

INDEED there are so very few buyers of this kind of lumber, that though in general the authors of large and valuable works have been very very sparingly paid for the necessary expences attending such

do the highest honor to the sense of the nation, are so little read, that they are scarce known to any but the very learned. Thus we are daily losing somewhat of that vast stock of useful ideas published by our ancestors; and the neglect of Englishmen to their best instructors, has been almost as fatal to knowledge, and to the fame of English authors, as accidental conflagrations, and those voluntary ones made by the GOTHs, the VANDALS, and the TURKS, on the manuscripts of the antient writers. This is an evil which would be greatly increased by rendering literary property common: In this case it will not be worth the while of individuals to make new editions of any works, which do not promise a quick return of money: And what kind of works must these be? They must be such trifling wretched compositions as please the vulgar; compositions which disgrace the press, yet are the best calculated for general sale.

fuch compositions,° the consumption of time, and too often the loss of health, in these laborious undertakings, the bookfellers have generally smarted for what they have given for copy right, especially in their dealings with some Scotch authors, who have tasted very largely of their generosity or credulity; nay, according to common report, that mighty Colossus of literature, the great Dr. JOHNSON, before he happily experienced the munificence of a royal patron, used to acknowledge, that in this country bookfellers were the best patrons to authors; and for this last century they have by many people been considered as the sole support of learning.

It has, I am told, been urged by the council on  
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° The purchasing a large number of books, with the expence of paying a variety of people, employed in searching and copying ancient records.

the side of the appellants, or by some one or other Member of the Upper House, in favour of the decision against the perpetuity of copy right, that it was possible a case might arise, where government should bribe a bookseller to suppress intirely the work of an author whose doctrine was contrary to the interests or ill designs of a corrupt court.

It would be a difficult task, even in this country, for a minister to divert out of the necessary channel of corruption, a sum sufficient to bribe an individual, who would always have it in his power to repeat his extortionate demands.

BUT supposing a minister should stand so much in awe of the doctrine and reflections of any particular author, as to expend large sums and emoluments to suppress them, and that he had the money at command, he would find it all thrown away in an impossible

fible attempt; for the public, as in the before mentioned case, might have recourse to the Irish and the Americans, who would furnish them with as many editions of the author as they pleased.

BUT to come to the last and most important question agitated in the cause between the appellants Donaldson and the respondent booksellers, Is the rendering literary property common, advantageous or disadvantageous to the state of literature in this country? The question, I think, is easily answered, that it will not only be disadvantageous, but ruinous to the state of literature. If literary property becomes common, we can have but two kind of authors, men in opulence, and men in dependence.

THE Romans, even in their degenerate days, had that high sense of merit in general, and of services rendered

rendered the public ; that, according to PLINY, and other writers, in proportion to a man's character for literary abilities and virtues, in proportion to his power of rendering himself useful to his country and fellow citizens, and in proportion to his exertion of this power, he was sure of meeting from the generous hands of individuals an equal reward.

PLINY, if I remember right, in speaking of his own success in life, and that of one of his cotemporaries, mentions the leaving legacies to learned and good men, as a practice common and familiar. We were of the same age, said he, we entered into life together, and we had the same number of legacies bequeathed us. This being the custom among the Romans, with what ardor must it inspire every youthful breast, to deserve such grateful, such useful returns of bounty ? But, alas ! there never was any thing Roman  
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in the characters and conduct of the English people! When did ever an Englishman grow rich from the real services he had rendered his country? No! Gothic institutions have, from the first establishment of our ancestors in these parts, tainted the minds of their posterity with such a leaven of the corruptest kind of selfishness, that an Englishman persuades himself he is acting with propriety, when he bequeaths the whole of his estate to a blockhead he despises in the fiftieth degree of relationship, tho' he leaves behind him many worthy ingenious friends, whom a small legacy would help out of very intricate circumstances.

If there ever is any money left in this country, out of the channel of relationship, the instances are rare; they are commonly returns for servile compliances with the will of the benefactor; or else the æconomical bequester once for all pays for a seat among the  
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mansions of the blessed, those sums to hospitals and public charities, which he denied to the starving poor whilst he preserved any power of self-gratification.

THAT watchful guard, selfishness, is a never-failing check to any generous folly of the mind, or to any benevolent inclination in the human breast; and the means of obtaining wealth from the good opinion of his country or his friends being thus barred from a man whom fortune has denied to favour, yet of merit, of genius, and of virtue, sufficient to instruct and to enlighten mankind: If such a man is deprived of the necessary lucrative advantage by the right of property in his own writings, is he to starve, or live in penury, whilst he is exerting, perhaps, vain endeavours to serve a people who do not desire his services? Supposing this man has a wife and children, ought he, for the meer whistling of a name, to exert those talents in literary

terary compositions, which were much better employed in some mechanical business, or some trade, that would support his family? Will not such a man, if he has the tender feelings of a husband and a father,—if indeed he has the conscience of a religious or a moral man; will he not check every incentive arising from vanity, which would tempt him, for the purchase of an ill-bought fame, to expose to poverty and contempt those who, by the law of religion and nature, he is bound to cherish and protect?

EVERY independent man, not born to an estate, being thus, by a hard conjuncture of circumstances, prevented from exerting his talents for the delight and instruction of mankind, this important task can only be the lot of the opulent and the dependent; but, alas! genius and learning are, in our days, too humble and too modest to frequent the palaces of the

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great; therefore, I am afraid, it is from dependent writers alone that we must expect all our future instruction;—but can that instruction be edifying which falls from a venal pen, exerted merely to earn the favour of a patron, by making that which is the worse appear the better reason, and by setting forth, in false colours, all the prejudices and corrupt views of the man from whose hard-earned bounty the author expects bread?

THUS much for the matter of those publications, which will succeed this great revolution in literary property. In regard to elegant editions, no proprietors of copy right, who hold such property on the life of an author, or for a small term of years, will find it worth their while to give very good editions of works, lest the public, who are fond of pennyworths in the article of books, should withhold their purchase 'till the

the property became common; and in this case, the style, if not the sentiments of the author, will be miserably mangled, and the shops full of those wretched editions of works, which would disgrace even an Irish press.

This will be the wretched state of literature, and editions of authors, if literary property continues to stand on the footing which the Lords' decision has put it;—a footing almost as bad as it stood on when this country first emerged from a state of such Gothic barbarity and ignorance, that the mighty tyrants of the land could neither spell nor scribble their names and titles;—a footing so wretched, as, with the consideration of the ruin in which a set of useful members of society are at present involved, to induce me (not perceiving a more able advocate enter the lists) to write these arguments and observations in its defence, though

oppressed with sickness, and in a very weak and languid state of health. But let not ministers and placemen triumph, as if in a greater state of security from the reflections of their countrymen, by this mortal stab to the state of English literature: No; it will only affect those valuable works, built on more durable principles than the fandy foundations of temporary applause.

AN author, dependent on a factious patron, will often write in more acrimonious terms, though not with the same patriotic view, as an independent man, on the conduct of government; and in proportion to the smallness of the time allotted for a writer to make his market of gain, the press will be employed with scandals, libels, acute reflections on public measures, and all those kind of compositions, calculated to please the generality, and to render government uneasy.

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BUT, whatever may be the malice, or the want of discernment in the minister, I am persuaded that Lord CAMDEN, to whose eloquence, and to that deference which is due to character, perhaps, we owe this decision ;—I am persuaded, from the candour and humanity which that nobleman is known to possess, from that display of abilities and sagacity, that integrity, that strict adherence to justice so conspicuous in his conduct whilst he presided over the Courts of Common Pleas and Chancery ;—I am persuaded, from that patriotic spirit and love of country which has hitherto governed all his actions, and rendered his name dear to Englishmen ;—I am persuaded, I say, that when this learned, this excellent Nobleman, considers this important subject in all its extensive view, he will be the first to move for a bill to relieve the holders of copy right from their present distress ; to settle the lucrative advantage of authors for their writings on a permanent footing ;  
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and thus to encourage useful literature, by rendering it convenient to the circumstances of men of independent tempers to employ their literary abilities in the service of their country.

## P O S T S C R I P T.

**B**Y the arguments urged in the third page of this work, the Author does not presume to insinuate that copy right was not invaded before the statute of the eighth of Queen Anne: She is sensible that the statute itself mentions invasions, but thinks herself authorized in the opinion, that after the revolution literary property was for several years protected by the common notion, that the holder had an equitable, and consequently a legal right, by the words of the same statute, which calls the invasion “ a late invasion.”