

committee on private petitions, that lithographic petitions should be considered as printed petitions, and therefore should not be received by the House.

Mr. *Warburton* was proceeding to observe, that no good reasons had been alleged in support of this motion, when he was interrupted by

Mr. *O'Connell*, who, having said that this was far too important a subject to be discussed in so thin a House, moved that it be counted, and forty Members not being present, it adjourned.

HOUSE OF COMMONS,

Wednesday, May 1, 1839.

MINUTES.] Bills. Read a second time:—Exchequer Bills; High Sheriff's Expenses.

Petitions presented. By Lord BARRINGTON, Sir R. DONKIN, Captain WENYSS, Sergeant JACKSON, and Messrs. GROTE, RIPPON, LANGDALE, BENNETT, AINSWORTH, O'CONNELL, HAWES, and M. PHILIPS, from a very great number of places, for a Uniform Penny Postage.—By Sir ROBERT PEEL, from Lancaster, against the Rating of Small Tenements Bill.—By Captain GORDON, from Aberdeen, against the Granting of Spirit Licences; and against parts of the Prisons (Scotland) Bill.—By Lord DUNGANNON, from Durham, against alienating the Revenues of that See; from Denbigh, against the plan for Education proposed by Ministers.—By Sergeant JACKSON, from a place in the county of Kilkenny, against any system of Education extending to Catholics; from two places, against compelling Presbyterian Soldiers to attend Churches different from their own.—By Mr. BARNARD, from Greenwich, against the Metropolitan Police Courts Bill.

COPYRIGHT.] On the motion that the Speaker leave the Chair for the House to go into Committee on the Copyright Bill,

Mr. *Warburton* said, that when this bill was last under the consideration of the House, he gave the learned Mover due notice that he would oppose its further progress if brought forward on a Wednesday. Here was a bill in which the public took a paramount interest, and it was not fit that it should be brought forward on a night when Ministers were absent, and engagements prevented the attendance of hon. Members. The hon. Member for Limerick had postponed the consideration of an important measure, because he was aware that a number of the Irish Members would be necessarily absent. In a short time the benches would be deserted, till only from twenty to thirty Members would remain, and he must give his most strenuous opposition to the discussion of a bill of such importance to the public, which went to deprive them of a right and privilege they now possessed in a House of that nature,

and which ought only to be considered with full benches. He did not consider it inferior in importance to the liberty of the press or the *habeas corpus*. Was it just to take into consideration a bill of that importance on a Wednesday on the stage of going into Committee. He would, therefore, move that the motion for going into Committee be adjourned till to-morrow. Or if the hon. and learned Member would fix the further discussion for any other night, excepting a Wednesday, so that there might be a chance of full attendance, the House might come to such a decision as they might think proper; but let it be done with full benches, and not when the House was comparatively deserted. He accordingly moved that the further consideration of the bill be adjourned till to-morrow.

Sergeant *Talfourd* considered the invitation which had been given him by the hon. Member to consider this bill in Committee to-morrow, equivalent to an invitation never to consider it in Committee at all. The course pursued by the hon. Member appeared to him vexatious in the extreme. The bill was now, for the third time, before the House. Its principle had twice been affirmed and never denied by a vote of the House. It had at the same time been most amply discussed, and the majorities, by which it was affirmed, were considerable. It was too much to say, that Wednesday was the only night on which a measure of that importance ought not to be considered. What chance had an individual Member, not supported by Ministerial influence, to get a bill forward on any other night? The right hon. Baronet had just postponed the Committee on the Controverted Elections' Bill till to-morrow night, and what prospect had he to get this bill considered afterwards, as the bill of the right hon. Baronet would of course have precedence? It was rather a strange objection for some Members to complain of a small attendance of Members, seeing that they had philosophically discussed the expediency of reducing the present number of Members who had seats in that House. He should be deserting the interests of those who trusted to his exertions for obtaining justice to their rights if he agreed to the motion for postponement. The hon. Member might take one course, and he (Sergeant *Talfourd*) would adopt his own, and he trusted the House would support him in

endeavouring to overcome such vexatious opposition.

The House divided:—Ayes 127; Noes 24:—Majority 103.

List of the AYES.

Abercromby, hn. G. R.	Hardinge, rt. hn. Sir H.
Ainsworth, P.	Harland, W. C.
Alsager, Captain	Hastie, A.
Arbuthnott, hon. Hugh	Hepburn, Sir T. B.
Archbold, R.	Hodges, T. L.
Bailey, J.	Hodgson, R.
Bailey, J. jun.	Holmes, hon. W.
Barnard, E. G.	Hope, hon. C.
Barrington, Lord Vis.	Hope, G. W.
Barry, G. S.	Hughes, W. B.
Benett, J.	Ingestrie, Lord Vis.
Bewes, T.	Irton, S.
Blair, J.	Jackson, Mr. Sergnt.
Bodkin, J. J.	Jones, J.
Boldero, H. G.	Knatchbull, r. h. Sir E.
Bowes, J.	Knight, H. G.
Bramston, T. W.	Lambton, H.
Broadley, H.	Langdale, hon. C.
Brodie, W. B.	Lascelles, hon. W. S.
Brownrigg, S.	Law, hon. C. E.
Buller, Sir J. Y.	Lefevre, C. S.
Burr, H.	Lennox, Lord A.
Calcraft, J. H.	Lister, E. C.
Campbell, Sir J.	Lowther, hon. Col.
Canning, rt. hon. Sir S.	Lygon, hon. General
Cavendish, hon. G. H.	Mackenzie, T.
Clive, hon. R. H.	Mackenzie, W. F.
Cole, Lord Vis.	Mackinnon, W. A.
Creswell, C.	Macnamara, Major
Curry, W.	Mahon, Lord Vis.
Darby, G.	Manners, Lord C.
Davies, Colonel	Melgund, Lord Vis.
Denison, W. J.	Miles, P. W. S.
D'Israeli, B.	Milnes, R. M.
Douglas, Sir C. E.	Mordaunt, Sir J.
Duncombe, hon. W.	Murray, A.
Duncombe, hon. A.	O'Brien, W. S.
Dungannon, Lord Vis.	O'Ferrall, R. M.
Eastnor, Lord Vis.	Palmer, C. F.
Egerton, Sir P.	Parker, R. T.
Ellice, right hon. E.	Patten, J. W.
Farnham, E. B.	Pattison, J.
Fazakerley, J. N.	Pease, J.
Ferguson, Sir R.	Planta, right hon. J.
Ferguson, R.	Power, J.
Filmer, Sir E.	Pringle, A.
Fitzroy, Lord C.	Pusey, P.
Fleetwood, Sir P. H.	Rae, rt. hon. Sir W.
Freemantle, Sir T.	Rolleston, L.
French, F.	Round, C. G.
Freshfield, J. W.	Round, J.
Gladstone, W. E.	Sheil, R. L.
Godson, R.	Sheppard, T.
Gordon, hon. Captain	Smith, A.
Grant, F. W.	Smyth, Sir G. H.
Grattan, H.	Stanley, E.
Greene, T.	Stansfield, W. R. C.
Grimsditch, T.	Stewart, J.
Halford, H.	Strickland, Sir G.

Sturt, H. C.
Turner, W.
Waddington, H. S.
Wilbraham, hon. B.
Winnington, T. E.
Winnington, H. J.

Wood, Colonel T.
Wood, G. W.

TELLERS.

Talfourd, Mr. Sergeant
Solicitor General, The

List of the NOES.

Brotherton, J.	Muskett, G. A.
Butler, hon. Colonel	Parrott, J.
Courtenay, P.	Pechell, Captain
Divett, E.	Philips M.
Dundas, C. W. D.	Smith, B.
Evans, W.	Strutt, E.
Finch, F.	Style, Sir C.
Goddard, A.	Villiers, hon. C. P.
Grote, G.	Ward, H. G.
Hawes, B.	White, A.
Hector, C. J.	
Leader, J. T.	TELLERS.
Lushington, C.	Wakley, T.
Marsland, H.	Warburton, H.

On the question being again put,

Mr. Warburton had given full notice to the hon. Member of the course he intended to follow, and if, notwithstanding that explanation, the hon. Member should still persist in proceeding, he must move that the House do now adjourn.

Mr. Wakley seconded the motion, stating that as Lord John Russell had on a former occasion protested against the Bill, the House might have expected that this would have been made a Government question. At all events, it was proper that the opinions of the two great parties in that House should be heard, and as the noble Lord and the right hon. Baronet (Sir R. Peel) had now left the House, and as hon. Members well knew that at seven o'clock they preferred dining to any question of however great national importance—[“No”]—nothing was more likely than that about that time the House would be “counted out.” As he entertained strong objections to the Bill and to the manner in which this question had been discussed, he should second the motion for the adjournment, and if beat he should again propose or second a similar motion, and do so again and again.

The *Solicitor General* was sorry for the course that had been taken by the opponents of the bill. He had stated, that he intended to give it his most decided opposition, and to oppose it in every possible mode; but by that he meant according to every mode that was known in the usages of that House. He was afraid that if this course of opposition were followed out it would create a sympathy in

favour of the Mover, and of the Bill, that would not otherwise exist. It was impossible for individual Members to get forward with their bills on other days than Wednesdays, and he, therefore, hoped his hon. Friend would withdraw his motion for adjournment.

Mr. *S. O'Brien* did not approve of the principle that all bills of this nature should originate with the Government, which it was the tendency of the course adopted by the hon. Member for Bridport to establish, and he did not think it fair to deprive a private Member of the only opportunity which he had for advancing the progress of any measure which he had taken up. He should, therefore, vote against the motion for adjournment.

Mr. *Grote* said, that as it seemed improbable that any other night but the present could be given to the consideration of this measure, he should, though reluctantly, because he was opposed to the principle of the measure itself, vote against the adjournment.

The House divided, when there appeared, for the motion 9; against it 131:—Majority 122.

List of the AYES.

Butler, hon. Col.	Muskett, G. A.
Dundas, C. W. D.	Pechell, Capt.
Finch, F.	Villiers, hon. C. P.
Hawes, B.	TELLERS.
Hector, C. J.	Wakley, Mr.
Molesworth, Sir W.	Warburton, Mr.

The NOES we need not repeat.

Mr. *Warburton* said, that he was aware that he was taking a very unpopular course, but the hon. Member for Reading could not complain of it, for before the Easter Holidays he had given him notice, that, if he persisted in fixing a Wednesday for the further proceedings in the bill, he would feel it to be his public duty to take the course he was then doing; he would persist in that course. He would, therefore move, that the further consideration of the question be adjourned till Friday next.

The *Speaker* did not think that that question could be entertained. The House had, upon a division, affirmed that the words "that I do now leave the Chair," should stand part of the question, therefore he believed that those words must form part of any question put to the House.

Mr. *Warburton*: Then I move that this debate be now adjourned.

The *Speaker* said, no hon. Member could move an amendment, as the hon. Member wished to do, on what it had already been decided should stand part of the question.

Mr. *Warburton* said, he believed that he could, if he pleased, move that the *Speaker* do leave the Chair that day six months.

Viscount *Mahon* said, that when this became a vexatious opposition on the only night on which the bill could be brought forward in its present stage, he must seriously call upon the House to consider to what the course of the hon. Member for Bridport, if it were followed up, might ultimately lead. If hon. Members found that a bill might be satisfactorily resisted by a minority against a majority, as in this case, it was possible that the method might come to be tried by the minority of hon. Members on his (the Opposition) side of the House against the majority opposite. But the hon. Member for Bridport was called a practical man. Now, he would put it to the hon. Member to reflect whether the privilege which it appeared thus resided in a minority, might not be lost by a vexatious and intemperate use of it? Hon. Members formerly had a right, on presenting petitions, to make remarks at pleasure upon them. This was found to be inconvenient, and was consequently abolished. Hon. Members ought to take care lest the privilege they were now exercising should not be lost for the same reasons. He called on them not to furnish an irresistible argument for the total suppression of this right.

Sir *G. Strickland* would ask the hon. Member for Bridport, when he spoke about unpopularity, whether he thought it would be popular among their constituents to affirm that no business should be done on a Wednesday, for that was the tendency of the course pursued by the hon. Member? That course he deprecated in the strongest manner.

Mr. *Sergeant Talford* said, he charged the Member for Bridport with an abuse of the power vested in the Members of that House. When the second reading of the bill came on, he had been pressed to postpone it. He had not submitted to the threat of the hon. Member then held out, neither would he submit to his dictation now.

Mr. Warburton said, the motion that he had made was perfectly consistent with the usual forms of the House, that the further consideration of this question be adjourned. It was competent for any Member to move the adjournment.

Mr. F. Hodgson rose to order. He believed the hon. Member had spoken on this question before.

Mr. Warburton said, the course he pursued was perfectly in order. He had seen on many occasions repeated questions, succeeding one another alternately, on the motion for the adjournment of the House and for the adjournment of the question. It was competent for a Member, in any state of any debate, to move the adjournment of the House, and in any state of any debate to move the adjournment of the debate itself, provided the two successive motions were not the same. When a small lot of Members came down to that House to support a question when Ministers of the Crown were absent, it was far better not to consider it at all.

The Speaker said, the House was the judge of its own proceedings. He could only say, that that House had come to two conclusions after debate. The first conclusion they had come to was, that they would not now adjourn; and then they had come to the conclusion, that the words, "that the Speaker do now leave the Chair," stand part of the motion. [Cries of "Question."]

Mr. Cayley understood that there was no question before the House.

The Speaker: The question is, that these words, "that I do now leave the Chair," stand part of the question. Having negatived the adjournment, it will stand thus, "That I now leave the Chair."

The Speaker put the question, and declared that the "ayes" had it, and left the Chair.

The House in Committee on the Bill.

On the question that the Bill be read a first time, paragraph by paragraph,

Mr. Warburton said, the course which he should pursue was that with which he had thought it his duty to commence, to endeavour to prevent this bill being discussed on a Wednesday night. The motion he made was, that the chairman now report progress.

The Committee divided on Mr. Warburton's motion:—Ayes 7, Noes 119;—Majority 112.

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List of the AYES.

Duncombe, T.	Muskett, G. A.
Dundas, C. W. D.	Smith, B.
Hector, C. J.	TELLERS.
Hobhouse, T. B.	Wakley, T.
Molesworth, Sir W.	Warburton, H.

List of the NOES.

Acland, T. D.	Hope, G. W.
Arbuthnott, hon. H.	Houstoun, G.
Bagge, W.	Howick, Lord Visct.
Bailey, J.	Hughes, W. B.
Bailey, J. jun.	Hurt, F.
Barnard, E. G.	Ingham, R.
Barrington, Ld. Visct.	Jackson, Mr. Sergt.
Barron, H. W.	Jones, J.
Benett, J.	Knatchbull, right hon.
Bewes, T.	Sir E.
Blackburne, I.	Law, hon. C. E.
Boldero, H. G.	Lefevre, C. S.
Bowes, J.	Lemon, Sir C.
Bramston, T. W.	Lennox, Lord A.
Broadley, H.	Lowther, hon. Col.
Brodie, W. B.	Mackenzie, T.
Brotherton, J.	Mackenzie, W. F.
Buller, Sir J. Y.	Mackinnon, W. A.
Burr, H.	Marshall, W.
Campbell, Sir J.	Milnes, R. M.
Canning, rt. hn. Sir S.	Mordaunt, Sir J.
Cavendish, hn. G. H.	Morris, D.
Craig, W. G.	Murray, A.
Dalrymple, Sir A.	Neeld, J.
Darby, G.	Neeld J.
Davies, Colonel,	Norreys, Sir D. J.
Dick, Q.	O'Brien, W. S.
D'Israeli, B.	Packe, C. W.
Donkin, Sir R. S.	Palmer, C. F.
Douglas, Sir C. E.	Palmer, G.
Duncombe, hon. W.	Patten, J. W.
Duncombe, hon. A.	Pattison, J.
Dungannon, Ld. Visct.	Pigot, D. R.
Du Pre, G.	Pringle, A.
Egerton, W. T.	Pusey, P.
Egerton, Sir P.	Rice, E. R.
Elliot, hon. J. E.	Rice, rt. hon. T. S.
Filmer, Sir E.	Rolfe, Sir R. M.
Fleetwood, Sir P. H.	Rolleston, L.
Gaskell, J. M.	Round, J.
Gladstone, W. E.	Rushbrooke, Col.
Godson, R.	Seale, Sir J. H.
Gordon, hon. Capt.	Seymour, L.
Grant, F. W.	Shirley, E. J.
Greene, T.	Sibthorp, Colonel
Grey, right hn. Sir G.	Smith, J. A.
Grimsditch, T.	Smyth, Sir G. H.
Grote, G.	Stanley, E.
Harland, W. C.	Strickland, Sir G.
Hawkes, T.	Strutt, E.
Hayter, W. G.	Sturt, H. C.
Heathcote, Sir W.	Thompson, Mr. Ald.
Heathcote, G. J.	Verner, Colonel
Heneage, G. W.	Vernon, G. H.
Hepburn, Sir T. B.	Waddington, H. S.
Hodgson, R.	Wall, C. B.
Holmes, hon. W.	Walsh, Sir J.
Hope, hon. C.	Wilbraham, G.

Wilbraham, Hon. B.

Winnington, T. E.

Wood, G. W.

Wrightson, W. B.

TELLERS.

Talfourd, Sergeant

Mahon, Lord

On the question, that the bill be read a second time, paragraph by paragraph,

Mr. *Wakley* would say a few words on the question, as he was anxious to expedite business. He must say, that he could not exactly understand the tactics that hon. Members would have them pursue in that House. He thought it a useful privilege, that Members should be able to postpone the business of the House, and he thought they could not find a more proper occasion for it than the present. He was most sincerely opposed to the principle and details of this bill. He, for one, was prepared to adopt any course which would enable him to prevent its further progress in that House. He had never failed to express his opposition to the bill. He believed it was fraught with more mischief than any other measure. He thought it better that they should have a special night for discussing bad measures. Generally speaking, the bills brought forward on a Wednesday night were of a very harmless nature; but this was so objectionable in its character, that he should continue to offer opposition to it to the latest hour of the night. He, for one, should not fail to oppose the bill, provided the hon. Gentleman pursued the course he had pointed out. He would conclude by moving, that the chairman do leave the chair.

Colonel *Sibthorp* said, if he mistook not, there was a large dinner, and the presentation of a piece of plate to an hon. Member of that House that evening, and the true cause of the opposition to the further progress of the bill might be, that hon. Members were much afraid of the soup and the fish being cold, or that the whole would be eaten up before they got there. He confessed it was no disappointment to him, for he for one did not intend to go. An invitation had been sent to him, as a friend of economy, hoping that he would attend the dinner.

Viscount *Dungannon* objected to the course pursued by the hon. Member. The arguments brought forward for the postponement of the consideration of the measure were perfectly contemptible. The hon. Member for Bridport would not go into the consideration of the bill, because her Majesty's Ministers were not in the House, and then because the leaders of the Oppo-

sition were not in the House. He would wish to know what bill, emanating from a private Member, could be brought forward, except on a Wednesday night? The course adopted by hon. Members opposite was most paltry and contemptible. He remembered when the hon. Member opposite (Mr. *Wakley*) had greatly condemned the same course now pursued by him, and some other hon. Members, and had said, that by a similar course, two or three Members of the House might obstruct the whole course of legislation.

Mr. *Warburton* was glad to find, that the noble Lord had furnished him with a precedent for the course he (Mr. *Warburton*) was now pursuing. In the case of the Registration of Electors' Bill, the noble Lord, the Member for Stroud, arranged, that the discussion should not come on, except in a full House. He (Mr. *Warburton*) thought that what was good in that case, would also apply to the Copyright Bill.

The *Chancellor of the Exchequer* wished to say one word. He was the last man who would dispute the right of any Member of that House to move an adjournment. It was for the Member moving to judge whether his motion was consistent with the general feeling of the House. With respect to the present case, he would refer the hon. Member for Bridport to a bill, in which the hon. Member took a great interest, and which was strongly opposed by a party in that House. That was the Anatomy Bill introduced by the hon. Member himself. If the opposition of the minority in that case had not been withdrawn, the bill, which was one conferring great benefits on the community, must have been withdrawn.

Mr. *Warburton* said he would give way, and object no further at present, if the hon. and learned Sergeant would fix a night (not a Wednesday), when an opportunity would be given of discussing the measure in a full House. As to the remark of the hon. and gallant Member for Lincoln, that he (Mr. *Warburton*) was an expected guest at the dinner given on that day to his hon. Friend the Member for Kilkenny, he could assure him he was mistaken. He was not to be a guest at that dinner, and he would add, that he had determined on adopting his present course, before he had even heard of the dinner.

The Committee divided, on the motion

that the chairman do leave the chair;—Ayes 9, Noes 91;—Majority 82.

The Committee subsequently divided fourteen times on various questions and amendments without taking any division on the merits of any part of the bill, those divisions having for their avowed object to delay its progress and compel the Mover to postpone it. The debate or conversation which ensued on each motion was confined mainly, on the one hand, to asserting the propriety of opposing the bill in this manner on Wednesday evening; and, on the other, to asserting the necessity of carrying it forward. The first and second clauses were described by the opponents of the bill as unimportant, and they only divided the committee on the question that they stand part of the bill, with a view to attain their object. We omit, therefore, all these divisions and the conversations and proceed to the discussion on the merits of the clauses.

On clause 3, Mr. Sergeant Talfourd proposed to fill up the blank with the words "sixty."

Mr. Warburton wished that and several other clauses to be postponed, and other minor clauses to be taken. He would then consent to go on with the bill.

Mr. Sergeant Talfourd said, that the course which the hon. Member for Bridport had taken was so objectionable, that he would not accept of any boon at his hands. The Committee was now upon the clause fixing the period of the term for the continuance of the copyright, a point which had already been fully discussed, and he, therefore, desired to accept of no favour from the hon. Member, to whom he left the responsibility of the course he had that night taken, nor would he do anything to avert from the hon. Member the judgment of that public whom he said he desired to serve.

Mr. Warburton was quite ready and willing to take on himself all responsibility. He objected to the clause in toto, and, therefore, would not raise any discussion as to the term to be inserted in the clause.

The Solicitor General said, that as the Committee was now on the clause, he objected to fill up the blank with the term sixty years, as proposed by his hon. and learned Friend. The clause gave to authors the copyright for the term of their

lives, and he thought a short further term granted to their executors after their decease would be sufficient. He believed three years would be sufficient for that purpose, and he should propose that term instead of sixty years, as proposed by his hon. and learned Friend.

Mr. Warburton said, if he could understand there was any likelihood of the amendment of the Solicitor General being carried, he should not object to it, for it would be a very small variation from the law as it now stood, and would be a mere accommodation to the executors or administrators of deceased authors. Such a compromise of the point he would not oppose if he were assured that the Friends by whom the hon. and learned Solicitor General was surrounded would agree to it; if not, he should persevere in his strenuous opposition to the progress of the bill.

The Chancellor of the Exchequer said, as an appeal had been made to the candour of hon. Gentlemen, he must, for one, say he could not acquiesce in the proposition of his hon. and learned Friend, the Solicitor General, because that would be to concede the whole principle of the bill.

Mr. Darby objected to the Committee going on to discuss a clause and the amendments upon it under the threat of the Member for Bridport, that if some compromise was not made he would persevere in the course he had pursued throughout the evening; in other words, that if his own proposition was not carried, he would still resist the sense of the House.

Mr. Warburton denied that he had held out any threat. He had merely said, that according as the blank was filled up so he should shape his course.

Viscount Mahon had understood the hon. Member in the directly opposite sense; and, if he had understood the hon. Member right, the discussion of the clause would be to very little purpose. If the hon. Member was determined to take any more vexatious divisions, it would be a waste of time to debate the clause.

Mr. Warburton repeated that he should not object to the short period proposed by the Solicitor General. That proposition might now be discussed, and a division taken upon it, but he reserved to himself the right when the blank was filled up to shape his course accordingly.

Mr. Sergeant Talfourd was glad to find that the hon. Member for Bridport

thought the Committee was now competent to discuss the bill. With regard to the proposition of his hon. and learned Friend for three years, it would very much limit the exacting law, which gave a term of twenty-eight years, and, therefore, to it he must object. He thought the term of sixty years he had proposed a very inadequate compromise, with reference to the real justice of the case. He would not argue it, unless it was now understood that the Committee was competent to proceed, and that the hon. Member for Bridport would not play the game, "head I win, tail you lose."

Mr. *W. Attwood* supported the proposition of the hon. and learned Member for Reading. Dr. Johnson had thought that 100 years was a proper period for an author's copyright, and Mr. Say, another authority, held that the term ought to be for the author's life, and those of his wife and children. With the opinions of such men before him, he thought sixty years was not an unreasonable term, or an exorbitant concession to authors.

Mr. *Warburton* said, it seemed to be forgotten that any extension of the rights of authors was a robbery upon the public, and the opinion which had been quoted of Mr. Say was an opinion in support of absolute nonsense. The House ought to fix only on such a term of years as would prove a sufficient inducement for authors to write good works. Every year after that, was taken from the public, and would be a great encouragement to plagiarism; by ingenious devices they would have long extracts from works, or the words little altered, and probably not bettered. For the credit of authors themselves he thought they were not justified in filling up the blank with a long period.

The *Chancellor of the Exchequer* said, that his own proposition would be to insert the period of thirty-one, instead of sixty, years. It was possible that, if they decided upon so long a term of years as sixty, they might excite a certain degree of public feeling against the bill. He was not, however, so opposed to the term of sixty years as to seek, in consequence of its being retained, to defeat the bill of the hon. and learned Gentleman.

The House divided on the question, that the blank be filled up with the word sixty.—Ayes 45; Noes 37:—Majority 8.

List of the AYES.

Acland, T. D.	Mackenzie, T.
Arbuthnott, hon. H.	Mackenzie, W. F.
Attwood, W.	Mahon, Lord Visct.
Bateson, Sir R.	Milnes, R. M.
Bolling, W.	Mordaunt, Sir J.
Brodie, W. B.	Noel, hon. W. M.
Cripps, J.	O'Connell, J.
Darby, G.	Packe, C. W.
Davies, Colonel	Patten, J. W.
D'Israeli, B.	Plumptre, J. P.
Dunbar, G.	Polhill, F.
Du Pre, G.	Pringle, A.
Egerton, W. T.	Pusey, P.
Egerton, Sir P.	Rushbrooke, Colonel
Fector, J. M.	Shirley, E. J.
Gaskell, J. M.	Smyth, Sir G. H.
Grimsditch, T.	Strickland, Sir G.
Heathcote, Sir W.	Tancred, H. W.
Hepburn, Sir T. B.	Turner, W.
Holmes, W.	Waddington, H. S.
Hope, G. W.	Young, J.
Houldsworth, T.	TELLERS.
Houstoun, G.	Talfourd, Sergeant
Lowther, hon. Col.	Gladstone, W. E.

List of the NOES.

Buller, Sir J. Y.	Lister, E. C.
Clements, Ld. Visct.	Maclean, D.
Collins, W.	Molesworth, Sir W.
Donkin, Sir R. S.	Neeld, J.
Douglas, Sir C. E.	Norreys, Sir D. J.
Dowdeswell, W.	O'Brien, W. S.
Dundas, C. W. D.	O'Connell, M.
Easthope, J.	Palmer, C. F.
Finch, F.	Redington, T. N.
Godson, R.	Rice, E. R.
Harland, W. C.	Rice, right hon. T. S.
Hayter, W. G.	Rickford, W.
Hinde, J. H.	Strutt, E.
Hobhouse, T. B.	White, A.
Hodgson, R.	Williams, W.
Hughes, W. B.	Wilshere, W.
Hurt, F.	Winnington, T. E.
Ingham, R.	TELLERS.
Jones, J.	Solicitor General,
Lefevre, C. S.	Warburton, H.

Two subsequent divisions took place on the question, that the clause stand part of the bill, which was met, by two separate amendments, which divisions are part of the thirteen we omit.

The third clause was agreed to.

On the 4th clause

The *Solicitor-General* said, that he entertained the strongest objection to this clause, on the ground that it interfered with vested rights belonging to the public. It might be justifiable to declare, that works hereafter to be published should have this extended protection, but he could not agree to the clause having a retrospective effect.

Mr. Warburton felt satisfied, that the interests of the public had been completely lost sight of in this bill.

Mr. Godson denied, that there was anything like a vested interest in the matter. The whole question was, whether the present duration of copyright afforded an adequate reward to authors. He thought, that the present duration of copyright was sufficient, except in particular cases.

Mr. Sergeant Talfourd thought the hon. Member could hardly have heard his numerous addresses without knowing, that the claim set up by the public was entirely futile, and that they had no right at all. He contended, that publishers in London and Edinburgh, should not be permitted to send forth the works of that great man of whose services we had been deprived by a premature death, to the detriment of those whom he had left to our care. He would never arrogate to himself the title of Liberal at the expense of the good and the wise.

Mr. Strutt said, that as far as he could trace the shadow of an argument in the learned Sergeant's speech, it went to show, that the public had no right whatever, and therefore he ought to propose a perpetual copyright. He was opposing his own bill. If the public had no right to that for which they had not worked, they had no right to the possession of the steam engine or the printing machine. He had felt anything but satisfied at the sneering manner in which the learned Sergeant had talked of the much injured public. He thought the interests of the public should not be laid aside, and protested against the tone assumed by the learned Member for Reading in stigmatising all those opposed to his views.

Mr. T. B. Hobhouse contended, that if the principle of this *ex post facto* clause was carried out, the works of Milton, Dryden, and Pope, should be brought within its operation.

Mr. Milnes said, that it was absurd to object to the clause as having an *ex post facto* operation, when it referred only to copyrights which had not been assigned, and respecting which, therefore, no interests could be injuriously affected.

The Chancellor of the Exchequer thought, that the objection of the hon. Member for Derby, drawn from the analogy of the steam engine and the printing press, did not at all apply to the present case. Those inventions had, by

the expiration of the patents, become public property, and ought not to be touched, but with respect to a mechanical invention, the patent for which was still in existence, the term of that patent might be extended upon good cause being shown. Upon the same principle existing copyrights might be extended.

Viscount Howick regretted, that the time of the House had been wasted for five hours in vexatious divisions—vexatious he must say, with all respect to the promoter of them—which had nothing to do with a discussion of the bill. He thought the bill should be considered more in reference to the public, than the authors. He objected to the bill in its present shape, on the ground, that it would create an unjust monopoly for authors, many of whom would be well provided by twenty-eight days' protection instead of twenty-eight years. He would admit, that under the present system, authors who had spent all their lives in the composition of perhaps a single valuable work might suffer great hardship. He should be happy to see the interests of such men secured; but, concurring in the objections of other hon. Members, he must oppose the clause now under consideration.

The Solicitor-General, in reference to what had fallen from the Chancellor of the Exchequer, thought it rather too large an inference, that because the terms of existing patents for inventions might in some peculiar cases be extended, therefore the same favour should be granted to all unexpired copyrights whatever. That which might be termed an exception with regard to patents was proposed to be made a universal rule with regard to copyrights.

The Committee divided on the question that the clause stand part of the bill:—Ayes 39; Noes 20:—Majority 19.

List of the AYES.

Acland, T. D.	Gaskell, J. Milnes
Adare, Lord Viscount	Gladstone, W. E.
Alsager, Captain	Harland, W. C.
Arbuthnott, hon. II.	Heathcote, Sir W. M.
Attwood, W.	Hinde, J. II.
Bramston, T. W.	Hodgson, R.
Cole, Lord Viscount	Holmes, W.
Darby, G.	Hope, G. W.
Davies, Colonel	Houstoun, G.
D'Israeli, B.	Ingham, R.
Douglas, Sir C. E.	Lambton, II.
Du Pre, G.	Lowther, hon. Col.
Egerton, W. T.	Mackenzie, T.

Mackenzie, W. F.	Pusey, P.
Mahon, Lord Visct.	Rice, right hon. T. S.
Morpeth, Lord Visct.	Rickford, W.
Palmer C. F.	Rushbrooke, Colonel
Plumptre, J. P.	Waddington, H. S.
Polhill, F.	TELLERS.
Praed, W. T.	Talfourd, Sergeant
Price, R.	Milnes, R. M.

List of the NOES.

Brotherton, J.	Muskett, G. A.
Collins, W.	Pease, J.
Dundas, C. W. D.	Seymour, Lord
Easthope, J.	Strutt, E.
Finch, F.	Talbot, C. R. M.
Godson, R.	Wall, C. B.
Hawkins, J. H.	Williams, W.
Hayter, W. G.	Wilshere, W.
Hobhouse, T. B.	TELLERS.
Howick, Lord Visct.	Warburton, H.
Hughes, W. B.	Solicitor General,
Hurt, F.	

Clause agreed to.

The subsequent clauses likely to produce discussion were postponed.

Other clauses agreed to. The House resumed, Committee to sit again.

On the whole there were twenty divisions on the same questions connected with the original motion for going into Committee, and with the four first clauses of the bill in Committee. We give the lists on the three first divisions, to indicate the Members who took the different sides; and we give the lists of the Members who voted on the two divisions on the merits of the clauses in Committee.

HOUSE OF LORDS,

Thursday, May 2, 1839.

MINUTES.] Petitions presented. By the Dukes of NORFOLK, CLEVELAND, and RICHMOND, the Earls of ROSEBURY, CLARE, ZETLAND, Lords PORTMAN, HATHERTON, and BROUGHAM, from a very great number of places, for a Uniform Penny Postage.—By Lord BROUGHAM, from a place in Argyshire, against any further Grant to the Scotch Church; from Perth, for limiting the Hours of Labour in Factories; and from another place, for allowing Soldiers to attend places of Worship of their own Persuasion.—By the Marquess of BUTE, from one place, for Church Extension in Scotland.—By the Earl of ZETLAND, from the Union of Thirsk, for the Amendment of the New Poor-law Act.

THE SLAVE-TRADE—ANTIGUA.] Lord Brougham begged leave to ask whether the noble Lord at the head of the Admiralty would have any objection to the production of the correspondence that had taken place between Lieutenant Bosanquet, of the *Leveret*, and Count Antonio di Mello and the Marquess Richetti on the subject of the African slave-trade. He ap-

prehended there could not be the slightest objection to the production of these papers. For one of the names he had mentioned he had the greatest respect and admiration, for the Marquess Richetti had nobly given up the office which he held in the Portuguese Government, rather than be a party to the policy of the Portuguese Government, which he begged to say was the policy of conniving at the African slave trade, whilst they were openly entering into engagements for its suppression. His conduct in that House had been commented on by the Members of the Portuguese Parliament, most properly exercising their privilege, as he should exercise his, and they had expressed the greatest indignation at his calling it a feeble Government. Now, he apprehended that these censures in part arose from incorrect translations of his speech; but he would now repeat that, were Portugal a hundred times as strong as she is, she would still be a feeble government; it was, supported by us—it had no stamina of its own—and what he complained of was, that our just weight and influence had not been sufficiently exercised to compel them to discharge their duty. He begged to call their Lordships' attention to facts. Count Antonio di Melho, of whose conduct he spoke with regret, for he was the member of a most respectable family, had gone out as governor of Mozambique in a slaver, clearing out from Lisbon; and the vessel instead of returning there, had carried over 600 slaves to Rio and Cuba, for the profit of the governor whom it had taken out. There had never been such a gross thing done, and yet the governor was never punished for it. It was true he was no longer a governor, but whether he had been dismissed for that he knew not. In fact, a duty of seven dollars was levied upon every slave-ship, and yet the Portuguese Government called that prohibiting the slave-trade, while they were actually deriving a revenue from it. He had been informed that six months ago the Commodore was fitted out with a double set of papers and double logs, the one pointing out their real destination, the coast of Mozambique, the other pretending that the voyage was from Lisbon to Angola. At Mozambique that vessel had been fitted out and 600 slaves taken aboard; the vessel could not sail from that coast until the morning, and as the slaves who had been shipped could