

vice, they were not, as they richly deserved, suffered to return to the bosoms of their wives and families, but were kept almost to the last hour of their existence in a constant and unremitting state of servitude, unless where they determined to sacrifice that reward which their country had provided for them, as a consolation for the buffetings they had undergone, to purchase their discharge. This had frequently been the case; and he had received constant applications, complaining of this species of hardship. Two men had lately applied to him, who, after a service of seventeen years and a half, as petty officers, had been sent to perform that most scandalous of all duties, harbour duty, where there was no distinction whatever between petty officers and private men, and who, rather than submit to be longer disgraced, had expended 80*l.* or 90*l.* each to obtain their discharge. These men were entitled to pensions of 12*l.* or 14*l.* a year; and he was convinced that there was not an insurance office in town, that would not have given them, at their age, for the sums they had paid for their discharge, annuities equal to their pensions. Instead of Greenwich being a source of advantage and reward to aged seamen, it was made a means of recruiting for the navy. Unless some alteration was made in this system, he should feel it his duty to move for leave to bring in a Bill to limit the service of the navy. The House, he was convinced, would see the necessity of pointing out some term at which a seaman's service was to be brought to a conclusion, and at which he might have some hope of resting his frame after an arduous and gallant service, in the lap of domestic happiness and retirement. In consequence of the present arrangements, men were employed who were absolutely incapable of performing their duty, and in his own ship he had found men who, if he had the power, he would much rather have discharged than have suffered to remain on board. In other instances he knew individuals who had been invalided three times and sent into harbour duty, volunteer into active service three times, in order to avoid that disgrace, and finally die amidst the roar of battle when their tottering limbs were scarce able to support them to their quarters.

Mr. *Rose* could not see that any grounds whatever had been laid for the noble lord's motion. The statement into which he had entered, tended to censure the

practice that at present existed, with respect to the discharge of seamen. He recollected that this subject had been before under discussion in the House, and that it was then stated, that the present practice had been introduced in order to exempt the men from the necessity of finding two substitutes, under which they before laboured. This question, however, had no connection with the motion, which referred entirely to the management of Greenwich hospital. He believed that the affairs of that department were as well and regularly conducted, as any other branch of the public service.

Lord *A. Hamilton* said, he understood the noble lord had complained of the present system by which the allowance received by seamen from Greenwich hospital was rendered useless to them in consequence of the large sums which they were compelled to pay for their release.

Mr. *Wynn* confessed he could see no connection between the matter of the speech, and the motion itself of the noble lord. As the case, however, to which he had called the attention of the House was undoubtedly hard, it was very desirable that information should be communicated in some mode.

The previous question was then put and carried, when lord *Cochrane* immediately gave notice that he would, that day month, move for leave to bring in a Bill to limit the Service of the Navy.

Mr. *Croker*, before the House adjourned, rose to make a few observations upon what had fallen from the noble lord in the early part of the evening, when he did not happen to be present. If, however, he had correctly understood what had fallen from that noble lord, he begged leave to say that the noble lord had been wholly misinformed with respect to the sums of money taken instead of substitutes for the navy. The fact was, that the grossest frauds having been practised upon the poor men, under the pretence of providing substitutes for them, the Admiralty had come to the resolution of receiving a certain sum of money from them, and to find substitutes.

PETITION OF THE PRINTERS OF LONDON AND WESTMINSTER RESPECTING COPYRIGHT.] A Petition of several printers of London and Westminster, was presented and read; setting forth,

“ That the petitioners learn by the votes of the House that a Petition has been presented to the House by the booksellers

and publishers of London and Westminster, stating the expence and grievance which will be sustained by the publishers of books, if, in consequence of a recent determination in a court of law, they should be compelled to deliver eleven copies of all works printed and published, as expressed in the Act passed in the 8th of queen Anne, intituled, "An Act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned," and in the Act passed in the 41st year of his present Majesty, intituled, "An Act for the further encouragement of learning in the united kingdom of Great Britain and Ireland, by securing the copies and copyright of printed books to the authors of such books, or their assigns, for the time therein mentioned;" and also submitting, that the distinction contained in the said Act of queen Anne, of restricting the copyright to the term of 14 years, in case the author should be then dead, was in many cases productive of great hardships to the families of authors, and was not founded on just principles; and praying, that leave might be given to bring in a Bill for granting relief, and under such regulations as to the House should seem meet; and that the petitioners, printers of London and Westminster, humbly submit to the House, that the compulsory delivery of eleven copies of all books that shall be printed and published will operate very seriously to the injury of the petitioners, as it will prevent the printing of many works of great importance to learning and science; many of these are expensive publications, and of some only a small number of copies is printed, on account of their expence and risk, and the probability that some of the great libraries mentioned in the said acts above-mentioned would purchase copies, as they have frequently done, has always operated to encourage the undertaking of such publications: these expensive publications are of great importance in the eyes of other countries, and form, in peaceable times, objects of national commerce and reputation, and their diminution would not only lessen the progress of the art of printing in Great Britain, but also occasion a number of men to be thrown out of employ; and the petitioners also humbly submit, that it would conduce to the encouragement of printing and literature if the term of 28 years copyright were to be secured to

authors and their assigns, without the contingency of its determination at the end of the first 14 years in case the author should be then dead; and praying, that leave may be given to bring in the said Bill for granting relief in the matters aforesaid, in such manner and under such regulations as to the House shall seem meet."

Ordered to lie upon the table.

MOTION FOR A COMMITTEE TO EXAMINE THE ACTS RESPECTING COPY-RIGHT.] Mr. *Davies Giddy* rose for the purpose of calling the attention of the House, to the Petition from the booksellers and publishers of London and Westminster, which he had the honour to present on the 16th of December last,* praying for a revision of the laws respecting Copy-right. There were existing acts of parliament, by which those booksellers and publishers, who wished to secure to themselves the exclusive right to the property of their works, could do so by entering the same in Stationers' Hall, and furnishing a certain number of copies to the Universities, &c. There were other acts which seemed only to apply to the penalties, which booksellers and authors would be entitled to, on condition of furnishing such copies, but by which, if the penalties were not sought to be enforced, the Universities did not seem to be secured in their copies. By a recent decision, it had been held that the Universities were entitled to those copies, whether the proprietors of the works chose to enter them in Stationers' Hall or not. The booksellers thought this was a hardship upon them, and that there were certain points relating to it, in respect of which they were entitled to relief. First they were required to furnish eleven copies of each work, upon the best paper that should be printed and published, or reprinted and published with additions. In the present system of printing costly editions on fine paper, with a profusion of plates, it was peculiarly hard on booksellers to deliver such a number of copies to the learned bodies; nor did it end there; for they were obliged to deliver subsequent copies of every successive edition in which there was the slightest addition of any kind. This was evidently a very severe imposition, and was felt peculiarly by those who contemplated the publication of books containing prints. It also happened, that in some cases but

* See vol. 24, p. 308.

very few copies of learned books were ever printed; and he would quote one instance, the *Flora Græca* of Dr. Sibthorpe, late professor of botany at Oxford, a most expensive work, of which he believed not more than thirty four or five copies were sold in all Europe. In cases like this, the condition of giving so many copies amounted to a total prohibition of publishing the work, and would have suppressed this magnificent addition to natural history; but for the affluence and liberality of his lamented friend; who, having spent several years in the Levant to collect materials, left a considerable property applicable in the first place to publishing the *Flora*; and then to founding a professorship at Oxford of the art, most useful at least to the whole of mankind. He had undertaken to present the Petition of the Booksellers, on the clear understanding that he was not to stand forth as their champion. No man in the world could be less disposed to oppose the just claims of the Universities than himself. He was sincerely attached to those learned bodies; he recollected with pleasure the many years he had spent in Oxford, and would always support their just rights; but he thought some expedient might be found to relieve the booksellers from this enormous pressure. The hon. gentleman concluded with moving, "That the Act 8 Anne, c. 19, for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned; and the Act 15 Geo. 3, c. 53, for enabling the two universities in England, the four universities in Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity their copy-right in books given or bequeathed to the said universities and colleges, for the advancement of useful learning, and other purposes of education; and for amending so much of an Act of the 8th year of the reign of queen Anne, as relates to the delivery of books to the warehousekeeper of the Stationers' company, for the use of the several libraries therein mentioned,—and the Act 41 Geo. 3, c. 107, for the further encouragement of learning in the united kingdom of Great Britain and Ireland, by securing the copies and copy-right of printed books to the authors of such books, or their assigns, for the time therein mentioned, might be read;" and the same being read; he next moved, "That a committee be appointed to examine the said acts, and to report

whether any and what alterations are requisite to be made therein; together with their observations thereon to the House."

Mr. *Rose* agreed that some mode ought to be fallen upon, to secure their copies to the Universities without too much trespassing on the property of authors and booksellers.

Mr. *Wynn* concurred in the opinion that the law, as it now stood, operated as a severe tax on a body seldom able to meet great exactions—the body of authors. He had the utmost filial respect for the Universities, and was anxious for the enlargement of public libraries, but thought no grievance ought, with a view to their interests, to be suffered to oppress the professors and cultivators of general literature. The tax fell too, it ought to be observed, on valuable publications, and did not at all apply to the insignificant productions of the daily or periodical press, which the Universities did not think it worth their while to claim. He might mention, that the copies of lord Valentia's work, which he was obliged to send to the public universities, were said to have cost him 500*l.* These copies, likewise, if not wanted by the bodies to whom they were sent, were sold, and thus came in competition with the impressions already in the market.

Lord *A. Hamilton* did not intend to oppose the motion, but merely to state a general observation which had occurred to him. The law had been called a tax on authors, but it was the booksellers who now complained of the law, and asked for its revision. It would not be difficult to show that it was impossible it could press upon both. In fact, in his opinion, it was really paid by the public at last, whatever was the previous expense incurred by the one or the other. Upon the whole, he thought that the cost of one copy was not so great an evil to the publisher as to be any balance to the advantage of furnishing the Universities and public bodies with copies of all literary productions.

Mr. *J. H. Smyth* thought the object of the present application was to get rid of the obligation imposed by the Act of queen Ann, and to retain the benefit conferred by it. His hon. and learned friend (Mr. *Wynn*) had called the regulation alluded to a tax on authors: it was incumbent, however, on those who thus characterised it, to shew that its evils were less than its advantages. No author, he was convinced, would object to such a distribution of his work, if its effect

would be to shew it to thousands of eyes which would never otherwise see it, in which same proportion his own celebrity would be increased. As to the idea of works printed on fine wire-wove, hot-pressed paper not being subjected to the operation of the Act, he thought those were exactly the works on which, more peculiarly, such a burden ought to fall. The time for allowing to authors a property in their works, he thought ought to be enlarged; and also, that an alteration should be made on the Act of the 41st Geo. 3, by which the works to be furnished to the Irish libraries were limited to those actually entered at Stationers'-hall.

Mr. J. P. Grant, though connected with one of the great bodies affected by the regulations in question, declared that he had no private feeling on the subject; on the contrary, he was certain that the learned body to which he belonged would be happy to meet the question liberally, and that their only object was the advancement of learning.

Sir S. Romilly said the hon. gentleman who spoke last but one was under a great mistake when he stated that the object of the present application was to get rid of the obligations of the Act of queen Ann and to retain the benefits of it. No man could do so without depositing eleven copies of his book: and by the late decision, though a man did not claim any exclusive benefit under the Act, still he must give the eleven copies. There was another mistake under which the hon. gentleman laboured, in supposing that the Act of queen Ann conferred a benefit on authors: no such thing. Before the passing of that Act, authors had the exclusive property in their works; and the Act in question went to limit that right to 14 years in the first instance, and to another period of 14 years if the author should be alive at the expiry of the first period. The only privileges conferred by this Act which authors did not before enjoy, went to some penalties which were immaterial. It was extremely desirous that every encouragement should be given to the public libraries; but was it necessary that this should be done by a tax upon learning? This was said to be a tax not on authors but on booksellers. Was it not, however, a tax on authors wherever they kept their works in their own hands? As the case now stood, no doubt, the privilege was absurd and

unequal. A man had a second period of 14 years in which he had an interest in his work, if he survived the first 14 years; but, if he died before the expiry of the first period, then his executors had no farther interest in the work. It operated in a way most injurious to the best interests of literature; for as young authors were more likely to reach the second term than old, it gave the immature and jejune compositions of the former double the reward reserved for the productions of ripened genius.

The motion of Mr. Giddy was then agreed to, and a committee of 21 was appointed.

MOTION RESPECTING JURISDICTION IN MATTERS OF BANKRUPTCY.] Mr. M. A. Taylor rose to submit his proposition to the attention of the House, previous to their entering upon the discussion of the Vice Chancellor's Bill, as it was closely connected with it. With regard to the office of Lord Chancellor, it seemed to be the general opinion, that some relief should be afforded to the person filling it, and the only question was, what step was most likely to render that relief permanent and efficient? His own plan had met with the approbation of several gentlemen in that House, and it was rather in obedience to their call than to any confidence in his own power of enforcing its utility, that he now ventured to submit it. One great objection he had to the Vice-Chancellor's Bill, was, that it would render in times to come the Lord Chancellor of England more a political man than he wished him to be. As the keeper of the royal conscience, and as a cabinet minister, it would be farcical and ridiculous to say that he must not be a political character; but he would maintain that his duty in those respects was only a secondary one, while his first and most imperative duty was in the court of Chancery. He had many other objections to the Bill, which, however, he would not press now, as the question had already been so fully discussed. He was decidedly of opinion, however, that it would not afford that relief to the Lord Chancellor which was expected. For example, the Vice-Chancellor might be ill, or in the course of nature, he might become old, and then what assistance could he give? and, indeed, there was that general impression upon the minds of the suitors with regard to the ultimate decision of the