

DUNCOMBE, G. PALMER, BRAMSTON, CAYLEY, and HANDLEY, from a number of places, against the Repeal of the Corn-laws.—By Messrs. WALLACE, BAINES, HUTT, ELLIOT, EASTHOPE, and Sir LITTON BULWER, from a number of places, for the Repeal of the Corn-laws.—By Mr. GREEN, from Manchester, for a Uniform rate of Postage.—By Mr. WOOD, from Uxbridge, against the present Licensing system.—By Mr. GILLON, from Auchtermuchty, against any further Grant to the Scotch Church.—By Mr. Sergeant TALFOURD, from Oswestry, for substituting Affirmations for Oaths.—By Mr. HUME, from Tipperary, for Mitigation of the Criminal Code.—By Mr. GROTE, from the Dissenters of London, for Redress of their Grievances.—By Mr. EASTHOPE, from the Retailers of Beer at Leicester, for Protection of their Interests.—By Mr. WALLACE, from Greenock, for Equalising the Sugar Duties; and also for the Repeal of all Laws restricting the Free Importation of Food.—By Sir JAMES GRAHAM, and Sir GEORGE SINCLAIR, from several places, for Church Extension in Scotland.—By Mr. HALFORD, from Leicester, against any further Grant to Maynooth College.—By Sir ROBERT INGLIS, from a Clergyman, in favour of the Copyright Bill.—By Mr. Sergeant TALFOURD, from a number of places and individuals in favour of the Copyright Bill.

CANADA.] Sir R. Peel wished to ask the noble Lord what course he proposed to pursue with respect to the bill, for the future government of the Canadas. He had understood the noble Lord to say he would introduce the bill before Easter, but would postpone the second reading till after Easter. He wished to know whether the noble Lord intended to fix the second reading for an early day after Easter, or whether, he intended to communicate with the government of Canada before proposing the second reading.

Lord John Russell had certainly stated it was his wish to introduce the bill before Easter, and still hoped he might be enabled to do so, though at this moment he could not say confidently that the bill could be introduced before Easter. It was not intended to propose the second reading immediately after Easter; nor was it proposed to allow sufficient time to elapse for communication with Canada. The second reading would not come on for at least three weeks after Easter.

Sir Robert Peel: Does the noble Lord contemplate actual legislation on the subject of the government of the two provinces?

Mr. O'Connell, seeing the Under Secretary of State for the Colonies in his place, wished to know whether any steps were intended to be taken to stop the effusion of blood in Canada. The insurrection had been put an end to, but the effusion of blood continued.

Mr. Labouchere considered that the language of the hon. and learned Member was rather disproportioned to the real facts

of the case. The moment that he had entered upon the duties of the office which he had now the honour to fill, he had taken the first opportunity of inquiring concerning the number of persons who had suffered capital punishment, and he had been informed that the great effusion of blood to which the hon. and learned Member had referred comprised sixteen persons, who had been executed in Upper Canada, and seven in Lower Canada, four of whom had been convicted of a most atrocious murder. He felt bound to make this statement, because he thought it was extremely improper that the assertion, that blood had flowed to great extent in those colonies, should go forth to the world without explanation. In making that statement, he begged it to be understood that he entertained feelings of the deepest regret that it should have been considered necessary that a single human being should have suffered capital punishment; but after what had been stated by the hon. and learned Gentleman he could not refrain from stating the facts. He begged also to state that the Government had not the slightest reason to think, that the discretion which had been given to Sir John Colborne had been exercised without a due regard to humanity.

Mr. O'Connell considered that he had a right to say, that an effusion of blood had taken place. The right hon. Gentleman seemed to think that the death of sixteen persons by the hands of the law was not an effusion of blood. Now he was of opinion, that the putting to death one person more than was absolutely necessary was an effusion of blood.

Subject dropped.

COPYRIGHT.] Mr. Sergeant Talfourd then rose to move the second reading of the Copyright Bill. The hon. and learned Gentleman said, after the attention which, in past Sessions, has been rendered by this House to the interests of literature, as affected by the law of copyright, an attention gratefully acknowledged in the petition which I have just presented, I shall best discharge my duty by reminding you, without preface, of the question which we once more are called on to decide, and by stating the position in which it stands, and the materials which we have to assist us in answering it. That question is, whether the present limitation of copyright is just? and I will sum up my reasons for

contending for the negative in language adopted by some of the distinguished persons whose petitions are before you. They allege :—

“ That the term during which the law secures to authors the profits arising from the productions of their own industry and genius is insufficient to provide for the fair reward of works written to endure ; that the extension of the term proposed by this bill would encourage such compositions ; that it would enable individuals to devote their powers to the lasting benefit and delight of mankind, without the apprehension that, in so doing, they shall impoverish their own descendants ; and that, while it would tend to the profit only of the greatest and the best of those engaged in literature, it would confer dignity and honour on the pursuits of all.”

Those propositions to which I seek your assent are now for the first time embodied by some of our most distinguished authors on the ground of their own prayer, and will probably be expressed by many others, whose feelings I know, if you permit this bill to proceed. When I first solicited for those arguments the notice of this House, I thought they rested on principles so general, that the interests of those who labour to instruct and illustrate the age in which they live are so inseparably blended with all that affects its morality and its happiness, that the due reward of the greatest of its authors is so identified with the impulses they quicken—with the traits of character they mirror—with the deeds of generosity, of courage, and of virtue which they celebrate, and with the multitudes whom they delight and refine, that I felt it was not for them alone that I asked the shelter of the law, and I did not wish to see them soliciting it as a personal boon. The appeal, though thus unsupported, was not unfelt, and the bill proceeded without a hint of opposition until the demise of the Crown closed the Session, and stopped its progress. In the interval which thus occurred, a number of eminent publishers saw reason to apprehend that certain clauses in the bill, by which it was proposed to give to authors who had assigned their copyrights under the subsisting law a reverting interest after the expiration of its term, would injuriously affect their vested rights, and they naturally prepared to oppose it. They were accompanied or followed in this opposition by various persons connected with the mechanical appliances of literature—by master printers, compositors, pressmen, typesetters, paper-makers, and book-

binders, smitten with the strange fear that to extend the term of copyright (though they all agree that the extension would operate only in one case in 500) would destroy their trade, and their petitions were plenteously showered on the table of the House. Regard to the state of public business, and a belief that, although supported by considerable majorities, the nature of the opposition with which the bill was threatened would multiply and prolong the discussions beyond the bounds of the time which could be applied to such an object, induced me, at the suggestion of my hon. Friend, the Member for Newark, again to withdraw it ; and having been taunted with the absence of petitions in favour of the measure, I have now the support I did not before seek ; and I doubt not, the example once set will be followed by many who feel deeply the justice of the cause, and are indignant at the grounds on which it has been opposed. Few as these petitions are, compared with the number of those who desire the success of this bill, I shall not fear to oppose the facts they state, the reasonings they suggest, or the authority with which they are stamped, to those accumulated by its opponents during the last Session. Having carefully perused the petitions against us, I am surprised to find how utterly destitute they are of information really bearing on the case, with an exception which does not now apply to the bill ; for I may dismiss the complaints of the eminent members of the publishing trade, and of all who sympathised in their fears. Impressed with the force of some of their objections, I proposed various means by which I hoped to remove them, without denying to authors who had assigned their subsisting interest, the benefits of that extended term which it was proposed to create. But I was compelled to abandon the attempt as hopeless, and to content myself with applying the extension to the cases of authors who had retained an interest in their works, and to books hereafter to be written. In this alteration, I have given nothing to the publishers, except in the rare and peculiar case of a joint interest co-extensive with the entire copyright, in which case, unable to sever the benefit without extreme inconvenience to the publisher, I have chosen rather to grant it to both than to neither ; and it is to the honour of the publishers, that, instead of seeking an unworthy compromise, they have been satisfied with the mere withdrawal of clauses, which would

have subjected them to certain inconvenience and probable loss. Their opposition has ceased with the provisions which raised it; and with it all the allegations in the petition which relate to it may be dismissed. There remain those of the printers and their allies, persons whose interests deserve the careful regard of the Legislature, but whose opinions have no authority beyond the reasonings they adduce to support them. They are not like persons engaged in some occupation on which there is an immediate pressure, which they who feel most keenly can most vividly explain; nor like persons apprehending some change decidedly affecting their profits, under circumstances peculiarly within their experience; they are mere speculators like ourselves on the probabilities of the distant future. All their apprehensions centre in one—that if the term of copyright be extended, fewer books will be printed; fewer hands will be required; fewer presses set up; fewer types cast; fewer reams of paper needed; and (though I know not whether the panic has penetrated to the iron mine, or ascended to the rag-loft) that a paralysis will affect all those departments of trade. Now, if there were any real ground for those busy fears, they would not want facts to support them. In the year 1814, when the term of copyright was extended from fourteen to twenty-eight years, the same class expressed similar alarms. The projected change was far more likely to be prejudicial to them than the present, as the number of books on which it operated was much larger; and yet there is no suggestion in their petitions, that a single press remained unemployed, or a paper-mill stood still; and, indeed, it is a matter of notoriety, that since then, publications have greatly multiplied, and that books have been reduced in price with the increase of readers. The general arguments of these petitions are those which the opponents of the measure urge, all resolving themselves into the assumption, that if copyright be extended, books will be dearer, that cheap books are necessarily a benefit to the public, and that the public interest should prevail over the claims of those who create the materials of its instruction; but there is one petition which illustrates so curiously the knowledge which these petitioners possess on the subject of their fears, and the modesty with which they urge them, that I must trespass on the patience of the House while I offer a specimen of its allegations. It is entitled

a petition presented by the hon. Member for Kilkenny, agreed on at a public meeting at the Mechanics' Institute, Southampton-buildings, by "compositors, pressmen, and others engaged in the printing profession." After a sweeping assumption of the whole question between authors and readers, these petitioners thus designate the application made to this House on behalf of literature—"The books to which it is assumed the present law does not afford sufficient protection are those of a trashy and meretricious character, whose present popularity deludes their writers with a vain hope of an immortal reputation." Now, the works which were named by way of example when this Bill was introduced were those of Coleridge, of Wordsworth, and of Sir Walter Scott; and if these are intended by the petitioners, I fear they have made no good use of cheap books, or the books they have read are dear at any price. If the object of the Bill is the protection of "trashy and meretricious" works, it may be absurd, but it must be harmless, for, as to such works, it must be a dead letter. The printers who fear that one set of "trashy and meretricious" works should endure after the lapse of twenty-eight years, and should thus deprive them of the opportunity of printing a brilliant succession of such works, to which they do not refuse the aid of types, are like the alarm of some nervous remainderman, who should take fright at the creation of a term of 999 years by a tenant for life, overlooking in his fears the necessary condition, "if he should so long live;" for as surely as natural death will await the decay of the human frame shall oblivion cover the "trashy and meretricious" book, and leave room for successor after successor to employ compositors, to sparkle, and expire. But, the petitioners proceed—"Even supposing their success would be permanent, the present high profits derived by their authors are an ample return for the time employed in their composition." So these gentlemen, forgetting that the chief ground of the Bill is, that the works on behalf of which its extension is sought often begin to repay their authors only when the copyright is about to expire, think themselves competent to estimate the anxieties, the heartaches, the feverish hopes, the bitter disappointments, the frequent failures, the cheerless toils with which an author's time is filled, and which disturb them little when they are arranging his words. They

proceed, "while it is proved, that books of deep research and intrinsic value would not be rendered more valuable by an extension of the law of copyright, however extended that law might be." How, not more valuable? Not merely more valuable to sell perhaps, but more valuable to preserve, else, if there is no gain to the author, where is the loss to the public? After a round assertion, "that the Bill must be viewed as one injuriously affecting the booksellers, bookbinders, paper-makers, type-founders, and all branches connected with the printing business," they thus proceed to extol their own profession:—"That the profits derived from a book depend not on the art of writing but on the art of printing; for that, without the facilities which improved mechanical improvements afford, the number of copies would be few and high-priced, and the profits of the author lower; and, therefore, it is unjust, that authors should endeavour to injure by exclusive laws a profession to which they are indebted for the rank they hold, and the wealth they possess." Surely, the old critic Dennis, who, when he heard the thunder roll over the mimic scenes, used to claim it as his own, was moderate compared to those gentlemen of the Mechanics' Institute. Whatever may be the benefit which the art of printing has conferred on genius—genius which had achieved imperishable triumphs long before its discovery, it is astounding to hear this claim made by those who are now engaged in a simple mechanical pursuit. The manufacturer of bayonets or of gunpowder might as well insist that he, and not the conqueror of Waterloo, was the proper recipient of national gratitude. Where would their profession be if no author had written? There are some things more precious even than knowledge, and, strange as it may seem to the utilitarian philosophers, I venture to think gratitude one; and if it is, I would ask those petitioners to consider how many presses have been employed and honoured—how many families in their own class have been enriched, by the unceasing labours of a single mind—that of Sir Walter Scott, exhausted, fading, glimmering, perishing from this world in their service. As the concluding paragraph of this petition merely repeats an analogy of literary works to mechanical invention, which I have grappled with before, and if necessary am ready to expose again, I will pass

from it, and from the petitions against the bill, which, I assert, do not present a single fact for the information of the House, to the petitions which disclose the grievances and the claims of authors. And first to show by way of example how insufficient the present term is, to remunerate authors who contemplate works of great labour and research, I will refer to the petition of Mr. Archibald Alison, sheriff of the county of Lanark. This gentleman, son of the venerable author of the celebrated *Essay on Taste*, was brought up to the Scottish bar, and being gifted with excellent talents, and above all with that most valuable of talents unwearied industry, enjoyed the fairest prospects of success. Having, however conceived the design of writing the history of Europe during the French revolution, he resigned those hopes for the office of sheriff of Lanarkshire, which limiting his income to a moderate sum, left him at leisure to pursue his scheme. On that work he has now been engaged for 25 years. To collect materials for its composition he has repeatedly visited the principal cities of Europe, and his actual expenditure in books and journies to lay the foundations of his work has already exceeded 2,000*l.*, and will be doubled if he should live to complete it. Seven volumes have successively appeared, the copyright is unassigned, and as the work is making a regular progress, fourteen years must elapse before the pecuniary outlay will be repaid. At the expiration of twenty-eight years, supposing the work to succeed on an average calculated on its present sale, its author will only obtain half what he might have acquired by the devotion of the same time to ephemeral productions; so that, unless his life should be prolonged beyond the ordinary lot of man, its labours to his family will be almost in vain, unless you considerably extend the term; and then, in return for his sacrifices he will leave them a substantial inheritance. Of a similar nature is the case of another petitioner, Dr. Cook, Professor of Moral Philosophy in the University of St. Andrew's, author of the *History of the Reformation in Scotland; a History of the Church of Scotland*, and of other historical works which are now standard authorities, and on the composition of which he has been engaged for the last thirty years. In their composition he has incurred great expense, The copyrights are vested in himself, but it depends on your decision whether his family shall derive any advantages from them. He concludes—"considering this

law as at variance with the essential principles of justice, and calculated to impede the course of literature and science," by earnestly imploring the House, "pass this bill for so extending the term of copyright as will secure the interests of the authors of extensive and laborious works without in the slightest degree interfering with the public good." Dr. James Thomson, the Professor of Mathematics in the University of Glasgow, states the nature and the history of several elementary works, the product of his labour, which are slowly beginning to recompense him, and especially invites attention to the manner in which the law bears on works used as text books in schools and universities, having to contend against the partialities of teachers for books with which use had made them familiar, and of booksellers for works in which they are interested, and which may only begin to obtain attention when the copyright is about to cease. Sir David Brewster has spent a laborious and most useful life, and still spends it, in the composition of works which at once instruct and charm, and which can only remunerate him by the extension of the term. Now, I ask, is there no property in these petitioners worthy of protection? "No," said, and will say some of the opponents of this bill; "none. We think that from the moment an author puts his thoughts on paper and delivers them to the world, his property therein wholly ceases." What! has he invested no capital? embarked no fortune? If human life is nothing in your commercial tables—if the sacrifice of profession, of health, of gain is nothing, surely the mere outlay of him who has perilled his fortune to instruct mankind may claim some regard! Or is the interest itself so refined—so ethereal—that you cannot regard it as property, because it is not palpable to sense or to feeling? Is there any justice in this? If so, why do you protect moral character as a man's most precious possession, and compensate the party who suffers in that character unjustly by damages? Has this possession any existence half so palpable as the author's right in the printed creation of his brain? I have always thought it one of the proudest triumphs of human law that it is able to recognize and to guard this breath and finer spirit of moral action—that it can lend its aid in sheltering that invisible property which exists solely in the action and affection of others, and, if it may do this, why may it not protect him in his right—those words which, as well observed

by a great thinker, are "after all, the only things which last for ever?" From these examples of works of labour and pecuniary outlay I turn to that of a poet, whose name has often been mentioned in the discussion of this measure, who has supported it by his published opinion, but who has now, for the first time, enforced it by petition. Mr. Wordsworth states that he is on the point of attaining his 70th year; that 46 years ago he published his first work, and that he has continued to publish original works at various intervals down to 1835. The copyright in a considerable part of these works is now contingent on his life; in a few years the far larger portion will be holden by the same tenure; and a most extensive and elaborate work, *The Excursion*, will be in this condition, if he should be spared for four years longer. He represents, that "having engaged and persevered in literary labours, less with the expectation of producing speedy effect than with a view to interest and benefit mankind remotely though permanently, his works, though never out of demand, have made their way slowly into general circulation;" and he states as a fact directly bearing on this question, that his works have, within the last four years, brought a larger emolument than in all his preceding life, which would now be bounded by his death, and the great part of which if he had died four years ago, would have been wholly lost to his family. How will this case be answered? I suppose, as I have heard it, when less fully stated, answered before, that it proves that there is no necessity for the extension of copyright, because without its encouragement a poet thus gifted has been ready to devote his powers amidst neglect and scorn to the highest and the purest aims. I will not rely for my answer on reminding those who urge this ungenerous argument that there may not always be attendant on such rare endowments the means of offering such a sacrifice, either from independent resources or from a simple taste. I reply at once, that the argument is at utter variance with the plainest rules of morality and justice. I should like to hear how it would be received on a motion for a national grant to one who had fought his country's battles. I should like to hear the indignation and the scorn which would be expressed towards any one who should venture to suggest that the impulses which had led to heroic deeds were without reward; that the love of country and glory would al-

ways lead to similar actions; and that, therefore, out of regard to the public we ought to withhold all reward from the conqueror. And yet the case of the poet is the stronger; for we do not purpose to reward him out of any fund but that which he himself creates—from any pockets but from those of one whom he individually blesses—and our reward cannot be misapplied when we take time for our arbitrator and posterity for our witnesses. It will not have escaped the attention of the House that many of the petitioners are professors in the universities of Scotland; and from the laborious nature of their pursuits—their love of literature, fostered at a distance from the applause of the capital, and from the independence and the purity of their character, I venture to think that their experience and their judgments are entitled to peculiar weight. Now, the University of St. Andrew's, after powerfully urging the claims of authors generally thus submits the peculiar claims of their countrymen:—“Your petitioners venture to submit, that in Scotland, where the few rewards which used to be conferred on clergymen of literary and scientific merit have been withdrawn, and where the incomes of the professors in her universities have been allowed to suffer great diminution, these individuals have strong motives to solicit, and additional grounds to expect, that their literary rights be extended, and rendered as beneficial as possible to themselves and their families.” Among these professors, and among the petitioners for this bill, is a clergyman unsurpassed in Christian eloquence, in reach of thought, in unwearied zeal, who has disregarded ease and intellectual delights prodigally to expend his energies on that which he regards as the sacred cause of the Church and religion of his country, and who depends on his copyrights in such of the labours of his mind as he has committed to the press to make amends for a professional income far below his great intellectual claims. In addressing me on the subject of this bill, Dr. Chalmers says, “My professional income has always been so scanty, that I should have been in great difficulties, had it not been for the profits of my authorship; and I am not aware of a more desirable compensation for the meagre emolument of the offices I have held, than that those profits should be secured and perpetuated in favour of my descendants.” And who among us, not only of those who sympathize with his splendid

exertions on behalf of the Church of Scotland, but of all who feel grateful for the efforts by which he has illustrated and defended our common faith, will not desire that wish to be fulfilled? How one of the publishers of his country feels towards such authors may be seen in the petition of Mr. Smith, of Glasgow, who even desires to limit the power of assignees' copyright to twenty-one years, and then contrasts his case with that of those by whose creations he has been enriched. He states “that he has obtained estate and competence by the sale of books published or sold by him, which property he has a right to entail or give in legacy for the benefit of his heirs; while the authors who have produced the works that have enriched him have no interest for their heirs by the present law of copyright in the property which they have solely constituted.” When I find these petitions signed by the most distinguished ornament of the Scotch Church. Dr. Chalmers—and by one of the most eminent among the Dissenting divines, Dr. Wardlaw, I cannot help associating with them a case which came under my notice a few days ago on an application to me to assist a great-grandson of Dr. Doddridge, in presenting a memorial for the bounty of the Crown. Here was the descendant of one of the idols of the religious world, whose works have circulated in hundreds of thousands of copies, in a state of unmerited privation and suffering, from which a trifle on each volume of his ancestor's works now adorning the libraries of the wealthy Dissenters would amply relieve him. On these contrasted cases the House has now to decide. But before I leave the question in its hands, it is fit I should advert for a moment to those opponents of the bill, who, disclaiming the publishers and printers, appear on behalf of what they call the public, and who insist that it is our duty to obtain for it the works of genius and labour at the lowest possible price. Now, passing over a possible doubt, which I dare scarcely hint in their presence, whether the diffusion of cheap copies of every work necessarily implies in an equal degree the diffusion of its beauties and the veneration of its injunctions, permit me to ask whether even for the public it is not desirable that works should be correct as well as cheap, and that it should have the benefit of the matured judgment of its instructors? Now, this can only be effected, by permitting the family of the author to watch over his fame.

An author who, in a life devoted to literature, has combined the gifts of the historian and the poet—Mr. Southey—who has thought the statement of his case might have more effect than a petition, has permitted me to elucidate this view of the case by his example. He has lately published a complete edition of his poems, correcting the blemishes which during many years have presented themselves to his severe judgment; his copyrights in many of the original poems will expire with his life; in the corrected edition his family will enjoy an interest; but in the original poems none; and it will be in the power of Mr. Tegg, or of any other of those worthy benefactors of the public who keep duteous watch over the death-bed of copy-rights, to re-publish any of those poems with all their repeated errors, and the addition of those gross blunders which are always introduced when a reprint undergoes no revision but that of the printer. But is it even certain that the books thus carelessly printed will be actually cheaper in price than if the descendants of the author published them for their own advantage? It is not fair to judge of this by recent instances, produced in the first eagerness of the freebooters of the trade to seize on and parade their spoils. It should be recollected that a proprietor who uses only one machine for publication may, with profit to himself, supply the market more cheaply than numbers who have separate expenses, and look for separate gains. But if the argument be doubtful, the fact at least is clear, and I may call the hon. Member for Finsbury as my witness to prove it; for he has shown in this House, to the offence of none, but to the amusement of all, and to the proof of my case, how cheaply books charged with an expensive copyright may be obtained of his friend Mr. Tegg, who, he states, nevertheless, has a stock worth more than 170,000*l.*, which, if the principles of my opponents be fairly applied, is justly divisible among their favourite and much-injured public. But grant the whole assumption—grant that if copyright be extended the few books it will affect will be dearer to the public by the little the author will gain by each copy—grant that they will not be more correct or authentic than when issued wholesale from the press; still is there nothing good for the people but cheap knowledge? Is it necessary to associate with their introduction to the works of the mighty dead the selfish thought that they are sharing in the riot of

the grave, instead of cherishing a sense of pride that, while they read, they are assisting to deprive the grave of some of its withering power over the interests of survivors? But if it were desirable, is it possible to separate a personal sympathy with an author from the young admiration of his works? We do not enter into his labours as into some strange and dreamy world, raised by the touch of a forgotten enchanter; the affections are breathing around us, and the author being dead, yet speaks in accents triumphant over death and time. As from the dead level of an utilitarian philosophy no mighty work of genius ever issues, so never can such a work be enjoyed except in happy forgetfulness of its doctrines, which always softens the harshest creed. But I believe that those who thus plead for the people are wholly unauthorized by their feelings; that the poor of these realms are richer in spirit than as their advocates understand them; and that they would feel a pride in bestowing their contributions in the expression of respect to that great intellectual ancestry whose fame is as much theirs as it is the boast of the loftiest amongst us. I do not believe, that the people of Scotland share in the exultation of the publishers who have successively sent among them cheap editions of the "*Lay of the Last Minstrel, Marmion, and the Lady of the Lake,*" that they can buy them at a lower price than if the great minstrel who produced them were still among the living. I cannot believe that they can so soon forget their obligations to one who has given to their beautiful country a place in the imagination of mankind which may well compensate for the loss of that political individuality they so long and so proudly enjoyed as to count with satisfaction the pence they may save by that premature death which gave his copyrights to contesting publishers, and left his halls silent and cold. It is too late to do justice to Burns; but I cannot believe the peasant who should be inspired by him to walk "in glory and in joy following his plough upon the mountain side," or who casting his prideful look on Saturday evening around his circle of children, feels his pleasure heightened and reduplicated in the poet's mirror, would regret to think that the well-thumbed volume which had made him conscious of such riches had paid the charge of some sixpence towards that poet's children. There is only one other consideration I would suggest before I sit down, which relates not to any class, but to the community

and our duties towards them. It is thus expressed in Mr. Wordsworth's petition—"That this bill has for its main object to relieve men of letters from the thralldom of being forced to court the living generation to aid them in rising above slavish taste and degraded prejudice, and to encourage them to rely on their own impulses." Surely this is an object worthy of the Legislature of a great people; especially in an age where restless activity and increasing knowledge present temptations to the slight and the showy which do not exist in a ruder age. Let those who "to beguile the time look like the time," have their fair scope—let cheap and innocent publications be multiplied as much as you please, still the character of the age demands something impressed with a nobler labour and directed to a higher aim. "The immortal mind craves objects that endure." The printers need not fear. There will not be too many candidates for "a bright renown," which only falls in when the ear shall be deaf to human praise. I have been accused of asking you to legislate "on some sort of sentimental feeling;" I deny the charge; the living truth is with us, the spectral phantoms of depopulated printing houses and shops are with our opponents. If I were here beseeching indulgence for the frailties and excesses which sometimes attend fine talents—if I were appealing to your sympathy on behalf of crushed hopes and irregular aspirations, I might justly be thus charged; not for the wild but for the sage; not for the perishing but for the eternal; for him who, poet, philosopher, or historian, girds himself for some toil lasting as life—lays aside all frivolous pursuits for one virtuous purpose—that when encouraged by the distant hope of that "All hail hereafter," which shall welcome him among the heirs of fame, he may not shudder to think of it as sounding with hollow mockery in the ears of those whom he loves, and waking sullen echoes by the side of a cheerless hearthstone. For such I ask this boon, and through them for mankind—and I ask it in the confidence with the expression of which your veteran petitioner Wordsworth closes his appeal to you—"that in this, as in all other cases, justice is capable of working out its own expediency."

Mr. *Hume* hoped that the House would not be led away by the eloquence of the hon. and learned Gentleman who had just sat down. He would join in all that hon. and learned Gentleman had said in praise of literary men, but he could not agree

with that hon. and learned Gentleman as to the necessity which he fancied to exist for the change of the law on this subject. If the law, as it at present existed, were such as to prevent authors from undertaking literary works, then it might be worthy of the consideration of the House, whether they should not make such alteration in the law as might induce authors to undertake those works, but every word that the hon. and learned Gentleman had said, in praise of the literary men of the present day, was an argument against any extension of the present period of copyright. The extension of the copyright from twenty-eight to sixty years, as proposed by the hon. and learned Gentleman, would not be of any benefit to authors in more than one case out of 500, and he would put it to the House, whether they would consent to any legislative enactment, having for its object the possible advantage of one man in 500, which would operate to the direct and immediate injury of thousands. The hon. and learned Gentleman had found great fault with cheap books—he seemed disposed to prevent the diffusion of literature, at least, so he judged from his talking of the paltry consideration of one man selling books cheaper than another. He considered that the statements which had been made last year by his hon. Friend, the Member for Finsbury, remained still unanswered, and disposed of the case. The hon. and learned Gentleman did not seem to see the full weight of what he had said with regard to the extended circulation of the works of Dr. Doddridge. Those works would not have been so extensively circulated had the copyright continued in Doddridge's son, and he sold it to some publisher—and in 499 cases out of 500 this would be the case—and the proposed measure would give a monopoly to another, and not to the author. He believed, that authors, although in general they stood as much in need of money as most men, yet were not in general actuated by pecuniary considerations. He believed they were actuated by motives of a higher order. He considered, that this was an attempt to cramp the literature of the country, and to prevent the diffusion of knowledge. The interests of the author would not be benefitted by this bill. If the authors thought that their pecuniary interests would be advanced by the bill, of course they would support it; but the interests

of the public ought to be considered. It was most important, that the people should be furnished with cheap information; and he believed that this bill would limit the multiplication of copies, and increase the price of books, and that it would do incalculably more mischief to the present generation, and to succeeding generations, than it would do benefit to the authors. On the ground of these objections, which had been supported by many eminent individuals who had devoted their lives to the improvement of their fellow-creatures, he moved that the bill be read a second time that day six months.

Mr. O'Connell wished to record his opinion upon this subject. He totally differed from his hon. Friend, the Member for Kilkenny, in supposing that this bill was calculated to limit the extension of knowledge. He thought, on the contrary, that it would instigate—that it would give a stimulus to—the advancement of knowledge; and that it would be a mode of making the people become acquainted with the arts and sciences, and all the improvements that might, from time to time, take place in them, by providing that authors who devoted their time and talents to those subjects should meet with an adequate reward. If there was any property solely and exclusively confined to one individual it was literary property, for in the making or procuring of every other description of property the assistance of others was required. Why not, then, apply the principle of fixity in one case as well as the other? If a man caused a house to be built for him, he could leave it in perpetuity to his children. Why not extend the same advantage to a man who by the greatness of his genius, and the power of his intellect, had enlightened, afforded happiness to, and increased the knowledge of, his fellow-men to a great extent? The question was, in his humble opinion, worthy of this enlightened age; but he felt that it was not creditable to them to hesitate one moment in giving perpetuity to literary property. He had the utmost pleasure in supporting the measure.

Mr. Baines had no hesitation in saying, that it would be difficult for the House to adopt a measure more calculated to be injurious to the spread of knowledge than the present. How stood the question? Simply thus,—that the author who possessed the right of publication for twenty-

eight years at present was to have that right extended, according to this bill, to the period of sixty years. Now, the first thing which they had to consider, sitting in that House as they were, the guardians of the public interest, was, how far that proposition, if carried into effect, would operate on the spread of knowledge? He put out of question altogether private and individual interests—the interests of printers as well as booksellers, conceiving that their sole duty was to ascertain how the public generally would be affected by it. That two particular results would arise from this measure he was convinced—first, that books would be sold a great deal dearer at the expiration of twenty-eight years after publication than they were at present at the end of that period; and secondly, that it would lead to endless litigation, because of the difficulty of fixing what it should be said was or was not copyright. Extending the period to sixty years, would give rise to questions respecting literary property which would be continually involving authors and publishers in litigation. Besides, it did not extend solely to original works. It extended to encyclopædias and such like publications, where the difficulty of fixing the originality of the articles they contained would be exceedingly great. It was, moreover, an *ex post facto* law, and therefore still more objectionable. It gave to authors the copyright of works already published for sixty years, instead of twenty-eight. There was just as much right to take from the author's term fourteen years as to deprive the public of thirty-two years' right—which was the effect of this bill. As far as he was personally concerned, he had an interest in the law of copyright being extended, because he had several productions of his own to which that law applied. The House would, therefore, understand, that he was not arguing this question upon individual interests, but upon personal grounds. He was sure that the House would be of opinion, that it was a subject for grave consideration, and one that they would well weigh before they deprived the public of a privilege which they had enjoyed for upwards of 100 years. There could be no doubt, that the persons who had petitioned the House were interested parties. In saying that, he did not wish to underrate their great abilities, but still he could not lose sight of the fact, that they were persons

who were interested in the extension of the present law of copyright. He would ask, if the House were disposed to extend the privileges of authors to sixty years, why should not a similar privilege be extended to patents? What would the House say if a patentee came to them, stating—"You have extended the law of copyright to sixty years, now we have invented improvements in machinery which required great skill on our part, and we, therefore, ask you to grant the same indulgence to us." How would the House meet such a request? It could not deny, that such men as Arkwright, Watt, and Sir R. Peel had conferred as much benefit on society as Sir Walter Scott; and if they had conferred as much benefit, they had as much right to expect protection as authors themselves. His only object was to secure to the public all the benefits which they ought to have; and upon that principle, and upon that principle alone, he was anxious that the law should remain unaltered, being convinced that the law, as it at present existed, was quite sufficient adequately to reward authors, and protect the interests of the public.

Mr. *Warburton* could not permit the House to divide upon so important a subject without offering a few remarks upon it. The bill of the hon. and learned Gentleman was just such a bill as they might expect from an assembly of carpenters or shoemakers legislating upon their own affairs. It was a bill framed entirely for the parties interested, at the same time that he thought it would fail in its object. But, inasmuch as it would be detrimental in another point of view, he should most strenuously oppose it. It was in evidence in reports which were before the House on this subject, that the pecuniary reversion to authors was exceedingly small, while their parting with that reversion was giving to the public what was of inestimable price to the public. The House would see, therefore, that the value to the public was immense, while the pecuniary value to authors was exceedingly small. What more reasonable compromise could there be made? Supposing the bill to be in operation, were hon. Members certain, that under peculiar circumstances — circumstances which were frequently occurring to authors — they would neither receive advances nor part with their works to the

publisher altogether? In works requiring a considerable time, and where expense must likewise be encountered, was it not more probable that such would take place. The object of the author, as of the publisher, was to obtain immediate advances, and was it possible by any arrangement they could make under this bill to prevent authors, first from receiving those advances, and then parting with the work altogether? Was the author likely in that case to make a much better bargain than he would at present? By no means; while by his doing so, he, or rather the Legislature which permitted it, would be depriving the public of what they were fairly entitled to, and to which they certainly had a stronger claim than the publisher, to whom the additional pecuniary benefit, should any arise, would fall. Then, again, could they by any power under this bill control the descendants of authors from disposing of the copyright of his works? For his part he could not see what security the bill gave to authors for those increased advantages which the hon. and learned Gentleman who brought it forward had so eloquently described. When the publication of a work was open to the trade at large, the price necessarily fell, and the public were thereby benefited. In extending the copyright from twenty-eight to sixty years, either they would, or would not, raise the price to the public. If they did not, no benefit could accrue to the author. He, therefore, contended, that the effect of the measure would not be that which its authors anticipated from it, for it must produce an increase in the price of books. It was well known, that, at the present moment there were many works of which the trade desired to see new editions, but which, nevertheless, were neither producing profit to the authors nor the owners of the copyright—an evil which, as it appeared to him, the present bill would not fail to aggravate. If the bill of the hon. and learned Member for Reading were to pass into a law, it would be impossible to republish old works without a tedious, expensive, and troublesome process, including an application to the Court of Chancery, to say nothing of its imposing upon publishers an obligation from which other persons in trade were exempt, that of giving public notice of the speculations in which they were about to engage, and that was hardly fair, when other persons

in business were allowed to keep their operations secret. There was another portion of the bill to which he entertained an equally strong objection, and that was the prohibition against the re-publication of works alleged to be not yet out of print. Surely nothing would be easier than for parties interested in the non-publication of a work to make it appear at any time they thought proper, that it was not out of print, by keeping 100 copies on a shelf, and offering to supply such number of copies as those who might wish for a reprint desired to purchase; that, however, would be anything but giving to the public the advantages of a re-publication. Under the bill as it stood, a Government adverse to popular rights might prevent the diffusion of political information, and he did not hesitate to say, that if such a measure were to pass into a law, the public would be deprived of many advantages arising from literature and science which they had long enjoyed, and which of late years they had much improved by means of a vast increase of cheap publications; but, according to some hon. Members who had taken a part in the present discussion, those cheap publications were a great evil, and nothing was more to be desired than, that books should become somewhat dearer than they were at present; but, if to that extent the argument were good for anything, it would have to be carried a little further, and if one step, why not two? and let the House only see how it would work if carried out. Why, it would amount to this—that the dearer books were the better. Looking, then, at the interest which the country had in the proper decision of the question that night brought before the House, he did hope, that the Representatives of the people would not agree to pass such a bill, and he further hoped, that on a Wednesday evening, when few Members were present, and Ministers very rarely attended, a measure like the present would not be again brought under the consideration of Parliament, for he conceived it to be fully as important as any other which could come before them.

Sir R. H. Inglis expressed an earnest hope that the House would permit its judgment to be influenced by the sound reasoning which they had heard on the subject of the present bill, and not allow themselves to be led away by the emphatic manner in which they had been addressed

by the hon. Member for Bridport, who had appealed to them with the intensity of a martyr. It must be evident to all who had listened to the hon. Member that every one of his arguments went not so much against the present bill as against copyright as such. If the main end and object of all bills affecting copyright ought to be that of securing cheap books, let the hon. Member at once move the repeal of the existing law.

The *Solicitor-General* said, that he had always felt an invincible repugnance to the present measure. The hon. Baronet who had just sat down told the House that the arguments of the hon. Member for Bridport applied to all copyrights. In a certain sense that was true, but not practically true. His own opinion was, that books should be had for the benefit of the public at the lowest possible price, and therefore no greater inducement should be held out to authors than was necessary for securing the production of the desired works. Experience had proved, that a certain advantage must be given to authors, to that extent he was willing to go, but no further; and therefore, if it could be shown that the present term of copyright was insufficient to remunerate the author, he should not object to its extension. One anomalous instance had been referred to—that of Mr. Wordsworth; surely it would not be said that one case of that nature ought to overrule so extensive a principle as that for which he had been contending; indeed, if his hon. and learned friend had proposed to give a remedy by means of an application to the Privy Council, as was incident to patents, the proposition would have been materially altered; but, do what they might with it, he could never bring himself to support any measure which went further than to give authors the *minimum* of reward—he did not think the Legislature was in conscience at liberty to go further. *Paley's Evidences* might now be purchased, he believed, for sixpence. If the proposed law of copyright had been in force, that elaborate work would not now be in the hands of the humbler classes, neither would the *Natural Theology* by the same author, come within their reach. Both these works might have had the effect of removing painful doubts from the minds of many readers into whose hands they would never have come if they bore a high price. He entreated the House not to allow them-

selves to think that they were dealing with an unimportant subject; it was one materially affecting the good taste, the good feeling, the morals, and religion of the people at large. He was as ready as any man to admit that some reward must be given to authors, but the property which they had in their works was in no respect analogous to a property in that box or that table. If a right to corporeal possessions were not given by the law, they would not be produced, but it was a totally different case with the creations of mind. The exclusive right of multiplying copies was a creation of the law, and one which ought not to be extended beyond the point which the interests of the public required. He should conclude by declaring that he was opposed to all copyright excepting that which was necessary to secure the production of works of literature and science.

The *Chancellor of the Exchequer* said, that, differing as he did from the principles laid down by his hon. and learned Friend, the Solicitor-General, and the conclusion to which he had come, he did not think it would be fair to himself or to the House if he did not state the grounds on which he should vote for the bill. They had got an admission from his hon. and learned Friend, that some law of copyright was essential. He contended it was a question whether the amount of protection at present given was enough, and the recital of the facts which his hon. and learned Friend (Mr. Talfourd) had made to the House that night, proved, that, under the existing state of the law, the protection was not adequate. No one could be more eager and anxious for the diffusion of knowledge than he was, but, in the first instance, that knowledge must be created, and if men of the highest eminence were left without adequate reward, the inducement to apply literary talent to the creation of knowledge was diminished. But again, with respect to the cheapness of books? What had been the phenomena going on under their own eyes? Had books become cheaper or dearer since the extension of the copyright in 1814? Was it not within the knowledge of every individual, that books had become cheaper since that time, were daily becoming cheaper, and thus becoming more accessible to the mass of mankind. It was the interest of the persons who published, whether he were an author or a bookseller, to print the books in a cheap shape. The same

motive would continue to operate, and the wider the circle of literature was extended, embracing the humbler classes, the more certain might the House be, that the author, for his own sake, and with a view to his own interests, would print his book in as cheap a shape as possible, in order to make it more generally accessible to the public. He implored the House not to refuse to the author, in his last moments, that share of reward which he might have earned by his industry and talent. His hon. and learned Friend the Solicitor General had said, that if there was anything peculiar in the case of Mr. Wordsworth, the way to meet it would be to give a power to the Privy Council to extend the copyright. Why, that admission was an argument against the existing state of the law, and it was an additional argument in favour of his hon. and learned Friend's Bill. He should support an extension of the period during which an author was given an interest in his works, the more especially as it was well known that there existed now a practical extension of the copyright of many books, not for the benefit of the author, but the advantage of the trade. There was in every book worth publishing a latent copyright formed by arrangements which the booksellers made amongst themselves—the benefit of that might as well be given to the author as to the publisher. One word more before he sat down. The hon. Member for Bridport had complained, that the discussion upon this bill was brought on upon a Wednesday, and had asked his hon. and learned Friend to fix some other day for the discussion of it. He begged of his hon. and learned Friend not to attend to any such suggestion, because if he fixed upon any other order day, the moment he got up, probably, eleven o'clock, he would be met by a complaint, that a subject of such vast importance was to be brought on at that late hour, and the bill would perhaps be indefinitely postponed without the least chance of its being passed this Session. The bill was of great public importance; they had no right to assume, that those Gentlemen who felt an interest either for it or against it would not attend in their places, and no engagement would prevent him attending to give it his support at any time.

House divided.—Ayes 73—Noes 37—Majority 36.

List of the AYES.

Acland, T. D.
Aglionby, Major
Ainsworth, P.

Arbuthnott, hon. H.
Archbold, R.
Attwood, W.

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| Barnard, E. G. | Mackenzie, T. |
| Barrington, Viscount | Macleod, R. |
| Beamish, F. B. | Macnamara, Major |
| Bodkin, J. J. | Mahon, Viscount |
| Bramston, T. W. | Marsland, T. |
| Bridgeman, H. | Milnes, R. M. |
| Brocklehurst, J. | Moreton, hon. A. H. |
| Brotherton, J. | Murray, A. |
| Buller, C. | Murray, rt. hon. J. |
| Bulwer, Sir L. | O'Connell, D. |
| Butler, hon. Colonel | O'Connell, M. J. |
| Christopher, R. A. | Palmer, C. F. |
| Currie, W. | Parker, M. |
| Dalmeny, Lord | Planta, right hon. J. |
| Dunbar, G. | Plumptre, J. P. |
| Dungannon, Viscount | Praed, W. M. |
| Estcourt, T. | Praed, W. T. |
| Farnham, E. B. | Pringle, A. |
| Fielden, J. | Pusey, P. |
| Fort, J. | Rice, right hon, T. S. |
| Gaskell, J. M. | Roche, Sir D. |
| Gladstone, W. E. | Rolleston, L. |
| Goddard, A. | Round, J. |
| Godson, R. | Sibthorp, Colonel |
| Halford, H. | Stanley, E. |
| Hepburn, Sir T. B. | Stuart, V. |
| Hodgson, R. | Strickland, Sir G. |
| Holmes, W. | Tancred, H. W. |
| Horsman, E. | Tennent, J. E. |
| Houstoun, G. | Thompson, Alderman |
| Howard, P. H. | Vigors, N. A. |
| Irton, S. | Vivian, J. E. |
| Jones, J. | TELLERS. |
| Lennox, Lord A. | Talfourd, Sergeant |
| Lockhart, A. M. | Inglis, Sir R. |

List of the NOES.

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| Aglionby, H. A. | Marsland, H. |
| Baines, E. | O'Brien, W. S. |
| Blake, M. J. | Parrott, J. |
| Blake, W. J. | Philips, M. |
| Broadley, H. | Pryme, G. |
| Busfield, W. | Rice, E. R. |
| Currie, R. | Richards, R. |
| Duckworth, S. | Salwey, Colonel |
| Duncombe, T. | Speirs, A. |
| Dundas, C. W. D. | Stock, Dr. |
| Evans, W. | Strutt, E. |
| Finch, F. | Style, Sir C. |
| Hastie, A. | Thornely, T. |
| Hobhouse, T. B. | Turner, E. |
| Hughes, W. B. | Villiers, C. P. |
| Hume, J. | Wakley, T. |
| Jervis, J. | Walker, R. |
| Johnson, General | TELLERS. |
| Leader, J. T. | Rolfe, Sir R. M. |
| Lushington, C. | Warburton, H. |

Bill read a second time.

PUBLIC WORKS.—INCREASE OF DEBT.]
The Chancellor of the Exchequer in a Committee of Ways and Means, proposed a resolution for a transfer of aids.

Mr. *Hume* would take that opportunity of giving notice that upon an early day

he would move that a separate account be presented of all issues from the Treasury of Exchequer Bills for Public Works. The accounts were at present kept in a confused manner, and there was much room for improvement.

The *Chancellor of the Exchequer* begged to assure his hon. Friend and the House, that he was most anxious to do all in his power to render the accounts as simple as possible. He would take that opportunity of stating to the House that he had not in any manner departed from the old practice in making out the public accounts. The suggestion that he had done so was unfounded.

Mr. *Hume* thought this was a matter well deserving the attention of the Chancellor of the Exchequer. The charge made against the right hon. Gentleman, however, was not for altering the public accounts, but for having last year so managed the accounts as to add 2,000,000*l.* or 3,000,000*l.* to the national debt without the sanction of that House; and he (Mr. *Hume*) believed the charge was quite true. The funded debt of the country was increased by the exchange which had been effected, Exchequer bills being bought by saving-banks money, and converted into 3 per cent. stock, utterly without the knowledge or sanction of Parliament. Two millions of Exchequer-bills had been taken out of circulation, and the result was, as he had stated, the House and the country only arriving at a knowledge of the fact through the production of certain returns for which he had moved in the course of last Session. He did not mean to say that the regular market-price had not been paid; he did not mean to say that the operation was not essential to public credit, and was, on the whole, beneficial: he did not quarrel with the fact, but with the mode in which it was effected. This was the ground of complaint; and what, he would ask, was going on now? It was well known the expenditure exceeded the income. The Bank, it was alleged, made no advances, and it was quite clear the right hon. Gentleman could not make up his deficiency of a million and a half without some resources. The interest of the public required that the mystery in this matter should be cleared up.

The *Chancellor of the Exchequer* said, the mystery he had formerly alluded to respected the form of the accounts,