⁹ / ₁₀	5815	3	7 ⁶ / ₁₀
					£	821	32	10	922	18	5 ³ / ₁₀	1104	11	0 ⁵ / ₁₀	1469	7	4 ² / ₁₀	2116	5	3 ⁵ / ₁₀
					£	821	32	10	922	18	5 ³ / ₁₀	1104	11	0 ⁵ / ₁₀	1469	7	4 ² / ₁₀	2116	5	3 ⁵ / ₁₀
					£	760	60	9 ⁵ / ₁₀	821	32	10	922	18	5 ³ / ₁₀	1104	11	0 ⁵ / ₁₀	1469	7	4 ² / ₁₀
					£	760	60	9 ⁵ / ₁₀	821	32	10	922	18	5 ³ / ₁₀	1104	11	0 ⁵ / ₁₀	1469	7	4 ² / ₁₀

Or, View III, calculating the booksellers at 50%^{es}

7500 60 0-5 821 32 10 922 18 5-3 1104 11 0-6 1409 7 4-3 2116 5 2-6 3329 4 2-8 5815 3 7-6 10724 3 4-3

	If the Number printed for sale is 250.		If 500.		If 1000.		If 2000.		If 4000.		If 8000.		If 16,000.		If 32,000.		If 64,000.	
	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.	£	Per copy. s. d.
Retail price at 12s. 2d. allowed off the shilling.	150	12 0	300	12 0	600	12 0	1200	12 0	2400	12 0	4800	12 0	9600	12 0	19,200	12 0	38,400	12 0
Net retail price Booksellers get (say) = 20%	125	10 0	250	10 0	500	10 0	1000	10 0	2000	10 0	4000	10 0	8000	10 0	16,000	10 0	32,000	10 0
Publisher gets, gross.	100	8 0	200	8 0	400	8 0	800	8 0	1600	8 0	3200	8 0	6400	8 0	12,800	8 0	25,600	8 0
From which as per Tables I. and II. he pays manufacture, advertising, etc.,	140	11 2 ¹ / ₀	163	9 9	271	4 2 ¹ / ₀	302	3 0 ³ / ₀	484	2 8 ¹ / ₀	808	2 2	1446	1 9 ¹ / ₀	2,658	1 7 ⁵ / ₀	5,078	1 7
Net sum fore-penses of sale, copyright, etc. Allow for risk of sale, interest, etc., 20%	40	5 2 ¹ / ₀	37	1 6	129	3 9 ⁶ / ₀	498	4 11 ⁷ / ₀	1116	5 3 ³ / ₀	2392	5 10	4954	6 2 ³ / ₀	10,142	6 4 ⁵ / ₀	20,522	6 5
on cost,	28	0 0	33	1 4 ¹ / ₀	54	0 10 ¹ / ₀	60	0 7 ³ / ₀	97	0 5 ⁷ / ₀	162	0 5 ¹ / ₀	289	4 0 ³ / ₀	532	0 3 ⁹ / ₀	1,016	0 3 ⁸ / ₀
Remains to pay copyright and profit = % on cost,	68	0 0	4	0 1 ⁰ / ₀	75	2 11 ⁵ / ₀	438	4 4 ⁵ / ₀	1019	4 9 ⁶ / ₀	2230	5 4 ⁹ / ₀	4665	5 10	9,610	6 0 ⁶ / ₀	19,506	6 1 ³ / ₀

Of the foregoing tables, No. I. represents what may be regarded as business done on the lowest convenient scale of profits to publisher and bookseller; No. II. represents business on something like the scale supposed to be current (but probably beneath it). The last line of No. I. shows the difference between the two scales, or the cheapening which the adopting it would effect on the price of books.

No. II. warrants the following references:—

There is great advantage in sales being large. A book which, if the number printed is 250, could not be sold below 58s., could, if the number be increased to 8000, pay a fair profit at 5s.

Consequently it would be for the benefit both of this country and of the United States to have international arrangements, which would unite the whole in one area for the supply of literature.

The policy is contrary to expediency which, like that found within certain of the colonies, insists on *reprinting* in a colony. It would be contrary even although the population were as great as that of the United States.

Authors who complain of illiberality on the part of publishers, will see that, unless the profits of the business are greater than the table indicates, it is not easy to remunerate largely, and of course large remuneration means a high price.

The tables are founded partly on data, partly on inferences drawn from information more or less accurate. The calculations are only approximate. But the general accuracy (although allowance has not been made for 1 copy to 24 given free of charge to the trade) is sufficient to warrant the following observations:—

To print a very small number of copies will not pay at ordinary selling prices, even although there is no honorarium claimed for authorship.

The cost diminishes greatly up to 4000 copies, beyond which number the diminution is of necessity comparatively small. In the case used for illustration, 1000 copies would require to sell at 17s. 6d., whereas 4000 would be remunerative at 7s., and 32,000 would do at 3s. 6d.

The cost of a 1000 copies edition is £461, of a 4000 only £734, of a 32,000 £2608,—of which amounts the actual cost of mechanical production and advertising is £200, £477, and £2650, against, for author, publisher, and booksellers, £650, £897, and £2771.

The cost of authorship is, in these cases, per copy, 5s., 1s. 3d., and 1 $\frac{7}{8}$ d.; the retailer's profit (if he do not allow discount), is 4s. 11 $\frac{2}{100}$ d., 1s. 11 $\frac{5}{100}$ d., and 11 $\frac{6}{100}$ d.

SCHOOL-BOOKS.

TABLES I. and II. may to some seem carried far enough when they exhibit a sale of 64,000 copies. But in the case of school-books ten times that number would be very much beneath a probable extent of sale.

It is, I suppose, in virtue of such an extent of sale that Irish schools are supplied with their authorised books at what used to seem very low prices (whether as low as they could be afforded at I do not know).

A suggestive calculation may be made by any one on the basis of the tables referred to. The furthest column on the right hand shows that 64,000 copies of a thick 8vo volume, elegantly got up, can be produced for £4590. We may infer that *three* times the number of ordinary-sized school-books would cost no more: that is, they could be produced for less than sixpence a-piece.

Why then do we not get them at anything like that price? and how may we secure the advantage?

First.—The Education Department might and should appoint competent men to prepare or select suitable books for all branches of education, acquiring the copyright.

Secondly.—A single publisher should be appointed, who should stereotype and sell for cash payment only, at a minimum rate of profit; or still better, he should receive a salary and sell on account of the Government.

Thirdly.—Retail booksellers and—why not?—schoolmasters should be supplied direct from the publishing office, at prices to yield them not more than twopence net in each shilling of the retail price, allowing, however, a margin sufficient to pay carriage from London, say, perhaps, to cure this uncertain item of expense, twenty-five % = 3d. in the shilling, that is, the book, which the Government sells at sixpence, should be sold to the scholars at ninepence.

Fourthly.—To suit distant parts of the kingdom, facilities should be afforded by the Post-office, *e.g.*, the money (payable in advance) might be remitted at a nominal charge, and no unnecessary objection should be interposed to the use of the Post-office for delivery.

Fifthly.—Use of the Government school-books should be imperative, except when special exemptions are expressly sanctioned.

To the foregoing observations a few others may be subjoined.

The supplying of schoolbooks is one of the few businesses which may legitimately be a monopoly, not of course in private hands and worked for profit, but in the hands of Government, and worked without profit. This monopoly presents the following advantages:—

It secures such a continuity, similarity, and multiplicity in the operations of manufacture, and therefore such cheapness of production and of sale, as cannot in any other way be approached.

It saves the heavy expenses of advertising and of pushing sales, which are necessary and daily augmenting concomitants of competition.

It lessens the danger which cannot be altogether overcome, of certain influences being exerted in favour of books on which there is a royalty to the author, or a profit to the publisher, or both.

For "royalty to the author" in some cases may be substituted "tax to the compiler." A smile will naturally arise at the simplicity of our legislation, which rewards a judicious use of scissors with the right to draw, for forty-two years, from the pockets of rich and poor, a certain number of pence from every copy sold of the book, which, without disparaging its merits as a compilation, has, perhaps by something little better than accident, established itself in the seat of honour and of custom.

This illustration brings into prominence the grounds on which this brochure (or "agglomeration") proceeds, which may here be summarised.

First.—The rights of an author in a copyright composition or book (to be more distinct, the word "composition" should be adopted) is something attached by the State to the original production, out of good-will. It is a *legal right*, an authority granted him to prevent other persons from copying it for sale or hire, and, as such, it is not property, which is in its nature perpetual and entirely under proprietary control, but is a privilege conceded for a limited time for an assumed sufficient consideration, which privilege and consideration it is the duty, and within the power of the State, to regulate and render equitable and expedient. The State can, and we contend should, appoint a "board of publication," whose function it shall be to adjudicate the length of time during which the monopoly may subsist—the amount of profit which, in the form of taxation on every copy sold, the publisher may levy for

himself or the author, or of both—the price at which each copy shall be sold, and the number of copies that may be sold at that price,—whether, and when, a cheaper issue should be required for the “millions,” etc.

It is true the adjudication proposed would not be in all cases satisfactory, but it would be an honest attempt to do justice, and at the worst it would relieve the nation from the incomparably more incongruous working and results of the present *total want* of regulation. Let it never be forgotten that copyright, as now constituted, is a monopoly, and that monopoly is only legitimate if put under public control, and exercised for public advantage.

In this matter of school-books we have a complete justification of monopoly, and the exhibition of a legitimate monopoly. The State may or must, as a general rule, do for the people, what the people through their representatives find or pronounce can be done better for them by the authority and at the expense and through the functionaries of the Government, than by the voluntary and uncertain and unsupervised and costly action of individuals.

The education department in carrying out a scheme like that which is presented in this note, has a good opportunity of introducing tentatively a change of the manner of *pricing* books. On the most superficial view it does appear strange that the inhabitants of London and Edinburgh, who can procure books published in those places free from the added cost of carriage, should require to pay quite as much for a book as the buyer at Sligo or Wick. Would it not be fair to make a difference? We suggest, therefore, with regard to school-books to begin with, that on every one should be stated, along with the retail price, the cost of *postage*, and that the vendors should habitually add that charge to the price; for instance, taking the typical book, let its retail price be stated as at a shop in London, say sevenpence or eightpence, and therewith, if it weighs (as it probably would) nearly three quarters of a pound, let the postal charge of threepence be plainly stated, thus bringing its legitimate price up to elevenpence in the country. If the vendor can bring the book cheaper by any other conveyance than the post, let him have the advantage (it is a legitimate one), or give it, if he likes, in part or whole to his customers.

The following lines from Mr. Thom's list of Irish National School Books show reasonable prices:—

Sixth Reading Book, 494 pages, 26 Woodcuts, 12mo, Cloth, 1s. 4d. [7½d.]

Selections from the British Poets, Vol. I., 480 pages, 12mo, Cloth, 1s. 3d. [7d.]

Selections from the British Poets, Vol. II., 560 pages, 12mo, Cloth, 1s. 3d. [7d.]

Arithmetic in Theory and Practice, 400 pages, 12mo Cloth, 1s. [5½d.]

Agricultural Class Book, 352 pages, 65 Woodcuts, 12mo, Cloth, 1s.

Second Reading Book, 288 pages, 19 Woodcuts, 18mo, Cloth, 6d. [2d.]

Sequel No. 1, to Second Book, 202 pages, 18mo, Cloth, 4d.

Supplement to the Fourth Reading Book, 444 pages, 12mo, Cloth, 10d. [7d.]

Fifth Book of Lessons, 416 pages, 12mo, Cloth, 9d. [7d.]

The figures within brackets are those at which, per circular of February 1877, the Commissioners supply the several books, and at which the scholars are to be supplied.

The National Board supply all the National Schools under its control at cost price, and deliver the books free to the schools, so that the only loss to the Board is the cost of carriage. Formerly the schools were supplied under cost, and the loss was made up out of the Government grant, but this system was disapproved of.

LONDON GAZETTE.

ONE reason why Government school-books appear to be producible and saleable at a very low price, is, that they would not need to be advertised. But if advertising of them be thought desirable, might not the editor of the *Gazette* propose to the Chancellor of the Exchequer to do it by means of an improved method of publishing that now almost never seen periodical?—why should it not be published daily at a penny, and made the channel for all not-local public advertisements? There is a large issue throughout the year of Blue Books containing most valuable information, elaborately prepared, which it would be highly expedient to have brought within reach and before the eyes of people in all parts of the kingdom; but few people see them, because booksellers do not or cannot afford to sell them, and because they are not advertised. The Stationery Department might advertise these as obtainable by post in return for remittances by post-office order or in stamps. To pay expenses, for profit should be relinquished, the editor should be encouraged to receive at very moderate, but yet remunerative rates, all other literary and such-like advertisements. This, then, by no means mute, organ would soon acquire a large and general circulation, become one of great national use, and be referred to with eagerness.

The Gazettes (for the remarks applicable to the London one are not inapplicable to the sister one of Edinburgh), thus revived, would be made still more interesting and serviceable, if they contained, along with the Patent-office announcements, meteorological notices, the titles of bills introduced into Parliament, notices of bills passed, Post-office and Customs intimations, and communications which the Local Government and other public offices wish to make.

To show how the *London Gazette* fails to circulate *as it should*, the compiler of this brochure finds it does not reach his Club in Edinburgh, nor another important Club where he made inquiries, nor the Philosophical Institution (the principal reading-room in the city), which has 2700 subscribers. He was there informed if he went to an office in the High Street he could see it on payment of the fee of a shilling.

QUANTITIES AND VALUE OF PRINTED BOOKS Exported from
the United Kingdom in each of the years 1870 to 1875, inclusive.

COUNTRIES.	QUANTITIES.					
	1870.	1871.	1872.	1873.	1874.	1875.
	Cwt.	Cwt.	Cwt.	Cwt.	Cwt.	Cwt.
Germany,	1,016	1,144	1,477	1,470	1,164	1,161
Holland,	413	552	1,097	1,118	1,203	1,294
Belgium,	385	1,085	801	950	859	933
France,	1,260	1,457	2,435	2,359	2,522	2,143
	3,074	4,238	5,810	5,897	5,748	5,531
Egypt,	4,559	5,078	5,354	2,440	252	111
United States,	19,514	22,611	31,506	27,403	27,889	28,474
British North America,	5,653	7,243	8,961	8,026	7,868	6,490
British Possessions in South Africa,	1,411	1,954	2,539	3,796	3,438	4,322
British India :—						
Bombay and Scinde,	704	757	846	1,358	1,588	1,723
Madras,	616	524	562	729	827	968
Bengal and Burmah,	1,314	1,481	1,858	2,225	2,902	2,454
	2,634	2,762	3,266	4,312	5,317	5,145
Australia,	12,183	13,280	17,912	25,383	27,726	29,069
British West Indies and British Guiana,	989	1,322	1,215	1,114	1,298	1,419
Other countries,	4,173	3,731	4,859	5,630	4,817	5,216
Totals,	54,190	62,210	81,422	84,001	84,353	85,777
	VALUE.					
	£	£	£	£	£	£
Germany,	17,073	21,361	27,573	26,459	19,894	18,363
Holland,	7,969	8,508	19,424	16,472	21,912	22,035
Belgium,	8,346	18,730	16,071	17,990	16,953	18,483
France,	18,733	23,555	32,850	33,836	41,622	31,593
Egypt,	76,272	77,812	77,229	33,229	3,854	1,220
United States,	205,128	244,665	307,684	274,486	274,373	273,294
British North America,	53,048	71,465	81,590	71,163	69,127	63,899
British Possessions in South Africa,	21,016	19,501	28,748	40,725	35,986	42,227
British India :—						
Bombay and Scinde,	8,973	9,672	11,749	20,245	24,739	22,534
Madras,	7,598	9,794	6,678	10,776	11,728	11,467
Bengal and Burmah,	22,321	22,450	25,821	33,546	42,033	38,414
Australia,	128,454	125,530	181,084	260,057	267,658	302,432
British West Indies and British Guiana,	11,391	12,178	13,563	12,455	14,469	14,414
Other Countries,	44,533	53,821	53,850	62,407	60,444	55,976
Totals,	630,855	719,042	883,914	913,846	904,792	916,351

For the foregoing very instructive Table, I am indebted to Mr. Farrar, the able Permanent Secretary of the Board of Trade.

The exports to Germany, it shows, are diminishing, and those to France, which takes nearly twice the quantity, but less than Holland and Belgium together take.

The specified continental countries take more than British India, and about as much as British North America, whose quota is diminishing.

Australia is our best customer. It takes more than the United States, and a quantity steadily increasing like that to South Africa, which, to its honour, takes two-thirds as much as British North America, whose proximity to the United States is a "disturbing" element.

These notes refer to the quantities. The values are not to be depended on. Still they are interesting. That to India, it will be seen, exceeds that to British North America.

Literature of 1876.—The proprietor of the *Publishers' Circular* has completed a synoptical table of the publications of the year 1876, by which it appears there have been issued—

	New Publications.	New Editions.
Theology, Sermons, Biblical,	487	216
Educational, Classical, Philological,	278	192
Juvenile Works, Tales, etc.,	244	175
Novels, Tales, and other Works of Fiction,	452	405
Law, Jurisprudence, etc.,	101	63
Political and Social Economy, Trade and Commerce,	271	106
Arts, Sciences, and Illustrated Works,	152	100
Voyages, Travels, Geographical Research,	177	93
History, Biography, etc.,	288	119
Poetry, Drama, Musical, etc.,	170	152
Year Books, Serials in Volumes,	157	136
Medicine, Surgery, etc.,	108	73
Belles Lettres, Essays, Monographs, etc.,	100	76
Miscellaneous, including Pamphlets not Sermons,	116	50

The fortnightly issue of the *Publishers' Circular* gives the full titles, amounting together to nearly 6000 new books and new editions and importations issued during the year.

In order to draw useful inferences from the above table, it is necessary to take the following circumstances into account:—Some classes of books are much more extensively bought for circulating and public libraries than others, and thence are much more widely read. Of some classes also a much larger number is printed than of others, and so have a much larger sale. Some classes of books are read by the rising generation in a much larger proportion than by other persons.

PUBLIC LIBRARIES.

FAR be it from the compiler to charge the literary men of this country with a disposition to grasp at unfair advantages or with consciousness that the advocacy of what is commonly supposed to be their cause has been conducted with strongly marked concern for *meum* and neglect of the *vestrum*. But the fact is they have allowed their claims to be stretched to a very great length. This is evident enough throughout the whole of our *fasciculus*. The characteristic is seen in the way the public libraries have been treated. In order that the case may be better understood, sub-joined are extracts from a document that emanated a third of a century ago from one of our most important institutions, one which educates above two thousand students. They are presented like others in this compilation, without connecting or explanatory comments.

From a Memorial of the Senatus Academicus of the University of Edinburgh, in extract :—

“Powers were given to many persons, holding high official situations, both in England and Scotland, to prevent publishers and booksellers from demanding too high a price for books, and to reduce them to a reasonable rate.”

“The provisions of this Act, it may be confidently asserted, are very beneficial to all the parties concerned in it, giving valuable rights to the Universities of the United Kingdoms and certain other learned bodies on the one hand ; and rights, still more valuable, to authors and the publishers of their writings, on the other.”

“Unfortunately, the Universities of Scotland do not possess funds in any measure adequate to the purchase of the numerous works annually published, the possession of which is essential to the prosperity of establishments of their nature. To them, consequently, the receiving books gratuitously, according to this Act, is of vital importance ; and the community at large, who are so deeply interested in the education of the rising generation, may be considered as amply sharing in these advantages.”

“It secures to them the copyright of any work for the space of twenty-eight years, and for as much longer as the author shall live, affording protection from invasion of it in every part of the British dominions, and giving them a complete monopoly during that period. This monopoly enables the author to dispose of his literary labours to the best advantage, and the publisher who acquires the copyright to turn his bargain to the greatest account, as it relieves

him from the control of competition, and allows him to fix the price of the book at the highest possible rate which the nature and estimation of the work can bear.

“In consequence of this monopoly, the sale price of books is often increased far beyond the ordinary rate, and very large profits are realised at the expense of the public.

“The Legislature in the beginning of last century anticipated this constant attendant on monopoly, and the Act of Anne contains a provision for preventing the enhancement of the price of books beyond reasonable bounds. By the late Acts, however, publishers are freed from this restriction, and left completely to the exercise of their own discretion.

“The booksellers and publishers have endeavoured to make their copyright monopoly appear of little value by alluding to cases of ponderous literary performances of no merit, or of extensive works of merit which interest a few individuals only. In these instances, the literary property and copyright may be worth nothing, but it is in vain to deny the value of the copyright of the far larger number of works that have their profit enhanced by the security from competition, afforded by the provisions of the very Act against which the complaint is made.

“It has been also said, that literary property is sufficiently protected by common law, and that authors and publishers derive no right from the Act in question, which they would not enjoy without it. This statement is not correct; for by this Act, the monopoly is extended over the whole British dominions; while without it, *if an author has any right of property at all in his printed works*, it would be limited to the division of the empire where the copyright originated.” [The italics are in the original.]

“The English publications could be reprinted in Ireland or Scotland for the market of every part of the British dominions, excepting England, and for the foreign market: The Scotch, in England and Ireland; and the Irish, in England and Scotland; by which the value of literary property would infallibly be reduced at least two-thirds. By this Act also, the infringements on copyright may be prosecuted, and penalties inflicted by a much more expeditious and less costly legal procedure, than by common law.

“From what has been stated, it must be obvious that this Act is, in many respects, highly beneficial to authors and their assigns; it will therefore be proper to consider in the *first* place, whether it be just and reasonable, that a price should be paid for the advantages which it confers.

“The payment of a price to secure and protect property, is agreeable to the spirit of all transactions in this country ; in fact there is perhaps no property of any description whatsoever, for the security of which, a price in one shape or another, is not paid.

“The case most analogous to books, is that of mechanical and chemical inventions ; they, as well as books, are the offspring of genius, research, and labour. The rewards obtained for them, in addition to fame and reputation, are derived from the use made of them by the public, and for which the public are duly made to pay. To secure these justly merited rewards, a monopoly or exclusive privilege of using or selling the invention, for a period of years, is accorded by the laws of the country. But whatever the merit of the invention may be, the patent is never obtained without incurring a heavy expense. In this case indeed, certain individuals holding official situations, profit by the money paid by the patentee : while in the case of copyright, the community are the gainers, through the medium of the privileged libraries.

“It may hence be presumed that it is not unreasonable that authors or their assigns should pay something for the advantage of security and monopoly, which they acquire at the expense of the public.

“This leads to the consideration, in the *second* place, whether the price exigible from publishers according to the Act be a reasonable one or not. This price is the delivery, when required, of eleven copies of every new book, or of the proportion under that number as may be demanded by the privileged libraries.

“THESE ADDITIONAL ELEVEN COPIES CAN OF COURSE COST HIM NOTHING BUT THE PAPER AND PRINTER'S LABOUR ; and very often the former only, as it is customary for every publisher to get worked off by the printers, free of expense, twenty or thirty copies beyond the stipulated number of the impression.

“The price of the paper, and of the pressman's labour, does not perhaps, in any case, exceed one-fourth, and in a large proportion of cases, does not amount to one-sixth, one-eighth, or even one-tenth of the retail value of books. Any person may judge of the actual cost of the eleven copies of any work, pretty correctly, from the following statement :

“Rating the paper at thirty-four shillings per ream, which is a higher price by five or six shillings than the paper used by the Scottish printers usually is, and the printer's charge at nine shillings per five hundred sheets, the cost of eleven copies of each sheet amounts to a small fraction less than one shilling.

“If the tax imposed by Act 1814 be compared with the value of

the property which it protects, it must be admitted that the copyright is secured on very easy terms;—terms of which the publishers have certainly no just cause to complain. A view of this point may be presented, according to the success, magnitude, and cost of the work. We shall first take an extreme case on the one side, and shall exhibit a view of the price paid for securing the copyright of a work of moderate expense, much in request; for example, the late novel of *The Tales of my Landlord*, second series.

“The first impression of this work amounted to 10,000 copies, and each copy being charged £1, 12s., the retail price of the impression amounted to £16,000; and as the copyright continues for twenty-eight years at least, it may be fairly calculated, that in that period half as many more copies will be disposed of, which will render the retail value of this book protected from invasion, a sum not less than £24,000; and the price paid for this protection, that is, the actual cost of the paper and printing eleven copies, does not exceed *Two Guineas*.”

“The first is Dugdale’s *Monasticon Anglicanum*. This book was published in numbers, and sold at the price of £2, 12s. 6d. for each number. Eleven copies, at that rate, amount to £28, 17s. 6d.; which cannot fail to appear a grievous tax.

“But how different is the real state of the case! The supply of eleven additional copies costs merely the price of the paper, the casting off the plates, and the pressman’s work; and these being estimated at the prices of the day, the true and actual cost of each additional copy does not exceed *Four Shillings*, and of the whole eleven, £2, 4s.; a sum considerably short of the retail price of a single copy. The second is Dugdale’s *History of St. Paul’s Cathedral*. It also came out in numbers, at the price of £2, 12s. 6d. Yet each additional copy could likewise have been furnished for *Four Shillings*. The difference between the actual cost of other works of the same description, and the sums specified by the publishers, may be estimated from these examples pretty nearly. This statement, for the accuracy of which we pledge ourselves, will perhaps cause surprise to those who have put implicit confidence in the view of this matter presented by the publishers and booksellers.”

“Or if a publisher, who has purchased the copyright, limit the impression to a small number, for the purpose of enhancing the value of the book, that he may demand an extravagant price for it, which is a very common practice, such an individual has no right to complain.”

"Nothing can afford a more satisfactory proof, that the Copyright Act of 1814 has neither been oppressive, nor injurious to authors or publishers, than the unquestionable fact, that literary labours have been more liberally rewarded, and that more books, and more expensive works, have been published since that date, than during any period of equal duration prior to it.

"It has been admitted by many publishers and booksellers, that the privileges conferred upon them by the Act, are much more than an equivalent for the burthen which it imposes upon them, we must therefore take the liberty of remarking, that it is not consistent with justice, that they should endeavour to cut down the vested rights of the universities, and get rid of that very tax in consideration of which they obtained so extended privileges."

A National Library of Blue Books and such like.

Would it not be well to turn the floor above the Committee Rooms of the House of Commons to useful account as a grand library of these and other public documents, open to all?

Disclaiming all wish to be prudish and precise, may a question be put? Whether Stationers' Hall should recognise works in which a woman uses, misleadingly, a man's name or a man a woman's. This need not interfere with the use of *noms de plume*, "Stephanus Junius Brutus," "A Manchester Manufacturer," etc.

It would have been no stretch of generosity, but rather a comely piece of gratitude, on the part of authors and of publishers, to have got the number of the prominent institutions, to whom copies are to be presented, extended instead of curtailed. The cost, as these extracts show, would be little more than that of binding and paper. Taking as a basis the table to be found on page 125, if the number had been increased to fifty, in order that every district of the kingdom and the larger colonies might be supplied, the whole burden on each ordinary but thick 8vo volume would be four guineas, which must be regarded as a very small tax, having regard to the immense pecuniary advantage gratuitously conferred by copyright.

The Royal Commission would do well if it recommend that at any rate copies shall be furnished on application to the great central institutions *at cost of production*, or, for the sake of simplicity, at certain fixed rates, representing on not a niggardly scale the *average estimated* cost of production, apart from authorship and trade profits. In general, the loss this would occasion publishers would not be anything out of pocket, but only a missing

of profit on such a number of copies as the selected applying institutions might buy, if copies are not presented, and this would probably be not one in twenty. When the loss is greater, it will be in the case of popular books; that is, in the case of books of which the sale is so large that it would be ridiculous to grudge it in the smallest degree. But whatever it be, it admits of being minimised by not requiring the copies to be delivered until some weeks after publication; in other words, until most persons, who are likely to read, shall have been supplied elsewhere with their *pabulum*.

The compiler has tried, in the libraries of the city of Edinburgh, to procure a sight of one or other of two books on the *Organisation du Travail*, one by Louis Blanc, without success, and is convinced by this experience that the subject of better supplies of books to public libraries deserves attention on the part of statesmen. These are a means of true private economy, to take the lowest view of their advantage. The United States appears, by a letter from an American correspondent of the *Scotsman*, to teem with great libraries. He talks of an official report on the subject. Will some British legislator do the service to move for a similar return for this kingdom?

Another advance may be noticed. A sheet of letterpress, sheet of music, map, chart, or plan is now a "book." See Act 7 and 8 Vict. c. 12.

THE AMERICAN LIBRARY CONFERENCE.

MR. YATES of the Leeds Free Libraries, the one British member of the American Library Conference, has obliged me with the *American Library Journal*, No. 2, which gives an account of its proceedings. In case it will not be printed in this country, large appropriations are made below from that veritable treasury. The matter left there untouched is diversified and instructive, including questions about novels, binding, cataloguing, pamphlet-keeping, etc. Such a conference would be stimulating, and many-wise useful in this country. We have a good deal to learn, and do well not to prove ourselves selfwise, and become more so, by measuring ourselves by ourselves. Our youth should take due note of what is suggestive to them, as well as hopeful for mankind, in a paragraph which may without impropriety be introduced here from an Edinburgh paper of February, with full sense that PLOD-DING CHEERFUL WORK, and *ἐγκράτεια* its companion, win the day and have a heavenly character and influence:—

“In a recent examination of Roman law in Lincoln’s Inn, there were sixty-four candidates who passed. The first place was awarded to an Englishman, the second to a Brahmin, and the third to a Chinese.”

“PUBLIC LIBRARIES.

MR. POOLE—“I shall use the term ‘public libraries’ as meaning free municipal libraries organised under State laws and supported by general taxation.”

“The vote of the ratepayers in some English towns and cities where free libraries have been established was as follows:—

	Ayes.	Noes.
Manchester,	3962	40
Winchester,	337	13
Bolton,	662	55
Cambridge,	873	78
Oxford,	596	72
Sheffield,	838	232
Kidderminster,	108	11
Blackburn,	1700	2
Dundee, no dissentient.		

“By the latest statistics of the Bureau of Education, it appears that there are 188 public libraries in eleven of the United States. Of these, five are Eastern States—Maine, New Hampshire, Vermont, Massachusetts, and Connecticut; five are Western States—Ohio, Indiana, Illinois, Wisconsin, and Iowa; and one is a Southern

State—Texas. Eight of these States have passed public-library statutes within the past ten years. In the number of libraries the States rank as follows:—Massachusetts, 127; Illinois, 14; New Hampshire, 13; Ohio, 9; Maine, 8; Vermont, Connecticut, and Wisconsin, 4 each; Indiana, 3; Iowa and Texas, 1 each. In the number of volumes they rank as follows (in round numbers):—Massachusetts, 920,000; Ohio, 144,000; Illinois, 77,000; New Hampshire, 52,000; Maine, 34,000; Indiana, 26,000; Vermont, 16,000; Connecticut, 15,000; Texas, 10,000; Wisconsin, 6000; Iowa, 1000. The aggregate number of volumes in these libraries is 1,300,000, and their annual aggregate circulation is 4,735,000 volumes. It is noticeable that no one of these libraries is in New York, Pennsylvania, or any of the Middle States.”

“In 1848, the same year that the Legislature of Massachusetts, at the suggestion of Josiah Quincy, Mayor of Boston, passed an Act authorising the city of Boston to maintain a public library, Mr. William Ewart, Member of Parliament, moved in the House of Commons for a committee of inquiry respecting libraries. Such a committee was raised, and Mr. Ewart was appointed chairman. Much evidence was taken; a report was made; and in February 1850, a bill was introduced into the House of Commons enabling town councils to establish public libraries and museums. ‘Our younger brethren, the people of the United States,’ says the report, ‘have already anticipated us in the formation of libraries entirely open to the public.’ The bill proposed limited the rate of taxation to one halfpenny in the pound; required the affirmative vote of two-thirds of the ratepayers; restricted its operation to towns which had at least ten thousand inhabitants; and provided that the money so raised should be expended only in building and contingent expenses. This bill, meagre indeed compared with the later enactments of Parliament, met persistent opposition from the Conservative benches.

“A division being taken on the bill, there were 118 ayes and 101 noes. The bill passed the House of Commons in July, and the House of Lords, without opposition, in August 1850.

“The Manchester, Liverpool, and Bolton free libraries were immediately organised under this Act, the cost of the books being defrayed by public subscription. In 1853 similar legislation was extended to Scotland and Ireland. In July 1855, the new libraries having gone into operation with the most encouraging results, a new and more liberal library Act was passed, by a vote of three to one, which raised the rate of taxation from a halfpenny to a penny in the pound, and allowed the income to be expended for books. Its

provisions were made to include towns, boroughs, parishes, and districts having a population of 5000 inhabitants, and permitted two adjoining parishes, having an aggregate population of five thousand, to unite in the establishment of a library.

“In 1866 the Library Act was again improved by removing the limit of population required, and reducing the two-thirds vote on the acceptance of the library tax to a bare majority vote. Provision was also made for cases in which the overseers of parishes refused or neglected to call a meeting of the ratepayers to vote on the question. Any ten ratepayers could secure the calling of such a meeting, and the vote there taken was made binding and legal.

“The English free-library system is now so firmly established that it will not be changed except to expand and enlarge it. Its chief supporters are the middle classes, the artisans and labourers, who, with their families, are its most numerous patrons. The recent extension of suffrage in England has strengthened the system. No candidate for official position who opposed it could hope for success. It has been found that free libraries have not degenerated into political clubs and schools of agitation. No trouble has arisen in the selection of books, and no censorship of the press was required. It was at first supposed that all books relating to religion and politics—the subjects on which people quarrel most—must be excluded. The experiment of including these books was tried in the Manchester and Liverpool libraries, where the books were purchased by private subscription, and no controversy arising therefrom, all apprehension of evil from this cause was allayed. Parliament doubled the rate of taxation, and permitted the purchase of books from the public funds. The adoption of the compulsory system has not imposed a check on the voluntary and self-supporting desire of possessing books which existed among the people. It has strengthened that desire; and ample proof of this statement could be furnished if the prescribed limits of this paper would permit.

“It is singular that objections to public libraries have come mainly from men—as we have seen from the debate in the British Parliament—who are educated, and in general matters of public welfare are intelligent above their fellows. These objections, however, were uttered before the persons making them had given the subject any attention, and hence they were disqualified from entertaining an opinion.”

“Perhaps the most popular objection to public libraries is the one urged by the few disciples of Herbert Spencer—that Govern-

ment has no legitimate function except the protection of person and property, as the original compact of society is simply for the purpose of protection. All else is paternal, pertains to the commune, and tends to perpetual antagonism. The Government may support a police, courts of justice, prisons, penitentiaries, and similar institutions, and can do nothing else.

"How are the people under this theory to be educated? . . . Herbert Spencer wrote his *Social Statics* before the British Parliament passed an Act for the support of public libraries. Mr. Ewart's bill was then before Parliament; and Mr. Spencer, in that work, took occasion to fling a sneer at it. In the preface of his American edition, written in 1864, he states, without remodelling the text, that 'the work does not accurately represent his present opinions.'"

"In the public libraries which are growing up in our land, fully four-fifths of the money appropriated for books is spent in works adapted to the wants of scholars. In the larger libraries the proportion is even greater. It is hardly becoming for scholars, who enjoy the lion's share, to object to the small proportional expenditure for books adapted to the wants of the masses who bear the burden of taxation."

"I would therefore have our library system composed, *first*, of a collection of books in every town, small perhaps, but exceedingly active in circulation because chosen for that express end—libraries that shall carry on the common school education as high as possible with the best works in the English language, but shall make no attempt to foster original research, for which their means will be utterly inadequate; and *secondly*, of libraries in our cities or at colleges, well endowed, capable of doing all that the others can do in a greater degree, and also of serving as safe depositories where the entire literature of this generation can be carried on to the next—where the historian, the genealogist, the antiquarian, may be able to pursue his inquiries successfully, and where any specialist can find, as far as may be, all that has been written on his subject."

"The modern institution of free libraries is barely five-and-twenty years old.

"In England and Massachusetts (which took the lead in America) they date back to Acts of Parliament and Legislature of nearly even dates."

"The work well begun may be trusted for its own development.

“In conclusion, let me say that the day is past when librarianships should be filled with teachers who have failed in discipline, or with clergymen whose only merit is that bronchitis was a demerit in their original calling. The place wants pluck, energy, and a will to find and make a way. We are but just beginning to see the possibilities of the free library system; and the progress of the last score years must be taken as an earnest for the future. Hand in hand with the home and the college, the free library with its more ductile agencies, with its more adaptable qualities, must go on to assert the dominion that belongs to it, if librarians are faithful to their trust and recompense the people as they ought.”

“COPYRIGHT.

“The essence of the claim of copyright, or of any literary property, is simply the assertion of the right to multiply copies of the author's work, and to part with them for value received, while excluding all others from the right of multiplying the same work. This being premised, all other conditions—as of the duration of this exclusive privilege, or of the amount or percentage of profit which the author may receive, or the exaction of conditions by the Government which grants and protects the copyright—are merely incidents of the copyright, and do not go to the substance of the right itself. . . . That entire and absolute freedom of the press which prevails, and has always prevailed, in the United States, has been known until of late years to no other nation.

“The recognition of the rights of authors to possess the sole privilege of authorising the multiplication of their works, and to derive pecuniary advantage therefrom, surrounding this privilege with the guarantee of law, is of comparatively modern date. The first British law of copyright dates only from the days of Queen Anne, in 1710, when it was enacted that authors should enjoy the exclusive privilege of copyright for fourteen years, with right of renewal for fourteen additional years when the first term should have expired. In 1814 the term of copyright in England was extended to twenty-eight years, or during the life of the author; and in 1842 the present law of copyright was enacted, which makes its term last during the author's life and for seven years beyond, or in any case for the full term of forty-two years from the first publication. In all European countries copyright is recognised by law as lasting during the life of the author, and it is further secured to his heirs for a term of years varying from twenty to fifty. In France and Russia copyright accrues to the author's

heirs for half a century after his decease. In Germany, Austria, Switzerland, the Netherlands, and Portugal, it extends to thirty years only after the author's decease.

"In the United States, by the first law of copyright in 1790, the term was fixed at fourteen years, with the right of renewal to the author or his assigns of fourteen more. But in 1831 the first term of duration of copyright was extended to twenty-eight years, or double the former term, with the privilege of renewal to the author's widow or children of fourteen years additional, making forty-two years in all. It is notable that no nation has adopted the system of perpetuity of copyright."

"COPY-TAX.

"The origin of what is sometimes called the copy-tax, or the requirement of copies of all publications protected by copyright for deposit in public libraries, runs back more than two centuries. Although the exaction of copies was in the first instance not for the benefit of public libraries, but of the library of the king (thus being analogous to the exaction of tithes for the benefit of the clergy, and like that a special or class privilege), it has been modified in later times so as to couple it with the granted privilege of an exclusive right of publication. The exactions of Henry of France, in 1556, for the Royal Library, and of Henry VIII. and Charles I., of England, for the libraries of Oxford and Cambridge, long antedated any statute of copyright in either country. . . . At a later period, when copyright laws were established, five copies of every publication were exacted in France, and eleven copies in Great Britain, to go to certain specified libraries. These libraries in Great Britain were the Bodleian at Oxford; the Cambridge University; the British Museum Library; those of Trinity College and the Queen's Inn, Dublin; the University Libraries of Edinburgh, Glasgow, St. Andrews, and Aberdeen; the Library of the Faculty of Advocates, Edinburgh; and the Library of Sion College, London. This onerous exaction of eleven copies was systematically disregarded until laws were made to enforce the claims of the privileged institutions. Then the exaction of copies became so obnoxious and burdensome in the case of costly works, that Parliament interposed and granted to six university libraries an annual sum of money in lieu of the privilege of copy-tax. This was in 1835, the six libraries (four of which were in Scotland) receiving a grant of £3028 per annum in gross for the privilege surrendered. There still remain, however, five libraries entitled to the benefits of this copy-tax."

"In 1865 it was re-enacted as regards the Library of Congress, which was thenceforth entitled to receive one copy of every publication secured by copyright, and the validity of a copyright was made to depend upon compliance with the law. In 1870, after five years of only partially successful efforts to secure a complete deposit of books protected by copyright, the present law was enacted, which transferred the entire business of copyrights within the United States (including the original books of entry, as well as the deposit of copies) to the office of the Librarian of Congress at Washington. This radical change in the system which had existed since 1790 was opposed prior to its enactment by many publishers in the leading cities, who apprehended that the innovation would cost them more trouble than the former system of entering in the clerks' offices. Experience, however, has amply vindicated the system as one of superior convenience and efficiency, and the objections to it have disappeared."

"It may be said that the present system pays into the Treasury a net revenue from copyright fees considerably exceeding the expenses of conducting it, while under the former system no revenue from the registry of copyrights ever reached the Treasury."

"It must be remembered as the initial point in the case that the privilege of the library is coupled indissolubly with a privilege of much greater value to the proprietor of the copyright. The government which protects an author or a publisher in the exclusive right of multiplying copies of any work, charges for this privilege nothing but the slight expense of one dollar for making the record, and furnishing a certified copy, and two copies in addition, of the work whose copyright is secured. . . . For this moderate and almost unfelt tax the author or publisher enjoys in return the exclusive right of multiplying copies for forty-two years. In the case of many books this is a valuable monopoly. . . . The analogy sometimes drawn between the copy-tax and the exaction of specimens of any article of manufacture is wholly inapplicable, since the making of copyright books is a monopoly, based upon the protection of the government, while the right to other manufactured articles is a common law right, independent of statute, and their manufacture (with the fewest exceptions) free to all."

"The aggregate of copyright volumes deposited in the Library during the last five years has been about 18,000 excluding duplicates. As it is a well-established fact that the placing of new publications in public libraries increases the demand for copies, through the publicity and notice thus secured, it is manifest that

publishers find their true interest in that cheerful observance of the law which characterises their action. Nor is it to be regarded in the light of a government exaction. In the United States the people are the government, and it is they who invest authors and publishers with their exclusive privilege of multiplying copies, in partial return for which they say, 'Give us two specimens of your work, to be preserved for ever as a public trust in the national repository at Washington, maintained by and freely open to all the people.'"

AN EDITOR'S COMMENT.

"Besides these constructive successes the Conference accomplished one piece of destructive work in relation to what has been known to many librarians (the booksellers claim quite unjustly) as 'the booksellers' ring.'"

"The time has arrived then for a new science—BIBLIOTHECAL SCIENCE, a wide science, a difficult science, a science of value.

"Gentlemen, a good librarian has ever been a valuable minister to letters. He has always stood between the world of authors and the world of readers, introducing the habitants of one sphere to the habitants of the other; interpreting often obscurities where the fault is with authors, imparting often intelligence where the fault is with readers. This, his ancient title, he still possesses. But in this day and for the future he is called to new offices and to higher distinctions. His profession belongs to the SCIENCES. He requires some fine faculties of mind. He takes his rank with philosophers.

POOLE'S INDEX.

MR. POOLE.—It is hardly necessary for me to remark that I feel deeply interested in the continuance of Poole's Index; and I am ready to co-operate in any practical scheme which will secure the completion of a new edition, with the references brought down to the latest date. The burden and labour of this work should not be laid upon one person. I spent about four years of my life in making the edition of 1853, for which I never received a dollar of pecuniary remuneration. The first edition of 1848 was commenced and completed under a youthful impulse to do something that ought to be done, and without the idea of remuneration. The second edition was carried through under the same impulse, but with the idea that the publication would, partially at least, repay

the labour spent upon it. When the manuscript was ready, I could find no publisher who would risk the undertaking—the book was too large, and no similar publication had ever appeared on which an estimate of its probable sale could be based. Despairing of a publisher, I locked up the manuscript and kept it nearly two years, when Col. Charles B. Norton of New York called on me one day and said he wanted to print my index. He would assume the entire expense, and offered me a reasonable percentage for copyright. The terms were accepted instantaneously, and the work soon appeared. A crisis in the business affairs of the publisher occurred at the same time, and neither he nor myself ever received any remuneration for the money and labour put into the work. The edition of one thousand copies was hurried to the auction-room, and sold, in lots of five, ten, and twenty copies, to parties who did not know what the book was, and at prices scarcely above its value for old paper. A demand then arose for the book, and copies scattered through the country came slowly back to the centres of trade. In two or three years the volume became rare, and for twenty years its price has been rising. During the past year I have seen it priced on booksellers' lists at twenty dollars."

"MR. JAMES YATES followed with a sketch of the public library system of England, as shown in the workings of the public library of Leeds, and said:—Our stock of sixteen thousand volumes has been turned over the counter every fourteen days, for a length of time, and we have issued the day after stock-taking three thousand volumes, without undue strain, and could repeat it each day if the demand kept up."

"Three years ago I sent fifteen hundred volumes to Paris, paid transportation and insurance both ways, and the binder's charge there, and they cost, in half morocco, fifty cents a volume. I could not have got the same work done in Boston for less than a dollar the volume.

"MR. EDMANDS.—For a year and a half we have had a bindery in our building, employing now five hands. They have not been able to do all of the work. We think it will prove a success, as there has already been a small saving in expense. It has been found a great advantage to have the work done under a closer supervision than was formerly possible, and to have a binder at hand to do repairing."

Public Documents.—"There is great need of a reform in the print-

ing and distribution of our PUBLIC DOCUMENTS. There has apparently been no system in the matter. Sometimes the same matter has been printed twice, and so it is found in the documents ordered by the Senate and also by the House, and the volumes are made up so carelessly that it is impossible to ascertain what constitutes a full set of the documents of each Congress. Sometimes a report will be printed without any indication in it of belonging to the series, and yet it is included in the printed schedule of the documents.

“There is need of a change in the manner of distributing the books. Hitherto it has been impossible to get information about the time of their issue, so as to be able to apply for them, and the most of them are squandered instead of being judiciously placed where they will be of service to the country. They should be advertised as soon as issued, sold at about the cost of printing, and the number of copies printed fixed by an estimate of the probable demand.”

DISCOUNT TO PUBLIC LIBRARIES.

“Mr. POOLE then offered the following resolution :—

“*Resolved*, That the discrimination against libraries in the rules of the American Booksellers’ Association, which forbids the trade from supplying libraries with books at a greater discount than twenty per cent. is unjust and impolitic, and is a rule which no librarian is bound to respect.

“In its support he said :—In the summer of 1874 a convention of American booksellers at Put-in-Bay adopted the rule named in the resolution which I have read. Their right to adopt such a rule, as a regulation of their own trade, is unquestioned. They had no right to compel other booksellers who did not belong to their association, and who did not approve of their proceedings, to adopt their rule; and this injustice the association has attempted to enforce. It is right and becoming for the librarians, who have been forcibly invited to walk under this twenty per cent. yoke, to express their opinion concerning the rule, at this their first meeting since its enactment. In the resolution I have offered, I have endeavoured to state the case mildly—that the rule is ‘unjust and impolitic, and one which no librarian is bound to respect.’ My individual opinions would seek expression in more positive terms than these. I have not, however, the slightest personal or official interest in the rule. I have never observed it; it has been an annoyance, but never a restriction to my buying all the books I wanted, at prices that were entirely satisfactory.

“When the rule went into effect, the two largest houses in Chicago were competing for the business of our library, and were supplying current American books at thirty-five per cent. discount, which I candidly think is a larger discount than the trade, as a rule, can afford to give. Shrewd and intelligent booksellers, however, seek the trade of public libraries, for it leads to other business; and hence they give libraries, as they should, the largest discounts. They know also that the library is the best friend and ally of the bookseller, as it creates a taste for reading in the community and a desire to possess books. The spirit which animated the booksellers assembled at Put-in-Bay, and of which the rule we are considering is an offspring, may perhaps be best illustrated by an incident in my own experience. When the rule went into operation our business relations with the leading houses of Chicago were at an end. A smaller house in that city, that did not belong to the association, and did not approve of its action or rules, stood ready to supply the library with books at reasonable prices, and I gave the house an order. Before the order was wholly filled, information came to one of the larger houses as to the manner in which the Public Library was supplying itself with books. A meeting of the partners of the larger houses was immediately called, and a committee, one from each house, was appointed to warn the parties who were supplying us. The committee called and threatened the house that if they did not stop furnishing us with books at a larger discount than twenty per cent., the book trade of the city would discontinue business relations with them, and would report them to the publishing-houses in New York, Philadelphia, and Boston, who hereafter would not supply them at the usual discounts. The smaller house was obliged to succumb to these threats, and sent me a note stating that they were unable to fulfil their agreement, and giving the reasons. The fact that the house did not belong to the association of booksellers, and had never subscribed to its rules, had no weight with the committee. They had then, but have not to-day, the power to enforce the rule in such instances, and in so doing they violated every principle of free trade and common justice. This interference was no inconvenience to us, as other parties were ready to do our business. Is it wise or politic to introduce ‘Molly Maguirism’ into the ethics of the book-trade?

“The rule from its inception to the present time has been a farce; and yet we read about it in the *Publishers' Weekly*, under the euphuistic appellation of ‘reform.’ It has been a farce because it has not been applied to the large libraries of the country, while

it has been forced upon the smaller and feebler institutions. I hope we shall hear the experience of the librarians of Boston, New York, Philadelphia, and Cincinnati. If I have not been misinformed, none of these libraries have come under the rule, and some have been regularly supplied at the old rates by regular members of the Booksellers' Association. It is a farce for a fragment of any trade or profession to meet and enact rules which are to govern the whole trade or profession, and to attempt, by interference with the personal rights of parties who do not accept those rules, the enforcement of these enactments. It is a farce to set up the claim that the book-trade is a guild endowed with superior intelligence, and hence entitled to special privileges, and authorised to enforce obedience to its demands. The book-trade has the same rights and privileges as any other trade, neither more nor less. The rule is a farce because it cannot be put into general execution. It is not possible to make a rule of this kind which experienced book-buyers will not evade, and ought not to despise. My free-trade catechism is simple and concise: it is 'free trade in books.' When a ring is made on boots, hats, and groceries, it will admit of an additional clause. I have had scores of letters from librarians in the Northwest, asking how they could buy books at the old rates, and I have freely given them the information. Most of this trade has been lost to Chicago, as the orders have largely been filled in New York. The Chicago trade, about two weeks ago, in view of this state of affairs, held a meeting and resolved to discard the rule. The trade with us is again free, and our leading houses are now happy to supply libraries in any part of the country at the old rates, provided the orders amount to one hundred dollars. The rule, I understand is still enforced in some parts of the country."

"Mr. YATES.—I find the same errors which have prevailed in England prevail here, for there is no doubt a feeling that our influence is inimical to that of the trade of bookselling in our localities, as has been shown in this instance.

"If all books were of equal value, this might be the case, but as this is not so, the best thing is to get the great mass of people informed of the merits of a work to secure its extended sale. This position, I am glad to say, is being accepted by such publishers as Messrs. Grant and Co., publishers of the *Gentleman's Magazine*; Messrs. Cassell and Sons, and others, who present a copy of new works, knowing that where one reader appreciates it, fifty others are induced to do likewise, but not being able to get it at once from the library, some are led to buy a copy, and make it their own.

"I have no doubt your publishers could save a vast expense incurred in advertisements, which never reach the bulk of readers, by adopting this method of seeing a copy on the shelves of all public libraries. I would not speak as to its success if trashy books were tried to begin with.

"Mr. CAPEN thought that the libraries certainly did not detract from the sale of books."

"Mr. SPOFFORD.—The trouble lies in part behind any of the considerations yet adduced. It is the inordinately high retail price of books, which has gone up to double or more than double what it was before the war, that is depleting the funds of our libraries. And just at the time when the price of books to the general public had reached its maximum, the rate of discount to libraries was fixed at a minimum. This, too, in the face of a general and growing decline in the market price of nearly all commodities.

"The librarians of the country are right in resenting this, and the confessed inability to maintain the high rates is proof enough that they are essentially wrong. I rejoice that an era of low prices has set in, that the inflated prices of books are coming down, and if the time is to return when we shall once more have in this country an honest dollar (and this time, it is to be hoped, is not far distant), we shall once more be able to buy with it (what we cannot latterly do) an honest dollar's worth of books.

"Mr. EDMANDS.—The following may be given as a fair illustration of the working of the present plan of discounts: The distinguished house of Brown, Jones, and Robinson publish a book of which we want fifty copies. The publisher declines to allow a greater discount than twenty per cent. I tell Mr. B. I want fifty copies of the *Sweetbriar*. He goes into Lippincott's—(Laughter)—the house of Brown, Jones, and Robinson, purchases them, and sells them to us at thirty per cent. off, and still makes a profit."

"Mr. BOWKER asked Mr. Christern of New York to give his opinion on the subject.

"Mr. CHRISTERN.—I have no direct interest in the controversy, but having been present at the Convention in Niagara, think that I can give an impartial view of the matter. The general feeling of the retail trade is, that the retail prices are too high, and it is the desire of all booksellers to have them so reduced that they cease to be imaginary. No greater mistake has ever been made than giving discount to professional buyers, as—with the exception of general literature—no books, medical, theological, etc., are published for any other buyers than those belonging to the corresponding profes-

sion. If this abuse could be abolished, the libraries would be in a preferred position, as they and the schools would be the only parties to whom the discount of twenty per cent. would be allowed. To allow more than twenty per cent. will not only deprive the bookseller of his legitimate profit, but will involve a direct loss, as the expenses for handling books are uniformly found to be fifteen per cent. in a well-paying business, and comparatively more in small establishments. The whole question seems to be, whether it will be desirable to break up the retail stores all over the country, rather than for librarians and booksellers to co-operate in abolishing abuses, of which both complain. Consequently, I think that it should not be exclusively a matter of dollars and cents how libraries are provided with books, and that it is wrong to buy from unreliable sellers, who can be proven to sell for less than cost, and therefore *must* become dishonest."

"The original resolution was adopted."

In those extracts the libraries plead for a large discount. Would it not be better to equalise, to treat all buyers alike, to put all customers on the same footing, and not to favour the great and the bold at the expense and to the disadvantage (for what else or better does it amount to?) of the many?

M'Culloch's *Commercial Dictionary* (1859) says:—"The discount allowed by the French publishers to the retail dealers is not regulated, as in England, by the size of the volumes, but by the subjects. The discount on the sale of books of history, criticism, and general literature, is usually about 25 %; in the case of mathematical and strictly scientific works it is seldom more than 10 or 15 %; while upon romances, tales, etc., it is often as high as 50 or 60 %.

An allowance therefore of 10 % on Bibles and school-books, paid for in advance, should suffice.

THE UNITED STATES.

MY attention has been kindly called to the *Fortnightly Review* of this month, which contains an article on "American efforts after International Copyright," by Mr. C. E. APPLETON (no connection of the eminent publishers), worthy of being extensively circulated and read. From it I learn that in January 1876, Mr. EDWARD DICEY contributed to the same monthly an article on "The Copyright Question." Both articles I have read with much pleasure. It is strange perhaps I should have missed Mr. Dicey's. Let me say in apology, that I subscribe to so many periodicals, including five daily newspapers, that I cannot possibly overtake more. *En passant* let me remark that, in spite of that plethora, I do not think—certainly do not remember—that I have seen in any newspaper any editorial notice on copyright, except one which had for its text a speech I delivered in Liverpool! (The principal part of that article I subjoin.) I mention this as an indication how little attention the subject of copyright excites, and therefore the great danger there is that, since whatever is anywhere printed gives forth the authors' and the bookselling inspiration unconsciously inhaled, the transcendent interests of the public are not adequately understood and enforced. Perhaps I should at once say, that among those whom I regard as under this amiable fascination, I do not rank either of the writers on whose papers I now offer a few observations.

Mr. DICEY's article finishes truthfully with these words:—

"If my readers have followed my argument, they will, I think, agree with me in the following conclusions—first, that the principle on which our existing law of limited copyright is based is not intrinsically unjust; secondly, that all demands for its modification must rest not on contentions of abstract right, but of public convenience; and, thirdly, that in respect of international copyright, authors must look for a royalty, not for an absolute title of ownership. These conclusions may seem of a somewhat negative character; but the more they are kept in view the better chance, I hold, there will be of the copyright controversy resulting in practical gain to the interests of literature."

Such is the last paragraph. The first one contains the following sentence, which, unfortunately, has not been, up to this present

time, more than very partially verified. "The appointment of a royal commission to examine the whole question of copyright, is certain to give a renewed impetus to this never-ending controversy."

The pickings which I present may seem coarse and hard when detached from the context. The philosopher will not suffer in estimation even by my peculiar treatment of his valuable thoughts.

MR. APPLETON will, I trust, pardon me if I take a like liberty with his important contribution.

"There are half-a-dozen more or less divergent groups of opinion among different classes of persons concerned in the question and in different parts of the country. There are, first, the authors of New England and a small number of publishers . . . who are in favour of international copyright pure and simple, without restrictions or conditions of any kind. . . . At the other end of the scale of opinion stands the Pennsylvanian school, which opposes international copyright of all kinds and with whatever qualification. Of this school, Philadelphia is the head, and the aged and much respected economist, Mr. Henry C. Carey, is the thinking brain."

Mr. Carey, who enjoys a high reputation as an economist, it appears, would have every country that desires to be independent produce for itself all the commodities it needs, and he favours "decentralisation of industry."

"In this country his works are scarcely known, but in Germany they are translated and held in honour, whilst in Russia, whose area and some of whose other conditions are somewhat like those of the United States, they are, or were within the last few years, in use as a text-book. Mr. Carey's views on copyright have at present the advantage of being the only ones based upon a coherent economical theory. The fundamental idea of Mr. Carey's social science is that of the decentralisation of industry. A community, he holds, should aim at producing all the commodities it needs, so as to be independent of its neighbours. This he regards as the condition of political independence. Secondly, in an extensive country like America, the production of the necessary commodities should be, as far as possible, equally spread over the whole area, so as to bring the producer and consumer into immediate relations, and eliminate 'the middleman.' . . . He thinks that the introduction of cheap reprints of English books does not compete unfavourably with the more expensive editions of native authors, but

prepares a market for them; and this opinion is held by many practical men. As to the payment of English authors, he says he does not agree with those who protest against international copyright on the score that such payment would increase the price of these reprints."

"But copyright, he thinks, is a wasteful way of collecting what is due to the author, inasmuch as nine-tenths of what is collected would go to the parties standing between the author and the reader—*i.e.* to the middlemen."

"*Solidaire* wholly or in part, and for practical purposes wholly *solidaire* with Mr. Carey, are three other important interests which we must now specify. The first of these is the powerful New York publishing house of Harper and Brothers before mentioned, who hold that an international copyright is objectionable because it would increase the price of books, and thus tend to bring down and narrow the popular intelligence."

"The second large interest which works more or less with Mr. Carey and his friends is that of the considerable *booksellers* of the Middle and Western States. . . . Only on very stringent terms, framed expressly to break down the eastern monopoly, would the bookseller who is ambitious to become a publisher consent to international copyright. Here is a sample proposition as it frames itself in the mind of such a bookseller: 'We will only,' one said to me, 'consent to the protection of English books in this country, provided you can establish some system which will give us the same chance of getting them to publish as the New York houses have. This might be done by a public agent at Washington, who should be charged to receive all English manuscripts which were for sale to American publishers. He should advertise their titles and invite tenders for them; and of these tenders he should then be compelled to accept the highest, from whatever part of the country it came, provided it was the tender of a firm of known respectability and solvency.'"

"The books of Mr. George Mac Donald are an example. They were very generally scrambled for, and the different volumes were published by four or five houses in very different styles. In the case of most of the books the author received payment for 'advance sheets.' They had a good initial sale in the United States as new books, but have failed to find a steady permanent sale, chiefly because it is the interest of no one house to push and advertise the set as a whole, and each publisher hesitates to advertise the volumes which he brings out because part of the advantage of such advertising would accrue to other firms."

“In 1853, the question of a copyright treaty with England was again mooted, based upon the principles set forth in the following letter from five of the New York publishing firms to Mr. Everett, at that time Secretary of State:—

“In case the copyright is secured as above, it shall be provided that the type shall be set up and the book printed and bound in this country. The necessity of this provision is obvious; for if an English publisher or author may print and bind a book in England, and at the same time secure a copyright without being required to print and bind his book here, then more than one-half of the mechanics and women employed in the type-foundries, printing-offices, paper-mills, book-binderies and the various collateral branches, will be thrown out of employment and great distress must follow. The people of this country are accustomed to cheap books, and great care should be had to guard against placing the power in the hands of the English publishers to force us to buy only English copies, which from their expensive style must be much higher in price even without the duty. This provision is right, for it protects the people from high foreign prices, and gives the author all he can desire if he will only conform to its provisions. On this plan the English author is placed upon the same footing as the American. His rights are fully protected, and the largest profit accrues to him from the American sale of his books, while a suitable and just protection is also given to American mechanical industry in the manufacturing department of book-making.”

“In 1867, it was reopened in the October number of the *Atlantic Monthly*. . . Congress, at the beginning of the following year, instructed the committee on the library ‘to inquire into the subject of international copyright, etc.’

“At the beginning of January 1872, Mr. Henry C. Carey again appeared on the scene with a pamphlet . . . whilst the new Library Committee of Congress called upon the publishers and others interested in the book trade to aid in framing a bill. The result of this call was a meeting of publishers in the Mercantile Library, New York, on the 23d of January.”

Much stress is laid in the United States on the employing their own citizens. In this article we see this patriotic purpose—one would think, preposterously—asserting itself throughout and on all hands. “The Pennsylvanian School does not want funds among the trades . . . which are ancillary to the publishing trade.” In 1853 five eminent publishing firms required that “the type should be set up and the book printed and bound” in the States. An influential

committee of publishers drafted a Bill conceding copyright "under the condition of re-manufacture in the United States." The minority objected to "the Act," for its "prohibiting the importation of stereos and electros." A meeting of "printers, publishers, booksellers, papermakers," etc., enunciated that "The author of any country, by becoming a citizen of this, and assuming the burdens and performing the duties thereof, can have the same protections that an American author has." An advocate for the Copyright Association "did a great deal of harm to his cause" by contending that the Constitution contemplated "exclusive rights to authors and inventors" other than those of the Union. Messrs. Harper deemed it "entirely inappropriate to urge the claims of authors, publishers, booksellers, printers, binders, papermakers, or any other body of tradesmen, to be especially and exclusively recognised." The *North American Review* declares American editions of foreign books to have the proposed benefit of copyright must be manufactured here," and the Congress Report, 1873, condemned the project because, *inter alia*, it would be an unquestionable and permanent injury to the manufacturing interests concerned in producing books. This unanimity and strength of conviction deserves attention and consideration, particularly at a time when the *Times* thus writes:—"The condition of our export trade is such as to demand all our fortitude and confidence in the native resources of the British manufacturer and merchant," when, too, our competitors in the American continent are so self-protectively exclusive, and have power of competing derived from provisions very cheap (as our importations of animal and vegetable foods thence clearly show), and when unexpected rivalry is rising up in India, China, and Japan, with resources obviously far beyond what we dreamed of quite lately.

These are the convictions not of a few rabid protectionists or of narrow unionists, but of a whole people, an intelligent people, a shrewd people, a great people, a people predominatingly great in agricultural and pastoral resources; and their object and occasion for expressing them are such as would naturally inculcate the utmost moderation and caution.

In marked contrast is the bearing of the British people, if its legitimate exponents are the following leaders of opinion among us: "Mr. Herbert Spencer, Sir John Lubbock, Professor Huxley, Mr. John Stuart Mill, Mr. Thomas Carlyle, Sir James Paget, Mr. Darwin, Dr. Hooker, Professor Tyndall, Mr. John Morley, Mr. Ruskin, Mr. William Black, Mr. G. H. Lewes, Mr. Thomas Hughes, Mr.

Froude, Rev. James Martineau, Miss Harriet Martineau, Mr. Shirley Brooks, Mr. Edward Dicey, and many others, fifty in all," from whom a memorial was presented to the meeting of publishers, already more than once mentioned, "in which the condition of re-manufacture is accepted, with the remark that 'it is clear that the Americans have strong reasons for refusing to permit the British publisher to share in the copyright which they are willing to grant to the British author.'" Assuming that the data are sufficient, the following inferences must be drawn:—(1.) Just as was done by the negotiation of the French treaty of commerce, the fifty are willing, in order to secure copyright for British *authors* (not publishers), that a treaty should be negotiated which would require as a condition that American trades should do the manufacturing work of any British book privileged in the United States, without the reciprocity of securing for British trades the corresponding advantage in the case of United States work privileged in the United Kingdom; and (2.) they make no provision, and do not appear to take thought, for "the multitude," as the United States' publishers and trades and statesmen ardently and strenuously throughout do, or strive to do.

I hope Sir John Lubbock and his associates in this work of establishing copyright in the United States on behalf of British authors will take good care that the rest of the British people are not left in an anomalous position, which will be the case if our cousins to the west of the Atlantic have the enjoyment of our native literature, while still fresh, at low prices under royalty copyright, and their own countrymen (who certainly deserve equality, if not favour and priority, on the assumption that authors write for their fellow-countrymen, and are under patriotic obligations towards them) must continue for forty-two years under a régime of monopoly-copyright, which maintains prices at an unduly and injuriously high level. At least, as suggested in the scheme represented in this *brochure*, the British public should be on "the most favoured nation's" footing of royalties after the issue of a sufficiently large first edition is exhausted. This paternal government, by all means, let us have. Our modern one-sided bravado legislation, favouring strangers over our own people, will make us a proverb among the nations. Giff-gaff makes good friends: subjection to disadvantageous differential treatment *separates* those who ought to be cordial friends. If the two sides of the Atlantic are to be one in feeling, co-operators for mankind, let us avoid with care creating a sore point in respect of literature.

The paper presents to our notice several statements that are more akin to the principal topic of this *brochure*.

Harpers hold that an international copyright would increase the price of books. They write, "A law enabling us to obtain several prices for our books would secure to us enormous profit for a time." "We point with natural satisfaction to our own lists, out of which a good and handsome library of standard and recent English works can be selected at a price less than one-fifth of that which the same or similar books would cost in British editions, or under an international copyright law. But the reduction of the price of a good book by one-fifth means, on the average, an increase of its circulation about twentyfold." Mr. Carey speaks of "the introduction of cheap reprints of English books" in connection with "the more expensive editions of native authors." Say the five eminent publishers already quoted from, "The people of this country are accustomed to cheap books, and great care should be had to guard against placing the power in the hands of the English publishers to force us to buy only English copies, which, from their expensive style, must be much higher in price even without the duty. This provision is right, for it protects the people from high foreign prices." In 1872, about a hundred publishers state that "copyright would not increase the price of books to any greater extent with English than with the works of American authors." The trades already mentioned insinuate that books would be "made too costly for the multitude," adding, "The reprints of really valuable works on science, which are now published at prices so low in this country that the day labourer can afford to purchase them, would be raised by an international copyright, or any proposed modification thereof, beyond his means, and he would be obliged to confine his purchases mainly to cheap literature, not improving to his mind, frequently immoral in its tendency, and inculcating not rarely principles dangerous to the peace of society."

But is there not hope of international arrangements? There is. Of one pre-eminent authority we read—"If we must have some sort of copyright, he adds finally, let it be in the form of a royalty, fixed by law and paid to the author by every publisher who reprints his book; and let all, on this condition, be at liberty to reprint, in the same way as all managers of theatres are at liberty, on payment of a royalty to the author of a play, to act his piece."

"In 1872, Mr. John Morton, a publisher in Louisville, Kentucky, requested the Hon. J. B. Beck to present for the consideration of the Library Committee a Bill containing the following provisions:—

“ A foreign author may copyright his book in the United States on condition : (a) That before his work is published or for sale in America the title-page thereof must be recorded in the office of the Librarian of Congress. (b) *The work to be free to be printed and published by all responsible publishers* ; the copyright (royalty to be paid by the publisher) not to exceed ten per cent. on the selling price. (c) The author shall have an agent prepared to make contracts, notice of which shall be given through the public press. (d) If the author shall fail to comply with the above requirements, the book, map, chart, or design may be republished the same as might have been done before the passage of this Act. (e) *Nothing in this Act is to prevent the importation or sale of the foreign edition of said work.*’ Mr. Morton says that he wishes to add to his Bill, on further consideration, ‘ that the copyright (royalty) should be ten per cent. on the selling price *in sheets* or paper binding, leaving the (American) publisher free from any tax for the labour that may be put on the work in the way of binding. There is no reason or justice in allowing a foreign author a percentage on such labour and skill.’ At the end of his letter Mr. Morton adds—

“ ‘ Whether Congress ought to pass an international copyright law or not is another question. But if they should do so, they should look to the interest of the millions of readers, and not to the *protection*, I believe that is the word, of the few publishers.’

“ A similar proposal ‘ to pay authors a fair per cent. (say five per cent.) on the retail price, leaving the privilege of reprinting open to all,’ was made on February 7, by a correspondent in the *New York Evening Post*. . . . This idea, which was laid by Mr. Elderskin before the Library Committee, was taken up by one of its members, Senator Sherman, and embodied in what was hereafter known as ‘ The Sherman Bill ’ :—

“ ‘ Sec. 2. That any person within the United States may publish, in such form or numbers as he may deem best, any book or work copyrighted under this Act, subject to the payment to the author, or to his legal representatives or assignees, during the term of such copyright, of five per centum of the gross cost of the publication of such work ; and the said author, or his legal representatives or assignees, may publish such work in the United States, or contract with any publisher in the United States for the publication of such work in the United States, and demand, sue for, and recover the stipulated price for such copyright ; and in the absence of any specific contract for such publication, such author, or his legal representatives or assignees, may demand, sue for, and recover, as liquidated damages, in any court of competent jurisdiction, the

said sum of five per centum on the gross cost of the publication of such work ; and, to secure or recover the same, have the benefit of process in law or equity, as in other cases of joint interest in the proceeds of publication.’”

“Discussion continued in the public newspapers, and especially in the trade organs in England as well as in America, during the ensuing spring, but without adding any suggestion of importance. In an article, and the draft of a bill, published in the *London Bookseller* for April 1872, the writer very sensibly pleads for the disuse of all irritating and offensive expressions towards American publishers. And he then suggests the following draft of a Bill, identical in its principle with the Elderkin and Sherman Bills :—

“‘2. Any person desirous of reprinting books so copyrighted may do so on the following conditions, viz. :—

“‘Before printing an American (or English) work he shall give notice to the proper authority, saying how many copies he proposes to print, and the price at which such work will be sold in cloth, and pay down ten per cent. upon such selling price ; he shall then be furnished with an order for the printer named to print that number of copies. As soon as the printer has done his work, he shall certify that he has printed so many and no more, and an authorisation shall then be given to publish the edition : which authorisation shall be printed upon the back of the title.’

“This proposal, I may add, is in substance no new one, even in this country. It was set forth as early as 1837, in an article in the *Mechanics' Magazine* (vol. xxvii.), by the late Mr. Thomas Watts, keeper of the printed books in the British Museum, and was advocated more recently by Mr. R. A. Macfie, [lately] M.P. for Leith, in the *Leith Herald*. A similar scheme was also mentioned by M. Renouard in his *Traité des Droits d'Auteurs* (Paris, 1838) ; and in Italy, after the expiration of forty years' exclusive copyright, the law prescribes the payment of an analogous royalty. In England it is found practicable to collect for the author of a play royalties from all the provincial theatres for every night on which it is acted. On the other hand, Hon. J. Rose, the Canadian Minister of Finance, reported that it was found impracticable to collect at the custom-houses the duties levied for the benefit of the author on the introduction of American reprints into the Dominion.”

“From New York,” says Mr. Appleton, “there have issued the only practical and practicable proposals that have been made for a reconciliation of these conflicting interests.”

On the last paragraph I may be allowed to remark that only the principle and not a similar “scheme” agrees with the opinions Mr.

Watts had previously published (see *Abolition of Patents*, p. 297), and that M. Renouard mentions the principle, but without favouring it. As to Canada, Sir John Rose could explain satisfactorily why duties were not collected there. His explanation would not diminish the confidence with which success might be predicted for the scheme propounded in the Leith newspaper, and reproduced in this *brochure*.

Is it not gratifying to read the following?—

“We must add lastly to the account of the forces and interests with which the advocate of international copyright has to reckon in the United States, the growing conviction amongst the farmers and the manufacturing classes in the Western States of the inutility and injurious effects of the system of patents. Copyright, whether domestic or international, is, after all, nothing but a kind of patent.

“The growing disfavour with which patents are regarded has found expression not only in the United States but also in Europe. . . . With this strong support of European opinion at their back, then, it seems out of the question to hope for anything but opposition to an international convention with England from the Western farmers and manufacturers, who at present have not had their attention directed to copyright, but who are already showing signs of dissatisfaction with the kindred institution of patents.”

Another instance of sanguine credulity appears in the following in favour of “International copyright” (unless indeed on the principle of royalties):—

“It would greatly promote the interests of American book-buyers. Copyright is the price paid by the publisher for security in the market; and with this security he could afford to sell cheaper, and to print and bind better. As a writer in the *North American Review* says, ‘Copyright would procure not a less, but a greater multiplication and cheapness of copies.’”

Dr. Appleton’s paper has commanded deservedly deep attention, and will lead to much earnest reflection. Living out of town, the compiler of the present collection has limited opportunities of glancing at newspaper criticisms. Before him are the *Athenæum* of 3d, and the *Academy* of 10th inst. Let us see what is in these authoritative exponents of the thoughts entertained and opinions current in metropolitan literary circles. Mr. MOY THOMAS, in the former, writes:—“The Paper will chiefly disappoint in its failure to put forth any definite view of the prospects of a satisfactory solution of this important question.” Well, if the compiler reads the paper

aright, it does indicate readiness in the States to accept the scheme which this *brochure* favours, and which surely *ought* to satisfy.

The impression made on his mind is, that if Mr. Thomas would in place of *copyright* say *monopoly*, he would be clearly right in seeing little progress, but if he would say *copy-money*, he would be wrong, for there is a general disposition to give authors this. Mark what Mr. Thomas himself writes :—"The mass of American booksellers and publishers westward of the sea-board cities, in fact all the booksellers and publishers of the United States, with the exception of those of New York, Boston, and Philadelphia, appear to be much in favour of the proposition of letting any number of publishers reprint the same work on condition of their paying a royalty." Is he not mistaken when he goes on thus : "But no mode of securing authors' rights under such a wasteful system has been suggested which would not, in all probability, prove as illusory as the Colonial *ad valorem* duty"? Will he have the goodness to explain what he sees to be defects in the system on page 33 of this brochure? This would oblige.

Mr. Thomas says in an earlier column some things that admit of contradiction or question.

"This is based on the assumption that their books are, as a rule, much cheaper than ours, which is not true. I admit that novels are published here first at a guinea and a half,¹ and other books at similarly high prices; but that is because our system of circulating libraries, which enables a subscriber to read any book that comes out for a few pence a week, necessarily limits the first demand even for a popular work to a few hundreds of copies. The moment the first rush for these books is past, they are always reprinted here, for the popular demand in neat and handy form, at prices which would certainly bear favourable comparison with those of Messrs. Harpers' reprints. It is idle to suppose that, if English authors had secured rights in America, they would send over novels at a guinea and a half to a people who never hire books, but buy them outright. Nor is there any *à priori* reason to suppose that the Messrs. Harper publish any cheaper now than they would if they were compelled to pay for copyrights instead of for the mere favour of early sheets. Why, indeed should they? The 'courtesy of the trade,' which means the fear of reprisals, or the certainty of a vindictive and crushing competition, already secures them a virtual monopoly: international copyright could give them no more.

¹ Sir W. Scott's novels Messrs. Black now sell for sixpence each, but how long is it since they were first published?

“Such a restriction, so far as it should operate to the inconvenience or loss of the purchaser, would no doubt be equivalent to a tax on the republishing of English works in America, the ‘incidence’ of which, as the economists say, must ultimately be upon the English author; . . . but the custom-houses may be safely trusted to extend a practical bounty to the home trades connected with book manufacture.”

If the fault of the paper is want of sympathy for the American people, it is attributable to the writer’s mischief, that copyright will have the effect of raising prices to them.

Mr. Thomas tells us he approves of patents. It is a pity he does.

The article in the *Academy* is signed by Mr. E. MARSTON. It begins unpromisingly for those who, unlike him, do *not* think that the “product of their brains when expressed on paper” is “property.”

The following passage we recommend as a subject for inquiries to our school-boards:—

“Are American *copyright* school-books kept beyond the reach of the labourer? On the contrary, they are notably the cheapest in the world: the *fact* of their being copyright does not prevent their being cheap; and their being *not* copyright could not possibly make them cheaper. Why, then, should English copyrights differ in principle from these? A ten per cent. royalty (the average copyright that an English author would be content with) would add five cents to a fifty-cent book. It by no means follows that the five cents would be added to the cost; but if it were, would it be ‘a hindrance to the diffusion of knowledge?’ Mr. Henry Carey Baird is the publisher and probably proprietor of many most valuable scientific works; he by no means regards them ‘as light, free to all.’ On the contrary, he publishes them at good high prices; but if he held no copyright in them, would he or could he publish them any cheaper?”

It is remarkable how wide-spread is a supposition or fallacious hope, with which the reader has already become familiar, indicated in the above, but put forth plainly in the following:—

“He would surely recognise one of his own economical axioms, that the law of supply and demand would wholly regulate the price of books as it does of all other commodities, and the question of copyright or non-copyright is scarcely even an element to be considered therein.”

The following contains nearly all that Mr. Marston has to say in the interest of readers of the great public :—

" The real bone of contention is the question of *re-manufacture*. Instead of being purely an author's question as it should be, it has become a manufacturer's question, and pity it is so ; for my own part I see no particular objection to allowing the American manufacturers to have their own way, if provision were made in the interest of all concerned (which would be, above all, in the interest of the American public) for the supply, in the case of illustrated and other expensive works, of electrotypes of the illustrations and stereotypes of the text."

Truth likewise sympathises with what is fashionably regarded as the side of authors. It gives a correction which we willingly reproduce :—

" Dr. Appleton refers to a memorial from British authors, which a namesake of his own and a leading publisher of New York presented to a meeting of publishers held there in 1872. A sentence is quoted from this document, as well as a few of the names of those who signed it. No such document was ever sent to New York for presentation to anybody. A copy of a memorial drawn up for presentation to Lord Granville, then Secretary for Foreign Affairs, reached New York and was printed there ; but this is a very different thing from what Dr. Appleton states."

The following are extracts from Mr. Dicey's article on the Question of Copyright in the *Fortnightly Review* :—

" No understanding can possibly be arrived at as to the question of copyright until you dismiss the fallacy that the owner of literary property, or, for that matter, of any form of property, has any inherent right to insist upon the law securing to him the absolute usufruct of his possessions, whether those possessions have been obtained by his own labour, by purchase, or by inheritance.

" Thus my first proposition is that there is no abstract reason why copyright should exist at all. It is most desirable, as a matter of expediency, that protection should be given to literary as to other property ; but the period for which, and the terms upon which, it should be accorded is a matter entirely within the competence of the law to determine. If we argue upon the ground of expediency, dismissing that of abstract right, there is little difficulty in defining the general principles which should underlie all legislation with respect to property. The object should be to give

such protection as shall encourage individuals to give the toil and outlay requisite to the production of property, and at the same time to limit such protection sufficiently to secure this property, whatever its quality may be, being easily accessible to the general public. . . . Bakers should not have such exclusive property in the bread they bake as to enable them to command a prohibitive price. In the case of the makers of bread, as of all elementary articles, the latter risk is hindered by the free action of competition. . . . Though the word property is applied alike to creations of the brain and hands, yet the two properties thus designated are fundamentally different.

“It would take far more room than I can spare to point out all these differences. One illustration will, I think, suffice to show the practical difference with which I am mainly concerned. If there is one sort of mental property—the ownership of which would seem, by abstract equity, to belong most distinctly to the creator—it is a discovery which marks an era in the history of science and civilisation. According to the divine right of property theory, the steam-engine ought to have been the perpetual possession of Watt and his heirs. Upon this supposition, the right of supplying the United Kingdom with steam-engines would be vested in some firm or individual, who, either by descent or purchase, chanced to be the representatives of Watt. It may be said that even in this case the public would not suffer, as it would be the interest of the firm to supply as many engines as could be sold. Little reflection is needed to show that this is a fallacy. If it were not for the risk of competition, it would clearly be more for the personal advantage of the manufacturers to sell ten engines at a profit of £1000 a piece than a hundred engines at a profit of £100 a piece. . . . The same absolute ownership in respect of the former is attended with detriment to the public interest, which does not arise from complete protection being accorded to the producer of the latter.

“There are manifest reasons why it is undesirable, in the interest of the public, that books should remain a permanent monopoly in the hands of individuals. . . . It would be a public calamity if the works of our classics were not accessible at prices which come within everybody's reach. . . . The cheaper therefore standard works can be sold the better for the public; and no process can be devised by which books are so certain to be sold cheap as by the open competition of trade.

“In the end the interests of literature, like those of any other trade, are and must be subordinate to those of the community. At the same time, it is worth bearing in mind that the question is

one which, after all, affects a very small section of the literary brotherhood. Nobody who has not studied the subject can form any opinion of how short the average life of books is in the vast majority of instances. . . . Perhaps the fairest, though at best a rough definition, would be to say that a work of note is one the fame of having written which attaches to its author for life. Yet even of the works which come up to this standard, it is but a very scanty percentage which survive for a dozen years. . . . Copies are to be found in libraries, but they are not for sale unless they are specially demanded.

"The reason why so much outcry is raised against the injustice of limiting the rights of an author in the proprietorship of his own productions, is that this assumption is essential to establish the thesis, that the author has an inherent and distinct right to demand protection for his works from foreign States as well as from his own country.

"If my argument is admitted, all the epithets of piracy, and so forth, which are applied by writers of Mr. Reade's school to the action of States which refuse to recognise the claim of a foreign author to copyright within their dominions, are singularly inappropriate. Let me illustrate my meaning by a familiar incident. If you breed and rear pheasants at great cost and trouble, the law protects your winged property, so long as the birds remain on your land; but declines to do so as soon as the birds fly into your neighbour's lands. Now, if your neighbour chooses to shoot your pheasants, whenever they pass over his fields, or even lays down bait to induce them to stray across the boundary, you may call his conduct indiscreet, unneighbourly, and ill-bred. But to call him a law-breaker and a robber would put you entirely in the wrong. A State is under no legal obligation whatever to a foreign author; and to call any individual in the State a pirate and a swindler, because he chooses to reprint the author's books, is a mere abuse of language.

"The British author has a monopoly guaranteed him in a population of some thirty millions. If the monopoly could be extended to the United States and the Colonies, he would nearly treble the number of readers, who if they bought his book at all, must buy it on his own terms and for his profit. A mere counting of heads only shows inadequately the extra profit our author would obtain by the extension of his monopoly. From a variety of causes, the percentage of book readers, and still more of book buyers, in any given number of American or British colonies, is far larger than in the same number of Englishmen living within the

Four Seas. Thus I think it is no exaggeration to say that if an international copyright could be established between all the various communities composing Sir Charles Dilke's 'Greater Britain,' the English author would acquire fresh markets for his wares at least twice as large and as valuable as those which he now commands. In other words, the saleable value of his wares would be trebled. . . . To authors of high eminence or popularity the gain would be enormous. Mr. Tennyson and George Eliot, and still more Miss Braddon, must lose thousands yearly by the absence of any copyright with America alone. The loss, as I have shown, extends down to the writers of ephemeral articles; and it is not too much to say, that the whole literary craft in England would experience a sensible rise in the remunerativeness of their profession if they could have the same copyright privileges guaranteed them across the Atlantic as they now possess within the Four Seas. In asking, therefore, for an international copyright, English men of letters are virtually asking for a large bonus for themselves.

"The reciprocity, as the Irishman said, is all on one side. . . . As a matter of fact, any traveller who has visited the United States must be aware that their supply of literature is, in the main, derived from England. Of the books to be found in libraries and shops, and displayed on bookstalls, nine out of ten are of English parentage. Thus, thanks to the absence of any law of international copyright, the American public is provided with an admirable cheap popular literature; and as the Americans are emphatically a reading people, this advantage is very widely appreciated. The book-producing interest, as compared with the book-consuming interest, is relatively far weaker in America than it is with us, while American publishers, as distinguished from authors, have the strongest motive for desiring the maintenance of a state of things under which they pay nothing for the great bulk of the books they publish. Thus, if we propose to the United States to give books written in England equal rights with books written in America, and *vice versa*, we are asking them, from a pecuniary point of view, to give us much more than they can hope to receive. . . . Of course, if copyright can be claimed as a matter of abstract right, the question whether acquiescence in the demand is profitable or unprofitable is, or ought to be, foreign to the issue. But if I am correct in my view, that all copyright depends upon considerations of general expediency, not of individual right, the commercial aspect to which I have referred is of very signal importance. It is to the enlightened interest of the American public, not to their sense of duty, that we have to appeal.

“Persons unacquainted with the States can hardly realise how poorly literature is remunerated in the great Republic. Socially, the position of an American author of note is an exceptionally brilliant one; financially, it is almost as exceptionally poor. This statement applies even to the celebrities of Transatlantic literature. Longfellow, Motley, Hawthorne, always got far lower prices from publishers in their own country, than they would otherwise have done, from the simple fact that these publishers could, and did, publish editions of Tennyson, Froude, and Dickens, without having to pay a cent to their authors. . . . A movement in favour of an international copyright, in order to protect the interests of the native author, would have some chance of success.

“On the other hand, the Transatlantic public are not prepared to forego the supply of cheap literature they now enjoy by the reproduction of English books. All, therefore, we can reasonably hope at present is a compromise, by which English authors may be secured by law a certain bonus or royalty on all American reproductions of their books. . . . Appeals are not likely to outweigh the conviction of the colonial mind, that it is a gain to have their market supplied with home literature at colonial prices.

“Last year the Canadian government proposed an arrangement by which English authors should have a certain percentage guaranteed them on all copies of their works republished in the Dominion. Roughly speaking, the Canadian publisher was to retain the power he exercises at present of reproducing any book published in England at his own price, and without the consent of the author. But, on the other hand, the author was to have a claim, enforceable by the laws of the Dominion, to a royalty of ten per cent. on every copy thus published. . . . I only allude to it as showing the general character of any arrangement such as, to my mind, can be proposed with any possibility of acceptance: . . . A wise man would, I venture to think, make the best arrangement he could with his competitors; and if, in consideration of his having made the road, they offered to pay him a toll on every vehicle which used the thoroughfare, he would do well not to reject the proposal, even though he held the use of the road without his consent to be an abuse of his rights, and an infraction of abstract justice. Now, the position of the English author goes on all-fours with that of my hypothetical road constructor.

“The difficulty of forming any satisfactory compromise between the interests of the English author, and those of readers not subject to the jurisdiction of our Copyright Law, is immensely increased by the peculiar conditions of our publishing trade. If books were

published in England on the same scale of prices as in America and the Colonies, or for that matter, in any other country, there would be comparatively little inducement to publish pirated editions of English books abroad. Indeed, it is doubtful if the superior cheapness of production in England would not outweigh the cost of transport, and enable English publishers to undersell their Transatlantic competitors. But in England alone, of all book-reading countries, books are published to be hired, not bought. The very same book if brought out at one and the same time in New York and London, would be sold in the former place for a dollar, in the latter for a pound, and this difference of price applies to works into which the question of the author's remuneration does not enter. The reason of the difference is that the American publisher bids for the custom of the public, the English publisher for that of the circulating libraries. Given the same number of readers of a book on both sides the Atlantic, it will, I believe, be found that ninety out of a hundred in America have bought the book, while in England the same proportion would have borrowed it. People know their own business best, and our publishers probably find their advantage in selling a hundred copies of a book at a profit of a pound a piece to a circulating library, rather than in selling a thousand copies to the general public at a profit of two shillings. Like any other traders, they are the only judges on what system they shall buy or sell. But so long as it is the custom of our bookselling trade to publish books at prices beyond the reach of the general public, we are placed at a disadvantage in any attempt to secure copyright for English works abroad.

“If my readers have followed my argument, they will, I think, agree with me in the following conclusions: first, that the principle on which our existing law of limited copyright is based is not intrinsically unjust; secondly, that all demands for its modification must rest not on contentions of abstract right, but of public convenience; and, thirdly, that in respect of international copyright, authors must look for a royalty, not for an absolute title of ownership. These conclusions may seem of a somewhat negative character; but the more they are kept in view the better chance, I hold, there will be of the copyright controversy resulting in practical gain to the interests of literature.”

RELIGIOUS PUBLISHING SOCIETIES.

I HAVE before me the last report of that excellent institution, the Religious Tract Society. Seemingly its publishing trade pays, but the accounts do not enable a person not conversant with such figures—if, indeed, any person—to know how much the profit is and from what source drawn. It is impossible to know from the figures whether any of the ventures have been unprofitable. The gratifying feature is the small cost of advertising, only £1647, 1s. 8d. For copyright and editorial expenses it is £6460, 14s. 2d. The gross sales are stated at £122,595, 17s. 1d., wholesale and retail at several establishments being here lumped together in a way not usual, I should think, in the balance-sheets of thriving private commercial concerns. Of course we may give the benevolent directors credit for acting on the safe business rules, always to balance and know the profit and loss of each venture, the cost of each article in their list, each book or tract or number of a periodical. The report does not tell the number of each book printed and the number sold. We should be told much more than we are. The principal items are these, viz. :—

Printing paper,	£36,780
Printing and stereotype plates,	33,934
Binding, folding, and stitching,	22,708

On which it is not easy to make any useful remark, as the paper, etc., for several periodicals having a large circulation are all set down together, along with that for tracts and books, so as effectually to baffle investigation. At annual meetings of societies more time should be devoted to inquiries by subscribers, and answers thereto, in order to make them what they were surely originally intended to be, occasions on which satisfaction is not merely expressed, but expressed on the basis of such acquaintance with the grounds for it as commercial men usually proceed on. The Institution does not think information such as is desiderated does properly belong to the general public. Still, if the whole subscribers were but admitted to the directors' confidence, not only a stimulus, but valuable suggestions could hardly fail to result. The subscribers would perhaps become of opinion that the £1000 or £2000 of profits should not be *made*, but in place thereof books should be sold at cost.

In connection with these remarks, it may be asked if the usage now becoming common (though not, I suppose, within the noble

Tract Society's sphere) of giving very large ultra-commercial discounts or profits to colporteurs is good and wise, and whether it would not be much better to pay these useful agents for their labour or time, and let the *buyers* have the benefit of this discount. There may possibly, one may add, be seen in this one phase a very slight tincture of the state of feeling—the disposition to use money as a power—which, on the right and left is developing itself, and culminating in *bribes* or “grabblings,” and is tending to destroy honour and confidence between man and man, even within the “sacred precincts” of friendship, and making advances towards those of religion.

The charitable income of the Tract Society, not including legacies, dividends, and rents, nor profits, is under £10,000. It would be indefinitely augmented if the public saw and felt the benefits which a policy of selling at cost would diffuse.¹

¹ It is on many accounts devoutly to be wished that men of wealth, and especially the nobles of the land, should set an example of public spirit in this matter. For their own sake, they may justifiably be urged to ask themselves individually if they do all they might, and therefore should, for objects such as those of the societies which have been singled out.

THE SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE.

THE last year's report of the Society for Promoting Christian Knowledge, which is a very business-like document and affords much definite information, does not, any more than the Religious Tract Society's, tell the members what are the results of profit or loss on individual publications. It gives what the latter does not appear to do, the cost of the yearly report, viz., for a book of 480 8vo pages (assuming that the lists are all within this charge) closely printed, edges cut, and in a cover, *one shilling* a copy. The following extracts may interest. They show that, as likewise for the other society mentioned, new premises are required and are being supplied. By-the-bye, the last annual meeting of the Tract Society was devoted in a great measure to five addresses, no doubt excellent, by men no doubt eminent, on themes no doubt elevated and on any other occasion extremely useful and appropriate; but would it not be better, if it were only for the sake of variety, that an institution so prominent and propulsive should show an example of spending the time and utilising the occasion in deliberating and discussing its *working*, not in dilating on its advantages and claims, which subscribers may fairly be supposed to recognise by the very act of coming in that capacity? Figure the half-yearly meetings of the Bank of England being principally devoted to orations on the history and advantages and duty of banking and paper circulation!

"It should be generally known that Bibles and Prayer Books, in good strong bindings, which are supplied to members below cost, are sold to all comers at cost price.

"The Society does not wish to make a profit upon these books, it is most anxious to supply the best of all books, the Bible, and the best of all commentaries upon it, the Book of Common Prayer, at the lowest possible price, to every person who desires to procure them.

"Great pains have been taken of late to strengthen the bindings of these books, and this without increasing the price of them to purchasers. It is not possible at any price which is at all within the reach of those for whom these books are provided (except at a ruinous charge upon the charity) to supply books in the very

strongest bindings. It is, however, always open to any member of the Society to order any Bibles or Prayer Books which he may wish to have in good strong sprinkled calf (the strongest of all bindings probably), and they will be supplied below cost.

“The importance of providing good wholesome books for the instruction and entertainment of the poor, in this age when all can read and when much poisonous trash is circulated, cannot be over-rated.

“A glance at the distinguished names of writers who have contributed to the publications of the present year, or who are engaged in preparing works for the Society, will furnish cogent proof.

“Indeed, the Society is fast becoming recognised as the great publishing medium of the Church, and writers of eminence are finding that, both with regard to remuneration for their labours and the means which the Society commands for circulating their works, they cannot publish through a better channel.

“It has been urged that the Society has become, as far as regards the bookselling business, a “great trading company,” and in this respect has taken up ground not countenanced by its title. A little reflection will show the groundless nature of such a charge. The Society, in carrying out its legitimate objects, sells a large number of books annually, but this is not done with the aim of making a profit. If, in the effort to save the Society from loss in this respect, a balance should appear in the Society’s favour at the end of the year, this sum goes to the general charitable Fund of the Society.

“The Lord Bishop of London, speaking at one of the General Meetings of the Society a short time ago, expressed himself to the effect, that the supplanting of the vicious light-literature, so largely current, by healthy tales, was one of the most important works to which the Society could commit itself.

“If a MS. is accepted, payment is made for the copyright ; if it is declined, it is returned post free.

“Respecting the Bookselling Account :—

“RECEIPTS.

For books sold in the ordinary way of business,	£74,638 19 3
For books granted by General Meeting and paid for out of general fund, for books supplied to trusts, and for books supplied to members below cost, etc.,	19,133 18 0
Interest on deposit account,	232 9 1
	<hr/>
	£94,005 6 4

"DISBURSEMENTS.

For purchase of Bibles and Prayer Books, and binding the same,	29,697 10 0
For producing miscellaneous publications,	43,207 1 10
For salaries and wages at the three London depôts, including pensions,	6,234 14 8
For rents, rates, taxes, insurances, etc., of the three London depôts,	1,375 14 9
For advertising, packings, shipping, etc.,	5,443 16 8
For interest to general fund on £70,000 invested in miscellaneous book-stock,	2,450 0 0
Payment to general fund on account of last year's favourable balance,	4,000 0 0
	£92,408 17 11

"The favourable balance on the bookselling business, as stated in the abstract of profit and loss, was £6592, 14s. 1d.

"The American market will probably not order so largely, and even at home, books being to some extent articles of luxury may not be so largely in demand as in more prosperous times.

"As regards its bookselling business (which is by no means the least important method by which the Society promotes Christian knowledge), it cannot but be thought that a site on Northumberland Avenue will prove vastly superior to the present site.

"Since 1868, the bookselling business has paid to the Charity £3010 a year for rent of the Society's premises occupied for trade purposes, and for interest upon the money invested in miscellaneous book-stock. Since 1872 it has, in addition to the £3010, paid annually either £2000, £3000, or £4000 out of profits. So that of late the business has paid over £7000 a year to the Charity, instead of nothing.

"BOOKSELLING ACCOUNT.

<i>Dr.</i>	
To Publications supplied to District Committees, Booksellers, Book-hawking Associations, etc. :—	
Per Accounts as invoiced,	£53,219 0 0
Less Discount,	4,042 0 0
	£49,177 0 0
Ready-money Sales at 76 Great Queen Street,	£16,284 0 0
" " Royal Exchange,	3,546 0 0
" " Piccadilly,	5,631 0 0
	£25,461 0 0
Interest on Deposit Account :—	
On £10,000 from 9th March 1875, to 9th March 1876,	£232 0 0
Amounts transferred from General Fund :—	
Balance of allowance to Members outstanding on 31st March 1875,	£1,594 0 0
For Grants of Books,	9,948 0 0
	£11,542 0 0
Carry forward, £11,542 0 0	

	Brought forward, £11,542 0 0	
On account of Allowance to Members on Bibles and Prayer Books,	6,000 0 0	
For Annual Reports,	724 0 0	
Per Trusts Account for Books supplied,	866 0 0	
	<hr/>	£19,132 0 0
By Bibles and Prayer Books in Sheets, purchased of the two Universities and of the Queen's Printers,	£15,136 0 0	
Binding the above,	14,561 0 0	
	<hr/>	£29,697 0 0
Works purchased of various Publishers, as per Catalogues E. and K.,	£1,577 0 0	
Paper for printing purposes,	11,063 0 0	
Composing, Casting, and Printing,	11,539 0 0	
Drawing, Engraving, and Colouring Prints,	1,309 0 0	
Binding Miscellaneous Publications,	16,048 0 0	
Copyright and Editorial Expenses,	1,668 0 0	
	<hr/>	£43,204 0 0
Warehouse Expenses :—		
Rent and Taxes of 4 Royal Exchange, and 48 Piccadilly, and Insurance from Fire of Stock of Books, and also of Warehouses in Great Queen Street, and elsewhere,	£815 0 0	
Salaries and wages of Superintendent, Clerks, Warehousemen, and Porters, at the three London Depositories,	5,069 0 0	
Pensions to retired Clerks,	125 0 0	
Advertising,	634 0 0	
Packing Cases, Cordage, Cartage, Stationery, and Postage, Coals, Gas, and Incidental Expenses,	3,652 0 0	
	<hr/>	£10,297 0 0
Shipping and Insurance Charges, with Charges for Postage and Packing Cases to be repaid,	£1,157 0 0	
Transfers to General Fund :—		
One Year's Interest at 3½ per cent. on capital of £70,000 to 31st March 1876,	£2,450 0 0	
One Year's Rent of Warehouses in Great Queen Street to 31st March 1876,	560 0 0	
	<hr/>	£3,010 0 0
Part of Office Salaries,	1,040 0 0	
Paid to General Fund on account of last year's Balance,	4,000 0 0	
	<hr/>	£8,050 0 0
Stock of Books ¹ —		
1876,	£78,111 0 0	
1875,	77,705 0 0	

There is a difference between the two Societies from whose reports the foregoing extracts have been taken. The one is under the management of the Church of England; the other under the management of all denominations, including that Church. The

¹ There is not to be found in the Tract Society's Report a similar mention of its stock, although the document devotes about a page to "Trade Reserve Funds." It would be commendable and useful communicativeness to furnish a balance-sheet beside its cash account (occupying less than one and three-quarter pages.)

former has no scruple in presenting denominational peculiarities and aims ; the latter cannot favour any particular denomination. Let us hope the Society which is commendably thus catholic, will show itself worthy of and receive the continued or rather largely increased support of the religious community in the three kingdoms and the whole empire. This end implies a wish that Christians should rally round it and actively help it, and another wish auxiliary to the other, that it shall conduct its affairs with transparent openness, and with a spirit and energy and largeness of view that will throw all it does now into the shade.

THE PURE LITERATURE SOCIETY.

From the Report for 1876.

“FROM the commencement of the Society they decided not to edit or publish either books or periodicals, but to select from those issued by publishers and societies.”

“The primary work of the Society has always been to promote the sale of good and healthy periodicals. . . . There are now forty-one periodicals on the list recommended . . . divided into two classes, viz., for adults, and for children.”

“The sale of the low and sensational periodicals is mostly confined to small newsvendors’ shops in the back streets of our cities and towns. . . . 8710 shops thus visited.”

“Some twenty years since . . . it was the exception to find any periodicals sold in these shops except the very lowest class of literature.”

“Sir Thomas Chambers, M.P., in a recent speech at a Colportage Association, said :—‘Hardly a boy or criminal of any kind was tried at the Central Criminal Court whose position was not more or less due to the influence of bad literature.’”

“A London magistrate recently said :—‘The number of boys brought before the magistrates through reading that abominable literature had become very serious, and it was time that steps were taken to put a stop to it.’”

“The Committee are greatly encouraged by the continued increase of Magazine Associations. . . . Many clergymen would not consider their parochial machinery complete without a Magazine Association.”

“The Sheffield Pure Literature Association is worked by Mrs. Lamb.”

“Instead of a *balance due* to our excellent treasurer, she has bestowed—*on profits made*—to the Curates’ Aid Fund, £45 ; to the Pure Literature Society in London, £1, 1s. ; and starts the new year with £2, 5s. in hand.”

“The time cannot be far distant when every parish in town or country will feel its parochial organisation incomplete without its Pure Literature Association. . . . We must have the hearty assistance and cordial co-operation of *every* district visitor.”

“Another earnest friend says :—‘My Scripture reader, who has lived in this parish a dozen years, remarked upon the

fact that he remembered the day when he found publications of a pernicious character in almost every house, whereas now they were scarcely ever to be seen on hand in the houses of the working classes. Whence so happy a change? Is not the main answer to be found in the establishment of a Pure Literature Magazine Association?"

"The Catalogue now contains 3656 books and a large variety of diagrams, wall papers, pictures, cards, etc."

"The Committee are continually examining fresh books for the list."

"During the past year 375 libraries were supplied to the value of £3154, making a total of 4152 libraries granted at half-price, representing a total value of £34,426."

"A most useful and interesting work is being carried on by . . . supplying libraries on board ships for the use of sailors, and exchanging them on each voyage."

"The Secretary of the Liverpool Seamen's Society reports:— 'We have at present about 750 afloat, and more are wanted.'"

"Captain Brotchie, of Greenock, states that last year they sent out 200 libraries."

"Letters are continually received, showing how useful and highly valued the libraries are."

"*The Forty Days after our Lord's Resurrection*, indeed all the books, are liked by most of the crew and boys."

THE COPYRIGHT OF THE REVISED BIBLE.

THE following observations must not be misconstrued into charges against the revisers,—two companies whose private character, and whose joint working deserve and command the highest esteem,—nor into condemnation of anything they have done. At most I express regrets, suggest lessons, and indicate hopes.

For forty years I have, along with some and ahead of others, felt the want of a new or revised translation. It seemed to me, when the utmost care is taken to present the ancient classics in the exactest accuracy possible, worse than strange—neither honouring our sacred trust, nor, on the part of the Churches, wise and conscientious—to leave the translation of the incomparably best of books in the unsatisfactory and reproachful, because uncorrected, state in which it is. Beyond all others, text and translation of *it* should be as near perfection as learning can bring them. The object of revision is to let all, of every land, who speak the English language, enjoy that inestimable advantage. It will be enjoyed to the full only when the new Bibles supersede our present ones in all families and all pews. This involves substitutions in every part of the empire and in every household, at the cost of heavy outlays. It therefore should be made effectible at the lowest possible expense. All who participate in these convictions and aims will feel deep anxiety as to the terms and stipulations on which the new translation—destined, rapidly we hope, to supersede the present one—will be published. The anxiety must become intense when they know that the exclusive right to print has been sold or bartered to two printing-offices.

Undoubtedly, if such a monopoly there is to be, it could not fall into hands more acceptable and safe—and sympathetic too, I presume,—than those of the two great Universities of England. It would be a great relief if we were told that they will use this monopoly with discretion and moderation. The old idea, but one hardly verified by experience in any age,—under the influence of which a prohibition of all but licensed printers to reproduce was tolerated or cherished,—went on the assumption that the power which the privilege gave, to sell cheap, would, in practice, be exercised on behalf of the public; in other words, that a small profit, which with the advantage of sole, and therefore enormous sale, would be superabundantly remunerative, is all that would be sought. A promise to be content with such a profit may have been volun-

teered by the two favoured presses ; or from the side of the revisers (who negotiated the transference of copyright, which it appears they had a perfect right to do—so untrammelled is their position) conditions may have been demanded and obtained.¹ In the one way or the other, let us trust this hope will be found not to be unfounded.

Certainly doubts and fears should be set at rest. If it shall prove, contrary to fond anticipation, that *no* engagements exist sufficient to give complete assurance on this vastly important point, apprehension ought to be removed by a declaration from the University authorities that their intention is to work not for profit but for the public advantage, by selling at a minimum price, while producing the creditable workmanship for which they are distinguished. The sooner a firm resolution to this effect is arrived at, and the soothing declaration is made, the better. There will of course be some, probably a handsome, gain from the operations they have unitedly undertaken. That will not be grudged, particularly as the benefit goes to public purposes, as to the precise nature of which I am not informed. It is a small, a very small, sum indeed they pay compared with what private establishments would greedily give for such a splendid privilege. But the very goodness of the bargain they get, the generosity and confidence unprecedented, which they cannot fail to appreciate highly, will be a spur, and imply an obligation and pledge to act on principles as near to disinterestedness as possible.

In some form the course which this note attempts to indicate and anticipates will be almost unavoidable, if a number of difficult questions are to be escaped, and some extreme awkwardnesses overcome. I allude to but two, the cases of Scotland and the Colonies. After the long and hard-fought war that was waged in this northern kingdom against the monopoly of the present translation, the people of Scotland will wonder what were the considerations that induced the Scotch members of the companies to consent to a yoke which the last generation found too galling, and succeeded in throwing off. Then as to the Colonies, they will, especially seeing or presuming the United States have chosen a more excellent way, and not compromised their freedom and the freedom of publication, have good cause to complain if the mother country, from indifference and "let-alone" policy, dangerous and un-

¹ The presses were spoken to again and again about prices, and they said that their object was really and simply to help on the work and not to make profit. They could not fix prices at this stage, but the public might count on them to charge the lowest price. Their own interest and the limitation of the copyright (to 42 years or so) are the only security for this, besides their desire as a public body to serve the public.

befitting, subjects them to disadvantages from which more liberality and forethought at home might and should have shielded them. I am informed that the transatlantic revisers have resolved to impose no fetters or burden on faithful reproduction, so that in this lowest sense "the word of God may not be bound," but, on the contrary, "have free course."

Let us ask, Is it too late, since *they* do not see how they can conscientiously occupy the British position, for the British revisers to occupy theirs? £20,000 or £30,000 I am persuaded, could easily be raised wherewith to happily rid our revisers of their, I am sure, unfortunate, their inadequately conceived, obligations, at once and for ever. By such a procedure, the wholesome influence and prestige of co-operation between the two sides of the Atlantic (we may believe) is still attainable.

May I hint something else? I am half ashamed in connection with efforts of a spiritual nature, to warn that, if this revision do not take place, there will be a divergence in rendering, even to the extent of changes in our common mother-tongue, which it is dutiful to prevent, and which it would be sorrowful to see authorised and permanised. The propriety of certain transatlantic changes is doubtful. The Americans prefer to say, "Our Father *who* art in heaven," but this reads as if the suppliant thinks mainly that God *is* in heaven (there is no verb in the Greek), whereas the word "which" indicates that it is *the* Father in heaven, as such, in distinction from the one on earth he addresses, which appears to be the true meaning. Again, omission of the usual *u* in words which end with *or* in Latin ignores the fact that the Greek *omicron* and Latin *o* appear to have been pronounced as we often pronounce *u*, not unfrequently, of which we have one evidence in the French pronunciation and spelling. Let us hope, too, that our cousins will not drop useful duplication of consonants, which the Romans introduced as helps to correct pronunciation. They will find it difficult to be consistent. Where are they to stop? Are we to be deprived of the power of coining (if so it is, it is legitimate) *ex tempore* such words as *sobber*, a person that sobs, because there is already an adjective *sober*; or *hopper*, a person that hops, because there is a noun *hoper*? Can we do without duplication in *robber*, *hatter*, etc.? and where is the revolution to stop? If we curtail nouns of their not surely supernumerary letters, other parts of speech, notably verbs, must suffer the same dangerous evisceration! At all events do not let us begin this dubious work in dealing with the book that, beyond all others, unites the two sides of the Atlantic in heart and hope. I

notice in a book published by the American Tract Society, *knowledge* divided thus—it comes at the end of a line—*knowl-edge*!

As a Briton, I may plead that we, in the old country, have an interest in the conservation of the traditional spelling, which is not obvious at the first glance; for if (contrary to hope) the holders of the monopoly do not perfectly accommodate their publishing to the wants of the Churches, demand may spring up and a large trade be developed in revised Bibles printed in the United States, which will only be admissible¹ if they are those of the American revisers—which will not unlikely be some advance on the British amendments—since importation for sale of the English revision will be prohibited as a contravention of copyright. Certainly the diversity and confusion, which, I confess, must, in the circumstances supposed, be anticipated, will prove inconvenient and regrettable.

Why should we require to face the evil? Escape appears to be by no means difficult. The Bible Societies and Churches are able to plead that the revision is, to all intents and purposes, a national work. The nation, inconsiderately but naturally, and not very wrongly, views and hails it as nothing less. It originated in the Convocation of Canterbury, an important moiety in the government or legislation (so to speak) of the State Church within the province where the Queen resides. In Parliament, matters connected with it have been treated of much in this light. The earnest and generous labourers have devoted themselves to the work as a national service. They have also, as we see, disposed of the copyright to distinctly national institutions, and done so on terms possibly several thousands of pounds more favourable than those offered by private publishers. Surely we do not over-estimate the desire of the “laity” to co-operate therein too highly when we conclude that there are many among them who would gladly come forward, each with £1000 or more, to recover for the revisers a freedom, the loss of which has already been felt troublesome, or even injurious, in dealing with the American revisers; nor do we credit the universities with more disposition than bodies so honourable and representative entertain, and would readily act on, when we infer that, knowing there is in the kingdom, and especially in Scotland, strong conviction in favour of the copyright being presented as a free gift to the people, they will waive their interests as trustees—for that is substantially their position,—and

¹ The present is the time for re-opening the question of the privilege enjoyed by the printers to the Queen. As it stands, there is too good ground to fear that even the American revision might legally be refused admission into England, as conflicting with the sale of the translation at present in use.

meet properly made advances in a responsive and concessory spirit.

On the side of the revisers, it would be at once pleasing and graceful—and peradventure politic—to restore to the university presses the advantage and prestige of a valued “lead,” by allowing those venerable and trusted establishments exclusive rights for a year in advance of the enjoyment of power to print by all other publishing concerns.

Revised Bible in the United States.—I learn on the best authority that as there is no copyright in the present version of the Bible in the United States, so there will be none in the revised version after it has been *adopted* by the churches, and authorised for *public use*.

As a new generation has risen up since the battle against Bible monopoly was successfully fought in Scotland, the following Extracts from the *Life and Ministry of the Rev. Adam Thomson, D.D., Coldstream, and his Labours for Free and Cheap Bible Printing*, Elliot, 1869, will be welcome to some. They are transcribed in the order in which they occur in that volume. Chap. vi., 1837-51, begins:—

“Dr. Thomson was on the verge of ‘threescore’ years when he entered upon the arduous and protracted labours which have justly made his by far the most conspicuous name in connection with the great cause of free and cheap Bibles. . . . But the weight of so many hard-spent years had not in the least pressed upon him—taking away the spring of his vigour and zeal, or of his courage and hope for a difficult enterprise, and counselling cautious and relaxed exertion; nor was he now, more than in youth, inclined to the idea of *resting*, which he identified with that of *rusting* in ignoble sloth.

“In the reign of Queen Victoria the two great monopolies in corn and Bibles have been abolished; but the reign of Queen Elizabeth was remarkable for the vast number of monopolies then introduced. . . . Our ancestors, however, would not endure to be tied hand and foot and robbed by those patents, and a statute in the very next reign gave relief; and yet the nation has quietly submitted to the most flagitious and hurtful of all monopolies—the Bible monopoly, which practically interdicted many from *possessing* a Bible, after Queen Elizabeth had removed the papal interdict against *reading* it.

“Thus the heavenly manna, which God freely sends to all, is intercepted and locked up within a royal patent, to be distributed only at such high prices as shall enrich the one or two patentees, and leave the poor population to perish for lack of the bread of life. . . . A Bible patent is, indeed, monstrously wrong in principle, and equally mischievous in practice; and that it should have been granted by several Protestant Governments, and submitted to by a Protestant nation, is a marvel. Even if care had been taken that the privileged printer should produce copies of the Bible, remarkable both for accuracy and for cheapness, the monopoly in his favour would have been unwarrantable.

“The first Committee on the Bible Patents, both in England and Scotland, sat in the years 1830-31, with Mr. Joseph Hume as its

chairman ; yet, after taking valuable evidence, it broke up without any decisive result, except against the monopolists supplying the Government offices with *stationery, etc.* Mr. Hume was also a member of the Committee (in 1837) upon the Scottish Bible Monopoly.

“Dr. Thomson struck a bold key-note when, in one of his earliest answers, he declared that ‘all monopolies were bad ; that of all monopolies, a religious monopoly was the worst ; and that of all religious monopolies, a monopoly of the word of God was the most outrageous.’ . . . A poor family subsisting on £40 a year, would have as many copies of the Bible as a nobleman’s family rejoicing in £40,000 a year. When asked if the Bible was not actually cheaper than any other book, he, after showing both how it could and why it should be by far the cheapest book, added, that it must be held as seriously too dear if it could be made a single penny cheaper.

“That, in the opinion of this committee, the Queen’s Printers’ patent in Scotland should not be renewed, and that the people of Scotland should have the advantage of the competition which the free introduction of Bibles and Testaments from the presses of the Universities of Oxford and Cambridge, and her Majesty’s printers in England and Ireland, will afford. . . . That other persons in Scotland may print and publish editions of Bibles, Testaments, and Psalms, on their finding security to the Queen’s and Lord Treasurer’s Remembrancer, for the conformity of the text with the version now printed by her Majesty’s Printers in Scotland.

“Dr. Thomson was ‘one morning surprised’ by a letter from Mr. Peter Chalmers, communicating the intelligence, which he had just received from a secret but reliable quarter, of a select deputation setting out from St. Andrews to transact with Government the transference of the Bible patent for Scotland to the four universities.

“There was another statesman, connected both with Government and with the representation of Scotland, the celebrated MACAULAY, whose convictions and sympathies, Dr. Thomson felt certain, were strongly on the side of free Bibles, and who, in the course of his copious, rapid, and brilliant talk, did not utter a single word in praise or palliation of the universities deriving that wealth which they needed, and which they could so profitably spend, from a Bible monopoly.

“One night, while I and my opponents from St. Andrews were sitting, though at a respectful distance from each other, under the gallery of the House of Commons, they must have been utterly

confounded, but I was inexpressibly delighted, to hear Lord John Russell, in answer to a question put by Sir James Graham about this Scotch monopoly, declare that the Government had now come to the determination that the monopoly should not be renewed in favour of any individual or corporation whatever.

“A Government Board, like the monopoly itself, rests on the baseless assumption that the Bible, or at least the ‘authorised version,’ is the copyright of the Crown. It was appointed, however, to allay much of real, but far more of pretended, apprehension of careless and spurious editions of Scripture spreading over all the land,—a danger completely imaginary. . . . Not a single fetter of the monopoly remained to check the circulation and cheapening of the Scriptures; and the prodigious multiplication of Bibles, and the not less remarkable reduction of their prices which ensued.

“The Scotch monopoly ceased, on the 19th July 1839; and on the 15th August of the same year, Principal John Lee stated to the Commission of the General Assembly of the Church of Scotland, that ‘by the introduction of Bibles from England,’ in that short space of *less than a month*, ‘the price of the best Scottish editions had fallen forty per cent.’

“The market, at least in Ireland and the Colonies, being equally open to both.

“We need dwell no longer on the truce which was concluded with the English monopolists. . . . The renewal of the English patent, in 1860, resulted mainly from that truce. Apart from the question of mere *cheapness*, is it not monstrous that, in the present generation, the English printing press must take no part in giving to the public *God’s own book!*—this being the ‘privilege’ of one or two ‘firms,’ that are *exclusively authorised* to print the Scriptures. We wonder at either English printers, or the English people, who have all along owed so much to the press, should submit to this Bible monopoly.

“The head printer of the rival University was once in his anger frank enough to say to Dr. Thomson, ‘You have ruined our trade, sir;’ and to complain that henceforth *millions* of Bibles would yield less profit to the privileged printers than had mere *thousands* formerly.”

Extracts from *Life and Labours of John Campbell, D.D.*, Bentley, 1867, here claim a place :—

“ In 1839, the Patent rights of the King's printer in Scotland expired, and not being renewed, the printing of the Authorised Version of the Scriptures in English was thrown open to the whole of the bookselling trade. The consequence was, that numerous editions of the Sacred Volume were published at greatly reduced prices, a healthy competition came into play, and the Word of God was placed within the reach of even the poorest and most dependent of the Scottish people.

“ It has been argued before the Committee, that the sole right to print and publish operates in three ways, all tending to cheapen the commodity. It secures a certain sale—a large sale—and saves advertisement; but to these considerations, so full of commercial importance, they might have added another—the monopolist makes very few bad debts. He enjoys, to an unbounded extent, beyond the free trader, the means of cheap production.

“ The year 1860 came. An application was preferred for the renewal of the patent, when a Select Committee was appointed ‘to inquire into the Nature and Extent of the Queen's Printers' Patent for England and Wales, so far as related to the right of printing the Holy Scriptures, and to report their opinion as to the propriety of any future grant of such Patent.’ . . . A vast amount of evidence was obtained, on which the Committee founded a Report, of which the following is the substance : ‘That exclusive privileges of printing or publishing the Holy Scriptures are wrong in principle, and are shown by experience to be opposed to the public interest,’ etc.

“ Mr. Baines, in replying with equal urbanity and kindness to a note which we addressed to him on the subject, says :—‘ My Committee reported, by a majority of one, for abolishing the Patent. . . . But when Sir George Cornwall Lewis brought the matter before the Cabinet, though he himself was favourable to perfect freedom, the Government shrunk from a contest with the Universities, the Bible Society, etc., and they decided to renew the Patent.’

“ I think the Patent was renewed for twenty years, and on nearly the same terms as before.”

Appropriately come after these random pickings from memoirs of two in their day well-known workers and pleaders for cheapening of the Bible, a few loosely selected scraps from the interesting History recently completed by one of the eminent revisers who has just passed away.

These show, *inter alia*, that our Scottish ancestors, while they approved of monopoly, granted it with stringent conditions on behalf of the public. In those days, when Scotland had a population so small, monopoly may have been practically, if not an absolute necessity, highly expedient. They also show how greatly the want of revision was already in the seventeenth century felt, and this in order that a revised Bible should take the place of the Bible which has been so contentedly, or too contentedly, continued in universal use ever since! A narrative regarding the revision now in progress, and the names of the revisers, will be found at the close of Dr. Eadie's second volume.

From *The English Bible: an External and Critical History of the Various English Translations of Scripture, with Remarks on the need of Revising the English New Testament*, by John Eadie, D.D., L.L.D., Professor of Biblical Literature and Exegesis, United Presbyterian Church. Macmillan, vol. ii. :—

"In March 1575, Alexander Arbuthnot, merchant burgess of Edinburgh, and Thomas Bassandyne, printer, presented a petition to the General Assembly, containing a proposal to print the English Bible. The Assembly at once assented to the request, and 'anent this godly proposition it is agreed betwixt this present Assembly and the said Alexander and Thomas, that every Bible which they shall receive advancement for shall be sold in albes (sheets) for £4 13s. 4 pennies Scottis' [= about 7s. 9d. English].

"Letters of privilege or a license from the Privy Council were obtained June 30, authorising Arbuthnot and Bassandyne 'to prent or cause be imprentit, set furth and sauld within this realm, or outwith the samen, Bibles in the vulgar Inglis tounge, in haill or in partes, with ane calendar for ten years, and discharging all his lienes lieges, that nane of them tak upon hand, to prent or cause be imprentit in ony carrecture or letter, translation or volume quhatsumever, sell or cause be sauld, brocht hame, or distribute to ony person or persones (except with consent of the said, etc.), providing they sell every bibill according to the prices appointed.'

"The publication of this folio Bible was wholly an enterprise of the Church; for though the Regent Morton who issued the license,

advanced some money to the printers, that money was only the sums collected in the various parishes according to the agreement 'allowed and authorised by the Regent's grace.'

"In 1589 John Gibson purchased from Gilbert Masterton a patent. . . . This patentee had 'ane new psalme buik' 'on his awin grit charges, and be his privat mean and devyse,' printed at Middleburgh, in Flanders; and he received 'free and only license and liberty to bring hame and sell the said impression at convenient prices, for seven years.' Bibles from abroad were by enactment at this time freely imported into Scotland, and were not to 'pay the ordinary customs charge.'

"In a sermon preached before the House of Commons in August 1645, Dr. Lightfoot urged them 'to think of a review and survey of the translation of the Bible.'

"In April 1653, an order was made by the Long Parliament, and a bill was brought in, for a new translation of the Bible.

"'That in all such places, as far as in them is, it may be rectified and amended therein, and the evident and most material failings, that do in a special manner call for reformation (some particulars whereof to us have been presented for consideration), and that this may be performed with all speed before there be any further printing of the Bible.

"'And, further, because it is our duty to endeavour to have the Bible translated in all places as accurately and as perfectly agreeing with the original Hebrew and Greek as we can attain unto. . . . And what they, after serious looking up to the Lord for his gracious assistance in so weighty a work, and advising together amongst themselves, shall judge to be nearest to the text, and to the mind of the Lord, they may give thereunto their approbation, and this with all speed that conveniently they are able.

"'What those persons shall approve of, shall accordingly be printed and published for the general edification and benefit of the whole nation, to be read both privately and in the public congregations;' but it became fruitless by the Parliament's dissolution.

"The present version came to be what it is from frequent revision. . . . No formal or systematic revision has taken place since 1611, or for more than two centuries and a half. . . . So that the revision of the Authorised Version does not cast any discredit on it. Who would not wish a Greek text as perfect as possible, and a version as exact as possible? but the perfection of the one and of the other is only to be reached by slow degrees and earnest labour on the part of all willing and scholarly spirits."

The following extracts from the same work, show how money was raised or recompense sought in old times :—

“ Different views have been taken of the connection of Cranmer with Matthew’s Bible. . . . Grafton and Whitchurch may have secretly informed Cranmer of their purpose, in the hope of securing his protection. Grafton had embarked his fortune in it, £500 sterling, a sum probably equal in value to £7000 at the present day, and he was naturally anxious to be repaid. . . . Though Cranmer seized the first opportunity of turning Crumwell’s attention to the new Bible, neither he nor the viceregent had been at any expense or trouble about it, and it was not fostered or printed under any distinguished patronage.

“ After Edward VI ascended the throne, Rogers came home. . . . His work as editor of Matthew’s Bible was not forgotten, for he was, on the 10th of May 1550, presented simultaneously to the rectory of St. Margaret Moyses, on the east side of Friday Street, and the vicarage of St. Sepulchre, London. . . . On the 24th of August 1551, he was preferred to the prebendal stall of St. Pancras in St. Paul’s, and to this stall the rectory of Chigwell in Essex was attached.

“ Coverdale and Grafton went over to the French capital, probably in May, and the printing was immediately commenced at the press of Regnault.

“ On the 12th September they wrote again, telling that they had been instantly desired by their host to ask a license for him, who had been ‘an occupier’ more than forty years, to sell in England books printed by him on the Continent, the importation having been prohibited by the Company of Booksellers.

“ Cranmer was naturally busy about the work, for he felt that it needed some special superintendence. . . . On this matter he writes to the viceregent, on the 14th of November 1539, a sensible and practical letter, asking whether the preface to the Bible had got the royal approval, and discussing the price of the prepared volume. The archbishop settled it at 13s. 4d., which Crumwell had thought rather high, and the publisher naturally rather low. But Berthelet and Whitchurch were willing to fix it at 10s. on condition that they alone were to print and publish it. It is certainly a very strange coincidence that, on the 14th November 1539—the date of Cranmer’s letter—Crumwell got from the King a patent conferring on him the sole and unlimited power of licensing the printing and publication of English Bibles for the next five years.”

“The Genevan exiles, having resolved to revise the English Bible, braced themselves for their work. . . . ‘Whittingham with one or two more did tarry at Geneva a year and a half after Queen Elizabeth came to the crown, being resolved to go through with the work. . . . To witt, to finishe the bible, and the psalmes bothe in meeter and prose, whiche were already begon, at the charges off suche as were off most habilitie in that congrega-tion.’”

“Bodley, wishing to publish another impression, applied for the extension of his patent. . . . Parker in a cautious spirit wrote to Secretary Cecil praising the version; himself and the Bishop of London also wrote on 9th March 1565, wishing that Bodley might have twelve years longer term ‘on consideration of the charges sustained by him and his associates in the first impression.’

“Three other impressions in 1568, 1569, 1570 had been printed in Geneva. . . . The Genevan Bible was not printed in England for fifteen years after its first publication, or, in fact, during Archbishop Parker’s lifetime. When commending to the royal notice his own revision in 1568, he urges the Queen’s recognition of it, ‘not only as many churches want their books, as that in certain places be publicly used some translations which have not been laboured in this realm,’ the allusion being to imported Genevan Bibles.

“Archbishop Laud . . . feared that ‘printing would be carried out of the kingdom, for those books were better print, better bound, better paper, and, for all the charges of bringing, sold better cheap.’”

“The Queen had so little to do with the enterprise that the Archbishop was in some hesitation about writing her as to the completion of the Bible.

“All these portions of the Bible being finished and sent back to the archbishop, he was to add the last hand to them, and so to take care for printing and publishing the whole.

“The primate speaks on some technical points and matters of business:—

“‘The printer hath honestly done his diligence; if your honour would obtain of the Queen’s Highness that this edition might be licensed and only commended in public reading in churches, to draw to one uniformity, it were no great cost to the most parishes, and a relief to him for his great charges sustained. The psalters might remain in quires, as they be much multiplied, but where of their own accord they would use this translation. Sir, I pray your honour be a mean that Jugge only may have the

preferment of this edition ; for if any other should lurch him to steal from him these copies, he were a great loser in this first thing. And, sir, without doubt he hath well deserved to be preferred ; a man would not think that he had devoured so much pain as he hath sustained.’”

“ On the 22d of July [1604], the king wrote to Bancroft, then representing the See of Canterbury, vacant by the death of Whitgift, announcing that he had appointed certain learned men, to the number of four-and-fifty, for the translating of the Bible, and requiring him to take measures whereby he might be able to recompense the translators by church preferment. . . . Bancroft wrote again to the Bishop of Norwich as follows :—‘ There are many, as your lordship perceiveth, who are to be employed in this translation of the Bible, and sundry of them must of necessity have their charges borne ; which his majesty was very ready, of his most princely disposition, to have borne, but some of my lords, as things now go, did hold it inconvenient. Whereupon it was left to me, to move all my brethren, the bishops, and likewise every several dean and chapter, to contribute to this work. According, therefore, to my duty, I heartily pray your lordship, not only to think yourself what is meet for you to give for this purpose, but likewise to acquaint your dean and chapter, not only with the said clause in his majesty’s letter, but likewise with the meaning of it, that they may agree on such a sum as they mean to contribute. I do not think that a thousand marks will finish the work to be employed as aforesaid. Whereof your lordship, with your dean and chapter, having due consideration, I must require you, in his majesty’s name, according to his good pleasure, in that behalf, that as soon as possibly you can send me word what shall be expected from you, and your said dean and chapter. For I am to acquaint his majesty with every man’s liberality towards this most godly work. From Fulham, this 31st of July 1604.’ Bancroft makes another explanation, ‘ After my hearty commendations unto your lordship, I have received letters from his most excellent majesty, the tenor whereof followeth. ‘ Right trusty and well beloved, we greet you well. Whereas we have appointed certain learned men, to the number of four-and-fifty, for the translating of the bible, and that in this number divers of them have either no ecclesiastical preferment at all, or else so very small, as the same is far unmeet for men of their deserts, and yet we of ourself in any convenient time cannot well remedy it : therefore we do hereby require you, that presently you write, in our name, as well

to the Archbishop of York as to the rest of the bishops of the province of Canterbury, signifying unto them that we do will, and straitly charge every one of them, as also the other bishops of the province of York, as they tender our good favour towards them, that (all excuses set apart) when any prebend or parsonage being rated in our book of taxations, the prebend to twenty pounds at least, and the parsonage to the like sum and upwards, shall next upon any occasion happen to be void, and to be either of their patronage, or of the patronage and gift of any person whatever, they do make stay thereof, and admit none unto it, until certifying us of the avoidance of it, and of the name of the patron, if it be not of their own gift, that we may commend for the same some such of the learned men as we shall think fit to be preferred unto it.' . . . The disbursements were not made from the royal purse—for it was empty. . . . The plan proposed for remunerating the translators, though it menaced the king's personal inspection of the contributors, did not succeed; neither bishop nor dean replied, so far as is known. The sum, according to Bancroft's calculation was not large, only a thousand marks or about £700, so that the proportion from each diocese was really little."

"According to the chancellor's suggestion, the translators assembled at the Universities had entertainment free of charge, 'eating their commons' at the college table, and at the final revision the six or twelve revisers received each, according to one statement, thirty shillings a week from the Company of Stationers, 'though before they had nothing but the self-rewarding ingenious industry.' King James's version never cost King James a farthing."

"This last revision required pecuniary expenditure, but it was not defrayed by the king, or from the funds of the church. Each of the revisers received thirty shillings a week, not, as Lewis reports, thirty pounds, which Barker seems to have paid. One authority says that the wages were paid by the Stationers' Company; but another writer on this subject, in 1651, asserts openly, 'and forasmuch as propriety rightly considered is a legal relation of any one to a temporal good, I conceive the sole printing of the Bible and Testament, with power of restraint in others, to be of right the property of one Matthew Barker, citizen and stationer of London, in regard that his father paid for the amended or corrected translation of the Bible £3500, by reason whereof the translated copy did of right belong to himself and his assigns.'"

IN the extracts from the Life of Dr. Campbell, an admission is made in favour of monopoly which was hardly to be expected. Yet not without warrant, for the objections to monopoly are directed chiefly against its abuse. If the monopoly were so worked as to insure quality or the nearest approach to perfectness, along with the utmost cheapness, that is, prices so low as to yield either no profit (which would not be an unreasonable expectation in the case of universities), or a minimum though fair profit, the public might not have any ground for complaint. True, we might want the variety of form which competition would produce; but in spite of greater expense in printing, for public bodies can hardly succeed in that particular so well as individuals, the wholesale price would probably be cheaper, and why not likewise the retail? If monopoly there is, let the system be worked with all advantages, among which, I presume, are these,—all transactions should be in cash; there should be no advertising; retailers should be allowed an abatement of not more than ten or fifteen per cent. This last condition may not at once commend itself. It might lead to a diminution of the number of booksellers who sell Bibles, but it would also make Bible-selling a specialty, which carries with it an advantage—at such shops there will be a larger selection of sorts and sizes. Or else there should be no general indication given by the publishers what are the prices to be charged to retail purchasers. Let competition determine these prices.

One condition ought to be made—the revised Bibles should not be dearer than the unrevised, and that with respect to all the sizes and sorts. If not, the transition from the use of the latter will be retarded, which all who believe in the superiority of the former must repel for the truth's sake, and the people's, and the Church's sake.

But unfortunately there does not appear to be anything beyond an understanding, or at best, informal promises that these hopes will be realised. I have no doubt that what an honoured correspondent writes me is true in spirit and in letter, viz. :—“That the present syndics have liberal intentions;” but should not the honourable understanding be put on record and made an obligation!

There is a prevalent misconception. We got rid of the Bible monopoly in Scotland, but under license. Printing the Bible is still among us, as in England, a monopoly in point of legal character, only the monopolists are a public board (who by the way have

been indirectly rendering important service to England as well as their own land); but the license may at any time be recalled, and might be given to an individual or individuals who would work for private interests. The whole question deserves attention. The footing on which our freedom rests is precarious.

The churches of Scotland, it is obvious, never can for a moment have conceived that the revised Bible would be made a monopoly, and although some of their best scholars are among the revisers, cannot have been consulted on the point. Certain it is they were not parties to, nor cognisant of, what was done, any more than those of the sister countries were. Even the Church of England is not a participant, except in silent or reluctant consent and in regret. The pity is that the Convocation, which nobly initiated the business (one which the Government might have helped), did not somehow procure funds. The compiler has been told that attempts were made in some quarter or other to overcome the pecuniary difficulty. He for one (though in his particular instance there cannot be any wonder) never heard of these. (He is sure that, like innumerable others, he would have been glad to be able to respond.) As to the revisers themselves, *they* could hardly be in fairness expected to undertake collecting funds in addition to their other diversified and exacting labours. And it was not right that, for a considerable time, and to the great inconvenience of some, no provision was made for their travelling expenses even. Few will wonder, however many must deplore, that the ready way was suggested to their minds, and perhaps hastily adopted, of carrying on the enterprise by introducing into it a commercial character. Happily the University presses are as little commercial as any establishments of the kind can well be. We may, as a Christian people, feel ashamed that we have not been more liberal and indeed more chivalrous—well, at least, more considerate and inquisitive—and so did not anticipate the want of due provision for the expenses of the revisers which was for a while endured patiently, and did not realise the necessities and duties, and the holy *opportunities* of the case. One cannot but sympathise with the eminent men who thought themselves left, as indeed they painfully were, to chose between two such alternatives, either to make the revision a monopoly or to drop the work to which they had rightly deemed it an honour to be called, and on which as a work of God their hearts were set.

Mr. Baldwin Brown, in *The Nineteenth Century*, writes:—

“The dark side of the sphere of the preacher’s influence is found in the narrowness of the pale within which he is prone to enclose both himself and the Church. . . . And yet we little dream what Christendom owes to the large free world which is opened in the Bible.”

“Intellectual pabulum was furnished, in a measure which would be little suspected, by the religious magazines.”

“The power of the pulpit as an institution is manifestly on the wane. . . . A flood of cheap and, on the whole, valuable literature has overspread the country, and has entered homes hitherto most jealously guarded from intellectual raids.”

“But if a man can preach, if his word is with power, never perhaps was there a time when he had a more open field for his activity, or a fairer hope of influence on a large class of his fellow-men.

“Mr. Spurgeon’s truly remarkable ministry can by no means be overlooked in any thoughtful estimate of the work of the preacher in our times. . . . And quite recently London and all our great towns have been stirred to an extent hardly paralleled in history by the American revivalists. . . . The influences which are sapping the order of things which made the pulpit a great power in its time, favour the preacher if he knows how to handle them.”

“The relation of the working classes to the pulpit is part of a far larger question—How are they likely to stand affected to such a Christianity as Christendom has to present to them, which one sometimes thinks has little but names in common with that Gospel which the poor ‘heard gladly’ of old?”

“I fear that it is the Christianity which is wanting, and not their interest and hope.”

“At the other end of the scale there is the rapidly growing intellectual class. . . . For this antagonism the pulpit is mainly responsible. It is reaping as it has sown.”

“It has treated its Bible as a book of directions rather than as a light by which to see the way.”

“There is a power in public worship, in the utterance of common sorrows, needs, and hopes, in the prayer that is breathed and the praise that is sung in concert, not with the crowd that fills the sanctuary, but with the innumerable company of all lands and ages who have drunk of the same spring and gone strengthened on their way, which they strangely miss who teach that worship is a worn-out superstition, and that only in the clear light of law can men walk and be blest.”

Undoubtedly the living voice lifted up by good and earnest men on the highest themes, unflinching because undisturbed by conventionalities and imposed restraints, would in our day arouse the multitudes to fervour, and would freshen society with healthy impulses and aspirations (how many seek devoutly such means to such an end?), but the *rostra* which the "pulpit" and "platform" of the age afford, must adapt their ministrations to the truth in its present aspects and bearings—must realise the fact that they *share with the press*, especially with a free, pervasive, and influential periodical press, the duty and power that in days not long past chiefly devolved on *them*. They must be occupied in a less exclusive spirit, and with fewer fetters, by true men duly equipped and well supported with the requisite appliances, one of which will properly be accord and co-operation with an honoured press, and another be the disposition to render unto scientific knowledge what is its claim on attention and respect.

Dr. Young is preparing for Messrs. Longman an elaborate and most serviceable concordance. For such a work one might well anticipate a *long* term of exclusive privilege, for without that prospect like undertakings would be few and far between. Yet that longness of term, intended to prolong the exaction of a high price, is, however in the circumstances right or even requisite, a serious evil, because it greatly lessens the number of persons belonging to the present generation who can or will afford to buy the work, and naturally it may impress on friends of Scripture investigation the desirableness, though we will not say the duty, of seeking some other means of assuring authorship a due recompense for years of patient consecrated toil. The Christian Church would perhaps be wronged if it were charged with indisposition to do whatever it sees to be practicable for objects of this character. In its defence, be it admitted, the subject "how best to preach by the press" is new, practicable plans have not been presented.

BAD BOOKS.

THE *Daily Review* of 10th January, in an article on "The Literature of Crime," says, "Government ought to deal very sharply with the systematic corrupters of youth, through saloons, cheap theatres, and, above all, the press. We have already laws against the grosser forms of these evils, especially in regard to amusements; still the law does not deal with children as such. And there is the fear of touching that 'god of our idolatry, the press.' We cannot have a general censorship of the press, but we may have a stringent censorship of boy-literature, much of which seems ingeniously devised with a view to make its readers criminals, by making the worst criminals heroes, and awakening sympathy for them and their mode of life. One boy-periodical has reached the climax of wickedness by publishing in parts the life of David Haggart, in which he relates minutely his mode of life as a criminal, and his associations, including many crimes which he could not have committed. In short, it is the quintessence of moral poison, contaminating to any reader, but deadly to boys. Such literature is allowed to do its work unchecked, because people will not discriminate between old and young. Something must be done speedily to meet this hideous evil, else our national morality will be completely undermined."

All success to every good effort! Still there is room for energetic work in the way already adverted to of providing available *home* attractions in the form of lively and healthy literature. Few greater objects demand attention. Half-a-dozen individuals, even under the present copyright-law, could, by associating together, do much. Might not a company on limited liability try this experiment? Select an able manager, acquire by payment or otherwise new or established works of high quality that shall be worth stereotyping, sell copies in Paternoster Row at about cost to any of the trade who like to buy them, and intimate, by advertisements at railway stations, or through the schools, societies, and other institutions abounding in our land, that on receipt of the price (and postage) in stamps, or by post-office order, any book in their list will be sent at a low publishing price, by post or otherwise. The concern might have agencies in Edinburgh, Dublin, etc. The

table on page 124 shows that the expense of distribution requiring to be provided under the present system is many times more than postage would be. Octavos seldom weigh $2\frac{1}{2}$ lbs., so that most would pass for tenpence. A volume such as that which is the subject of the tabular statement, it might cost ninepence to transmit (without reducing the weight in the manner proposed on page 42). Now the booksellers' charge, subject however to the usual twopence off a shilling, would be, if the price be twelve shillings, at least *three* shillings, probably three shillings and *sixpence*, that is four times the postage or more, or, say, after deducting the twopence abatement, one shilling or probably eighteenpence, which latter is double the postage. Of course, in London and large towns a cheaper system of delivery than that of the post would be had recourse to.

No doubt a modification of the scheme here crudely sketched would very soon be brought into play, for why should not every little shop that vends newspapers—a new business—be utilised, to their own large advantage and not less that of the public, by adding to their present trade an agency for these cheap books with an allowance of a penny or three halfpence or twopence on the shilling? or, to go a stride further, why might not ordinary tradesmen undertake an agency of the sort? It would be easy work for them; a stock would not be kept in hand; they would not transform themselves into booksellers. An obvious advantage is that grocers, to take them as an instance, are content with small profits for cash payments. It is well known that sugar they supply almost as cheap as it can be bought by the hundred hogsheads in Mincing Lane. Again, you *have* grocers and news-shops now, in every little place. The tract societies and depôts throughout the country may have put themselves out of our way, because they accommodate their operations to current margins; and their range of literary productions is too narrow to answer the purpose in hand in all its breadth. The large sale of “Helen's Babies” must act as a fillip to all parties whom this question of large sales at low prices concerns.

Dr. Reid on Reading.—“The Presbytery heard in private a statement from Dr. Reid, Lothian Road. It cannot be denied that many works of fiction are entitled to an honourable place in English literature, and that their perusal is fitted to cultivate and gratify a refined taste; but it is obvious that the novel is every day becoming more and more the means of gratifying vicious passion and diffusing pernicious sentiment. Nor can we approve of novels

of a more general kind, which still present bad characters in an attractive guise, and which are therefore all the more fitted to pollute unsuspecting readers,—and novel-readers, we fear, are to a large extent of this class. The extent to which this evil prevails may be learned by the fact that the greater part of the stock of our book clubs and the largest space in our periodical publications consist of literature of this character. It may be difficult to determine how this evil is to be dealt with, but the fact of its existence surely calls for the gravest consideration.”

Professor Emile de Laveleye, correspondent of the Institute of France, in *De l'Avenir des Peuples Catholiques* (translated by Professor S. H. Carpenter, LL.D., and inserted in Dickinson's *Theological Review* for January), an essay that deserves to be read universally, says:—

“Read the literary works of France, witness, at the various theatres the pieces in demand. . . . The novels and comedies which have been successful must be strictly shut out from the circle of an honourable family. In England, in Germany, it is not so.”

“In the countries that adopted the Reformation, the Puritan spirit has checked this relaxation of morals, and has brought in a severity which may seem excessive, but which has given them an incomparable moral character.”

“It was the Puritans who established liberty in England and the United States. On the one side, the writers who are moral and religious preach servitude; while those who desire liberty, respect neither religion nor morals; on the other side, the same persons defend at the same time religion, morality and liberty.”

INDIA.

THE Eighteenth Annual Report of the Christian Vernacular Education Society for India is a document that friends of our eastern fellow-subjects ought to study, by the late excellent Henry Carre Tucker, C.B. In conjunction with the Tract Society, it has recently set to work to provide a wholesome popular literature, but funds are greatly needed. Without much or any increase of the expense of conducting its business, it could administer to good purpose thrice its present income, but indeed that increase should be multiplied twenty-fold. The following passages are from the Indian agencies or branches :—

“What is it that we see? A people from the highest to the lowest crying out almost as with one voice for learning, demanding that they shall be brought up in all the wisdom of the present age. A mania for education. Be the voice genuine, or be it but the crying of an infant for that which has taken its fancy, but which may not be for its good; be it the utterance of the heart, or be it not, still undoubtedly it makes itself heard. And throughout the land a vast system of education is established that reaches the cultivator in his mean dwelling, and brings the highest of the land within its grasp. A scheme such as no other country has ever seen the like. The intellect is cultivated and its capabilities unfolded to the uttermost, but the moral faculties of the man are left untouched. Of God, of His laws, of responsibility to Him, this education knows but little. . . . Before this education the fables of olden days, and the long cherished superstitions of generations, are passing away, and a new people is rising, not yet freed.”

“What we are able to do is but a drop in a bucket. . . . For the most part the opposition of former days has passed away, and we are permitted to speak and to teach as we like. Our work is but small compared with what it might be, and from several quarters appeals from time to time come to us for help, appeals which, alas, have to be met by the reply—We cannot advance for want of means.”

“Our inspector cannot prepare boys for the vernacular scholarship examination, because they cannot buy expensive books.”

“When it is observed that trashy and filthy publications are appearing in vast numbers, and are being sold in every town and

market throughout the country, it will be seen that the ability to read now being conferred year by year on so many thousands of people, is but an ability to gain fuller acquaintance with that which corrupts the mind. If arguments be needed to encourage any disciple of the Lord to persevere with this work, they may be found by a glance at the vast field to be cultivated, filled with the old jungle of superstition, and wherever education turns a sod, sown afresh with the evil seeds that a corrupt press is actively scattering."

"*The Indian Student's Manual.*—No thoughtful man can look forward to the future of India without some forebodings. Educated Hindus have to undergo a terrible ordeal. Ancient landmarks disappear before their eyes, and they are in great danger of passing from the extreme of credulity to the extreme of scepticism. Unbelief, under such circumstances, is very apt to be attended by a lax code of morals. The system of education in Government Colleges forbids religious teaching. A book adapted to Indian students, containing hints on moral conduct and religious duty, is very much required. The above work is intended to meet the want. Some advice is also given about studies, and the choice of a profession. The impossibility of the great numbers of educated men all obtaining Government employment is shown, and they are urged to seek other openings."

"The monthly magazine for the young. . . . The contents consist of anecdotes, fables, dialogues, and articles more directly Christian, calculated both to interest and instruct the readers. The selling price is little more than nominal—4 cents a year. The high rate of book postage in Ceylon more than doubles the cost at out-stations."

"Some native shopkeepers are also beginning to keep on sale the Society's publications."

Light for India contains the following :—

"The late Henry Carre Tucker, C.B., belonged to that type of civilians who are now rapidly passing off the scene—men who, connected with India by family ties, made it their home, devoting themselves and their money to the interests of the people. His career lay pre-eminently in that line. He selected one special class—the peasant—and to raise him from the degradation of centuries by a Christian vernacular education was the special work of his life. We have before us now one of his earliest efforts in this direction, *Notes on Education*, published in Bengal in 1839, when he was collector at Azimghur. It lays down the kind of knowledge

most useful for the masses, and the best mode of conveying it. His subsequent life was devoted to carrying out its principles as time and opportunity allowed. He supported village schools at his own expense, at a period when the Anglo-mania was rife in Calcutta. . . . He subsequently started and maintained from his own pocket a Centralising Book Society at Benares. . . . His soul was in the work."

"The Eighteenth Annual Meeting was held on the 8th of May at Willis's Rooms, St. James's, the Right Hon. the Earl of Shaftesbury in the chair."

"Lord Lawrence observed that India contained something like 240,000,000 of people, and the income of the Society was somewhat under £13,000."

"The value of works of that kind was almost inestimable. These works, sold to the villagers, would be read by the children in their homes, and enlighten their parents. It was difficult to over-estimate this branch of the Society's work. The Society seemed to him—bearing in mind its opportunities—to have accomplished a great deal of good and useful work, and it only remained for its friends in England who wished to increase its operations to do what they could in the way of placing larger funds at the disposal of the committee. Before sitting down he wished to say a word in memory of that great friend of the Society, Henry Carre Tucker. He was the life and soul of the Society, guided it in its infant days, and helped it during the whole of its existence. He had now been called to another and a better world, and it was to be hoped that the Society would soon find amongst its friends and supporters another man like Henry Carre Tucker."

"Mr. Donald Matheson trusted that the Report would be widely circulated and extensively read."

"The Rev. W. J. Wilkins.—As to publications, there was a greatly increasing number of readers in India, and it was for them that a pure literature was required. Every one studying the books that were read by the masses of the people would be convinced that there was a great and crying need for something better being given to them. Not only was there an increasing number of male but of female readers, and it was the earnest desire of every true-hearted Christian that the books placed in the hands of the people should be interesting and pure. Surely, when the common literature was of a character not likely to make them wiser and better it was necessary that books should be provided for them calculated to improve them. Not only for Hindus but also for Mussulmans

the Society was making an endeavour to provide books. Up to the present time the only books that were provided in their own language were some portions of the Bible and three tracts. He was of course speaking of Christian literature. He had read some of the books which they possessed, and found many of them most infamous in their character. It was most necessary, and he rejoiced to say that the committee had resolved to produce good Christian literature for that class of people."

"Dr. John Murdoch was painfully reminded of the absence of some old familiar faces, and particularly of that of Mr. Tucker. . . . He expressed no opinion as to the new title which Her Majesty had assumed, but he hoped that it would have the effect of making the people of England feel greater responsibility towards India. . . . It had been said, whatever you would put into the life of a nation, put into its schools, and what you would put into its schools, put into its school-books. Now, what was the Society attempting to teach in its schools? In the first place, they were endeavouring to promote sanitary reform. India was supposed to be the birthplace of that terrible scourge, the cholera. The books of the Society taught the people the advantages of cleanliness, of pure water, and pure air. Smallpox was very prevalent in India. The books supplied to the people pointed out the advantage of vaccination. The Society sought to promote the welfare of the people generally. The masses were very poor, but that was to some extent their own fault, for they very often ran into debt, and owing to the high rate of interest which they had to pay, found it almost impossible to clear themselves. The books of the Society showed them the great importance of industry. The advantages of female education were specially pointed out, and the necessity of educating girls as well as boys. The books issued were calculated to improve the moral character of the people—to show them the importance of truthfulness, integrity, and purity. . . . Besides the publication of school-books, the Society wished to provide a good and improved Christian literature. The Society had, at the suggestion of Mr. Tucker, printed seventy-seven different publications, including 249,000 copies, and it was an interesting fact that just as that gentleman ceased his labours, a beloved sister was able to take it up in India. 'A. L. O. E.' saw the importance of Christian literature; she had already written several little works, a series of illustrations of Christian truth. After her books were revised, they were printed in English, and English editions sold very readily. As she had shown so much self-sacrifice, she deserved every encouragement."

Two of our great British societies allow, in a distant part of the Queen's dominions, 50 per cent. commission to colporteurs, who are able to earn small salaries besides. One may ask if this is not an awkward example and way of doing business.

[Mr. Macfie is sure the letter which follows, from the pen of the eminent Dr. Duff, will greatly conduce to awakening public interest in a good cause.]

REV. DR. DUFF'S OPINIONS.

EDINBURGH, 20th January 1877.

MY DEAR MR. MACFIE,—I rejoice to learn that you are about to publish Lord Dregghorn's Essay on "The Origin and Progress of Literary Property," with "Notes" of your own on "An amended Form of Copyright and the Cheapening of Books."

Having been constrained, alike in India and in this country, to pay a good deal of attention to the subject, I have long been thoroughly persuaded that the present monopolistic law of copyright is, in its operation, injurious to the best interests of authors, publishers, and the public.

In this country, need I say how we are literally deluged with a constantly increasing torrent of pernicious literature, fraught with the seeds of sedition, impurity, and irreligion—freely accessible to the humblest of the masses because of its cheapness? On the side of British patriotism and Christian philanthropy, therefore, is it not most desirable that, by the relaxation or removal of present copyright restrictions, a sound and corrective popular literature might, by an ample reduction of cost, be supplied and brought within reach of all classes over the land—much to the advantage of authors, publishers, and the public?

Again, with regard to India, English education of every grade is rapidly spreading among its teeming inhabitants. In all higher collegiate education, the English language, with one or other of the oriental tongues, such as Sanskrit or Arabic, etc., is *always one* of the two languages, on which students are examined for university degrees in arts. Consequently, our English classics are profoundly studied with peculiar zest and earnestness by thousands and even tens of thousands of intelligent native youths; and English literature, as a living and not a dead one, becomes to them for ever after the main storehouse whence they draw their intellectual aliment. Hence the costliness of all recent popular works, owing to the existing law of copyright, is keenly felt as a grievous and oppressive burden, amounting, in most cases, to an

actual prohibition of sale and purchase. If allowed to be reprinted in India, for a limited number of years, subject to a small reasonable "royalty," they could, from the greater cheapness of labour, etc., be produced at one-fourth the price now charged for them. The sale would thus be prodigiously enlarged, while the authors, the publishers, and the educated classes of India would be proportionally benefited.

Were you, by your agitation of this momentous question, to gain currency for your wise and enlightened views regarding it, and secure for some such plan as you advocate an embodiment in legislative action, you would justly earn for yourself a title to be regarded as one of our greatest benefactors.—Yours very sincerely,
ALEXANDER DUFF.

The following, from an excellent authority, is very interesting. Most desirable, however, it is to have uniformity of system throughout the British dominions.

It is certainly right, as a matter of imperial policy, that whatever privilege appertains to or is obtainable for a book in any one part of the empire, should be conceded in all other parts,—that the mother country, the colonies, and India, should, as far as circumstances allow, be placed on the same footing. It is in strong contrast with this principle that a book which yields a revenue to an English author, when legally published in Canada, should be totally denied admission into the mother country, in order, apparently, that higher prices, and therefore a greater profit, may be drawn from the good folks at home.

EDINBURGH, 29th January 1877.

MY DEAR MR. MACFIE,—In answer to your question about copyright in India, I have to say that it is a matter of very great moment in the interest of the numerous and constantly increasing class of English-reading natives. The English law of copyright is held to apply to India, and is strictly enforced with respect to books published in this country. It was not so understood at one time, and a Mr. Rushton reprinted a good number of books. They were very poorly "got up," and were sold at a very low price. Some of the booksellers also, both European and native, imported large numbers of American and Continental reprints of English books, which were extensively sold, and were to be seen everywhere in native and European hands. The London publishers took the alarm, and it was ascertained that both the reprinting and the importation were illegal, and both were at once abandoned.

It would be a great boon to India if the publishers would allow editions of their best books to be reprinted in India, so as to be sold at a cheap rate, and the publishers would lose nothing by it, as their books are not now bought at all by the classes who would buy them in thousands if they could get them at or under half price. They might even gain by it if they would send out casts or plates to be printed from. They would have no difficulty in disposing of such casts or plates at good prices, so far as the works of popular authors are concerned. I remember that we were very anxious to get the late Dr. Abercrombie's books on the Intellectual Powers and the Moral Feelings introduced into our institutions as text-books. After a great deal of correspondence, and on the intercession of the Misses Abercrombie, Mr. Murray allowed us to print an edition, on condition that we should give a pledge not to sell any copies except to natives. Although it was but a small edition that we were allowed to print (I forget whether it was 500 or 1000 copies) we could afford to sell the volume containing both books at a price considerably below the English price of the cheaper one. To be sure, that was in the days when the wages of a first-class compositor were not above four annas (sixpence) a day. But now, when the cost of production would be a good deal higher, the demand for popular books would be so great that Indian publishers could afford to pay for the privilege of reprinting such books.

I am not aware that there has ever been any occasion to raise a question as to the application of the law of copyright to purely native books—I mean books in the native languages.

It is very little information that I have been able to give you. But, indeed, the question is a very narrow one, and I have stated about the whole of it.—Yours very sincerely,
THOS. SMITH.

CHINA.

The Rev. James Johnston, of Free St. James's Church, Glasgow, writes:—

“I find it difficult to reply to your inquiries about the publication of books in China on the spur of the moment, and away from my library and note-books.

“I do not think that in China there is any class of men corresponding to our modern publishers. In general, the author is the publisher. As printing there is all done by cutting the raised letters on blocks of wood the size of the page to be printed, an author gets one or two skilled letter-cutters to sit at his door and

engrave the sheets as they are written; and when the work is completed, the blocks, not unlike our stereotype plates, are handed over to the printer, who throws off as many copies as may be desired, and returns the blocks to the author or preserves them for his future use. The work is then sent to the bookstalls for sale, or more frequently is distributed gratuitously by the author and his friends. In no country in the world is there such a large and liberal distribution of books as in China. It is considered a work of great merit to give away moral and religious works, and wealthy men often gain the approbation of their fellows by printing and circulating the writings of ancient or living authors.

“Keen as the Chinese are in making money, I am not aware of the writing or publishing of books being made a source of income. The nation rewards its literary men in a more substantial way. Literary eminence is the sure passport to the highest and most lucrative offices of the State, and the highest honours and proudest titles are conferred on literary men. It is the only country in the world in which literary distinction takes precedence of military rank.

“In such a country copyright in the sense of property would have no meaning; the more an author’s productions are circulated, the surer he is of honour and reward.”

Mr. Johnston has been favoured with a letter from Dr. Legge, Professor of the Chinese language at Oxford, who is, I need not say, a very high authority.

“3 KEBLE TERRACE, OXFORD, 7th Feb. 1877.

“MY DEAR MR. JOHNSTON,—I was obliged the day after I got your letter of the 30th ult. to hurry across the country at Leicester, and did not get home again till yesterday afternoon.

“So far as you go in your notes on publishing in China, you are correct; but where an author gets one or two skilled letter-cutters to sit at his door, and execute their work, he thereafter keeping the blocks in his charge,—that is done in the case of small adventures, and as the only way in which the author can preserve his property, if it is likely to be valuable, from the pirate.

“In the case of the publication of large individual works, or of collections of valuable works of a smaller size, which collections are very common, that is done by some wealthy gentleman or by an association of such men. I have a copy of explanations of the classics by scholars of the present dynasty, bound up in 360 Chinese volumes, and first published in one collection in 1829, by the then governor-general of the two Kiang provinces. More than

half the blocks of this book having been destroyed, they were re-cut at the expense of several officers in 1861. In the same way, an edition of the most extensive lexicographical work ever published, the *Imperial Thesaurus*, as it has been called, prepared under the special superintendence of the then Emperor, and published at his expense in 1711, appeared at Canton about thirty years ago, issued by the treasurer of the province.

“Again, I have known the family of a literary man, who had left books in manuscript, keep on publishing volume after volume for twenty years after his death. The son of such a man said to me that the publication was an act of filial duty to his father’s memory, and that the world might not lose the fruit of his labours. In all these cases, the works are not published in the first place by the booksellers, though the blocks may subsequently come into their possession. And when this is the case, the price, so far as my experience goes, forthwith falls. The bookseller probably has bought the blocks cheaply, and moreover he offers the book at a price which is likely to command a sale. In 1845, I wanted to get a copy of the *Imperial Thesaurus*, but was told I must give £25 for it. Twenty years ago I got a copy for our mission in Hong-Kong for £12, 10s.; and six years ago a copy for myself cost me only between £7 and £8.

“But I am not prepared to say that booksellers do not publish in the first place, paying to the author a price for his manuscript. I believe that is occasionally done, but as there is no law of copyright, neither author nor publishing-owner has any security against the immediate piracy of his property. An act of such piracy, indeed, is condemned by the conscientious feeling of the Chinese public, and before I left China in 1873, a tradesman came to me and bought the right to publish a small school-book in Chinese and English which had become popular. My *Classics*, however, are pirated both in the United States and in Canton and Hong-Kong.

“Though there is no law of copyright in China, there is a censorate of the press; but, as Mr. Wylie has observed, in his *Notes on Chinese Literature*, its action is of the mildest character. He gives a list of about 140 prohibited works, which is circulated among the book stores. They are mainly of a treasonable or licentious tendency. Many of those book-stores are very extensive. You speak in your notes of ‘the book stalls.’ Such stalls there are in abundance everywhere, but I have seen establishments in Canton and Peking that would not be dwarfed by the side of those in Paternoster Row, and there were none of the cumbrous blocks in them.”

AN EDINBURGH OPINION.¹

IN the copyright controversy, as a rule, only one side is heard ; authors are perpetually memorialising Government, and publishing abroad their grievances, but it is very seldom that any voice is lifted up against them. Mr. R. A. Macfie, however, has been enlightening some members of the Liverpool Chamber of Commerce on this head,² and his remarks are not without a certain admixture of common sense. Mr. Macfie started with the assertion that the book-trade of this country is in an unsatisfactory condition, and then proceeded to show what he considered the reason, the result, and the remedy of this flaw in literary legislation. The reason he believed to be that there is a popular fallacy about the rights of authorship, and that authors take advantage of this fallacy to the prejudice of public interests. According to the fallacy, an author has, independently of legislation, a positive right of property in the book which he has written, which right entitles him, and him alone, to permit republication. According to Mr. Macfie, such a right does not exist, unless in a modified form ; and it becomes the duty of the State, in intervening to protect the author, to protect the public also, by securing that the price of the book shall be reasonable, and its form adapted to suit the convenience of the community. If Mr. Macfie insists too strongly on the fallacy, which has unquestionably a measure of justice in it, he is at the same time so far right in his assertion of the public interest ; and the patent absurdity of the three-volume novel is as strong a proof in support of his position as he requires. The result of this faulty adjustment of the law of course is, that the publishers depend on a limited sale at a high price, rather than a wide sale at a low price ; on which account the proportion of British export of printed matter, when compared with that of other commodities, is exceedingly small ; while the public also materially suffers. The remedy proposed by Mr. Macfie is, that authors shall be deprived of their exclusive right of republication ; that books shall be reproduced as freely as any other invention ; and that printers shall be at liberty to do so, on paying a royalty to the author, say of five per cent. on the retail price.

¹ From the *Evening News*, 18th November 1876.

² Mr. Macfie is an honorary life-director of the body.

FREE LIBRARIES.

THE following excerpts from a leading article in *The Scotsman* of April 20, will compensate for defects in the manner and matter of my treatment of this subject :—

“ . . . It does not seem to indicate that the working classes in Scotland are maintaining their character for inquisitiveness and vigorous intellectual life. . . . A bulky report—solid both materially and intellectually—recently issued by the Bureau of Education at Washington on Public Libraries in the United States, tells a very different tale. It is a sumptuously printed and illustrated volume of nearly twelve hundred pages, and it breathes throughout a spirit of intelligence, earnestness, and even enthusiasm, which forms a striking contrast to the callous calculation of our English report. . . . The separate public libraries reported on number 3650. Many of them are collegiate, academical, State, and professional libraries ; but the important fact to be noticed in the present connection is, that 600 of them are free libraries. . . . The figures show that, on both sides of the Atlantic, there is eight times as much fiction read as of any other department of literature, and about ten times as much as the average of all other departments combined. The classified statistics of twenty-four public libraries in the United States for 1875 give 67·4 per cent. to imaginative pure literature. The corresponding statistics of eighteen towns in England for the same year give 67·1 per cent. We may, if we choose, congratulate ourselves on the fact that the returns from four out of five towns in Scotland give an average of only 60·9 per cent. to the head of fiction and general literature combined. . . . The second place in the United States is held by history and biography, which reaches 8 per cent. In England, the corresponding percentage is 7·6, and in Scotland it is 7·2.”

BLUE BOOK ON FREE LIBRARIES.

Part I. of a Return (No. 439, 1876) has just appeared. The following lists show the number of volumes of works of fiction issued at certain Lending Libraries :—

Wolverhampton,	71·50	Birmingham,	57·16
Bilston,	67·55	Sheffield,	63·51
Middlesborough,	62·90	Walsall,	68·04
Newport, Monmouth,	70·87		
West Bromwich,	60·98		
	<hr/>		
	Average, 62·90		
	<hr/>	Cambridge,	62·21
Manchester,	48·84	Leamington,	67·03
Salford,	82·98	Westminster,	76·25
Bolton,	83·30	Hereford,	69·24
Heywood,	64·40		
Leeds,	72·49		
Derby,	56·43		
Leicester,	76·20	Dundee,	58·32
Burslem,	54·00	Forfar,	50·00
	<hr/>	Galashiels,	45·00
	Average, 67·33		
	<hr/>		
		Average, 51·10	
		<hr/>	

It will be observed that the average is lower in Scotland than in England, and that manufacturing cities and towns are not at the top of the scale as readers of fiction. Throughout the whole there is clear evidence how great and how generally diffused is the taste for that sort of literature. It is necessary to reckon three volumes of a novel as equal to only one of ordinary literature. On the other hand, a large portion of our magazines are read for the sake of their novels and tales, and we should not forget that people *buy* religious books much more freely than they do novels. The proportion of the former in private library shelves is much greater than that of the latter.

Perhaps the most instructive part of the Return is the following tables from South Shields :—

TABLE SHOWING THE NUMBER OF TIMES THE FOLLOWING WORKS
HAVE BEEN ISSUED FROM THE LENDING LIBRARY.

Aguilar's (Grace) Works. 6 vols.,	208	Austen's (Jane) Works. 12 vols.,	300
Ainsworth's (W. H.) Works, 34 vols.,	930	Blackwood's Magazine. 113 vols.,	525
All the Year Round. 28 vols.,	252	Blaine's Rural Sports,	34
		Broughton's (Rhoda) Works. (4)	124

Byron's Poems. 3 copies, . . .	54	Good Words. 13 vols., . . .	403
Carpenter's Human Physiology, . . .	20	Hood's Works. 20 vols., . . .	210
Catlin's North American Indians. 2 copies, . . .	39	Hutchinson's History of Durham, . . .	32
Cervantes' Don Quixote. 3 copies, . . .	51	Jerrold's (Douglas) Works, . . .	92
Chambers's Journal. 49 vols., . . .	933	Lawson's Tyneside Celebrities. 2 copies, . . .	61
Chambers's Library for Young People. 10 vols., . . .	320	Lever's Works. 63 vols., . . .	1,534
Chambers's Miscellany. 10 vols., . . .	97	Lytton's (Lord) Works. 74 vols., . . .	1,890
Chambers's Papers for the People. 6 vols., . . .	108	Macaulay's History of England. 13 vols., . . .	106
Chambers's Pocket Miscellany. 12 vols., . . .	127	Macmillan's Magazine. 27 vols., . . .	217
Cooper's (Fenimore) Works. 56 vols., . . .	953	Marryat's Works. 34 vols., . . .	1,134
Cornhill Magazine. 27 vols., . . .	279	Mulock's Works. 16 vols., . . .	640
Cumming's (Lieut.-Col. Gordon) Five Years of a Hunter's Life, . . .	30	Pepper's Play-Book of Metals. 2 copies, . . .	53
Darwin's Descent of Man, . . .	26	Pepper's Play-Book of Science. 2 copies, . . .	44
Dickens's Works. 66 vols., . . .	1,980	Rankine's Works on Engineering (4)	41
Dickens's Life, by Forster. 2 copies, . . .	49	Russell's (W. H.) Diary in India. 3 copies, . . .	75
Disraeli's (B.) Works. 29 vols., . . .	721	Scott's (Sir Walter) Waverley Novels. 57 vols., . . .	1,140
Dixon (Hepworth) Her Majesty's Tower, . . .	53	Stanley's "How I found Livingstone," . . .	48
Eckmann-Chatrrian's (M. M.) Works. 8 vols., . . .	184	Tennyson's Poetical Works. 6 vols., . . .	114
Evans' Miss ("George Eliot") Works 15 vols., . . .	450	Thackeray's Works. 30 vols., . . .	750
Exeter Hall Lectures. 20 vols., . . .	124	Trollope's (Anthony) Works. 23 vols., . . .	420
Froude's History of England. 12 vols., . . .	78	Tucker's (C. "A.L.O.E.") Works. 51 vols., . . .	1,632
		Wilson's Tales of the Borders. 12 vols., . . .	444
		Total,	21,184

TABLE SHOWING THE NUMBER OF TIMES THE FOLLOWING WORKS
HAVE BEEN CONSULTED IN THE REFERENCE LIBRARY.

Art Journal,	139	Jones' (Owen) Grammar of Ornament,	13
Atlas, Keith Johnston's Royal, . . .	26	Knight's Land we live in,	20
Barnard's Landscape Painting in Water Colours,	29	La Fontaine's Fables, Illustrated by Doré,	24
Bible, Holy, Illustrated by Doré, . . .	58	Lavator's Physiognomy,	19
Blackstone's Commentaries,	27	Lawson's Tyneside Celebrities, . . .	26
Bourne's Treatise on the Steam Engine, . . .	20	Lizars' Anatomical Plates of the Human Body,	26
Brand's History of Newcastle-upon-Tyne,	14	Macaulay's Works,	37
Brockie's History of Shields,	13	Milton's Paradise Lost, Illustrated by Doré,	41
Burgh's Modern Marine Engineering, . . .	11	Murray's Family Classical Library, . . .	49
Chambers's Book of Days,	34	Naturalist's Library, The, by Jardine and others,	34
Chambers's Encyclopædia,	17	Nicholson's Practical Builder,	25
Cooley's Cyclopædia of Practical Receipts,	19	Ordnance Survey Plans for the Counties of Northumberland and Durham, on the 6-inch scale,	29
Dante's Vision of Purgatory and Paradise, Illustrated by Doré,	44	Penley's English School of Painting in Water Colours,	35
Dante's Vision of Hell, Illustrated by Doré,	67	Punch, or the London Charivari, . . .	149
Directories of London, Northumberland, and Durham, Newcastle, Sunderland, North and South Shields, and Gateshead,	853	Shakespeare's Works,	62
Duncan's History of the Royal Artillery,	29	Speaker's Commentary of the Holy Bible, Edited by Cook,	42
Fairbairn's Crests of the Families of Great Britain and Ireland,	29	Surtees History of Durham,	35
Fairbairn's (W.) Useful Information for Engineers,	23	Walford's County Families of the United Kingdom,	19
Henry's (Matthew) Exposition of the Old and New Testaments,	57	Watt's (Henry) Dictionary of Chemistry,	22
Hogarth's Works,	87	Worcester's Dictionary of the English Language,	33
Illustrated London News and Almanacs,	682	Total,	3,005

The number of juvenile readers is striking :—

(*From the Lending Libraries.*)

Birmingham, under 14,	1693	out of 7409.
„ 15 to 20,	2934.	
Oxford, scholars and office-boys,	2269	„ 7931.
South Shields, 14 to 20,	1318	„ 3770.

No wonder well-wishers of the rising generation are perplexed on the subject of novels if the proportion shown in the accompanying extract is at all general, or any way like general, elsewhere :—

“The annual report of the Manchester *Athenæum* has just been published. The library report states that out of 84,245 volumes which have been issued, 66,147 were ‘works of fiction.’”

If three-fourths of the works of fiction lent are in three volumes, and if of the others three-fourths are in one volume and the rest in three, the proportion will stand thus—Total number of *books* 47,156, of which were novels, 33,074, or more than two-thirds.

AMERICAN LIBRARIES: OFFICIAL REPORT.

THE following scraps from the above show how practical the huge volume is. A good service would be rendered our country if Government reproduced portions, by way of guidance, from the experience of our transatlantic cousins, and confirmation from observation of mutual accord. A prejudice will arise against the free library system, and a hindrance be raised against its extension, if due care should in any single institution fail to be exercised by the selection of books.

By-the-by, would it not be well that the member for Sheffield's Bill should, rather than raise the maximum library rate to [2d.] per £, allow [3d.] in the year of establishing (by way of providing stock, furnishing, etc.), and *half* that rate afterwards?

"Surely a State which lays heavy taxes upon the citizen in order that children may be taught to read, is bound to take some interest in what they read; and its representatives may well take cognisance of the fact that an increased facility for obtaining works of sensational fiction is not the special need of our country at the close of the first century of its independence.

"Physicians versed in the treatment of those nerve-centres where disorder has so alarmingly increased of late years, have testified to the enervating influence of the prevalent romantic literature, and declared it to be a fruitful cause of evil to youth of both sexes. . . . Senator Teapman, in his recent work upon Government, exclaims, 'The volumes of trash poured forth are appalling.'

"On first joining the library [one that does not admit any novels] the new comers often ask for such books, but failing to procure them, and having their attention turned to works of interest and instruction, in almost every instance they settle down to good reading, and cease asking for novels."

"*The sole relation* of a town library to the general interest is as a supplement to the school-system; as an instrumentality of higher instruction to all classes of people."

"It is one thing to admit certain works of imagination of pure moral tendency, which have proved their vitality by living at least a year or two: it is quite another thing to assume that the town library is to be made a rival agency for disseminating what are called the novels of the day."

"If it is held to be the duty of the State to supply boys and girls with *dime* novels, public education is not quite as defensible as many persons have supposed."

“The managers of the public library are no less bound to control and shape the institution in their charge so as to produce the best result, than are the managers of the school-system.”

“To say that calls for books should be accepted as the indication of what should be furnished, is to make their office a merely mechanical and perfunctory one.”

The Law of Literature, by J. Appleton Morgan, New York, 1875, furnishes the following:—

“I have expressed myself in the second volume of this work as unreservedly in favour of an international copyright. . . . The public—the readers of Great Britain and the United States—are obliged, practically, to pay for the manufacture of a book twice before they can have the opportunity to read it once.” In a note he reproduces a remark quoted by Mr. Emerson in his *English Traits*:—“So long as you [America] deny us [England] copyright, we shall have the teaching of you,”—a truth that we ourselves would do well to bear in mind when considering the relation of copyright to sound imperial policy.

“The subject was again seriously agitated in 1873, on the seventh day of February, in which year the Hon. Lot M. Morrill, United States senator from Maine, submitted a unanimous and unfavourable report of the joint committee on the library, to whom was referred the resolution directing them to inquire into the practicability of securing to authors the benefit of international copyright.”

“A portion, and much the larger number of domestic publishers are understood to be either hostile to the whole subject of international copyright, or consider all action in regard to it at least of questionable utility to the world of letters, and especially to the progress of science and the arts in this country and among our own people.

“The printers, type-founders, binders, paper-makers, and others engaged in the manufacture of books, in large numbers remonstrate against the measure as calculated to diminish the popular sale and circulation of books by raising the price thereof, and thus prejudicial to this branch of industry.”

“These interests press upon the legislator at the very threshold of any measure of international copyright, demanding consideration and protection. The right conferred upon the foreign author, a

variety of questions of labour, art, skill, and the like, enter into the practical question, and force upon consideration the chances of ruinous monopolies at the world's great book-centres, when competition and a provident share in opportunities would seem to be our necessity.

The question before us is not national copyright, but whether the monopoly of the foreigner in his work, enjoyed in his land, can, in the interests of science, fairly be claimed for him in every land where his work may be printed. The English author has the exclusive privilege secured to him as an incentive to his genius. Does it need the further stimulus of privilege in other lands? And if so, can such privilege be considered as demanded in the interests of literature, or would the fruits of such encouragement compensate for the natural repression of the diffusion of knowledge? Assuming now that the measure cannot be commended or rightfully demanded in the interests of authors alone, nor in that of authors and publishers combined, it remains to be seen whether the facts justify the conclusion that the measure can be granted in the interests of science.

"It will doubtless be conceded that international copyright would have the effect to enhance the price of books of foreign authorship in the American market; and a tendency and the probable effect to increase the price of the American copyrighted book in our own market.

"While it may be conceded that the tendency of the law of copyright is to stimulate the production of literary and scientific works, it is believed to be equally true that one of its effects is to repress the popular circulation of such works. Such, it is apparent, must be its natural tendency, and such is understood to be the fact in this country and in England, especially the latter. As a general proposition, during the existence of copyright, the interests of both publisher and author are best consulted by a small edition and consequent limited circulation, as a larger profit may be realised from a small edition at high rates than the reverse. Notable instances may be given in proof of this general proposition in England and our own country. The average price of seventy-five English books, as given in the accompanying table, is \$5.60, and the average price of the American reprints of the same books is only \$2.40.

"The same general fact may be further illustrated by comparing the prices of English books reprinted here with the prices here of American copyrighted books of a similar character. (See table on following pages.)

And a similar effect will be observed by comparing the home prices of American copyrighted books with their prices when reprinted in England.

“The English prices are generally taken from the English catalogue by Sampson Low, 1835-1862. (See table.)

“THE LOWEST PRICES OF SOME ENGLISH BOOKS REPRINTED IN AMERICA (THE AMERICAN PRICES ARE GENERALLY TAKEN FROM THE BIBLIOTHECA AMERICANA, 1820 TO 1866, OR AMERICAN CATALOGUE, KELLY, 1866 TO 1871).

NAME OF AUTHOR AND TITLE OF WORK.	ENGLISH PRICE.		PRICE OF AMERICAN REPRINT.
	In Sterling.	In Gold.	
Alison, Life of Marlborough, . . .	30 0	\$7 50	\$1 75
Aytoun, Scottish Cavaliers, . . .	7 6	1 87	1 50
Ballads and Fermilian, . . .	13 6	3 37	1 50
Browning, Mrs., Poems, . . .	30 0	7 50	1 50
Belcher's Mutineers of the Bounty, .	12 0	3 00	1 50
Burton's Lake Regions of Africa, . .	31 6	8 00	3 50
Bulwer, Athens—its Rise and Fall, .	21 6	8 00	1 50
Caxtoniana, . . .	21 0	5 25	1 75
Novels, . . .	2 6	0 62	0 50
Lady, Budget, etc., . . .	31 6	8 00	2 50
Braddon, Miss, Girls' Book, . . .	4 6	1 25	0 90
Lovels of Arden, . . .	31 6	8 00	0 75
Conybeare and Howson, Life of St. Paul (complete), . . .	48 0	12 00	3 00
Collins, Poor Miss Finch, . . .	31 6	8 00	50 c., 1 00
Darwin, Variation of Plants, etc., . .	28 0	7 00	6 00
Dixon, Free Russia, . . .	32 0	8 00	2 00
Fair France, . . .	16 0	4 00	1 50
Dickens's Works, . . .	132 0	33 00	10 50
Dilke's Greater Britain, . . .	28 0	7 00	1 00
Desert of the Exodus, . . .	28 0	7 00	3 00
Forster's Life of Landon, . . .	28 0	7 00	3 50
Life of Dickens, . . .	12 0	3 00	2 00
Guizot's Meditations, . . .	10 0	2 50	1 75
Grote's Greece, per volume, . . .	8 0	2 00	2 00
Gould's Origin of Religious Belief, .	15 0	3 75	2 00
Goulburn's Sermons, . . .	6 6	1 62	1 00
Huxley's Lay Sermons, . . .	7 6	1 88	1 75
Holland's Recollections, . . .	10 6	2 62	2 00
Hemans' Poems, . . .	12 6	3 12	0 75
Hughes, Tom Brown at Oxford, . . .	.....	1 75	0 50
Tom Brown's School-Days at Rugby, . . .	.....	1 75	0 75
Haweis's Music and Morals, . . .	12 0	3 00	1 75
Jowett's Plato, . . .	120 0	30 00	12 00
Kinglake's Crimea, . . .	32 0	8 00	2 00
Kingaleys' At Last, . . .	20 0	5 00	1 50
Ravenshoe, . . .	31 6	8 00	1 75
Geoffrey Hamlyn, . . .	6 0	1 50	1 25

NAME OF AUTHOR AND TITLE OF WORK.	ENGLISH PRICE.		PRICE OF AMERICAN REPRINT.
	In Sterling.	In Gold.	
Layard's Nineveh,	36 0	9 00	1 75
Lever, Lord Kilgobbin,	31 6	8 00	0 75
Lockhart, Fair to See,	31 6	8 00	0 75
Mulock, Hannah,	21 0	5 25	0 50
Girls' Book,	4 6	1 25	0 90
Morley's Voltaire,	14 0	3 50	.....
Macgregor, Rob Roy on the Jordan,	12 0	3 00	2 50
Oliphant's China,	21 0	5 25	3 50
Pressensé, Early Years of Christianity,	12 0	3 00	1 75
Russell's American Diary,	21 0	5 25	1 00
Robinson's Diary,	36 0	9 00	4 00
Reclus, The Earth,	24 0	6 50	5 00
Schelleris, Spectrum Analysis,	28 0	7 00	6 00
Speke's Africa,	21 0	5 25	4 00
Sacristan's Household,	6 0	1 50	0 75
Stanley's Jewish Church,	24 0	6 00	5 00
Eastern Church,	12 0	3 00	2 50
Sinai and Palestine,	14 0	3 50	2 50
Trollope, Harry Hotspur,	9 0	2 25	0 50
Can you forgive Her?	12 0	3 00	1 50
Orley Farm,	12 0	3 00	1 50
Thackeray's Novels,	7 0	1 75	50 to 75c.
Tyndall, Heat,	10 6	2 62	2 00
Sound,	9 0	2 25	2 00
Tennyson's Works, incomplete,	9 0	2 25	0 75
The Speaker's Commentary,	30 0	7 50	5 00
Vambéry's Asia,	21 0	5 25	4 50
White's St. Bartholomew,	16 0	4 00	2 50
Wilfred Cumbermede (George Mac Donald),	31 6	8 00	1 75
Wood's Homes without Hands,	21 0	5 25	4 50
Bible Animals,	21 0	5 25	4 50
Whymper's Alaska,	16 0	4 00	2 50
Wallace's Malay Archipelago,	24 0	6 00	3 00
Warren's Ten Thousand a Year,	9 0	2 25	1 50
Spencer's Psychology,	18 0	4 50	1 50
Essays,	16 0	4 00	2 50
Biology,	34 0	8 50	5 50
Total, . . . . .	.....	\$409 72	\$176 80

"In view of the whole case, your committee are satisfied that no form of international copyright can fairly be urged upon Congress upon reasons of general equity or of constitutional law; that the adoption of any plan for the purpose which has been laid before us would be of very doubtful advantage to American authors as a class, and would be not only an unquestionable and permanent injury to the manufacturing interests concerned in producing books, but a hindrance to the diffusion of knowledge among the people and to the cause of universal education; that no plan for the pro-

tection of foreign authors has yet been devised which can unite the support of all or nearly all who profess to be favourable to the general object in view ; and that in the opinion of your committee, any project for an international copyright will be found upon mature deliberation to be inexpedient."

"American publishers gratuitously pay thousands of dollars yearly to English authors ; they pay them not only for the privilege of publishing, but a regular percentage on the sales of their books."

"While there does not breathe a soul in the United States who does not want to see a scheme devised by which, when he pays for a book by an English author, that English author or his children shall receive a certain percentage of the money, the most of them are very strongly opposed to any law by which the English publisher shall be enabled to drive the American publisher out of his own bookstore. . . . When an American publisher refuses to buy an American author's manuscript, it is not because he knows that he can help himself gratis to an English author's book upon the same subject, but because the cost of manufacturing the manuscript in book form is about one hundred and seventy-five per cent. more than it should be, and that the surplus percentage must be overcome by the author, in one way or another.

"But aside from this inequality of manufacture, there is another reason for the public policy which shuts out the competition of the English publisher. Although the United States is indebted to Great Britain for her language, it has far exceeded her in the number of readers. The numerical proportion of the inhabitants of Great Britain who buy books is remarkably small. In this country, a vast system of forced expenditure has trained up a nation of forty millions of readers, not only, but of book-buyers ; of readers depending for their reading not upon their neighbours or upon an adjoining library, but upon their own purses and upon the ambition which is common to every person to whom 'print is open,' to possess a collection of books. It is to this ripe and tempting field that English publishers seek an entrance."

"If a method can be devised whereby our forty millions of readers can pay the English authors for what they care to read, without paying foreign manufacturers for merchandise which they can get equally to their taste at home, and if they can continue, as they try to do now, to pay only those English authors whose books they read—that measure will be eagerly seized upon and adopted by the people of these United States."

"It is a little hard that our long-suffering people should be

characterised as 'thieves' and 'pirates' and 'highway robbers,' because short-sighted English laws have deprived their own subjects from reaping international profits for their works."

"Mr. Morrill argued that the constitution bestows the power of enacting copyright laws upon Congress in order 'to promote the progress of science,' and how, he asks, will an international copyright law promote the progress of science? If an English author is already incited to mental labour by the copyright laws of his own country, how will an international copyright law operate as a further incitement?"

"Indeed, not only is a large area of incalculable importance in furnishing the motive for literary labour, but in the case of certain works, the value of which to the cause of science at least will not be questioned, an international circulation alone will justify production."



The so-called library tax may philanthropically be converted into a general international library contribution on terms very easy and fair to all parties, by allowing foreign countries that reciprocate with ours to procure books for their great institutions, not more than two in each country, at the same calculated prices representing the cost of production, which we have already proposed for our own principal free libraries. A chief of one of the greatest of our printing and publishing establishments expressed himself not unfavourably of this proposition.

Extracts from a letter of Mr. Henry Carey Baird :—

To the Joint Committee of Congress on the Library.

“An inventor, before a patent is granted to him for seventeen years, must prove to the satisfaction of the Commissioners of Patents, not merely the originality, but the usefulness of his invention. . . . When once a patent issues, the presumption is that the invention covered by it possesses the merits of both originality and usefulness. Not so, however, with copyright books, maps, charts, and engravings. Many of these are little else than the results of the cunning use of paste and scissors; and yet to each and every claimant under these copyright laws is granted, for a fee of \$1, with two copies of his publication, a copyright for twenty-eight years, with the right of extension for fourteen years additional. Here, without examination as to its merits, is granted to the so-called proprietor the right to give legal notice to every one throughout the country that he claims proprietorship in every line, or every figure comprised in his publication.”

“In illustration of the difficulties likely to be encountered by American authors and publishers in search of justice in England, it may be stated that Mr. Nasmyth, the well-known inventor of the steam-hammer, has testified that although his patent had been infringed he had ‘seen so much of the enormous expense of litigation that he had always resolved to submit to any infringement rather than fight a battle at law.’

“The undersigned has been informed, and he believes, that it is no uncommon thing for American inventors to find, on making application for patents in England, under existing laws, that their machines or processes have already been patented by other parties there, specifications and drawings having been obtained from the patent office here by agents whose business it is, and forwarded to England in time to prevent the real owners from obtaining the benefits thereof.”

“406 WALNUT STREET, PHILADELPHIA, Feb. 17, 1872.”

“AN ACT TO GRANT A COPYRIGHT TO FOREIGN AUTHORS.

“*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

“SECTION 1. That any author of a manuscript intended to be published as a book, who is not a resident and citizen of the United States, may obtain a copyright for such manuscript upon the same terms and conditions as are now required of an American author, whenever such foreign author shall enter into a contract with an American publisher, a citizen of the United States, to manufacture the book in all its parts, so that it shall be wholly the product of the mechanical industry of the United States, and the title-page thereof shall have been recorded in the office of the Librarian of Congress within one month of the date of its publication in the country of which he is a citizen, and shall be published and exposed for sale in the United States within three months of said date of publication.

“SEC. 2. *And be it further enacted,* That an American publisher having, in conformity with the provisions of this act, manufactured and issued the work of a foreign author, he shall possess and hold the same rights to produce and offer such book for sale in the United States, which he now acquires relative to an American book, under the act granting and securing a copyright to American authors. Provided, That if such American publisher shall neglect, for the space of three months, to keep the book, so published by him, on sale, or obtainable at his publishing house, then it may be imported or reprinted the same as might have been done before the passage of this act.

“SEC. 3. *And be it further enacted,* That articles in foreign newspapers, or contributions to foreign periodicals, shall not be entitled to be copyrighted under this act; but the foreign author of successive contributions, known as a serial, may obtain for such serial all the benefits of this act, whenever, upon the issue of the first number of said serial, he shall make an arrangement or contract with an American publisher for the issue of the future numbers of the said serial, each within one month, in the United States, according to the provisions of this act for the publication of books of foreign authors.

“SEC. 4. *And be it further enacted,* That nothing in this act contained shall prevent the importation and reprinting of the work of any foreign author who has not secured for himself the benefits of this act, in the same manner as was done in this country before the passage of this act.”

MINORITY REPORT UPON AN "ACT TO GRANT FOREIGN AUTHORS
A COPYRIGHT."

Submitted at a Meeting of Publishers, held in the Directors' Room of the Mercantile Library Association, Feb. 7, 1872.

"The practical obstacle in the way of devising such a measure is the difficulty of framing a law which, while it grants rights to English authors, shall not at the same time carry with it privileges, as regards this market, which the British publisher can neither claim nor expect, and which, if conceded, would not only virtually destroy the publishing interests of the United States, but prove most injurious to the American public.

"It is in spirit and substance 'an act to protect American publishers,' and should be so entitled, rather than an 'act to grant a copyright to foreign authors,' as it claims to be; and it asks for publishers, as a class, legislation most extraordinary in character, entirely opposed to the spirit of the age, and such as they have no right to demand, save in contingencies which it is hardly possible can be forced upon them.

"The interests of American publishers and American authors are so closely allied that self-interest demands that they should act together in a matter of such importance, and in simple justice no rights should be conceded to foreign authors which cannot at the same time be secured for our own. Nor is this, as it might appear at first sight, a merely technical objection to be remedied by the insertion of a clause declaring the measure operative only in countries which shall concede similar privileges to American authors. English publishers are too keenly awake to their own interests to allow the reciprocation of legislation which strikes so heavy a blow at them.

"To gain for themselves all the advantages under this measure which they would have under an unrestricted bill, English houses have only to secure American partners to represent them here. Their existing contracts and wide connections with English authors would at once give them entire control of this market, thus creating the very monopoly of English publishers which American publishers so greatly dread.

"Then again, the provision that any work copyrighted under this act shall be manufactured here in all its parts, and thus be 'wholly the product of the mechanical industry of the United States,' is so stringently and offensively 'protective,' that it will provoke against the measure bitter hostility on the part of a very large class whose support is absolutely essential to the success of the measure. In

itself, too, this clause is a manifest absurdity. Strictly construed, it would prevent the use of foreign cloth in binding, and even of foreign ink in printing, or of foreign rags in paper-making. But while the friends of the proposed bill would deny any such purpose as this, it is avowedly their intention to exclude electrotypes of illustrations and duplicate stereotype plates to be used in manufacturing foreign copyrighted works, under the plea that without this restriction branches of English houses which might be established here in the way already suggested, would have a great advantage over American publishers. *If it is conceded that English publishers can in any way, direct or indirect, extend their copyrights to this country, it is a matter of comparatively small importance to American publishers, who are not themselves manufacturers, whether the books are made here or in England, since in that case the protection of the English publisher, which is in the copyright, is absolute, and shields him from all competition.*

“The first result of such a restriction would inevitably be a decided increase in the price of nearly all copyrighted foreign illustrated works, and the tendency would be to lower the standard of excellence in their finish, as there would be nothing to fear from competition with the editions with which they had previously come into comparison. Moreover, scores of scientific and art works absolutely indispensable to the student might be named which the American publisher would find himself unable to issue, solely on account of the great expense of producing the illustrations. Now these works are frequently made accessible to American readers at very much lower rates than the foreign editions of the same book, through the purchase from the English publisher of duplicate electrotypes, and the practice, as all acquainted with the matter know, is rapidly extending. In addition to all this, there are very few illustrated works which the American publisher would find it possible to reproduce within three months of their issue in Great Britain—the limit fixed by this measure after which copyright lapses.

“Another and most important defect in the proposed bill is found in the second section, which places it absolutely within the power of the American publisher to exclude from this market revised editions of foreign works of which he may own the copyright. It is perfectly well understood that the system of publishing in Great Britain, which is radically different from our own, enables the authors of all successful scientific and other standard works to keep them fully up to the times by frequent revision and reimpressions. Exclude these editions from the United States, as

the legislation proposed would do, and a wrong is inflicted on American scholars which would of itself break down the measure if it should ever become a law.

“If the more intelligent part of the community, whom it so deeply affects, fail to approve its provisions, as they certainly must do, it will not only fall to the ground, but will seriously compromise those who lay themselves open to the charge of advocating the measure for the narrow object of promoting their own business interests, greatly weaken their influence upon any future legislation bearing on this important subject, and inevitably retard the settlement of the great question which it ostensibly aims to adjust.

“It is not difficult to decide whether a measure which received the votes of but 9 out of 101 publishers whose right to be present was officially recognised, can justly be entitled the ‘Publishers’ Bill.’”

“Votes for the Bill.—Sheldon & Co., J. B. Ford & Co., D. W. C. Lent & Co., W. H. Bidwell, A. D. F. Randolph & Co., D. Appleton & Co., Lee & Shepard, Dodd & Mead, Robert Carter & Bros.—Total, 9.”

From *The International Copyright Question Considered*, by H. C. Carey. Philadelphia, 1872:—

“He desired that our legislators, senators, and representatives, should have placed before them the real facts of the case, becoming thus enabled, with some approach to accuracy, to determine for themselves the propriety of yielding to the clamour then existing for further privileges to be, at the cost of our many millions of readers, exercised by a few thousand men and women who wield the pen, and who already, under existing laws, have acquired the right to claim to constitute the best paid body of writers now existing in the world. Most gladly has he since then learned that he had not laboured in vain, the Secretary of the Association that had been formed for the purpose of engineering through Congress this scheme for compelling our people to pay double or triple prices for their supplies of intellectual food, having assured his constituents, and his readers at large, that to him must be mainly attributed their then recent disastrous failure.

“After highly commending the European system, the Reporter proceeds as follows:—

“‘At present our reading of foreign literature is confined chiefly to English books, some of them works of genius, some merely good, many of them either very stupid or utterly worthless. The last-named books are republished here, because they need no translation, and will serve to supply the demand for new books in a market where readers must take these or nothing. Establish international copyright laws, and we shall very soon see translations of the best French, German, Swedish, Danish, and other European books taking the place of these wretched English books. When it shall become necessary to buy the copyright of a worthless book published in Great Britain, publishers will prefer to secure instead translations of the best new books published in other countries. In this way books of a higher class will go into circulation, and the worthless English books, now so abundant in the market, will gradually disappear.’

“By the British and French treaty, the type, or nearly so, of all that have since been made, copyright becomes absolute from the moment of publication, and so continues to the close of the second year; the right then ceasing to exist in the event of no republication having yet been made. By means of this restriction Victor Hugo has been enabled to obtain in England \$5000 for his latest novel, *Messrs. Erckmann-Chatrian*, and possibly other novelists or dramatists, in some small degree following suit. When, however,

we turn to the higher branches of literature or science, to industrial or professional works, we learn that it has become quite common to postpone translation and republication until expiration of the allotted period, and then to bring them before the public. So well is this now understood that even here there have occurred repeated cases in which the same process has been pursued in reference to works of the higher order, a sale for which it was hoped to find in Britain.

"Turning now to Germany, we find a state of things precisely similar—Carlyle, Hepworth Dixon, and a limited number of novelists, as shown in the note below,¹ receiving trivial payments for the right of reproducing their works in their original language. When, however, the cost of translation needs to be added to that of copyright, so very little seems to be done as to render it very doubtful if, notwithstanding the large increase of population, the work of transference from foreign languages, and foreign countries, has even held its own.

"That it cannot so have done would seem to be proved by the fact, that a catalogue of the new publications, domestic and foreign, 3000 in number, added to the great royal library connected with the Statistical Bureau at Berlin, in the quarter previous to the late war, embracing history, geography, and every department of industry and science, that of language alone excepted, exhibits but a single volume translated from the English; that one even being but little more than a romance connected with Italian history. Others may possibly have escaped notice, but it seems quite safe to assert that a single half-dozen would embrace nearly all the works contained therein translated from the French and English languages.

"The *Magazin für die Literatur des Auslandes*, one of the oldest and most respectable of German literary journals, exhibits in its notices and advertisements for the last three months precisely seven translations from the English, as follows: two of Scott's 'Lady of the Lake;' one each of Darwin, Leckie, and Ross Browne; and two others of no importance whatsoever. Compar-

¹ The well-known Tauchnitz editions are protected by copyright, but it does not appear that the German publisher has made very liberal payments to the English authors whom he reprints. Mr. Carlyle, for four volumes of his "Frederick the Great," received from Baron Tauchnitz only £225; Mr. Dickens, for his last novel, "Our Mutual Friend," £150; Miss Mulock, or her publishers, for a "Noble Life," £50; Mrs. Wood, for "Oswald Cray," £60; Miss Craik, for "Christian's Mistake," £50; Miss Kavanagh, for "Beatrice," £30; Mrs. Riddell, for "George Geith," £25; Miss Annie Thomas, for "On Guard," £25; Miss Edwards, for "Half a Million of Money," £40; Mr. Hepworth Dixon, for his "Holy Land," £40; Mrs. Oliphant, for "Agnes," £20; Florence Marryat, for "Love's Conflict," £25; and Mr. Charles Lever, for "Luttrell of Arran," £30. —*London Daily News*.

ing this with what appears to be done in England, we find a state of things very nearly similar, recent 'general lists' of their own publications, twenty-five hundred in number, issued by five 'great and wealthy houses,' exhibiting but about a dozen translations from modern languages, half of even this small number being wholly unimportant.

"Seeing thus how entire has been the failure of an attempt at obtaining increase of action by aid of accumulated burthens, might it not be well for the several governments now to retrace their steps? Might it not be so for England, France, and Germany to substitute direct payment for grant of monopoly privileges, each appropriating an annual half million of dollars to be divided among foreign authors whose works should come to be either translated or republished in their original language? By such an arrangement, while the self-imposed restriction on the circulation of ideas would be removed, the amount distributed would probably be thrice increased—that increase going to producers of books of a higher order than those which now alone can bear the greatly heightened cost of reproduction.

"Why then is the work not done? For the simple reason that the number of books that will bear the cost of mere translation is so very small. Pile upon this that of copyright, preceded by negotiations with foreign authors having exaggerated notions of the profits to be derived from reproduction here of works to which they themselves attach so high a value, and the business of translation will be then near to an untimely end.

"Looking now across the Atlantic we find a state of things directly the reverse, the copyrighted works of the Laureate being there placed beyond the reach of any but the rich; his unprotected American competitors for public favour, on the contrary, exhibiting themselves on every railroad stall, and seeking purchasers at a shilling, or little more. (See page 9, *ante*.)

"Of Macaulay's *England* there have probably been sold 200,000 copies, costing the purchasers little, if any, more than as many dollars. Had international copyright existed, would he not have claimed that his book should be sold as high as were those of Bancroft and Prescott, \$2.50 per volume? Assuredly he would, and both author and publisher would have largely profited by thus raising the price and cutting down the sale, thereby depriving probably 180,000 families of the privilege of reading his important work. If large sales are to be followed by reduction of prices, why is it that the publishers of Bancroft, Prescott, and Longfellow show themselves so exceedingly indisposed to furnish evidence of the fact? Why is it that Bryant's *Iliad* cannot yet be purchased at

less than \$5, being ten times more than would purchase the *Iliad* of Pope? Why is it that now, when sales are counted by tens of thousands, the prices of American works are greatly higher than they had been when they counted by less than even single thousands? Why is it that authors and publishers are so nearly universally now united in the effort so to raise the prices of books produced abroad as to place them beyond the reach of the great mass of our reading public?

“Secured for three months against interference, what is to prevent them from printing large editions for the American market, to be passed under our admirable *ad valorem* system at little more than the mere cost of manufacture; the author claiming, as of right, that as no copy money had been paid, no duty could be demanded upon that portion of the price of those which had been prepared for the British market. . . . Let this bill become a law, and it will soon be as entirely nullified as our revenue laws daily are in regard to the large editions of Tennyson, Thackeray, and other popular and recent British authors, with which our markets are being flooded. Let those who doubt this now ascertain for themselves how large is the proportion of Bibles, Prayer-books, Shakespeares, Miltons, and other standard works, purchased by our people, of foreign manufacture. That done, let them inquire of publishers what has been the cost of the stereotype plates that have now been rendered wholly useless. Doing this, they will learn that it counts by hundreds of thousands of dollars; that the manufacture of standard books has been, or is being, wholly transferred to Europe; and, that little beyond the establishment of international copyright is required for accomplishing as regards the literature of the day what has already so well been done in regard to that of the past. How all this is to result in giving increased employment to paper-makers and printers the Reporter may now, if he can, explain.

“The free libraries of Birmingham, England, it is stated, are not appreciated by the inhabitants, as from a recent report it appears that only three per cent. of them borrow books. In the brass-founding occupation six thousand men and boys and two thousand women and girls are employed, and only two hundred and ninety-two members of this trade took out books. In the button trade not one of the six thousand hands borrows a single volume. In the building trade, out of many thousand workmen, only fifty-five are returned as book-borrowers, and out of eight thousand gun-makers only one hundred and ninety-one. Of one hundred and thirty letter-carriers twelve only are borrowers, and out of four hundred policemen only nine. There are five free libraries in Birmingham, and this backwardness on the part of the working

people to avail themselves of the opportunities offered to improve their minds has excited surprise and disappointment.

"Thrice more is now paid by American publishers for advance sheets, than is paid by all the publishers of Europe for actual copyright on the foreign books there reproduced; and that men like Tyndall, Huxley, Darwin, Spencer, and others, find here a market for their products far more profitable than is that of the whole European continent under that monopoly system with which its communities now are cursed.

"The Reporter congratulates his countrymen on the fact that foreign authors and domestic publishers, having now arrived at a proper understanding, are fully disposed to co-operate for securing to the former all the privileges hitherto limited to native writers. As well, however, might he congratulate Western farmers on the fact that railroad managers had arrived at perception of the idea that it had been the public, and not themselves, who had thus far profited by railroad competition. . . . In both cases the object is one and the same, taxation of the great body of the people for the benefit of the few engaged in writing or publishing books, or in the work of transporting corn or cotton. . . . Peace has been now so thoroughly established as to forbid continuance of that competition to which readers, poor as well as rich, have recently stood indebted for power to command the works of several popular writers at less than the monopoly prices that previously had been maintained. How such peace has operated in the past, and must operate in the future, is shown by the fact, that of the work of a popular author, price one dollar, issued within the last year by a house that had had no disputes to settle, the number sold is stated to have been 100,000; the actual cost of production, freed from demands for advance sheets, not having exceeded 22 cents. But for 'courtesy copyright,' there would have been more than one edition; the price would have been 50 cents; and the sale would probably have been trebled. Establish international copyright and the price will be thrice greater, enabling authors and publishers to divide among themselves out of an edition of 20,000 more than has been now obtained out of 100,000; the dear people who are, as we are now assured, by aid of extended monopoly privileges to be supplied so cheaply, finding themselves then compelled to forego the advantage, hitherto enjoyed, of early perusal of new publications; and compelled, as now in England, to wait for cheaper editions until the aristocracy of book consumers had ceased to purchase.

"How far our farmers, artisans, miners, and working men of all descriptions, will continue to remain content under a system that

has already so far increased the cost of many reprints as to render them almost entirely unattainable by any but the rich, the reader may now determine for himself. It may be that he will arrive at the same conclusion with the present writer, to wit, that in grasping at the shadow, our writers have placed themselves in serious danger of losing the substance.

“That such will be the result is as certain as it is that men who find themselves involved in darkness become discontented and seek a return to light. The millions now occupying the great Valley of the West, and the almost hundreds of millions destined yet to occupy it, neither can nor ought to submit to a system that is to place in the hands of a few authors and publishers, foreign and domestic, an entire control over the supply of that mental food to which they have hitherto been so much accustomed, and without which they cannot fit themselves for worthily occupying that place in the sphere of creation for which they had from the first been meant.

“With very many of the purveyors of scientific and literary food their work is a labour of love prosecuted often at heavy cost of both time and money, the men therein engaged finding their sole reward in the belief that they are rendering service to their fellow-men, and rejoicing always when they see their ideas transferred to other countries, or translated into other languages. To such men it is that the world stands indebted for works that deserve to live, facts and ideas that merit reproduction. With another large class, the desire for profit stands first as stimulus to exertion, and here may be placed by far the larger portion who give their powers to the preparation of amusement for their fellow men and women, and are now by them so very largely paid. A third and very considerable class is composed of those who may be regarded as mere sellers of phrases, ready to give their time and talents, such as these latter may prove to be, to any description of work that can be made to pay, their sole incentive to exertion being found in the money that thus is earned.

“At no time in the history of the world have the labours of both of these latter classes been so well rewarded, if not even so greatly overpaid. At none has the ‘sacred thirst for gold’ increased with such rapidity—the appetite growing with what it feeds on, and the thrice-over-paid novelist failing fully to enjoy the thousands and tens of thousands now paid for the product of a few months of labour, because deprived of power to collect other thousands which he claims to be his of right.

“To these, the most deserving of literary labourers, international copyright cannot prove other than an unmitigated evil. To the

others, mere butterflies of literature, it must give a power for taxation growing almost geometrically as population increases arithmetically; and hence it is that we have such an unceasing clamour on the part of interested men engaged in misleading legislators into the adoption of measures that cannot fail to prove injurious, and in a high degree, to their constituents and themselves.

“As matters now stand, and as it is proposed that they be made to stand, all the advantage is on the side of the butterflies; toil and suffering being nearly all that is left for the working bees. To the end that this may be changed, what is needed is that direct payment be substituted for that which is indirect, governments uniting in appropriating annual sums of money to be distributed, under proper regulations, among authors whose books may happen to be reproduced abroad, in their own or in any other language. Let this be done, and writers like Maine and Freeman will then be enabled to participate in the rewards of literary labour, now so almost entirely engrossed by men like Reade, Trollope, Tennyson, and Bulwer. Let it be done, and we shall then see reproduced among ourselves the *Village Communities* of the one, and the *Norman Conquest* of the other; their authors, and others like them, gladly surrendering, when needed for securing republication, their claims to State assistance; and finding in the fame thus earned, and in the good thus done, satisfactory reward for their most useful efforts. Byron rejoiced when he first saw an American edition of his works ‘coming,’ as it seemed to him, ‘from posterity;’ and such would be now the feeling of the great mass of those who seek to instruct, and not merely to amuse, the existing generation.

“To this it will be objected, that governments have no right to interfere in such matters, this objection being most strongly urged by those who are now most clamorous for such interference as would give us a taxation amounting to millions annually, while depriving farmers, artisans, miners, and working-men generally, their wives and children, of their accustomed supply of literary food. By the plan proposed, we should be enabled to continue to enjoy our present freedom, while doing justice to all around, and at a cost of a single million. By the other, we should be placing ourselves in the position of slaves to tyrannical masters, while contributing at the cost of millions to the maintenance and extension of a system injurious to the most useful and deserving of literary and scientific men, and destructive of those who would, with most advantage to themselves and to the community, become consumers of their products.

"The question above discussed, and now before the nation for decision, is second in importance to none other that could here be named. Being so, we need feel small surprise at the persistent efforts of interested parties, home and foreign, at mystifying legislators into a belief that that is true which daily experience shows us to be false; at the persistent avoidance of free discussion on the floor of Congress; or at the desire that has more than once been manifested for surprising the House into action at a time when it abounded in new members who had given to the subject little of that attention its great importance so much demands.

"Of all living novelists the authoress of *Adam Bede* stands in the lead as regards both circulation and compensation, and to her, therefore, it is we should look for that softening of authors' hearts by means of which 'the masses of the people' are, as we are now assured, to be enabled to obtain perusal of popular books at steadily declining prices. What, however, are the facts as here presented? Not content with the \$7.50 by means of which Sir Walter Scott, writing for a people less than half as numerous, was enabled, after dealing liberally with his publishers, to build up Abbotsford, this lady prints her own book, raises the price to \$10, and then pays her publisher a commission on its sale—a case of greed that, as it is believed, finds in literary history no single parallel. Let her have copyright here, and we shall then learn how it is that our 'masses' are to be made to pay for the enlargement of literary *privileges* now so clamorously demanded. *Tens* of thousands, printed for the author, will then be imported to be retailed at \$5, if not even more, by her own agents; whereas, unless prevented by aid of *courtesy* copyright, *hundreds* of thousands will here be printed and sold for a dollar, if not even less. The lesson in reference to monopoly and its extension that this lady has just now furnished, is one that our legislators may study with advantage, and we may hope that they will profit by it. Let them answer to themselves the question, 'If all this be done in the green wood, what will it be in the dry?'—at that date when English and American readers shall have thrice increased in number.

"The time has come when the system of mystification and deception as to the real end in view should be abandoned. Of those whose knowledge of the subject gives to their opinions any value whatsoever, there are not five per cent. who do not, in their heart of hearts, know and feel that the object sought to be attained is that of giving us here a state of things closely resembling the British one above exhibited."

We are indebted to the same pen for the following

Letters on International Copyright, by H. C. Carey, author of *Principles of Social Science*, etc. etc. Second Edition, 1868 :—

PREFACE.

“ AT the date, now fourteen years since, of the first publication of these Letters, the important case of authors *versus* readers—makers of books *versus* consumers of facts and ideas—had for several years been again on trial in the high court of the people. But few years previously the same plaintiffs had obtained a verdict giving large extension of *time* to the monopoly privileges they had so long enjoyed. Not content therewith, they now claimed greater *space*, desiring to have those privileges so extended as to include within their domain the vast population of the British Empire. To that hour no one had appeared before the court on the part of the defendants, prepared seriously to question the plaintiffs’ assertion to the effect that literary property stood on the same precise footing, and as much demanded perpetual and universal recognition as property in a house, a mine, a farm, or a ship. As a consequence of failure in this respect there prevailed, and most especially throughout the Eastern States, a general impression that there was really but one side to the question ; that the cause of the plaintiffs was that of truth ; that in the past might had triumphed over right ; that, however doubtful might be the expediency of making a decree to that effect, there could be little doubt that justice would thereby be done ; and that, while rejecting as wholly *inexpedient* the idea of perpetuity, there could be but slight objection to so far recognising that of universality as to grant to British authors the same privileges that thus far had been accorded to our own.

“ Throughout those years, nevertheless, the effort to obtain from the legislative authority a decree to that effect had proved an utter failure. Time and again had the case been up for trial, but as often had the plaintiffs’ counsel wholly failed to agree among themselves as to the consequences that might reasonably be expected to result from recognition of their clients’ so-called rights. Northern and Eastern advocates, representing districts in which schools and colleges abounded, insisted that perpetuity and universality of privilege must result in giving the defendants cheaper books. Southern counsel, on the contrary, representing districts in which schools were rare and students few in number, insisted that ex-

tension of privilege would have the effect of giving to planters handsome editions of the works they needed, while preventing the publication of 'cheap and nasty' editions, fitted for the 'mudsills' of Northern States. Failing thus to agree among themselves, they failed to convince the jury, mainly representing, as it did, the Centre and the West, as a consequence of which, verdicts favourable to the defendants had, on each and every occasion, been rendered.

"A thoroughly adverse popular will having thus been manifested, it was now determined to try the Senate, and here the chances for privilege were better. With a population little greater than that of Pennsylvania, the New England States had six times the Senatorial representation. With readers not a fifth as numerous as were those of Ohio, Carolina, Florida, and Georgia had thrice the number of Senators. By combining these heterogeneous elements the will of the people—so frequently and decidedly expressed—might, it was thought, be set aside. To that end, the Secretary of State, himself one of the plaintiffs, had negotiated the treaty then before the Senate, of the terms of which the defendants had been kept in utter ignorance, and by means of which the principle of taxation without representation was now to be established.

"Such was the state of affairs at the date at which, in compliance with the request of a Pennsylvania Senator, the author of these letters put on paper the ideas he had already expressed to him in conversation. By him and other Senators they were held to be conclusive—so conclusive that the plaintiffs were speedily brought to see that the path of safety, for the present at least, lay in the direction of abandoning the treaty, and allowing it to be quietly laid in the grave in which it since has rested. That such should have been their course, was at the time much regretted by the defendants, as they would have greatly preferred an earnest and thorough discussion of the question before the court. Had opportunity been afforded, it *would* have been discussed by one at least of the master minds of the Senate,¹ and so discussed as to have satisfied the whole body of our people, authors and editors perhaps excepted, that their cause was that of truth and justice; and that if in the past there had been error, it had been that of excess of liberality towards the plaintiffs in the suit.

"The issue that was then evaded is now again presented, eminent counsel having been employed, and the opening speech having just now been made.² Having read it carefully, we find in it, however, nothing beyond a laboured effort at reducing the

¹ Senator Clayton of Delaware.

² See *Atlantic Monthly* for October.

literary profession to a level with those of the grocer and the tallow-chandler. It is an elaborate reproduction of Oliver Twist's cry for 'more! more!'—a new edition of the *Beggar's Petition*, perusal of which must, as we think, have affected with profound disgust many, if not even most, of the eminent persons therein referred to. In it we have presented for consideration the sad case of one distinguished writer and admirable man who, by means of his pen alone, had been enabled to pass through a long life of most remarkable enjoyment, although his money receipts had, by reason of the alleged injustice of the consumers of his products, but little exceeded \$200,000; that of a lady writer who, by means of a sensational novel of great merit and admirably adapted to the modes of thought of the hour, had been enabled to earn in a single year the large sum of \$40,000, though still deprived of two hundred other thousands she is here said to have fairly earned; of a historian whose labours, after deducting what had been applied to the creation of a most valuable library, had scarcely yielded fifty cents per day; of another who had had but \$1000 per month; and, passing rapidly from the sublime to the ridiculous, of a school copy-book maker who had seen his improvements copied, without compensation to himself, for the benefit of English children.

"These may and perhaps should be regarded as very sad facts; but had not the picture a brighter side, and might it not have been well for the eminent counsel to have presented both? Might he not, for instance, have told his readers that, in addition to the \$200,000 above referred to, and wholly as acknowledgment of his literary services, the eminent recipient had for many years enjoyed a diplomatic sinecure of the highest order, by means of which he had been enabled to give his time to the collection of materials for his most important works? Might he not have further told us how other of the distinguished men he had named, as well as many others whose names had not been given, have, in a manner precisely similar, been rewarded for their literary labours? Might he not have said something of the pecuniary and societary successes that had so closely followed the appearance of the novel to whose publication he had attributed so great an influence? Might he not, and with great propriety, have furnished an extract from the books of the *New York Ledger*, exhibiting the tens and hundreds of thousands that had been paid for articles which few, if any, would care to read a second time? Might he not have told his readers of the excessive earnings of public lecturers? Might he not too have said a word or two of the tricks and contrivances that are being now resorted to by men and women—highly respectable men and

women too—for evading on both sides of the Atlantic the spirit of the copyright laws while complying with their letter? Would, however, such a course of proceeding have answered his present purpose? Perhaps not! His business was to pass around the hat, accompanying it with a strong appeal to the charity of the defendants, and this, so far as we can see, is all that thus far has been done.

“ Might not, however, a similar and yet stronger appeal now be made in behalf of other of the public servants? At the close of long lives devoted to the public service, Washington, Hamilton, Clay, Clayton, and many other of our most eminent men, have found themselves largely losers, not gainers, by public service. The late Governor Andrew’s services were surely worth as much per hour as those of the authoress of *Uncle Tom’s Cabin*, yet did he give five years of his life, and perhaps his life itself, for far less than half of what she had received for the labours of a single one. Deducting the expenses incident to his official life, Mr. Lincoln would have been required to labour for five-and-twenty years before he could have received as much as was paid to the author of the *Sketch Book*. The labours of the historian of Ferdinand and Isabella have been, to himself and his family, ten times more productive than have been those of Mr. Stanton, the great war minister of the age. Turning now from civil to military life, we see among ourselves officers who have but recently rendered the largest service, but who are now quite coolly whistled down the wind, to find where they can the means of support for wives and children. Studying the lists of honoured dead, we find therein the names of men of high renown, whose widows and children are now starving on pensions whose annual amount is less than the monthly receipt of any one of the authors above referred to.

“ Such being the facts—and that they are facts cannot be denied—let us now suppose a proposition to be made that, with a view to add one, two, three, or four thousand dollars to the annual income of ex-presidents and ex-legislators, and half as much to that of the widows and children of distinguished officers, there should be established a general pension system, involving an expenditure of the public moneys and consequent taxation, to the extent of ten or fifteen millions a year, and then inquire by whom it might be supported. Would any single one of the editors who are now so earnest in their appeals for further grants of privileges venture so to do? Would not the most earnest of them be among the first to visit on such a proposition the most withering denunciations? Judging from what, in the last two years, we have read in various

editorial columns, we should say that they would be so. Would, however, any member of either house of Congress venture to commit himself before the world by offering such a proposition? We doubt it very much. Nevertheless it is now coolly proposed to establish a system that would not only tax the present generation as many millions annually, but that would grow in amount at a rate far exceeding the growth of population, doing this in the hope that future essayists might be enabled to count their receipts by half instead of quarter millions, and future novelists to collect abroad and at home the hundreds of thousands that, as we are assured, are theirs of *right*, and that are now denied them. When we shall have determined to grant to the widows and children of the men who in the last half-dozen years have perished in the public service, some slight measure of justice, it may be time to consider that question, but until then it should most certainly be deferred.

“The most active and earnest of all the advocates of literary *rights* was, two years since, if the writer’s memory correctly serves him, the most thorough and determined of all our journalists in insisting on the prompt dismissal of thousands and tens of thousands of men who, at their country’s call, had abandoned the pursuits and profits of civil life. Did he, however, ever propose that they should be allowed any extra pay on which to live, and by means of which to support their wives and children, in the interval between discharge from military service and re-establishment in their old pursuits? Nothing of the kind is now recollected. Would he now advocate the enactment of a law by means of which the widow and children of a major-general who had fallen on the field should, so far as pay was concerned, be placed on a level with an ordinary police-officer? He might, but that he would do so could not with any certainty be affirmed. She and they would, nevertheless, seem to have claims on the consideration of American men and women fully equal to those of the authoress of *Lady Audley’s Secret*, already, as she is understood to be, in the annual receipt from this country of more than thrice the amount of the widow’s pension, in addition to tens of thousands at home.¹

“It is, however, as we are gravely told, but ten per cent. that she asks, and who could or should object to payment of such a

¹ “The London correspondent of Scribner and Co.’s *Book Buyer* says that Miss Braddon’s first publisher, Mr. Tinsley (who died suddenly last year), called the elegant villa he built for himself at Putney, ‘Audley House,’ in grateful remembrance of the ‘Lady’ to whose ‘Secret’ he was indebted for fortune; and Miss Braddon herself, through her man of business, has recently purchased a stately mansion of Queen Anne’s time, ‘Litchfield House,’ at Richmond.”

pittance? Not many, perhaps, if unaccompanied by monopoly privileges that would *multiply the ten by ten and make it an hundred!* Alone, the cost to our readers might not now exceed an annual million. Let Congress then pass an act appropriating that sum to be distributed among foreign authors whose works have been, or might be republished here. *That* should have the writer's vote, but he objects, and will continue to object, to any legislative action that shall tend towards giving to already 'great and wealthy' publishing houses the *nine* millions that they certainly will charge for collecting the single *one* that is to go abroad.

"'Great and wealthy' as they are here said to be, and as they certainly are, we are assured that even they have serious troubles, against which they greatly need to be protected. In common with many heretofore competing railroad companies, they have found that, however competition among themselves might benefit the public, it would tend rather to their own injury, and therefore have they, by means of most stringent rules, established a 'courtesy' copyright, the effect of which exhibits itself in the fact, that the prices of reprinted books are now rapidly approaching those of domestic production. Further advances in that direction might, however, prove dangerous; 'courtesy' rules not, as we are here informed, being readily susceptible of enforcement. A salutary fear of interlopers still restrains those 'great and wealthy houses,' at heavy annual cost to themselves, and with great saving to consumers of their products. That this may all be changed, that they may build up fortunes with still increased rapidity, that they may to a still greater extent monopolise the business of publication, and that the people may be taxed to that effect,—all that is now needed is, that Congress shall pass a very simple law by means of which a few men in Eastern cities shall be enabled to monopolise the business of republication, secure from either Eastern or Western competition. That done, readers will be likely to see a state of things similar to that now exhibited at Chicago, where railroad companies that have secured to themselves all the exits and entrances of the city, are, as we are told, at this moment engaged in organising a combination that shall have the effect of dividing in fair proportion among the wolves the numerous flocks of sheep.

"On all former occasions Northern advocates of literary monopolies assured us that it was in that direction, and in that alone, we were to look for the cheapening of books. Now, nothing of this sort is at all pretended. On the contrary, we are here told of the extreme impropriety of a system which makes it necessary for a New England essayist to accept a single dollar for a volume that

under other circumstances would sell for half a guinea; of the wrong to such essayists that results from the issue of cheap 'periodicals made up of selections from the reviews and magazines of Europe;' of the 'abominable extravagance of buying a great and good novel in a perishable form for a few cents;' of the increased accessibility of books by the 'masses of the people' that must result from increasing prices; and of the greatly increased facility with which circulating libraries may be formed whensoever the 'great and wealthy houses' shall have been given power to claim from each and every reader of Dickens's novels, as their share of the monopoly profits, thrice as much as he now pays for the book itself! This, however, is only history repeating itself with a little change of place, the argument of to-day, coming from the North, being an almost exact repetition of that which, twenty years since, came from the South—from the mouths of men who rejoiced in the fact that no newspapers were published in their districts, and who well *knew* that the way towards preventing the dissemination of knowledge lay in the direction of granting the monopoly privileges that had been asked. The anti-slavery men of the present thus repeat the argument of the pro-slavery men of the past, extremes being thus brought close together.

"Our people are here assured that Russia, Sweden, and other countries, are ready to unite with them in recognising the 'rights' now claimed. So, too, it may be well believed, would it be with China, Japan, Bokhara, and the Sandwich Islands. Of what use, however, would be such an union? Would it increase the facilities for transplanting the ideas of American authors? Are not the obstacles to such transplantation already sufficiently great, and is it desirable that they should be at all increased? Germany has already tried the experiment, but whether, or not, when the time shall come, the existing treaties will be renewed, is very doubtful. Where she now pays dollars she probably receives cents. Discussion of the question there has led to the translation and republication of the letters here now republished, and the views therein expressed have received the public approbation of men whose opinions are entitled to the highest consideration. What has recently been done in that country in reference to domestic copyright, and what has been the effect, are well exhibited in an article from an English journal just now received, a part of which—American moneys having been substituted for German ones—is here given, as follows:—

"We have so long enjoyed the advantage of unrestricted competition in the production of the works of the best English writers

of the past, that we can hardly realise what our position would have been had the right to produce Shakespeare, or Milton, or Goldsmith, or any of our great classic writers, been monopolised by any one publishing-house; certainly we should never have seen a shilling Shakespeare, or a half-crown Milton; and Shakespeare, instead of being, as he is, "familiar in our mouths as household words," would have been known but to the scholar and the student. We are far from condemning an enlightened system of copyright, and have not a word to say in favour of unreasoning competition; but we do think that publishers and authors often lose sight of their own interest in adhering to a system of high prices and restricted sale. Tennyson's works supply us with a case in point. Here, to possess a set of Tennyson's poems, a reader must pay something like 38s. or 40s. In Boston you may buy a magnificent edition of all his works in two volumes for something like 15s., and a small edition for some four or five shillings. The result is, the purchasers in England are numbered by hundreds, in America by thousands. In Germany we have almost a parallel case. There the works of the great German poets, of Schiller, of Goethe, of Jean Paul, of Wieland, and of Herder, are at the present time "under the protecting privileges of the most illustrious German Confederation," and by special privilege, the exclusive property of the Stuttgart publishing firm of J. G. Cotta. On the forthcoming 9th of November this monopoly will cease, and all the works of the above-mentioned poets will be open to the speculation of German publishers generally. It may be interesting to our readers to learn the history of these peculiar legal restrictions, which have so long prevailed in the German book-trade, and the results likely to follow from their removal.

"Until the beginning of this century literary piracy was not prohibited in the German States. As, however, protection of literary productions was at last emphatically urged, the Acts of the Confederation (on the reconstruction of Germany in the year 1815) contained a passage to the effect that the Diet should, at its first meeting, consider the necessity of uniform laws for securing the rights of literary men and publishers. The Diet moved in the matter in the year 1818, appointing a commission to settle this question; and, thanks to that supreme profoundness which was ever applied to the affairs of the fatherland by this illustrious body, after twenty-two years of deliberation, on the 9th of November 1837, decreed the law that the rights of authorship should be acknowledged and respected, at least for the space of ten years; copyright for a longer period, however, being granted for volu-

minous and costly works, and for the works of the great German poets.

“In the course of time, however, a copyright for ten years proved insufficient even for the commonest works. It was therefore extended by a decree of the Diet, dated June 19, 1845, over the natural term of the author's life, and for thirty years after his death. With respect to the works of all authors deceased before the 9th of November 1837—including the works of the poets enumerated above—the Diet decided that they could all be protected until the 9th of November 1867.

“It was to be expected that the firm of J. G. Cotta, favoured until now with so valuable a monopoly, would make all possible exertions not to be surpassed in the coming battle of the publishers, though it is a somewhat curious sight to see this haughty house, after having used its privileges to the last moment, descend now suddenly from its high monopolistic stand into the arena of competition, and compete for public favour with its plebeian rivals. Availing itself of the advantage which the monopoly hitherto attached to it naturally gives it, the house has just commenced issuing a cheap edition of the German classics, under the title *Bibliothek für Alle. Meisterwerke deutscher Classiker*, in weekly parts, six cents each; containing the selected works of Schiller, at the price of 75 cents, and the selected works of Goethe, at the price of \$1.50. And, now, just as the monopoly is gliding from their hands, the same firm offers, in a small 16mo edition, Schiller's complete works, 12 vols., for 75 cents.

“Another publisher, A. H. Payne, of Leipsic, announces a complete edition of Schiller's works, including some unpublished pieces, for 75 cents.

“Again, the well-known firm of F. A. Brockhaus holds out a prospectus of a corrected critical edition of the German poets of the eighteenth and nineteenth century, which we have every reason to believe will merit success. A similar enterprise is announced just now, by the Bibliographical Institution of Hildburghausen, under the title, *Bibliothek der deutschen National-literatur*, edited by Heinr. Kurz, in weekly parts of ten sheets, at the price of 12 cents each. Even an illustrated edition of the Classics will be presented to the public, in consequence of the expiration of the copyright. The Grote'sche Buchhandlung of Berlin is issuing the *Hausbibliothek deutscher Classiker*, with woodcut illustrations by such eminent artists as Richter, Thumann, and others; and the first part, just published, containing Louise, by Voss, with truly artistic illustrations, has met with general approbation. But, above all, the

popular edition of the poets, issued by G. Hempel of Berlin, under the general title of *National Bibliothek sämtlicher deutscher Classiker*, 8vo., in parts, 6 cents each, seems destined to surpass all other in popularity, though not in merit. *Of the first part (already published), containing Bürger's Poems, 300,000 copies have been sold, and 150,000 subscribers' names have been registered for the complete series. This immense sale, unequalled in the annals of the German book-trade, will certainly induce many other publishers to embark in similar enterprises.*—*Trübner's Literary Record, October 1867.*

“Judging from this, there will, five years hence, be a million of families in possession of the works of Schiller, Bürger, Goethe, Herder and others, that thus far have been compelled to dispense with their perusal. Sad to think, however, they will be of those cheap editions now so much despised by American advocates of monopoly privileges! How much better for the German people would it not have been had their parliament recognised the perpetuity of literary *rights*, and thus enabled the ‘great and wealthy house’ of Cotta and Co. to carry into full effect the idea that their own editions should alone be published, thereby adding other millions to the very many of which they already are the owners!

“At this moment a letter from Mr. Bayard Taylor advises us that German circulating libraries impede the sale of books; that the circulation of even highly popular works is limited within 20,000; and that, as a necessary consequence, German authors are not paid so well as of right they should be.¹ This, however, is precisely the state of things that, as we are now assured, should be brought about in this country, prices being raised, and readers being driven to the circulating library by reason of the deficiency of the means required for forming the private one. It is the one that *would* be brought about should our authors, unhappily for themselves, succeed in obtaining what is now demanded.

“The day has passed, in this country, for the recognition of either perpetuity or universality of literary *rights*. The wealthy Carolinian, anxious that books might be high in price, and knowing well that monopoly privileges were opposed to freedom, gladly co-operated with Eastern authors and publishers, anti-slavery as they professed to be. The enfranchised black, on the contrary, desires that books may be cheap, and to that end he and his representatives will be found in all the future co-operating with the people of the Centre and the West in maintaining the doctrine that literary *privileges* exist in virtue of grants from the people

¹ *New York Tribune*, November 29.

who own the materials-out of which books are made; that those privileges have been perhaps already too far extended; that there exists not even a shadow of reason for any further extension; and that to grant what now is asked would be a positive wrong to the many millions of consumers, as well as an obstacle to be now placed in the road towards civilisation.

“The amount now paid for public service under our various governments is more than, were it fairly distributed, would suffice for giving proper reward to all. Unfortunately the *distribution* is very bad, the largest compensation generally going to those who render the smallest service. So, too, is it with regard to literary employments; and so is it likely to continue throughout the future. Grant all that now is asked, and the effect will be seen in the fact, that of the vastly increased taxation ninety per cent. will go to those who work for money alone, and are already over-paid, leaving but little to be added to the rewards of conscientious men with whom their work is a labour of love, as is the case with the distinguished author of the *History of the Netherlands*.

“Twenty years ago Macaulay advised his literary friends to be content, believing, as he told them, that the existing ‘wholesome copyright’ was likely to ‘share in the disgrace and danger’ of the more extended one which they then so much desired to see created. Let our authors reflect on this advice! Success now, were it possible that it should be obtained, would be productive of great danger in the already not distant future. In the natural course of things, most of our authorship, for many years to come, will be found east of the Hudson, most of the buyers of books meanwhile being found south and west of that river. International copyright will give to the former limited territory an absolute monopoly of the business of republication, the then great cities of the West being almost as completely deprived of participation therein as are now the towns and cities of Canada and Australia. On the one side there will be found a few thousand persons interested in maintaining the monopolies that have been granted to authors and publishers, foreign and domestic; on the other, sixty or eighty millions, tired of taxation, and determined that books shall be more cheaply furnished. War will then come, and the domestic author, sharing in the ‘disgrace and danger’ attendant upon his alliance with foreign authors and domestic publishers, may perhaps find reason to rejoice if the people fail to arrive at the conclusion that the last extension of *his own privileges* had been inexpedient and should be at once recalled. Let him then study that well-

known fable of Æsop, entitled *The Dog and the Shadow*, and take warning from it!

“The writer of these Letters had no personal interest in the question therein discussed. Himself an author, he has since gladly witnessed the translation and republication of his works in various countries of Europe, his sole reason for writing them having been found in a desire for strengthening the many against the few by whom the former have so long, to a greater or less extent, been enslaved. To that end it is that he now writes, fully believing that the *right* is on the side of the consumer of books, and not with their producers, whether authors or publishers. Between the two there is, however, a perfect harmony of all real and permanent interests, and greatly will he be rejoiced if he shall have succeeded in persuading even some few of his literary countrymen that such is the fact, and that the path of safety will be found in the direction of LETTING WELL ENOUGH ALONE.

“The reward of literary service, and the estimation in which literary men are held, both grow with growth in that power of combination which results from diversification of employments; from bringing consumers and producers close together; and from thus stimulating the activity of the societary circulation. Both decline as producers and consumers become more widely separated, and as the circulation becomes more languid, as is the case in all the countries now subjected to the British free-trade influence. Let American authors then unite in asking of Congress the establishment of a fixed and steady policy which shall have the effect of giving us that industrial independence without which there can be neither political nor literary independence. That once secured, they would thereafter find no need for asking the establishment of a system of taxation which would prove so burdensome to our people, as in the end to be ruinous to themselves.

“H. C. C.

“PHILADELPHIA, December 1867.”

“HERE, you will observe, you waive altogether the question of *right* which you so strongly enforce in regard to yourselves. It may be that you have reason; but if so, how do you yourselves stand in your relations with the great mass of human beings whose right to this common property is equal with your own? For thousands of years working men, collectors of facts and philosophers,

have been contributing to the common stock, and the treasure accumulated is now enormously great; and yet the mass of mankind remain still ignorant, and are poor, depraved, and wretched, because ignorant. Under such circumstances, justice would seem to require of the legislator that he should sanction no measure tending to throw unnecessary difficulty in the way of the dissemination of knowledge. To do so, would be to deprive the many of the power to profit by their interest in the common property. To do so, would be to deprive the men who have contributed to the accumulation of this treasure of even the reward to which, as you admit, they justly may make a claim. If they are to be satisfied with fame, we must do nothing tending to limit the dissemination of their ideas, because to do so would be to limit their power to acquire fame. If they are to be satisfied with the idea of doing good to their fellow-men, we must avoid everything tending to limit the knowledge of their discoveries, because to do so would be to deprive them of much of their small reward. The state of the matter is, as I conceive, as follows: On one side of you stand the contributors to the vast treasure of knowledge that mankind has accumulated, and is accumulating—men who have, in general, laboured without fee or reward; on the other side of you stand the owners of this vast treasure, desirous to have it fashioned in a manner to suit their various tastes and powers, that all may be enabled to profit by its possession. Between them stand yourselves, middlemen between the producers and the consumers. It is your province to combine the facts and ideas, as does the manufacturer when he takes the raw materials of cloth, and, by the aid of the skill of numerous working men, past and present, elaborates them into the beautiful forms that so much gratify our eyes in passing through the Crystal Palace. For this service you are to be paid; but to enable you to receive payment you need the aid of the legislator, as the common law grants no more copyright for the form in which ideas are expressed than for the ideas themselves. In granting this aid he is required to see that, while he secures that you have justice, he does no injustice to the men who produce the raw material of your books, nor to the community whose common property it is. In granting it, he is bound to use his efforts to attain the knowledge needed for enabling him to do justice to all parties, and not to you alone. The laws which elsewhere govern the distribution of the proceeds of labour, must apply in your case with equal force. Looking at them, we see that, with the growth of population and of wealth, there is everywhere a tendency to diminution in the proportion of the product that is

allowed to the men who stand between the producer and the consumer. In new settlements, trade is small and the shopkeeper requires large profits to enable him to live; and, while the consumer pays a high price, the producer is compelled to be content with a low one. In new settlements, the miller takes a large toll for the conversion of corn into flour, and the spinner and weaver take a large portion of the wool as their reward for converting the balance into cloth. Nevertheless, the shopkeeper, the miller, the spinner, and the weaver are poor, because trade is small. As wealth and population grow, we find the shopkeeper gradually reducing his charge, until from fifty it falls to five per cent.; the miller reducing his, until he finds that he can afford to give all the flour that is yielded by the corn, retaining for himself the bran alone; and the spinner and weaver contenting himself with a constantly diminishing proportion of the wool; and now it is that we find shopkeepers, millers, and manufacturers grow rich, while consumers are cheaply supplied because of the vast increase of trade. In your case, however, the course of proceeding has been altogether different. Half a century since, when our people were but four millions in number, and were poor and scattered, gentlemen like you were secured in the monopoly of their works for fourteen years, with a power of renewal for a similar term. Twenty years since, when the population had almost tripled, and their wealth had sixfold increased, and when the facilities of distribution had vastly grown, the term was fixed at twenty-eight years, with renewal to widow or children for fourteen years more. At the present moment, you are secured in a monopoly for forty-two years, among a population of twenty-six millions of people, certain, at the close of twenty years more, to be fifty millions and likely, at the close of another half century, to be a hundred millions, and with facilities, for the disposal of your products, growing at a rate unequalled in the world. With this vast increase of market, and increase of power over that market, the consumer should be supplied more cheaply than in former times; yet such is not the case. The novels of Mrs. Rowson and Charles B. Brown, and the historical works of Dr. Ramsay, persons who then stood in the first rank of authors, sold as cheaply as do now the works of Fanny Fern, the *Reveries* of Ike Marvel, or the history of Mr. Bancroft; and yet, in the period that has since elapsed, the cost of publication has fallen probably twenty-five per cent. We have here an inversion of the usual order of things, and it is with these facts before us that you claim to have your monopoly extended over another thirty millions of people; in consideration of which, our

people are to grant to the authors of foreign countries a monopoly of the privilege of supplying them with books produced abroad. This application strikes me as unwise. It tends to produce inquiry, and that will, probably, in its turn, lead rather to a reduction than an extension of your privileges. Can it be supposed that when, but a few years hence, our population shall have attained a height of fifty millions, with a demand for books probably ten times greater than at present, the community will be willing to continue to you a monopoly, during forty-two years, of the right of presenting a body that is common property, as compensation for putting it in a new suit of clothing? I doubt it much, and would advise you, for your own good, to be content with what you have. Æsop tells us that the dog lost his piece of meat in the attempt to seize a shadow, and such may prove to be the case on this occasion. So, too, may it be with the owners of patents. The discoverers of principles receive nothing, but those who apply them enjoy a monopoly created by law for their use. Everybody uses chloroform, but nobody pays its discoverer. The man who taught us how to convert india-rubber into clothing has not been allowed even fame, while our courts are incessantly occupied with the men who make the clothing. Patentees and producers of books are incessantly pressing upon Congress with claims for enlargement of their privileges, and are thus producing the effect of inducing an inquiry into the validity of their claim to what they now enjoy. Be content, my friends; do not risk the loss of a part of what you have in the effort to obtain more.'

"The question is often asked,—Why should a man not have the same claim to the perpetual enjoyment of his book that his neighbour has in regard to the house he has built? The answer is, that the rights of the parties are entirely different. The man who builds a house quarries the stone and makes the bricks of which it is composed, or he pays another for doing it for him. When finished, his house is all, materials and workmanship, his own. The man who makes a book uses the common property of mankind, and all he furnishes is the workmanship. Society permits him to use its property, but it is on condition that, after a certain time, the whole shall become part of the common stock."

"The people of this country own a vast quantity of wild land, which by slow degrees acquires a money value, that value being due to the contributions of thousands and tens of thousands of people who are constantly making roads towards them, and thus facilitating the exchange of such commodities as may be raised from them. These lands are common property, but the whole

body of their owners has agreed that whenever any one of their number desires to purchase out the interest of his partners he may do so at \$1.25 per acre. They do not *give* him any of the common property; they require him to purchase and pay for it.

“With authors they pursue a more liberal course. They say: ‘We have extensive fields in which hundreds of thousands of men have laboured for many centuries. They were at first wild lands, as wild as those of the neighbourhood of the Rocky Mountains, but this vast body of labourers has felled the trees and drained the swamps, and has thus removed nearly all the difficulties that stood opposed to profitable cultivation. They have also opened mines of incalculable richness; mines of gold, silver, lead, copper, iron, and other metals, and all of these are common property. The men who executed these important works were our slaves, ill fed, worse clothed, and still worse lodged; and thousands of the most laborious and useful of them have perished of disease and starvation. Great as are the improvements already made, their number is constantly increasing, for we continue to employ such slaves—active, intelligent, and useful men—in extending them, and scarcely a day elapses that does not bring to light some new discovery, tending greatly to increase the value of *our common property*. We invite you, gentlemen, to come and cultivate these lands and work these mines. They are free to all. During the long period of forty-two years you shall have the whole product of your labour, and all we shall ask of you, at the close of that period, will be that you leave behind the common property of which we are now possessed, increased by the addition of such machinery as you may yourselves have made. The corn that you may have extracted, and the gold and silver that you may have mined during that long period, will be the property of yourselves, your wives, and your children. We charge no rent for the use of the lands, no wages for the labour of our slaves.’”

“The whole tendency of the existing system is to give the largest reward to those whose labours are lightest, and the smallest to those whose labours are most severe; and every extension of it must necessarily look in that direction. The *Mysteries of Paris* were a fortune to Eugene Sue, and *Uncle Tom's Cabin* has been one to Mrs. Stowe. Byron had 2000 guineas for a volume of *Childe Harold*, and Moore 3000 for his *Lalla Rookh*; and yet a single year should have more than sufficed for the production of any one of them. Under a system of international copyright, Dumas, already so largely paid, would be protected, whereas Thierry, who sacrificed his sight to the gratification of

his thirst for knowledge, would not. Humboldt, the philosopher *par excellence* of the age, would not, because he furnishes his readers with things, and not with words alone. Of the books that record his observations on this continent, but a part has, I believe, been translated into English, and of these but a small portion has been republished in this country, although to be had without claim for copyright. In England their sale has been small, and can have done little more than pay the cost of translation and publication. Had it been required to pay for the privilege of translation, but a small part of even those which have been republished would probably have ever seen the light in any but the language of the author."

"In what manner, now, would Humboldt be benefited by international copyright? I know of none; but it is very plain to see that Dumas, Victor Hugo, and George S. Sand might derive from it immense revenues. In confirmation of this view, I here ask you to review the names of the persons who urge most anxiously the change of system that is now proposed, and see if you can find in it the name of a single man who has done anything to extend the domain of knowledge. I think you will not. Next look and see if you do not find in it the names of those who furnish the world with new forms of old ideas, and are largely paid for so doing. The most active advocate of international copyright is Mr. Dickens, who is said to realise \$70,000, per annum from the sale of works whose composition is little more than amusement for his leisure hours."

"We are constantly told that regard to the interests of science requires that we should protect and enlarge the rights of authors; but does science make any such claim for herself? I doubt it. Men who make additions to science know well that they have, and can have, no rights whatever. . . . The gentlemen who advocate the interests of science are literary men who use the facts and ideas furnished by scientific men, paying nothing for their use. Now, literature is a most honourable profession, and the gentlemen engaged in it are entitled not only to the respect and consideration of their fellow-men, but also to the protection of the law; but in granting it, the legislator is bound to recollect, that justice to the men who furnish the raw materials of books, and justice to the community that owns those raw materials, require that protection shall not, either in point of space or time, be greater than is required for giving the producer of books a full and fair compensation for his labour."

"Early in the last century was passed an act well known as the

Statute of Queen Anne, giving to authors fourteen years as the period during which they were to have a monopoly of the peculiar form of words they chose to adopt in coming before the world. The number of persons then living in England and Wales, and subjected to that monopoly, was about five millions. Since that time the field of its operation has been enlarged, until it now embraces not only England and Wales, but Scotland, Ireland, and the British Colonies, containing probably thirty-two millions of people who use the English language. The time, too, has been gradually extended until it now reaches forty-two years, or thrice the period for which it was originally granted. . . . This is not a consequence of limitation in the field of action, for that is six times greater than it was when Gay netted £1600, from a single opera, and Pope received £6000 for his *Homer*; five times greater than when Fielding had £1000 for his *Amelia*; and four times more than when Robertson had £4500 for his *Charles V.*; Gibbon £5000 for the second part of his history, and Macpherson £1200 for his *Ossian*. Since that time money has become greatly more abundant and less valuable; and if we desired to compare the reward of these authors with those of the present day, the former should be trebled in amount, which would give Robertson more than sixty thousand dollars for a work that is comprised in three octavo volumes of very moderate size. It is not a consequence of limitation of time, for that has grown from fourteen to forty-two years—more than is required for any book except, perhaps, one in five or ten thousand. It should not be a consequence of poverty in the nation, for British writers assure us that wealth so much abounds that wars are needed to prevent its too rapid growth, and that foreign loans are indispensable for enabling the people of Britain to find an outlet for all their vast accumulations. What, then, is the cause of disease? Why is it that in so wealthy a nation literary men and women are so generally poor that it should be required to bring their poverty before the world, to aid in the demand for an extension to other countries of the monopoly so well secured at home? In that country the fortunes of wealthy men count by millions, and, that being the case, an average contribution of a shilling a head towards paying for the copyright of books would seem to be the merest trifle to be given in return for the pleasure and the instruction derived from the perusal of the works of English authors, and yet even that small sum does not appear to be paid. . . . A shilling a head would give to the whole fifteen hundred salaries nearly equal to those of our secretaries. . . . Centralisation and civilisation have in all countries, and at all

periods of the world, been opposed to each other, and that such is here the case can, I think, readily be shown.

“Among the earliest cases in which this tendency was exhibited was that of the Union by which the kingdom of Scotland was reduced to the condition of a province of England, and Edinburgh, from being the capital of a nation, to becoming a mere provincial town. By many and enlightened Scotchmen a federal union would have been preferred; but a legislative one was formed, and from that date the whole public revenue of Scotland tended towards London, towards which tended also, and necessarily, all who sought for place, power, or distinction. An absentee government produced, of course, absentee landholders, and with each step in this direction there was a diminution in the demand at home for talent, which thenceforward sought a market in the great city to which the rents were sent. The connection between the educated classes of Scotland and the Scottish seats of learning tended necessarily to decline, while the connection between the former and the universities of England became more intimate. These results were, of course, gradually produced, but as is the case with the stone as it falls towards the earth, the attraction of centralisation grew with the growth of the city that was built out of the contributions of distant provinces, while the counteracting power of the latter as steadily declined, and the greater the decline the more rapid does its progress now become. Seventy years after the date of the Union, Edinburgh was still a great literary capital, and could then offer to the world the names of numerous men of whose reputation any country of the world might have been proud: Burns and Macpherson; Robertson and Hume; Blair and Kames; Reid, Smith, and Stewart; Monboddo, Playfair, and Boswell; and numerous others, whose reputation has survived to the present day. Thirty-five years later, its press furnished the world with the works of Jeffrey and Brougham; Stewart, Brown, and Chalmers; Scott, Wilson, and Joanna Baillie; and with those of many others whose reputation was less widely spread, among whom were Galt, Hogg, Lockhart, and Miss Ferrier, the authoress of *Marriage*. The *Edinburgh Review* and *Blackwood's Magazine*, then, to a great extent, represented Scottish men, and Scottish modes of thought. Looking now on the same field of action, it is difficult, from this distance, to discover more than two Scottish authors, Alison and Sir William Hamilton, the latter all ‘the more conspicuous and remarkable, as he now,’ says the *North British Review* (February 1853), ‘stands so nearly alone in the ebb of literary activity in Scotland, which has been so apparent during this generation.’

M'Culloch and Macaulay were both, I believe, born in Scotland, but in all else they are English. Glasgow has recently presented the world with a new poet, in the person of Alexander Smith, but, unlike Ramsay and Burns, there is nothing Scottish about him beyond his place of birth. 'It is not,' says one of his reviewers, 'Scottish scenery, Scottish history, Scottish character, and Scottish social humour that he represents or depicts. Nor is there,' it continues, 'any trace in him of that feeling of intense nationality so common in Scottish writers. London,' as it adds, 'a green lane in Kent, an English forest, an English manor-house, these are the scenes where the real business of the drama is transacted.'

"The *Edinburgh Review* has become to all intents and purposes an English journal, and *Blackwood* has lost all those characteristics by which it was in former times distinguished from the magazines published south of the Tweed.

"Seeing these facts, we can scarcely fail to agree with the *Review* already quoted, in the admission that there are 'probably fewer leading individual thinkers and literary guides in Scotland at present than at any other period of its history since the early part of the last century,' since the day when Scotland itself lost its individuality. The same journal informs us that 'there is now scarcely an instance of a Scotchman holding a learned position in any other country,' and further says that 'the small number of names of literary Scotchmen known throughout Europe foreminence in literature and science is of itself sufficient to show to how great an extent the present race of Scotchmen have lost the position which their ancestors held in the world of letters.'"

"Centralisation gives libraries and museums to London, but it refuses the smallest aid to the science or literature of Scotland. . . . Centralisation is gradually separating the people into two classes—the very rich, who live in London, and the very poor, who remain in Scotland; and with the progress of this division there is a gradual decay in the feeling of national pride, that formerly so much distinguished the people of Scotland. The London 'Leader' tells its readers that 'England is a power made up of conquests over nationalities;' and it is right. The nationality of Scotland has disappeared; and, however much it may annoy our Scottish friends to have the energetic and intelligent Celt sunk in the 'slow and unimpressible' Saxon, such is the tendency of English centralisation, everywhere destructive of that national feeling which is essential to progress in civilisation.

"Looking to Ireland, we find a similar state of things. Seventy years since, that country was able to insist upon and to establish

its claim for an independent government, and, by aid of the measures then adopted, was rapidly advancing. From that period to the close of the century the demand for books for Ireland was so great as to warrant the republication of a large portion of those produced in England. The *kingdom* of Ireland of that day gave to the world such men as Burke and Grattan, Moore and Edgeworth, Curran, Sheridan, and Wellington. Centralisation, however, demanded that Ireland should become a province of England, and from that time famines and pestilences have been of frequent occurrence, and the whole population is now being expelled to make room for the 'slow and unimpressible' Saxon race. Under these circumstances, it is matter of small surprise that Ireland not only produces no books, but that she furnishes no market for those produced by others. Half a century of international copyright has almost annihilated both the producers and the consumers of books."

"The necessary consequence of this is, that every young man who fancies he can write, must go to London to seek a channel through which he may be enabled to come before the public. . . . His book appears, but the price is high. . . . Cheap labourers cannot buy books; soldiers and sailors cannot buy books; and thus does centralisation diminish the market for literary talent while increasing the cost of bringing it before the world. Centralisation next steps in, in the shape of circulating libraries, that, for a few guineas a year, supply books throughout the kingdom, and enable hundreds of copies to do the work that should be done by thousands, and hence it is that, while first editions of English works are generally small, so very few of them ever reach second ones. Popular as was Captain Marryat, his first editions were, as he himself informed me, for some time only 1500, and had not then risen above 2000. Of Mr. Bulwer's novels, so universally popular, the first edition never exceeded 2500; and so it has been, and is, with others. With all Mr. Thackeray's popularity, the sale of his books has, I believe, rarely gone beyond 6000 for the supply of above thirty millions of people. Occasionally, a single author is enabled to fix the attention of the public, and he is enabled to make a fortune—not from the sale of large quantities at low prices, but of moderate quantities at high prices. The chief case of the kind now in England is that of Mr. Dickens, who sells for twenty shillings a book that costs about four shillings and sixpence to make."

"In the zenith of her reputation Lady Charlotte Bury received, as I am informed, but £200 (\$960) for the absolute copyright of

works that sold for \$7.50. Lady Blessington, celebrated as she was, had but from three to four hundred pounds; and neither Marryat nor Bulwer ever received, as I believe, the selling price of a thousand copies of their books as compensation for the copyright. Such being the facts in regard to well-known authors, some idea may be formed in relation to the compensation of those who are obscure."

"From year to year the population of the kingdom becomes more and more divided into two great classes; the very poor, with whom food and raiment require all the proceeds of labour, and the very rich, who prosper by the cheap labour system, and therefore eschew the study of principles. With the one class, books are an unattainable luxury, while with the other the absence of leisure prevents the growth of desire for their purchase. The sale is, therefore, small; and hence it is that authors are badly paid. In strong contrast with the limited sale of English books at home, is the great extent of sale here, as shown in the following facts:—Of the octavo edition of the *Modern British Essayists*, there have been sold in five years no less than 80,000 volumes. Of Macaulay's *Miscellanies*, 3 vols. 12mo, the sale has amounted to 60,000 volumes. Of Miss Aguilar's writings, the sale, in two years, has been 100,000 volumes. Of Murray's *Encyclopædia of Geography*, more than 50,000 volumes have been sold, and of M'Culloch's *Commercial Dictionary*, 10,000 volumes. Of Alexander Smith's poems, the sale, in a few months, has reached 10,000 copies. The sale of Mr. Thackeray's works has been quadruple that of England, and that of the works of Mr. Dickens counts almost by millions of volumes. Of *Bleak House*, in all its various forms—in newspapers, magazines, and volumes—it has already amounted to several hundred thousands of copies. Of Bulwer's last novel, since it was completed, the sale has, I am told, exceeded 35,000. Of Thiers's *French Revolution and Consulate*, there have been sold 32,000, and of Montagu's edition of Lord Bacon's works 4000 copies.

"If the sales of books were as great in England as they are here, English authors would be abundantly paid. In reply it will be said their works are cheap here because we pay no copyright. For payment of the authors, however, a very small sum would be required, if the whole people of England could afford, as they should be able to do, to purchase books. A contribution of a shilling per head would give, as has been shown, a sum of almost eight millions of dollars, sufficient to pay to fifteen hundred salaries nearly equal to those of our Secretaries of State. Cen-

tralisation, however, destroys the market for books, and the sale is, therefore, small ; and the few successful writers owe their fortunes to the collection of large contributions made among a small number of readers ; while the mass of authors live on, as did poor Tom Hood, from day to day, with scarcely a hope of improvement in their condition."

"This, it will be said, is an unsubstantial return ; yet Byron deemed it quite sufficient when he first saw an American edition of his works, coming, as it seemed to him, 'from posterity.' Miss Bremer found no small reward for her labours in knowing the high regard in which she was held ; and it was no small payment when, even in the wilds of the West, she met with numerous persons who would gladly have her travel free of charge, because of the delight she had afforded them. Miss Carlen tells her readers that 'of one triumph' she was proud. 'It was,' she says, 'when I held in my hand, for the first time, one of my works, translated and published in America. My eyes filled with tears. The bright dreams of youth again passed before me. Ye Americans had planted the seed, and ye also approved of the fruit !' This is the feeling of a writer that cultivates literature with some object in view other than mere profit. It differs entirely from that of English authors, because in England, more than in any other country, book-making is a trade, carried on exclusively with a view to profit ; and hence it is that the character of English books so much declines."

"We are largely indebted to the labours of literary men, and they should be well paid, but their claims to pecuniary reward have been much exaggerated, because they have held the pen and have had always a high degree of belief in their own deserts."

"Religious decentralisation exerts also a powerful influence on the arrangements for imparting that instruction which provides purchasers for books. The Methodist Society, with its gigantic operations ; the Presbyterian Board of Publication ; the Baptist Association ; the Sunday-school, and other societies, are all incessantly at work creating readers. The effect of all these efforts for the dissemination of cheap knowledge is shown in the first instance in the number of semi-monthly, monthly, and quarterly journals, representing every shade of politics and religion, and every department of literature and science."

"Upon this extensive base of cheap domestic literature rests that portion of the fabric composed of reproduction of foreign books, the quantities of some of which were given in my last. The propor-

tion which these bear to American books has been thus given for the six months ending on the 30th of June last:—

Republications,	169
Original,	522
	691

Of these last, 17 were original translations.

“We see thus that the proportion of domestic to foreign products is already more than three to one. How the sale of the latter compares with that of the former, will be seen by the following facts in relation to books of almost all sizes, prices, and kinds; some of which have been furnished by the publishers themselves, whilst others are derived from gentlemen connected with the trade, whose means of information are such as warrant entire reliance upon their statements.

“Of all American authors, those of school-books excepted, there is no one of whose books so many have been circulated as those of Mr. Irving. Prior to the publication of the edition recently issued by Mr. Putnam, the sale had amounted to some hundreds of thousands; and yet of that edition, selling at \$1.25 per volume, it has already amounted to 144,000 volumes. Of *Uncle Tom* the sale has amounted to 295,000 copies, partly in one and partly in two volumes, and the total number of volumes amounts probably to about 450,000.

	Price per vol.	Volumes.
Of the two works of Miss Warner, <i>Queechy</i> , and The <i>Wide, Wide World</i> , the price and sale have been,	\$ 88	104,000
<i>Fern Leaves</i> , by Fanny Fern, in six months,	1 25	45,000
<i>Reveries of a Bachelor</i> , and other books, by Ike Marvel,	1 25	70,000
<i>Alderbrook</i> , by Fanny Forester, 3 vols.,	50	33,000
<i>Northup's Twelve Years a Slave</i> ,	1 00	20,000
<i>Novels of Mrs. Hentz</i> , in three years,	63	93,000
<i>Major Jones' Courtship and Travels</i> ,	50	31,000
<i>Salad for the Solitary</i> , by a new author, in five months,	1 25	5,000
<i>Headley's Napoleon and his Marshals</i> , Washing- ton and his Generals, and other works,	1 25	200,000
<i>Stephen's Travels in Egypt and Greece</i> ,	87	80,000
“ “ <i>Yucatan and Central America</i> ,	2 50	60,000
<i>Kendall's Expedition to Santa Fe</i> ,	1 25	40,000

	Price per vol.	Volumes.
Lynch's Expedition to the Dead Sea, 8vo,	3 00	15,000
" " " 12mo,	1 25	8,000
Western Scenes,	2 50	14,000
Young's Science of Government,	1 00	12,000
Seward's Life of John Quincy Adams,	1 00	30,000
Frost's Pictorial History of the World, 3 vols.,	2 50	60,000
Spark's American Biography, 25 vols.,	75	100,000
Encyclopædia Americana, 14 vols.,	2 00	280,000
Griswold's Poets and Prose Writers of America, 3 vols.,	3 00	21,000
Barnes' Notes on the Gospels, Epistles, etc., 11 vols.,	75	300,000
Aiken's Christian Minstrel, in two years,	62	40,000
Alexander on the Psalms, 3 vols.	1 17	10,000
Buist's Flower Garden Directory,	1 25	10,000
Cole on Fruit Trees,	50	18,000
" Diseases of Domestic Animals,	50	34,000
Downing's Fruits and Fruit Trees,	1 50	15,000
" Rural Essays,	3 50	3,000
" Landscape Gardening,	3 50	9,000
" Cottage Residences,	2 00	6,250
" Country Homes,	4 00	3,500
Mahan's Civil Engineering,	3 00	7,500
Leslie's Cookery and Receipt-books,	1 00	96,000
Guyot's Lectures on Earth and Man,	1 00	6,000
Wood and Bache's Medical Dispensatory,	5 00	60,000
Dunglison's Medical Writings, in all 10 vols.,	2 50	50,000
Pancoast's Surgery, 4to,	10 00	4,000
Rayer, Ricord, and Moreau's Surgical Works (translations),	15 00	5,500
Webster's Works, 6 vols.,	2 00	46,800
Kent's Commentaries, 4 vols.,	3 38	84,000

"Next come the magazines, many of which pay very liberally. I have now before me a statement from a single publisher, in which he says that to Messrs. Willis, Longfellow, Bryant, and Alston, his price was uniformly \$50 for a poetical article, long or short; and his readers know that they were generally very short—in one case only fourteen lines. To numerous others it was from \$25 to \$40. In one case he has paid \$25 per page for prose. To Mr. Cooper he paid \$1800 for a novel, and \$1000 for a series of naval biographies, the author retaining the copyright for separate publica-

tion; and in such cases, if the work be good, its appearance in the magazine acts as the best of advertisements. To Mr. James he paid \$1200 for a novel, leaving him also the copyright. For a single number of the journal he has paid to authors \$1500. The total amount paid for original matter by two magazines—the selling price of which is \$3 per annum—in ten years, has exceeded \$130,000, giving an average of \$13,000 per annum. The Messrs. Harper inform me that the expenditure for literary and artistic labour required for their magazine is \$2000 per month, or \$24,000 a year.

“Passing upwards, we reach the producers of books, and here we find rewards not, I believe, to be paralleled elsewhere. Mr. Irving stands, I imagine, at the head of living authors for the amount received for his books. The sums paid to the renowned Peter Parley must have been enormously great, but what has been their extent I have no means of ascertaining. Mr. Mitchell, the geographer, has realised a handsome fortune from his school-books. Professor Davies is understood to have received more than \$50,000 from the series published by him. The Abbotts, Emerson, and numerous other authors engaged in the preparation of books for young persons and schools, are largely paid. Professor Anthon, we are informed, has received more than \$60,000 for his series of classics. The French series of Mr. Bolmar has yielded him upwards of \$20,000. The school geography of Mr. Morse is stated to have yielded more than \$20,000 to the author. A single medical book, of one 8vo volume, is understood to have produced its authors \$60,000, and a series of medical books has given to its author probably \$30,000. Mr. Downing’s receipts from his books have been very large. The two works of Miss Warner must have already yielded her from \$12,000 to \$15,000, and perhaps much more. Mr. Headley is stated to have received about \$40,000; and the few books of Ike Marvel have yielded him about \$20,000; a single one, *The Reveries of a Bachelor*, produced more than \$4000 in the first six months. Mrs. Stowe has been very largely paid. Miss Leslie’s Cookery and Receipt-books have paid her \$12,000. Dr. Barnes is stated to have received more than \$30,000 for the copyright of his religious works. Fanny Fern has probably received not less than \$6000 for the 12mo volume published but six months since. Mr. Prescott was stated, several years since, to have then received \$90,000 from his books, and I have never seen it contradicted. According to the rate of compensation generally understood to be received by Mr. Bancroft, the present sale of each volume of his yields him more than \$15,000, and he has the long period of forty-

two years for future sale. Judge Story died, as has been stated, in the receipt of more than \$8000 per annum, and the amount has not, as it is understood, diminished. Mr. Webster's works, in three years, can scarcely have paid less than \$25,000. Kent's Commentaries are understood to have yielded to their author and his heirs more than \$120,000, and if we add to this for the remainder of the period only one half of this sum, we shall obtain \$180,000, or \$45,000 as the compensation for a single 8vo volume, a reward for literary labour unexampled in history. What has been the amount received by Professor Greenleaf I cannot learn, but his work stands second only, in the legal line, to that of Chancellor Kent. The price paid for Webster's 8vo Dictionary is understood to be fifty cents per copy; and if so, with a sale of 250,000, it must already have reached \$125,000. If now to this we add the quarto, at only a dollar a copy, we shall have a sum approaching to, and perhaps exceeding, \$180,000—more, probably, than has been paid for all the dictionaries of Europe in the same period of time. What have been the prices paid to Messrs. Hawthorne, Longfellow, Bryant, Willis, Curtis, and numerous others, I cannot say, but it is well known that they have been very large."

"We are invited to grant to the authors and booksellers of England, and their agent or agents here, entire control over a highly important source from which our people have been accustomed to derive their supplies of literary food. Before granting to these persons any power here, it might be well to inquire how they have used their power at home. Doing this, we find that, as is usually the case with those enjoying a monopoly, they have almost uniformly preferred to derive their profits from high prices and small sales, and have thus in a great degree deprived their countrymen of the power to purchase books; a consequence of which has been that the reading community has very generally been driven to dependence upon circulating libraries, to the injury of both the authors and the public. The extent to which this system of high prices in regard to school-books has been carried, and the danger of intrusting such men with power, are well shown in the fact that the same government which has so recently concluded a copyright treaty with our own, has since entered 'into the bookselling trade on its own account,' competing 'with the private dealer, who has to bear copyright charges.' The subjects of this 'reactionary step' on the part of a government that so much professes to love free trade, are, as we are told, 'the famous school-books of the Irish national system.' A new office has been created, 'paid for with a public salary,' for 'the issue of books to the retail dealers;'

and the centralisation of power over this important portion to the trade is, we are told, defended in the columns of *The Times*, as 'tending to bring down the price of school-books; for booksellers who possess copyrights now sell their books at exorbitant prices, and by underselling them the commissioners will be able to beat them.'

"The question is often asked, What difference can it make to the people of this country whether they do or do not pay to the English author a few cents in return for the pleasure afforded by the perusal of his book? Not very much, certainly, to the wealthy reader; but as every extra cent is important to the poorer one, and tends to limit his power to purchase, it may be well to calculate how many cents would probably be required; and that we may do so, I give you here a list of the comparative prices of English and American editions of a few of the books that have been published within the last few years:—

	English.	American.
Brande's Encyclopædia,	\$15 00	\$4 00
Ure's Dictionary of Manufactures,	15 00	5 00
Alison's Europe, cheapest edition,	25 00	5 00
D'Aubigné's Reformation,	11 50	2 25
Bulwer's My Novel,	10 50	75
Lord Mahon's England,	13 00	4 00
Macaulay's England, per vol.,	4 50	40
Campbell's Chief Justices,	7 50	3 50
,, Lord Chancellors,	25 50	12 00
Queens of England, 8 vols.,	24 00	10 00
Queens of Scotland,	15 00	6 00
Hallam's Middle Ages,	7 50	1 75
Arnold's Rome,	12 00	3 00
Life of John Foster,	6 00	1 25
Layard's Nineveh, complete edition,	9 00	1 75
Mrs. Somerville's Physical Sciences,	2 50	50
Whewell's Elements of Morality,	7 50	1 00
Napier's Peninsular War,	12 00	3 25
Thirlwall's Greece, cheapest edition,	7 00	3 00
Dick's Practical Astronomer,	2 50	50
Jane Eyre,	7 50	25

"The difference, as we see, between the selling price in London and in New York of the first book in this list, is no less than eleven dollars, or almost three times as much as the whole price of the American edition. To what is this extraordinary difference to be attributed? To any excess in the cost of paper or printing in London? Certainly not; for paper and printers' labour are

both cheaper there than here. Is it then to the necessity for compensating the author? Certainly not; for there are in this country fifty persons as fully competent as Mr. Brande for the preparation of such a work, who would willingly do it for a dollar a copy, calculating upon being paid out of a large sale. As the sale of books in England is not large, it might be necessary to allow him two dollars each; but even this would still leave nine dollars to be accounted for. Where does all this go? Part of it to the Chancellor of the Exchequer, part to *The Times* and other newspapers and journals that charge monopoly prices for the privilege of advertising, and the balance to the booksellers who 'possess copyrights' and 'sell their books at such exorbitant prices' that they have driven the Government to turn bookseller with a view to bring down prices; and these are the very men to whom it is now proposed to grant unlimited control over the sale of all books produced abroad.

"Admit, however, that the spirit of the law be fully complied with, and let us see its effects. Mr. Dickens sells his book in England for 21s. (\$5.00), and he will of course desire to have for it here as large a price as it will bear. Looking at our prices for those books which are copyright, and of which the sale is large, he finds that *Bleak House* contains four times as much as the *Reveries of a Bachelor*, which sells for \$1.25, and he will be most naturally led to suppose that \$3 is a reasonable price. The number of copies of his book that has been supplied to American readers through newspapers and magazines, is certainly not less than 250,000, and the average cost has not been more than fifty cents, giving for the whole the sum of \$125,000
To supply the same number at his price would cost 750,000

Difference, \$625,000

Of Mr. Bulwer's last work, the number that has been supplied to American consumers is probably but about two-thirds as great, and the difference might not amount to more than 350,000

Mr. Macaulay would not be willing to sell his book more cheaply than that of Mr. Bancroft's is sold, or \$2 per volume, and he might ask \$2.50. Taking it at the former price, the 125,000 copies that have been sold would cost the consumer \$500,000

They have been supplied for 100,000

The difference would be 400,000

Carry forward, \$1,375,000

	Brought forward,	\$1,375,000
Mr. Alison's work would make twelve such volumes as those of Mr. Bancroft, and his price would not be less than \$25. The sale has amounted, as I understand, to 25,000 copies, which would give, as the cost of the whole,		\$625,000
The price at which they have been sold is \$5, giving		<u>125,000</u>
Difference,		500,000
Of <i>Jane Eyre</i> there have been sold 80,000, and if the price had been similar to that of <i>Fanny Fern</i> , they would have cost the consumers		\$100,000
They have cost about		<u>25,000</u>
Difference,		<u>75,000</u>
Total result of a "few cents" on five books,		\$1,950,000

"Under the system of international copyright one of two things must be done: either the people *must* be taxed in the whole of this amount for the benefit of the various persons, abroad and at home, who are now to be invested with the monopoly power, or they *must* largely diminish their purchases of literary food.

"The quantity of books above given cannot be regarded as more than one-twentieth of the total quantity of new ones annually printed. Admit, however, that the total were but ten times greater, and that the differences were but one-fourth as great, it would be required that this sum of \$1,950,000 should be multiplied two and a half times, and that would give about five millions of dollars; which, added to the sum already obtained, would make seven millions per annum; and yet we have arrived only at the commencement of the operation. All these books would require to be reprinted in the next year, and the next, and so on, and for the long period of forty-two years the payment on old books would require to be added to those on new ones, until the sum would become a very startling one. To enable us to ascertain what it must become, let us see what it would now be had this system existed in the past. Every one of Scott's novels would still be copyright, and such would be the case with Byron's poems, and with all other books that have been printed in the last forty-two years, of which the annual sale now amounts to many millions of volumes. To the present price of these let us add the charge of the author, and the monopoly charges of the English and American publishers, and it will be found quite easy to obtain a further sum of five millions, which, added to that already obtained, would make twelve millions

per annum, or enough to give to one in every four thousand males in the United Kingdom, between the ages of twenty and sixty, a salary far exceeding that of our Secretaries of State. Let this treaty be confirmed, and let the consumption of foreign works continue at its present rate, and payment of this sum *must* be made. We can escape its payment only on condition of foregoing consumption of the books."

"We are, however, advised by the advocates of this treaty that English authors must be 'required' to present their books in American 'mode and dress,' and that regard to their own interests will cause them to be presented 'at MODERATE PRICES for general consumption.' If, however, they have acted differently at home, why should they pursue this course here? That they have so acted, we have proof in the fact that the British government has just been forced to turn bookseller, with a view to restrain the owners of copyrights in the exercise of power. Who, again, is to determine what prices are really 'moderate' ones? The authors? Will Mr. Macaulay consent that his books shall be sold for less than those of Mr. Bancroft or Mr. Prescott? Assuredly not. The bookseller, then? Will he not use his power in reference to foreign books precisely as he does now in regard to domestic ones? If he deems it now expedient to sell a 12mo volume for a dollar or a dollar and a quarter, is it probable that the ratification of this treaty will open his eyes to the fact that it would be better for him to sell Mr. Dickens's works at fifty cents than at three dollars? Scarcely so, as I think. It is now about thirty years since the *Sketch Book* was printed, and the cheapest edition that has yet been published sells for one dollar and twenty-five cents. *Jane Eyre* contains probably about the same quantity of matter, and sells for twenty-five cents. Of the latter, about 80,000 have been printed, costing the consumers \$20,000; but if they were to purchase the same quantity of the former, they would pay for them \$100,000; difference, \$80,000. What, now, would become of this large sum? But little of it would reach the author; not more, probably, than \$10,000. Of the remaining \$70,000, some would go to printers, paper-makers, and bookbinders, and the balance would be distributed among the publisher, the trade-sale auctioneers, and the wholesale and retail dealers; the result being that the public would pay five dollars where the author received one, or perhaps the half of one. We have here the real cause of difficulty. The monopoly of copyright can be preserved only by connecting it with the monopoly of publication. Were it possible to say that whoever chose to pub-

lish the *Sketch Book* might do so, on paying to its author 'a few cents,' the difficulty of this *double monopoly* would be removed; but no author would consent to this, for he could have no certainty that his book might not be printed by unprincipled men, who would issue ten thousand while accounting to him for only a single thousand. To enable him to collect his dues, he *must* have a monopoly of publication.

"It may be said that if he appropriate to his use any of the common property of which books are made up, and so misuse his privilege as to impose upon his readers the payment of too heavy a tax, other persons may use the same facts and ideas, and enter into competition with him. In no other case, however, than in those of the owners of patents and copyrights, where the public recognises the existence of exclusive claim to any portion of the common property, does it permit the party to fix the price at which it may be sold. The right of eminent domain is common property. In virtue of it, the community takes possession of private property for public purposes, and frequently for the making of roads. Not unfrequently it delegates to private companies this power, but it always fixes the rate of charge to be made to persons who use the road. This is done even when general laws are passed authorising all who please, on compliance with certain forms, to make roads to suit themselves. In such cases, limitation would seem to be unnecessary, as new roads could be made if the tolls on old ones were too high; and yet it is so well understood that the making of roads does carry with it monopoly power, that the rates of charge are always limited, and so limited as not to permit the road-makers to obtain a profit disproportioned to the amount of their investments. In the case of authors there can be no such limitation. They must have monopoly powers, and the law therefore very wisely limits the time within which they may be exercised, as in the other case it limits the price that may be charged. In France, the prices to be paid to dramatic authors are fixed by law, and all who pay may play; and if this could be done in regard to all literary productions, permitting all who paid to print, much of the difficulty relative to copyright would be removed; but this course of operation would be in direct opposition to the views of publishers who advocate this treaty on the ground that it would add to 'the security and respectability of the trade.' They would *prefer* to pay for the copyright of every foreign book, because it would bring with it monopoly prices and monopoly profits, both of which would need to be paid by the consumers of books. To the paper-maker, printer, and book-

binder called upon to supply one thousand of a book for *the few*, where before they had supplied ten thousand for *the many*, it would be small consolation to know that they were thereby building up the fortunes of two or three large publishing houses that had obtained a monopoly of the business of republication, and were thus adding to the 'security and respectability of the trade.' As little would probably be derived from this source by the father of a family who found that he had now to pay five dollars for what before had cost but one, and must therefore endeavour to borrow, where before he had been accustomed to buy, the books required for the amusement and instruction of his children."

"If justice does really call upon us to pay them, our true course would be to do it directly from the Treasury, placing, if necessary, a million of dollars annually at the disposal of the British government, upon the simple condition that it releases us from all claim to the monopoly of publication. Such a release would be cheap, even at two millions; enough to give \$4000 a year to five hundred persons, and that number would certainly include all who can even fancy us under any obligation to them. My own impression is, that no such payment is required by justice, either as regards our own authors or foreign ones. Of the former, all can be and are well paid, *who can produce books that the public are willing to read*, and no law that could be made would secure payment to those who cannot."

"Literary labour in England is cheap, because of want of demand; but international copyright, by opening to it our vast market, will quicken the demand, and many more books will be produced, the authors of all of which will be competitors with our own, who will then possess no advantages over them. The rates of American authors will then fall precisely as those of the British ones will rise."

"These, however, are, as I think, but a small part of the inconveniences to which our authors are now proposing to subject themselves. They have at present a long period allowed them, during which they have an absolute monopoly of the particular forms of words they offer to the reading public; and this monopoly has, in a very few years, become so productive, that authorship offers perhaps larger profits than any other pursuit requiring the same amount of skill and capital. Twenty years hence, when the market shall be greatly increased, it may, and as I think will, become a question whether the monopoly has not been granted for too long a period, and many persons may then be found disposed to unite with Mr. Macaulay, in the belief that the disadvantages of

long periods preponderate so greatly over their advantages, as to make it proper to retrace in part our steps, limiting the monopoly to twenty-one years, or one-half the present period. The inquiry may then come to be made, what is the present value of a monopoly of forty-two years, as compared with what would be paid for one of twenty-one years; and when it is found that, in nine hundred and ninety-nine cases out of a thousand, one will sell for exactly as much as the other, it will perhaps be decided that no reason exists for maintaining the present law, even if no change be now made."

"France and England profit enormously by setting the fashions for the world. New patterns and new articles are invented that sell in the first season for treble or quadruple the price at which they are gladly supplied in the second; and it is by aid of the perpetual changes of fashion that foreigners so much control our markets. Recently, our manufacturers have been enabled to reproduce many new articles in very short time, and this has tended greatly to reduce the profits of foreigners, who are of course dissatisfied. Copyrights are now granted in both those countries for new patterns, new forms of clothing, etc. etc., and our next step will be towards the arrangement of a treaty for securing to the inventor of a print, or a new fashion of paletot, the monopoly of its production in our markets; and when the claim for this shall be made, it will be found to stand on precisely the same ground with that now made in behalf of the producers of books, and must be granted. . . . Extremes generally meet, and it will be extraordinary, if progress in that direction shall not be followed by progress in the other, until our authors shall, at length, become perfectly satisfied of the accuracy of Mr. Macaulay, when he told the British authors, then claiming an extension of their monopoly to sixty years, that 'the wholesome copyright' already existing would 'share in the disgrace and danger of the new copyright' they desired to create.

"Few have been more popular than Tupper's *Proverbial Philosophy*, and the price has been, as I learn, only 7s. or \$1.68. Nevertheless, a gentleman fully informed in regard to it assures me that in fifteen years the average sale has been but a thousand a year, or 15,000 in all.¹

"Let them next ask themselves what have been the causes of the vast change in the relative positions of the two countries. Doing this, will not the answer be, common schools, cheap school-

¹ The sale here has been 200,000, at an average price of 50 cents. Had it been copyright, the price would have been double, and the "few cents" would have made a difference on this single book of \$100,000.

books, cheap newspapers, and cheap literature? Has not each and every one of these aided in making authors, and in creating a market for their products? Having thus laid the foundation of a great edifice, are we likely to stop in the erection of the walls? Having in so brief a period created a great market for literature, is it not certain that it must continue to grow with increased rapidity? Assuredly it is; and yet it is that vast market that our authors desire to barter for one in which Hood was permitted almost to starve, in which Leigh Hunt, Lady Morgan, Miss Mitford, Tennyson, and Sir Francis Head even now submit to the degradation of receiving the public charity to the extent of a hundred pounds a year! The law as it now exists, invites foreign authors to come and live among us, and participate in our advantages. The treaty offers to tax ourselves for the purpose of offering them a bounty upon staying at home and increasing their numbers and their competition with the well-paid literary labour of this country.

“Protection to the farmer and planter in their efforts to draw the artisan to their side, looks to carrying out the doctrine of decentralisation by the annihilation of the monopoly of manufactures established in Britain; and our present copyright system looks to the decentralisation of literature by offering to all who shall come and live among us the same perfect protection that we give to our own authors. What is called free trade looks to the maintenance of the foreign monopoly for supplying us with cloth and iron; and international copyright looks to continuing the monopoly which Britain has so long enjoyed of furnishing us with books; and both tend towards centralisation.”

“The advocates of free trade and international copyright are, to a great extent, disciples in that school in which it is taught that it is an unjust interference with the rights of property to compel the wealthy to contribute to education of the poor. Common schools, and a belief in the duty of protection, are generally found together. Decentralisation, by the production of local interests, *protects* the poor printer in his efforts to establish a country newspaper, and thus affords to young writers of the neighbourhood the means of coming before the world. Decentralisation next raises money for the establishment of colleges in every part of the Union, and thus *protects* the poor but ambitious student in his efforts to obtain higher instruction than can be afforded by the common school. Decentralisation next *protects* him in the manufacture of school-books, by creating a large market for the productions of his pen, very much of which is paid for out of the product of taxes the justice of which is denied by those who advocate the British policy.

Rising to the dignity of author of books for the perusal of already instructed men and women he finds himself *protected* by an absolute monopoly, having for its object to enable him to provide for himself, his wife, and his children. Of all the people of the Union, none enjoy such perfect protection as those connected with literature; yet many of them oppose protection to all others, while actively engaged in enlarging and extending the monopoly they themselves enjoy."

"BURLINGTON, Nov. 28, 1853."

PREFACE TO THE EXTRACTS FROM REPORTS OF
THE ROYAL COMMISSION ON COPYRIGHT.

THE Blue-Book that contains the Report of, and the evidence given before, the Royal Commission being out of print, the following extracts will be acceptable. They are culled chiefly so as to illustrate the views of the compiler of this volume. Not that he agrees with all the opinions they contain. For instance, the intelligent Secretary of the Board of Trade appears to favour the proposal for limiting (the so-called) gratuitous presentation of books to a single copy only, one for the British Museum Library. He seems to forget that these presentations are a *price*, and are in fact the *only price*, which authors and publishers pay for a valuable privilege or monopoly. Mr. Farrer is too liberal and too sanguine when he questions "whether the nation might not *buy* the book that it wants." It is pretty clear that the nation would *not* provide funds wherewith to do so, and that the result would be that neither the seats of learning in England, nor even the two capitals of Scotland and Ireland, would possess that which they are well entitled to claim on several public grounds, viz., a complete set of all publications, in order to keep them accessible to the peoples inhabiting the several parts of the United Kingdom. It must not be kept out of sight that these presentation copies cost the publisher very little,—in general not more than a third or a fourth of the lowest selling prices which, if the books are to be bought, the nation would have to pay. Authors are treated so liberally, that they cannot gracefully favour the withdrawal.

An apology is due to the reader for the undigested form in which this very valuable material is presented. He will, it is hoped, regard it as only material at the *quarry*, which requires singling out and shaping. The givers of evidence may be still less satisfied. The separation of parts and breaks of continuity must occasionally obscure, if not cause mistaken conclusions as to the meaning. An intelligent view will in general suffice, however, to show the reader with what object or application the parts are selected.

The compiler avails himself of the present place to express regret and surprise that the evidence has been published without an Alphabetical Index, and so fails to prove nearly so useful as it otherwise would be.

EXTRACTS FROM REPORT OF ROYAL COMMISSION
ON COPYRIGHT.

WE have arrived at the conclusion that copyright should continue to be treated by law as a proprietary right, and that it is not expedient to substitute a right to a royalty defined by statute, or any other right of a similar kind.

We make special reference to a system of royalty, because, in the course of our inquiry, it has been suggested that it would be expedient in the interest of the public, and possibly not disadvantageous to authors, to adopt such a system in lieu of the existing law of copyright; and although the change has hardly been seriously urged upon us as a practical measure, except by one witness, it is of so important a character that we desire to offer a few observations upon it.

The royalty system may be briefly described as a system under which the author of a work of literature or art, or his assignee, would not have the exclusive right of publication, but any person would be entitled to copy or republish the work on paying or securing to the owner a remuneration, taking the form of a royalty or definite sum prescribed by law, payable to the owner for each copy published.

The principal reason urged for the adoption of this system is the benefit that it is supposed would arise to the public from the early publication of cheap editions. It is now the usual practice of publishers of the best class of literary works to publish first an expensive edition, then, after a period of greater or less duration, according to the sale of the work, an edition at a medium price, and finally, but often a good many years later, what are called popular editions at low prices. The advocates of the royalty system say that, if it were adopted, the competition that would arise would compel the original publishers to publish at cheap prices;—that thus the public would be able to procure books at once which, under the present system, are kept beyond their reach by high prices;—and that the advantage to authors would be as great or greater than it now is, since an extended sale might be expected to follow publication at lower prices, and the royalty would be paid them even though their works proved failures in a commercial point of view.

The opponents of the system say that it is notorious that where one book pays the publisher for his outlay and risk, many are complete failures, and never pay even the cost of publishing;—that, if the royalty system were established, no publisher would take the risk of the first publication, knowing that, if the work proved successful, he would immediately have his reward snatched from his grasp by the numerous publishers who would republish and undersell him;—that it would be impossible for publishers to remunerate authors at the rate they do now;—that authors would lose the fair remuneration they now obtain, and would often be deterred from writing;—and that many works, especially those involving long preparation and large cost to the author or publisher, which would be published under the

present system, could never be brought out, on account of the increased risk that would ensue from the royalty system.

To meet these objections it has been suggested that there should be a limited period from first publication, and that during such period republication by any person, other than the author and publisher, should not be allowed.

We have thus briefly noted some of the arguments for and against the royalty system, but we think it unnecessary to discuss the subject in greater detail, or to point out the practical difficulties which the introduction of such a scheme would necessarily involve, or how those difficulties might possibly be more or less obviated, because we are unable, after carefully considering the subject, to recommend for adoption this change in the existing law. We venture to add, in confirmation of our view, that while the principle of copyright has been recognised in almost every foreign State, in no one country has the system of royalty been adopted, except in a modified form in Italy, as pointed out in paragraph 39.

We recommend that in case the owner of a copyright work should not avail himself of the provisions of the copyright law (if any) in a colony, and in case no adequate provision be made by re-publication in the colony or otherwise, within a reasonable time after publication elsewhere, for a supply of the work sufficient for general sale and circulation in the colony, a licence may, upon an application, be granted to republish the work in the colony, subject to a royalty in favour of the copyright owner of not less than a specified sum per cent. on the retail price, as may be settled by any local law. Effective provision for the due collection and transmission to the copyright owner of such royalty should be made by such law.

FROM THE SEPARATE REPORT OF SIR LOUIS MALLET.

In return for these advantages it seems not unreasonable to require that there should be some equivalent in favour of the public, and I cannot but think that the anticipated injury to the author from the importation of colonial copies into Great Britain (arising from the fear that English publishers would not make as favourable arrangements with him as they would were a monopoly of the English market secured to them) is illusory.

It is argued that the author, considering this to be a real danger, and having the remedy in his own hands, would not consent to colonial publication, were copies printed there allowed to come to Great Britain; but that if he refused he would be liable to have his book published in the colony subject to a royalty—a plan less to his taste and advantage than arranging with a publisher of his own choice there. One answer to this objection, however, is, that he may supply the colonial market with cheap editions published in England—the right to print on a royalty being only recommended in case the colony is not supplied with editions suitable to its circumstances at a reasonable price. But it is said, there is still the fear that any cheap editions so exported for colonial use would come back to the United Kingdom. This would only be the case if a taste for cheap, as opposed to dear, editions

became general and marked here; and if it did so, it seems difficult to justify an artificial rule which would repress such a taste by restricting the circulation of a book printed in Great Britain to a particular place, while copyright was at the same time secured to that book throughout the Empire. It does not seem defensible that the authority of Parliament should be invoked to debar Her Majesty's subjects residing in the United Kingdom from obtaining—should they desire it—literary productions on the same terms as those who reside in a colony. Nor does it seem consistent to sanction a rule by which English copies may be imported into a colony, while colonial editions are precluded from admission to the United Kingdom.

I cannot but think it to be an object of serious public concern to avoid interposing any unnecessary obstacles to the enlarged dissemination, as well as to the permanent acquisition, of literary works, by the masses, on terms within the reach of their means.

Looking at the subject practically, the fear of competition appears therefore to be groundless, except on the hypothesis of English publishers refusing to meet a pressing public demand for cheap editions, such as an independent colonial publisher, fettered by no English connections, could supply.

When the Government and the Legislature are called upon to obtain for English authors the benefit of copyright in other countries, it is clear that the public at large are entitled to some consideration in the new arrangements. Otherwise the anomaly would be created, under legislative sanction, of copyright books being sold in the United Kingdom alone, at higher prices than those demanded for the same article in America, or in any other country with which international copyright might be established.

I would, therefore, propose that no restriction should be maintained on the importation, into the United Kingdom, of books published or sold with the author's sanction in the colonies or in foreign countries where the British author now enjoys, or may hereafter become entitled to copyright.

I venture to submit this recommendation to your Majesty in the full belief that, by the wider sale of early editions, at low prices, the author would reap increased advantage both in reputation and in pecuniary returns, while the reader and student might, by the purchase of new books, pursue their studies under far more favourable conditions than are compatible with the hurried and superficial perusal of works hired, for a few days, volume by volume, from a subscription library.

To limit that which is in its nature unlimited, and thereby to confer an exchangeable value on that which, without such interference, would be the gratuitous possession of mankind, is to create an artificial monopoly which has no warrant in the nature of things, which serves to produce scarcity where there ought to be abundance, and to confine to the few gifts which were intended for all.

It is within this latter class that copyright in published works must be included. Copies of such works may be multiplied indefinitely, subject to the cost of paper and of printing, which alone, but for copyright, would limit the supply, and any demand, however great, would

be attended not only by no conceivable injury to society, but on the contrary, in the case of useful works, by the greatest possible advantage.

The case of a book is precisely analogous to that of a house, of a carriage, or of a piece of cloth, for the design of which a claim to perpetual copyright has never, I believe, been seriously entertained.

I suppose that the presumption of a copyright law is that it is only by conferring a monopoly for a term of years on an author that sufficient inducement can be afforded to literary effort, and that without such form of protection the literature of a country would suffer, either from a diminished supply or a deterioration in quality.

From this point of view the question becomes a purely practical one, viz., whether any special interference by law is required to ensure for a community the best possible literature at the cheapest possible price.

It cannot, I think, be questioned that even if the effect of the present copyright law of this country has been less injurious than I believe it to have been to the interests of authors, it has entirely failed in securing for the public an adequate supply of literature.

It may indeed be said without exaggeration that new books are a luxury, the possession of which is confined to the wealthy class, and that they are placed by their price altogether beyond the reach of the great bulk of the people.

There seems to me to be no reason for assuming that literature forms an exception to the rule, which experience has shown to be generally applicable to whatever possesses exchangeable value, viz., that under a system of unrestricted competition the interests of the producer, as well as those of the consumer, are best secured.

I believe that the present state of public opinion on this subject is to be attributed to a totally inadequate conception of the literary requirements of an educated community; and I think that it might be found that if the supply of literature could be largely increased, so as to bring the price within the reach of the masses of the people, it would react upon the demand to an extent which would afford possibilities of literary profit far exceeding anything which has hitherto been attained or imagined.

Some of the witnesses who have been examined have given evidence on a proposal which has been frequently a subject of public discussion, viz., the expediency in the interests of literature of substituting a royalty system for the present form of copyright.

This proposal is described in paragraphs 16-22 of the Report of the Commission, but it is not recommended for adoption.

I concur in this conclusion, because I do not think that so great a change in the existing form of copyright as the adoption of this proposal would involve, can be safely attempted in the present state of public opinion on this subject; but I am, nevertheless, of opinion that the royalty system possesses so many advantages, that it should be kept in view as the object of future reforms.

On the assumption that some special legislative machinery is necessary to secure to authors an adequate remuneration for their labours (an object which is on all hands admitted to be essential in the interests of literature, and therefore in those of the community at

large), it seems possible that this result may be better attained by a system of royalties than by the present form of copyright law, which gives to the author the exclusive right of publication for a term of years.

A monopoly should never be created with the view of remunerating a person or a class, if that object can be effected without it; the profits of authorship are one thing, and the profits of publication another; and even if some form of monopoly is necessary to protect the first, it is equally desirable, in the interest of the author and in that of the public, that the profits of publication, which are purely of a commercial character, should be regulated and controlled by the ordinary laws of trade.

The only method which has been suggested by which the interest of the author can be effectually disengaged from that of the publisher is the royalty system, and it is contended that under the operation of free competition between publishers, the author and the public would alike be benefited,—the first by an extended circulation of his works, and the second by a reduction in their cost.

The royalty system has the further advantage of affording, as it seems to me, the best means by which international copyright can be systematically and usefully extended.

It would therefore follow that the adoption of the royalty system would greatly simplify and facilitate agreements with foreign states, by enabling Governments to reconcile the just claims of authors to international protection with the legitimate interests of the public at large.

The most serious objection which I have heard against the royalty system, is that which has been urged by several of the witnesses, viz., that if power were given to a second publisher to issue a reprint on payment of a fixed royalty, it would effectually prevent the undertaking of expensive works by a first publisher.

But it seems to me that the remarkable instance, quoted by Mr. Spencer, of King's International Series, the publisher of which can afford to give 20 per cent. of the retail price to the authors without fear of being undersold in the American market by rival editions, furnishes strong evidence against the validity of this objection.

It is difficult to admit that a publisher, who can afford to give 20 per cent. to an author without fear of being undersold by a rival publisher, who is not obliged to pay anything, could be deterred from his undertaking by a system which compelled his rival equally to pay 20 per cent. to the author.

To say that republication in a colony can only become profitable by the exclusion of colonial reprints from the United Kingdom, is to say that it is only by the sale of dear books in England that cheap books can be sold in a colony—in other words, that colonial readers can only be supplied with cheap literature if English readers are compelled to pay for it.

It appears to me impossible to recommend the retention of a prohibition which directly favours one portion of your Majesty's subjects at the expense of another, which renders exile a condition of easy

access by Englishmen to the contemporary literature of their own language, and causes England to be the only country in which English books are scarce and dear.

Much as I desire every legitimate extension of the profits of authors, I cannot disregard the claim of the public of this country to derive some benefit from the extended area of protection afforded to authors by international and colonial copyright.

All measures which tend to increase the profits of the literary class ought to tend also to a corresponding reduction in the price of books. Such a reduction can only be brought about by throwing open the publishing trade to the greatest possible amount of competition, and I believe that the effects of this competition could hardly fail in the long-run to reduce the price of books, and ultimately greatly to increase the profits of literary labour.

NOTE appended to his Signature, by SIR JAMES STEPHEN, Q.C.,
K.C.S.I.

The Commission reject the proposal that architects should have copyright in their buildings, and it seems to me that in consistency they ought to recommend the repeal of the Act which gives copyright in works of art.

EXTRACTS FROM THE EVIDENCE.

SIR CHARLES E. TREVELYAN, BART., K.C.B.—The course the thing took was that Mr. Daldy visited Canada in 1870, and, after conferring with Sir John Rose, came back to England with proposals for the settlement of the Canadian copyright question on the footing that persons in Canada should be at liberty, at their discretion, to reprint English copyright works, paying 10 per cent., as Mr. Daldy proposed, to the copyright owners. I am clearly of opinion that these Canadian proposals contain the true principle of the settlement of this question of intercolonial and Indian copyright. I also think that it is the only principle which furnishes a practicable basis for a convention with the United States, and that it is equally applicable to other foreign countries. Of course we are all agreed that authors should receive the largest possible remuneration, but the problem is to reconcile their just reward with the interests of the public, that is to say, with the diffusion of literature. It appears to me, without entering upon the question, as regards the mother country, the United Kingdom, where a solidly-based system has been established on the principle of a monopoly of multiplying copies given to the authors, that that principle of monopoly is totally inapplicable to these new countries where the English language is spoken and read by multitudes. It is for the interest of the author that his works should be sold anywhere and by anybody. It matters not to him who the publishers are, or whether there is one or are a hundred; in fact for him the more

the better; the greater the competition among publishers, the better for the author.

Wealthy as our upper middle class is, even they cannot afford to buy these expensive works freely; they have to arrange through circulating libraries and book clubs so as to get them in turn; in fact they have to establish joint-stock companies in order to have the free use of our current literature.

Then after a time, and after that first luxurious demand of the very rich has been exhausted, a more moderately-priced edition is brought out, a sort of middle-class edition, generally under some special name, "students' edition," or something of that kind, and generally very much condensed in point of printing, being in a smaller type, and one which is difficult to be read by people whose eyes are not good. After some years, when the demand of the middle classes also has been satisfied, comes the "people's edition," and then, but only after great delay, after it has been filtered in dribblets through the upper and middle classes, the masses are at last supplied. Now even in England this is a monstrous evil. A cheap popular literature is entirely wanting. No doubt the people get it at last, but they get it after great delay; they get it after the first interest has evaporated, and after it has become stale. To take as an example the three or four works which are at present circulating among the richer classes in England, which have come out in the last few weeks, *Lord Palmerston's Life*, *Lord Albemarle's Recollections* and my son's *Life of Lord Macaulay*, I contend that it is of great consequence that these books should reach the body of the people fresh and fresh; and that our lower middle class and working class should take the same lively interest in these and similar books as the upper class do. But that cannot be under our present system. I maintain that this principle of a monopoly, while it does great harm in England, is simply impossible in America; some other principle must be adopted, and the obvious principle is the one which has been worked out by the Canadians with the help of Sir John Rose and Mr. Daldy, and has been embodied in a very satisfactory manner in Lord Kimberley's Bill, namely a royalty or percentage upon the sale, so that authors would, in a manner, be in partnership with the public for the sale of their works, instead of holding a monopoly against them.

It is plain to me that if the principle of Lord Kimberley's Bill was extended to India, our English copyright works would be reprinted there to a great extent, equally to the benefit of the people of India and of the copyright owners. The copyright owners now look to their gains from large profits on a small sale, whereas, under the plan proposed, they would get small profits on a large sale, and on the whole I feel certain that they would get more from the colonies and from India on that principle than they do from the present principle of a monopoly. Exactly the same circumstances and reasons apply to the Cape of Good Hope, to the Australian colonies and New Zealand, and more or less to some other colonies.

I look to a settlement on this principle being thus gradually brought about in England likewise.

I wrote to Sir Francis Hincks on the 10th of May 1872:—" . . . *Free printing subject to a royalty* also appears to me better suited to the character of the transatlantic book market than any plan based upon a monopoly, so much so that if this arrangement is made with Canada, I expect that it will go the round of the United States, Australia, India, and other English speaking and reading countries. It is a principle singularly applicable to the case of a mother country which provides the bulk of the literature used by vast colonies and dependencies."

The demand of India is supplied to a great extent from America.

I believe the principle of monopoly to be quite as objectionable as regards books as it is with regard to other things. I believe that the great economical objections to monopolies which led our ancestors to abolish them generally are more applicable to books than to other things, inasmuch as the moral and intellectual influence of books is so much greater than of anything else.

If there were cheap editions published at once, and if the public could buy them at once, do you not think that the larger sale of the cheap edition would secure to the author the same remuneration as he now gets from the dear edition?—I feel sure that it would. I am so perfectly convinced of the public injury of the present monopoly system, even in England, that I believe that if the matter was seriously considered, an improved arrangement might be made, not only without loss, but with great advantage to the author. The influence of our literature would be far greater if it was so arranged that books could be presented at once, as a whole, to the entire people, and if all classes, upper, middle, and lower, could participate in one common interest and discuss them together.

It will always be the new books which will be read in greater proportion to the old books, but the new books are rendered inaccessible by our monopoly.

Is there anything to prevent your son from issuing a notice that any person may reprint the *Life of Lord Macaulay* on condition that he pays him a royalty for so doing; is there anything in the law to forbid it?—There may be nothing in the law to forbid it, but there is no existing machinery by means of which such a course could be advantageously adopted. The establishment of a registry office for reprints similar to that contemplated by Lord Kimberley's Bill would be indispensable.

Is any machinery required?—In this, as in many other matters, the law moulds the general habits, and all our arrangements under the monopoly tend to a limitation of printing and to dearness.

But as a matter of fact are not authors free to take any course they like with reference to the publication of their books. Is there anything in the law itself to prevent it?—No, there is nothing to prevent it; but so long as authors and their representatives have a monopoly, the temptation to use it in order to sell their books at the highest possible price will be irresistible. They will first skim the cream, and get as much as they can from the rich, before they provide for the poor.

I believe that the illiterate, semi-stolid character of our agricultural labourers, and of the lower class of our work-people in towns, is in a considerable degree owing to the dearness and inaccessibility of books. I believe that if books were as cheap in England as they are in America, the character of our people would undergo a change; and now that curiosity is awakened and readers multiplied by the establishment of a national system of education, the time has come for considering the subject.

As one grows older one sees that the old books are left behind, and that the new books are the books which are really read.

WILLIAM LONGMAN, Esq.—Before a Parliamentary Committee Mr. John Murray was asked whether it was likely that an author going to sell the copyright of his work to a publisher, would get more for a copyright of sixty years than for a copyright of thirty. What would your opinion be on that point?—I do not think that he would.

Are you aware what proportion of the books published by your firm are registered?—No, but I should think that one or two per cent. of new books would be the utmost.

Are not books sometimes sold to circulating libraries at fifty per cent. discount upon the nominal price?—I believe that novels are.

Taking the price of a book at 31s. 6d. you would sell it at 21s. ?—Somewhere about that.

SHARON GROTE TURNER, Esq.—You are, I think, the secretary and legal adviser of the Copyright Association?—Yes; I and my predecessors have been connected with copyright for I should think thirty or forty years, and have been concerned for many of the chief authors and publishers.

Copyright is hardly the same as any other species of property that you can imagine. If you have a leasehold house you can go and see it, and you do not require to register it; but with copyright it is an intangible right altogether,—it is established by statute.

JOHN BLACKWOOD, Esq.—I hold that international copyright with America would be the greatest boon to authors and to literature, both in England and in America, that could possibly be conferred, and every effort should be made to obtain it. All other questions are small in comparison with that.

What boon would it be to English literature, except that it would remunerate the authors?—It would almost double the author's receipts, as it were; I do not mean that it would double the sale, but an increase of the sale is the point that brings in the whole profit.

Do you not think that the price at which books are published in England at the present moment is an artificial price, owing to the system which we have in England of circulating libraries?—The fact is, that publishers and authors must simply work with the means that they have of conveying their books to the public, and it is no particular fancy, either of authors or of publishers, that there should be circulating libraries, but as long as there are we must work through them.

For instance, there was a very popular author, who, I am sorry to say, is now dead, namely, Gaboriau, whose books sold very largely; the volumes of Gaboriau were certainly larger than the volumes of English novels; they were more closely printed, and they were three francs apiece?—I think that you are departing from the question altogether. This is a question of copyright. It seems to me that publishers and authors must conduct their business as best they may, and name their own prices for the books.

You publish dearer here than in France, for instance?—Authors and publishers will meet each occasion as it arises.

But customers have also to be considered?—Very well. We have to please the customers, and we endeavour to do so.

But you do not please the customers?—Do you mean that authors and publishers are to write and publish without any profit?

No; I want you to have profit, but I maintain that you are to have it by paying regard to the public interest, and not by having a machinery which exists in no other trade?—You are going into the details of the business, which you had better leave to the men who have been brought up in it all their lives to look after.

I am perfectly aware that you want profits, but we want cheap books?—I do not think that this country spends so much in literature that you can complain.

I think that the present system, by which a person cannot get a book for a long time at a rate commensurate with a man's ordinary means, and make himself possessed of it, is a very faulty system. You force us to go to Mr. Mudie, or to Mr. Smith, or somebody else, and hire a book for a week from him instead of keeping the book and digesting it at home?—If you carried out the same principle you might get it for nothing.

I do not say that at all.—I think that your questions are really out of the scope of the matter in hand. I think that you are entering into the question of how the publishers and authors are to conduct their own business; now no law could be passed about that. I might agree to do one thing, but another man might say, "I will not do it."

We naturally publish in the form that we think best for the authors and for ourselves.

Supposing that there was an international copyright, books as a rule having a larger field of circulation would be sold cheaper to the public.

I shall certainly always publish a book at a price which I think would bring in most to the author.

I publish my own novels now at, I think, 25s. 6d., because I have found them being demanded at so low a price that I would not go on with the humbug of saying that I published a book at a guinea and a half, when I sold it for so much less.

My feeling is, that the author of a really good book can never possibly get too much profit, and that the State should look to that as much as they can.

FREDERIC RICHARD DALDY, Esq.—Practically, it would be this,

that an author in the first instance has only 28 years of copyright to sell to any publisher. I hold that a publisher will give that author as much for it as if he had 50 or 100 years of copyright to sell.

On page 2 of the analysis, letter (c.), reference is made to "encyclo-pædias, reviews, magazines, periodical works, or works published in a series of books or parts, for which various persons are employed by the proprietor to write articles."

An author and a publisher can contract together for a longer period, but three years covers the case of nearly all articles, and I feel that much useful literature is now lying dead because it cannot be utilised in consequence of this 28 years' restriction.

I propose that everything should hinge on this one receipt of the book by the British Museum, and that a copy of that registration should be a sufficient notice to the Customs that the book was in copyright, and they would have therein all the materials for noting how long it would remain in copyright. I also propose that a copy of this register should be sent to the colonies, and especially to Canada, should be considered there as sufficient notice that a book was in copyright, to authorise the Canadian authorities to treat it as a copyrighted book. At present the mode of distributing these notices to our colonies is so cumbrous that it is practically useless. You go to the Customs; they, I believe, send the document to the Colonial Office, and from there it is sent to the seat of government of the respective colonies, and from there it is distributed to the various custom-house officers; the result being that it does not reach its destination for months after the book has been published, and in the case of Canada it is practically useless. I propose that these certificates should be taken out and sent by the copyright owner; it is his duty to look after his own property; not necessarily the author, but the copyright owner or his agent.

I presume that the invoice is presented to the custom-house authorities.

Was there any stamp upon them?—No; my suggestion is that they should be stamped.

Is any stamp now put on books imported from the United States into Canada, these books being reprints of English copyright works?—No; my suggestion is, that a stamp should be put, and that those which are unstamped should be liable to seizure where found. It would enable anybody then to seize unstamped books, and of course the importers would be far more careful in paying their duty.

Under one of their Customs Acts they levied a duty, or took power to levy a duty, which duty was to be sanctioned by the Privy Council over here, and it was, I think, ultimately arranged to be 12½ per cent. on the invoice price.

It would be extremely unfair towards English authors that that arrangement should be accepted, because the cost of reproducing the book in America must actually come out of the author's pocket, which I may illustrate by saying that of a work printed over here, the printing perhaps may cost £200; an American publisher comes to an

English author and says, "I will give you so much for your work, but remember that I shall have to go to the expense of producing it again, and therefore I must give you £200 less than if you gave me a set of stereotype plates, which can be produced for a very small sum." Therefore, practically, the author is paying for the production of a new set of plates by the American manufacturers.

JOHN MURRAY, Esq.—I have no complaint myself to make of the duration of copyright.

By lowering the price he comes down to different circles of purchasers, descending according to their means.

GEORGE WASHBURN SMALLEY, Esq.—The protection which is given by American copyright to American authors is the same as that given by English copyright to English authors?—It is very like the English law; the term is not quite the same. The copyright in America is for 28 years, with a right of renewal for 14 years.

I do not think that it is a question on which my countrymen generally, speaking in a broad way, have formed an opinion; it is not a question, I should say, which has been brought to the attention of the majority of people in either country.

It used to be said, I know, when this matter has been discussed, as it has more or less at Washington, that the feeling against it was western; that is to say, that many members of Congress and senators from the Western States were likely to be found opposing it.

I suppose that it would be put broadly upon the ground of greater cheapness of literature in the absence of an international copyright.

Absence of copyright . . . floods the market with literature which can be published at a rate which omits payment to the author.

There is no such system of circulating libraries as exists here; the rule rather is that a person who wants to read a book buys it.

Do you think that the result of this copyright in English books being extended to America by an international treaty would be that the price of English books would be raised in America?—I think that it would raise the price.

The English publisher, I suppose, publishes his novel in three volumes with the view of selling the greater portion of his edition to circulating libraries, and many English works of other classes are published in an expensive form, appealing to a limited class able to pay a considerable price for the book. Now in America the book would very likely be published in a cheaper form, with a view to a larger circulation—not a limited circulation at a high price, but a larger circulation at a moderate price, and that quite irrespectively of the question of copyright.

I do not think that they would consent to an international convention which permitted the exclusive manufacture in this country of English books, and the export of the manufactured book from this country to America. The influence of that upon printing and other kindred trades in America would be very injurious.

EDWARD DICEY, Esq.—With a few exceptions, the great mass of

books which are published in America are published very cheap. The consequence is that all over the States you can buy what may be called the modern classics of England, copyright or no copyright, at a very low figure indeed, and the public have in consequence the great advantage, as they estimate it, of this very cheap literature. The great mass of the American public are fully convinced that if you were to grant a copyright law to English works published in America, their price would be raised; that the English system of publishing works at high prices would be introduced into the country, and that therefore they would be debarred from the practical perusal of the modern English works.

The most distinct proposal that I ever saw put forward was that which I believe was formulated in the course of last year by the Canadian Government for a royalty of 10 per cent. upon every copy of a book.

I think that if you proposed an arrangement of that kind with America, you would have in your favour the active support of the American authors as a body.

Any proposition, to my mind, to be successful, must come from us and not from them.

When I talked of the appointment of an Anglo-American Commission, the utility of the appointment at all, according to my idea, is conditional upon the broad principle being accepted by this Commission that we are willing to negotiate on the basis of a royalty and not of a general extension of copyright.

SHARON GROTE TURNER, Esq.—The value of the copyright for 28 years would probably be very much the same as the value of the copyright for 42 years at the time of the first publication of the work.

I have in my mind at present a work which was published in the year 1838, which now brings in several hundreds a year to the author. The author is at present 63.

The practical value now is said to be the same for 28 or 42 years.

If the author and his family have received the full value of his works, I do not see that they would be prejudiced; and the public would be benefited by having the thing thrown open at an earlier date.

J. WINTER JONES, Esq.—It is by no means uncommon for publishers to print their books abroad, inasmuch as the work is in many cases done there more cheaply than in England.

GEORGE HAVEN PUTNAM, Esq.—In several drafts which have been made of a measure of international copyright, it has been suggested to make use of the English composition of the books; that is to say, the stereotype plates which have been made here rather than re-setting and re-stereotyping the books in America, so as to save the extra expense, which, if incurred, must be partly borne by the public or the author; but the printers protest very strongly against any such saving, because it implies using English type and composition in place

of American; and those printers who are continually pressing for the protection of American printing industry, have done a good deal to head off the several measures which have been suggested, because a large number of those measures imply the use of English type, and English composition, and English workmanship for a portion of the books, even if these are to be printed in the United States after being stereotyped here. That is not an unnatural objection on their part.

The question of "American industry" came up at once. The feeling among the publishers who are not book manufacturers, such as myself, . . . would think it a very poor piece of economy, as I have before explained, to have that copyright so framed that it should be necessary to do the entire making of the book in the United States, because the extra expense would in some cases merely encourage importation, and in other cases would put the matter in such a shape that the books must be issued at a very high price, which would limit the sales.

A great many books if they had to be produced entirely in America (especially the illustrated books), would bring no profit at all.

I refer to the idea that the price of English copyright books would be increased by an international copyright law. In the States they are published in very cheap popular editions for popular distribution; and, in comparing those editions with the great cost of average English editions, the American book-buyer feels that he would never be able to purchase editions as they are issued here, and that an international copyright law would limit the editions in the United States to a price which would very largely shut him out from the literature which he is now enjoying.

I can state a case, namely, that of *Hero Carthew*; the name of the author was not given, but it was stated to be by the author of *Dorothy Fox*. The advance sheets were sold to a friend of mine; he has sold about 4000 copies, but he paid £300 for the advance sheets, and he is out of pocket. The average payment is from £25 to £100 for advance sheets.

With us we have the cheap editions ready as soon as the book is published, while the cheap edition here is perhaps issued one, two, or three years later.

We publish to sell by thousands, and to sell at a low price, while in England the first edition is published at a high price to sell by hundreds; and that is what frightens the American readers.

It is the custom for English publishers to sell duplicate stereotype plates to American publishers, the American publishers paying half the cost of the composition and the exact cost of the duplication, so that the original expense is shared between the two houses in the two countries.

Mr. Baldwin, the member for Worcester, Massachusetts, who had charge of the first Bill brought by the International Copyright Association into the House of Representatives, reported (the Bill never came to a vote, being thrown out in committee) that the opposition mainly was the opposition of the Western States. Nearly all the book publishers are in the East,—in the three large cities.

It is the custom of American publishers, in nineteen cases out of twenty, to pay American authors by a royalty, and that royalty is nearly always ten per cent. of the retail price of all copies sold of the book; in some cases the first thousand are excepted, and one of the probable arrangements with regard to us under an international convention is that we might pay English authors in the same way. I think that the English arrangement is much more generally to pay a fixed sum for the copyright, purchasing it outright on the part of the publisher.

To that proposal in that shape the bulk of the American publishing trade would certainly be opposed; they would prefer to make such contracts as they do now.

JOHN BOOSEY, Esq.—There was a very valuable property, *La fille de Madame Angot*, the right of representation of which (worth several thousand pounds) was lost through a slight informality.

THOMAS CHAPPELL, Esq.—That arose from my having bought an opera which was given at Covent Garden; it had been performed first at St. Petersburg. I gave £500 for the opera, which had no success whatever.

There is another publisher in London that I know, who bought a song called "Tommy, make room for your uncle;" it is a popular tune, although not of the highest class. An agent said, "This tune will be in all the pantomimes at Christmas." He said, "The best course is to take no notice of it, but I shall be able to get you £500 or £600, because after the pantomimes are over we will go for £2 for each performance of this tune." That I know was the proposal which was made; it was not accepted, because it happened that the publisher refused.

Are you aware that there is a society of dramatic authors in France, and that the rights between the authors and the publishers have produced no less a sum than £25,000 or £30,000 a year?—Yes, for these very rights.

In that society musicians are excluded, and on account of their exclusion another society has been formed of dramatic authors, musicians, and editors, which has only been in existence for about fifteen years, and the result of last year's receipts was a division of profits of more than £20,000. These societies combine together to have agents in all the large towns, and to collect the copyright fees, which amount in the year to a very considerable sum; and the result is that the two societies not only protect the authors, but prevent any abuse in the performance of a work which is not authorised either by the author or by the publisher. Are you aware of that?—I am perfectly aware of it.

JOHN PALGRAVE SIMPSON, Esq.—The receipts of the society were then at the most £800 a year, whereas they are now nearer £5000 than £4000 a year.

JOHN HENRY PARKER, Esq.—The speech of Judge Talfourd was one of the ablest speeches ever delivered on one side of the question,

but it was on one side of the question only. The Bill was popular with the House of Commons, because it was understood to be for the special benefit of the family of Sir Walter Scott, whose copyright was about to expire under the old law, and was renewed for their special benefit. But my belief is that the law being for the benefit of one in a thousand, it is to the injury of all the rest; the effect of it being to make the prices of books in this country so much higher than they are anywhere else; and I myself believe it to be more injurious than beneficial to the authors themselves, and injurious in many ways to others. Before that time it was the custom of a gentleman to consider a library as part of the necessary furniture of his house; but if you go into any gentleman's house in the country now, you will find a library formed in previous generations, but with no additions since the passing of the present copyright law, because of the exorbitant price of books. I think that there should be a fair protection, but that a very much more limited period would be much more beneficial to the authors themselves, and much more likely to be agreed upon by foreign countries. The new system, first introduced in France, is to use paper moulds instead of plaster ones, the paper being wetted and driven into the type with a brush; it does the type no harm and produces a perfect impression, and it is readily dried. Those paper moulds may be, and sometimes are, sent by post to America. Therefore, an arrangement might be made by an author with a printer or publisher in this country to print editions for any number of countries that he pleased. My idea is that you might make an international contract of that kind, both with America and with Australia and with Canada and the Dominion. I think (I am not quite sure about this) that the American plan of paying an author by a royalty on the copies of his work would be the preferable one.

What I observe is that the immediate effect of the expiration of the copyright is that the same book, with the same type and paper and everything, is sold at one-third of the price at which it was sold before, which shows that the public have been paying three times the price during forty years that they need have paid.

I want, if possible, to have a copyright extending all over the English-speaking countries, and I think that neither the colonies nor America will consent to such a lengthened period.

From long experience as a publisher, I am quite certain that an author who sells his copyright gets no more for a copyright lasting fifty years than for a copyright lasting five years. No publisher can speculate upon the chances of what a book may be worth at the end of five years. If he cannot get his money back in five years he cannot get his money back at all.

You rather surprise me by saying that both Murray and Longman state that their *usual practice* is to divide profits; my impression was that they bought copyrights to a large extent,—they are just the persons who benefit most by the long copyright. It must depend upon circumstances; but authors are commonly poor, and if a book is worth money they will sell the copyright out and out. My own practice was to publish on commission.

A patent is restricted to a certain limited time, and the public have not to pay the price of the patent for any great length of time.

Books in this country are very much dearer than in other countries.

JOHN HOLLINGSHEAD, Esq.—In the case of a play like the *Colleen Bawn* you may be dealing with a property worth £50,000. Probably Mr. Boucicault from first to last has received from £50,000 or £60,000 for that piece,—not for the play alone—but for the play and his acting in it together.

TOM TAYLOR, Esq.—I do not want copyright in America; all I want is the power of making a bargain there without destroying my copyright here. I could make a very good thing out of America by such bargains, even without copyright.

THE REV. CANON FARRAR, D.D.—This letter says that the writer has been in treaty with another author for a book, that he reserves his American rights, and that the consequence is that he gets nearly £800 profit from America. The writer of this letter says, “Your *Life of Christ* should have brought you in from the United States some hundreds, if not thousands, of pounds already;” it has brought in £50.

I have never written with the primary object of gain, and therefore I know nothing about it.

At present there is a free competition in America, so that I suppose that they publish at the lowest possible remunerative price.

I have generally published books by receiving a certain sum.

[*Mr. Macfie's evidence, which followed Canon Farrar's, is given in extenso at the close of this series of extracts.*]

PETER LE NEVE FOSTER, Esq.—Then might it not be well to protect the property of the heirs of an artist in the right of his picture or sculpture for a longer period after his death.

Does not seven years seem very short in comparison with the times of the other countries?—It is in that sense very short.

THOMAS HENRY FARRER, Esq.—It is quite clear, from the evidence, that no publisher would give more in the first instance for the original copyright, in consequence of the prolongation, and therefore that whenever the copyright is parted with, the author and his family would get no good whatever from the prolongation. It seems also very doubtful whether any such prolongation would have the least influence in inducing authors to write and publish, which, after all, is one of the chief objects of copyright, and the English law already gives a longer term than the law of the United States and of Canada, which are the countries with which it is most desirable to come to an agreement. This right or property is a creature of the statute law, and the statute law which makes it can modify it. It is a right to prevent the multiplication of copies. Under the first Copyright Act that was passed in this country, the Act of the eighth year of Queen Anne, there was an absolute term of 14 years, and power to the author if living at the end of the 14 years, to prolong it for 14 more.

Does not the Act of Anne say that it is to return to him, if he is then living?—You are right; he is not to apply, but it returns to him. It is, however, the same principle, viz., that the first absolute term ceases at the end of the 14 years.

The chief ground on which I base the opinion that copyright should not be prolonged is, that with the present term of duration the author gets a sufficient remuneration, and that it is for the interest of the public that the copyright should expire at the time at which it now expires.

We have, by the statute of Anne, 14 years, with a return to the author for 14 years more. That was in the year 1710. In 1814 it was made into 28 years absolute, and the life of the author; in 1842, the life of the author and seven years, or 42 years, whichever is the longest.

Registration . . . is notice to the world that copyright is claimed, and it gives, or might, if properly managed, give a fixed and published date from which copyright is to run.

At present copies of books published in the United Kingdom have to be deposited at Oxford, Cambridge, Edinburgh, and Dublin, besides the British Museum. Formerly a very much larger number had to be deposited, I think nine, under the Act of Anne, and more under subsequent Acts. It seems to me that all deposits should be done away with, except those at the British Museum; and even as to those at the British Museum, looking at it as a question of principle, it would seem to be a question whether the nation ought not to buy the books that it wants. But if you can associate with the deposit at the British Museum a simple system of registry, then I think that, and the practice of foreign countries, may afford a good reason for continuing the deposit at the British Museum.

Are you aware that the universities have made arrangements for purchasing the copyright of printing the new translation of the Bible, which is now notoriously in preparation?—I was not aware of it, but if it is the case, it is a very important fact.

Would you think it right that the universities, having acquired that copyright by purchase, should retain it in perpetuity, or be limited like any person?—I think that their copyright in it ought certainly to be limited.

SIR FRANCIS GRANT, P.R.A.—In former years, for instance, a publisher would estimate a work at £300 which now he only estimates at £100. He says, "In the very first week that I bring out a print it is photographed." I have known it in hundreds of cases.

CHARLES EDWARD APPLETON, Esq.—The other extreme view is held by what we may call the Philadelphia school; it is the opinion that copyright, both domestic and international, is bad in principle. The principal advocate of that view is a very eminent economist, Mr. Henry C. Carey, of Philadelphia. He has not mentioned the subject of domestic copyright so much in his writings, but he admits that his arguments carry the abolition of domestic copyright law. He is against international copyright with England, because, he says, that

England would in that case have the monopoly of the book market in America; and he is against domestic copyright, because domestic copyright actually gives the monopoly of the publishing trade to the large firms in the east.

He also admits that the least objectionable form of international copyright would be a royalty; everybody being allowed to print who paid, in the same way as is the case with dramatic authors.

Mr. Carey's opinions may be called theoretical opinions; they are the opinions of an economist, although he was for some years of his life a publisher; but he is largely backed up by the publishers of Philadelphia, and generally by the politicians and by the manufacturers of Pennsylvania, and he is supported by the newspapers of Philadelphia. I am speaking now of the Philadelphia school; he is the head of that school. He is also supported, or probably would be supported in any further discussion on the subject, by a large number of farmers in the west of America, who have an objection to the kindred institution of patents. Mr. Carey regards, and many people in America regard, copyright and patent as fundamentally identical in principle; and therefore the opposition of the farmers of the west, who have a more and more determining influence in the politics of the Union, may be looked for in any further discussion of copyright.

Mr. Harper's ground for objecting to copyright and protesting against it before the Library Committee of Congress was, that it would raise the price of books, and that this would narrow the popular intelligence, more particularly meaning by "popular" the intelligence of the large western interest, which is becoming more and more dominant. I am now speaking of international copyright.

Mr. Carey in one of his pamphlets says, "You had better not meddle with the subject of international copyright, . . . if such a discussion is stirred up, there is very little doubt that your own domestic copyright will fall."

Therefore we do not gather from you that there is any question prevalent in America as to repudiating or abolishing the domestic law of copyright which now exists there?—It is involved in Mr. Carey's argument, and on the other hand it is involved in the objection to patents which is growing in the Western States.

Those books which are manufactured in this country or in Germany, and are imported into the United States, have to pay a duty of 25 per cent., have they not?—They have.

Are you aware that the duty on plates is 35 per cent.?—I am not.

The Sherman Bill provides that an English book could be copyrighted in America on this condition, that all persons who wished to print the book could print it, but that they should pay either a royalty of 5 per cent. or a royalty of 10 per cent.; opinions differed as to how much the royalty should be.

That being a royalty on the cost at which the book was to be published?—Again they differed on that point, as to whether or not the royalty should be upon the price of the book as served to the customer, bound, and so on. Mr. Morton thinks that the binding ought to be

taken off, and that the author has no right to any royalty upon the price of the binding, but only to a royalty upon the price of the book.

It is curious that payment by a royalty has not met with the same support in America as it has in this country. The London *Bookseller* had an article in favour of it, and a Bill was proposed by the writer of that article.

One very eminent American author told me that he did not consider that there was any question of abstract right, and that he held it was merely a question of expediency. But I have no doubt that they would be willing to accept any measure of copyright which was at all equitable.

It has gained very strong support in this country. Mr. Watts, the keeper of printed books in the British Museum, has expressed the same opinion, and M. Renouard speaks of it with some approval in his *Traité des Droits d'Auteurs*.

If a system of royalty was adopted, what means would be taken for securing the royalty to the authors?—The only possible way is that which was suggested by the anonymous writer in the London *Bookseller*, namely, that the publisher who desired to reprint should state the number of copies which he desired to reprint, and should prepay the royalty upon the whole number to an agent or public officer, and that authority should be given to a specified printer to print that number of copies, and that this authorisation should appear on every book protected by the royalty.

MR. CHARLES HENRY PURDAY.—I have suggested that there should be places of registration in our colonies where we may send over works that are copyrighted, because at present it is impossible for the Custom House authorities to know anything about what is copyright. The consequence is that we are overridden by America, because of the Custom House authorities not knowing what really is copyright.

An American told me himself that if he chose to publish any English book, or piece of music, which would be likely to be popular, he could sell from 30,000 to 40,000 copies.

MATTHEW ARNOLD, Esq., D.C.L.—If it is a school-book, he probably may ask for a royalty, or he may ask for a certain share of the profits; but if it is not a school-book but a literary book which has a good sale, and if he is a man who can make fair terms with publishers, I should think he would dispose of it by editions.

Ticknor and Field once sent me, I think, £50 as a kind of honorarium, to acknowledge the profit which they had got from me.

I have not gone into the question of international copyright, but, of course, as far as America is concerned, I (like all other authors, I suppose) should gain immensely by such an international copyright.

Balzac and men like him complained that their bread was taken out of their mouth by the Belgians, and yet France has now made a satisfactory arrangement with Belgium. I no longer see the Belgian editions of French works which I used to see and buy. The Belgians undersold the French by a franc or two a volume, I believe, even with books that only cost four or five francs in France. They had the market of their own country and of Europe for these books.

You say it was a difference of about a franc a volume?—Yes, with cheap books.

THOMAS HENRY FARRER, Esq.—The American case raises the whole question of the principle of copyright. Its importance to the English author is obvious, and it is no less important to the English public. English-speaking people seem destined to cover a large proportion of the world, and the market is therefore immense. The result ought to be that the remuneration of the English authors should be largely increased, and that the price of English books should be much diminished. The problem is, how to attain this end.

Canada has pressed for an extension of the royalty system, by allowing Canadian publishers to republish English copyright books under condition of paying a royalty of $12\frac{1}{2}$ per cent. to the English author; and this proposal has met with the approval of some eminent English authors and publishers, though not of a majority. A Bill founded on this principle was framed by the English Government in 1873, and was circulated in the colonies. A Bill founded on the same principle was actually passed by Canada in 1872, but disallowed in this country as contrary to the Imperial Act. All those different facts will be found stated in Parliamentary Papers 339 of 1872, 1067 of 1874, and 144 of 1875.

Daniel Deronda is published in New York in two volumes at 10s. 9d.; in one volume in New York at 5s. $4\frac{1}{2}$ d.; the same book published in eight parts in England at 42s.; and has been subsequently published in England at 21s. I sent to Paris to try and get some of the English books published on the Continent, to which I shall refer by-and-bye, and they have sent me at the same time a set of cheap American reprints of English books which are now for sale in Paris; and it seems to me a curious thing that the American books should come across the Atlantic and be on sale in Paris.

All will agree that the author's thoughts and writings are his own property as long as he keeps them to himself; and also that he should be so remunerated as to encourage him to give them to the public. It must be borne in mind that the monopoly of reproducing books did not take its origin in the modern notion of a private right of property.

In the list from Messrs. Appleton of New York which I have put in, I see that they, where there is no monopoly, publish a cheap and a dear edition at the same time. The author, publisher, and book-seller would therefore get as much by selling 500 copies at 5s. a copy as by selling 3000 copies at 1s. 2d., or 12,000 at 8d. I am told (but this is a mere estimate) that the actual number of *Daniel Deronda* sold in this country is likely to be 20,000. But I see from a preface of Mr. Tinsley's to a novel called *The Mistress of Langdale Hall* (a preface which is well worth reading), that of a late novel of Mr. Charles Reade, 370,000 copies have been sold in the United States. The author and publisher have therefore, under the present system, no motive whatever for selling at such a price as will unite cheapness to the public with profit to the author; indeed, their interests or their habits may lead in a contrary direction, and the loss which the public sustain by the high

price of the book is, or may be, out of all proportion to the profit which that high price brings to the author.

The above figures do not take into account the additional sale, and the diminution of price which might accrue from making the character of the book, in point of type and paper, of the earlier editions, less expensive than they are now.

I have already shown that under a system of monopoly it is not true that it is the interest of the seller to follow the market; it may not be to the interest of the publisher to sell numerous copies, however much in demand. And when we remember that books used not long since to be first published in the handsome but impracticable form of quarto, and when we remember also that within a very few years the absurd and objectionable practice prevailed of compelling the retail booksellers not to sell under a certain fixed percentage of profit to themselves, we may doubt whether the bookselling trade is quite as open to the invigorating atmosphere of ordinary free trade as this argument supposes; one hears on all hands that it is in a most artificial condition, whether as between author and publisher, or publisher and the public.

We are told that the English public are not naturally readers like the Americans. If true, would it not show the additional importance of making good books as cheap in this country as possible?

I have certainly heard more than one author express regret that his books could not be published at a price more nearly approaching the cost of production. It is the interest of the author, looking to his reputation and influence, to have the greatest possible number of copies of his book sold and read. It is the interest of the publisher simply to get the greatest amount of profit, whether by few or by many copies.

To return to the Americans. For all the above reasons I think it is clear not only that they will, as a matter of fact, never grant a monopoly to English publishers, but that there are really good and sound reasons why they should not do so, and good reasons for doubting whether the plan of monopoly has worked satisfactorily for the English public. And if we look to history we find that by the Act of 8 Anne, c. 19, which created present copyright, it was not intended to confer an unrestricted monopoly on publishers. That Act contained a clause by which any one of a large number of high officials was enabled to reduce prices which might seem to them unreasonable. The clause is obviously unworkable and has been repealed, but it no less shows the then intention of Parliament. It was no accident that this clause was introduced. It was inserted in the Bill as it passed the House of Commons; the House of Lords struck it out, but the Commons insisted on its insertion, and the Lords gave way.

In proportion to the value I set on what the author gives us, in that proportion do I desire that the arrangements made for remunerating him shall be such as to give to his works and ideas as wide a circulation and as great an influence as possible consistently with remunerating him, and I believe that our present system does not do this.

If it be possible by Imperial legislation to preserve for the English

author some benefit from colonial publication and sale, and to remove the bitter feeling amongst our authors which American piracies have created, it is no doubt desirable to do so. Still more is it desirable to do this, if it is possible, by extending the field of the author's remuneration, to make books cheaper in this country. Therefore one would not willingly abandon all attempts to maintain Imperial legislation. If we are obliged to follow the analogy of patent law, I trust we shall follow it altogether, and not exclude from our own market articles which the monopolist produces at a profit to himself for other markets.

Here is a book called *The Devil's Chain*, by Edward Jenkins, published by Dawson Brothers, Montreal; the price of the English edition (I am giving these prices as they are given me from Canada, not the prices in the English market) in Canada is 6s. 1 $\frac{3}{4}$ d.; the price of the Canadian edition is 2s. 0 $\frac{1}{2}$ d. There are the two (*producing them*). Then I will take *Pausanias the Spartan*, published by Belford Brothers; the price of the English edition is 13s. 4d.; the price of the Canadian edition, 3s. 0 $\frac{1}{2}$ d.; there are the two (*producing them*), and I think you will see that in that book the Canadian edition is quite as good an edition as anybody could wish to have.

There is, as it seems to me, one fatal blot in the Imperial Act by which it was sanctioned. This blot is contained in the 4th section of that Act, which forbids the importation into the United Kingdom of any author's Canadian edition of a book of which there is copyright in the United Kingdom, without the consent of the owner of the copyright. This clause was, I believe, inserted at the instance of English copyright owners, who would otherwise have opposed the Bill, and whose opposition at the late period of the session at which the Bill was introduced would probably have been fatal. This clause was objected to in the strongest terms by the Board of Trade, and I will put in their correspondence with the Colonial Office on the subject. (*See Appendix, paper marked H.*) This clause gives up that interest which for us here is the most important interest of all, namely, the interest of the readers of the United Kingdom. It sacrifices that interest in the special interests of the Canadian publisher and the English copyright owner. It affirms and extends the principle of monopoly in its most objectionable form. It says to the English copyright owner, "You shall have the sole right of supplying the Canadian market at a price which to suit that market must be moderate, but which, *ex hypothesi*, will give you a fair profit; and you shall at the same time have the power of limiting the supply and charging a far higher price in the English market." Copyright is often put on the same ground as patent-right. What would be said of an Imperial law under which a patentee should be authorised to sell (say) a steam-engine to Canadians and others at £50 as a remunerative price, and to enjoy a monopoly of selling the same articles to residents in the United Kingdom at £100. Yet this is just what is done by the Act in question. The end will be that the residents in the United Kingdom will be the only English-speaking people in the world who remain at the mercy of English publishers, and they will

be condemned through the medium of an Imperial Statute to pay a needlessly high price for the works of their own authors, or in other words, to forego the advantages of a cheap literature, in order that their offspring all over the world may have better opportunities of reading and of education than themselves. This is indeed something more than justice to the colonies. A great opportunity will have been lost if this legislation stands. The condition of things in America demands cheap literature, and makes it to the interest of authors to sell books cheap there. If this state of things had been allowed to react in a natural way on the United Kingdom, if Parliament had said to the English author, "We will do our best to give you the benefit of the Colonial market, but in so doing you shall treat the English reader as well as you treat the Colonial reader," the worst features of the monopoly might have been got rid of. But to please copyright owners the contrary has been done; and I fear that the English public will suffer indefinitely.

For my own part, I would rather have the German edition than the English edition; the price of the German edition is 6s. 8d., and of the English 36s., sold at a very small reduction, at 32s. or 30s. I believe.

The binding is better in one case than in the other?—Yes, certainly; but if I wanted to read the book myself I should prefer the German edition to the large English edition. I could hold it in my hand and sit over the fire and read it more pleasantly than I could the large octavo edition. I think it does not require any particularly good eyes to read that (*handing the German edition of Lord Macaulay's Life to the Chairman*), and my eyes are no longer very young; and at anyrate I think the young eyes ought to have the benefit of a lower price if they like. This seems to me wrong in principle. I know no reason why the English who are rich enough to travel abroad should be able to buy the Tauchnitz editions, whilst those who are obliged to stay at home cannot do so. Consider the case of patents which are only for fourteen years. No English patentee can, I believe, charge a higher price in England than he does abroad. If he did, the cheaper foreign article would come into this market. No legislation exists enabling him to exclude it; and I think the patentee would be very much laughed at if he asked for such legislation.

Nor has the author any interest in confining publication to England. It is his interest to employ the publisher or publishers who can print best and most cheaply, and can procure the largest market. The fact is that confining publication to England is protection to the English publisher and printer, and not for the benefit of the English author or public. Since the English printed book is burdened with a heavy duty in the American market, 25 per cent., whilst the American printed book is subject to no duty in this country, the English publisher would *pro tanto* be at a disadvantage in competing with the American publisher.

What a complete system of protection has been created in favour of the English publisher by our present law! Consider what the Legislature has done for him. He has, first, a law requiring first

publication in this country as a condition of English copyright; secondly, a law preventing publication elsewhere, even in the British colonies, from giving English or Imperial copyright; thirdly, a law enabling a foreign author publishing first or simultaneously in this country to obtain English copyright; fourthly, a law prohibiting the importation into this country of English books published in foreign countries, even though the English author has copyright in them; fifthly, a law prohibiting the importation into this country of English books copyrighted by English authors in Canada. These, it will be observed, are all in favour of the English publisher. How far they are needed for the protection of the English author may well be doubted. That they are injurious to the English reader there can be no doubt.

I have only one point more to refer to, and that is, a suggestion which has been made before this Commission, and elsewhere, namely, to substitute for the present plan of monopoly a system of a right of republication, with a royalty to the copyright owner; and I have, without discussing it, adverted to it in speaking of the Canada case, because it has been actually suggested in Canada. It has also been suggested in the United States. It may be doubted whether it might not have been better to have had in place of a system of monopoly a system of royalty, that is to say, a system by which a second publisher should be enabled to publish a copyrighted work on paying a certain percentage to the original publisher or author. The plan of a royalty to the author might possibly have avoided many of the difficulties which now beset this question, and might have given to the author a larger market, and to the public cheaper literature. The charter of copyright, the Act of Anne, never contemplated unrestricted monopoly. If it is true that American publishers, and I believe some English publishers, are in the habit of remunerating their authors by a percentage on the number of copies sold, it seems to follow, without entering into the mysteries of the trade, into publishing price, trade price, trade sale price, or price to the retail buyer, that it is not impossible to devise a scheme under which a similar royalty or percentage should be paid by the second publisher to the first. And it is to be observed in favour of such a system that its operation would probably be, not to cause numerous reproductions by different publishers, but to lead the original publisher so to fix the price as to prevent other publishers from interfering. The discussion may at any moment be forced upon us. If the present Canadian Act should fail, as I am inclined to think it will, to satisfy the Canadians, English authors will probably have to take their choice between the system of royalty which the Canadians have offered, and are ready to offer them, and the loss of the Canadian market. And if the people of the United States should change their views and be ready to come into some arrangement, such an arrangement will also in all probability raise the question of royalty. For a copyright treaty with America would mean a right to any author, British or American, to publish in any part of the British dominions or of the United States, and to obtain thereby a monopoly throughout the whole of the territories of both nations. The Americans will certainly not submit to such a

monopoly without some restriction; and I think and hope we should not do so either. The ideal of a copyright system is that it should be co-extensive with the English language, giving the author the benefit of an enormous market, and the reader the benefit of a price proportionately reduced. But in order to effect this, monopoly must be in some way restricted. And I have heard of no means of doing this which sounds practicable except that of a right of republication with a royalty.

BASIL FIELD, Esq.—If we estimate those outside exhibitions at 1800, those added to the 5630 would make 7430, and I should not be the least surprised if the number was nearer 10,000 new paintings exhibited in London in one year. Of course if this registration is to be exhaustive, and if all the studies which actually include the same expression of design are to be registered, the number will be something enormous. Now independently of this, you must remember that there are an immense number of designers who never exhibit at all. I wrote to Sir John Gilbert and asked him how many designs he made in a year formerly when he was engaged upon those things; he writes me back:—"In my own case, which in fact is also the case of many artists who make designs for books and illustrated periodicals, when I was so engaged I must have made on an average certainly two original designs each day, twelve per week; thus amounting to a very considerable number per annum." Now Mr. Birket Foster probably made quite as many. Mr. Du Maurier, the illustrator of *Punch*, does more than two a week for *Punch* all the year round, and there are the *Almanack* and *Pocket Book* besides the *Cornhill* and other magazines to which he contributes; he must make 200 or 300 illustrations in a year; and there are an immense number of artists that we scarcely know of who are producing many designs in every one of which the copyright is of value.

My clients, who are very large photographers, have but little trouble in that way. If they go up the Thames or up the Nile and take a series of views they register them, and then of course they protect those photographs.

The section, as it runs, not only gives the proprietor of the copyright power to seize them, but any person authorised by the proprietor of the copyright, so that probably he would hire a strong man to seize them?—Yes; but if you read it, "without warrant, by any peace officer on the responsibility of the proprietor of the copyright, or any person authorised by him," so that either the proprietor of the copyright or a person authorised by him could call in a peace officer, but could do nothing further; that I think would be much better.

CHARLES BARRY, Esq., F.S.A.—What I meant was, that, as Lord Devon has suggested, having paid the five per cent. upon the original production of the design, then something in the nature of a royalty or acknowledgment should be paid for each repetition; and that acknowledgment should be of much more moderate character, I think, than the five per cent. It might be a half, or a third, or a fourth.

If a gentleman came to me to build him a house, and he paid me five per cent., that is for building that particular house, that should be

one completed transaction, but at present neither he nor I have any means of protection against that being copied.

Do we understand you to desire to go further, and to wish to secure a copyright in the house as distinguished from the architectural drawings?—I should like to do so if possible.

Suppose I go into a house which has been built some time, and I see a clever arrangement of chimneys or of a staircase, and I am building a house and I adopt that arrangement, do you wish that I should be put to the trouble of learning who was the architect of that house of which I am now supposed to copy a part?—I think so. I do not think that that would be a great grievance.

GEORGE ROUTLEDGE, Esq.—Has it ever occurred to you that the literary tastes of the public may be rather deformed by advertisements?—Yes, possibly they might be by an advertisement which was not truthful.

Has it ever occurred to you that advertisements are rather an assistance to the inferior author than to the superior author?—I should think that they are more beneficial to the inferior author.

Do you think that the system of a royalty such as that which has been now suggested would make books cheaper?—I think it might make them cheaper, but at the expense of the author.

But you think that books would be much cheaper?—Well they might be; it would be such a revolution in the trade to allow every publisher to publish the same book, that you can scarcely tell the effect.

I was going to say what is the custom in republishing a cheap book. For instance, some of the houses object to publishing cheap editions; they do not care for them and they have not the machinery to work them. An author will sell, say to Mr. Longman or to Mr. Murray, or publishers of that class, the right of publishing one edition of the book, and probably the agreement between the author and the publisher is for that edition only. When the author wishes to have a cheap edition of it which the original publishers do not care about doing, he will make an arrangement with another publisher, after the original edition is sold off.

If an author was to publish a book, and have a very large sale for that book in different parts of the world, by the increased sale of the book at a lower price, the author's remuneration might be the same as he gets for a very limited circulation in England?—I am a publisher, and that is an author's question entirely.

I object to foreign editions of English books being brought into this country from abroad, as they do not pay so much for copyright.

They are sent cheaper to Canada?—Yes.

Therefore the book here sold to the English consumer is dearer than the same book sold to the Canadian consumer?—To the bookseller. Taking the difference between a bookseller in this country and a bookseller in Canada, there is a discount of 10 per cent. in favour of the Canadian bookseller on account of the long distance that these books have to go.

I am in favour of having international copyright with the United States.

Authors who have the deepest interest in the question do not care whether the books are manufactured there or here, but would object to their being manufactured twice.

If you conceded to the United States their demand for an entire remanufacture of the American edition, what influence would that have on the English author?—In many cases it would prevent an English edition at all, inasmuch as the expense of making new plates and wood illustrations is very great, and an English publisher would think twice before he incurred it.

There must be reciprocity in international copyright; one country must not have advantage over another.

Do authors in England generally hold their own copyrights, or are they sold generally to publishers?—They are sold generally to publishers. I think the exception would be rather where an author keeps his own copyright, at least that is our experience.

Mr. Trollope selects a dozen authors who retain theirs; but supposing we have 20,000 authors who do not do so.

I think 500 is a very small edition; you might put it at 1000.

A man publishes an edition of say 500 copies, and he gets from that we will say £200. What has been stated to us is that an edition of 12,000 copies might be published and give the author the same amount of money. He would secure the £200, but would he at the end of the sale of those editions be in effect in the same position?—It would be to his disadvantage, for he would be relying on one market instead of profiting by both a cheap and highly-priced edition.

JOSEPH GREENHILL, Esq.—“The 5s. fee is prohibitory to a great extent. We do not enter more than about one work in twenty in consequence of it, music being very trifling in matter. There is no doubt that the entries, as far as our trade is concerned, would be very much larger if the fee were 1s. instead of 5s.” “When we were told by a fellow-publisher that we had no copyright in it, because it had never been entered at Stationers' Hall, I was thunderstruck. The entry was found at last, but it had never been posted. Consequently, if we had not by an accident discovered it, we should have lost a property worth £5000, simply from the negligence of some clerk at Stationers' Hall.”

THOMAS LONGMAN, Esq.—I think there are two views upon that. Mr. Macfie proposed that there should be one year or two years, but without fixing any term, leaving it to the Legislature to decide?—Assuming that the time was to be one or two years, I think that it would very much prevent the publishers from going into many very useful speculations. I would only mention to you the *Encyclopædia Britannica*, which is now going on, a new edition, which I understand the publishers are willing to spend £100,000 on. I think if they could have only so limited a copyright as is proposed, it would entirely stop their engaging in such a work.

If the copyright was limited to two years, and anyone might publish afterwards, of course it throws a new field open.

And do you think that there would be cheap editions published of a popular book after two years?—It is very difficult to say; I find it very difficult to form an opinion, considering the element of an extreme competition.

Might not the effect of it be this: that the person with whom the author makes the first contract, the first publisher, would during those two years publish editions in such a form as if possible to keep out of the market any future royalty editions?—It might be so.

I desire to know what plan you would propose so as to keep out royalty editions after the end of the two years?—I suppose the plan would be to print cheap editions.

The system, I think, that was proposed with regard to Canada was that the Canadian publishers should publish any book that they liked at a certain percentage, 12½, I think?—Yes, but it was never said on what; we never knew whether it was on the retail price, the cost price, or on what that percentage was to be levied.

Did you not understand that it was to be levied on the price of the book for sale?—We understood on the retail price.

These two books are each three guineas, and I think it is very possible that if they had been five the author would have had more than at the lower price.

If you publish a volume at £1 it would not be out of the way, would it, to suppose that the author should get 5s. a copy for those that were sold?—It would depend entirely on either the public demand or the opinion of the publisher who speculated.

But it would not be a sum unknown to you or unusual?—No, it would not be unknown to me.

If a book was published at 1s., would it not be a very unusual thing for an author to get 3d. out of that book. Would it be probable that on a book published at a shilling, the author would get so much as 3d.?—It is very possible he might.

Mr. Macfie, there suggests that in any edition which is to be published on the royalty system, after the first, no alteration or abridgment or additions should be made without the sanction of the author?—I quite agree with that view.

In the case where there has been a cheap edition a large number of copies would have been sold, and the market would have been filled, and he would not be able to publish any more; whereas where he has published a dear edition and a smaller number, then the market would not be filled, and he would be able to go on either with another dear edition or a cheap edition?—Just so.

If a royalty is fixed on the retail price the author might have a less difficulty in knowing whether he was defrauded.

You think that the publishers would loyally pay?—It would be impossible for me to say that; but I think they would.

If any person not known, and of doubtful reputation, published books, they might be inclined to play tricks of that kind.

Did you never know an instance of an unprincipled publisher having undertaken to print 1000 copies of a work and having printed 2000?—I never had an instance of that sort brought before me in any way

that I could substantiate. Authors have come to me who have gone to other publishers. My feeling has been that the publisher has acted honestly.

HERBERT SPENCER, Esq.—The publisher who does the business takes only 10 per cent., and the whole of the difference between cost and proceeds, minus that 10 per cent., comes to the author. I have calculated what are my actual returns, on two suppositions. I have ascertained the percentage I get upon 1000 copies, supposing that I set up the type solely for that 1000 copies—supposing, that is, that the cost of composition comes into the cost. In that case I reap 30 $\frac{3}{4}$ per cent. But I reap much more. I was sanguine enough when I began this series of books, to stereotype. The result is that now I simply have to print additional thousands as they are demanded. If I suppose the cost of composition and stereotyping to have been paid for in the first edition, and only estimate the cost of paper and printing in the successive editions, then I am reaping 41 $\frac{3}{4}$ per cent. The actual percentage, of course, is one which lies between those two; but year by year, with each additional thousand, I approach more nearly to the limit of 41 $\frac{3}{4}$ per cent. I should point out that the result of this is, that I receive, as may be supposed, a considerable return upon the moderate numbers sold.

But are there not many people who would have benefited by cod-liver oil who cannot get it at present because of the price?—I think in all those cases in which they would be benefited they get it by hook or by crook when it is prescribed for them.

And in the same way with your books you think?—Yes. For instance university men have to read them, and they would buy them in any case.

I did at first send stereotype plates to America, but the thing having proved to be so great a loss, I now send a portion of the printed edition.

That objection of yours would be partly met by the suggestion of Mr. Macfie, who brought this question of royalty before us, because his suggestion is, that no reprint is to differ from the original edition without the author's consent, either in the way of abbreviation, enlargement, or alteration of the text. Therefore, under that regulation, if that is carried out, a publisher could not print half of this book without your consent?—That would so far, if it can be practically worked out, meet my objection.

THOMAS HENRY FARRER, Esq.—The character of these books republished in America, though not so handsome as that of the English editions, is excellent. That is *Lord Macaulay's Life*. That is republished in America in two volumes, octavo. The one which I put in on the last occasion, which was published in Germany, was in four volumes, a small edition in paper. This American edition (*pointing to it*) is just exactly as handsome an edition as the English edition; perhaps the paper is not quite as good, but in other respects I should say it was quite as handsome an edition; it is in fact more convenient, because the leaves are cut. (Why we do not have the leaves of our

English books cut I have never been able to understand.) This American edition too is made smart by having the edges at the top gilt. The price of that book is 18s.; whilst the publishing price of the English edition is 36s., and it is to be bought at the retail booksellers at 32s. or 30s.

The public have had the benefit of competition between the retail booksellers, and as a matter of fact the retail booksellers now sell at a very considerable discount below the publishing price, averaging, perhaps, 20 or 25 per cent. In some cases the discount is much larger.

Then, in the next place, would you not infer from that that the existence of the monopoly had in fact been largely profitable to English authors?—I should think so undoubtedly. Whether it has paid authors fairly or equally is quite another consideration. Whether it has paid the good authors best is quite another consideration.

I think that some authors are remunerated a great deal too much for very rubbishy books; and that others are not remunerated enough for very excellent books.

I have thought myself bound to look at the subject from the side of the public interest, because in most of the previous discussions on this subject, as was natural, and also in the evidence before this Commission, the side of the author and of the publisher has been that which has received the greatest amount of illustration and argument; and I therefore, as belonging to a public office, thought that it was my duty to put forward whatever ought to be said on the side of the public, and especially of the English public.

What we have to do, as I understand the matter, is, to advise what Parliament ought to do here with regard to English authors; and would it not seem the wisest thing to make, first of all, as good a copyright law as you can get for the United Kingdom, and then to consider the question of America and the Colonies as a separate and subordinate matter?—I take it that is what has been done; but the view which you are now suggesting would surely lead to this, that you should do away with all international copyright treaties altogether, that each country should have its own copyright law, that books published in it should be circulated in it, and in no other, and that you should have no free trade in books between different countries.

Do you see any remedy for that condition of things except publishing under a royalty in Canada?—You mean any remedy for the purpose of enabling publication in Canada? No; I am not aware of any other way. If the Canadians insist upon publication in Canada, I do not see any other way of meeting their views but the plan of a royalty.

The cost of the production of 250 copies of a volume like *Macaulay's Life* would be about 8s. 10d. a-piece; the cost of producing 1000 copies in the same form would be 4s. 2d. a-piece.

I complain that the English author should have one monopoly in England and another in Germany, and that he should be allowed to keep books out of England that he publishes in Germany.

Copyright originated in the privileges of the Stationers' Company. They acted also as a sort of literary policemen for the Government;

and so there was a sort of alliance between the State and the Stationers' Company, the condition being that the State should have absolute control over the press: that nothing should be published which was heretical or seditious on the one hand, and that the members of the Company should be protected in their copyrights on the other.

Is not the idea that copyright laws were intended to provide a remuneration to authors of comparatively modern growth?—I think so. In the earlier times of our own laws, authors were, I believe, little thought of,—much was thought of repressing heresy and sedition,—and something of the privileges of the Stationers' Company. From the time of the statutes of Anne downwards, I should think that more and more attention has been given to the interest of the author.

Is there not a broad difference between the kind of property created by copyright laws and property which is ordinarily called corporeal property?—Yes; I think it differs essentially. Copyright is a right to prevent other people from reproducing.

Discarding all abstract and historical considerations, is not the practical justification of copyright laws rather the importance to the public that literature should be adequately encouraged and rewarded?—That, I think, is at present the ultimate object of the copyright law.

Is it not the interest of the public that the interest of literature, as contradistinguished from the interests of authors as a class, should be encouraged?—Yes, I think it is.

I think it is quite true that copyright laws do not necessarily, and often do not practically, encourage the best literature.

Might not both these objects be secured under a system of royalty; and is there any other system by which the commercial monopoly of the publishers can be removed, without at the same time leaving authors without any protection from the law?—I have already said that whilst not at all prepared to propose any system of royalty here, I thought that if you come to making international arrangements with the United States, and further arrangements with Canada, you would be compelled to consider a system of royalty; and it is the only plan that I have heard suggested by which, as it seems to me, the monopoly might be continued for the benefit of authors, and at the same time restricted, so as to do justice to the public. I cannot say that I have gone fully into the subject, but I am glad to see from the evidence that has been given here, that no insuperable objection in point of principle to the plan of a royalty has yet been suggested.

I gather from your answer to my question that you think that under a system of royalty the two objects which I have mentioned might be secured, that is to say, the elimination of the protective element, which is at present inevitable under the copyright system, and at the same time the extension of international copyright on a sound foundation?—Yes, and with it increased profit to the author.

Has not the chief objection that has been urged against the adoption of a system of royalty been that the first publisher of any work would not have sufficient inducement to undertake it, if he were to be

immediately exposed to the competition of a second publisher?—Yes, I think that is so.

And has not that objection been to your mind very much removed by the evidence which has been given to this Commission, I think by Mr. Herbert Spencer?—Mr. Herbert Spencer's evidence struck me very much indeed. Mr. Herbert Spencer's is a peculiar case: but I think it is an illustration of the way in which a royalty would work, viz., that it would not interfere with an author at all, unless he has miscalculated the demand, or had failed to supply it; and then the royalty would compensate him.

So that in point of fact the British reading public is made to pay part of the price of English books in Canada?—That I think is so.

Ought not the title of the Act, if it is maintained, to be something of this sort: "An Act to provide Canada with cheap editions of British authors at the cost of the British public?"—Something of that kind, or rather "An Act to enable Canada to publish cheap editions of English authors at the expense of the English public;" because the Canadian reader got the cheap American edition before.

Is not the effect of this legislation to make the works of British authors dearer in the United Kingdom than in foreign countries?—Certainly.

How can it be contended that such legislation is in the interest of the British public; does it not, on the contrary, place them at a direct disadvantage as compared with the people of foreign countries, or the British residents in foreign countries; and can it be a legitimate object of public policy to enable a British author to supply foreign markets with his works more cheaply than his own?—I should have thought not, but Parliament seems to have judged otherwise.

Is not the following an analogous case. The English iron trade persuades Parliament to prohibit foreign iron. Having raised the price through monopoly rates, they export their iron to foreign countries and sell it at half the price. Would not the British consumer have an irresistible claim to be allowed to re-import it and bring down the price at home?—Yes; that seems to me a very analogous case.

I do not know whether the Commission have seen some pamphlets of Mr. Carey's on the subject of international copyright, published by Hurd and Houghton, of New York, 1868, and by Baird, of Philadelphia, 1872. They are very interesting, and contain the greatest mixture of sense and nonsense one ever saw put into the same cover. He says, with respect to one of Dickens's works, if Dickens had a copyright of that book in America, out of 100 cents paid by the Americans for that book Dickens would very likely receive only 10, the remainder going in the expenses of distribution. And as Mr. Carey has been a publisher, this is an important statement of his. But putting it in another way, he says, "That book is at present circulated through the Union to the extent of something like a million of copies at a few cents, so few that the price is scarcely worth considering. Now, if Dickens had copyright in America, looking at the price at which copyright books are sold in America, he would ask 50 cents for that

book, and the effect of that price would be to reduce the circulation from 1,000,000 to 50,000 copies. Therefore we should lose infinitely, while Dickens would gain very little."

And fourthly, that the clause in the Customs Act which places the machinery of the Customs at the disposal of the copyright owner should be abolished, and that he should be left to the ordinary remedies of law?—I think so. I think that the provision in the Customs Act concerning it is a nuisance and unnecessary. It is contained in 39 and 40 Vict. cap. 36, s. 42.

A retail bookseller made this remark to me: "An author said to me, 'Have I not done a good thing; I have got 1500 copies of my book taken by Mudie?' And my answer was, 'No, you would have had 10,000 copies sold by us if it were not for that.'"

In the case of such books as Wallace's *Russia* and Schuyler's *Turkestan*, a long time must elapse before they get into the hands of the people?—Very likely; they probably never get there at all. The interest in and value of them will probably be gone before the time comes for a cheap edition.

Mr. Appleton, in an article in the *Fortnightly Review*, mentions as one of the chief objections by American publishers to the proposal of the royalty system, that it would prevent the first publisher from spending what he now spends on advertisements. Do you consider this an evil?—No, I cannot say I do. I should think a large sum of money spent in forcing a sale by advertisements was money very badly spent. What we want, I believe, is more good books and cheaper good books; but we do not want more books; we have too many books at present. Some persons, whose opinions are deserving of much consideration, wish to do away with copyright in order to diminish the number of books, and to reduce the number of those who make authorship a trade. They think that to do so would be a gain to the public in providing better books; and that it would not discourage those who write for the sake of reputation or for the sake of truth, and less for the sake of money.

My books have had a very large sale in America, and the sum which I have received from the American publishers is totally disproportioned to what I should have received if I had been paid on the terms upon which they now propose to pay me; but they now write to me and say: "If you will protect us against the Canadian publisher, we are now ready to give you such and such a royalty on any book of yours that we publish," which would amount to a large sum. When the publishers have got as far as that, is it not a most important step towards an international copyright with America?—Yes. (This question was put by Mr. Froude.)

Both patents and copyright were originally and are essentially monopolies in the strict legal sense of the word, and are so treated in judicial decisions; and further, that patents are still, as copyrights were originally, the creation of royal grant.

I beg to be guarded against being supposed to admit that the interests of a monopolist producer and of a consumer are in any one transaction identical.

Would you be surprised to hear that I have learned from two publishers within a short period that not one book in nine has paid its expenses, and that still they have been able to carry on the trade?—If so, the case is still more striking. These facts bear out what I have said before, that we have too many books; and that what we want is, not more books, but fewer books, and those good and cheap.

When I stated one in four, I spoke of the complete number of books published in the year; and consequently if some of these were published at the expense of the author, it would diminish the loss of the publisher to a certain extent, would it not?—Of course.

HERBERT SPENCER, Esq.—On the average, authors' profits are extremely small. Were there no other motive for authorship than money-getting, there would be very few authors.

I take it that the proposal really amounts to this, that whereas, at present, the poorer class of readers are inconvenienced by having to wait for a cheap edition a certain number of years, they shall, by this arrangement, be advantaged by having a cheap edition forthwith; which is to say that people with smaller amounts of money shall have no disadvantages from their smaller amounts of money. It is communistic practically: it is simply equalising the advantages of wealth and poverty.

There is a cheapening which is beneficial, and a cheapening which is injurious. Already books that are bad in art, bad in tone, bad in substance, come pouring out from the press in such torrents as to very much submerge the really instructive books; and this measure would have the effect of making that torrent still greater.

The experiences of publishers show that it does not answer their purpose to run the risk of cheap editions with the great mass of graver books, inasmuch as nine out of ten of them do not pay their expenses.

For the International Scientific Series

A publisher was found, or rather publishers, here and elsewhere, to enter into the desired arrangements; and an English publisher was found who offered such terms to authors in England as led men in the first rank (and I may mention Professor Huxley, and Professor Tyndall, and Professor Bain, and Professor Balfour Stewart, and a great number of others) to promise to write volumes. These men, I know, were reluctant, as busy men, with their many avocations, and their incomes to get for their families, would naturally be, and were induced to enter into the scheme only on its being made manifest to them that they would reap good profits. The English publisher offered a twenty per cent. commission on the retail price, paid down on first publication, and for every subsequent edition paid six months after date; and there were certain smaller percentages to come from abroad. Now, the English publisher proposed to give those terms, knowing that it would be impossible for him to get back his outlay unless he had a number of years in which to do it. He had to stereotype, he had to pay at once these sums to authors, and he had to publish the books at a cheap rate,—for, by the way, I ought to have said that part of

the plan was that these books should be sold at low prices. I may instance a volume of 420 pages for 5s.

I hold, along with those who support the proposed measure, that the enlargement of the markets, by means of international copyright, would be a very effectual means of cheapening books. It would be a more effectual means of cheapening books than at first appears, and especially a means of cheapening the best books. I may refer again to this International Scientific Series. One of the means by which that Series has been made cheap was, that the American publisher and the English publisher agreed to share between them the cost of production, in so far as that the American publisher had duplicate stereotype plates, and paid half the cost of setting up the type. Now, it is clear that if the outlay is diminished by having one cost of composition for two countries, instead of a cost for each, the book can be issued at a lower rate in both countries than it could otherwise be. And that arrangement which voluntarily made, under a kind of spontaneous copyright in the case of the International Series, would be forced, as it were, upon publishers in the case of an established copyright. Consequently there would be habitually an economisation of the cost of production, by dividing it between the two countries, and hence there would be a lowering of the price. And then there is the further fact that this would tell especially upon the more serious books. On books of a popular kind the chief cost is for paper and print, large editions being printed. Therefore, it does not so much matter in America having to set up the type afresh. But in the case of a grave book, of which the circulation is small, the cost of composition is the main element in the cost; and the economisation of that cost, by dividing it between England and America, would serve very considerably to lower the price.

THOMAS HENRY FARRER, Esq.—Baron Tauchnitz, who is the chief publisher of English copyright works in Germany, pays sums averaging from £30 to £200, the last-mentioned sum being the largest, but the more usual sum being £50.

I have heard that the Australian colonies are supplied in this way. Cheap editions are sent to them from this country; but the long time which elapses before those editions can come back to this country prevents the cheap editions from injuring the dear editions here.

PROFESSOR THOMAS HENRY HUXLEY, LL.D., F.R.S.—What evidently amounts to stealing the property of the author cannot very well be brought under the ordinary conditions of theft. I should, however, be glad, in the first place, to express my belief that so far as a matter of right is concerned, if there be any foundation for rights of property, the right of an author in a book is as complete, and extends as far, as the right of any person to any property whatever.

If we had to begin *de novo*, I should certainly insist upon the perpetuity of the property.

The public ought to be able to obtain that book, so long as his rights are guarded, at the cheapest possible rate?—I do not see why

the public has a right to demand it in the case of a book more than in the case of beef or mutton or potatoes.

Except that in the supply of beef and mutton and potatoes there is a regular competition?—Certainly.

The object of this Commission is not only to improve the laws of copyright in England, but to see whether we cannot extend the rights of English authors to other countries?—That is a totally distinct question.

We are the public practically who negotiate for you. If we do that, do you not think that we are entitled to some compensation for the trouble which we have in obtaining all these privileges for you?—I am not at all clear about that. I think that, in these matters, the State should have regard to public justice and public morality, without looking for any particular reward from the persons who are served.

I should like to get the more pay in my own fashion, and to deal with it like any other business. I do not want anybody else to help me to get more pay; if you let me deal with my own property in my own fashion I am quite happy, and I do not thank anybody who interferes.

So far as I can gather the state of public opinion in America, their reply to all remonstrances is, "We want to have cheap books for our people, and we will not listen to anything which will interfere with our having cheap books for our people."

MR. THOMAS BOSWORTH.—You think that the high price of books is kept up by the present law?—Entirely.

I think that the law is a bad one.

I think that under the present law Englishmen have ceased to buy books, speaking generally, copyright books I mean.

They will not buy anything the price of which bears no reasonable relation to the cost of production.

If books generally were published at once at what I should consider a fair price, a price having some relation to the cost of production, then Englishmen would resume their habit of buying books. I do not think anyone would willingly give a guinea and a half for that which he has reason to believe only cost, say, 6s.

The present law encouraging circulating libraries, encourages the circulation among these libraries of a large amount of rubbish which pays nothing to the author; the author is glad to see it in print.

Do you think that good literature at all suffers on account of that?—Very much.

Therefore do you think it would be fair that authors should be allowed to publish a dear edition in England with copyright, and to publish a cheap edition in America with copyright, and that the American cheap edition should not be allowed to come back to England?—It would not be fair, I think. It comes to this; you ask me this, would it be reasonable that an article should be produced under the direct sanction of British law which yet might not be imported into Britain.

At the present moment you know that the Tauchnitz editions, which are published in Germany with the authors' sanction, cannot be re-imported into England; are you aware of that?—Yes.

Do you think that that is right, or not?—It is unreasonable.

You think they ought to be allowed to be re-imported?—If they are recognised by English law.

And if there was any percentage on those books payable to the author by a system of percentage recognised by English law, do you think that that system of percentage would pay the author as well from the very large sale he would derive, as the present limited system of publishing books?—I think it would, ultimately much better, because the English-speaking market out of the British Isles is gradually becoming of more and more importance to the British author.

Supposing that in England it was the habit to publish books cheap, do you think that it would be equally advantageous to the author?—More so.

You were saying just now that you thought that by another system of copyright law, books might generally be made cheaper, and brought more within the range of book-buyers. What are the changes in the law that you would recommend?—I should allow, after a very short period, at the most 12 months, any publisher to reprint any book upon paying a royalty to the author.

A royalty to be fixed?—Yes.

Why should you do it within 12 months?—Make it three; I have no objection.

Why should you do it at all?—Because you must give some sort of encouragement to the publisher who brings out the first edition.

You were saying that the present system stopped the book trade, that it stopped the buying of books in England; would you explain how it stopped the buying of books?—Only by giving occasion for the affixing to books firstly of absurdly high prices, and secondly of prices which from first to last are fictitious.

You would rather think that the feeling of the bookselling trade would be in favour of the innovation than against it?—It would be their interest.

In your opinion the high price of books in England is kept up by the present law, and by that alone?—It is by the present law in this respect, that it protects the publisher from competition, and enables him to put upon the works he publishes what price he pleases, by arrangement of course with the author.

To take such a case (and it might seem an extreme one) as such a work as the *Encyclopædia Britannica*, I believe that the remuneration to the proprietors of the copyright would be as great under the proposed law as now.

If you see Mudie's list, and look at books of all kinds, the lighter books generally, but still histories frequently, you will find that you can buy them at something like a quarter of what they were published at.

But the publisher does not reduce the price to that extent, does he?—No, he sells them to those who do.

He does sell at a lower rate to the libraries, does he?—Yes, it is a common practice among the publishers to do that.

Do they not sell them so low as 50 per cent. reduction?—It depends upon the character of the book, and what the intrinsic value of the book is. They do sell as low as that.

As low as 50 per cent. below the published price?—Yes.

PROFESSOR JOHN TYNDALL, LL.D., F.R.S.—Even if I felt sure that I should lose nothing by the proposed change, I should still fight for my liberty of action.

THOMAS HENRY FARRER, Esq.—Is the suggestion that you have made presented as from yourself, or is it the fixed opinion of the Board of Trade, that importation of reprints into this country should be allowed?—There has been but one opinion at the Board of Trade ever since I have known anything of this subject, viz., that reprints by an author in a colony ought to be admitted into the United Kingdom. My evidence is my own and not the evidence of the Board of Trade; but I should not have felt myself at liberty to give that evidence if it had not been supported by the official correspondence of the Board of Trade which has been laid before the Commission already.

FROM MR. FARRER'S SUMMARY OF HIS EVIDENCE.

Provide distinctly that when any book copyrighted in England is republished in any foreign country, or in any colony, with the consent of the copyright owner, the editions so republished shall be admitted into the United Kingdom, and that the English copyright owner shall have no power to exclude them.

Do away with the prohibition to import contained in the Customs Acts, by which the Customs officers are enabled to search passengers' luggage for prohibited books, and leave the copyright owner to the same protection against foreign piracies which he has against English piracies. Require him, in any proceedings against pirates, to state that the edition against which he is proceeding has not been published by him or with his consent.

Abandon all expectation of getting either the United States or Canada, or any important colony, to submit to a permanent unqualified monopoly on the part of English copyright owners, and be prepared to deal with them on some other footing. Whether such arrangements should be made on the principle of a right of republication with a royalty it is now perhaps premature to inquire. But there is no reason hitherto shown for supposing that an arrangement on that footing would be impracticable or unjust.

Let registration be simultaneous with publication or first representation, and let copyright date from registration, except in case of lectures.

Abolish Stationers' Hall registration, and substitute registration at the British Museum.

MR. MACFIE'S EVIDENCE TRANSCRIBED *in extenso*.

ROBERT ANDREW MACFIE, Esq.,* examined.—*Chairman*.—I believe that for some years past you have paid attention to the questions of copyright, and patents, and designs?—I have as to patents; I have not gone deeply into the copyright subject.

You have been good enough to furnish each member of this Commission with a copy of a book partially on the subject of copyright?—Yes.

And I think that on the 296th page of that book you give a scheme of your own on the subject of copyright, containing the proposals which you would wish to see substituted for the existing law?—I do. (*The scheme will be found on page 51 hereof.*)

Do you wish to supplement that scheme by any further observations or arguments of your own?—I have not for a very long time read this scheme, and therefore it would be better that I should look it over to see whether there is any supplement or correction to be made to it. Having now looked at it, I have no doubt that some important modifications in detail could be introduced, but in principle I adhere entirely to what I see before me.

Do you take that scheme as substituting what I see in the next page you call "the royalty principle" for the existing law?—Yes. Perhaps it is right to say that I regard this as a compromise, not unfair, and in present circumstances expedient. It is possible that one might convince one's-self by argument, that on the whole the interests of the public would be promoted by abolishing copyright; that, I believe, was Mr. Cobden's opinion; he told me he was against copyright; but I cannot say that that is the opinion which I at this moment entertain. I believe, however, that the abolition of the monopoly principle in a copyright, and the substitution of the principle of a royalty,—that is to say, liberty to republish, accompanied with a remuneration to authors, in proportion to the number of copies printed for sale,—would be advantageous.

At what figure would you fix the remuneration to authors?—It appears to me that five per cent., which I put in this scheme, would suffice. That is a matter of detail; some people might think that more might be given. I observe that in the various colonies, even 15 and 20 per cent. is spoken of, but that is 20 or 15 per cent. on a valuation, or upon the wholesale price. What I contemplate is five per cent. on the retail price; and one advantage resulting from that way of taxing a book is, that it would induce some publishers, at least, to publish cheap editions, as they would have a less tax to pay; and in that way the great bulk of the population, the poor, might be supplied with books, who at present never see a new book.

Are there any other conditions to which you would subject publishers under your proposed system, beyond that fixed payment of 5,

* This evidence followed Canon Farrar's.

or 10, or 20 per cent. royalty?—I have already indicated, in the page to which your Lordship has referred, that I think that no alterations should be permitted by a republisher, and I think that every transaction of this kind should have a very formal character. I think that books allowed to be reprinted on the system should be printed only by licensed printers, persons whose word and accuracy might be depended upon, so that if they said they were going to print 1000 copies, they would not print 1200. I also think that there ought to be regular national registry offices; for instance, a registry office in Great Britain, another in the United States, a third in Canada, a fourth in Melbourne, and so on, where a person could negotiate the republication without requiring to correspond with the author or his assignee, the publisher, in Great Britain. I think it quite necessary, in laying down a principle of this kind, to make provision for exceptional cases; there may be special cases now and then, such as costly books, books illustrated by costly engravings, or perhaps prepared by very expensive elaboration owing to their nature. I should be willing that there should be a special provision for these cases; the author should be able to say, "This book has cost me so much, and it appears to me that I ought to have a guarantee that the competition will not commence until I am repaid a certain sum, or until the edition which I am going to issue is worked off by the publisher."

Have you thought out to what body or to what official should be delegated the duty of deciding what these special works should be?—For my own part I should be perfectly satisfied with a commissioner selected by the Government, but that is quite a matter of detail. I think that anything would be better than the present absence of system; any means by which the public could be assured of cheaper copies and of a supply of books which they desired to read within a reasonable term of months or years at a moderate price.

You would procure, as I understand you, that greater cheapness by inducing a competition between the publishers?—Precisely; and I think that the knowledge that the first publisher was exposed to competition would generally prevent actual competition from arising; he knowing what he was exposed to, would himself bring out at an early period a cheaper edition; he could do so with greater promise of advantage than any rival, because he would be in possession of his stereotype plates, which I suppose he would take care to make. I should like at this stage, to say that if we could cheapen books, we should, of course, greatly extend their sale, and therefore make it worth while for a publisher to stereotype every book. In the next room I have, in case the Commissioners desire to see it, although I do not think it necessary to trouble them with it, M'Culloch's *Commercial Dictionary*, with a table of the cost of producing a book; in the first place 500 copies, in the next place 750 copies, and thirdly 1000 copies. Now, to me, it appears absolutely ludicrous, when we know that the daily press issues hundreds of thousands of copies, that we should have fractions of a thousand for books. I have no doubt that if we had competition introduced, with such a system of royalties as I concur with others in favouring, we should have an increase in the sale of books such as we

have had in the sale of newspapers by the changed system of that trade. In a great measure it is a change of system of trade, as much as legislation, that I contemplate ; but I believe that this necessary and philanthropic change of trade will never be developed, and will never be sought by the parties most interested, unless there is a change in the law.

Having told the Commission what conditions you would, generally speaking, propose to place on the publishers, have you any proposals to make as to increased facilities to be given to them?—I have just one or two things bearing upon that, which perhaps I may be allowed to mention. The first is this. I for very many years have desired to see introduced into this country a parcel post, and I believe that such accommodation to the public would be of immense benefit to them in the receipt of literature and books from London. At present they must go by the regular book post, and that is too expensive. I have no doubt, however, that even under the book post publishers, if they conducted their business as other commercial people do, would find it their interest to consult the public. I think that there is no business in which the interests of the public and the tastes of the public are so little met as in the publishing trade. To this day there is scarcely a book published with cut edges ; in America it is done, but not much in this country ; every person has the trouble of cutting the edges, thus spoiling the appearance of his book, and it being likely to catch dust on his shelves besides tearing the leaves. One thing which I think the Government ought to do in the interests of the reading public, or rather the non-reading public, in order to make them readers, is to reduce the book postage upon the heavier books, or upon parcels of books, even although they do not establish a general parcel post. It is almost impossible, for instance in country parishes and in distant parts of the kingdom, to get books ; and unfortunately, as this country is geographically situated, the whole book trade is in the extremity of the island, in London ; Edinburgh is losing its book trade, and Dublin I suppose has lost it. While speaking of Dublin, let me say that in the memory of persons now living, there has been a great change, to the injury of Ireland. Formerly, a Dublin publisher could reprint, and the Irish people could get English books free of the monopoly charge in this country. In consequence of the Union, and in consequence of legislation which is only 40 years old, artistic copyright being then introduced, the people of Ireland are much worse served than they were ; and although I perhaps am now deviating and becoming rather dogmatic, it appears to me that when that extension of area was given to publishers and authors, some terms might have been judiciously made on behalf the public. However, to return to the postal question, I contemplate that if there was due competition in book-publishing as in other trades, we should have much thinner boards, and perhaps no boards at all, but merely paper, and we should have cut edges, both of which things would greatly lighten the weight of a book, and we should have a narrower margin. All these things would enable a book to be published cheaper ; first, because less paper would be required ; secondly, because costly printing and gilding would

be saved ; and thirdly, because the postage would be less on the books reaching country booksellers, or reaching families or individuals living in the country. I made a calculation last night, before leaving home, of the reduction which would be effected in the weight, and I find that by that means about two-sevenths could be taken off their weight, so that two-sevenths of the paper would be saved, and two-sevenths of the postage would be saved. I can furnish the Commissioners at leisure with the details of my calculation. The Commissioners will see from that, that the question of postage has a bearing upon what I presume is the great object of this inquiry, namely, how best to serve the public, and how to carry out the legitimate object of copyright, which is the encouragement of learning for the benefit of the people. If the Commissioners will allow me, I will mention one or two other particulars which, to me as a commercial man, appear to be faults of the publishing system. There are the fixed prices, those prices being fixed unduly high ; there are the long credits ; there is the want of variety in the form in which books are published ; and there are the heavy stocks which under the present system are kept, much often remaining unsold. Now, with reference to the last of those points, I think that if we had a very large sale, such as we might contemplate under a royalty, publishers would not require to keep heavy stocks, by merely having stereotype plates ; and with regard to variety of cost to suit different classes of readers, there easily could be variety with these stereotype plates, from using different kinds of paper and having different modes of getting up ; and there is as much reason for having classes in literature as for having classes in railway travelling ; there are first, second, and third classes of railway carriages for the benefit of people with different purses, or of different grades in society : and it certainly appears to me that there is no reason why you should not have the same with regard to books. If we had freedom of trade in books, I think that it is not a ridiculous thing to expect that the sale of books would be increased fiftyfold ; the export trade in books, which is now miserable, would become large ; education would practically be very greatly developed ; philanthropists, teetotallers, and others would be delighted by having a wholesome employment and entertainment for the people in their evenings. Altogether, I think great good would ensue. I do not know any question of the age that has such important bearings on the welfare of the people, and on uniting the two sides of the Atlantic together, as this question of copyright, and the question of the mode of publishing.

Mr. Trollope.—Is not the free trade which you advocate already in existence ?—I think not. It appears to me that the state of trade now is very much as if one potter said to another, "I will go in for cups and saucers, you will go in for dinner plates, and a third will go in for bedroom pottery," and as if the same man that sold plates should not be allowed to sell bedroom pottery, and the man who sold bedroom pottery should not be at liberty to sell cups and saucers. It is very much the same as if in the case of an invention a patentee should say, "I alone am at liberty to make the articles specified in my patent, and you are to be at liberty to make the articles specified in

your patent, but nobody else shall do so." In copyright one man alone has the right to publish such and such a book, and another man has the right to publish such and such another book; the result is, there is practically no competition. There is a difference between one book and another, in its actual use, just as there is between one kind of pottery and another; but the idea of limiting potters to one kind of pottery would be quite ridiculous. It appears to me to be something the same to legislate so that a particular book may be published only by one particular bookseller.

Sir H. Holland.—You would entirely do away with the fact that the book is a property which is vested in the author by statute, and which he may deal with as he likes?—If that has been the impression conveyed to your mind, I should like to remove it. I hold, and every book which I have consulted tells me, that copyright has been entirely originated by the State. But the copyright or property may be in two forms; it may be payable either by an annuity, which I propose, or by investing the party with a monopoly. I think that for the benefit of the public, the State, in rewarding and honouring authors, ought to choose the annuity or royalty principle rather than the monopoly principle. I still recognise, not as a matter of absolute right, but as a matter of expediency and fair play, that the author should be remunerated.

You recognise that he has a certain right granted him by statute, but you do not recognise that he has the power to deal with that right as any other man has with his own property?—Certainly not.

You say, "For the good of the public I must interfere with his mode of dealing with his property?"—Yes; but in the first place my conviction is that he would be quite as liberally treated as all servants of the Government are, military, naval, or civil, or whatever be the service under the Government; these are not paid so well as authors would be under my system. But secondly, my conviction is, that under the system which I propose authors would receive a great deal more money into their pockets than they do now.

That I can understand to be your conviction, but at the same time you can understand a person who has a property saying, "I am much obliged to you for your belief that by altering my rights I shall gain, but I prefer that matters should remain as they are, and that I should continue to deal with my property as I think best?"—Yes; but we at once cut his legs from under him by saying, "We do not recognise it as property." The Government of this country has never recognised it as property.

But you must be aware that the Act has distinctly recognised copyright as property?—It has made it property.

I will not go into the question whether there was a common law property before any Act passed, which may be argued to any extent, but at all events the Act has given the author a property, and has done so to afford greater encouragement to the production of literary works of lasting benefit. You do not deny that there is a property vested in the author in his book?—Certainly.

And under the Act he has the power to make a free contract with respect to that property?—Yes.

But you propose to take it away altogether?—I would allow him to publish a first edition on any terms he liked, provided that he did not make the price excessive.

But you do not say that that edition shall run for so many years; the moment that he has published it, you allow any man to walk into the market, and, upon the payment of a royalty, to publish the book. You do not propose that a man shall publish one edition, and be allowed, say, 10 years for that edition before any one else can publish the book; but, as I understand you, you propose that if a man publishes, then, with his consent or against his consent, any man may publish an edition of that work. Am I to understand you to give him a year for the first edition to run?—It appears to me that the question which you point at is one of detail. I should be quite willing that the subject should be considered as to the form in which some protection to the first edition should be granted. In the paper to which reference has been made, the grant of a year's advance seems to have been in my mind. At this moment I would rather favour a modification of that view. I would rather favour this plan, that a person going to publish a book for the first time should go to some competent officer at the Stationery Office or elsewhere, and say, "Here is an estimate of the expense which I am about to be at, or have been at, in producing this book. I have added a considerable remuneration for the author's time occupied in preparing it; the whole amount is (say) £2700, and I claim that I shall not be interfered with till I sell an edition sufficient to repay me this sum." The officer would say, "Well, I have no objection to your proposal, provided you make your original selling price reasonable, and moderate, and fair;" and that I have no doubt would follow as a matter of course. Then after that I would allow competition to come into play. However, these are details which I think the publishing trade themselves could better take up than I could.

Of course you call them details, but when you are dealing with a man's property the details become very important. You now seem to think that you might rely upon publishers, but you have been rather preparing an indictment against publishers up to this moment. Do you propose to trust to some officer to see whether an author publishes what in his opinion is a sufficiently cheap edition?—At present we trust. If we should trust for the first edition in the future there would be less danger of public loss than the present system involves.

There is no trust now placed in any single person; it is a mere matter of arrangement between the author and the publisher, and they both naturally look to see what is the best bargain which they can make for themselves?—I have in the next room documents with which it is hardly necessary to trouble the Commissioners; for instance, I can show you Mr. M'Culloch's statement in his Dictionary, that he thinks that books are published twice too dear, or something like that; so at present there is complaint on the part of competent parties against the way in which books are published. (*The statement will be found partly on page 38 hereof.*)

Mr. Herschell.—According to the scheme which you have just sketched out, would you allow the author to fix his own remuneration, because if so, he might fix so large an amount that his copyright would last for a very long time before he reached it?—I think that the probable expense of manufacturing and bringing to market, upon the basis of actual experience, should be stated in a table, and that to those expenses should be added, for authorship, a fair estimate for the value of the man's time. If he was a clergyman, and was occupied for six months in writing his book, it could not be wrong to say that he was entitled to £200 or £300 for that; then supposing that his compensation and the mechanical and commercial expenses came to £2700, I think that after an edition was prepared and sold which would bring that amount with a sufficient profit to the publisher, the republication should follow. But you will remember that while I have stated all that, I have been preparing an immense residue or reserve of pecuniary emolument for the publisher and the author, because this first edition would be an advertisement for the future; after it was sold, it being a meritorious work, there would be for 42 years, or for a very long period, a continual yearly revenue, probably of hundreds of pounds, from the five per cent. royalty coming in to the author and the publisher, to be divided between them according to their mutual contract made beforehand.

Dr. Smith.—I should like to understand, in reference to the question which Mr. Herschell put to you, who is to be the judge of what is a fair remuneration for the original edition?—At present there is no judgment exercised at all; it is entirely hap-hazard; indeed there is no attempt to do it; it is left entirely to the discretion of the publisher. I would have some competent officer, who, however imperfectly he discharged his duty, would be entitled to see whether or not the price was reasonable. I think that under the law as it stands now, power is given to certain parties to reduce the price of books if it is excessive; certainly such a power existed some few years ago. But I should be very unwilling that much stress should be laid on the point we are discussing, viz., protection for a first edition on the basis of a pecuniary estimate, because I could get quit of it altogether by giving the first publisher a proper start, and letting him take his chance.

Then if I understand you aright, you would propose that there should be some public officer who should fix what would be a fair price to be paid to the author for the first edition?—By no means. I think that the fact of there being a public officer who could control prices if they were manifestly excessive would prevent the danger of books being issued at too high a price. But if that should appear to the Commissioners a difficulty in the system, I would rather eliminate it altogether; I am so anxious to see a new system introduced.

Chairman.—Does not it occur to you that this proposal of yours would interfere more with trade than the present system?—It would interfere with trade, but then it would be with one side of the trade only. I have elsewhere stated, on the authority of a Parliamentary return, that the export book trade is one so small that it may be said to be non-existent. I have no great acquaintance with general commerce,

but I believe I may say that the merchants of Liverpool and London receive orders for hats, for inkstands, for candles, for cloths, and so on, but they scarcely ever receive from the colonies, or from foreign parts, orders for books, because the book trade is so insignificant and so skrivelled up that what ought to be one of the most important trades of the country, one benefiting not merely readers, but benefiting book-binders, printers, papermakers, and others, is really ludicrously small as an export trade.

Mr. Trollope.—If the author were to begin by demanding what he considered to be fit remuneration for himself, which I think is your plan, would you propose to put a limit to his claim?—Quite otherwise; though, no doubt, if manifestly exorbitant in the estimate, the appointed officer might reduce it to reasonable proportions. I have suggested that for the first edition a fair round sum might be put in (I do not care how liberal it is), and that after that he should throw himself upon the merits of his work. It would be so well known, that there would be a large sale, and on every copy he would be receiving five per cent. upon the retail price.

Before you come to the five per cent. the author might be entitled to claim, say, his £10,000?—I did not contemplate any claim at all; that was a matter which was to be arranged between him and his publisher. All I said was that the extent of the edition, that is to say, the number of copies which should be sold before competition came into play, and the retail price might be regulated on the basis of a statement presented by his publisher, which statement would contain two different classes of items, first, the actual expense of production mechanically, and secondly, a liberal estimate of the value of the time or talents (the time at any rate) bestowed on the work.

You would admit that the author should be held to be justified in putting a price upon his own labour, in the same way that any other producer does?—Certainly.

Then there can be no limit to the sum which he may claim for his work, and there can be no beginning of the time which you propose to fix for this commencement of five per cent.?—I am very much afraid that my introducing this unfortunatè item has taken away your attention from the main object which I suppose you have in view; but still I may trouble you with this explanation of the details of my views. I would not merely confine the estimate which I suggest to the actual expenditure, so much for paper, so much for typography, and so on, but I would allow a fair estimation of the time of the author; and let it be double or treble, if you like, what a colonel in the army receives, or the captain of a ship receives.

Almost equal to what is received by a barrister, perhaps?—Let there be some guide. I have merely suggested that as one way in which the first edition might be made a protected one. Publishing the first edition is the difficulty, because until the merits of the book are known, there will be no second publisher, but after they are once known, if there is then a competition, everybody will be wishing to reproduce the book. I say that there should be no competition of that kind until the original publisher, who has run so much risk, has

been remunerated. You will find, in *Chambers's Encyclopædia*, that according to the law of Scotland when it was a separate kingdom, and probably of England too, copyright did not at all touch the question of remuneration for authors; it entirely concerned itself with the protection of the printer from unduly early and severe competition. The law contemplates that men write for the good of their species, and for the gratification of their desires, and it is not for their sake, according to the old law, that copyright was introduced, but for the sake of the printer. I am afraid that I am too didactic. I hope that the Commissioners will excuse me.

Sir H. Holland.—I do not know where the statement which you have made is to be found in any book?—It is in the article on “Copyright” in *Chambers's Encyclopædia*. (See page 34 hereof.)

That is Mr. Chambers's view of the case?—I suppose that he takes it from the fact. [States it for a fact.]

That is merely his view, namely, that copyright is intended not for the benefit of the author, but for the benefit of the printer?—I can present to the Commissioners Lord Dreghorn's work on copyright. I think that is there stated also. (Extract will be found on page 34 hereof.)

It is not the view of the English law?—I have understood it to be so.

Mr. Trollope.—Have you read the article on “Copyright” in the *Encyclopædia Britannica*?—Yes, in the former edition, not in the new edition.

That is not the view given there, I believe?—That article is one in which I do not agree, nor do I agree with the views of Mr. M'Culloch in his Dictionary; he there attempts to show that there was something like copyright in ancient times. I have turned up two or three of the authors whom he quotes, and I can see no trace of it, nor of anything analogous to it, in the ancient authors.

What you quoted just now as to the law of copyright is simply an opinion, and not the view of copyright expressed in the law?—I understand that it is more than an opinion, that it is the fact; but if the Commissioners will allow me, when I go home I will make an extract and transmit it to the secretary.

Sir H. Holland.—Is there any country in the world where your principle of royalty exists; we know that copyright exists in most countries, but is there any country where the principle which you are advocating has been instituted and worked?—I think that I have read that the Italian law has some recognition of it. You will find at page 326 of my book on patents a list of the colonies where it exists with reference to importations from the mother country.

There is no system of royalty in the colonies except as regards the importation of foreign reprints into a colony, which is quite a different thing?—I hope that the Commissioners will understand that the thing can be done with perfect ease; therefore there should be no difficulty upon that score. I am quite convinced that I can show the Commission (but I think that it is not necessary) that with perfect accuracy and simplicity and economy the principle of a copyright royalty could be worked.

Mr. Trollope.—But it does not exist in any other country?—I am not aware of it.

Sir H. Holland.—In Italy it is at the end of forty years that the second period begins?—Yes.

Mr. Trollope.—In Italy that is an additional right given to the author over and beyond what the author enjoys in England, and not a lesser right?—Quite so.

Mr. Jenkins.—What do you take to be the object of the Copyright Law?—The title, I think, of the existing Act says that it is for the encouragement of learning; but I understand that the object of it, as of all legislation, is fair play to interests and the benefit of the population.

Can you point out specifically in what respects you think that the present system of Copyright Law runs counter to the main object which you have just laid down as the root principle of a Copyright Law?—By making property it prevents competition; by preventing competition the prices are kept too high, the sale is limited, and the public therefore do not receive literature when it is fresh. I know that in the circles in which I move the purchase of new books is a very rare thing. People get books by borrowing from libraries, and that only answers in towns; it does not answer, or at least equally well, in the country; and as to the poor, they never see a new book.

But is that the necessary consequence of the system, or is it not merely the result of a method of carrying on trade?—It has been the actual case in this country, and the publishing trade has got so much into ruts, that I do not think it can be lifted out of those ruts without introducing the royalty principle.

Are you not aware that under a copyright law in France and in Germany, and in the United States, they have the advantage of cheap literature without resorting to the system which you suggest?—With regard to the United States, I never have been over there; but what I apprehend is this, that such a large portion of their books are a reproduction of what is published first in this country, that the contrast between books published at the prices which prevail in Great Britain and these cheap reproductions would be so great that it would be offensive, and that therefore the habit of republishing English books keeps down the price of native literature.

Do you know that in France books are published with paper covers very cheaply, and that they have no circulating libraries there to speak of, and that they have all the advantages which you would claim for your system?—I do not know it, and I have seen books published in France which have been pretty dear.

But still you know that books are sold very cheaply in France, and sold in original editions very cheaply?—I accept it from you.

If that is so, ought we not to regard any evils which you may presume to exist in our present publishing system as being distinct from copyright, and as being due, not to the Copyright Law, but rather to the manner in which the publishing is carried on?—It is quite possible that it is so. All that I contend for is this, that by a

royalty system you would be certain of receiving the benefit which I think so important for the public.

Then, the way in which you would put it is this, that when you find that under one system the object can be evaded by what you may call a trades union, it would be legitimate to change the system for the purpose of securing the real object, namely, the public object?—If I understand your question, I would say, decidedly, yes.

You have mentioned as abuses and causes of the present state of things to which you object, heavy stocks, long credits, and fixed prices; you would not suggest that any law should interfere with those matters, would you; even under your system those may exist?—I certainly would not. I would have the utmost freedom; but I think that the present state of the trade is one of stagnation under the influence of a most pernicious monopoly.

Do you think that the evils are so incorrigible that the only mode of correcting them would be to change the law?—That is unquestionably my opinion. I have lived long enough in connection with business to know that during my lifetime there has been a complete transition in the way of doing business from a moderate extent of sales and a large margin, to the principle of a very large extent of sales and a small margin. The principle now is, that if you can get what is called a feeling of a transaction at all, however small that feeling may be, you go on selling. That is a principle altogether unknown in the bookselling trade, so far as I am aware; the bookselling trade seems to me to stand alone in that respect. All other manufacturers look for remuneration by the largeness of their operations and the frequency of their returns.

Is there anything to prevent what they call in America an enterprising bookseller from starting upon a system of cheap publications?—I really cannot answer that question; all I say is that as a matter of fact we do not find it, and it is not the state of matters existent.

Mr. Daldy.—Do you propose under your system to limit the number of copies which any publisher may issue in the first edition of his book?—Not at all. I think that he might issue as many as he chose. Allow me to say that when you speak of “your” system, I cannot take the credit of its being my system. I might say that the late Mr. Watts, the chief librarian of the British Museum Library, pointed out to me that he had advocated, in the *Mechanics’ Magazine*, forty years ago, as you will find stated in this volume of mine, something identical in principle.

Do you propose to limit the time which the publisher may have in which to sell his edition?—In the scheme to which reference has been made I did propose to give him a year’s start; in the amended or alternative system which I have respectfully submitted to-day, I have not contemplated any limitation of time. I have thought that any author might arrange with his publisher to issue a good large edition, and that until that edition was exhausted the principle of competition should not come into play.

You propose that he shall have in fact a monopoly of the first edition as at present, and that he is not to be interfered with while that edition is on sale?—Yes.

If he likes he may print a sufficient number of copies to last for forty years?—I think that he should be at liberty to print a reasonably large edition.

Do you think that the result of your proposal would fall upon authors or upon publishers,—I mean the result of the change. You wish, if I understand you correctly, to control the mode in which the publisher is to conduct his business, and also the remuneration which he is to pay to the author. I wish to ask you, as a gentleman connected with commerce, whether the publisher would not take that into his consideration in his arrangements with his authors, and, in consequence of any limitation imposed upon him, pay less for their productions?—I certainly think that every limitation which interfered with profit would be taken into account, and ought to be. But my expectation is that the change which I would introduce would greatly contribute to the extension of trade, and to the profit of both publisher and author; and if I am allowed by the Commission, I will state a peculiar reason why I contemplate that.

Is there anything in the present state of things which prevents an author and a publisher from combining and issuing a work on that principle, and announcing that anybody may reprint it by paying a royalty of five per cent.?—Nothing whatever.

Then, notwithstanding the fact that that principle has been before the publishing trade for forty years, and has not been adopted, you still think it worth while to impose it upon them?—I am not proposing to interfere with the relations between publisher and author. The interference which I contemplate is that, after the first edition is exhausted, the principle of competition shall be brought into play in such a manner as to contribute a profit, on each separate copy printed, to the author or his assignee the publisher.

You do not deny that your alteration would interfere with the benefits accruing to the author, but you say that in your opinion, under the new system, those benefits would be made up to him in another way?—I have no doubt that they would be more than made up.

You say that this proposal, or an analogous one, has been before the public for forty years, and was mentioned in the *Mechanics' Magazine*, and that publishers and authors are now at liberty to adopt it if they like, but you cannot point to any instance in which it has been adopted; therefore you wish to bring in the aid of the Legislature to compel its adoption; is that so?—I do not know that that exposition is in correspondence with my view. I would leave the utmost freedom.

Where is the difference?—All that I would say is this, that I would introduce the principle of competition, which does not exist now until forty-two years are past, and during the lifetime of the author if it is more than forty-two years.

You are not aware of the existence of competition between publishers as to obtaining a book from an author?—That is not the competition which I refer to.

You speak of a competition of manufacture?—Yes.

But the author's right is involved in it as well, and you wish to regulate that author's right?—Yes. I think that I apprehend our

meaning. As I understand it, it is this, that there is now a competition between publishers, on the basis of the present monopoly, as to which publisher shall give most to the author. I contemplate the other side; that by abolishing the monopoly, and throwing trade free, you would make a competition between publishers as to who should serve the public best and most cheaply.

But you are not able to point to any instance in which an author has thought it to his advantage to try that experiment?—I never heard it.

Chairman.—Are there any further observations which you wish to make?—I have two observations to make, the first of which is this: I am perfectly convinced that as long as authors and publishers in this country endeavour to persuade the United States to introduce the monopoly principle into literature internationally they will fail; but if there were presented to our cousins in the United States the offer of a copyright system founded on royalty, and if everybody had liberty to reproduce a work who was willing to pay a royalty to the author, I am persuaded that they would jump at it. In place of the thirty-two millions of population which there are here, there would be seventy-four millions, namely, thirty-two millions here and forty-two millions there. The forty-two millions in the United States are much more readers than the thirty-two millions in this country. Our thirty-two millions are happily increasing yearly, but the forty-two millions are increasing more rapidly, so that if you could make terms now with the United States on the basis of a royalty, it would very soon work tremendously in favour of British authors; that is my humble conviction.

Sir H. Holland.—You state that you are firmly convinced that that offer would be accepted by the United States. Are you aware of Senator Morrill's Report to the Senate there in 1872 or 1873?—I am not; but I had a conversation with Canadian publishers, and they were satisfied that this system was a good one. My second observation is this: I have made some calculations which I will just go over with the utmost rapidity. They are on the advantage which is effected by increasing sales. I will take the table in Mr. McCulloch's Dictionary, which gives the expense of publishing 500 copies. I find that for the printing alone the cost of only 500 copies would be 2s. 8½d. per copy. If the number were increased to 1000 copies, the printing per copy would only cost 1s. 4d. and one-third of a penny; if increased to 30,000 copies it would only be $\frac{5\frac{1}{2}}{100}$ ths of a penny,—showing how much the cost of books would be reduced if we could increase the area for sale. Then, advertising is put down in the same table at £30; that comes to 7d. and one-fifth of a penny per copy if 1000 copies are run off; but if 30,000 are run off it will be less than a farthing per copy. Then I would state, with regard to copyright, that we got up in Glasgow, about forty years ago, a scheme for prize essays on behalf of Christian missions to the heathen. I was not so well alive to the question of copyright then as I am now, and we agreed to give half the copyright to the successful author. Dr. Harris carried off the first prize. We sold the right to produce 6000 copies

for £750. This was half-a-crown for every copy. The book was made, to the extent of half-a-crown more costly to the publisher for every copy, thus, in the trade practice of doubling outlays, raising the retail price by 5s. Here were we with the one hand trying earnestly to get a book to influence people on behalf of Christian missions, and on the other hand, by selling the copyright, we reduced the sale, so that I do not believe that 4000 copies were ever disposed of, and although forty years have elapsed no more have been printed. Ward and Company, who were the publishers, do not exist as a publishing firm; Dr. Harris is dead; and after all the trouble which we took to get that book produced (and a splendid book it is) it has almost altogether failed in its object, just owing to copyright. And that is what we frequently see. It prevents the circulation of admirable books. The parties sell the copyright, and thereby defeat the ends for which they wrote these books. I am quite sure that the selfish principle, or I will say the self-regardful principle, is enshrined and glorified by means of copyright in a way which is most dangerous; and I should be most thankful if we could get quit of it, or get it curtailed by means of the royalty system. I could go on for a longer time with illustrations, but I should weary you.

Mr. Daldy.—Was there anything to prevent your issuing the book which you have just mentioned on the royalty principle which you have proposed?—Nothing whatever; but it was about thirty-eight years ago, and I was not so well informed on the question then as I am now. I certainly should not do such a thing now as surrender or compromise for money the full freedom to control form, price, and supply.

Sir H. Holland.—Supposing that this system of royalties was adopted, and that an edition was published which was defective or which curtailed the original book, the author would have no control over that edition as long as he got his royalty. How would you propose to deal with that question?—I would make it penal to issue any book with any alteration or abridgment which was not sanctioned by the author. Might I venture to make a further suggestion. It is one of a practical character, altogether apart from the subject now before us; and that is, that the Royal Commission should recommend that no privileges should be given at Stationers' Hall to any book which did not contain an alphabetical index at its end. I continually, on taking up a book, cannot find time to read it through, and wish to know the page where I shall find a particular point referred to, but cannot ascertain it.

EXTRACTS FROM APPENDICES.

EXTRACT OF A LETTER FROM THE BOARD OF TRADE TO THE
COLONIAL OFFICE.

21st July 1878.

Free importation of innocent commodities is the rule now adopted in commercial matters, and to justify exclusion there must be some invasion of a public or private right. There is no such reason in this case.

As well might the owner of a monopoly claim to have one price in London and another in Edinburgh, and call upon the law to prevent articles sold in one place from being taken to the other.

For the present purpose the case of a patentee is analogous to that of the owner of copyright. Suppose a patentee to be applying for a prolongation of his patent, he would certainly not improve his case by alleging that whilst he could and did make a profit abroad by selling at a certain price, he was intending to sell, and did sell to home customers at double that price.

It is one of the admitted evils of all monopolies that the monopolist gets as much by selling one article at a shilling, as by selling two articles at 6d., whilst the public get twice as much by the latter process as by the former. Wantonly to give up one legitimate means of checking this evil in the case of books is a great sacrifice of public interests.

UNITED STATES.

MR. SHERMAN asked, and by unanimous consent obtained leave to bring in the following Bill; which was read twice, referred to the Committee on the Library, and ordered to be printed.

*A Bill for securing to Authors in certain cases the benefit of
International Copyright.*

That any person within the United States may publish, in such form or numbers as he may deem best, any book or work copyrighted under the provisions of this Act, subject to the payment to the author, or to his legal representatives or assignees, during the term of such copyright, of five per centum of the gross cost of the publication of such work.

That nothing in this Act shall be construed so as to prevent the importation or sale of the foreign edition of said work.

LETTERS FROM SIR CHARLES TREVELYAN TO THE EDITOR OF
"THE ATHENÆUM," ON INTERNATIONAL COPYRIGHT.

A fifth Bill has recently been brought in by Senator Sherman, proposing to give authors or their assignees five per cent. upon the retail price, and it is believed that the question will be settled on that principle.

LETTER FROM LORD LYTTON TO EARL STANHOPE, CHAIRMAN OF THE
COPYRIGHT ASSOCIATION.

Coming to details, I do not understand what is meant by the *highest wholesale value*.

Twelve and a half per cent. on the retail price of each copyright would be a very intelligible percentage; but *wholesale value* may mean, for aught I know, the net profits of the edition, and a publisher might show he had no net profits, and therefore the author no percentage. The safer provision for an author is that of percentage on price per copy, whether at nominal price or trade price.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
LONDON, E.C., July 27, 1872.

MY DEAR SIR CHARLES,—I have not been able to find the copy of the *Atlantic Monthly*, of which I wrote to you a week or two ago, but have obtained a copy of the important part of Mr. Hall's article, which I beg to enclose.—I am, etc.,

ADAM BADEAU.

Sir C. Trevelyan, etc. etc.,

. . . They have very decided objections to the English system of enormously high prices of books. I instanced to him several books which can be bought in the United States for a quarter or half a dollar, while in England it cannot be purchased for less than a guinea and a half, that is for seven or eight dollars,—although the author gains very little by these high prices, which, indeed, would be absolutely prohibitory of the circulation of the books in the United States.

Since the great literary market of the United States has been created at the public expense by the maintenance of a system of universal education, it is perhaps not unreasonable that our legislators should insist upon preserving, by the competition among publishers, the advantage of low prices of books, in pursuance of a policy which looks to a wide circulation. In Great Britain the publishers follow a different policy, and insist on selling books at high prices to a comparatively small circle of readers.

Mr. Buckle was kind enough to listen attentively to this sort of reasoning, and had the candour to admit that it is entitled to some degree of weight. Indeed, he said at once that he had earnestly wished to bring out a cheap edition of his own book in England (omitting the notes and references) for the use of the working classes, of whose appreciation, as I have previously mentioned, he had received many gratifying proofs; he had made his arrangements for this purpose, but was prevented from carrying them out by the opposition of his publishers, who objected that such an edition would injure their interest in the more costly edition. But Mr. Buckle freely declared that he would, in his circumstances, rather forego the profit on the sale of his book than restrict its circulation. I may, perhaps, be permitted to mention that another English author related to me his home experience, precisely to the same effect, in which the vested interests of his publishers thwarted him in his wish to publish an edition of his writings at a low price for general circulation.

It is quite certain that the British public must themselves be disenthralled from the tyranny of high prices with which they are now burdened, before they can ask to bring another land under the dominion of their exclusive system in literature.

OBJECTIONS TO ROYALTY COPYRIGHT AND ANSWERS TO THEM.

The evidence in favour of the royalty system given by Sir Charles Trevelyan, Mr. Farrer, Mr. Bosworth, Mr. Dicey, and Mr. Macfie was answered. The following is a summary of the objections or difficulties started :—

1. "It is interference." *Answer*—Copyright, in every form, is on its side interference,—an intrusion on the public domain,—submitted to, however, by the nation as a reasonable concession and control or compromise of interests entitled to respect.
2. "It may lead to further interference." Yes; to amendment of terms perhaps, but not to any unfair change, let us trust.
3. "It is communistic." Only so on the false supposition that it involves some seizure of property or refusal of right; whereas copyright is not naturally property, but is a privilege freely granted, in order that authors may let others share the benefit of their property—which indeed is noble communism.
4. "It is injustice." The whole action of the State in granting copyright is a voluntary help, not fulfilment of any moral obligation. The State may altogether refuse the privilege without committing injustice.
5. "It is opposed to the principles of free trade." I do not understand this allegation.
6. "It will help to build up very large houses." How this should be its effect is not obvious; but, even granting it, the answer is,—modern business has much of that tendency throughout.
7. "It will, in many cases, increase the difficulty of finding publishers." This objection is probably founded on some misapprehension of what the scheme is.
8. "Second publishers will stand aloof." No great matter though they should. Knowledge that there is the legal right to compete by republishing will secure the principal end in view, viz., moderately-priced issues at not a remote interval.
9. "It is a proposal to publish at a loss." Not at all; competent witnesses anticipate it will be the means of increasing profits of authors and publishers.
10. "It involves great irregularity in the remuneration of authors." So does absolute monopoly copyright,—perhaps greater irregularities.

11. "It will multiply inferior books." It will encourage the circulation of really good books, we hope.
12. "This benefit will not continue; trade will again find its former level." No fear.
13. "It will require keeping larger stocks." Perhaps not, but no great harm though it do. Larger operations justify larger holdings.
14. "It will raise the price of the graver books." No valid ground to apprehend that effect, but quite otherwise.
15. "The interest of publishers will cause sufficient lowering of prices without it." Experience proves the contrary. Without this system (or abolition) there cannot be the needed competition.
16. "Cheap editions are as a matter of fact frequent now." True, to a certain extent, but in general not cheap enough, and these not early enough.
17. "It would require new machinery of an elaborate kind; it would disturb existing arrangements, and be opposed by existing interests." Hardly; the new machinery or organisation of the trade would not be very elaborate; but, though it were, that is in accordance with the spirit of the age, and whether or no, must be tolerated by those who get the benefit. To disturb or stir up existing arrangements would be rather a service. Existing interests would not suffer, at any rate would not be wronged.
18. "It would cause ill-feeling." Why, and what great evil although?
19. "It has not worked in Canada." No doubt; for nobody was charged, nobody undertook, to work it there. At any rate the present proposal puts the management of this business into hands interested, and able to work it well. The objection cannot be advanced seriously by persons who propose and approve of its continuance in that Colony.
20. "The law does not forbid the voluntary adoption of the system now by anybody who prefers it." This shows radical misapprehension. The law does not provide any registry, nor sanction any automatic or authorised working of royalty, as a constituent part of the British copyright system, such as is required. Further, even although no fresh legislation were requisite, the want of legal authorisation so deters from recourse to the system that incongruity is universal, and being universal, trade usages do not conform to the plan proposed, and become a law-erected *obstacle* to its use.

The EDINBURGH REVIEW on the Board of Trade and Royalties.

The *Edinburgh Review*, October 1878, in an article credibly attributed to a Member of the Royal Commission, who is our most esteemed living historian, indulges in pleasantries on the subject of the copyright outcry. The article starts with a questionable proposition:—"English authors and the publishers of their writings have been indicted before a Royal Commission on the most singular charge which was ever preferred against human offenders. . . . The manufacturers are accused of setting a price so unnaturally high on their productions, that the circulation of them is confined to the wealthier classes. . . . Has the Board of Trade been converted to Socialism? . . . Is Government preparing again to fix the prices at which articles of necessary consumption are to be admitted to the market? . . . Why may not the author sell his wares at his own price like any other producer? . . . Do authors require the discipline of poverty to stimulate their energies? . . . Are the profits of publishers so notoriously enormous, that an interference, admitted to be mischievous in every other branch of business, had in theirs become indispensable? . . . They ask only for the same protection of their industry which the law extends to all other innocent employments. They require that their work shall not be stolen from them."

These last sentences afford evidence of misconception on the part of the eloquent and good-humoured remonstrant lying at the root of his questions and complaints. Authors and publishers do *not* ask only for the same protection as other people. They have that independently of copyright. If their manuscripts or printed books are stolen, the police-courts are open to them as to all others. What they are pleased in our day to characterise as theft is nothing which any dictionary known to non-literary men calls by that name. What this article brands as piracy is not the infringement of privilege—an act which everybody will disapprove of, and which till lately was the offence so branded—but lawful exercise of a natural right which every man enjoys to reprint and sell. What the writer of this article, infected by the roistering manners of less polished advocates of justice to literature, brands with opprobrious and calumnious names, is merely that which the Board of Trade and honourable witnesses who gave evidence, and even some of the writer's fellow-commissioners, call due exercise of a public right. Possibly he so stigmatises even that just modification of the copyright privilege which they recommend in order to render the grants of it more warrantable, yet without seriously affecting authors for the worse, and even, if the evidence elsewhere quoted is correct, to their positive pecuniary advantage and further to the gratification of all who write for the purpose of benefiting

buyers and readers, whom the modification will, beyond the slightest question—for nobody has disputed this point—vastly multiply.

Nobody charges our authors and publishers with abusing the privilege. They may, with more plainness than accuracy, cast on publishers who are doing the multiplicative service unpleasant imputations and epithets; but it is not under provocation caused by "indictments" and "accusations," any one has pointed against themselves.

Men of such intelligence will do well to remember that their talents and industry would be remunerated on a very much lesser scale but for the privilege, and to reflect that not only is legislation on their behalf in constituting these monopolies quite exceptional in its character, but it is so in point of stringency. What other commodities besides copyright books and printed matter are, for the sake of home producers and that only, forbidden to be imported? For what other *trade* are customs-officers constituted police-detectives and agents to seize rival wares, rather preposterously treated as contraband? This the State has done at a great cost to the people, who have suffered certainly by long maintenance of prices unnecessarily high and incalculably restrictive on circulation. The State in copyright has contrived a plan by which more than the author can fairly claim is secured,—more a deal than any merchant thinks of claiming when he, by his skill and enterprise, discovers and opens a new market or creates a new demand, or any shipowner would expect if he introduced a new line of packet service. Are literary men not turning, as domestic favourites too carefully nursed so often are, somewhat spoilt?

In justification of high prices, the article pleads that many books do not pay the publishers, and "the successful books pay for the unsuccessful." Without speaking with *quasi* authority on matters of business to which we have not served an apprenticeship, we ask, is the circumstance of a large proportion of books being unremunerative not a condemnation of the present system of publishing? As there is no other trade in which so large a proportion of the operations or ventures or purchases are unprofitable, one may reasonably regard it as *prima facie* evidence that many books are published at the risk of their authors, for the gratification of desires, laudable or pardonable, irrespectively of expectation of profit. Indeed this is consistent with fact, and is highly creditable in many cases to the well-meaning adventurers. But further, shrewd men of business will be apt to infer that it is in the majority of other cases, the extreme profit obtained in successful ventures (as to which let the evidence be consulted) that emboldens publishers, and tempts them, with eyes open, to run undue risks, in particular to *buy* the author's right and do this in too many instances at an unduly

high price, whereas, if "payment by results" were arranged, it would leave either no loss at all, or at the worst a trifling one. They act like blockade-runners, who, if they get one cargo out of three or four into port, are more than fully recompensed. Besides, there is nothing to prevent, especially in doubtful cases, general re-adoption of the old plan of launching books cautiously, by securing in advance, through agency or advertisement, a "paying" number of subscribers. Why too should the sensible, although now discredited and abandoned, usage of having patrons, *i.e.* men of fortune who would honour themselves by such a beneficent use of wealth as engaging to remunerate authorship, not be revived? For my part, however, I confidently anticipate that,—without having recourse to these methods, which may suit well for young authors and inexperienced publishers, but are seldom wanted,—if royalty copyright be instituted, the field for sales will be so greatly enlarged, and its fertility be so improved, as to lessen very much the frequency of bad ventures and make them comparatively light when they do occur.

There are in the article misapprehensions; *e.g.*, it represents the Board of Trade as admitting "The author deserves something for his trouble. A government official may be appointed to fix the price of the book and determine how much may be allotted to the author," etc. The foundation of this appears to be what I (not the representative of the Honourable Board) said in my evidence, which will be found reproduced on page 319, and which the learned writer has not observed is not brought forward in connection with any estimate of the *value* of the book to be published, nor with any proposition for a *maximum* limit to the amount of revenue or the *price* it should yield to the author. It refers rather to a somewhat rough and tentative or interim estimation of a *minimum* amount.

The scheme of royalty copyright submitted to the Commission starts with an acknowledgment that, in a literal sense, it is *le premier pas qui coûte*—that the first edition has to bear sundry heavy expenses, from which succeeding ones are exempt. It is more risky too. The object of the provision which the disliked estimation is intended to facilitate is to continue the exclusive privilege until that edition shall have been sold off at a price fairly remunerative. For this purpose, regulating and fixing the elements that constitute the cost, actual figures form a sufficient basis as to all but the authorship. *This* must be hypothetical or approximative at best. What should be set down for *it*? The answer given, as will be seen, is, "a fair estimate of the value of the man's time. If he was a clergyman, and was occupied for six months in writing [and preparing materials for] his book, it could not be wrong to say he was entitled to £200 or £300 for that." "He should be quite as liberally treated as all servants

of the Government are, military, naval, or civil, or whatever be the service under the Government. These are not paid so well as authors would be under my system. . . . Authors would receive a great deal more money into their pockets than they do now." The reader will observe—(1.) that the author is here regarded as in a sense a Government official, one of the highest class, to be dealt with liberally for a service rendered to the community worthy of recognition as by an employé (which indeed presents copyright in a proper light); (2.) that the estimate is formed on the basis of his being, for this service, entitled to be the recipient of a good salary or fee as respects the first issue, and thereafter the recipient of royalties without limitation. But this whole matter is one of mere detail, admitting of being adjusted otherwise, or left out of the arrangement. "I should be very unwilling," says the evidence, "that much stress should be laid on the point we are discussing, viz., protection for a first edition on the basis of a pecuniary estimate, because I could get quit of it altogether, by giving the author a proper start and letting him take his chance."

The article asks—"How, again, are the royalties to be collected? How is the author to be secured against fraud?" "Who is to append the stamp?" "Who is to guarantee that so simple a thing as a stamp shall not be imitated?" "What machinery will Mr. Macfie provide for such an enormous business?"

I hope the evidence indicates clearly enough to practical men how the fears and difficulties thus conjured up can be removed. All I need say is—(1.) I was ready to explain *how* to the Commission more fully; (2.) by legalising royalty copyright optionally, the proof would be given in actual practice.

Mr. Farrer, the reviewer says, "fails to show . . . how the [] per cent. . . . can be adjusted and collected in different countries. . . . Already it has been found impossible to collect even a fraction of the royalty which was promised on the introduction of foreign editions into the British colonies." Surely what is contained *passim* in this brochure answers these allegations fairly.

Other objections are started. "A new edition cannot be brought out" by the author "while the market is loaded with the unsold copies of earlier editions. . . . Errors may continue to circulate which the author has detected, or sentiments which he repudiates." This event may be in part provided against. In so far as it cannot, it must be endured. "There remains the possible wish to recall a book." Recall is of course impossible, even under the present law; in a future act or convention, power to forbid the issue of more editions, after a good reason is adduced why no further circulation is desirable, might be conceded, whatever be the subsisting form of copyright.

"Not a witness, except Sir Charles Trevelyan and Mr. Macfie,

could be found to support the view of the Board of Trade." This is written carelessly. (1.) Not to make too much of passages from the evidence given by other witnesses, what can be more in its favour than that of Mr. Bosworth, bookseller and publisher? (2.) It does not appear any favourable witnesses were *sought*. They may be not few. The manager of a Tract Society, a competent authority, has, within the last week, told me he approves of the plan of royalties as beneficial and practicable. (3.) I presume that Sir Charles Trevelyan and myself by no means were "found," but spoke *proprio motu*. I advocated the plan publicly many years ago.

There is a most extraordinary passage which I take leave to quote:—"It is idle to complain that the people suffer from a want of books when our standard poetry, our standard novels and histories, are all their own. Every book published more than forty or fifty years ago lies freely open to them." Pleas of this sort answer themselves,—they are *proofs*.

There is force of a certain kind in the following representations,—force enough to satisfy mere politicians that the time is not yet for raising this reform to the platform of a party question, but at the same time force to impel statesmen and philanthropists to do what they can in the absence of public excitement:—

"There is no agitation for it. No complaints are heard from the public. The press is silent. The press it may be said is interested. But protests might be signed, public meetings might be held, where publishers might be denounced for their inordinate prices. But there are no meetings and no protests."

The foregoing remarks embrace only a few of the thoughts which a perusal of a lively article suggests. I close with only two others; *1st*, There is no cause shown for a continuance of absolute monopoly in the plea there reproduced, that "in dependence thereon, a large number of well-deserving men had made literature the profession of their lives." The more's the pity. *2d*, A capital definition of copyright it contains, viz.: "The right of an author to prohibit the unsanctioned multiplication and sale of copies of his book." An author who sees clearly what this means, is in an encouraging frame of mind. Especially may reformers hope that one so frank and so amiable will become yet an advocate of their views. He will not be promoting a cause unworthy of his pen.

LETTER TO THE EDITOR OF THE *DAILY REVIEW*.

Sir,—The book trade is one that pre-eminently is entitled to favourable consideration in this city, situated, as it is, among many paper mills, and the centre, as it is, of extensive printing and publishing establishments. Nor are we insensible—in such a city we cannot be—either on the one hand to the claims of authors, or, on the other, to the rights and interests of the people. I do not mean to trouble you with any disquisition on the origin or the objects of copyright. Mr. Robert Chambers tells us that in Scotland, at any rate, this protection was given most generally to booksellers and printers, and bore reference rather to the mercantile venture involved in the expenses of producing the book. The length of time for which the privilege (for such it is) was granted was in those good times of old shorter than the period which we are now familiar with, and that, too, in ages when sales must have been slow, and in any year probably were small. The objects must include, if they do not centre in, the advantage of the public, for whom the State in this business acts as negotiator and guardian, if not also advocate. Having that chief end in view, it allows authors, in the spirit of equitable expediency, an exclusive right of sale for a given period. In such and such a time, it concludes, money enough will in general be made by the book writer and the book publisher from the sale of the privileged works to prevent their commendable adventures from being losing ones. It was not protecting of property acknowledged to exist, but the creation of property, where otherwise would be none, by means of a concession. So much of the public domain and of public liberty or rights was yielded up for a purpose. But the concession was necessarily something for which an equivalent was obtained. This implies that it had something of the nature of purchase or barter, and in its principle lay embedded the idea of value, something that could and should, in certain cases, be estimated. There was always limitation as to time, and under the old law, and indeed, till lately, control over the prices put on books. Besides, there was *de facto* a charge made, though a moderate one, viz., an obligation to present a certain number of copies to public institutions. For many years certain authors and representatives of the publishing interest have been aggressive, and continually becoming bolder, in their pretensions. These have reached a sort of climax in the evidence they brought before the Royal Commission, who issued last year two Blue-Books, which are already out of print. I cannot say that the Commission, though diligently presided over by the Postmaster-General, was particularly well constituted, and was statesmanly either in composition or procedure. It had for its first witness Sir Charles Trevelyan—a sensible and notable philanthropist. He is asked if, when a man wrote a book, anybody should have a right to publish it, paying him 12½ per cent., in any part of the world. He answered, “Yes,” and quoted a letter to Sir F. Hincks, in which he specified 10 per cent. The last witness, Mr. Bosworth, a well-known publisher and bookseller, said the present “law is a bad one. Under the present law Englishmen have ceased to buy books, speaking generally—copyright books I mean. If

books were published at once, at what I should consider a fair price—a price having some regard to the cost of production—then Englishmen would resume their habit. I do not think anyone would willingly give a guinea and a half for that which he has reason to believe only cost, say, 6s. I should allow, after a very short period, at the most twelve months, any publisher to reprint any book upon paying a royalty to the author.” Mr. Edward Dicey, well known in literary circles, said—“The most distinct proposal that I ever saw put forward was that which I believe was formulated by the Canadian Government for a royalty of 10 per cent. upon any copy of a book. I think that if you proposed an arrangement of that kind with America, you would have in your favour the active support of the American authors as a body.” Mr. Farrer, the intelligent permanent secretary of the Board of Trade, was examined on eight different days. He said:—“It may be doubted whether it might not have been better to have had, in place of a system of monopoly, a system of royalty—that is to say, a system by which a second publisher should be enabled to publish a copyrighted work on paying a certain percentage to the original publisher or author. The plan of a royalty to the author might possibly have avoided many of the difficulties which now beset this question, and might have given to the author a larger market, and to the public cheaper literature. The charter of copyright—the Act of Anne—never contemplated unrestricted monopoly. If it is true that American publishers—and, I believe, some English publishers—are in the habit of remunerating their authors by a percentage on the number of copies sold, it seems to follow, without entering into the mysteries of the trade, into publishing price, trade price, trade sale price, or price to the retail buyer, that it is not impossible to devise a scheme under which a similar royalty or percentage should be paid by the second publisher to the first. And it is to be observed in favour of such a system that its operation would probably be, not to cause numerous reproductions by different publishers, but to lead the original publisher so to fix the price as to prevent other publishers from interfering. . . . The discussion may at any moment be forced upon us. If the present Canadian Act should fail—as I am inclined to think it will—to satisfy the Canadians, English authors will probably have to take their choice between the system of royalty which the Canadians have offered, and are ready to offer them, and the loss of the Canadian market. And if the people of the United States should change their views and be ready to come into some arrangement, such an arrangement will also in all probability raise the question of royalty. For a copyright treaty with America would mean a right to any author, British or American, to publish in any part of the British dominions or of the United States, and to obtain thereby a monopoly throughout the whole of the territories of both nations. The Americans will certainly not submit to such a monopoly without some restriction; and I think and hope we should not do so either. The ideal of a copyright system is that it should be co-extensive with the English language, giving the author the benefit of an enormous market, and the reader the benefit of a price proportionately reduced. But, in order to effect this, monopoly must

be in some way restricted. And I have heard of no means of doing this which sounds practicable except that of a right of republication with a royalty." I also gave evidence in support of the royalty form of copyright. The Commission in its report, in the course of a neat account of this system, proceeds:—"We make special reference to a system of royalty, because, in the course of our inquiry, it has been suggested that it would be expedient in the interest of the public, and possibly not disadvantageous to authors, to adopt such a system in lieu of the existing law of copyright; and although the change has hardly been seriously *urged upon* us as a practical measure, except by one witness, it is of so important a character that we desire to offer a few observations upon it."

If I stood alone among the persons who gave evidence to the Royal Commission in urging, I was plainly not alone in favouring, royalty copyright. To prevent mistake, let me here say that a number, perhaps a decided majority, of the witnesses were not asked their opinion on this part of the subject. That on the whole the Commission is not averse to the principle, and nearly became partial to it, appears from the following passage:—"We recommend that in case the owner of a copyright work should not avail himself of the provisions of the copyright law (if any) in a colony, and in case no adequate provision be made, by republication in the colony or otherwise, within a reasonable time after publication elsewhere, for a supply of the work sufficient for general sale and circulation in the colony, a licence may . . . be granted to republish the work in the colony, subject to a royalty in favour of the copyright owner of not less than a specified sum per cent. on the retail price, as may be settled by any local law. Effective provisions for the due collection and transmission to the copyright owner of such royalty should be made by such law." The eminent Sir Louis Mallet produced a report of his own. In it he expresses his opinion that "the royalty system possesses so many advantages that it should be kept in view as the object of future reforms." It is fair now to mention that several witnesses expressed objections; but these were for the most part adduced on the grounds—(1) That the royalty system might not be so productive for authors as absolute copyright, or that at any rate it is not what they want; (2) That the system would be difficult to work. Objections of the former complexion may be answered thus—(1) The nation has a right to lay down its own conditions, and establish whatever form of privilege it likes. If the change to royalties promises to considerably benefit the people as a whole, authors must needs submit to the risk of a lessened advantage, even to some curtailment of privilege, nor will good men grudge this. Any person who wades through the evidence must become convinced that only this plan, or else a total abolition of copyright, can secure competition in the pampered, and consequently feeble and shrivelled trade of publishing—a trade where protectionism reigns supreme and monopoly is absolute. Let me quote Sir Charles Trevelyan again:—"The greater the competition among publishers the better for the authors." "Copyright is a modern development of the principle of property, which happened first to be

applied, in this case, by granting a monopoly. It was the fashion of the day. Monopolies were then in vogue." "It does not suit the present time." "I believe that the great economical objections to monopolies . . . are more applicable to books than to other things." But (2) competent evidence tends to show that so far from lessening authors' emoluments it will increase these. Says Sir Charles again:—"If the basis of settlement were changed to a percentage, it would be for the benefit of all parties. . . . Although the author would get less on each copy, yet the copies would be so multiplied that he would get more on the whole." The same happy anticipation with respect to authors may be indulged in with respect to the publishers and booksellers, if the home market alone be in our eye. But why limit our horizon to it? We may reasonably expect, for them all, great pecuniary results from sales in Canada and the other Colonies, and most particularly in the United States. If the United Kingdom but adopted the system of royalties, it probably would be easy, as you may have heard, to negotiate a treaty with our cousins over there, the principle of which would be that whatever we concede to them they concede to us. We give their authors copyright, they ours. The grandest consumptive market in the world for literature by far would be open to our authors. Mark how this would react in favour of the British people. I must quote here competent and, indeed, authoritative witnesses to suggest the thought how ill Britons are used now, and how anomalous and unpatriotic is the position into which the nation has drifted. I shall not say "been driven." The charge would be a very cruel one. Still more liberality, I must acknowledge, might have been looked for than the spokesmen for British authorship showed in questions and answers of the Blue-Book. "Provide," says Mr. Farrer, "that when any book copyrighted in England is republished in any foreign country, or in any colony, with the consent of the copyright owner, the writing so republished shall be admitted into the United Kingdom." To the honour of the Board, he told the Commission "there has been but one opinion at the Board of Trade ever since I have known anything of this subject, viz., that reprints by an author in a colony ought to be admitted into the United Kingdom." Writes Sir John Rose, one of the Commissioners, in his report:—"In return for these advantages it seems not unreasonable to require that there should be some equivalent in favour of the public. . . . It does not seem defensible that the authority of Parliament should be invoked to debar Her Majesty's subjects residing in the United Kingdom from obtaining . . . literary productions on the same terms as those who reside in a colony." "It seems to me impossible to recommend the retention of a prohibition which directly favours one portion of Her Majesty's subjects at the expense of another, . . . and causes England to be the only country in which English books are scarce and dear." A few words now as to the objection that royalties are impracticable. That is *not* the opinion of the Canadian and Italian Governments, who both stand by the principle? Yet let us admit that collecting them has been in Canada a complete failure. Why has it been so? Because the Government was left to do the work, or

rather not to do it, whereas the scheme I submit for public approval leaves the parties immediately concerned to do it for themselves, and invests with authority to take efficacious means to do it. The publisher or printer who contemplates a venture applies in a prescribed written or printed form for the desired licence, stating how many copies he will print and the retail price he is to charge. After paying the statutory duty to the author or his agent, he obtains, under adequate security, the distinctive stamp, or rather it is given to a competent party, paid for by the applicant, whose business it will be to superintend the operation, and to limit the number impressed to the number paid for. No copy should be legally vendable that is not duly stamped thus, or that does not bear an adhesive stamp duly paid for (if this simple plan, which I find in the evidence, is preferred). There would be no fraud that is not easily detected and punished. Perhaps, in order to prevent misconception, I should ask you to observe that in the whole of my preceding remarks and arguments I have spoken in the conviction that, so far as concerns the public, authors and publishers are one single interest. It is so, because they have power to make any agreement between themselves which they may choose to make. This must be borne in mind, for it has been feared by some that if, as is proposed, anybody, whosoever finds the money and security, is to be at liberty to publish a second edition as soon as the stock of the first is exhausted, authors not of much note may find it difficult to induce a publisher to make the venture that is involved in bringing out that first edition, which is, of course, a more burdensome one than the others, because it costs more for advertising and for the correcting of proofs. The answer to this is: The revenue to be derived from the royalty-yielding editions will be great enough if the book takes (and the issuing of a second edition proves that it is taking) to compensate these outlays and all risks. These preliminary burdens are incurred for the sake of the copyright property, not of the first edition only. If the author keeps that property, he is warranted to incur them. If he shares it with a publisher, it is fair they should be divided in proportion to their respective interests. If he sells it out and out, the publisher will bear the whole, but he will, in consideration thereof, retain for himself all the royalties. It does not appear to have occurred to the Commission that any middle course is open. The alternatives appear to have been only absolute monopoly copyright as at present, or else royalty copyright after a short antecedent close time. But surely there is no conflict between the two systems to render the legalising of both an impossibility or an undesirability. On the contrary, in present circumstances it is expedient, if it were merely in order to test and try the latter, to permit it, and make it optional. Let the nation see how it will work. No harm can accrue from the trial; very much good may. The option would be as follows:—On the one hand, the author may record at Stationers' Hall (or the appointed place wherever it may be) that he chooses the present system. He in that case receives for his work forty-two years of absolute monopoly in these British islands, and the advantage of any subsisting international conventions until these shall be repealed.

On the other hand, he may elect to adopt the royalty system, in which case he will receive a privilege of one absolute monopoly edition, and after it is sold either profits, if he goes on to publish on his own account, or royalties (for the most part the latter) from an extended area, including the whole of our colonies, and, no doubt, ere long from the United States. Can anybody doubt which choice will soon be the popular and honourable one and the profitable one? There is reason to hope that a good many authors would avail themselves of the new principle, if for no other reason than these two: It removes the air of self-regardfulness which is so painful and strange in much of the high-class literature evidence; and it promises to promote the nobler aims of book-making, the enlightenment and entertainment of mankind. I would hope many pious and benevolent people will disclaim even the percentage, wishing above all things the freest possible reproduction and the widest possible sale and circulation of books written, not for money's sake, but for the gospel's. It is a striking fact that throughout these Blue-Books there is, so far as I have seen, no provision suggested, no idea entertained that provision is wanted, for the case (which *a priori* might be expected to be common) of persons who do not wish to obtain or to retain property in their works. One would suppose that this laudable end would be regarded as normal, and as such be reached and secured by merely abstaining from "registering in Stationers' Hall." But it is not so. Property, property rights and profits, is the monotonous sing-song throughout. Without actually predicting, I anticipate that under these fresh impulses and the healthy stimulus of competition the sale of books will ere long be enlarged twentyfold. We have glimmerings of what may be seen some day in what the evidence tells about the United States. There one British work which is mentioned had sold to the extent of 370,000 copies, and another British author's works sold to the extent of a million or more. I conclude with one fact: A volume that would not, or could not with a fair profit be retailed under 31s. if the sale were 500 copies, or 17s. if 1000, would remunerate or pay (allowing the author the same sum as copyright) even at 3s. 1d., if 64,000 were thrown off, which under a happier régime will be thought few. The Commission may be said to have regarded this question of royalty as not finally disposed of. It has received so much support that at any rate it may fairly be considered by Parliament. Why, then, not refer the forthcoming Bill of the Government to a Select Committee, perhaps of the two Houses, on an understanding that inquiry shall be made or evidence be permitted in elucidation of the system? The vital interests of trade, and this far stronger plea, the long-neglected claims of the millions in this country who never see a new book but in the booksellers' windows, are infinitely more than enough to recommend and enforce this course of procedure.—I am, etc.,

R. A. MACFIE.

THE COPYRIGHT COMMISSIONERS AND PUBLIC LIBRARIES.

The Edinburgh Faculty of Advocates have prepared a statement, setting forth the grounds upon which they resist the recommendation of the Royal Commissioners on the Copyright Laws, that the Statutes should be repealed under which copies of every book published must be furnished to certain public libraries, including that of the Faculty. The following is the more material portion of the document :—

The first Act of Parliament, the Faculty say, which recognised copyright was passed in the year 1709. Prior to that Statute the authors and publishers of books had no protection—or, at least, no effectual protection—from invasions of their copyrights, if such rights existed. Passed in consequence of a petition from the booksellers, the Act referred to gave copyright for fourteen years; and if the author were then alive, for fourteen years more. The Legislature granted this great privilege only under conditions, one of them being that a copy of every new work should be deposited in some of the public libraries of the three kingdoms; and it is submitted that when the Legislature sanctioned a monopoly—which it did by recognising copyright in an author or publisher of a book—it was not an unreasonable condition to impose that there should be deposited, for preservation in public libraries, one copy of the book so protected. Farther, whatever was the law of copyright in England before the Act of Anne, it is quite clear that that law had no binding obligation on the people of Scotland. Every Scotsman might have printed and sold, in any manner he pleased, out of England, every Englishman's publication. It is probable enough that the union with Scotland three years before was one of the causes of the Act of Parliament. It is expressly declared that it shall extend to that part of the United Kingdom. The Scottish nation was therefore deprived of all benefit, which they certainly possessed before, of printing and selling every new book published in England. Five copies (now reduced to one copy for one library) to be deposited in their public libraries were surely a trifling commutation or compensation for the benefit which every author derives from this part of the Statute. Every author or purchaser of copyright of a popular or profitable work would be glad to give 50 or 500 copies to Scotland rather than this part of the Statute should be repealed. That the legislation in the reign of Anne was a bargain made with the bookselling trade in return for the recognition of copyright is a matter of fact about which there is no dispute. In the year 1813 the policy of continuing the obligation to deliver these books to the public libraries was very loudly denounced by the booksellers, and they took all means within their power of getting rid of the condition on which copyright had been obtained. The publishers in London now seek to get rid of the condition upon which the Legislature, in the year 1709, recognised the monopoly. The grounds on which the obligation was imposed of delivering a copy of new books to public libraries are not far to seek. Many books disappear altogether in course of time; more especially do

editions of works of great popularity. Another consideration influencing the Legislature, and set forth in all the Acts of Parliament which deal with this subject, was the advancement of learning—in enabling poor scholars, who could not themselves afford to purchase books, to obtain access to them in the public libraries of their respective nations.

It is now proposed to deprive Scotland and Ireland of the privilege which the peoples of these kingdoms enjoy, of having a complete public library in their own country, and to appoint that the only library in the United Kingdom where all published books shall be found shall be in London.

The Commissioners state that they were influenced in coming to this conclusion by the fact “that the bodies to whom the libraries belong are possessed of considerable means, and are well able to purchase any books which they may require.” In this reason the Commissioners have forgotten entirely the purpose of the deposit of books in the national public libraries of the three kingdoms. It is not for the use of the keepers of the libraries that the deposit is made, except, indeed, as being citizens and inhabitants of the kingdoms. What they “require” was a matter not involved in this discussion. It is what the nation of Scotland or Ireland requires.

The only publisher from Scotland who was examined by the Commissioners was Mr. John Blackwood. Mr. Blackwood was asked no question on the subject.

In the year 1868, Mr. William Chambers wrote a letter to the Town Council, in which he thus expressed himself:—

“It behoves us, then, as one of our most important trusts, to foster by every means in our power, whatever is fitted to maintain the prestige, and, if possible, to increase the attractions of our old capital; and we may be assured that everything which offers inducement to the scholar, the man of letters, or the student to settle here, every facility afforded to the scientific investigator, or to the plodding, thoughtful artisan to prosecute his researches, is a direct tangible advantage, the future results of which, as regards Edinburgh and the country at large, it is impossible to forecast. Apart, however, from such general considerations, it cannot be overlooked that literature, in its relation to printing and publishing, is very closely connected with the material interests of the city. Publishing may be almost termed the “staple trade” of Edinburgh. I may just say, on behalf of the publishing business with which I am connected, that if the Advocates' Library is shut to public investigation, we shall probably have to remove to London, and an expenditure of about £20,000 per annum amongst a miscellaneous body of persons will be abstracted from Edinburgh. Other publishers like ourselves may have to adopt a similar course.”

It is not easy for the Scottish people to appreciate the fairness of the proposal, that the only great library having a complete collection of published books, to which the Legislature of the three kingdoms afforded assistance, should be in London. Is it not rather the duty, as well as the best policy, of the Legislature to provide reasonable

facility for the prosecution of literary and scientific pursuits to the inhabitants of all the three kingdoms, as far as practicable, on a footing of fair equality?

From THE SCOTSMAN, March 31, 1879.

Extracted in disconnected pieces.

Lord John Manners and thirteen other Commissioners, in the report which they have issued, subject in parts to the dissents of no fewer than nine of their number, have made it their main recommendation that copyright should exist during the lifetime of an author, and for thirty years after his death. At common law, it appears, an author would have no copyright in his work after publication, and when copyright was conferred by Statute, it was made a condition of the new statutory right given to authors, that copies of the works in which they claimed copyright should be given for national purposes to the great public libraries in the three kingdoms. At one time the four Scotch Universities, along with the Queen's Inns, Dublin, and Sion College, London, had this right; but these six libraries gave up their privilege in 1835, receiving an annual money compensation in lieu of it.

When publishers seek and obtain the benefit of a statutory copyright, they cannot complain about being subjected to such conditions as the Legislature has thought fit to impose in favour of the five great libraries.

There are really four distinct interests to be attended to in the matter—those of the publishers, the libraries, the authors, and the public. But the Commissioners have surely failed to observe that the privilege extended by the existing copyright laws to these four libraries really imposes upon these libraries a trust for the public. The Advocates' Library, for instance, with its 260,000 printed volumes, forms, after the British Museum, the noblest collection of English literature now existing in the world. It is important that the nation should be well supplied with some few institutions which are willing to discharge the trust of storing up, without too much distinction, the products of the press from year to year. It is in these places that posterity must look for its history, and for the aid which the experience of the past can give it, whether in works of philosophy or of imagination. If the recommendation of this Commission is followed by Parliament, a complete collection of British literature will henceforth be found only in London. Ireland is interested to much the same extent for the great Dublin Library; and it will go hard if Celtic fire, added to Scotch determination, cannot prevent this piece of rash intermeddling from being carried into effect.

INTERNATIONAL ASSOCIATION FOR REFORM OF THE LAW OF NATIONS.

An intelligent citizen of the United States some time ago prepared for the Association for the Reform of the Law of Nations a draft report, in which is the following:—

“There is indeed a school of political economists who oppose copyright as a form of monopoly, prejudicial to the interests of society as a whole. An American writer of this school goes so far as to say, ‘the word *property* is only applicable to material substances.’

“Dr. Noah Webster has defined this right with his accustomed clearness. ‘The labour of inventing, making, or producing any thing, constitutes one of the highest and most indefeasible titles to property. No right or title to a thing can be so perfect as that which is created by a man’s own labour and invention. The exclusive right of a man to his literary productions, and to the use of them for his own profit, is entire and perfect, since the faculties employed and labour bestowed are entirely and perfectly his own.’”

The great lexicographer does not appear to advantage in this reasoning, the fallacy of which is by anticipation shown elsewhere in these pages. But at present at any rate the question of abolishing is not raised, but rather a solution is being sought that will prevent agitation in that direction.

The learned reporter will be seen to be fairly liable, like other advocates of his cause, to some comments such as have been presented already, by the reader of the following further extracts. The closing sentence merits notice:—

“Free trade in books would interdict production; since the abolition of copyright would take away that powerful incentive to production which is given in the prospect of a fair return for the outlay of time and labour. The publisher or rival publishers may increase their receipts by wide cheap sales in an open market. But there remains no pecuniary incentive to authorship, and by and by the whole community must suffer through the wrong done to authors. This method of multiplying cheap books will end in few books being made.

“For many years there has existed in the United States an ‘International Copyright Association.’ For some time past the Association has suspended its activity, and its secretary writes in a tone of discouragement,—‘The present phase of the subject in this country is as it was always, and will be: authors in favour of the law; publishers (almost universally) opposed to it; the public indifferent.’ So far as publishers are concerned, this statement appears too sweeping. The leading opponents of international copyright, as Mr. Appleton clearly shows, are—

“(1.) The smaller publishers and the booksellers who are not

publishers. The case of such objectors is not made out. But if it were, the plea is one of self-interest based upon injustice. Why should the reading public support the bookseller by cheating the author? As the general public would not, for the sake of cheapness, knowingly encourage an importer in defrauding the revenue, neither would they knowingly encourage a publisher in defrauding an author.

“(2.) But here comes in the second class of objectors, who argue that an international copyright would restrict the diffusion of knowledge, and so far prejudice the well-being of mankind. But this objection, if of any force, lies equally against all copyright, and not merely against the extension of copyright to foreign authors. The small percentage allowed to authors, the reading public would not grudge in the cost of books.

“Moreover, a publisher whose editions were covered by copyright would have an inducement to extend his sales by various and cheap editions, so that in the end the diffusion of knowledge and the facility of acquiring knowledge would be greatly increased by the proper nurture of authorship. And in no event can philanthropy to the general be rooted in injustice to the individual.

“Yet, in order to conciliate jealous and rival interests, it might be found expedient at the first to concede the point established in German law, and contended for by some American publishers, that as a condition of copyright to a foreign author his book must be printed in the country granting such copyright. Also, as a means of encouraging competition, and thereby promoting cheapness and extent of circulation, it might be open to any one to reprint a foreign work, upon binding himself to pay the author ten per cent. upon the retail price of all copies of such reprint that shall be sold.”

MR. RUSKIN'S IDEAS.

The following from *Fors Clavigera* show how Mr. Ruskin views some of the matters touched on in this congeries.

“The volumes will each contain, on the average, two hundred pages of text, they will all be well printed and well bound; and I intend the price asked for them by the retail bookseller to be half a guinea for those without plates, and a guinea for the illustrated volumes. Some will be worth a little less than others; but I want to keep my business simple, and I do not care that anybody should read my books who grudges me a doctor's fee per volume. But I find, in the present state of trade, that when the retail price is printed on books, all sorts of commissions and abatements take place, to the discredit of the author, and, I am convinced, in the end, to every one else's disadvantage. I mean, therefore, to sell my own books, at a price from which there shall be no abatement, namely, 9s. 6d. the plain volumes, and 19s. the illustrated ones.

My publishers, Messrs. Smith, Elder & Co., will sell all my books at that price over their counter; and my general agent, Mr. G. Allen, Heathfield Cottage, Keston, will supply them at the same price without abatement, carriage paid, to any person in town or country, on remittance of the price of the number of volumes required.

“This absolute refusal of credit or abatement is only the carrying out of a part of my general method of political economy; and I adopt this system of sale, because I think authors ought not to be too proud to sell their own books, any more than painters to sell their own pictures. If the dealer can accommodate the buyer with various choice, it is for the buyer to pay him his commission.”

*From a Lecture at Royal Institution, by MR. S. HADEN, in
THE TIMES, April 12, 1879.*

The lecturer, in forcible terms, pointed out how the profession of art was only too closely allied now with trade combinations, and that it would never regain its independence and self-respect, which have been lost while thus shackled and intimidated. It was true its gains were out of all proportion to those of the learned professions. When he heard of 2000 guineas for a portrait, 3000 for a landscape, he rubbed his eyes and asked himself if he ought not to be getting 4000 guineas for curing a fever, 10,000 for a pleurisy, and 50,000 for saving a life! It was said that, abnormal as this seemed, it would still go on; but he was told that the high pressure of the last fifteen years can no longer be kept up—that the inevitable reaction is setting in, the bubble, inflated to bursting, wants but a touch to be gone. He would that these words could supply that touch, and that the days of art for art's sake could come back to us again.

A SMALL CONTRIVANCE

There must always be danger that books carried by post will sustain injury. The chief need of protection is at the four corners of the boards. To protect these, might not booksellers devise end-caps, made of pasteboard or thin wood shaped like a quadrant or rather the *roof* of a miniature cottage, one to fit each of the two pairs of angles that come together when the book is closed, or else use a thin piece of wood, or a stout board with the edges turned over, long enough to project beyond the ends and of sufficient width; or else, combining the two forms, form a rectangular

“dish” into which the front of the book will fit? An ingenious mechanic could easily form a wrapper stout enough to answer the purpose of defence.

THE POST-OFFICE AND THE PRESS.

“There has been a stout controversy going forward for some time between the Post-office authorities and the press. As I understand it, substantially the case is this: The newspapers say the Government agreed to forward their intelligence by the telegraph at a certain rate, and bound themselves to do so by agreement, if not by Act of Parliament. The Government on their part deny that the arrangement was made, but if it was they find it impossible to observe it without entailing a loss upon the country. They declare that they will not, unless compelled, uphold a bargain that entails expense upon the State for the benefit of a sectional interest.”

That is a narrow view to take. The newspaper press is not a sectional interest. It is virtually a State agency for the circulation of information to the people. Low rates of telegraphic transmission have two equalising effects; they put the provinces, Scotland, and Ireland, on the same footing as the metropolis and near counties. They enable newspapers in the smaller towns, which afford but small circulation, to live—live for the benefit of their localities. It would be sound policy to transmit Parliamentary reports gratis to every journal in the Empire.

NOTES.

Board of Trade.—The Board of Trade is a highly esteemed branch of the public service. In order to increase its just weight, it will no doubt some day be reconstituted a real and working Board in friendly relationship with Chambers of Commerce. This would facilitate division of labour, and, among other good consequences, would open the way for a sub-committee entrusted with business affecting literature and the arts in their commercial relations. The multifarious and overwhelming labour and difficulties of Parliament would be wonderfully lightened if the Board character were imparted to this and other departments.

“A publisher is, in fact, a manufacturer. He puts together the raw material, which is produced by the author, the papermaker, the printer, and the bookbinder, and therefrom turns out the manufactured article—a book.”—From *The search for a Publisher.*

Mr. Maugham in his *History of the Law of Copyright*, a work which takes a very high view on the monopolist side, arguing in favour of perpetuity, says—"The cheapness of a work would thus be promoted by the just extension of its protection, because the proprietor would not depend upon any sudden return of his capital, but would proportion his gain to the extent of its duration. As he would ultimately receive a better remuneration, he could afford to diminish its present amount." Such sentences show utter want of commercial and every-day experience. By the bye, neither in that treatise nor any of the others which I have consulted does there, so far as I remember, appear the slightest allusion to Lord Dreghorn's essay that stands in the forefront of this compilation. So one-sided are, if not the vision, at least the presentation of objects to the writer's and reader's view from the copyright side.

Strange things illustrating the witchery which literature exerts on the statesman's mind have been mentioned in the preceding pages. Perhaps nothing in the whole case is so strange as the complacency with which one side has claimed and the other has conceded legislation having for its effect the maintenance of prices for so important merchandise as books at a level so high that not only is home business restricted, but exports are kept small, and there is a practical stoppage of the natural flow of library supplies to the parts of the empire entitled to look to the mother country for these on the most liberal scale. British contributions to the material well-being and the bodily comfort of all the world are exportable free of duty. These we encourage. But contributions to mental and moral development, if we do not interdict the exportation of, we so overload with private taxation (under the guise of "property") that they are miserably small and inefficient.

It is generally or universally admitted that in Greece and Rome there was not any copyright law. The reason assigned is that as printing was not invented, the multiplication of copies was so limited and difficult that there was not occasion, there would have been but slight benefit to authors. Reflection does not bring conviction that the reason is valid. For is it not a fact that there was a well-organised system of copying? Were there not halls in which one person read out to a numerous band of simultaneous writers?

A MATTER QUESTIONABLE AS TO NEWSPAPERS.

In a former note reference was made to the low price of newspapers, and the reader may have been struck with the fact that a discount of probably 25% is allowed off them to the trade

and hawkers, which looks as if it were about as great as that given to the trade on books. To correct such a misapprehension, it is sufficient to recall the circumstance that the price of a penny newspaper is partly or chiefly paid *by the advertisers*. Suppose that fourpence is drawn from *them*, the discount is seen to be equal to *five* $\%$, and this allowance includes an equivalent for *advertising*.

A SUGGESTION TO THE TRADE AND RAILWAYS.

Could a better system of agency be made general, in which book-sellers, in place of keeping many books in stock, should become habitually and principally *orderers* from the publishers? In order to this (1.) the railway companies, until St. Martin's-le-Grand reduces the book-postage rate, should by mutual arrangements establish among themselves uniform and cheaper rates for prompt delivery of books in any part of the kingdom; (2.) on such books, since they do not require to be kept in stock, an extra abatement from the price should be made by the vendors.

The following is from the *Edinburgh Evening News* of 10th January:—

“*Musical Copyright*.—The directors of the Liverpool Philharmonic Society have had to pay a fine of forty shillings (copyright fees) for allowing Mdlle. Zare Thalberg to sing ‘I’m alone’ in Benedict’s ‘Lily of Killarney’ at one of their concerts. A curious circumstance connected with this matter is the fact that Sir Julius Benedict himself was the conductor at the concert, and thus it appears that a composer may not perform or assist in the performance of his own music with impunity.”

ADAPTING OF HYMNS.

The passage we proceed to quote from the January number of the *British and Foreign Evangelical Review* gives a strong, if not new, view of what “literary property” is, and can claim. The Church of Scotland, when it adopted the Paraphrases, happily was free from the excessive sensitiveness or delicacy that is now creeping onward, and on the whole probably disadvantageously, for does it not often smack of bondage and amount to very questionable sympathy with the literary men whom it seeks to respect? After referring to a change in Bishop Ken’s well-known hymns, “We leave our readers,” the article says, “to form their own judgment of this treatment of literary property, which surely has its rights as

much as any other kind of property. For our own part, did the opportunity present itself, we would not hesitate to inform the editor that to mutilate hymns in that fashion, when it is out of the power of the authors to remonstrate against such perversion of their compositions, is a violation of all literary fairness," etc. Good taste, good feeling, and good sense, however, must be appealed to, not any positive rule.

Some books *are* sold cheap, even now. The compiler bought at Carstairs railway station the works of a popular poet, 600 pp., with cloth cover, for a shilling. In connection with this, may an appeal not be made with propriety to the directors of railways to consider much more than they do the interests of the travelling public in respect to the natural craving for food both intellectual and physical? If the bookstalls allowed the discount usually obtainable, and indeed very generally and voluntarily offered at book *shops*, they might expect to do a "roaring trade," for which indeed they have exceptional facilities, so far as "orders to execute" are concerned.

MAGAZINES.

While acknowledging that the just claims of authorship, and especially in the case of learned and laborious toilers, must be liberally recognised, a question may be raised whether recent attempts to procure extension of area of copyright by introducing into a compilation or magazine portions by an author of another country is good in its effect and character, and worthy of encouragement.

A TRUTH.

It would be a gross mistake for anybody to think the evening-hours spent in writing, or the forenoon hour of the "board meeting," represent the amount of *time* actually devoted by the non-professional *littérateur*, and the useful and honourable "guinea-pig," to the absorbing businesses they appear then only to be engaged in. At many a time during day and night do preparatory and corrective thoughts on the matter dealt with enter the mind and distract attention, if not even to the extent of interfering with sleep.

MR. ANTHONY TROLLOPE, in *Social Science Annual Reports*. 1866.

This law of home or domestic copyright originated, singularly enough, not in a desire to extend protection to authors, but with a view of limiting that protection, which was presumed to belong to them as a matter of course. It appears that in 1709 an act was passed limiting copyright in England to fourteen years. I mention this as

showing that, till the law interfered, the ordinary sense and feeling of men presumed that an author's property in his work was the same as that in his house or in his land. Then there came up the idea that, for the sake of literature in general, with the view of protecting readers, not against the authors, but against the booksellers, this right of property should be curtailed as to duration of time, and it was cut down, as I have said, to fourteen years.

Lord Camden said, in giving judgment from the bench against a claim for copyright, that "Glory is the reward of science, and that those who deserve it scorn all meaner views."

There are two living men, great in literature, who think that all copyright should be abrogated by law, arguing that the welfare of the country in cheap literature is of more concern than the material prosperity of the author.

For all good work done the labourer is worthy of his hire; and taking the world at large—the world of authors as well as the world of ploughmen—without that hire the labourer cannot live.

Our opponents to international copyright are not the publishers or the booksellers of another nation, but the legislators.

There is no such international copyright with that great nursing mother of English readers, the United States of America.

GERMAN BOOK TRADE.

From a synopsis given by the *Börsenblatt* the following figures are taken, and are a proof of the activity of the German publishing trade during 1876. The gross total of volumes published was 13,356, as compared with 12,516 for 1875—the *belles lettres*, 1700; fine arts, 565; cyclopædias, collected works, etc., 347; theology, 1146; jurisprudence, politics, and statistics, 1329; medical works, 703; natural sciences, 848; philosophy, 178; school-books, 1621; books for children, 452; ancient classics, Oriental languages, etc., 500; modern languages and old German literature, 392; history, biography, etc., 687; geography and travels, 296; mathematics and astronomy, 190; military and veterinary works, 339; trade and commerce, 531; railway, mining, nautical, and professional works, 386; domestic economy and gardening, 340; woods and forests, 103; folk-books, 547; freemasonry, 24; maps and charts, 282; and miscellaneous, 472. A *brochure*, entitled the *Catholic Press in Europe in 1877*, has just appeared in Würzburg, and gives the following particulars as to the number of Roman Catholic publications in the German Empire:—Hesse produces 11, with 75,500 subscribers; Baden 12, with 37,400; Würtemberg 11, with 42,700; Saxony 3, with 2000; Bavaria 54, with more than 380,000; and Prussia 144, with at least 500,000 subscribers."—*Athenæum*. Under what class are novels?

DUTIES IN CANADA.

The following extract from a Montreal paper, dated March 21, 1879, gives the new tariff proposed for the Canadian Dominion. It is a curiosity.

Books printed ; periodicals and pamphlets, bound or in sheets, not being foreign reprints of British copyright works, nor blank account-books, nor copy-books, nor books to be written or drawn upon, nor reprints of books printed in Canada, nor Bibles, prayer-books, psalm and hymn books, 6 cents per lb.

British copyright works, $12\frac{1}{2}$ per cent., *ad valorem*, and 6 cents per pound.

Books, pamphlets, etc., Bibles, prayer-books, and psalm and hymn books, *ad valorem*, 5 per cent.

Books, periodicals, and pamphlets imported through the Post Office, for every two ounces in weight, or fraction thereof, 1 cent.

Blank-books, bound or in sheets, *ad valorem*, 25 per cent.

Printed, lithographed, or copper or steel plate bill-heads, cheques, receipts, drafts, posters, cards, commercial blank forms, labels of every description, advertising pictures, or pictorial show-cards or bills, 30 per cent.

Maps and charts, *ad valorem*, 20 per cent.

Advertising pamphlets, per hundred, \$1.

Music printed, bound, or in sheets, 6 cents per pound.

Playing-cards, *ad valorem*, 30 per cent.

Bookbinders' tools and implements, including ruling machines, *ad valorem*, 15 per cent.

AN AUSTRALIAN FIX.

From the PUBLISHERS' CIRCULAR, March 1, 1879.

MELBOURNE, VICTORIA, 31st December 1878.

SIR,—The Booksellers' and Stationers' Association of Victoria would draw the attention of British publishers to the great exertions that are being made throughout the Australian Colonies by the agents of American publishing houses to drive a trade in books. Nor do they confine these exertions to American literature, but reprints of British copyright works are, from time to time, introduced and openly offered for sale. . . . Hundreds of subscribers were obtained for an American edition of the Bible, in demy quarto, which contains a pirated abridgment of Dr. William Smith's Dictionary of the Bible.

Consignments of American pirated books have on some occasions been confiscated before being warehoused, through the vigilance of the Commissioner of Customs, who takes cognisance of importations of reprints of such copyright works as are reported to him by the London Custom House authorities.

Means are often found to elude the watchfulness of the Custom House authorities, and secondly, some of the officials in our various Colonies may be disposed to treat attempts to evade the law in reference to reprints with indifference.

TRUE NOBILITY.

From the BOOKSELLER of December 2, 1878.

In contrast with the spirit of Mr. Reade's letter we may quote an extract from another English author, dated "Grosvenor Gate, May Day, 1845," and addressed to a firm of American "Pirates," Messrs. Carey and Hart, of Philadelphia:—

"His Excellency, Mr. Everitt, with that courtesy which distinguishes him, has presented to me a copy of your edition of *Coningsby*. His Excellency was aware that, unlike some English authors, far from regretting these republications, I am gratified by the sympathy of your countrymen, and that my writings should contribute to the pleasure and amusement of the far West. B. DISRAELI."

EXPORTATION OF BOOKS, 1877.

WHERE EXPORTED.	CWTS.	VALUE.
To Germany,	1,398	£20,204
„ Holland,	1,462	20,222
„ Belgium,	884	16,847
„ France,	2,825	37,002
„ Japan,	311	5,012
„ United States—		
Atlantic,	21,489	191,820
Pacific,	78	1,092
„ British Possessions in South Africa,	4,162	44,680
„ British India—		
Bombay and Scinde,	2,128	25,590
Madras,	1,118	11,282
Bengal and Burmah,	2,426	37,338
„ Ceylon,	504	5,757
„ Australia,	32,800	347,821
„ British North America,	6,996	70,573
„ British West India Islands, and		
British Guiana,	1,689	16,313
„ Other Countries,	4,128	46,189
TOTAL,	84,398	£897,742

The detailed figures for 1878 are not yet got out, but the Total Export was £891,119.

UNITED STATES' OVERTURE.

OBSERVATIONS ON MESSRS. HARPER & BROTHERS' BROCHURE.

It is prefaced with an extract from Boswell's *Life of Johnson*, in which, *inter alia*, we read—

“For the general good of the world, therefore, whatever valuable 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.”

Their letter to Mr. Evarts, introducing the subject, is very distinct as to the interests of authors and publishers and book-manufacturers. The only allusion to other interests is contained in the following words:—“In 1870 a draft . . . was submitted to us by the British Minister, to ascertain . . . whether . . . its provisions . . . would be acceptable to the people of the United States.” The same narrowness is seen in the proposition that there should be a Commission to frame an international copyright treaty, composed of six authors, six publishers, and six publicists, nobody at all to represent the chiefly-concerned great reading public.

Very properly this important document says, “A treaty might involve a waiver . . . of absolute inherent right, instead of a created right or conferred privilege.” But in actual fact the provisions found in the draft conventions, which occupy the principal place in the brochure, are framed so as in practice to establish the most absolute practical monopoly.

These conventions are given in two parallel columns, the one of which contains what is called “The Clarendon Convention,” the other that draft “amended.”

I am disappointed not to find in either column any provision for, or recognition of, public interests, nor even a royalty system sanctioned, still less an opening left for it. All is stringent unmitigated monopoly.

The first article speaks of piracy, without defining it and guarding against the idea, for which acceptance is being sought elsewhere, that to reproduce where no law forbids it is an offence, and not, as it is truly, a meritorious act.

The same article in the amended column provides for books being manufactured, as well as published, in the country in which the convention gives the privilege; but “‘manufacture’

shall not be held to prohibit printing from stereotype plates prepared in the other."

A serious question is, How will such a treaty affect books of a character that will not warrant immediate, and it may be even eventual, reproduction in the other country? Are these to be practically forbidden? If so, the very best literature will labour under disadvantages.

There is such a comprehensiveness, too, I fear, in the descriptions given, that even scraps and short pieces of literary composition may be subjected to embargo.

How, I wonder, are the officers at the ports to deal with stray early copies that, within a day or two of publication, by fast steamers, will be sent over, it may be as presents, before the several Custom-houses are officially informed? Are the officers thereafter to cut up the leaves and turn the pages over to trace out whatever is suspicious in the imported article? At that stage, and every later one, will some provision and supervision of the sort be required. The only sensible course—the only satisfactory or possible escape from perplexities, and annoyances, and wrongs—is to be found in complete solidarity of interests, and identity of legal position, with regard to all books between and in respect to the bookselling trade in the United States, the United Kingdom, and the Colonies.

If not, what a work will the Customs have to do in searching for and identifying contraband!

In article V. there is quite too limited a number of copies stipulated for on behalf of public libraries.

Next follows a Bill proposed by Mr. W. H. Appleton, to which the foregoing remarks pretty closely apply. Better is that gentleman's letter to *The Times*, which is subjoined thereto. It contains these passages:—

"While the author has a just claim, the publisher has no claim whatever. . . . Any treaty which makes the English author and the English publisher joint parties to supply us with books, if negotiated by the two governments, would be repudiated by our people in a year. They believe earnestly in their policy of cheap books, and will not expose it to the peril threatened by an English publisher's copyright. The superior advantages of our system are felt even in Canada. The Canadians will have our cheap reprints instead of your honest editions, and to this the English government consents, suspends the laws of the empire in the case of a single province, colludes with 'Yankee pirates,' and robs its own authors that Canadians may have our cheap books. . . . Our people hold themselves perfectly competent to manufacture

the books that shall embody your author's thoughts in accordance with their own needs, habits, and tastes, and in this they will not be interfered with. . . ."

The same remarks apply to Mr. G. H. Putnam's address of January 29, 1879, which concludes the *brochure*. Here are extracts. (The large sale of United States books is, of course, due to their being cheap.)

"Our friends on the other side could not resist the temptation of experimenting, before providing what was really wanted, as to how long our market would stand their expensive \$7, \$5, and \$3 editions of books that we have been accustomed to buy here for \$2 50, \$2, and \$1; and, as a consequence, they would sell books by dozens or hundreds that ought to be sold by thousands, their authors would receive an inconsiderable copyright, and the American public would be badly served and would become indignant. . . . When American readers were buying by thousands a suitable edition at a moderate price of a work by a standard English author who was himself receiving a good return from his enlarged sales, this author would be as little likely at the expiration of the ten years, to restrict those sales by insisting that his work should be sold here in the costly and unsuitable English edition as to stipulate that it should be sold here in a Russian translation. . . . I can, however, imagine no state of affairs in which it would be economical or desirable to insist upon two settings of type for a book designed for different groups of English-speaking readers; and the more generally this first and most important part of the cost of a book can be economised by being divided between the two markets, the greater the advantage in the end to author, public, and publisher. . . . According to the statistics of 1878, ten per cent. of the works issued in England in that year were American reprints; the acknowledgments, however, of any rights on the part of American authors have been few and far between, and the payments but inconsiderable in amount. . . . It is very evident that, in the face of open and unscrupulous competition, continued or considerable payments to authors are difficult to provide for, and the more credit is due to those firms who have, in the face of this difficulty, kept a good record with their American authors."

From the ACADEMY, April 5, 1879.

American rapprochement.

What Messrs. Harper and Co. propose is, that full copyright in the United States shall, on reciprocal terms, be conferred on English authors, upon the condition that their works shall be "manufactured and published in that country by a citizen thereof within three months after publication here." The proviso, it is suggested, shall not apply to paintings, engravings, sculpture, or other works of art; nor is it proposed to prohibit printing in either country from stereotype plates prepared in the other and imported for the purpose.

Practically this may be regarded as conceding the whole principle of international copyright; for if English works are to be republished in America, it is to be expected that it will be stipulated that they shall not be withheld from American readers beyond a reasonable time. English publishers would doubtless prefer to be at liberty to export to America manufactured books. But it is to be observed that the proviso is merely an extension of the established commercial policy of the United States, which is that of protection not free-trade. That it imposes an artificial restriction on the supply of books, doubles the compositors' labour—at least when it is not found practicable or expedient to stereotype—and thus tends to make American publications artificially dear for the benefit of no one but American printers, paper-makers, and book-binders, is perfectly true. . . . Our own colonists, the Canadians, have obtained the sanction of our Government to the principle of local remanufacture; and it may be considered certain that, in the present state of opinion, international copyright in the United States will be accompanied by efficient protection of native industry. Should a convention be settled as proposed, however, it is to be hoped that the English Government will decline the reciprocal right of insisting on republication here.

In the proposal, however, that the American editions shall not only be printed and manufactured, but *published* by citizens of the United States, there unhappily lurks a much more illiberal purpose than anything to be found in the ordinary application of the doctrine of protection. . . . In order to deal in English copyrights, or to print, bind, or make paper for publishing English works under this proposed arrangement, a man must be American born, or must have renounced his native country and obtained letters of naturalisation. The object, of course, is to destroy the trade of those branch establishments which some of our leading publishers have successfully established on the other side of the Atlantic; or, at least, to compel their transfer into other hands. It is to be observed that in the analogous and not less important case of international patent rights, no such restrictions have ever been established, or even imagined. . . . On the other hand, it would be contrary to all principle if the great boon of international copyright, which would confer on English literature the immense encouragement of another nation of book-buyers, speaking our language, and even more numerous than our own population, should be declined for the sake of the private interests of two or three publishing houses.

The proposals of the large American house of Appleton and Co., and the address on the same subject by Mr. G. H. Putnam, which are included in Messrs. Harpers' pamphlet, indicate views substantially in accordance with those stated. The American publishers, whose opposition has been so powerful in delaying a settlement of this question, may, therefore, be regarded as at length agreed on this subject.

MOY THOMAS.

Scraps from THE TIMES of 17th April 1879, on Copyright with America.

Although there has been no copyright, the "courtesy of the trade," or more vulgarly, that honour which is said to exist among the predatory classes, has up to a recent date prevented the American publishers from pirating from one another, and this chivalrous idea has, it is understood, been supplemented by the fact of a certain large sum being annually set apart by the great houses for swamping, by a very cheap edition, any attempt of their smaller rivals to encroach upon their privileges. Certain publishers in Chicago, however, uninfluenced by such moral or other considerations, have recently taken to issuing those works of English novelists which are popularly supposed to sell here in the three-volume form at a guinea and a half at 7d. and even 5d. These editions, of course, it has been found impossible to "swamp" by underselling, and it has hence occurred to the great publishing houses to consider whether international copyright may not be the "best policy" after all. . . .

So far as those publishers are concerned who heretofore have been held to be the chief antagonists of this important measure, they are no longer to be reckoned among the opposition. They still, indeed, "decline to view copyright from the purely abstract point of absolute inherent right," and they hold themselves "perfectly competent to manufacture the books that shall embody the English author's thoughts in accordance with the needs, habits, and tastes of their people;" in other words, they still object to the English publishers' expensive editions. It certainly seems strange that they should deny to their more wealthy fellow-countrymen the right of buying such if they please; and, indeed, a high duty upon their importation would be an easy protection from injury in that respect, and one which would certainly not interfere with the political traditions of the United States. But, after all, these are matters of detail; the principle of piracy has been abandoned, and the black flag of literature is hauled down. . . . It was not the British author who was the chief sufferer. . . . It was the American authors who underwent that fate. . . . Of late things have become infinitely worse for them. "What publisher will buy our works," they may now say, "when English novels can be had for nothing and are sold for 5d.?" . . . The Government of the most book-reading nation in the world has hitherto so contrived matters that it has fewer writers than almost any other, and has, in fact, made literature as a profession among its own people well-nigh impossible. It has now to be seen whether, with author and publisher both demanding it, it will satisfy that claim of justice which all other civilised nations have admitted; or whether, as on a former occasion, it will gravely tell us that "literature should be as free as the air we breathe." . . .

The following is part of an interesting article in *The Times* of 19th April 1879:—

Among the many subjects that will not be dealt with in the present Session of Parliament, copyright occupies an assured place.¹ . . . It

¹ The reason *why not* is plain enough: Parliament has other and more urgent business to attend to,—more business than it dare face. We, in our own estima-

seems that enterprising printers and publishers out West have taken to underselling the established firms of New York and Philadelphia. The customary price for a reprint of a popular English novel in the United States has long been half a dollar, or two shillings; and this price was kept up by the establishment of a kind of ring among the republishers. They took care not to interfere with one another in reprinting; and if some outsider tried to destroy their trade by offering a reprint at a lower price, they extinguished the upstart by underbidding him till his capital was exhausted. But now some Chicago men are republishing English novels at 7d. or 8d. a volume, and they are so well backed up that it would be very expensive to extinguish them. The new situation demands new tactics, and the historic publishers, with traditions of fully half a century's practice, have come forward with a proposal to establish international copyright between the United States and the United Kingdom. Briefly stated, their proposal is this: That an English author shall have the same privileges in America as a citizen-author of the United States, only he must employ a citizen-publisher of the Union to reproduce and disseminate his works. . . .

The last suggestion about international copyright comes from Messrs. Harper and Brothers, and it is prefaced by a letter from this firm to Mr. Evarts, the Secretary of State, which contains a sufficiently sensible proposal. This is that, as the last offer to negotiate a treaty came from England, and had failed, it is now the turn of the United States to initiate negotiations, and for that purpose the Washington Government should propose to our Government the appointment of a joint commission of eighteen, consisting of nine on each side—three authors, three publishers, and three publicists. All this is perfectly reasonable, but then follows a scheme of a convention drawn up by Messrs. Harper and Brothers themselves, and behind this, thoughts on international copyright between England and America by two other leading publishers. Throughout all these runs the same idea that copyright should be conceded in the United States to an English author, provided always he published his books through an American publisher. The *naïveté* of this recommendation is charming. The English author is to have his copyright in the States, but not unless his book shall be manufactured and published there by an American citizen. This is the suggestion; it is better than nothing; and the English author may, for aught we know, be willing

tion a most practical people, complacently let our representatives fecklessly defer adopting a simple, obvious, and efficacious remedy, viz., this amendment of its rules of procedure—one which would remove every difficulty without creating any new one—to make the unit of time the *duration of the Parliament*, be that a single session or seven sessions or any other of the intermediate numbers, and to abandon the present unit, *the session*, which latter is an antiquated and too short period, suitable enough for centuries when the whole work to be done was small indeed, but quite inappropriate for this nineteenth century, when a vast amount of work for three amalgamated kingdoms and a long chain of colonies requires or ought to be overtaken. There is no good reason why the several bills always left over at one session's close should not be carried on in the next from the stage they may have reached, and not according to the stupid, wasteful rules now in force, be compelled to be gone through again *ab initio*. What other body acts so strangely!

to accept it. . . . As far as he is concerned, half the recognition of a right must have some value, and though the simple regard of American publishers for their own interest justly excites an infinity of ridicule, the English Government would certainly not feel bound to insist upon an open field for English publishers in America. But what chance is there of Congress assenting to the scheme of international copyright devised by Messrs. Harper and Brothers? Here we must confess our faith fails us. We can well understand that the publishers of New York, Philadelphia, and Boston should be stirred up to advocate international copyright in the form they propound. It is with them a question of self-defence. They wish to protect their reprints from the rivalry of the unprincipled adventurers of Chicago. No zeal for the English author suddenly animates them. They would have left him to pick up chance crumbs as before if they had not been disturbed themselves, and now they do make a proposal it is carefully guarded with a view to their own interests. The English author is not to be allowed the rights of an ordinary possessor of property; he is to be permitted to maintain them only through the agency of an American publisher. But the motives that have induced these transatlantic tradesmen to take the matter up can have no influence with the mass of the people of the United States. If the citizens of the country care about English novels, and have realised the charm of obtaining them at 7d. or 8d. a volume, they are not likely to be induced to debar themselves of this luxury to keep up the business of Messrs. Harper or Mr. Appleton. This argument is not, indeed, conclusive. The gross delusions of protection may extend to cover the bookselling business as well as the making of cotton cloths and the forging of iron; and Congress may, therefore, be induced to sanction Messrs. Harpers' proposals; but we shall suspend our belief on the subject—at least for the present. The power of obtaining English books at cheap prices has been too long enjoyed, and the advantages of a further reduction, through the enterprise of Chicago citizens, are too obvious to let us believe that the Washington Government or the Congress will be eager to support the scheme of international copyright that has been submitted to them. . . .

We do not pretend that the principles of the law of copyright have been thoroughly settled among ourselves. It is evident, from the report of the Royal Commission, that the extent of the term of exclusive privileges granted to an author is still in dispute. There are arguments in favour of a fixed number of years; there are arguments in favour of a period dependent on the life of the author; and no clear preference has been established between them. There is also the proposal, not yet sufficiently discussed, of throwing open the power of publishing books subject to the obligation of paying a defined royalty to the author. But, whenever and in whatever form the principles of copyright and of international copyright may be established, they must run through the United Kingdom and the United States as if these were one community. The rights conceded here and there must be in principle the same. An American author must be entitled to the same privileges on this side of the Atlantic as an English author, and an English author must have the same privileges on the other side as an American author. And, on the whole, we had better wait for this perfect interchange.

A poor author here or there may feel a pardonable desire to grasp an imperfect gift; but we shall not feel any strong regret even if this half-loaf vanishes and the whole question is postponed till it comes to be settled by nations in the interest of nations, instead of by publishers in the interest of publishers.

*Extracts from THE BOOKSELLER of May 2, 1879, regarding
Messrs. Harpers' Circular.*

In their earlier days they saw a vast field of enterprise quite open to them—the whole accumulated intellectual riches of England, and they availed themselves of it. . . . Nor were they to be blamed for this: they evaded no law, nor morally did they commit any offence. We have never been amongst those who charged them with being pirates, harpies, thieves, or purloiners. They did that which they were perfectly justified in doing. The law of copyright is not a natural law: it is merely a wholesome fiscal regulation which a nation enacts for the benefit of its own subjects, and has no special force beyond its own boundaries. The law of copyright is in many respects similar to the game, the customs, or the excise laws, binding upon all good subjects here, but inoperative elsewhere. The Harpers availed themselves of their natural legal rights, and reprinted every book that suited their purpose. In course of time they did more: they purchased, and frequently paid handsome prices for, early advance sheets of works in which they could hold no permanent copyright; and in all their dealings exhibited the most honourable feelings. Gradually they gathered together a very respectable library of English authors—Bulwer, Dickens, James, Lever, Macaulay, Marryat, Thackeray, Trollope; in fact, all authors worth reprinting. These they issued in nicely printed twelvemos and other sizes, but the most popular form was that in paper covers, “Harper’s Library of Select Novels,” extending to about five hundred volumes. In this form the sale was enormous; travel where you would the books haunted you. No sooner had you taken your seat in the railway car than the newsboy thrust two or three into your lap, and the chances were that when he came round in an hour’s time he found you immersed in “Hostages to Fortune,” in “Walter’s Word,” or in some other enticing work for which you would rather pay the fifty cents than give it up. The railway business was managed exceedingly well, so was the general business, and Harper’s fifty-cent novels were read all over the States. . . . Somehow, it entered into the minds of certain wealthy papermakers, printers, publishers, and news companies that the American public cared little for the great house of Harper Brothers, but cared very largely for the English literature, and that this in a cheaper form would be acceptable. Accordingly the experiment was tried, and all the matter contained in the fifty-cent novel of Harpers was offered to the public for ten cents. The revolution was immediate; the ten-cent “torpedoes,” as they were called, had an immediate popularity; Harpers’ had sold by the thousand: these sold by tens of thousands.

From the REPORT OF THE SIXTH ANNUAL CONFERENCE, held at
Frankfurt-on-the-Main, August 20-23, 1878.

This meeting, one is sorry to see, was taken part in by an important official of the Board of Trade, but of course with reference to another subject, whereon he is an expert.

Report of Mr. C. H. E. Carmichael, of London, Honorary Secretary of the Copyright Committee.

The progress of discussion on these questions seems to reveal divergent, rather than concordant, views, and that not only on matters of detail, but on principles. It appears to be generally agreed upon that the author's right is a right of property; but from this premise entirely different conclusions are drawn by different minds. One was scarcely prepared for the apparent unanimity with which the Paris Literary Congress resolved that the author's right, being a right of property, must be held to be perpetual. Indeed, in laying down such a fundamental proposition the Congress was, in all probability, excluding Great Britain and the United States from agreeing with its doctrines and sharing in its action on behalf of men of letters and artists. Moreover, in asserting that this right is a right of the law natural and is not conferred by positive law, the Congress separated itself from what seems clearly to be the doctrine of the Courts in the United States and almost as clearly that of the Courts in the United Kingdom of Great Britain and Ireland. It appeared, therefore, to the secretary of your committee that it would be impossible for him to vote with the Congress on these points, and he accordingly stated his reasons for abstaining from giving a vote. Had there been a minority on his side, he would have voted with that minority, but a minority of one was practically useless. The *consensus moraliter unanimitis* was against the British and American doctrine, and under the circumstances it seemed impossible to do more than record a silent dissent. It may be questioned whether the doctrine of the Paris Literary Congress will meet with general acceptance among continental Governments. At the present moment we are not aware of any European legislation which declares copyright to be perpetual. . . . With regard to the questions (a) whether the author's right of property, known to British and American law as "copyright," is a right superior to, or created by, the Municipal Law of those countries; (b) whether it is perpetual, it may be sufficient to cite the following facts relating to Acts of Congress and judicial decisions in the United States and certain passages from the report of the recent Royal Commission in Great Britain. . . . So far, therefore, as we are concerned with the consideration of the U. S. A. Copyright Law, we shall be warranted, I think, in holding that it is at variance both in principle and in fact with the fundamental propositions laid down by the Paris Literary Congress. Turning to the English Law on the same points, we find from the Report of the Royal Commission that the confession must first of all be made that "the

Common Law principles which lie at the root of the law have never been settled."

In the Digest of the English Law of Copyright, drawn up for the Commissioners by Sir James Stephen, Q.C., Art. I. contains the statement that "the author or owner of any literary composition or work of art has a right, *so long as it remains unpublished*, to prevent the publication of any copy of it by any other person." . . . In Art. IV. of the same Digest, Sir James enunciates, with a certain reserve, the doctrine that there is, after publication, no copyright except by statute, in the following words: "There is (probably) no copyright after publication in any of the things mentioned in Art. I., except such copyright as is given by the express words of the statutes hereinafter referred to." The reserve here indicated by the insertion of the qualifying adverb "probably" is due, I conceive, to the unsettled state of the common law principles in regard to copyright, recited by the Commissioners in paragraph 8 of their report. But it will, perhaps, not be considered too strong a general proposition that copyright is in Great Britain the creation of municipal law, as well as in the United States. . . . The term of duration proposed by the Royal Commission and by Dr. Thompson, viz., the life of the author and thirty years after his death, will not be found sufficient to meet the requirements of an international agreement on copyright, but that fifty years would be more likely to meet these requirements.

From the programme of the questions for discussion in the first Committee.

The general result of the labours of the Committee is summed up in the following resolutions:—

- I. "Le droit de l'auteur sur son œuvre constitue *non une concession de la loi*, mais une des formes de la propriété, que le législateur doit garantir."

It will probably not escape remark that there seems to be some confusion of thought in regard to the juridical character of property.

- II. "Le droit de l'auteur, de ses héritiers et de ses ayants-cause, est perpétuel."

A further rider was added to secure a general right of republication, on payment of a royalty to the heirs.

The royalty system is on the whole recommended in the report of our Royal Commission, though dissented from by some of the members. At present, it seems, broadly speaking, to be more in favour on the Continent than in Great Britain.

CRITICAL EXAMINATION OF A BILL ON MODELS AND
DESIGNS IN MANUFACTURES, TO BE BROUGHT BEFORE
THE BELGIAN CHAMBER OF REPRESENTATIVES.

PREFACE.

In a work that bore the title "Le libre travail," I took up arms in 1864 in favour of the abolition of those monopolies which shelter themselves under the designation "intellectual property." This work produced a certain sensation in the economic world. It was combated by M. G. de Molinari, then manager of the "Economiste belge," now editor of the "Journal des Débats," and by M. Ch. Le Hardy de Beaulieu, Professor of Political Economy, whom the scientific world has since then lost by death. A distinguished economist in Paris, M. Paillottet, took part in the discussion to defend my thesis in the field of industry. MM. Michel Chevalier and Arthur Legrand entered the lists against M. Paillottet against property in ideas. M. Eugène Flachat went so far as to call all Patents *the leper-spot of industry*.

The system so warmly espoused by me gained many powerful adherents in England and Germany.

Lord Granville, then a member of the Ministry, said, "I affirm that it is impossible to define property so far as an idea is concerned."

Mr. Cubitt, President of the Institute of Civil Engineers in London, said on his part, "My attention has often been directed to the advantages and disadvantages of the Patent system, and the more I have seen it practised the less do I approve of it."

Mr. Brunel, the celebrated engineer and inventor, declared "that the abolition of Patents would be an immense benefit to the country, and not less for that unfortunate class of men whom we call inventors."

Mr. Macfie, President of the Liverpool Chamber of Commerce, and formerly Member of Parliament, one of the most eloquent champions of industrial freedom, wrote to me, expressing in the warmest terms his approval of the ideas which I had published, and spread them abroad in the English press.

Finally, a Congress of German economists, assembled at Dresden, formulated the following resolution :—

“Whereas Patents do not encourage the progress of inventions, but rather put an obstacle in the path of their realisation, and whereas patents fetter rather than favour the prompt dispersion of useful inventions, and are by no means a fitting method of rewarding the inventor, this Congress resolves that Patents are hurtful to the development of the public welfare.”

As Patents are intimately connected with property in designs, I published, after my book on “Free Trade,” a “Critical Examination of the Legal Guarantee for Models and Designs in Manufactures,” directed against the Bill which, in 1864, was submitted to the Belgian Chamber of Representatives. I laid my ideas before the makers of tissue-stuffs in the town of St. Nicolas, and these gentlemen, more than sixty in number, presented to the Chamber of Representatives, in their sitting of 15th February 1865, the following petition :—

“TO THE PRESIDENT AND MEMBERS OF THE CHAMBER OF
REPRESENTATIVES.

“The undersigned, manufacturers in St. Nicolas, have experienced a lively emotion on reading the Bill relative to the deposit of models and designs in manufactures which is shortly to be brought before you for deliberation.

“They see in the Bill an accumulation of unjust measures, impracticable and above all inefficacious from the point of view of the realisation of what it has become customary to call ‘protection by law.’

“One of their number, M. P. Vermeire, has embodied the observations which this Bill has suggested to him in a pamphlet herewith enclosed, and entitled “A Critical Examination of the Legal Guarantee for Models and Designs in Manufacture,” a copy of which has been sent to every Member of Parliament, and which the undersigned take the liberty of commending to your favourable consideration as being the expression of the conscientious opinion of men whose special competence in this matter cannot be contested.

“The undersigned, like the author of the pamphlet, pronounce not only for the rejection of the Bill, but for the abolition of every existing law upon this subject. Such a solution, it is their conviction, is the only one conformable to justice, to the principles of political economy, and to the interests of the nation rightly understood, the only one fitted to advance the industries of Belgium in

the large career, so pregnant with progress, upon which the country has resolutely entered, and they trust that on all these grounds this solution will meet with the ardent sympathy of your Assembly.

“And your petitioners will ever pray, etc.”

It is not for me to say what effect this petition produced ; nevertheless I can affirm that the Government Bill was ordered to lie upon the table, and that it lay there for eleven years.

But here we meet with this absurd conception, under the domination of certain new influences, shaking off the dust with which it had become covered, and emerging again for discussion by the Legislature.

The manufacturers of St. Nicolas, experiencing again as lively an emotion on the appearance of the measure as on its first being proposed, have thought it would be of use to publish a second edition of my “Critical Examination,” the first being exhausted. I dedicate it, in their name, to all industrial societies, and to all who take an interest in the development of the public welfare. My “Critical Examination” no less than my work on “Free Trade” has passed through the fires of controversy. M. de Molinari, as well as M. Ch. Le Hardy de Beaulieu, have, with that ability which distinguishes them, brought forward against my second pamphlet on property in things intellectual the reasons which can be adduced in favour of the Bill in question.

As I do not look for industrial progress but in the paths of justice and truth, I conscientiously reproduce in this second edition the attacks with which my learned opponents have honoured me. The reader will thus have under his eyes both sides of the question, and can judge for himself upon which side lie logic and common sense.

PIERRE VERMEIRE.

ST. NICOLAS, 10th February 1877.

A Bill is about to be brought before the Belgian Chamber of Representatives upon Models and Designs in Manufactures, which, possessing all the importance of an export and import legislative measure, has scarcely attracted the attention of workmen and employers of labour, a class which this law, should it receive the sanction of the Legislature, would nevertheless fetter and prejudice to a degree the gravity of which none could calculate.

After all that we have said in our essay upon Free Trade,

we shall not here discuss the question of the basis of intellectual property, of which models and designs form a part; but the consequences which this Bill would involve have a range so enormous that we believe we shall render a service to all artisans in demonstrating to them, by means of a practical dissertation, that the Bill under discussion is a fatal and retrograde measure, and one which it is the duty of all the friends of free trade to combat with all their might and in every direction open to them.

The Bill is to this effect:—"That all those who shall deposit one or more models or designs in manufactures in the register of a civil tribunal, shall have the exclusive right of producing those patterns or sketches during 3, 15, or 20 years, and that this right shall be common to foreigners who shall deposit their models or designs in the register of the civil tribunal of Brussels."

Without stopping to consider the details of the law, let us analyse its fundamental terms in order thence to deduce its range and consequences.

I.

1st, What is a model or design in manufacture? It is of importance, as it seems to us, clearly to define this fundamental expression, that we may not lose ourselves in equivocal dissertations.

The law in force at this moment in Belgium is that of 1806, the principle of which, in its inception, was solely to regulate the manufacture of tissues in the city of Lyons. Consequently, when one speaks of the design of a fabric in connection with law, one thinks at once of a specimen of some stuff. A law bearing upon models and designs for fabrics applicable to one industry only, whereas there are thousands of them, was a law, which in its restriction, if not in its form, emanated directly from the guild-spirit of another age. Such a law is no longer in harmony with the institutions of our epoch. This was felt to be the case by the Ministry of the Interior; but instead of effacing from our codes a blot which recalls the narrow conception condemned by the economic progress of our age—what has been done? The Belgian Government has availed itself of the regulations in force at Lyons, and under the influence of the prevalent fever in France on the subject of property in things intellectual, it has given new proportions to the French Act, by applying it in general terms to every kind of industry, to every species of human production.

This admits of no doubt, since the Bill specifies nothing, and the

first section bears that "every author or proprietor of a new model or design in manufactures," etc.

The meaning of the words *models or designs in manufactures* does not then apply exclusively to stuffs,—under the new law its scope is enlarged in proportions which embrace all that can be made by man, and which render, so to speak, every law upon patents or upon artistic and literary property completely superfluous; for from the cultivation of the soil up to the cultivation of letters, from trades the most primitive to the most complicated processes of manufacture, every industry has its "model and design in manufacture" as much as the industry that deals with tissues.

The development of this idea would lead us into an order of considerations for which we have marked out no place in this Essay; but we ask if the manuscript of the author is not the "model for the manufacture" of the publisher or printer; if the picture of the painter is not the "model for the manufacture" of those who take copies of it in chalk, in oil, by typography, or no matter how?—if the Jacquart loom is not the "model" by which those work who make such looms; if the shape of a boot, of a coat, of a hat, is not the model from which work the shoemaker, the tailor, the hatter, just as the pattern for any stuff is the model according to which the weaver produces his work?

In the preamble of the Bill it is said:—"The expressions used in the law of 1806 are applicable only to designs of stuffs, of laces, of coloured papers. The present legislation is therefore altogether inadequate."¹

It is plain then, in the mind of the Ministry as in our opinion, the designation *model and design in manufacture* generically employed, as it is and as it ought to be in the Bill, means *model for work*, and has application thenceforth to all artisans.²

¹ The same phraseology is maintained in the preamble of 1876.

² The term *model or design for a fabric (fabrique)* is an improper one, since to all those who are not initiated into the meaning which custom has attached to it, it presents to the mind the architectural plan of a workshop, just as the words *design for a house* carry with them the notion of a dwelling, the words *model for a machine* that of a piece of mechanism, the words *model or design for a stuff*, that of a tissue. To avoid all equivocation, which is often the cause of many lawsuits, it seems to us that use should be made not of the phrase, *model and design for a fabric (modèle et dessin de fabrique)*, but of the phrase, *models or designs in tissue, in coloured papers, etc.*, if it is desired to limit the application of the law to weaving, to paper-making, etc., and that the words *model for work*, working-model (*modèle de travail*) should be used if the intention is to apply the law to every industry or to everything that is carried on in a factory.

Political economy, in accordance with which science, rather than in accordance with the language of every-daylife, should be interpreted the laws that regulate the production of wealth, considers every producer as a fabricator, a maker. A tailor is a fabricator of clothes, though the expression may be an unusual one; a printer or a publisher is a *fabricator* of books; and, economically speaking, even

II.

Meanwhile, what is a *new* model or design in manufacture ?

Here, we confess it in all humllity, we are at a loss what to answer.

Men of great ability have admitted that, taken absolutely, there is nothing new. But not to lose ourselves in these refinements, we say that in our eyes a design or model may be new, relatively, in three degrees or ways :—

1st, It may be new relatively to the society in which it is introduced ; 2d, relatively to the mode of its application ; and 3d, relatively to the combination, the disposition, the arrangement among themselves of the diverse elements that constitute a design or model representing several ideas, several figures, several lines, or several colours, even when these elements, taken singly, would bear no character of novelty.

In the midst of the advanced civilisation of our day, one might rightly maintain that, relatively to European society, the things essentially new that are produced nowadays are extremely rare, if not impossible. A book essentially new is in our day inconceivable ; a machine essentially new, one which is not constructed, at least in part, according to known mechanical laws, can no longer be constructed ; a picture can no longer from beginning to end be produced by entirely new processes, any more than one could nowadays make the model for any tissue with lines, outlines, shades, processes, in every respect entirely unknown. We dare then to affirm that a process, a model, a design entirely and essentially new is impossible, in connection with civilisation.

Seeing then that this impossibility exists, one might practically admit that in a civilised society inventions are nothing but novelties in application or combination, because of necessity does civilised man borrow from civilisation in every one of his productions.

If this is once admitted, the question becomes simplified and complicated at one and the same time. It is simplified in so far as discussion of the absolute and essential novelty of an invention is no longer possible ; but it is complicated in that the novelty by application and by combination is innumerable, infinite, and because it is impossible to fix the degrees, the demarcations, the

the field-labourer may be considered as a maker or producer of provisions. The field-labourer, in addition to his own proper work, profits by that natural force called germination, but the silk weaver no less has recourse to the forces of nature, when he drives his machine by means of water, or the expansive power of steam. Like every other kind of labour, agriculture has its subdivisions, extending from the most simple manual exercise to the artistic and scientific pursuit of horticulture and botany.

quantities, and the measures in such a way as to establish that an application or a combination, new to such and such a degree, shall fall under the protection of the law,—while another application or combination to such another degree shall not fall under the same protection.

On account of this difficulty, no law upon intellectual property can have positive rules for its application, and everything must be left to the arbitrary decision of the judge and the possible chicanery of a lawsuit.

Is it proposed to decree that every novel combination or application is a novelty according to law? That would be equivalent to the annulling of it, for under legislation of that kind it would be enough to modify ever so little the movement of a machine to have a new mechanical combination; it would be enough to stamp a picture upon paper instead of painting it upon canvas to have a new application.

Is it proposed, on the contrary, to decree that a *slight* modification of a model or design shall not be in its turn a novelty,—as well decree the impracticability of the law, because it is impossible to say what is a slight modification and what is not.

Suppose that some one makes a picture after another picture, a piece of music founded on some well-known air, a machine suggested by some existing machine, a tissue after an old design—but the whole more or less modified. When shall this *more or less* be counted slight, when important?

Since the law as to designs and models in manufactures is above all conceived with reference to tissues, it should be possible in an order of things so remote from the vague and the ideal as patterns of stuffs to establish, in a way that might in some degree be grasped, what the law means by novelty. Let us examine the matter somewhat nearer and see if we can get to it.

We have said that a design or a model may be new: 1st, relatively to the society into which it is introduced; 2d, relatively to its application; 3d, relatively to the combination of the different elements of which it is composed.

The law upon patents considers as a novelty *every article of industry or commerce unknown in Belgium*. It limits, then, the novelty relatively to the society into which it is introduced; it is a question of country only. The Bill on Models and Designs in Manufactures which we are now considering leaves this point vague. We do not know, therefore, if a design or model hailing from Germany, England, or France, etc., and not used in Belgium, can be considered as a novelty; and if there were a law on the subject

common to Europe, we should still need information as to America, Australia, China, Japan, and the less civilised countries of the world, for a savage country might very well for centuries have carried out a civilisation of its own on quite another system from the civilisation *approved* in Europe, and might thus offer veritable mines of novelties relatively to the old society of Europe.

We are not inventing these different cases for the sake of the cause that we have taken up; for whether the limits adopted be the confines of Belgium, those of the countries called civilised, or those of the whole world, in every case inextricable difficulties will arise with reference to the novelty relative to the society where it is introduced. Further on we shall return to these difficulties.

Let us speak now of the second kind of novelty,—novelty relative to its application.

How are we to weigh or measure the *degree* of novelty of an application for the purpose of determining that the novelty is infinitesimal or overwhelming?

I paint upon paper a design, a common flower, for example, that I find in its natural state in my garden, or perhaps painted on cloth. This design upon paper, then, is it before the law a novelty of application? I apply the flower by pressure upon cloth, then on a card, on wool, on silk. Afterwards I *weave* the same flower into a stuff by means of the Jacquart system; I compose my tissue, little by little, out of all kinds of primary materials, such as linen, cotton, wool, silk, and even glass or india-rubber, in such a manner that the flower is found applied now on one kind only of primary material, now on several kinds of threads, now on thousands of kinds, differing among themselves in a thousand ways, whether in their nature, the mode in which they are twisted together, or their diameter. Who shall tell me, by means of a law, that a novelty of application to such and such a degree is a legal novelty, and that another novelty of application shall not be recognised as such? Little as one may be conversant with an industry, one must admit that to lay down demarcations, which in their turn shall not entail enough of vagueness to cause their obliteration, is an impossibility.

We now come to novelty by combination. This flower—which was, let us suppose, a white one—I make of another shade, another colour; then of twenty; a hundred, a thousand colours or shades at once. I give it now one background, now another. After making use of the combination of threads or dyes, I combine the flower with others; I increase or I diminish its proportions; I encircle it with wreaths; I add to it light or shade. Who

is to tell me that one combination falls under the law, and another does not do so ?

When we consider the immense resources at our disposal to produce novelties by application or combination—resources which may be applied at the same time to one and the same model, since every design may be new in all ways at once—the doubt may be permitted whether it would not be easier to make an altogether new stuff, than to imitate one to perfection.

The Bill which we are considering, in speaking of a *new model or design in manufactures*, falls into a generality which completely eludes its action, and, as we have said, to avoid this absurd predicament, we must make a distinction among novelties. In place of saying, *every author of a new model or design in manufactures*, one should phrase it, *every author of a model or design in manufactures new to such and such a degree*, etc.

If it were possible to arrive at establishing a novelty, which we shall style a *novelty in law*, it would be possible to put the law in execution without falling into a vague equivalent in the absence of a legal disposition, or exposing every producer to the odious abuse of an arbitrary settlement ; but, we repeat it, to specify in a practicable way that, in order that a design be novel, it shall be so in reference to Belgians or in reference to Europeans—in reference to white men or in reference to black men ; that it be novel by virtue of an application of such and such importance ; that it be novel by virtue of so many shades or colours or lines or squares, or such and such a geometrical form, such and such a texture—that transgresses the limits of the practicable, without taking into consideration the absurdity of exacting from the law that it should pronounce upon applications and combinations whose *nature* is unknown at present, and which may go on producing themselves for ever.

III.

We are not at the end of the difficulties presented by the Bill upon Models or Designs in Manufactures.

Let us admit that some method has been devised for coming to an understanding on the scope of the terms *new model or design in manufactures*, and that the Bill has become law. Let us follow it in its action.

Either the law will not be a protection, or it will be one. If it is no protection it is useless. If, on the contrary, it offers a real benefit to the inventor, you have at once innumerable authors or owners

of new models or designs, emerging from innumerable workshops or sheds, for the purpose of assailing the unhappy Home Secretary, or other civil authority, for permission to deposit in the Register the models of their work—models which, in the case of certain trades, are uncommon enough, but which in the case of others are changed every year, every season; in a word, unceasingly. And who is he that would not adopt this course, since for the modest sum of five, fifteen, or twenty francs, paid once for all, he might acquire the right of manufacturing and selling during three, ten, or twenty years, such quantity of designs or models as he may choose to deposit, were they to the number of ten thousand! (Art. 6).

But this is a mere accessory, and we shall stop no longer to consider it. According to Article 4, the deposited patterns shall remain during three months under sealed cover, although the productions in the fashion of these patterns may immediately become articles of commerce.

We shall see immediately what enormities this one regulation brings in its train. I am supposing that a commission-agent hands to a manufacturer a considerable order for stuffs according to a pattern which has come into his possession in any way you please, and which, unknown to him as well as unknown to the manufacturer, had been deposited in some register. Can the manufacturer execute the order transmitted to him without contempt of the law? . . . Let us see. If he does not wish to transgress it, what will be his duty? He will have to begin by paying a visit to the register of every civil tribunal, to discover whether the pattern presented to him has, or has not, been first deposited in one or other of them. If he nowhere finds it, may he begin to execute his order? No; for it might happen that the pattern was still under sealed cover. Some days after the manufacturer has begun his first circuit, the merchant writes that he is much pressed to receive his order; the manufacturer plucks up courage to traverse the country afresh from north to south and east to west; but all his search is vain. Returning home, he has to stay with his arms crossed, and his workmen, or a part of them at least, are in the same position. A month later he makes the same pleasure trip; and he might be condemned to make it five, ten, twenty times for a single pattern, while not three months afterwards our manufacturer might learn that the reproduction of the pattern was forbidden.

The authors of those ingenious legal conceptions might reply that since, according to them, the manufacturer had not the right

to make use of the pattern sent to him, he has no right to complain.

Let us admit that it is possible thus to sport with the rights of artisans from the recesses of a Government office ; but how is a regulation to be justified which might expose the manufacturer to the same vexatious trouble for a design or model that had never been deposited at all. But the fact is that in this latter case, not only are the same grave inconveniences met with—the inconvenience is much more serious.

In fact, if the pattern had never been deposited, that is to say, if it had remained public property, can the manufacturer know the fact? In certain exceptional cases, yes ; in an infinity of cases, no. If then he is in ignorance in respect to this, he may suppose that the pattern is under the protection of law, and, to make certain, will have to make the round of all the depôts of patterns, *in every case*, during three full months.

We find ourselves, then, only three months from the promulgation of the law, already harassed by vexations ; but the début is a characteristic one, for the difficulties tend to grow worse as time goes on.

Let us suppose that the Bill became law in 1877, and that the order for stuffs of which we have been speaking was given twenty years later, in 1897.

In 1897, if the law offers a real protection, the registers will have become vast museums. Probably the idea will have been carried out of bringing all the patterns deposited into large registers, while the smaller ones will have been transformed into immense libraries.

Our manufacturer, therefore, before accepting the order in question, will have to turn the leaves, with all the scrupulous care demanded by this sort of work, of all the folios in all the libraries of patterns and sketches that shall have been deposited throughout the country during the last twenty years.

When we say all the folios in all the libraries, we do not exaggerate if one provision of the Bill is to the effect that the application to one material of a design to be found on another material is forgery which is the result of Article 10,¹ for in this case the manufacturer of tissues might be guilty of forgery in regard to the painter, the decorator, the sculptor, the printer, the lithographer, the photographer, the carpet manufacturer, and who knows

¹ Art. 10. Every fraudulent imitation or reproduction of a model or a design upon a production of the same nature, or of a different nature, shall infer confiscation and damages.

whom besides. He will have therefore to examine not only the patterns of each industry that deals with tissues, but those in almost every branch of manufacture.

The tax thus imposed upon manufacturers becomes gigantic in the case of their wishing to export what they had made.

Let us suppose that a Belgian manufacturer exports what he has made to France, and that he there finds himself under the same regulations as those with which they now threaten to favour us. In this case, the manufacturer will have not only to turn upside-down all the libraries of pattern-books in his own country, but he will have the same task to perform in traversing the whole of France, and if he has dealings with several countries, he might find employment for a legion of travellers.

To say the truth, the Bill leads to eccentricities of such magnitude that one would run the risk of being accused of exaggeration, were not a rigorous logic the foundation of our reasoning.

But, far from having exaggerated—we will not say the inconveniences but—the absurdities of the law, we have given but a faint outline of them from the fear of otherwise tiring our readers. We should prefer here to finish our examination of a bureaucratic lucubration, which is open to every conceivable practicable objection; but to complete by however little the task that we have undertaken, we shall still follow the operations of the law in its relations with foreign countries, where it will become an instrument much more destructive of free industry, and devote a few moments to some particular considerations.

IV.

The taste, the fancy, in a word the fashion, of our day has become in the case of most industries an imperious tyrant, imposing its whims upon all workmen,

The imagination of the manufacturer, who makes or causes to be made his models or designs for work, is thus in abject submission to fashion. The most inventive genius in the world in vain discovers the most ingenious and novel applications and combinations; the moment he opposes the fashionable current of the hour, the moment he ceases to flatter and caress it, he is lost.

Men have tried to find a universal language, and despaired of doing so; they are far enough removed from a universal system of money, weights and measures, further removed still from a universal tariff, from a universal legal code, and despite all the

aspirations of the human race for the universal, there is nothing universal but fashion—a goddess that all the world first laughs at and then, when she has resolutely laid down her law, humbly submits to.

There are many presidents of republics, many kings, many emperors to prescribe to the civilised world how it shall speak and write, or at least to forbid certain modes of expressing its thought, and of translating the same into action; but to give the word of command to almost all civilised beings as to how they are to dress themselves there is one only autocrat—Paris fashion.

England and Germany, through national antagonism, have thought of rebelling against the fashion regnant of Paris—why not have a London fashion, a Berlin or Vienna fashion? but the insurrection came to nothing, and so completely that the very phrases “London Fashions,” “Berlin Fashions,” seem but barbarisms.

We may look on it then as fixed, without any exaggeration, that for the greater part if not for all productions of taste, manufactures are the victims of the caprice of Paris. Now, since it is Paris who makes the fashions, it is Paris too who provides the models and designs, and spreads them over all the world. It is Paris who says to the shoemakers, hatters, tailors, drapers, etc., “You shall make soles, boots, hats of this shape, dresses and coat of this cut, clothes of this texture, of this shade.”

It is true that when there is in the shape, design, or colour of Parisian models something too extravagant for a country more or less timid, more or less recalcitrant, the Parisian design is modified, but none the less is it this design that is followed.

Let us see now what is the relation subsisting between this extraordinary power of Paris fashions and the Bill under examination—

The 20th Article of this Bill runs:—“The rights guaranteed by the present law are common to people of our own country and to foreigners. The dépôt for foreign designs and models shall be the register of the civil tribunal of Brussels.”

Is it not plain that one result of this regulation will be that the French will come and deposit at Brussels all the devices of Parisian fashion, in order to impose the law on all Belgian manufacturers?

Here then we have the Belgian Government, while labouring to remove all protection from our national industries, arriving at the protection in the heart of Belgium of foreign industry in designs and models!

That we may be well understood, and to avoid all reproach of extravagance, we repeat that if the addition of a slight modification

to any design constitutes that new design a novelty, the law is useless, because it will not offer any kind of guarantee, and every manufacturer will then become a designer of novelties. In this case, while quite possibly giving occasion to endless lawsuits, the law would not present any radical danger save where it might come to be interpreted by arbitrary and incompetent judges; but if the design cannot be imitated in what we might consider as its fundamental characteristic, without the imitator laying himself open to the charge, we may say, of forgery, we then dare to assert, that if the Bill once becomes law it will sap the life of every Belgian industry. The French designers, who can reach Brussels in a few hours and obtain the exclusive right to trade for twenty years in thousands of designs, will encumber the country with their sketches. If they are unwilling to trade personally with their designs, they will organise a sort of piracy that shall lay black-mail on the Belgian manufacturers, by imposing upon those of them who might be inclined to tremble before the law and the prospect of endless lawsuits the hardest conditions, and by submitting to all kinds of vexations those who might wish to rid themselves of this worst kind of tyranny—the oppression of labour.

Those who drew up the Bill might answer us by saying that nothing need force Belgium to accept Parisian designs; but admitting this argument as a justification, one of two things must also be admitted: either let the manufacturers shut up their workshops, or let each country revert to its national costume.

To admit that the new law would become the ruin of Belgian labour would not be saying much in its favour; let us therefore rather suppose Paris fashions to be cast down from their throne, and that henceforth a German, an Englishman, a Spaniard, an Italian, a Fleming shall be known by his coat as he is by his tongue. In this case the special difficulty with which we are dealing would be removed, if each country no longer laboured but for its own consumption; but inasmuch as international trade is daily more and more developed, a multiplicity of fashions would only end in a multiplicity of legal difficulties; for everything that reached Paris, in the present state of tastes would reach at the same time many nations, a handful of clever men in any one of which might forbid all exportation into their country at no more trouble to themselves than by getting the patterns together and tossing them into the register at Brussels.

Let no one put this aside as an impossible supposition. There are transatlantic countries; and even some in Europe, possessed of a national costume (or customs), and for which the Belgian weaver

has not as yet worked, so far as we know (at least not to any serious extent). If, for example, an American, an inhabitant of Asia, a Swiss, or a Scotchman had the fancy to make a tolerably complete collection of all the kinds of cloth used in those countries, and dispatched patterns of them to Brussels that they might be there deposited according to law, would not exportation to those countries be closed against us? It looks very like it.

V.

Let us now touch upon the few particular considerations with which we promised still to deal. And first of all we lay down as matter of fact that the principle of development of life, in every industry, is nothing but imitation, malevolently called forgery (*contrefaçon*) ever since the article called intellectual property has been so highly exalted.

The first fact that proves the truth of this observation is the localisation of industries. If one did not imitate another, would not similar industries be scattered about in all directions instead of forming groups? The tendency of industries is towards localisation, and why? Because man is an imitative being, and what it is impossible to create it is very possible to imitate.

Every manufacturer then, let him occupy himself with inventions as much as he pleases, if he will but examine his processes, his manipulations, his machines, his drawings, his models, will have to confess that in all these cases he is infinitely more imitator than inventor; and consequently, that had imitation been forbidden him he would never have reached the development of his means of production in the way he has done in adopting the progress made by others.

Let those who dwell in any centre of labour but look around them, and they will admit the startling truth of what we have said: that our general welfare, our common weal, is the result of imitation. Let us take for example any manufacturing town, say Saint-Nicolas. We ask what this town would now be if all the systems of weaving, of dyeing, of dressing, as well as all the drawings or models which have during the last half-century been imported into Belgium or invented here, had been exclusively worked by the importers or inventors. Would the population have twice increased tenfold? Would the long list of manufacturing towns that have everywhere been built be in existence? Would those imposing factories, those superb mansions, and smiling cottages which have everywhere started as if by magic from the ground, would

these, we ask, ever have been built? Would this general welfare, this universal prosperity that the foreigner attests with wonder, would all this in a normal condition of things have grown to its present stature? No one can answer this question in the affirmative.

Nevertheless, many a manufacturer, believing himself on the strength of having modified a Paris drawing to be an inventor, will hesitate before he espouses the large and fertile conception of an industry entirely free, without a fetter; many a man who works better than his neighbours will revolt against our generous humanitarian doctrine. And one sees how this may be; because the craving for monopoly is so deeply rooted in men's hearts that it is no wonder it should smite certain minds with blindness and passion.

In the world of manufactures as in the realm of science and literature, there are some men of genius who take ordinary intelligences in tow; we can easily believe that it is painful to these forerunners of progress to see mere ciphers getting gain from their labours; we can believe it all the more easily seeing that in manufactures the avowed end is gain, and that the great first thought of a manufacturer, jealous of his productions, is to forestall his competitors; but has he the right to refuse to society the imitation of his combinations, he who owes almost everything to this same society, he who has imitated the processes of the society in which he was born in a thousand different ways, and who without the progress of civilisation would still be in the condition of a savage?

To him who well reflects on the debt a man owes to civilisation, who considers that without civilisation he could in many countries scarcely live, and that all the welfare which permits, facilitates, and adorns human life, is due to nothing else but this fact of progress, and that civilisation may thus be reckoned in a manner the mother of us all, who feeds us, warms us, shelters and enlightens us, and that to stamp back into individualism all fresh progress is to stop civilisation on the march; to him who thus reflects, we say, there is something at once both revolting and ridiculous in the pretension of a civilised man to snatch from the wings of progress one poor pattern in manufacture that he may prevent his brothers from having a share therein. And this is called a natural right!

VI.

Before we end, let us stop for a moment to anticipate certain objections:—

The only argument which has been urged against our views, by certain partisans of working models, consists in the assertion that without legal guarantee no one would in future give himself the trouble to make an invention. We had at first intended completely to pass by so weak an argument, but as we foresee that this opinion will be the fundamental theme for all the opposition that could be brought against our own view of the matter, we shall say that this idea is contradicted by a variety of facts.

It is contradicted, first of all, by all the inventions that have been made since the beginning of the world to the epoch that witnessed the first law upon working models.

It is contradicted up to the present day by the immense industrial development of which Switzerland has been the scene, though never in that country have there existed either patents or a law dealing with working models and drawings.

It is contradicted by all that has taken place in most of the countries where exist laws affecting design, but where these laws, as in Belgium, have gradually fallen into desuetude from their very impracticability.¹

And to gain this shadowy power of depositing a model from time to time, a power, too, scarcely ever used, are men prepared to expose themselves to all the embarrassments and difficulties that we have proved to be the natural consequence of such a proceeding? To gain this shadowy power, is trade to be delivered over to the exactions of the legal tribunals, to the decisions of incompetent judges who, under a law that affords no positive injunctions, will possess an arbitrary and discretionary power over every producer? To gain this shadowy power, are men to expose themselves to the molestations of foreign designers; are they once for all to give up every quiet hour, to accept those commercial fetters, both as to their home and foreign trade, that we have pointed out; are they prepared to see many important outlets for their labour forever closed to Belgium?

For the sake of the good sense of our manufacturers, we trust

¹ From 1844 to the end of 1863, over a space therefore of 19 years, there were in the *arrondissement* of Saint-Nicolas, whose chef-lien alone reckons up about 70 tissue-manufactories, only 103 deposits of models,—rather more than five deposits yearly. The average of the deposits since 1871 does not exceed 3½ yearly, in spite of the growth in trade.

that the Bill we have here been combating will find its only supporters among theoretical persons, and that all the trade of Belgium will offer it an uncompromising opposition.

In spite of all the arguments that we have already made use of in behalf of free-trade, there may perhaps be here and there certain manufacturers, imitators themselves of others, who will never take kindly to the idea that others may be permitted to imitate their imitations. Considering even that they only produce veritable novelties of their own invention, we are going to prove to them that they are going to act contrary to their own interests in supporting the Bill which is soon to be discussed in Parliament. We beg all the attention of our readers to this last consideration which we are about to develop, because it seems to us to be among the most conclusive.

If Belgium were the whole world, a workman more ingenious than his fellow-countrymen, and who reasoned solely from the point of view of his individual interest, would, with some reason, be opposed to all imitation. It is true, he too in turn would be unable to practise imitation, and like all the rest, he would make less progress; nevertheless, having more intelligence than the rest, it would be easy for him to remove all competition, and to realise large profits under his monopoly.

But Belgium is not the only country that manufactures, nor the only country that consumes. Foreigners of all nations furnish us with their products, and we export a considerable quantity under such conditions as approach the ideal of free-trade.

What would happen if we went so far in Belgium as to make a law bearing upon working designs and models that so frightened Belgian manufacturers, that they would not dare any longer to imitate either one another or foreigners. Decay would promptly follow; for since progress consists in imitation, the abolition of imitation would be the abolition of progress.

We appeal to the most intelligent and enterprising manufacturers of the country, and we ask them if their individual imagination would suffice to counterbalance the universal progress that would be found in all the countries where imitation is free, as in Switzerland, and where it is unfettered (though the fetters themselves are in the end illusory enough) by impracticable laws, as is the case with us at this moment.

One simple reflection is enough to convince the most obstinate that the country where every producer was confined to the production of novelties that were the offspring of his own imagination would be a country foredoomed to certain ruin,—to a universal

deluge in which should perish the most gifted as well as the most narrow of its manufacturers.

Now if the radical or stringent interdiction of all imitation of designs, models, processes, systems, is a cause of general impoverishment and decay, it is clear that every blow levelled at a nation's freedom of industry is a blow levelled at its welfare. Every law then upon designs and models is an anti-social law, a law destructive of public prosperity, and the best thing that Belgium could do would be this: not to strengthen existing legislation upon this subject by giving it enormous proportions, but to efface from our code every industrial regulation of this nature.

PIERRE VERMEIRE.

Noble sentiments from *Libre Travail*, by M. P. Vermeire. Brussels, 1864 :—

“Qu’est venue faire maintenant cette doctrine novatrice de la propriété des idées? Elle est venue attaquer cet ordre admirable, cette harmonie sociale créée par la providence pour racheter l’humanité du vice, de l’ignorance, et de la misère par les professions libérales; elle est venue saper ces professions et tout en les sapant, elle lutte contre Dieu pour écraser la vertu, étouffer la lumière, arrêter le progrès, détruire le bien-être général et pour asseoir sur le trône des peuples un monstre de barbarie, d’obscurantisme et de rapacité qu’on appelle le *monopole*.

“Au prêtre, au philosophe, à l’écrivain qui remplissent des missions sacrées sur la terre quand elles sont bien comprises, la nouvelle doctrine est venue dire : L’or c’est la vertu, l’or c’est la renommée, l’or c’est la puissance; moquez-vous des grands génies d’un autre temps qui travaillaient pour le bonheur des hommes et qui vivaient dans la simplicité; moquez-vous de la gloire et travaillez pour le gain. Aux agronomes, aux industriels, aux négociants qui se contentaient du prix de leur travail incorporé à leurs productions elle a dit : Emparez-vous des agents naturels à l’exclusion de vos frères, faites que vos machines ne profitent qu’à vous, demandez que les débouchés nouveaux que vous créez vous soient garantis par la loi, comme idée propriété, et que les marchés que vous avez ouverts ne soient point accessibles à vos compatriotes.

“On le voit, le principe de la propriété des idées enseigne un égoïsme extrême, inconnu à la société ancienne et de nature à renverser la société moderne. . . .

“La propriété des idées, voilà donc la vénalité nouvelle, voilà le cancer qui ronge la charité, la noblesse du cœur, l’amour pour les grandes choses; voilà donc cette soif désordonnée de l’or, voilà ce feu qui fond tous les sentiments élevés de l’âme et de l’esprit dans le creuset du monopole pour en faire un misérable écu!

“Hâtez-vous, âmes nobles et fières, qui aspirez à une régénération des caractères, de flageller cette doctrine subversive; hâtez-vous, peuples éclairés, qui voulez le progrès économique, d’effacer de vos codes ce principe révolutionnaire qui nous menace d’un trouble universel dans le travail, et d’une décadence complète dans les idées!”

APPENDIX.

The following is the Article from THE BOOKSELLER, referred to in the Evidence.

INTERNATIONAL COPYRIGHT.

The newspapers inform us that an Association has been formed for the purpose of protecting the rights of British authors, of extending the operations of the International Copyright Act to the United States of America, and of imposing all the restrictions of the English Copyright Act upon the inhabitants of Canada, Australia, and other British possessions. The Association consists of fourteen gentlemen, whose names have not all been published; but, judging from those who are reported to have been present, or to have spoken, at a meeting recently held, they are all of eminence, respectability, and influence—men whose opinions are entitled to the greatest respect. Mr. F. R. Daldy has been appointed secretary. Like Mr. Appleton, of New York, the members have taken a very acute view of their own requirements, and of those measures which will meet them. Those measures are very simple. They require that the American and Colonial Governments should admit the inherent rights of British authors and their assignees—i.e. the publishers—as fully as they are recognised by the Statute 5 and 6 Vic., cap. 45; and in return, or even without the return, are willing to give all the British rights to foreigners. This, in substance, is that which the Association aims at; and all that remains to complete the business is for fourteen gentlemen from America and the Colonies to meet the members of the Association, sign the agreement, and bind two hundred millions of people. Unfortunately for the associates, they are in a similar position to that of Mr. William Appleton, the New York publisher—they have only studied their case from their own point of view; they have studied it so long, so minutely, and so carefully, that they are convinced of its correctness, impartiality, and justness—so thoroughly, in fact, that even to hint at the possibility of there being other and different views, and that such views can be held conscientiously by men equally honest and just as themselves, will, perhaps, take some of the members by surprise. Yet so it is. There positively are some persons who entirely and absolutely deny the fact that they should pay 31s. 6d., with additions for customs' duty, importer's profit, and other charges, or say three guineas, for a novel which, when reprinted in New York, costs half a dollar. Those gentlemen would be still more astonished to hear that honest Canadians don't object to receive the American reprint, and that they read it without any qualms of conscience, and even feel that, in paying two shillings for the novel, they have not cheated the author out of twenty-nine and sixpence. All this, from the British-author-and-publisher's point of view, is very naughty, and exhibits a low morality on the part of transatlantic readers; but such views are common throughout America, and there will be some work to do before they are eradicated.

We fear that if British authors and publishers continue to hold the irritating tone they have hitherto done, but little will be accomplished by the Association. Let it be conceded that the natural rights of authors extend no further than the boundaries of their own countries, and within these boundaries only so long as their own laws permit. This concession made, the ground will be cleared for further negotiation; there will be no charges of pilfering, stealing, or piracy, nor will there then be any ugly or offensive terms used. There is no need for them. The New York or Philadelphia publisher is as free from blame in reprinting Macaulay's *History of England*, as Mr. Murray is in reprinting the works of Alexander Pope. Neither of the works named is protected by law, and if it be wrong for Mr. Harper to reprint Macaulay, it must be equally wrong for Mr. Murray to reprint Pope. Both works are property, both are unprotected by law, and both have been reprinted without any payment being made by the publishers to the authors or their representatives; and, therefore, all that may be said of one transaction may be said of the other. It is better to put the thing plainly; we shall sooner arrive at a satisfactory solution. How may this be done? We think by way of compromise. America is gradually accumulating a rich and noble literature of its own. It is a nation of readers; the readers will become thinkers, and the thinkers will become writers. As America becomes more populous, literature will become a business, and authors will multiply. They, like our own, will be desirous of securing a larger audience and larger profits than the States afford, and will naturally look for profit to this country and to our colonies. American authors, however, cannot conscientiously ask it so long as their own country refuses us a similar recognition. Already, Longfellow is a household name in hundreds of homes where Tennyson is only known by means of extracts; and a hundred of Webster's great Dictionary are used to one of Latham's. Other books will, from time to time, become as popular. Let us, therefore, try whether some plan may not be hit upon which will combine fair remuneration to authors with freedom of publication and popular prices. Unless some such plan be adopted, we do not think that the people of either England or America will be satisfied, and unless they be satisfied our authors and publishers will work in vain. It must be remembered that America and England are situated somewhat differently with respect to taxation, and that while in one country all the people are in favour of free trade, those in the other advocate protection. Those arguments which appear perfectly sound in one country are feeble in the other, and, consequently, much must be conceded on either side. Not overlooking these views, we would, therefore, propose some such scheme as the following, which, we think, might be made the basis of negotiation:—

1. All original works composed by citizens of either nation shall be considered copyright in the other's country for the term of the author's lifetime, or for twenty-eight years, whichever may be the longer term.
2. Any person desirous of reprinting books so copyrighted may do so on the following conditions, viz:—

Before printing an American (or English) work he shall give

notice to the proper authority, saying how many copies he proposes to print and the price at which such work will be sold in cloth, and pay down ten per cent. upon such selling price; he shall then be furnished with an order for the printer named to print that number of copies. As soon as the printer has done his work, he shall certify that he has printed so many and no more, and an authorisation shall then be given to publish the edition, which authorisation shall be printed upon the back of the title.¹

Of course, numerous details have to be supplied, but some such plan as this, and only some such plan, will be satisfactory. Naturally, it is open to objection on the part of large publishers who wish to obtain the exclusive sale of any author's works, but we believe that authors will benefit and the public will reap the advantage. To American authors it is clearly an advantage that half a dozen publishers should be publishing their books here; and of course the converse holds good with regard to English authors. They will be receiving money from half a dozen different sources, and their publishers may also send their choice or cheap editions over here.

Having given publishers the privilege of reprinting foreign copyright works, we would have very stringent regulations to prevent any infringement of the law; and to meet the case of extracts from cyclopædias, or articles from magazines, etc., or any minor questions of proprietorship, we would have a tribunal of commerce, to which might be referred all questions of compensation, damage, or dispute. Litigation would thus be avoided and justice done.

From "COPYRIGHT, NATIONAL AND INTERNATIONAL, FROM THE POINT OF VIEW OF ONE WHO HAS BEEN A PUBLISHER." London: Edward Stanford.

Not one publication in a thousand has sufficient sale to repay the necessary expenses of starting it,—paper, printing, binding, and advertising. . . . The number of instances in which not a score of copies have been sold is very large, and even smaller numbers. . . . It is obvious that the number of books of which the copyright is worth anything is comparatively small, and that the law which is made for the benefit of the few to the injury of the many is an unjust law. . . . Like all manufacturers, authors and publishers consider that high prices must always be beneficial to them, although experience shows that in this, as in other trades, it is a popular delusion; monopoly and high prices create piracy and smuggling. If the cotton manufacturers had been allowed to make the law for the duties on cotton, the price of cotton would have been at least three times what it is. The cotton manufacture would have been driven away from England altogether, and foreign cotton fabrics would have been smuggled into England to any extent. At the present moment you can hardly go into the drawing-room of any gentleman's house in England without seeing pirated editions of English books, either on the table or on the shelves, because every-

¹ Ten per cent. is excessive.—*Compiler.*

body has an instinctive feeling that the existing law of copyright is a tyrannical and unjust law. . . . Judge Talfourd's Act, which is the present English Law of Copyright, is entirely *an author's-made law* on the strictest principles of monopoly and tyranny; it is by far the most tyrannical Act on the English Statute-book, and has been the most mischievous in its effects. Where there were a hundred private gentlemen's libraries before that Act was passed, there is but one now; go into any gentleman's house in the country that is more than half a century old, and you will find the old family library fairly kept up to the time of passing that Act, but not a book added to it since, because the extravagant prices put upon new books make it hopeless to think of buying them for the family library. . . . Talfourd's Act was popular with the House of Commons, because it was given out that it would be for the special benefit of the family of Sir Walter Scott. . . . The Act was made for the benefit of one in a hundred thousand, to the injury of all the rest. The manufacturers think only of their own interests, and have no consideration for the consumers; it is the duty of Parliament to consider the readers and buyers of books, or the consumers, just as much as the manufacturers. . . . The longer time that a copyright extends, the greater is the mistake of the law: in the few cases in which an author keeps the copyright in his own hands, he does derive the benefit; but these are generally only such cases as those in which the author could not find a publisher to purchase the copyright. . . . If the greater part of the books published were not at the risk of the authors, publishers would soon be ruined. . . . One of the many evils of the present law is, that it makes it impossible to have an international copyright with the United States. The American plan of paying authors A ROYALTY—that is, a certain proportion of the selling price of every copy sold—is by far the most just and equitable, and in the end the most advantageous for all parties; ten per cent., or one shilling in ten, would be a fair remuneration under all the circumstances. The American publishers and public would not object to pay an author a royalty of a tenth; and this would increase the extent of the market perhaps *fourfold*, for it would include all the English colonies, as well as the great continent of America; and even on the continent of Europe, the Belgian and German publishers would not find it pay to reprint a book for the sake of saving the royalty of a tenth. People always give a preference to the author's edition, if they can get it for any moderate price. . . . The acting persons in the Commission of 1878 were nearly all of the class of authors well known to be in the regular employment of the great publishers. . . . It may be observed, as a general rule, that a copyright book is sold at three times the price of one that is not copyright, as may be seen especially when the copyright expires. Many instances of this might be mentioned. This is owing to the sharp competition directly that time ends. . . . Would the public ever stand a monopoly for fifty years to be given for any new invention? If Stephenson had been given a *monopoly* for railways, how could they have ever been made? Should we now tolerate a monopoly for fifty years of the electric light?

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CORRIGENDA.

Page 132, footnote, after "or so" insert "if indeed the term is not unlimited."
 ,, 332, line 13, for "character" read "nature."

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