the Journal of the 8th of April, 1830, by which he found that the hon. Member for the University of Cambridge introduced a Bill proposing to make an alteration in the trade to a much greater extent than that which his hon. Friend the Member for Droitwich proposed. The bill of his right hon. Friend (Mr. Goulburn) was introduced, not by a resolution of a Committee of the whole House, but on the 8th of April, 1830, "leave was given to bring in a bill permitting the general sale of beer by retail in England." Mr. Goulburn, the Chancellor of the Exchequer, and Lord G. Somerset were to prepare and bring it in. He had thought it right to bring those circumstances under the observation of the Speaker before the decision of the Chair was pronounced.

Mr. *Baines* said, that as this was a measure affecting the public revenue by the imposition of duties for licences, it was necessary, that it should, in the first place, receive the sanction of a Committee of the whole House. The Irish Church Temporalities Bill, in 1833, was a case in point. That bill had been read a first time, when it was objected that it ought to have originated in a Committee of the whole House, and a Select Committee having been appointed to search for precedents, that Committee of which Lord Althorp was chairman, reported that any measure imposing a burthen or charge on any class of people must first be discussed in a Committee of the whole House, on which the bill was withdrawn, and another bill was introduced on the resolution of a Committee of the whole House.

Mr. *Goulburn* rose amidst cries of "Chair, chair." He said that the hon. Member for Leeds had not rightly stated the case as respected the Church Temporalities Bill. That bill had in the first instance been referred to a Select Committee up stairs, but after that, in consequence of its being regarded as a bill to tax the clergy, it was thought expedient to refer it to a Committee of the whole House. The consideration in that case was different from the objection made to the bill of the hon. Member for Droitwich.

The *Speaker* thought that in the case of any standing order of the House they should put a liberal construction on the words of it with respect to the introduction of a bill. The question then was, whether this bill came within the common course of legislation, or whether it came within the range of the standing order of the House respecting measures regulating trade; and if the latter was the case, whether the measure should not have been commenced in a Committee of the whole House? There were certain recent precedents which had been referred to. In 1830, a bill on the same subject as the present had been introduced, without having originated in a Committee of the whole House, but the circumstances connected with that bill had been explained by the right hon. Member for the University of Cambridge. Two measures were referred to, as having occurred in 1833, the first of which had been introduced, and afterwards withdrawn, by Lord Althorp, and again originated in a Committee of the whole House; and the second measure which also referred to the sale of beer, was founded on the resolutions. If he were called upon to give his interpretation of the rule of proceeding, and its application in this case, he felt bound to say, that he thought that the measure should have originated in resolutions being proposed in a Committee of the whole House, and that the bill should have been founded on those resolutions.

Mr. *Pakington* said, that after what had fallen from the Chair, he should not hesitate as to the course that he should pursue, but should at once withdraw the measure. He could not, however, help complaining of the want of courtesy on the part of the hon. Member for Bridport, in not having informed him of the want of regularity in the introduction of the bill. He never recollected such a want of courtesy before on the part of one Member of the House to another.

The *Speaker* was sure that the hon. Member must see how advisable it was for him not to pursue his present observations.

Mr. *Pakington* would at once bow to the chair, and would withdraw the bill, but at the same time gave notice that he would to-morrow move, that the House resolve itself into a Committee, to enable him to propose resolutions on which to found a bill similar to the present.

Bill withdrawn.

COPYRIGHT BILL.] Mr. *Sergeant Talfourd* moved the second reading of the Copyright Bill.

Mr. *Warburton* said, that he would

offer the same objection to that bill which he had done to the bill which had been just disposed of. He had been informed that the House had that evening received a petition from a number of booksellers and publishers who were largely engaged in the trade, and in his opinion the bill before the House affected the rights and interests of these individuals. He would then ask, as on the prior occasion, if that was not a bill concerning the trade of booksellers and publishers, whose occupation was emphatically called the "trade." Did not that trade include a numerous class of individuals who were likely to be affected by the bill, and whose commercial interests were deeply involved in its principle and details. His objection then was identical to that made to the beer bill already withdrawn, and consistently with the standing order of 1772. He would request the hon. and learned Member for Reading to withdraw his bill and initiate another in a committee of the whole House, when the matter would be fairly discussed, and the interests of the parties on both sides fairly weighed. The hon. Member moved accordingly.

Mr. *Hume* put it to the House to say if there was anything to which they should look with greater jealousy than to bills affecting the interests of thousands and millions of individuals. He would contend that every bill which passed that House affected the property of some class or other in the empire. There was, however, a provision made by the standing rules that every person affected by a private bill should have the greatest protection, by notice, to guard him against surprise; it was, therefore, essential that the House should be particular in requiring a Committee before a bill involving paramount interests should be brought in. The bill before the House was one affecting trade and trading; and though there was not any particular precedent to apply, yet he hoped that the House would see the propriety of making the rule general, and that they would not withhold from the public the discussion in a Committee of the whole House on a question affecting the interests of the public at large. He would, therefore, support the amendment of his hon. Friend the Member for Bridport.

Sir *James Graham* could not help being highly amused at the eagerness of the hon. Gentlemen opposite to throw impediments in the way of large and legislative changes, though he hailed it with great satisfaction, and was ready to join with them. He would request the House to permit him to say that, having yielded in the former case to the decision of the Chair, and concurring as he did in the wisdom and policy of that decision, he could not but think that the construction sought to be put upon the standing order in applying it to the bill before the House was a strange construction. In the former case large trading interests were concerned; in the present case no such large interests were affected. The policy and principle of the bill before the House did not affect the property of booksellers. He understood that it did not interfere in the slightest degree with the sale of the books; but that its object was to protect authors. It might be said to interfere indirectly with the sale of books; but it was not the policy of that measure to affect any individual interests. It would then be a strange construction of the rule indeed if the precedent sought to be established were to apply in the present case. A virtual obstruction would occur to the proceedings of Parliament by reason of the length of time which every legislative measure would necessarily occupy in progressing through the several stages through which it must necessarily pass. He considered the objections taken by the hon. Members opposite an unfair opposition to the Bill.

The *Speaker* said, that the Standing Orders of the House were intended to have a direct, and not an indirect, application. The bill before the House was not of the former character, and he thought that the Standing Order did not apply in the present instance.

Mr. *Warburton* would then move, that the bill be read that day six months, and he felt justified in applying to the present bill the same character which he applied to the bill brought in the last Session, and to the previous bill introduced by the hon. Member for Reading, who consulted the interests of authors and publishers, but who threw out of his consideration the interests of the public. In the arguments employed by the learned Sergeant and by others, a comparison had been drawn between the protection given to patent rights and copyrights. It was said, that the inventor of a mechanical invention did not

obtain equal protection as an author—that the invention was a stage between the inventor and the public—that the patent was considered a stop to the success of the improvement of the thing invented. As the hon. and learned Member acquiesced in the objection to the continuance of the patent in the case of mechanical inventions, he deserted the very principle of his own bill. His principle was founded upon this—that the author was an inventor—that he had an indispensable right to his invention from the time of its being invented to a future time, and if his dominion over his invention was curtailed, and if it did not extend to a future time, a gross injustice would be committed—that such curtailment would be contrary to justice and to right. How was the invention of a mechanic less the invention of his mind and knowledge and understanding than that of an author? If the literary man was an inventor, was not the mechanic an inventor also? Were not the inventions of Harrison, who made timekeepers what they are, and of Watt the great parent of the steam-engine equally the works of their minds as the works of authors? Was not the invention of the extraordinary machine for making cables, which he understood was devised by Captain Hutt, in his voyage from the East Indies without the assistance of machinery of any kind, equally the production of that gentleman's mind as the works of an author? If a qualification was necessary in the case of a mechanical invention, for the interest of the public, why not apply a similar qualification to an author's invention? The hon. and learned Member for Reading admitted, that in the case of a mechanical invention the original right of the inventor was not to be considered, but the House was to take care of the interests of the public in rescuing the privileges or patents for mechanical invention from perpetuity, which was the identical object sought for authors by the hon. and learned Member's bill. A bill had been recently introduced into the House to alter and amend the law respecting the copyright of calico-printers. That bill comprehended other interests also, but the application of the bill to printers would supply the illustration he wanted. The design of the printer was an original invention, and capable of improvement equally as well as the author's. What was the existing law with respect to designers? By the existing law, designs had a protection of three months only, and by the bill which was introduced, a protection for twelve months was all that was asked for, which was considered too long a time, and which it was proposed to limit to six months. The House had granted a committee of the whole House to consider whether those designs should be protected for six or for twelve months, and the hon. and learned Member for Reading attempted to extend the copyright of an author sixty years beyond his death, which might be considered equivalent to a protection for a hundred years. So great was the difference then between the invention of a poor mechanic and the work of an author. Why was that? Because, there were in that House authors and their friends. It was a genteel thing to be an author, and for that reason they found protection in that House. The bill was, in reality, an author's bill, and such a bill as a baker, a butcher, or a shoemaker would make for his respective trade, if each of them had the power to legislate for his individual craft. The justice which the hon. and learned Gentleman meted out in his own case was different to the justice meted out to mechanical inventions. Upon the ground of public benefit, the learned Sergeant abridged the privilege of the mechanic, but when he applied the principle to his own trade, he resisted all abridgment. There was another objection which he had a right to make to the bill. It had been introduced for discussion in a very scanty House. The Whigs of former times did not recognise the principle of such a bill as that before the House. In 1774, when the famous case of Donaldson had been decided in the House of Lords, by which decision it was determined that not any perpetual copyright at common law rested in booksellers and publishers, those bodies came down to the House of Commons, and by their petitions asked the House to give them a perpetual copyright, which, by the decision in the House of Lords they found they did not possess at common law. A bill was, in consequence, introduced, and many Members of high character took part in the debate. Mr. Burke took one side and Mr. Fox took the other. Mr. Fox, upon that occasion, characterised the bill in these words:—"I could not permit so pernicious and flagrant a bill to pass through any stage without giving it my decided opposition." In

every stage of the bill, Mr. Fox was a decided opponent, and he complained that the bill passed through some stages when there was a very scanty House to divide upon the question. The bill then before the House was similarly situated to that opposed by Mr. Fox, so far as the paucity of Members to discuss it was concerned. It was also marvellous that the friends of education in that House did not oppose the introduction of the bill of the hon. and learned Gentleman. It was of sovereign importance to educate the people by every means, and this was a bill which would have the effect of cramping and controlling that very education which many Members of that House had declared it necessary for the Parliament to confer, especially upon the working classes. The House, by permitting the second reading of this bill, was virtually encouraging dear editions of books. By passing the bill the House would adopt a measure which they would find it impossible to undo, and inflict an injury upon authors and publishers. The whole literature of the country would be thrown into Chancery, or into the Courts of Law, and actions would be every day occurring, and complaints every day made that copyrights had been infringed. They would have authors claiming a right to works which had long been out of their hands, and which had been repeatedly published since they had parted with them. He, therefore, thought that, even for the interests of authors themselves, the bill should not be allowed to become law. The bill, he believed, would merely be an advantage to publishers, who would thus renew the monopoly which they possessed in former times. He found that, in the last century, the exclusive sale of particular books was claimed by certain booksellers; and that, by an arrangement among the trade, country publishers who printed the same works were subject to prosecutions without end. He found that the publication of such works as "The Whole Duty of Man," and Bunyan's "Pilgrim's Progress," had been usurped by a few. He did not wish to see such a state of things return, and he would consequently give every opposition in his power to the bill. He felt, however, that the question could not fairly be discussed with such a House as he had then to address, while there was not, perhaps, sixty Members present in all. He did not know a bill of greater importance than that under their consideration, and he thought that it should be brought on before a fuller House than he then saw assembled. He did not wish to oppose the bill by any of those proceedings which he had recourse to on former occasions, if the matter should be fully discussed; but with a House such as the present, he thought himself justified in offering the measure all the opposition which he could. He did not say that for the purpose of intimidating the hon. and learned Gentleman, but in order to inform him of the course which he intended to pursue. He would move, as an amendment, that the bill be read that day six months.

Viscount *Mahon* said, that he did not understand how the hon. Member for Bridport could conceive that the present state of the House was fairly to be imputed as an objection, either to the promoters of the Bill, or to the Bill itself. They had found it necessary to choose a Wednesday for the discussion of the measure, as Mondays and Fridays were occupied by Government, and Tuesdays and Thursdays by motions of other Members. Unless, therefore, the hon. Member for Bridport wished the House to sit on Saturdays and Sundays, or unless he could devise an eighth day in the week, he (Lord Mahon) did not see how the promoters of the Bill could have followed a different course from that which they had taken. He would pass, however, to the discussion of the question. The hon. Member for Bridport had said more than once, that the Bill was only an author's Bill, and he believed the hon. Member had added, that it had been devised without any reference to the public interest. Now, he could not allow that insinuation to pass without reply. For his own part, he was not ashamed of the interest which he took in the measure. He found himself born to an inheritance of wealth, and he found at the same time with pain, that others, who were far superior to him in merit, industry, and reputation, were far below him in the accidental gifts of fortune—he found men, who were an honour to their country, subject to wants and privations which such merit ought never to have known. The object then of the Bill was this, to give these eminent men full scope for their talents, and to enable them, by their own exertion, to obtain that competency which he and others possessed, without any merit of their own. And was this a feeling of which they had cause to blush? Was this

a course which should provoke the taunts of any hon. Member? But if the hon. Member for Bridport thought that it was merely an author's Bill which they were supporting, he was very much mistaken. There were many booksellers who deeply sympathized with authors upon this question; and as one instance of this, he might allege a petition from Mr. John Smith, a bookseller of Glasgow, some extracts from which petition, he would take the liberty of reading to the House. The petition, dated February 22, 1839, stated,

"That your petitioner has for upwards of thirty years exercised the profession of publisher and bookseller in this city, which profession had previously been carried on by his grandfather and father in the said city of Glasgow. That your petitioner 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 produced the works which have enriched him, have no interest for their heirs by the present law of copyright in the property which they have solely constituted. That your petitioner is decidedly of opinion, that the cultivation of the national literature would be cherished and strengthened by the proposed extension of the term of copyright. Your petitioner therefore humbly prays that the bill to amend the law of copyright now before your hon. House, may pass into a law."

Surely it was highly creditable to Mr. Smith to entertain so deep a sympathy with those whose intellectual exertions had been the cause of his wealth. But this measure did not rest on the support of any one man, or of any one class of men. It stood on high and public grounds. Looking to past ages, as a guide to our future career, was it not evident that the literary genius of the country required some fostering aid? How many great works must have been lost to the nation through the *res angusta domi*, which fettered the energies of those who otherwise would and could have transmitted greater and more enduring memorials of their genius to mankind? Dryden himself had left on record, in a letter to the Earl of Dorset, that the necessity of writing for his daily bread, prevented him from undertaking a great national poem on the exploits of Arthur and his knights, which he had long contemplated, but which his necessities compelled him to forego, so that he continued painfully earning a subsistence by writing lewd plays for a profligate court. Take another instance—that of Milton. Is there any Englishman but feels prouder of the name, from being the countryman of him who wrote Paradise Lost? Who does not forget all his errors in religion, and all his misdeeds in politics, when he reflects on that mighty genius which could soar without irreverence into the very counsels of the Most High—

"Into the heaven of heavens he has presumed
An earthly guest, and drawn empyrean air."

Was not that the universal feeling towards Milton in this House, and in this country? Well, then, would the House wish to know how this admiring country had rewarded that illustrious poet? Would they wish to know the fate of Milton's last female descendant? Let them hear the account of his grand-daughter, as given by Dr. Johnson, in his *Life of Milton*:—

"She kept a petty grocer's or chandler's shop near Shoreditch. In 1750, *Comus* was played for her benefit. She had so little acquaintance with diversion or gaiety, that she did not know what was intended, when a benefit was offered her. The profits of the night were only 130*l*. She and her husband then augmented their little stock of grocery, with which they removed to Islington; and this," adds Dr. Johnson, with natural feeling, "this was the greatest benefaction that *Paradise Lost* ever procured the author's descendants!"

If then such be our feelings towards the great poets of the past, why should we not legislate in that feeling towards the great poets who may yet arise amongst us? Why should we not hope that a new Dryden or a new Milton should appear in England? The field of poetry is surely not exhausted. The birth of genius is surely not impossible.

It was beautifully said by him, whose genius shed its beams on a humble country churchyard—

"Some mute inglorious Milton here may rest."

The object of this bill was to provide that no future Milton should pass away mute and inglorious; that such an one should be rescued from the daily drudgery of providing in some other profession for his children's bread; and that he should be supplied with the natural motive and natural reward for exertion; namely, that the harvest of his toil should hereafter be reaped by his children. It had been argued that the love of fame was sufficient motive, and that the attainment of fame was sufficient reward. He (Lord Mahon) did not deny the power of that motive, or the brilliancy of that reward. But he would ask, did they apply that rule in

other cases? Did they tell Arkwright when his genius invented a machine that should give employment and bread to tens of thousands, that his fame should suffice for his reward, or did they enable him to bequeath a princely fortune to his heirs? Did they tell Marlborough when returning from the victorious field of Blenheim, that he had no further claim upon them? No, they bid a palace arise, commemorating in its splendour and its name, a hero's merit, and a nation's gratitude. Did they tell Mr. Canning when his health was failing under the labours and anxieties of the public service, that only the fame of that public service should belong to his family? No, the Crown bestowed a peerage on his widow, and this House, with emulous admiration, voted a pension to his son. Why then with writers alone, attempt to dissever the two gifts of fame and fortune? Why, then, should literary men, and literary men only, be confined to the empty honours of celebrity? He asked for authors only this—give them what is their own—give them what their own brains have conceived, and their own right hands have written—give them by legal enactment what they already hold by every moral right. But he would now come to the objections against the bill, which all resolved themselves into one—that it would make books dear. Now he would mention a fact which proved that the existence of copyright did not in all cases, enhance the price of standard works. A beautifully printed edition of Lord Byron's poems might be bought in this country for 20*s*., while a similar edition published in France, where there was no copyright in the work, cost the very same sum, 25 francs. But even further—paradoxical as it might seem—it was undoubtedly true, that in some instances where copyright existed, books could be sold even cheaper than where there was none. This applied to works of great popularity, and requiring a large number of editions, some in one size and some in another—some with large type and some with small—so as to meet the various tastes of purchasers. Now, if a work of this kind were illustrated with many expensive plates or maps, then it might be published at a cheaper rate by a bookseller who had the exclusive right of issuing it, than by several, who would each of them be obliged to incur the expense of having a separate set of plates engraved. It was therefore not clear, that the price of works was in all cases enhanced by the existence of copyright, but even when it is so, would any person, fired with admiration by the glowing strains of some second Milton, or some modern Shakspeare, grudge the additional shilling or sixpence, resulting from the copyright being extended, provided he knew that thereby the heirs of those illustrious writers would be enriched? Therefore, in works not of established character, the price would not be enhanced, the bill not applying. And in books of the highest class, the readers would never object to paying a little more for their copies, to benefit the offspring of authors who had achieved a deathless fame. Again, to elevate the public taste was a noble object, and one which every Legislature should anxiously encourage. The present system of legislation was admitted to afford encouragement to light and ephemeral works, in preference to those of a more elevated character. Far be it from him to depreciate the merit of those who cultivated the lighter class of literature. He should be sorry to pluck a leaf from their laurels, but ought not the House to make it the interest of others, to seek a permanent rather than a present advantage—ought they not to hold out some inducement to them to look beyond the present day, and appeal to the tribunal of posterity? He was aware that some ridicule might be thrown on what he suggested—that it might be said that an appeal to posterity was only made by authors who could make no impression on the present day; but the question was, whether that was not the object which had inspired writers who had produced the greatest works? The question was whether great service had not been done at different periods, by protesting and striving against the taste of the age—against the Euphuists for instance, as they called themselves under Elizabeth—or against the French school of writing in the days of Charles 2nd. That was his view, and on that view he thought the present bill deserved the public support. There was one other branch of the subject to which he would advert. It was important he thought, to consider what had been the recent legislation of foreign states, with respect to copyright: for if it appeared that their legislation had, for the most part, been tending to the same point, and running in the same direction, as were urged in the present bill, it would surely be a strong proof, or at least presumption, that those principles were the most conformable to the general growth of knowledge, and

to the present spirit of the age. Now, on this foreign legislation a great deal of information had lately been acquired and collected in a valuable pamphlet by Mr. Lowndes—a pamphlet worthy of the greatest attention. To begin with the northern states, it appeared from Mr. Lowndes's book, that in Denmark and in Sweden the copyright of works had been made perpetual. In Russia, the law of 1830 granted a copyright for the term of twenty-five years after the author's decease, and for a further term of ten years, if an edition should be called for within five years before the expiration of the first term. Therefore, it being admitted that the legislation of copyright was intended only for works of merit and of growing reputation, this was the same as granting copyright absolutely for thirty-five years. It appeared, then, that the three northern Powers which we generally considered so far behind us in literary eminence, had yet very far outstripped us in their zeal for literary protection and endowment. To pass from Russia to a country which had lately grown into favour with Members opposite—liberal Spain—it would be found that the law was very uncertain as to its meaning; because, as might be presumed, no works of permanent interest were now produced to try it; but, according to the opinion of M. Victor Foucher, on a law of 1805 in the *Nuevissima Recopilacion*, copyright was thereby made perpetual. In Prussia a law had very recently been passed for a considerable extension of copyright. The law of July 11, 1837, secured it for the author's life, and for thirty years, to be reckoned from his death. Formerly in that country, copyright did not descend to the author's heirs, except by an express agreement. Austria had done little more than to declare by an imperial edict of 1835, that she would adhere to the proceedings of the whole Germanic Diet on this subject. What, then, had been the proceedings of the German Diet? As might be expected from the composition of that body, slow, perplexed, and inconclusive. So early as June 8, 1815, it was resolved,

"The Diet shall take into consideration at its first meeting some plan for uniform legislation on the liberty of the press, and also what steps are necessary to be taken to secure authors and publishers from invasion of their copyrights."

But the fruits of this "first meeting" were still to come. There had only been after twenty-two years (November 9, 1837) a sort of convention for international copyright amongst the different states, and for a period of copyright to authors of ten years, or in some rare cases of twenty. But this was admitted to be merely a temporary regulation. The whole subject was to be again discussed and decided upon by the Diet in 1842. With regard to France, the law now in force was a decree of Napoleon dated February 5, 1810, which granted copyright to an author for his life, to his widow for her life, and, after their death, to their children for twenty years. Where an author left a widow and family, this law was, probably, more advantageous to him than our English term of twenty-eight years absolutely. But the French law, like ours, was considered unsatisfactory on account of the shortness of the term. A commission was appointed in 1825, headed by M. Delarochefoucauld, and another in 1837, headed by the Comte de Segur; both recommended an extension of copyright to fifty years, after the death of the author, and it was probable that the subject would speedily be brought under the consideration of the Chambers. Lastly, the example of the United States was not to be passed over. Legislation on that subject in Congress began in 1790; but the act now in force, passed on the 3rd of February, 1831. It gave a copyright to an author for the term of twenty-eight years, and if he survived that period, for a further term of fourteen. But it was very remarkable that the report of the Judiciary Committee appointed in that year, pointed to a further and very considerable extension of this boon to authors. The report stated—

"Your committee believe that the just claims of authors require from our legislation a protection not less than what is proposed in the bill reported. Upon the first principles of proprietorship in property, an author has an exclusive and perpetual,"

Observe the word "perpetual,"

"right in preference to any other to the fruits of his labour. If labour and effort in producing what before was not possessed or known will give title, then the literary man has title perfect and absolute. We ought to present every reasonable inducement to influence men to consecrate their talents to the advantage of science."

Mr. Lowndes added

"An amendment of the law of 1831, by a further extension of the term of copyright is much talked of in America."

All this might be taken as indicating a strong current of public feeling in favour of such a measure as this. Sir, said the noble Lord in conclusion, it is but seldom that this House has any opportunity of doing any acts of grace and generosity. Our more painful duty is to retrench, to curtail, to object. I do not deny the duty, or tell you that it should be less strictly exercised, but surely this consideration may incline us, on a right and becoming occasion — with justice and policy arrayed together—to show some degree of liberality towards a large and not undeserving body of men. In their name I venture most earnestly to appeal to this House. Believe me the report of your proceedings to-night will be watched with deep anxiety by many a mother sorrowing for the future fortunes of her children, by many a writer whose eye-sight perhaps has failed in long labours for the cause of knowledge, and whose declining years are saddled by the thought that his works—the labours of his life—are all he can bequeath to those he loves, and that even those works you will not allow him to call his own. This is no imaginary picture—even to the remotest districts of the kingdom—even among the hills of Cumberland—will your decision of to-night be most anxiously awaited. Why should I be ashamed to own that such men as Mr. Wordsworth, or Mr. Southey, are not altogether as independent in circumstances as they are in mind? With regard to Mr. Southey—to mention in passing one only of his many claims to the admiration of his countrymen—it is stated by Dr. Walsh in his travels to Brazil, that the inhabitants of that vast empire possess of their own early history no other record than is drawn from professed translation or abridgment of the work of Mr. Southey. I believe no other instance has ever been known, where a great country is indebted for its history to the labours of a foreigner who never set foot upon its soil. But then it is answered, these eminent men are only single cases, and we ought not to legislate for single cases. Yet, surely when you provide rewards for an eminent station—for a Lord Chancellor—or a Commander-in-chief for instance—you provide for the whole public, who may attain that station. The path of honour is open to all, and is not so narrow, but that more than two or three may go abreast. On these grounds then—on large, on liberal and public grounds —for the fostering of future genius—for the reward of by-gone labours—I earnestly entreat the House to pass the present bill.

Mr. *Strutt* concurred in the opinion, that a measure of this kind ought not to be discussed in so thin a House. But he did not think, that the hon. Member for Reading was blameable on this account, for the present rules and regulations of the House scarcely admitted of any other course than the hon. and learned Member had taken. He thought it was unfair to suppose, that those who opposed the present bill were opposed to copyright altogether. So far as he was concerned, he considered copyright to be of great importance, and not merely of advantage to literary men, but likewise of great advantage to the public. The House, however, had not as yet sufficient information before it to enable the Members to legislate as it ought upon this important subject. Many facts required to be disclosed ere they would be placed in such a condition as would enable them in any bill they might agree upon to do justice between the reader and the author, between the bookseller and the public. He thought, that the hon. Member for Reading overlooked the interest of the public when he said, that the author had an indefeasible title to property in the books which he produced. He denied, that property was but the creature of law, and existed only so far as in its widest sense was considered to be for the good of the public. He denied, that there was any analogy between copyright and the ordinary existence of property. The hon. and learned Member had on a former occasion contended, that men were entitled to property in that which was the work of their own hands. Why, so they were; and that title was respected in every country where the author was paid the price of that property. But the learned Sergeant now sought to prevent the persons who purchased that property from copying that for which they had paid their money. He contended, that there was an analogy between patent rights and copyright, but in both cases the interest of the public was to be considered. The case of Sir Richard Arkwright had been referred to; but in the present state of the law his patent right only extended for fourteen years. At the end of that fourteen years Sir Richard Arkwright applied to Parliament for the extension of his patent for a further term of fourteen years, which

was granted him. But he was not able to substantiate his patent in a court of law, so that, in point of fact, Sir Richard Arkwright got less protection for his invention than that which in the present state of the law was afforded to authors, namely, a period of twenty-eight years. The noble Lord who had last addressed them had contended that, in many instances copyright would have a tendency to make books cheap. Now, since the time of Adam Smith, he thought that it had been always considered, that monopoly was the parent of dearness and scarcity. If they admitted the noble Lord's principle, that monopoly was a cause of cheapness, then they must reform their entire commercial legislation, which was based on a contrary principle. He had a list in his hand of the comparative prices of standard works during the existence of the copyright, compared with the prices at present. The hon. Member read a list of the comparative prices of former periods, as compared with the present, of the works of Hume, Gibbon, Robertson, Bishop Horsley, Dr. Blair, and others. It appeared, that in many cases the present prices were less by more than one half. This was enough to show what was the practical effect of copyright. He was not opposed to the extension of copyright within certain limits. He thought, that there ought to be a power somewhere to meet particular cases. He would wish to see the question properly considered, and he thought it might be advantageous if a power were vested in the Privy Council to extend the term of copyright in certain cases. He (Mr. Strutt) admitted, that there were some inconveniences in the present law. It was extremely inconvenient, that the copyright should terminate exactly at the death of an author. He might be just then contemplating a new edition of his works, and it was very hard, that his family should be deprived at the same time of the benefit of such an addition, and of him who was their chief support. He should be happy to see this question referred to a committee, for the purpose of inquiring, not how a perpetuity could be given to authors, but how the law of copyright could be best altered so as to obviate this inconvenience, and promote the advantage of th public at large. If the present bill were thrown out, he should be ready to support a motion for such an inquiry.

Sir *R. H. Inglis* claimed a vote in favour of the motion of his hon. and learned Friend the Member for Reading from the hon. Member for Derby, inasmuch as that hon. Member had just admitted that the state of the law of copyright was such as to require alteration. If that were so, let him vote for the second reading of this bill, the principle of which was that which he admitted, namely, that the existing law ought to be modified. In committee he might urge his own views of the fitting alteration. He grieved that so important a subject had not attracted more attention in the House; but as it was, he must discuss it in spite of the thin attendance, and must most earnestly entreat of the House to consent to the second reading of the bill. It might be said that in ninety-nine cases out of one hundred the bill would have no effect at all. If that were the case, and that the one hundredth case could be benefitted without injury to the others, it was a good reason for adopting the bill. It was said, that the highest talents would be the most indifferent to a money-payment for their works; but that was no reason why booksellers should make a profit by those works, instead of letting it go, as by this bill it might go to the great author's children. Shakpeare, so far as could now be ascertained, had never received a single pound profit from his works; but if his family were alive, and possessed a fair share of copyright, they would be among the wealthiest in the land. If the Faëry Queen were, as Gibbon said, justly considered the brightest jewel in the coronet of the Marlboroughs, why should the descendants of those who gave immortality to English literature be excluded from all participation in the profits of their genius? It being now admitted that some alteration in the law of copyright was necessary, he was willing to take the alteration proposed by his hon. and learned Friend as a compromise between the interests and rights of the author and those of the public, not as an ignoble one, as had been stated by an hon. Member, but as one most likely to prove beneficial to all parties. It had been stated by the hon. Member for Bridport that this was merely an author's bill. In his opinion, judging from the arguments which he had heard, the opposers of the motion wished to substitute for it a reader's bill. He was not willing to make it either one or the other, but to make it fairly serve the interests of both.

As, in his opinion, the bill before the House would not affect inferior productions, while it would afford protection to the writers of good books, he would give his most earnest support to the measure.

Mr. *Wakley* thought the hon. and learned Gentleman had, on every occasion on which this subject had been brought forward, failed to show any ground for altering the law of copyright. He conceived, that this of all subjects was one which should be legislated upon only after mature deliberation, and upon the evidence of facts. He therefore hoped, that the hon. and learned Gentleman would consent to have the bill read a second time now, upon the understanding that it should be referred to a select committee. Upon that condition he (Mr. Wakley) would not oppose the second reading. If the hon. and learned Gentleman would accede to this suggestion, he thought there could be no objection to the hon. and learned Gentleman himself naming half the Members of the select committee, the other half being chosen by the opponents to the bill. He trusted the hon. and learned Gentleman would at once see the fairness of this proposition, and acquiesce in it. The hon. and learned Gentleman was silent. He (Mr. Wakley) supposed he was to interpret that silence as a refusal. He doubted not the discretion of the hon. and learned Member, but he must say, that he doubted his fairness. It had been supposed, that this bill would benefit authors; but let the House look to what had been the result in former times of perpetual copyright. The copyright of "Milton's Paradise Lost" was bought for a sum, he believed, between *5l.* and *15l.*, when the copyright was perpetual. This bill could not benefit the country generally. He believed its object was merely to benefit a certain class of authors, to the prejudice of the rest of the community. If the object of the hon. and learned Gentleman were to confer a benefit upon a particular class of persons, why did he not come forward and show the House in what those persons had deserved well of their country, and propose that they should be rewarded? He would entreat the hon. and learned Member to bring his mind to bear on the true merits of the question, and not to allow himself to be misled by his feelings. He entreated the hon. and learned Gentleman to look to the national, and not to the individual interests involved in this question; let him rely on the evidence of facts that might be brought before a committee up stairs, and not upon the force of his eloquence upon a House so thinly attended as the present. For himself, he (Mr. Wakley) would say, that if from the facts and the evidence so brought forward it should appear, that an alteration of the law was necessary, he would be the last man in that House to oppose any practical measure upon the subject.

Mr. *Ewart* hoped the hon. and learned Gentleman would acquiesce in the suggestion of the hon. Member for Finsbury, and consent to refer his bill to a select committee. He (Mr. Ewart) thought, that, upon a question so materially affecting the public, the public interests alone should form the basis of legislation, and they should take care not to grant to any class of persons exclusive privileges to the detriment of the public generally. The hon. Gentleman referred to the very cheap rate at which the most valuable literary works were now sold to meet the daily increasing demand for books. This was not the time to introduce a measure, the effect of which must be to make publications dear. For his own part, he wished to make it a case for equitable consideration. At the end of the period of fourteen years let it be referred to the Privy Council to decide, whether any increase in the term should be made for the benefit of the descendants of an author; or whether, under peculiar circumstances, some compensation should not be made to the individuals interested. He could not consent to alter the existing law unless it were done on good and sufficient grounds. He would again recommend his hon. Friend to refer the whole matter to a select committee, when an opportunity would be given to examine the minutes of evidence of that committee, over which he had himself presided some years since.

Mr. *C. Buller* said, he should vote for the second reading of the bill of his hon. and learned Friend, but he should do so on the simple ground that, balanced as his own opinions were, and requiring information on the subject, as he feared the House did, he would rather the measure should undergo the fullest possible discussion. He held it to be wholly inconsistent with the enlightenment of the present age, that the labours of literary men should be those only which were not effectually protected by copyright. He should like

to see the descendant of Milton, for instance, honoured for the genius of his illustrious ancestor. He thought, indeed, that one good effect of this bill would be to encourage solid literary works instead of that which was light and trivial. Some of his hon. Friends had urged as an argument against this bill, that if it passed into a law it would tend to cause an increase in the price of books, but he must confess, for his own part, that he did not attach much importance to that objection. Upon the matter of copyright, he instanced the cases of Dr. Lardner's "Encyclopedia," and Mr. Murray's "Family Library," where large sums had been given for the copyright by the booksellers—and publishers were in the habit of giving large sums for copyrights—but then the sale of the works was immense. He mentioned these facts to show, that the question of copyright did not affect the sale of books. One objection which he was disposed to take to this bill was, that it carried with it no guarantee against the suppression of literary works. Take, for instance, "Gibbon's Decline and Fall of the Roman Empire." That work was one of a very peculiar character, inasmuch as in the eyes of many well-disposed and pious persons the opinions expressed were not of an orthodox nature. Now, an individual entertaining very rigid religious scruples might think it his duty to suppress the work, or to strike out many of the most important portions of it. But after all, the precautions which might be taken with a view to secure to the descendants of great men that reward which they had a claim to in virtue of their ancestors' labours for the benefit of mankind, —after all this, how did or how could this bill ensure that such should be the case? He should deeply deplore the day when he should see the descendants of a Milton, or any other great man, pining in want and penury, whilst those whose progenitors had been employed in less laborious and less honourable avocations were revelling in luxury. To ensure those advantages to the descendants which they sought for, they must not only create the property, but they must also entail it. Did his hon. and learned Friend think that, by extending the period of right over this description of property, he was securing any real or valid benefit to the author? For himself, he much feared, that such would not prove to be the result of this measure; on the contrary, he feared, that in nine cases out of ten, the booksellers and publishers would buy the copyright out and out, and thus defeat the object of the present measure. He should, however, for the reasons he had stated, vote for the second reading.

Mr. *W. S. O'Brien* wished to provide compensation for the labours of learned men, but he entertained strong doubts as to the bill in its present state being competent to accomplish that object. The noble Lord had thrown out one suggestion which he should be glad to find adopted. This was to give not only the authors a property in their productions, but to extend the benefit of the copyright to the author's relations for a period of sixty years. Under all circumstances, he should vote for the second reading of the bill.

Mr. *J. Jervis* was authorized to appear against the bill on behalf of the printers—a class of persons greatly affected by the bill—who had very material facts and evidence to lay before the House, provided they obtained an opportunity. He was satisfied that this bill would do no good. It sacrificed the publishers, and it compromised the interests of the public. The authors would not be benefitted to any considerable extent, for he felt assured that the bill would not ensure them one farthing more for the copyright of their works than otherwise they would have obtained. There was no evidence to justify the House in the course it was about to take, and he therefore entreated them to pause before they proceeded further with the measure. He was so impressed with the justice of the case of the printers, and he considered the objections they urged to be of such strength, that he should, though reluctantly, feel bound to offer every obstruction to the measure the forms of the House would permit, unless the hon. and learned Member consented to have a full and impartial inquiry up stairs. But if the measure were permitted to go up stairs, and a full and fair discussion occurred, and if a majority of the committee, fairly chosen, became of opinion that the bill ought to be proceeded with, then he, for one, should give that bill his support.

Mr. *Hume* had listened with great attention to all that had passed during the discussion, and he was sorry to see so little attention paid to the public interests.

It had been urged, that there was a right of property in the matters to be affected by the bill. Now, if this were so, he apprehended, property was under the especial protection of the laws of the land, and if these rights were invaded, the law would give the sufferer redress. Of all means of public instruction and education, cheap publications were the most important and the most effectual, and the main cause of the diffusion of information in them for the last ten years, had been the cheap publications which had been produced. The hon. and learned Gentleman wished for a class bill. Why so, he would ask; why should one class have a protection in such a matter? The great object was to diffuse the knowledge and information produced by this class, but this would be defeated if the proposition was carried out. Why did the hon. Gentleman object to an inquiry into the case? The reason was, because he knew he should be beaten. The present object appeared to be, to drive the country back to those barbarous times, when information was conferred to but a small section of the community. The learned Sergeant ought to be cautious when he found his measure opposed by those with whom he usually acted, and only supported by Gentlemen who had almost, without exception, shown themselves opposed to every proposition tending to enlighten or educate the people

Mr. Sergeant *Talfourd* in reply, deprecated the introduction of party feeling into this measure, which ought to be entirely free from party. It was unjust to impute to those who supported the bill any thing like party feeling, when the names of Thomas Campbell, Leigh Hunt, Thomas Moore, Harriett Martineau, and other persons of literary eminence, were amongst the petitioners for the bill. He would tell the hon. Member for Kilkenny, and also the hon. Member for Finsbury, that he would not be deterred from giving an honest vote on any measure, because it happened to be supported by Gentlemen on the Opposition side of the House. He had been taunted with bringing forward this measure before a thin House. Night after night, last Session, had he attempted to bring forward this measure, at great sacrifice of time to himself, and for fourteen or fifteen nights had been unable to do so till the time came when he was obliged to withdraw it, and it was therefore most unjust now to taunt him with bringing forward the bill in a thin House. He had been urged to refer this bill, or the whole question, to a select committee. That proposition had been made, discussed, and negatived, two years ago, at a more fitting season than the present. Those who urged this course, had not brought forward one consideration in support of it. There was nothing to go to a committee. It had been stated, that there was only one author in 500 who wrote for distant times. Why, that was the very case for which they ought to legislate. It was stated also, that where one author would be benefitted, 6,000 of the public would be losers. That was an utter fallacy. The public could lose no more than the author gained, and there could be no such loss at all till after the expiration of twenty-eight years. Let it be granted, that the bill made books dear, it could only make the particular book dear. That one dear book would not "set the fashion" amongst books. The printers and publishers would have shared the profits and benefits to be obtained from the novels and light works. It would be the 500th case alone, which would have the benefit of the extended term, and how could the publishers or readers be injured, except to the extent of that case? Some seemed to imagine that there was a kind of magic in the words issuing a work "from the press," and that it therefore became the property of the world for ever, however much the author might wish to suppress it. He did not understand what the public understood to be "vested rights" in an author's works. Was there to be no place of penitence for a crude or immoral speculation of an author, which he might afterwards wish to withdraw, because it had been once published to the world? If authors had a perpetual copyright, they only had what was their right by the common law of England. Such had been the right of all authors before the statute of Anne, passed for the protection of authors, took the copyright away. The present system only gave encouragement to works of fiction. Would they give all the encouragement that copyright could give to works of fiction, or would they give it to works of science and learning which outlived the present day? Men of talent were now devoid of all encouragement to engage in works worthy of their talents, and were led to fritter away those talents in writing reviews and articles for

magazines, and in works of fiction, because from such works alone could they obtain any thing like remuneration.

The House then divided:—Ayes 59; Noes 29: Majority 30.

List of the AYES.

Acland, Sir T. B.	Knatchbull, rt. hon. Sir E.
Acland, T. D.	Knight, H. G.
Aglionby, Major	Lincoln, Earl of
Arbuthnot, hon. H.	Lowther, J. H.
Attwood, W.	Mackenzie, T.
Bagge, W.	Mackenzie, W. F.
Bailey, J. jun.	Maunsell, T. P.
Barry, G. S.	Milnes, R. M.
Blair, J.	Mordaunt, Sir J.
Broadwood, H.	Pakington, J. S.
Buller, C.	Parker, R. T.
Cole, Viscount	Pigot, D. R.
Conyngham, Lord A.	Plumptre, J. P.
Curry, Sergeant	Pringle, A.
Darby, G.	Pusey, P.
Du Pre, G.	Round, C. G.
Eastnor, Viscount	Round, J.
Elliot, hon. J. E.	Shaw, rt. hon. F.
Filmer, Sir E.	Sibthorp, Colonel
Freshfield, J. W.	Stanley, E.
Gaskell, J. M.	Stuart, W. V.
Gladstone, W. E.	Strickland, Sir G.
Gordon, R.	Sutton, hn. J. H.T.M.
Goulburn, rt. hon. H.	Teignmouth, Lord
Grimsdich, T.	Turner, E.
Grimston, Viscount	Wood, G. W.
Handley, H.	Wyse, T.
Henniker, Lord	
Howard, P. H.	
Ingestrie, Viscount	TELLERS.
Inglis, Sir R. H.	Talfourd, Sergeant
Jermyn, Earl	Mahon, Viscount

List of the NOES.

Baines, E.	Salwey, Colonel
Blake, W. J.	Smith, B.
Brotherton, J.	Stock, Dr.
Bruges, W. H.	Strutt, E.
Dennistoun, J.	Style, Sir C.
Ewart, W.	Thorneley, T.
Greg, R. H.	Turner, W.
Grote, G.	Villiers, hon. C. P.
Hawes, B.	Wakley, T.
Hector, C. J.	Wallace, R,
Hobhouse, T. B.	White, A.
Jervis, J.	Williams, W.
Lushington, C.	Yates, J. A.
Marshafl, W.	TELLERS.
Muntz, G. F.	Warburton, H.
Pryme, G.	Hume, J.

Bill read a second time.

HOUSE OF LORDS,

Thursday, February 20, 1840.

MINUTES.] Bills. Read a third time:—Prisons Act Amendment; Transfer of Aids.

Petitions presented. By the Marquess of Normanby, from one place, for the Abolition of Church Rates.—By the Marquess of Westminster, from Auchtermuchty, for, and by the Duke of Buckingham, from Cornwall, against the Repeal of the Corn-laws.—By the Earl of Haddington, from the Presbytery of Lauder, for the Abolition of Church Patronage.—By the Earl of Aberdeen, from several places, against the Intrusion of Ministers into Parishes without the consent of the Parishioners.

CONGRATULATORY ADDRESSES.—ANSWERS.] The Lord Chancellor reported her Majesty's answer to their Lordships' congratulatory address of Friday last as follows:—

"I thank you for this dutiful and affectionate address. I feel deeply your approbation of my choice, and it gives me great satisfaction to find that an event so essential to my domestic happiness is also considered conducive to the interests of my people."

The Marquess of *Lansdowne* reported to the House that he, and the other noble Lords appointed to attend his Royal Highness Prince Albert of Saxe Coburg and Gotha with the congratulatory message sent from that House on the happy occasion of the nuptials of her Majesty, had attended his Royal Highness accordingly, and that his Royal Highness was pleased to say—

"I return the House of Lords my warmest thanks for the message which you have now delivered. I learn with lively satisfaction their approbation of the choice which her Majesty has made, and it will be the study of my life to justify the favourable opinion which you have now expressed."

The Marquess of *Lansdowne* also reported that her Royal Highness the Duchess of Kent had been waited on with the congratulatory message sent from that House on the happy occasion of the nuptials of her Majesty, and that her Royal Highness was pleased to say,

"I receive with great satisfaction this mark of the attention and regard of the House of Lords, which is most gratifying to my feelings, and I return them many thanks for their congratulations."

The answers were severally ordered to be entered on the journals.

DUTIES ON EAST INDIA PRODUCE.] Lord *Ellenborough* begged to ask the noble Marquess, the President of the Council, whether it were the intention of her Majesty's Ministers to accede to his intended motion for referring the petition of the East India Company to a Select Committee.