

Langton, W. G.	Seymour, Lord
Lefevre, C. S.	Slaney, R. A.
Long, W.	Spencer, hon. F.
Lushington, C.	Stanley, E. J.
Lynch, A. H.	Strickland, Sir George
Macleod, R.	Strutt, E.
Macnamara, Major	Talfourd, Sergeant
Mactaggart, J.	Tancred, H. W.
Molesworth, Sir W.	Thomson, rt. hn. C. P.
Maule, W. H.	Thornley, T.
Morpeth, Viscount	Townley, R. G.
Morris, D.	Troubridge, Sir E. T.
O'Brien, C.	Verney, Sir H.
O'Brien, W. S.	Vigors, N. A.
O'Callaghan, hon. C.	Vivian, Major C.
O'Connell, M. J.	Vivian, rt. hn. Sir R.
Ord, W.	Wakley, T.
Paget, Lord A.	Warburton, H.
Paget, F.	Weston, hon. II. R.
Parker, J.	White, A.
Philips, G. R.	White, S.
Pryme, G.	Williams, W.
Redington, Thomas N.	Wilshere, W.
Rice, right hon. T. S.	Wood, C.
Roche, Edmund B.	Yates, J. A.
Roche, William	
Rumbold, C. E.	
Russell, Lord J.	
Sanford, E. A.	

TELLERS.

Campbell, Sir J.
Rolfe, Sir R. M.

COPYRIGHT.] Mr. Sergeant *Talfourd* rose to move the second reading of the Copyright Bill, and spoke to the following effect: *—Mr. Speaker, when I had the honour last year to move the second reading of a bill essentially similar to the present, I found it unnecessary to trouble the House with a single remark; for scarcely a trace then appeared of the opposition which has since gathered around it. I do not, however, regret, that the measure was not carried through the Legislature by the current of feeling which then prevailed in its favour, but that opportunity has been afforded for the full discussion of the claims on which it is founded, and of the consequences to individuals and to the public, that may be expected from its operation. Believing, as I do, that the interests of those who, by intellectual power, laboriously and virtuously exerted, contribute to the delight and instruction of mankind—of those engaged in the mechanical processes by which those labours are made effectual—and of the people, who at once enjoy and reward them, are essentially one; believing that it is impossible, at the same time, to enhance the reward of authors, and to injure those who derive their means of

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subsistence from them, and desiring only that this bill shall succeed if it shall be found, on the fullest discussion, that it will serve the cause of intellect in its noblest and most expanded sense, I rejoice that all classes who are interested in reality or in belief in the proposed change, have had the means of presenting their statements and their reasonings to the consideration of Parliament, and of urging them with all the zeal which an apprehension of pecuniary loss can inspire. I do not, indeed, disguise, that the main and direct object of the bill is to insure to authors of the highest and most enduring merit a larger share in the fruits of their own industry and genius than our law now accords to them; and whatever fate may attend the endeavour, I feel with satisfaction that it is the first which has been made substantially for the benefit of authors, and sustained by no interest except that which the appeal on their behalf to the gratitude of those whose minds they have enriched, and whose lives they have gladdened, has enkindled. The statutes of Anne and of George 3rd, especially the last, were measures suggested and sustained by publishers; and it must be consoling to the silent toilers after fame, who in this country, have no ascertained rank, no civil distinction in their hours of weariness and anxiety, to feel that their claim to consideration has been cheerfully recognised by Parliament, and that their cause, however feebly presented, has been regarded with respect and with sympathy.

In order that I may trespass as briefly as I can on the indulgence with which this subject has been treated, I will attempt to narrow the controversy of to-night by stating at once what I regard to be the principle of this bill, and call on hon. Members now to affirm, and what I regard as matters of mere detail, which it is unnecessary at this moment to consider. That principle is, that the present term of copyright is much too short, for the attainment of that justice which society owes to authors, especially to those (few though they be) whose reputation is of slow growth and of enduring character. Whether that term shall be extended from its present length to sixty years, or to some intermediate period—whether it shall commence at the death of the author or at the date of first publication—in what manner it shall be reckoned in the cases of works given to the world in portions—are questions of

detail, on which I do not think the House are to-night required to decide. So the prohibition of extracts made merely for the compiler's gain, which, however, is merely declaratory of the present law—of unauthorised abridgments, which is new—and some provisions which were introduced merely from an anxiety to protect subsisting interests, obviously fall into the same class. On the one hand, I do not ask hon. Members to vote for the second reading merely because they think there are some uncertainties in the law of copyright which it is desirable to remove, or some minor defects which they are prepared to remedy. On the other hand, I would entreat them not to reject this bill on account of any objections to its mere details, but as they may think the legalised property of authors sufficiently prolonged and secured, or requiring a substantial extension, to oppose or to support it.

In maintaining the claim of authors to this extension, I will not intrude on the time of the House with any discussion on the question of law; whether perpetual copyright had existence by our common law; or of the philosophical question whether the claim to this extent is founded in natural justice. On the first point, it is sufficient for me to repeat what cannot be contradicted, that the existence of the legal right was recognised by a large majority of the judges, with Lord Mansfield at their head, after solemn and repeated argument; and that six to five of the judges only determined that the stringent words "and no longer," in the statute of Anne took that right away. And even this I do not call in aid so much by way of legal authority, as evidence of the feeling of those men (mighty though few) to whom our infant literature was confided by Providence, and of those who were in early time able to estimate the labour which we inherit. On the second point I will say nothing; unable, indeed, to understand why that which springs wholly from within, and contracts no other right by its usurpation, is to be regarded as baseless, because, by the condition of its very enjoyment, it not only enlarges the source of happiness to readers, but becomes the means of mechanical employment to printers, and of speculation to publishers. I am content to adopt the intermediate course, and to argue that question, whether a fair medium between two extremes has been chosen. What is

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

I perfectly agree with the publishers in the evidence given in 1818, and the statements which have been repeated more recently—that the extension of time will be a benefit only in one case in five hundred of works now issuing from the press; and I agree with them that we are legislating for that five hundredth case. Why not? It is the great prize which, out of the five hundred risks, genius and goodness win. It is the benefit that can only be achieved by that which has stood the test of time—of that which is essentially true and pure—of that which has survived spleen, criticism, envy, and the changing fashions of the world. Granted that only one author in five hundred attain this end; does it not invite many to attempt it, and impress on literature itself a visible mark of permanence and of dignity? The writers who attain it will necessarily belong to two classes—one class consisting of authors who have la-

boured to create the taste which should appreciate and reward them, and only attain that reputation which brings with it a pecuniary recompense just as the term for which that reward is held out to them wanes. It is unjust in this case, which is that of Wordsworth now in the evening of life, and in the dawn of his fame, to allow the author to share in the remuneration society tardily awards him? The other class are those who, like Sir Walter Scott, have combined the art of ministering to immediate delight, with that of outlasting successive races of imitators and apparent rivals; who do receive a large actual amount of recompense, but whose accumulating compensation is stopped when it most should increase. Now, surely as to them, the question is not what remuneration is sufficient in the judgment of the Legislature to repay for certain benefactions to society, but whether, having won the splendid reward, our laws shall permit the winner to enjoy it? We cannot decide the abstract question between genius and money, because there exist no common properties by which they can be tested, if we were dispensing an arbitrary reward; but the question how much the author ought to receive is easily answered—so much as his readers are delighted to pay him. When we say, that he has obtained immense wealth by his writings, what do we assert, but that he has multiplied the sources of enjoyment to countless readers, and lightened thousands of else sad, or weary, or dissolute hours? The two propositions are identical; the proof of the one at once establishing the other. Why, then, should we grudge it, any more than we would reckon against the soldier, not the pension or the grant, but the very prize-money which attests the splendor of his victories, and in the amount of his gains proves the extent of ours? Complaints have been made by one in the foremost rank in the opposition to this Bill, the pioneer of the noble army of publishers, booksellers, printers, and bookbinders, who are arrayed against it—that in selecting the case of Sir Walter Scott, as an instance in which the extension of copyright would be just, I had been singularly unfortunate, because that great writer received, during the period of subsisting copyright, an unprecedented revenue from the immediate sale of his works. But, Sir, the question is not one of reward—it is one of justice. How

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

tell me, if we are to apportion the reward to the effort, where is the justice of the bookseller's claim? Had Sir Walter Scott been able to see, in the distance, an extension of his own right in his own productions, his estate and his heart had been set free, and the publishers and printers, who are our opponents now, would have been grateful to him for a continuation of labour and rewards which would have impelled and augmented their own.

These two classes comprise, of necessity, all the instances in which the proposed change would operate at all; the first, that of those whose copyright only becomes valuable just as it is about to expire; the last, that of those whose works which, at once popular and lasting, have probably, in the season of their first success, enriched the publisher far more than the author. It will not be denied, that it is desirable to extend the benefit to both classes, if it can be done without injury to the public, or to subsisting individual interests. The suggested injury to the public is, that the price of books would be greatly enhanced; and, on this assumption, the printers and bookbinders have been induced to sustain the publishers in resisting a change which is represented as tending to paralyse speculation—to cause fewer books to be written, printed, bound, and bought—to deprive the honest workmen of their subsistence, and the people of the opportunity of enjoying the productions of genius. Even if such consequences were to be dreaded, if justice required the sacrifice, it ought to be made. The community have no right to be enriched at the expense of individuals, nor is the liberty of the press (magic words which I have heard strangely blended in the din of this controversy) the liberty to smuggle, and to steal. Still, if to these respectable petitioners, men often of intelligence and refinement beyond their sphere, which they have acquired from their mechanical association with literature, I could think the measure fraught with such mischiefs, I should regard it with distrust and alarm. But never, surely, were the apprehensions of intelligent men so utterly baseless. In the first place, I believe that the existence of the copyright, even of that five-hundredth case, would not enhance the price of the fortunate work; for the author, or the bookseller, who enjoys the monopoly, as it is called, is enabled to supply the article at a much

cheaper rate, when a single press is required to print all the copies offered for sale, instead of the presses and establishments of competing publishers; and I believe a comparison between the editions of standard works, in which there is copyright, with those in which there is none, would confirm the truth of the inference. To cite, as an instance to the contrary, "Clarendon's History of the Rebellion," is to confess that a fair test would disprove the objection; for what analogy is there between the motives and the acts of a great body, having no personal stimulus or interest, except to retain what is an ornament to their own power, and those of a number of individual proprietors; or between a state of things in which the instance stands alone, and one in which all authors would be instigated to publish, and all readers—the class for whom the works would be published, or from whom they would be withheld? But, after all, it is only in this five-hundredth case—the one rare prize in this huge lottery—that even this effect is to be dreaded. Now, this effect is the possible enhancing the price of the five-hundredth or five-thousandth book, and this is actually supposed "to be a heavy blow, and great discouragement to literature," enough to paralyse the energies of publishers, and to make Paternoster-row a desert! Let it only be announced, say our opponents, that an author, whose works may outlast twenty-eight years, shall bequeath to his children the right which he enjoyed, that possibly some sixpence a volume may be added to its price in such an event, and all the machinery of printing and publication will come to a pause! Why, Sir, the same apprehension was entertained in 1813, when the publishers sought to obtain the extension of copyright for their own advantage to twenty-eight years. The printers then dreaded the effect of the prolonged monopoly: they petitioned against the Bill, and they succeeded in delaying it for a Session. And surely they had then far greater plausibility in their terrors; for in proportion as the period at which the contemplated extension begins is distant, its effects must be indistinct and feeble. Fewer books, of course, will survive twenty-eight years than fourteen; the Act of 1814 operated on the greater number if at all; and has experience justified the fears which the publishers then laughed to scorn? Has the number of books diminished since

then? Has the price of books been enhanced? Has the demand for the labour of printers or bookbinders slackened since then? Have the profits of the bookseller failed? I need no Committee of Inquiry to answer these questions, and they are really decisive of the issue. We all know that books have multiplied; that the quartos, in which the works of high pretension were first enshrined, has vanished; and, while the prices paid for copyrights have been far higher than in any former time, the proprietors of these copyrights have found it more profitable to publish in a cheap than in a costly form. Will authors, or the children of authors, be more obstinate—less able to appreciate and to meet the demands of the age—more apprehensive of too large a circulation—when both will be impelled by other motives than those of interest, to seek the largest sale; the first, by the impulse of blameless vanity or love of fame; the last, by the affection and the pride with which they must regard the living thoughts of a parent taken from this world, finding their way through every variety of life, and cherished by unnumbered minds, which will bless his memory?

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

Now, either the publishers have no interest in the main question, or this is that interest. If this is that interest, how will the public lose by paying their extra sixpence to the author who created the work, instead of the gentleman who prints his name at the foot of the title-page, and who will still take his twenty-five per cent. on the copies he may sell? This argument applies, and, I apprehend, conclusively, to the main question—the justice and expediency of extending the term. I am aware that there is another ground of complaint more plausible, which does not apply to the main question, but to what is called the retrospective clause—a complaint, that in cases where the extended term will revert to the family of the author, instead of excluding, by virtue of an implied compact, all the rest of the world, they, like all the rest of the world, will be excluded; that they had a right to calculate on this liberty in common with others when they made this bargain; and that, therefore, it is a violation of faith to deprive them of their share of the common benefit. That there is any violation of faith I utterly deny—they still have all they have paid for; and when, indeed, they assert (which they do when they argue that the measure will confer no benefit on authors) they would not give an author any more for a copyright of sixty than of twenty-eight years, they themselves refute the charge of breach of faith, by showing that they do not reckon such distant contingencies in the price which they pay. If any inconvenience should arise, I should rejoice to consider how it can be obviated; and with that view I introduced those clauses which have been the subject of much censure, empowering the assignee to dispose of all copies on hand at the close of his term, and allowing the proprietors of stereotype plates still to use them. But supposing some inconvenience to attend this act of justice to authors, which I should greatly regret, still are the publishers entirely without consolation? In the first place, they would, as the bill now stands, gain all the benefit of the extension of future copyrights, hereafter sold absolutely to them by the author, and, according to their own statement, without any advance of price. If this benefit is small—is contingent—is nothing in 500 cases to one, so is the loss in those cases in which the right will result to the author. But it

should further be recollected that every year, as copyrights expire, adds to the store from which they may take freely. In the infancy of literature a publisher's stock is scanty unless he pays for original composition; but as one generation after another passes away, histories, novels, poems—all of undying interest and certain sale—fall in; and each generation of booksellers becomes enriched by the spoils of time, to which he has contributed nothing. If, then, in a measure which restores to the author what the bookseller has conventionally received, some inconvenience beyond the just loss of what he was never entitled to obtain be incurred, is not the balance greatly in his favour? And can it be doubted that, in any case where the properties of the publisher and of the author's representatives are imperfect apart, either from additions to the original, or from the succession of several works falling in at different times, their common interest would unite them?

One of the arguments used, whether on behalf of the trade or the public I scarcely know, against the extension of the term, is derived from a supposed analogy between the works of an author and the discoveries of an inventor, whence it is inferred that the term which suffices for the protection of the one is long enough for the recompense of the other. It remains to be proved, that the protection granted to patentees is sufficient; but supposing it to be so, although there are points of similarity between the cases, there are grounds of essential and obvious distinction. In cases of patent, the merits of the invention are palpable, the demand is usually immediate, and the recompense of the inventor, in proportion to the utility of his work, speedy and certain. In cases of patent, the subject is generally one to which many minds are at once applied; the invention is often no more than a step in a series of processes, the first of which being given, the consequence will almost certainly present itself sooner or later to some of these inquirers, and if it were not hit on this year by one, would probably be discovered the next by another; but who will suggest that if Shakspeare had not written "Lear," or Richardson "Clarissa," other poets or novelists would have invented them? In practical science every discovery is a step to something more perfect; and to give to the inventor of each a protracted monopoly would be to

shut out all improvement by others. But who can improve the masterpieces of genius? They stand perfect; apart from all things else; self-sustained; the models for imitation; the sources whence rules of art take their origin. And if we apply the analogy of mechanical invention to literature, we shall find that in so far as it extends there is really in the latter no monopoly at all, however brief. For example, historical or critical research bears a close analogy to the process of mechanical discovery, and how does the law of copyright apply to the treasures it may reveal? The fact discovered, the truth ascertained, becomes at once the property of mankind—to accept, to state, to reason on; and all that remains in the author, is the style in which it is expressed. No one ever dreamed that to assume a position which another had discovered; to reject what another had proved to be fallacious; to stand on the table-land of recognised truth, and start from it anew; was an invasion of the author's right. How earnest has been the thought, how severe the intellectual toil, by which the noblest speculations in regard to the human mind and its destiny have been conducted! They are the beatings of the soul against the bars of its clay tenement, which, if ruffled in the collision, attest at once, by their strength and their failure, that it is destined to move in a wider sphere. And yet the products of divine philosophy melt away into the intellectual atmosphere which they enrich, and become the dreams and the assurances of others! So that the law of literary property of necessity accommodates itself to the nature of its subject—when the work is properly a creation, leaving it preserved in its entirety—when it is mere discovery, rendering the essence of truth to mankind, and preserving nothing to its author but the form in which it is enshrined.

It has, Sir, been asserted that authors themselves have little interest in this question, and that they are, in fact, indifferent or hostile to the measure. True it is, that the greatest living writers have not thought it befitting the dignity of their cause to appear as petitioners for it, as a personal boon; but I believe there are few who do not feel the honour of literature embarked in the cause, and earnestly desire its success. Mr. Wordsworth, emerging for a moment from the seclusion he has courted, has publicly declared his

conviction of its justice. Mr. Lockhart has stated his apprehension that the complete emancipation of the estate of Sir Walter Scott from its incumbrances depends on the issue; and, although I agree that we ought not to legislate for these cases, I contend that we ought to legislate by the light of their examples. While I admit that I should rejoice if the immediate effect of this measure were to cheer the evening of a great poet's life, to whom I am under intellectual obligation beyond all price, and to enlarge the rewards of other living authors whose fame will endure, I do not ask support to this measure on their behalf; but I present these as the proofs of the subsisting wrong. The instances pass away; successive generations do successive injustice; but the principle is eternal. True it is, that in many instances, if the boon be granted, the errors and frailties which often attend genius may render it vain; true it is, that in multitudes of cases it will not operate, but we shall have given to authors and to readers a great lesson of justice; we shall have shown that where virtue and genius combine we are ready to protect their noble offspring, and that we do not desire a miserable advantage at the cost of the ornaments and benefactors of the world. I call on each party in this House to unite in rendering this tribute to the minds by which even party associations are dignified; on those who anticipate successive changes in society, to acknowledge their debt to those who expand the vista of the future, and people it with goodly visions; on those who fondly linger on the past, and repose on time-hallowed institutions, to consider how much that is ennobling in their creed has been drawn from minds which have clothed the usages and forms of other days with the symbols of venerableness and beauty; on all, if they cannot find some common ground on which they may unite in drawing assurance of progressive good for the future from the glories of the past, to recognise their obligation to those, the products of whose intellect shall grace, and soften, and dignify the struggle. With those feelings, I move that this bill be now read a second time.

Mr. Hume observed, that in his opinion the simple question for the House to consider was, whether a copyright of twenty-eight years' duration was a sufficient privilege to induce an author to devote his

talents to the instruction or amusement of the public. No man could be more willing than he was that an author of ability should derive all the advantage from the exercise of that ability which he ought to derive. Every man of talent ought to derive that advantage; the inventor of a mechanical machine, as well as the author of a poem or a history. All deserved to be equally protected. If, therefore, the present proposition were to be agreed to, the House would be called upon to consider what additional privileges ought to be conferred on those whose talents were exercised in a different direction. Men who devoted their talents to the improvement of the steam-engine, or to other similar objects, ought to be put on the same footing as those whose interests it was the object of the Bill under the consideration of the House, to protect. Now, it would certainly be highly injurious to the public if that were done. The question, therefore, arose with double force, whether the privilege at present enjoyed by authors was not sufficient to induce them to employ their talents. He did not think that the hon. and learned Member had succeeded in establishing the position that it was not sufficient; and on that ground, principally, he (Mr. Hume) was opposed to the Bill. If the principles contained in the petition which he had that night presented against the Bill, were correct, it would be for the House to consider whether the present limitation of copyright to twenty-eight years was insufficient; and whether it would be wise or expedient to extend the duration of the copyright to fifty years, or more. He differed entirely from the hon. and learned Gentleman on that point, and was not prepared to extend the privilege of copyright beyond the existing period of twenty-eight years; and especially because, he repeated, that if that extension of protection were granted to bookmakers, it must be granted to other men of talent, the authors of ingenious inventions. Was the House prepared to admit to the latter class of individuals that their existing protection was not sufficient? Yet that the House must admit, if it admitted that the existing protection enjoyed by literary men was not sufficient. It would be most partial legislation to extend the protection to the one class, and to refuse to extend it to the other. Many persons were of opinion that the inventions of the one

class were quite as conducive to the comfort and happiness of the world as effusions of literary genius, to which the hon. and learned Gentleman had exclusively adverted. Nor was that all. He objected to the limitation of the intellectual enjoyment of the public at large, which the extension of the present privilege of copyright was calculated to produce. He held in his hand a statement by which it appeared that during the last year of the existence of the copyright of Sir Walter Scott's "Lay of the last Minstrel," that work was sold at two guineas; but that in the year after the expiration of the copyright it was published at five shillings; and in the subsequent year at eighteenpence! The same was the case with respect to "Marmion." It was originally published at a guinea and a half. After the expiration of the copyright it was published at five shillings; and more recently at tenpence! Was not that diminution of price a great advantage to the public—an advantage which ought not to be relinquished unless on very good grounds? He therefore said once more that all the House had to consider was, whether, up to the present time, the privilege enjoyed by authors had been a fair, a proper, a sufficient privilege. It was just also to ask who were the parties complaining of the existing state of the law, and requiring an alteration? He had made diligent inquiry, and he did not understand that there was a single petition to the House in favour of the hon. and learned Gentleman's Bill. Why, then, alter what had gone on so long without complaint, and against which no complaint was at present preferred? Why, without being desired to do so, agree to a measure calculated to produce a great evil—that of increasing the price of books? The question lay within a very narrow compass; and he had stated the view he took of it. While he was desirous that every author, and every other man of genius and talents, should enjoy the benefit to which he was entitled, he was not prepared to make the provision comprehended in the Bill of the hon. and learned Member for Reading a general one; and if not a general one, great injustice would be inflicted on those who employed their talents in a way calculated to promote the great branches of our manufactures and industry. He should move, therefore, that the Bill be put off for six months.

The *Solicitor General* was anxious to say a very few words, for the purpose of explaining the reasons which compelled him to support the amendment of the hon. Member for Kilkenny, and to oppose the motion of his hon. and learned Friend. He took this course with great reluctance, because he could not but feel, that it was a subject with which his hon. and learned Friend had taken great pains; and that it was a subject which his hon. and learned Friend was peculiarly well adapted to deal with. He would, however, very shortly state to the House his reasons for opposing the measure. In the first place he disputed the principle which his hon. and learned Friend had so eloquently endeavoured to enforce. He could not but think that his hon. and learned Friend was asking the Legislature, by acting on a sort of sentimental feeling, to take a course which, in his opinion, they would fail in their duty if they were really to take. There was only one question to be asked. Was the present term of copyright sufficient effectually to secure to an author himself the benefit which he ought to derive from the exercise of his talents? If so, then why extend it? It might be a pleasing thing to contemplate the extension of the benefit to the posterity of an author. But it was impossible so to extend it without doing a great and manifest injustice to the public. He was quite ready to admit, that authors of genius should have all that they were entitled to ask. But if they already got enough to secure the devotion of their powers to the public, why adopt a measure by which the public must be so materially injured? All unnecessary taxation was to be deprecated; and what tax could possibly be more injurious than a tax on that knowledge which they were all so desirous to diffuse? He repeated, that the only question was, is the present term of copyright sufficient for all beneficial purposes? If his hon. and learned Friend had argued the subject in the Court of King's Bench as he had argued it in that House, it would have been said of him that he had committed a logical *felo de se*. His hon. and learned Friend had shown, that the illustrious Wordsworth, in the obscurity in which he voluntarily remained, was careless of present benefit, satisfied that posterity would do him justice. Why, that showed, not only that the existing protection was sufficient, but that it did not

require any protection whatever to induce great writers to instruct and amuse the public with their lucubrations. Such being the case, was the House prepared to tax the public in the manner in which his hon. and learned Friend's Bill would certainly tax it? He thought not, even on his hon. and learned Friend's own showing. But, independently of that circumstance, he maintained that, on the general principle, the House had no right to tax the public to a greater extent than was sufficient to induce an author to devote his labours to their service. He should therefore vote for the amendment which had been moved by the hon. Member for Kilkenny.

Sir Robert Inglis supported the Bill. The hon. and learned Gentleman ought to have shown, he said, if the hon. and learned Gentleman could, that literary property was not just as much protected by the common law as any other description of property. The question, indeed, in his opinion was, if literary property had not been injured by the Act which was called an Act for its protection; and whether we ought not to revert to that which was originally the case, and give to an author that property in his literary productions which was enjoyed by every other person in any possession that he enjoyed. At least, the hon. and learned Gentleman ought to have shewn why twenty-eight years was the limit of protection beyond which the Legislature ought not to go. As to the price of books, it should be recollected, that the purchase of books was a voluntary act; and that no author would ever charge a higher price for his books than he found the public disposed readily to pay. Could it be conceived that any author would retain his works in his own possession rather than let them go forth to the public at a reasonable rate? Would any of the great writers of the last century, or would any of their descendants, if the property in the works of their progenitors had remained in them, have so acted? What was the object of the Bill proposed by the hon. and learned Gentleman? In his opinion, the Bill did not go far enough, for he was desirous that the original right, common to literary as to other property, should be restored, and that an author should hold his copyright in perpetuity. He could understand why no copyright should be created; but he could not understand why it should be limited to twenty-eight years, or to any other definite

period. He supported this Bill, therefore, as an improvement in the existing law, not as effecting all the good which he thought desirable. Why were great writers to be placed in the more than Egyptian bondage of receiving only just as much as would induce them to continue their labours? He fully admitted, that the great men of the last century, and the greater men of the preceding—the Bacons, Shakespeares, and Miltons—did not write with a view to mere profit: but even to these it would have been a natural consolation and a just reward, that, on their death beds, they could have left to their children some inheritance in the products of their genius; that, while others were growing rich on their immortal works, their own children should not have had to struggle with poverty, and to depend, one on private bounty, another on a public subscription, a third on a charity representation of the *Comus* of his ancestor. The hon. Member for Kilkenny had talked of the inventors of mechanical improvements. He (Sir Robert Inglis) would much rather extend the privileges which those inventors at present enjoyed, than curtail them. But that was not then the question. The question related to literature only; and no comparison could justly be made between the productions of literary genius, as permanent as they were admirable, and works of mechanical ingenuity, which might speedily be superseded by the inventions of more skilful or fortunate persons. A good deal of misapprehension existed on this subject. The hon. Member for Kilkenny had referred to a statement; and he inferred from the hon. Member's remarks, that that statement was contained in a petition emanating from those who ought to have known better. He found that it was alleged, that in the year 1818, the only English edition of Clarendon's History, published at Oxford, cost fifteen guineas on the large paper, and seven guineas and a half on smaller paper. He had felt it his duty to make inquiries into this subject on seeing this statement, because it must be obvious that it was meant to insinuate that, till the year 1818, copies of the work in question were never sold at a lower rate. The hon. Baronet here read from a paper, to show that fourteen different editions of this work had been sold by the university, in the course of the last century, at a much lower price, and one in the year 1807 at three guineas. He trusted, therefore, that the House would not take the

statements contained in this petition as conclusive. But the proposition of his hon. and learned Friend was nothing more than this, that if the book were a good book, he would do an act of justice to the author. Was it just that the families of such men as Wordsworth, and Scott, and Coleridge, and Southey, were to be deprived of the property created by the minds of their illustrious progenitors, in order to enrich the families of John Murray and Thomas Longman? Notwithstanding all that had been said by the hon. and learned Solicitor-General, the question was not one between the author and the public, but a question between the overgrown publishers of London, and some one or two other cities on the one hand, and the literary men of England on the other. Many instances might be mentioned, to show how imperatively justice demanded the passing of some measure of this description. He would mention only one: a distinguished individual, whom he had the honour of knowing, having employed great labour, and consumed much time in the preparation of a very important and very valuable work, had the mortification to find, that his book was pirated, almost immediately after its publication, by a society of which many of the hon. Gentlemen opposite were members. There were, no doubt, many other instances fresh in the recollection of hon. Members, displaying, in the strongest light, the inconveniences sustained by literary men, in consequence of the want of means for securing legally the copyright of their works. This was felt and acknowledged, both by men of high scientific attainments and eminence in the arts, who must have secured to themselves and families at least a competent provision, from the produce of their ingenuity and talent, had it not been for the defective state of the laws upon the subject of property in published works. He confessed that, viewing the subject of literary property in this light, he was sorry to find the Solicitor-General, as an organ of the Government, opposed to the Bill; and still more concerned to think, that an attempt should be made by that hon. and learned Gentleman to turn the tables on those who sought protection at the hands of the Legislature, and laugh them out of court. The principle on which they were called to legislate in this instance was, that they should not be niggardly in showing to the public, and other nations, their sense of the obligations conferred upon society by men of genius.

That acknowledgment ought to be prompt, as well as liberal; and, in reference to this part of the subject, he must say, that the legislature of the country, under a liberal form of government, ought to prove itself by substantial protection afforded to the copyrights of ingenious foreigners, sensible of the benefit we derived from the talent and research displayed in their works. Nor was it enough that we should show ourselves, in the present generation, sensible of the minds of a Scott, a Southey, or a Wordsworth, by purchasing their works at remunerating prices; the future reader ought to be constrained by legislative enactment, to contribute his share of remuneration to the genius which dictated those works of genius, in a just proportion to the gratification he must inevitably derive from their perusal. The hon. Baronet concluded by observing, that he entirely concurred in the motion of his hon. and learned Friend (Mr. Sergeant Talfourd), and sincerely hoped that the House would allow the Bill to be read a second time.

Mr. Pryme remarked, that the common law had given protective rights to the literary man, which like other parts of the common law, had grown up by usage. With the common law right he was inclined to rest satisfied. The question this night was this, were they to extend the privilege of the author or owner of the copyright from twenty-eight years to the term of sixty years. The Solicitor-General had asked whether the present security and protection afforded by law was not sufficient for the encouragement of literature and all useful purposes? In corroboration of the opinion conveyed by this interrogatory, he would remind the House that even the hon. and learned Mover himself had admitted, that the price of books, and the remuneration of literary labour had decreased since the protection had been extended from fourteen years to twenty-eight years. And he would ask, was it *propter hoc* or *quoad hoc* that the Legislature should be called upon to extend the period of protection to literary compositions? With respect to Sir Walter Scott, he conceived that he had been amply recompensed by the reading public for his admirable works; but the causes of his disappointment had originated altogether in causes unconnected with his literary occupation. In fact, he must have realised an almost princely fortune, had he not involved himself in speculations in trade,

and been involved in the mercantile distresses of the crisis. But he would ask whether that which was now sought by his hon. and learned Friend would be a boon to literary men; Was it not well known that most popular authors were in the habit of selling to their bookseller their copyright at once? If the price were raised, the effect would be that fewer persons would buy; the booksellers' profits would of course, be less, and the publisher could only afford a correspondingly less remuneration to the author. So far it would be prejudicial to the real interests of the author. The works of Adam Smith, published in 1776, were published with notes adapting the work to the growth of knowledge in the interval, by Mr. Buchanan in the year 1806. The admirable edition of Millman's Gibbon would not, nor could not for many years after have been produced through the press, without the express consent of the author or his representative, had the bill now before the House been the law of the land, extending the privilege of copyright to sixty years. Since the same might be said with respect to the best and safest edition of Gibbon, which was the most authentic history of the time of which that distinguished author treated, he felt there were reasons to induce the Legislature to pause ere it assented to the provisions of such a bill as that before the House.

Mr. *D'Israeli* said, that he had always been taught to believe, that monopoly was a privilege for exclusive sale, when there might be great competition, and copyright was a privilege of holding that which, but for this principle, might be sold by any one. Every circumstance which had been brought forward as significant of monopoly in capital was a characteristic of property; and it would be right to consider in the present question what kind and degree of property was to be acknowledged. They were works requiring great learning, great industry, great labour, and great capital in their preparation. They assumed a palpable form. They might fill warehouses with them, and freight ships; and in his mind they constituted a species of property better than any other. The tenure of that property was not fictitious; it was primitive; it was the most natural and the least liable to be disputed. It was a tenure by creation; and what he objected to was, that such a tenure should become in any way compromised. When the hon.

Gentleman opposite said that it was a tenure not recognised after a certain period by the statute law, he begged to say, in answer, that it could be enforced under the common law, a law founded on common sense. But if the authors of those works had not at present what they were fully entitled to—if their property in their works was not at present secure, then they had a right to agitate till such time as they obtained that to which they had a just claim. He would follow the example of the hon. and learned Sergeant in keeping clear of all the details of the measure. If the bill were read a second time, and he hoped it would be, the details of the measure could be discussed in Committee. He would, therefore, address himself briefly to those points which related to the principle of the bill. It had been brought forward as an argument, that the measure would put it in the power of an individual to refuse the publication of a work calculated to amuse or to instruct the people, that it would give authors the power of withholding from the public works calculated to improve and to elevate the mind, and to promote the happiness and prosperity of the country. Now, he thought it remarkable, that such a difficulty should have been started, that they should have been met in the outset by such an objection on the part of the opponents of the bill, for such a difficulty was of all the least likely to happen. In legislating on this important subject, they had no right to suppose, that such a difficulty would have to be encountered; but, on the contrary, they were bound to suppose, that a man in the possession of property would wish to make the best possible use of it, so as to reap from it the greatest possible advantage. Such a supposition was the natural one, and it was almost an absurdity to suppose, that those who were in the possession of any sort of property would wish to render it as useless to themselves as possible. But suppose he had a freehold estate, and refused to cultivate it so as to reap from it all the advantage which cultivation might enable it to produce, he could hardly think, that any hon. Gentleman would feel himself at liberty to come down to that House and propose a measure for enforcing the cultivation of that estate, or for repealing the laws against trespass, so as to enable others to derive that benefit from the land which he himself neglected to secure. In

the case he had instanced there was a stimulus to the cultivation of the land; and it was unlikely that the proper cultivation of the soil would not be duly attended to, so, as to obtain from it the greatest amount of produce; and in the case of literary works the same stimulus actuated the author, and made him desirous to obtain the greatest pecuniary gain from his labours. But, in the case of the author, the House ought to recollect, that there was a double stimulus to give publicity to his works. There was not only the stimulus arising from pecuniary considerations, there was also the stimulus arising from extending his reputation; there was not only the stimulus of interest, but the stimulus of fame and glory to be acquired; there was not only the stimulus of wealth, but the stimulus of obtaining admiration and respect. It was said, that the necessary consequence of this measure would be, to increase the price of books. That was an objection to be decided by an appeal to facts. He would take half-a-dozen books of standard reputation, the works of the present age, and the copyrights of which were vested either in the authors themselves or their representatives. He would also take six standard works of the last generation, and if he could show, as he could, that those works which originated in the present age were offered to the public at a price 100 per cent. less than the works of former generations, it would be clear that there was no reason why they should refuse to extend to authors the rights and the powers which the present bill contemplated. If they took the works of Scott, Byron, Southey, Wordsworth, and he might add the works of a relation of his own, and compared the price obtained for them with the price charged by the trade for the works of Hume, Johnson, Burke, and other authors of the last age, they would find that the public obtained the works of the former at a far cheaper rate than those of the latter authors, who had all been dead for many years. This objection, then, fell to the ground—it was based upon a falsity, and there was no good evidence to show that authors themselves enjoyed anything like a monopoly. There was, however, a monopoly, not in favour of the authors, but a monopoly in favour of the booksellers. It was a monopoly enjoyed by those who did not labour for it, and which had all the odious

features of other monopolies. By the old system that monopoly was called into existence, and he asked the House now to convert that monopoly into a property for the authors. They were told, that this was not a question between the author and the bookseller, but between the author and the public; but from whom had the petitions come which had been laid upon the Table in opposition to the bill now under discussion? They were all from booksellers or printers who participate in the monopoly; but if they were to regard the principle upon which those petitions were got up, he supposed they would, when the Imprisonment for Debt Bill came before the House for discussion, have, upon the same principle, a petition against that measure from the sheriffs' officers. A great number of the petitions which he had seen presented against the Bill of the hon. and learned Gentleman opposite, were but the writhings and contortions of a monopoly attacked. The hon. Member opposite, who had quoted the case of Gibbon against the present measure, had, in his opinion, hit upon the worst instance that the hon. Member could possibly have adduced in favour of his arguments. Here was a man who had devoted his life to the composition of a work, the value of which every man willingly acknowledged, and which, indeed, might be considered the greatest of all modern works. Here was a man who devoted more than twenty years to the production of a great work, and he was an instance of what was called a successful author. Now he remembered a passage in Gibbon's Correspondence, which he had no doubt was familiar to hon. Members, wherein, in exulting terms, he spoke of the termination of his labour, and stated that he had received 6,000*l.* from the booksellers for his book, but adding, at the same time, that the sum he had received was just equal to that which he had expended upon the purchase of books of reference during the twenty years he had been employed on it. But let the House consider that even the sum obtained by Gibbon was only at the rate of 300*l.* a-year for the time he was employed, and let hon. Members then say whether, the value and importance of the work considered, that was an exorbitant remuneration for his labour. Well, Gibbon died, but had the public derived any advantage since that period by better or cheaper issues of his great work? On

the contrary, till the new edition, now in course of publication, was undertaken, the work had not been sold cheaper than it would have been in the lifetime of Gibbon. It was fifty years after the death of that illustrious author before any bookseller had ventured on the publication of a cheap edition illustrated with annotations worthy of a scholar. The edition, now in the course of publication, was the first attempt of any individual to give the public a cheap and valuable edition of the works of Gibbon, for the booksellers had monopolised the work, and prevented the public from obtaining it in a cheap form, and debarred literary men from exerting their abilities to render that work more valuable by their labours. It was only now, after the lapse of fifty years, that the public were to be allowed to possess the works of Gibbon in a cheap form, and improved and rendered more valuable by the labour, learning, and researches of a scholar. Such was the effects, not of a monopoly in favour of the author, but of a monopoly in favour of the booksellers. Let him now compare this case of Gibbon with that of an individual very different indeed, but possessed of equal learning, and of genius, and of abilities of the highest order—he alluded to Mr. Southey. Mr. Southey more than a quarter of a century ago was desirous of composing a work more extensive in its nature, and of not less importance or of less value, than the great work of Gibbon, and demanding not less labour, learning, and research. The work which he projected was a history of the monastic orders from their foundation; but Mr. Southey, compelled to take the interests of his family into consideration, found himself obliged, from the present state of the laws affecting literary property, to give up that great work, which, had it been finished, would, he was sure, have added to the reputation of its illustrious author, and been productive of the highest advantages to literature. Such were some of the effects of the present state of the law, and he could hardly conceive it possible, that any person could advocate the continuance of such a state of things. He hoped the Bill would be allowed to be read a second time; but he would not appeal in behalf of the measure to the sense of justice, or to the generosity of hon. Members. He would appeal to their interest; and he asked them to allow the Bill to

be read a second time, because it was wise and politic for them to do so. The poet and the scholar of the present days was not to be confounded with the monk of feudal times. Literary men exercised great power, often an irresistible power; and he would ask, whether it was wise or right for that House to debar from the right of property in their works the creators of opinion?

Mr. *Ward* looked on the right of property in literary works as fictitious, and considered the House bound to ask how far they were likely to extend benefit to the public by such a measure as the present before they gave it their sanction. If any sufficient proof had been brought forward, showing that there was not sufficient encouragement to literary men, then there would have been some plea for introducing the present Bill: but, on the contrary, he would appeal to every hon. Member present, whether at any period of our history literary labour was so well paid for as at present? If then, under these circumstances, they found that the Bill before the House created a monopoly, and that it would operate injuriously to the public, they would act improperly in allowing it to pass. It was upon the broad principle that they had no right to tax the public for the benefit of the authors, that he opposed the Bill; and conceiving that there were clauses in the measure tending to prevent the publication of all literary works useful to the middling classes, tending to prevent the publication of all books of extracts, a class of works which were largely circulated, and conceiving that there were great difficulties in the way of the measure, he would give his vote against the second reading.

Mr. *Milnes* was understood to say, that after the able speeches which had been delivered in favour of the measure now before the House, there was little left for him to say. He could not, however, give a silent vote on this important subject, and he trusted the House would indulge him a few moments while he stated the reasons which induced him to support the Bill now under consideration. In his opinion there was no species of property so little protected as that of the author, and surely some amendment of the laws affecting literary property was called for, in order to render that property more valuable

to those who laboured so usefully to promote the instruction of the people, and the happiness and prosperity of all classes of the community. He called upon the House, by adopting this Bill, to make some recognition of the merits of that class of individuals to whom the country owed so much. He could not concur with the hon. and learned Solicitor-General in the sorry economy with which he would drive authors to a sort of workhouse allowance; neither could he join with the hon. Member for Sheffield in thinking that the property of literature was entirely fictitious. That property had, even in times of anarchy, been held sacred, and the history of France told, that in the worst time, the property of copyright was acknowledged for the author's life, and ten years after his decease. It was a property which could not be set aside by the arguments of the hon. and learned Solicitor-General, and he could not see why, as this Bill proposed, a premium should not be given to literature, and that this species of property should not be secured to an author's descendants.

The *Chancellor of the Exchequer* was very reluctant to give a silent vote in support of the Bill of his hon. and learned Friend, in consequence of so much opposition to it having come from Gentlemen in whose opinions he generally concurred. The debate had been opened to a considerable extent by his hon. and learned Friend, the Solicitor-General, in whose judgment he generally placed great reliance. If he could adopt the views of his hon. and learned Friend, and the observations which had fallen from other hon. Gentlemen, he should certainly be prepared to go much farther than they appeared willing to go. For, if their arguments were correct, they ought to follow them up by a repeal of the existing law of copyright altogether. His hon. Friend, the Member for Sheffield, contended, that there was no property in literature; if not, how could he, or those who agreed with him in opinion, defend the law now on the statute book? The argument of his hon. Friend was, there was no property in the literary productions of the mind beyond what was the creation of the law. Why, all property was the creation of the law. The principle of all property resolved itself into a principle of general usefulness to society. Property of every kind was the creation of the law justified by the principle of usefulness. If, then, there

was any general usefulness connected with the recognition of this particular species of property, it became as much entitled to the protection of the state as any other description of property; and as to the question whether it was literary property or not, that became wholly immaterial, and the argument founded upon such a distinction entirely fell to the ground. The Solicitor-General seemed to put the question altogether upon this principle, that under the existing state of things there was extracted from the genius of authors as much as it was possible to obtain from them; and that having obtained this maximum of good, the present question was a totally immaterial one, and was not necessary to be entertained by the House. But that was not a just way of dealing with a subject of this description. Between the case of a patent invention and the present subject an analogy had been drawn, the fallacy of which he would presently endeavour to point out; but supposing, on an application for a patent to protect some mechanical invention, it could be shown, that as much benefit could be produced to the community, and the same amount of ingenious mechanism be obtained, without granting a patent right, still that would not satisfy the fair expectations of the party, nor ought it to satisfy society at large, because the public interest would certainly be ultimately injured if those who were great public benefactors were not enabled to obtain for their labours an adequate reward. An adequate reward was one of the elements they were bound to take into their consideration when discussing the present question. He was anxious to have that principle first discussed; they might afterwards discuss whether by making the reward more adequate to authors, they would or not be conferring a greater benefit on the public. The case of Mr. Southey, which had been mentioned by the hon. Member for Maidstone (Mr. D'Israeli), was one showing that a work had not been produced in consequence of the inadequacy of the reward; and how many more of such cases were there, he might ask? But it was objected, that we ought not to bring forward these illustrious names. If we argued the question of inadequacy of rewards generally, we were called upon to produce our cases; and then, when we did so, we were told, because these were great and glorious names, that we had no right to reason in reference to those particular cases,

and that we were leading the House astray by our sentiment. He confessed he should be sorry to approach this subject, or discuss it, without sentiment; and was it much to discuss the genius of the great among mankind with that feeling which others might call sentiment, but which he would call well-directed enthusiasm? Then let them take the case of Mr. Wordsworth. Was there a single person competent to form an opinion upon the subject who would contend that it was just, that whilst that illustrious man was conferring a boon upon his country and the world, the law should at his death deprive his family of that property which was the creation of his own genius? The way in which those were dealt with who supported this Bill was not fair. When they argued upon the general question they were told to bring forward their examples; and when they did bring forward particular examples, they were taxed with reasoning from sentiment and enthusiasm, which the great names they produced naturally gave rise to. With respect to the analogy between invention in machinery and literary production attempted to be set up, he should like to know in what that analogy consisted. If you were to confer upon any patentee an immortality of his patent, it would be of no use whatsoever to him. An invention which was of importance in 1830 would become superseded by another invention in 1837; a patent right, therefore, if granted in perpetuity, would, in nine cases out of ten, not benefit the inventor, whereas a copyright gave an enduring benefit to the author. Where, then, was the analogy between the two cases? Would those who urged this argument give him the benefit of their own analogy? According to the present law of patents, if a patentee could make out a case before the Privy Council, he could obtain a prolongation of his patent. [*A Member*: For a certain time.] Yes, for a certain time; but that was the principle of this Bill. If they permitted an extension of the period for the benefit of patentees when cases were made out, why should they not with respect to literature permit a like extension, on cases being made out, for the benefit of authors? He only asked for the exertions of the highest range of intellect the same degree of reward that was bestowed upon the lower and secondary powers of the mind. However much disposed the hon. Member for Kilkenny might be to raise the pretensions of genius in its application to

mere mechanical inventions over the powers of intellect as applied to literature, he would ask, whence mechanical inventions themselves proceed, if it were not from the impulse given to the general mind by the works of those of loftier genius and of a more comprehensive range of intellect. But he wished it not to be supposed that he undervalued the claims of printers, and publishers, and all the other parties engaged in the mechanical process in getting up the works of authors. On the contrary, he was ready to extend the fullest consideration to those claims; and he, for one, was far from thinking that they preyed upon the brains of men of genius. He trusted, however, that the House would not, after the cases of inadequacy of reward in the instances of some of the greatest names that shed a lustre on British literature that had come before them, reject this Bill upon its second reading without even taking into consideration any one of its propositions. Gentlemen had objected to some of those propositions, and especially to the term of sixty years, but these were points open to discussion in Committee. The supporters of the Bill did not feel themselves pledged to all its clauses. He could not sit down without repeating the sentiment which he had on a former occasion expressed, and in which he was sure all present participated, even those most strongly opposed to the measure—the sentiment of delight with which he had heard his hon. and learned Friend, and his opinion of the peculiar appropriateness with which this motion had been placed in the hands of one of the greatest ornaments of our living literature, who, with a manliness and spirit that did him the highest credit, had come forward, not upon an exciting political subject, nor upon one which seemed to be very attractive to the House at large, but to discharge his duty to that body of literary men to which he himself belonged.

Mr. Grote felt it his duty to oppose the second reading of this Bill, and he would shortly state the grounds upon which he did so, and with a view to what interest it was that his object was confined. There had been a good deal of argument upon the fact, that the principal petitions against the Bill had been presented from publishers, printers, and booksellers. He wished to state distinctly that his opposition was not founded upon any peculiar sympathy for either of those three classes; but most distinctly and exclu-

sively upon the feeling he had that this Bill would have the effect, if it had any effect at all—of narrowing the circle of the public amongst whom literature would circulate. It was upon that view solely, that he opposed the Bill. If Gentlemen who supported the measure would show him that he was in error—if they would show him that printing under a copyright would be cheaper than printing without a copyright, his opposition to the Bill would be withdrawn. But he must say, if that had been the fact, it was his firm belief, that the House would have heard nothing whatever of this Bill. He would put it to the hon. and learned Gentleman, what would be the case in the event of this Bill passing? Would not the representatives of the authors dispose of all their interest in the sixty years' copyright for a sum in hand; and should we not be still liable to the painful spectacle of some son or grandson of some eminent historian—if of an indiscreet character—suffering under poverty and distress? He would venture to say, that neither this Bill nor any other that might be devised, could rescue the son or grandson of a literary man from the consequences of improvidence and indiscretion. Much as they might all lament this, and much as their sympathies might be touched by it, yet it was quite impossible to prevent them from suffering the consequences of their own imprudence. A good deal had been said during the present discussion as if this were a question between authors and publishers, and not between authors and the public. Now, he would apply to any Gentleman whether there was any one department of commercial enterprise in which competition was more intense and more active than in the publishing trade. It was impossible to suppose, that publishers in the present day could derive more than an ordinary remuneration for capital and trouble employed in trade. Therefore, if by any alteration of the law of copyright they were to impart to the author a greater profit than he now received from his works, that benefit would be obtained at the expense of the reading public who purchased them. But in his opinion, whenever a question arose between the interest of any one class of persons and the interest of the public, it was the duty of the House to give its decision in favour of the latter. It was his belief, that the Bill was replete with mischief to the public, doubtful in its pecu-

niary results as to the authors themselves, and calculated to rob those authors of that which he was persuaded they set a greater value upon than any pecuniary gain—a wide and enduring circle of literary and intrinsic admiration.

The *Attorney-General* felt bound to offer some observations on the bill of the hon. and learned Member, to which he must give his opposition. In one of the petitions which he had had the honour to present from the City of Edinburgh, it was stated, that when the statute the 8th of Anne, passed into a law, there were only two printing presses engaged in that city, while there were now sixty, at which no less than 8,000 men were employed; and, notwithstanding these facts being represented, yet the system as it at present existed was objected to, although it had produced the beneficial effects which were pointed out. He was prepared to admit, that there were instances in which it was necessary to extend some additional reward to literary men; but he would ask whether the House would content itself with legislating for those rare and uncommon instances by altering the whole existing system? He would point out the plan which suggested itself to his mind as being a just and proper one. In the case of the Patent Act, since the law had been passed four years ago, he had been called upon, in his office of Attorney-General, by the Privy Council, to investigate cases in which it should be proper that an extension of patents should be granted, and, in the course of that inquiry, it was found that there were cases in which the extension he referred to might with justice be granted, the patents being of so valuable a character as to entitle the parties to such an additional advantage. Might not the same course be adopted in the present case, and would not Mr. Wordsworth then be fully rewarded for the labours which he had undergone; and might not the heirs of Sir Walter Scott be placed in a situation in which they might enjoy the benefit of his works; and might not Abbotsford then still remain in them as their property? He saw no objection at all to such a course being adopted, and he should try to recommend some such plan to the consideration of the hon. and learned Member for Reading, whose bill it was his painful duty to oppose. The hon. Member for London had already referred to the evil effects which might be

produced by the measure ; but the hon. Member had not mentioned one which he was confident would ensue. He was of opinion that it would paralyse industry, and that it would do little for the great mass of authors. The provisions of the bill were that the author or owner of the copyright should have the benefit of it until the death of the former, and that it should be enjoyed by the representatives of the author for sixty years afterwards. But that would confer no benefit on the author, and it would, besides, be injurious to the public, because the consequence would be, that no petty author would avail himself of the provisions of the measure, and would not reprint his work ; while, if it were reprinted by any one else, actions would be brought, and it would give rise to a great deal of pettifogging legal proceedings. This objection, however, would be entirely removed by his proposition ; and by that, too, he thought that the object which they all had in view, namely, the proper reward of authors, would be secured. He should feel it his duty to vote for the amendment which had been proposed, that the bill should be read a second time that day six months.

Mr. *Williams Wynn* always entertained the greatest respect for the legal opinions of the hon. and learned Attorney-General, but he must differ from what he understood him to have said, that the law as it now stood had existed since the statute of the 8th of Anne. It appeared to him that that was the effect of the hon. and learned Gentleman's observations, but every literary man who was acquainted with the history of the country knew that copyright was enjoyed in perpetuity after that, and that it was not limited by the act of Anne until a decision which subsequently took place. If it were right that authors should have an increased compensation, he had no hesitation in saying, that the adoption of that course would increase the price of the book. The system proposed, would apply to all classes of books, as well to those of a superior quality as to books which were of a description calculated to minister to the bad taste and bad feelings of the people. The copyright in books of such a class was of no value, but the reason for which he was willing to extend the law was for the protection of those works which always met with the public approbation, and to which, although they might not suit the taste of the public at the time

of their being published, future ages might look with respect and admiration. All property of whatever character rested on law ; but on what did law itself stand but on right reason and good sense ? He would ask the House, therefore, if they desired at all to hold out an inducement to a person to devote long laborious years to the benefit of society ? and if so, he would say that they must adopt some such course as that suggested. There were many instances within his own knowledge where some such interference in favour of authors was necessary, and he might first mention that of his excellent and respected friend Mr. Southey, whom he had had the honour to call his friend for the last fifty years. He knew how small the remuneration was which he had received for many of the works which he had produced by the most laborious efforts, and he knew also, that he had received more for his ephemeral works, as he might call them, which had appeared in the reviews and other periodicals, than for his enduring publications. He might mention the case of Mr. Hallam also, who had certainly contributed much to the good of the public, and yet he had only been able to produce his work upon the history of the middle ages a volume at a time, there being no call for them under the present system. It was true, that there were many publications of great genius and imagination ; but he did not see works of an enduring character and sterling merit, such as were produced prior to the decision which had been mentioned. Small profits and quick returns had been the order of the day latterly in the publishing world. He confessed that he felt some difficulty with regard to the provisions affecting works required to be improved by successive writers. Dr. Johnson's dictionary of the English language, for instance, was a work of compilation from former works ; but such a work in the course of time would require additions and emendations, and suppose the proprietors of the copyright were to say, " You may publish your additions if you please, but we will stick to the old copy, and our copyright shall not be interfered with." In that case the public would suffer by being deprived of an improved edition of the work. With respect then to the provisions for copying and using works *bond fide* for the improvement of learning, considerable attention and care would be required before

they came to a decision. He should support the principle of the bill, and give his vote in favour of the second reading.

Mr. *Jervis* said, that he should recommend his hon. and learned Friend the Member for Reading, before he persisted in pressing forward his measure, to consider well the suggestion thrown out by the learned Attorney-General; and he should feel bound, if he did not do so, with great reluctance to vote against the second reading of the bill. The House, in considering any measure which was proposed to be adopted, ought not to reason by what had already taken place for what might occur in future, and should not draw inferences that similar events would occur at a future time. It was admitted that before the case of *Miller v. Taylor* the copyright was perpetual, and yet many cases might be brought forward in which, although this perpetuity existed, authors were in the greatest distress and want. If the House were to believe the evidence given by Mr. Hansard in 1834, that he would not exchange the eleven copies of all works which were required to be given to public bodies for the extension, they might readily imagine that the authors would get nothing by the present measure. The House would not sanction a law to be adopted with regard to literary property which was different from the law relating to any other property, and he could not but express his opinion that the introduction of the law proposed, would have no effect, for if the bookseller were to be deprived of his property in the copyright on the death of the author, would not the price first given for the work be materially decreased? The case of Mr. Hallam was directly in point on the subject, and the reason which prevented booksellers from publishing standard works of sterling merit was the uncertainty of getting a return for the necessarily large outlay which they made. The question at issue, however, did not lie between the author and the publisher, but between the publisher and the public; for if the evidence which had been given on the subject was to be relied upon, not one farthing more would be given for the increased copyright than for the present term, and the benefit derived from the increased term would thus go, not into the pocket of the author, but of the publisher. Really, when he considered the small price which Milton and Defoe obtained for their

works, and when he recollected the declaration of the hon. Member for Lincoln in a late debate, that the remuneration which he received from his works placed him above the suspicion of desiring the emoluments of place, he thought that the law as it at present stood worked well enough for authors. He should for these reasons oppose the second reading.

Sir *E. Sugden* would say a few words on the ground on which he intended to oppose the Bill. He could not agree with the learned Attorney-General in the opinion which he had expressed, and the plan which he had proposed; for he thought that however advantageous the principle might be in certain cases of mechanical inventions, it would be impossible to carry it into effect as to literary and political works, with a due consideration to the rights of all parties. He regretted, however, that it was on strong grounds that he must oppose this Bill. If he were to look to his own interests, small as they were, he should perhaps support it; but he could not help thinking that copyright however valuable it might be, partook in its nature of a public right, it became valuable only through the medium of the public, and, therefore, at some time or other the public ought to reap their share of the benefits conferred by it. In fact, the question was only one of degree. It had been treated as a question of abstract right, but it should not be forgotten that at present copyright depended upon the statute law. If the statute law had created a perpetuity for copyright, he should vote for reducing it to a shorter term, because such a law would not be for the benefit of the public, and at the same time he thought he might venture to say that it would not be of any additional advantage to the author, as he would not get 5s. more for his work than he would now, if it were sold to a publisher before publication. The real object of his learned Friend's Bill was to perpetuate the copyright, which was about to expire, of works of great value and importance. He regretted the hardship of the particular case in view, but they ought not to legislate for individual cases. He considered twenty-eight years was a reasonable time for the duration of copyright, and if a term were taken which allowed of a devolution of interests, a confusion of right would be the consequence. The principle which he proposed to advocate had al-

ready been acted upon in the real property law; and he repeated, that if a long term were determined on, the means of tracing the representatives of an author would be lost. He would ask the hon. and learned Member himself, whose works were much and most deservedly admired, if at the time of his writing the extent of time for which the copyright, should last ever entered his imagination? And he would say, that he was quite confident that no such thought ever entered on the mind of any of the celebrated writers of the day. He would have no objection to allow the copyright of an author to be extended for five or seven years after his death, but he objected to the almost indefinite extension of sixty years. He believed, that indeed no man would care five pence about the right to the works at the end of sixty years after the author's death; but the extension of his interest in them six, or five, or seven years may be a gratification to him, and sooth his dying moments by the reflection that, for some time at least, his wife and children would have some little provision. To the smaller extent he thought it might go, but he thought so only because it would otherwise lead to no benefit with regard to the reversioner, the public to whom all should go. It was on these grounds that he opposed the Bill of the hon. and learned Gentleman.

Lord *Mahon* must certainly differ from his right hon. Friend. With his hon. and learned Friend who had introduced the bill, emolument might be no consideration; but he would put it to the House whether there were not cases of men with literary talents, perhaps superior, but who had not means and no professional talents like the hon. and learned Member, to render them independent? To such men he thought they were bound to secure pecuniary advantages, and he would therefore support this Bill. If he could persuade himself that the matter was merely a question between author and publisher, he might, perhaps, come to a different conclusion; but he could not, as he was firmly convinced that the public in general had a deep interest in the welfare of literary men. He thought it was a melancholy thing to see eminent writers destitute of common comforts, and reduced to a servile dependence on the great, or to the necessity of sacrificing their own better taste to the prevailing fashion of the day.

Was it not painful to find such a man as Dryden obliged by his necessities to accommodate himself to the taste of his corrupt age? In a letter to the Earl of Dorset he complained that, having projected a great national poem, he was compelled to forego his intention to write plays, to suit the corrupt Court of Charles the 2nd. Was not that a case to excite their sympathy? Again, was it not melancholy when literary men were obliged to sacrifice permanent renown to temporary want? His right hon. Friend had alluded to works which had not pleased the taste of the public on their first production, but which an altered taste rendered popular; and was it not hard that the author's property in such works should cease the moment they became profitable? It was, in fact, giving an encouragement to authors to consult the taste of their age, however depraved, rather than their own better judgment. He considered it was the duty of that House to protect the interests of literary men, and for that reason would support the measure of the hon. and learned Member. He thought that many of the objections urged against that measure in the petitions which had been presented applied rather to its details than its principles. For example, they complained of the clauses relating to extracts. That had nothing to do with the principle. Again, the petitions complained, that copyright was a monopoly, and that by the 21st James 1st, all monopolies were declared to be against the laws of England. Well, then, if copyright was a monopoly, and that monopoly was against the law, was not a monopoly for twenty-eight years as bad in principle as one for sixty; and yet the petitioners were so inconsistent that they petitioned for the retention of the present term of copyright. He would ask whether such articles were entitled to much weight? At that late hour he would not trouble the House with many further observations, and would only say that he concurred with his right hon. Friend (Sir E. Sugden) in disapproving of the Attorney-General's proposition; he thought it would give rise to personal questions of an unpleasant nature. He admitted, that the interests of printers and publishers were entitled to consideration, but he thought they had taken a mistaken view of those interests. He would vote in support of the motion.

Mr. Warburton said, that the remark which had been made, that the opposition to this bill had been originated by interested parties, was of little moment, inasmuch as the opposition to all bad measures must naturally proceed in the first instance from interested individuals. For his part he considered this to be a most pernicious bill, looking at the effects which it must of necessity produce upon the general prosperity and character of the literature of the country. He felt persuaded, that it would do more injury to literature and to literary men than it could possibly be productive of good. The noble Lord who had just sat down had contended, that great good was likely to arise from this bill from the circumstance that authors would be persuaded to forego the ephemeral prospect of writing popular works calculated to secure a large immediate price from the publisher, and would be encouraged in the production of more elaborate and carefully written works by the additional security furnished by the bill; but he (Mr. Warburton) did not think that any legislative scheme would be likely to counteract the natural bias of meritorious authors towards legitimate fame. Such authors, he believed, would ever be actuated by the old principle, *volitare per ora virum*. He did not believe, that publishers would give one farthing more for copyright with the additional protection that this bill afforded than without it. Publishers acted in these matters like men of business; their object was to secure a return of the capital expended by them in the shortest possible period. The period of fourteen years did not enter into the calculation of the man of business, and he could not afford to give more for a copyright privilege of sixty years than of fourteen. In fact, the main object with the publisher was to secure a rapid sale. He believed, that authors, after the carrying of this measure, as before, would find it to be their interest to dispose of their copyright absolutely. It was said, that this bill would be a protection to the poorer class of authors; but the poorer they were, the more disposed they would be to make this immediate sale. With regard to the suggestion which had fallen from the learned Attorney-General, he (Mr. Warburton) thought it a most dangerous power to place in the hands of the Privy Council. If the Privy Council were composed of a majority of Tories,

and a great work advocating popular principles were in question, they would very probably decide that the copyright ought not to be renewed; and *vice versa* in the case of a Privy Council composed of individuals the majority of whom advocated liberal principles, where there might be questions of a work advocating Tory views. He trusted, that all the publishers and printers throughout the kingdom would redouble their exertions until they met with that entire success which he wished them in opposing a measure that interfered with the best prospects of literature and literary men.

The *Attorney-General* said, that he did not propose to vest the discretion of which he had spoken in the Privy Council, but in the Judicial Committee of the Privy Council, which was composed of the judges of the law, who would doubtless exercise their functions without reference to party.

Mr. Sergeant *Tulfourd* thanked his hon. and learned Friend, the *Attorney-General*, for his suggestion, which was one, however, that he had as yet not had time to consider. He might be inclined in the mean time to doubt whether the legal studies of the members of the Judicial Committee would exactly fit them for the proposed duty. He had heard with some surprise the morality of the hon. and learned Gentleman, the *Solicitor-General*, who was anxious to give the interests of society so marked a preference over those of individual authors. It was surely unfair to take advantage of that noble and honourable impulse which induced authors to publish—not any love of sordid gain—but a legitimate thirst after glory, and a praiseworthy desire to diffuse the sentiments which sprung from their own hearts, and make to such men the most ungrateful possible return, affixing to the result of their labours the lowest possible scale of remuneration, and visiting upon their children the effect of their gifted parents' zeal for publication.

The House divided :—Ayes 39 ; Noes 34 : Majority 5.

List of the AYES.

Acland, T. D.	Brocklehurst, J.
Adare, Viscount	Browne, R. D.
Attwood, W.	Burrell, Sir C.
Attwood, M.	Cavendish, hon. G. H.
Barnard, E. G.	Chichester, J. P. B.
Barrington, Viscount	Dalrymple, Sir A.
Blakemore, R.	Darby, G.

D'Israeli, B.	Maule, W. H.
Ellis, J.	Milnes, R. M.
Freshfield, J. W.	Morpeth, Viscount
Gladstone, W. . .	Morris, D.
Gordon, R.	Praed, W. M.
Graham, rt. hn. Sir J.	Pringle, A.
Grattan, J.	Rice, right hon. T. S.
Howard, P. H.	Seymour, Lord
Ingham, R.	Tennent, J. E.
Law, hon. C. E.	Vigors, N. A.
Liddell, hon. H. T.	Wynn, rt. hon. C. W.
Mackenzie, T.	TELLERS.
Macleod, R.	Talfourd, Sergeant
Mahon, Viscount	Inglis, Sir R. H.

List of the NOES.

Briscoe, J. I.	O'Brien, C.
Broadley, H.	O'Brien, W. S.
Brotherton, J.	Ossulston, Lord
Buller, Sir J. Y.	Pryme, G.
Campbell, Sir J.	Richards, R.
Collins, W.	Rolfe, Sir R. M.
Courtenay, P.	Strutt, E.
Denistoun, J.	Sugden, rt. hn. Sir E.
Duckworth, S.	Tancred, H. W.
Finch, F.	Thornely, T.
Grote, G.	Villiers, C. P.
Hawes, B.	Wakley, T.
Hayter, W. G.	Ward, H. G.
Jervis, J.	Williams, W.
Jervis, S.	Yates, J. A.
Langdale, hon. C.	
Lefevre, C. S.	TELLERS.
Lynch, A. H.	Hume, J.
Muskett, G. A.	Warburton, H.

On the motion that the bill be committed to a Committee of the whole House.

Mr. P. Howard moved as an amendment that the bill be referred to a Select Committee.

Mr. Sergeant *Talfourd* said, that this was a proposition to which he could by no means accede.

The *Attorney-General* said, that although he had opposed the second reading of the bill, he could not consent to the present proposition, which he considered to be an unfair way of getting rid of the measure. For his part, he considered that its details would be much more advantageously discussed in a Committee of the whole House.

Mr. *Jervis* considered that the bill presented so many legal difficulties, that it would be utterly impossible to get through it in a Committee of the whole House. He therefore was decidedly of opinion that it should be referred to the consideration of a Committee up-stairs.

Mr. *Hume* was also of opinion that it was a proper question to refer to a Committee up-stairs. All that he was de-

sirous of was, to have the advantage of the best information which could be afforded on the subject.

Sir *E. Sugden* thought, that the House was already in perfect possession of the evidence. The facts were known, the law was known, and the bearings of the entire question were already known to the House. They were, in his mind, perfectly prepared to proceed without further inquiry.

Mr. *Warburton* was not of opinion that the motion of the hon. Member for Carlisle amounted to unfair opposition. He would, however, rather urge his objections to the bill in a committee of the whole House than in a Select Committee up-stairs.

Mr. *E. Tennent*, though decidedly in favour of the measure, would unquestionably vote for a Select Committee, as the best mode by which they could make the bill both perfect and palatable.

The House divided on the original motion:—Ayes 38; Noes 31: Majority 7.

List of the AYES.

Acland, T. D.	Law, hon. C. E.
Adare, Viscount	Lefevre, C. S.
Attwood, W.	Liddell, hon. H. T.
Attwood, M.	Mackenzie, T.
Barrington, Viscount	Macleod, R.
Blakemore, R.	Mahon, Viscount
Broadley, H.	Maule, W. H.
Brocklehurst, J.	Milnes, R. M.
Browne, R. D.	Morpeth, Viscount
Buller, Sir J. Y.	Muskett, G. A.
Burrell, Sir C.	Praed, W. M.
Cavendish, hon. G. II.	Pringle, A.
Chichester, J. P. B.	Rice, right hon. T. S.
Darby, G.	Richards, R.
D'Israeli, B.	Rolfe, Sir R. M.
Freshfield, J. W.	Sugden, rt. hn. Sir E.
Gladstone, W. E.	Tancred, H. W.
Gordon, R.	
Graham, rt. hn. Sir J.	TELLERS.
Grattan, J.	Talfourd, Sergeant
Ingham, R.	Inglis, Sir R. H.

List of the NOES.

Barnard, E. G.	Jervis, J.
Briscoe, J. I.	Jervis, S.
Brotherton, J.	Langdale, hon. C.
Chalmers, P.	Lynch, A. H.
Collins, W.	Morris, D.
Courtenay, P.	O'Brien, C.
Denistoun, J.	O'Brien, W. S.
Duckworth, S.	Ossulston, Lord
Finch, F.	Pryme, G.
Grote, G.	Strutt, E.
Hawes, B.	Tennent, J. E.
Hayter, W. G.	Thornely, T.

Vigors, N. A.	Williams, W.
Villiers, C. P.	Yates, J. A.
Wakley, T.	TELLERS.
Warburton, H.	Howard, P. H.
Ward, H. G.	Hume, J.

The bill to be committed to a Committee of the whole House.

HOUSE OF COMMONS,

Thursday, April 26, 1838.

MINUTES.] Bills. Read a third time:—Clergy Residence.

GREAT YARMOUTH ELECTION.] Mr. *Willshere* said, that he begged to call the attention of the House to a discussion which had taken place yesterday evening, connected with the Great Yarmouth election. A petition had been presented by a right hon. Gentleman opposite, from Mr. Baker, the agent of the petitioners against the return, in which it was alleged, that Mr. Barth, the mayor, and returning officer, had absented himself with the poll-books, in order to defeat the case of the petitioners. Now to his (the hon. Member's) astonishment, the first person whom he met this evening, on coming to the House, was Mr. Barth himself, who assured him that he had had no intention to evade the order of the House. To his own knowledge, Mr. Barth was very largely engaged in business all over the country, and obliged, in consequence, to pass very suddenly from one place to another; but he was quite convinced that Mr. Barth would be the last person to do anything in the slightest way dishonourable, or tending to defeat the course of justice.

Subject dropped.

BUSINESS OF THE HOUSE.] Lord *John Russell* rose to move, that for one month from and after the 14th of May, an additional day in the week should be appropriated to Orders of the Day. It was a matter of considerable consequence, that both Houses of Parliament should have full time to consider the various measures that were brought before them; and it was very desirable, that when measures of great importance were under discussion, a full attendance of the Members of either House should be insured. This very desirable object had been defeated, to some extent, for several years past, owing to the lateness of the period at which measures of the very greatest importance had been sent up to the other House. It was well

known, that in the earlier part of the Session, several of the motions which stood on the votes, were preparatory to bringing in bills. If those bills were then introduced, they afterwards became included amongst the Orders of the Day; but if the motions for bringing in such bills were rejected, there was an end to all legislation on such subjects for the current Session. He thought, therefore, that at a period of the Session like the present, the occasion for notices of motion was proportionably diminished, and that there would no inconvenience result from adopting the motion which he had now to make. Besides the Government bills, there were several bills brought in by individual Members, upon subjects of great importance, and of which he thought it extremely desirable that they should be discussed in the presence of a full House. He should, therefore, conclude by moving, that for one month, from and after the 14th of May next, Orders of the Day should have precedence on Thursdays.

Mr. *Williams* said, that the proposed arrangement would interfere with a subject of great importance which he had on the papers.

Mr. *Goulburn* said, that the proposition of the noble Lord seemed to him to involve considerations of very great importance—it was commencing at the middle of a Session, and when Gentlemen were most assiduous and regular in their attendance on their duties in that House, to interpose and procure for the Government a larger portion of precedence than any other Government ever had enjoyed. The notice days, as he had always considered them, and according to what he thought was the constitutional mode of viewing them, gave opportunities to private Members of Parliament to question the acts of Government, and to bring forward anything to which they thought fit to call the attention of the House. This was his view, but he must say, that the motion of the noble Lord had a direct tendency to prevent any Gentleman who might have to call the attention of the House to any grievance, or any matter of interest to his constituents, or to any class of the community, or to the public generally, not, it was true, from bringing it forward at all, but from bringing it forward in due time; he repeated, if the motion were agreed to, its tendency would be, to postpone bringing on questions of such a nature, until a period