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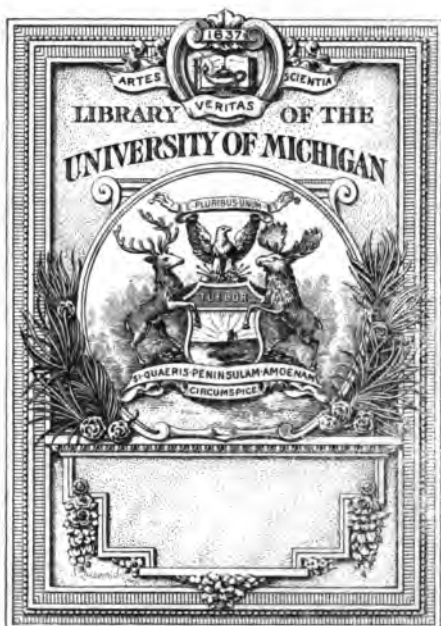
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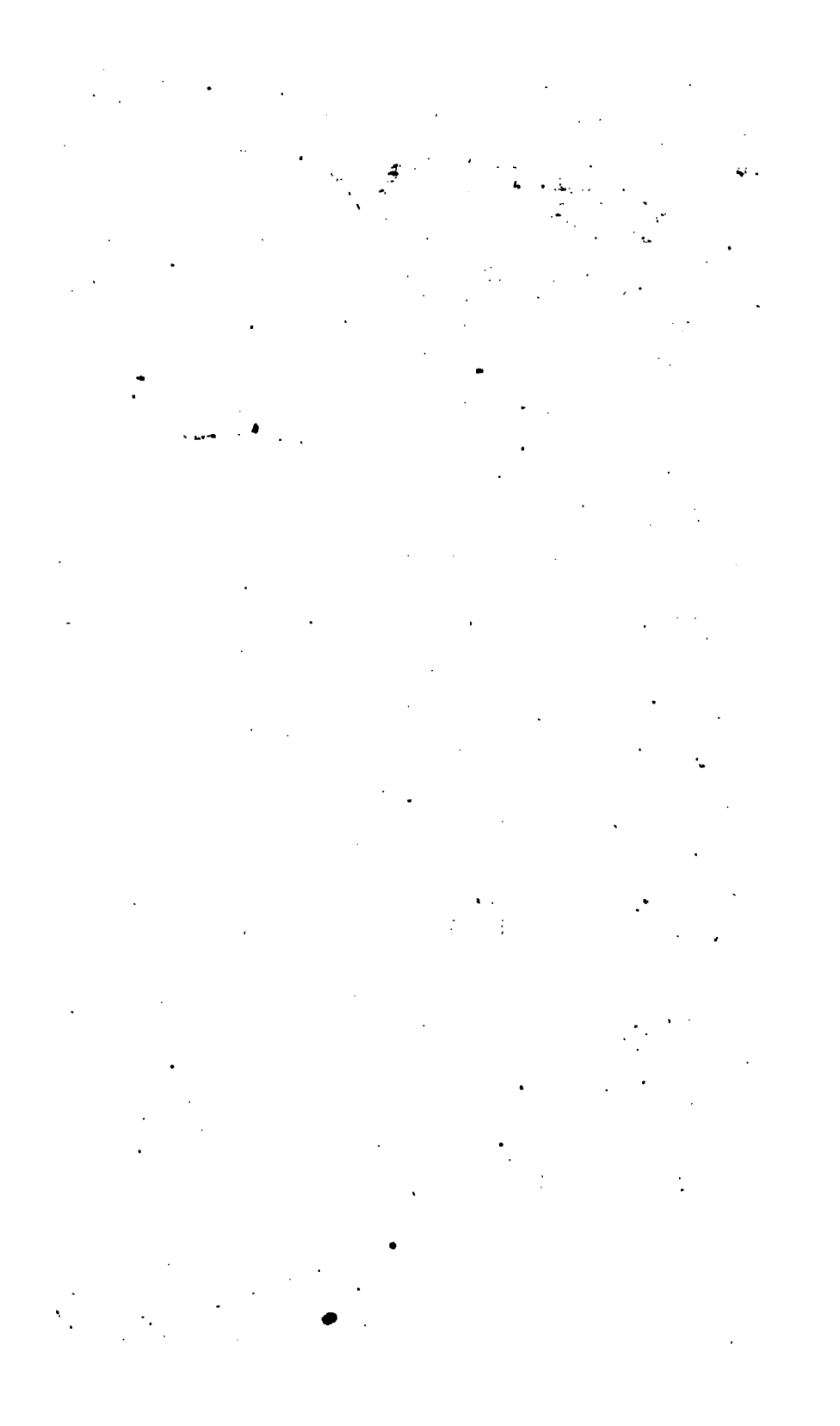
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AND PROFESSOR OF THE LAWS OF ENGLAND IN THE  
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CAMBRIDGE:

PRINTED AT THE UNIVERSITY PRESS, BY R. WATTS.

1807.





## PRELIMINARY OBSERVATIONS.

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I HAVE read Lectures upon the Laws of England, twenty years in the University of Cambridge; but having long ceased to be a Fellow of St. John's College, in consequence of pursuing the profession of the law, I have not been permitted, by the regulations of the College, to retain any permanent chambers, and therefore have had no convenience to keep a library of my own there, even if I could have borne the expence of it: but till six or eight years ago I was supplied from the University Library with every book, which I had occasion to refer to or consult. Up to that time, the University Library was furnished from the Stationers' Hall with all the valuable modern publications upon law, as soon as they issued from the press; but for the last six years, or more, the University has not received Mr. East's Reports of the Court of King's Bench, Mr. Vesey's Decisions of the Court of Chancery, the Reports of the Common Pleas by Messrs. Bosanquet and Puller, or any other legal publication of respectability.

This inconvenience was experienced by me to such a degree, that I was lately induced to inquire at Stationers' Hall what could be the cause of this deficiency. I was assured by the warehouse-keeper, that all the books sent thither were regularly transmitted to the University.

I then wrote to the Rev. Mr. Davies, one of the University Librarians, and afterwards had an interview with him upon

the subject. He stated, that it had long been the general complaint of the University that no book of value was sent to the Library; and he referred me to a pamphlet entitled "Enquiries and Observations respecting the University Library, by Basil Montagu, Esq. A. M." who during his residence in the University had experienced the same inconvenience with myself.

I afterwards made inquiry at the British Museum, to which the King has been most graciously and generously pleased to transfer his Library for the benefit of the public. I was at the first happy to be informed, that this subject had excited the attention of the Trustees of that noble depository; but I learnt afterwards with regret, that no effective measure had been adopted to produce a remedy.

The investigation of this subject has been undertaken by me, from an anxious wish that it may be the occasion of still further discussion and inquiry, by all who have an immediate interest in the answers to the following questions; viz.

1. Whether the Universities may not recover a copy of every new publication, and of every publication with any material addition, by the law as it stands at present?
2. If this question should be determined in the negative, whether there be not sufficiently equitable grounds for applying to the wisdom and justice of Parliament for its assistance?

Some are inclined to think, that it is a paltry and mendicant attempt to take from a poor author nine or eleven copies of a valuable work; but I trust, when the subject is coolly and candidly considered, that it will not be deemed deserving of so harsh an imputation, but that it is a great national object, perfectly consistent not only with the present

sent law, but with sound policy and good government, and also with the best principles of moral justice.

It will therefore be necessary to inquire into the origin of literary property in this country, or what gave a right to print a book exclusively, or concurrently with others, in ancient times.

It is said, that the art of printing was brought into this country from abroad by Henry the Sixth, at his own charge and expence. 1 Vern. 279.

At a time when the Crown claimed the right of granting the exclusive privilege of exercising every trade or mystery, the King of consequence would have more than an ordinary pretension to the sole privilege of printing; it could therefore be exercised by no one without the immediate permission or grant of the Crown.

When the Royal prerogative of granting exclusive monopolies was reduced by 21 Jac. I. c. 3. to its present limit, viz. to a patent for a new invention for fourteen years, there is an express exception of the art of printing in these words: " Provided that this Act shall not extend  
" to any letters-patent or grants of privilege heretofore  
" made, or hereafter to be made, of, for, or concerning  
" printing." Sec. 10.

During the civil wars an ordinance was passed by the Parliament, the title of which is, "*Disorders in Printing redressed.*" It states in the preamble, that many persons, not free of the Stationers' Company, have taken upon them to set up sundry private printing-presses in corners: It is therefore ordered, That no order of either House shall be printed but by order of the House; nor any book, pamphlet, or paper, shall be printed or put to sale, unless it be licensed and entered in the register book of the Company of Stationers, according to antient custom, and the printer thereof to put his name thereto.

The Master and Wardens of the Stationers' Company,  
and

and several others specified, are authorised to search for unlicensed presses and books, and to seize them, with the authors, printers, and others employed upon them. Scobell's Acts, 1643. c. 12.

This is the first legislative act in which the Stationers' register is mentioned.

This ordinance was the first origin of the practice of general warrants in the case of libels, which continued till it was decided to be illegal, in the cases of *Money v. Leach*, 3 Burr. 1742; and *Entick v. Carrington*, 2 Wils. 275. Another ordinance, in 1652, directs that the government and regulation of the mystery of printing shall remain in the Council of State for the time being. Scobell's Acts, 1652. c. 33.

And by the licensing act, 13 and 14 Car. II. c. 33. it was still farther provided, that that statute should not affect the privileges granted to the Universities; and that "none may print any book whereof another hath sole privilege by patent."

When that statute expired in 1694, it should seem the controul over the press, and the right of printing, reverted to the Crown and its patentees.

We find the University of Cambridge was peculiarly favoured by a grant from the Crown in very early times; for Henry the Eighth, in the 26th year of his reign, granted to it the privilege of employing printers, natives or foreigners, to print all and all manner of books, (*omnes et omnimodos libros.*) See the Archives of the University. A similar grant, as it appears, was not made to Oxford, till the eighth year of the reign of Charles the First. See Skin. 235. 1 Vern. 275.

These words, *omnes et omnimodos libros*, must have included all books, however recently printed even by the authors themselves.

The object of this grant to the Universities is described  
by

by Mr. Justice Dodd, in Skinner's Reports, p. 233, in these words:

"The University being a place of learning, it was granted to them to print books for their own use there, and not to come to London for them."

The same had been said before by Lord Keeper North, in 1 Vernon's Reports, 275. "It was never meant (he observes,) "by the patent to the University (Oxford), that they should print more than for their own use, or at least but some small number more, to compensate their charge."

But when the copy-right act of Queen Anne gave the author the sole right of printing and publishing his work for fourteen years, the King's grant to the Universities was in effect revoked. It became therefore reasonable and equitable that some provision should be made for the Universities; and surely a copy of every new publication, or of each edition of every work, which gave the author or editor a copyright, was a cheap compensation for the right which the Universities before possessed. Their previous right was to print at least one copy of every new book for each of its members; and all they got in exchange was a single copy for the whole during the continuance of the author's or editor's copyright of fourteen or twenty-eight years.

I do not mean to give here any opinion respecting the original validity of the Royal grant to the Universities, to print *omnes et omnimodos libros*. It is sufficient, upon the present occasion, to give the history of it, and to state that it has been recognized in Parliament and in Westminster Hall; and that the Universities in fact enjoyed the benefit of it until it was rescinded by 8 Ann. c. 19.

When I hear so much pity and commiseration expressed for *poor authors*, I wish to respect the rights of *poor students*, a class of men from whom *poor authors* themselves must derive their origin, and without whose successful labours

labours nothing valuable in literature is ever likely to have existence.

There are few, or perhaps no instances in which we ought to be generous at the expence of justice; and there is sound morality in that blunt but honest declaration of Judge Twisden: "I like charity well, but I will not steal leather to make poor men's shoes." 1.P. Wms. 766.

Having, in the Examination subjoined, I trust, proved that the statute of Queen Anne has clearly given the University of Cambridge a right to a copy of every publication in which a copyright is created, (a right fully enjoyed till the year 1798, without any interruption or exception,) it is manifest that the University has had the benefit of the grant of Hen. VIII. thus modified by the statute of Queen Anne, for nearly three centuries; which Royal grant the University still publicly commemorates, as one of its first and best benefactions. But admitting, for the sake of argument, that this was not a commutation with the University, or a small compensation for the privation of a great pre-existing right; surely, when the Legislature was vesting indisputably in authors great exclusive rights, which, according to the confident opinions of many learned judges had no existence prior to the 8th of Queen Anne, it was a very gentle deduction from that munificence, to require them to transmit nine copies to the public Libraries of Great Britain; and it was but an equitable tax upon the republic of learning, for the benefit of learning itself.

By every honorable author it would be paid with alacrity, as a debt of justice and gratitude, for the benefit which he must or might have derived from these common fountains of science. If all the copies of an edition are sold besides these, he will receive a sufficient remuneration for his labour; if they are not sold, the donation will then cost him nothing. In large and expensive works, the  
author

author can indemnify himself against loss by a public subscription.

It is sometimes observed, that besides the loss of the copy (and that loss must be estimated at the prime cost only of the paper and printing of nine more) the author or proprietor will suffer considerably by the diminution in the sale of the work, when the members of the University have an opportunity of perusing it gratuitously.


But that seems to be a fallacious and sophistical argument; for if the University think it worth purchasing, then the sale of one copy does precisely the same mischief to the author's interest as the donation of that copy.

The Reader of these Observations will naturally be anxious to know what has been the cause of the obstruction of this right, and what has given occasion to the present complaint. The reason is quite obvious; until the case of *Beckford v. Hood*, 7 Term Reports, p. 620, in the year 1798, was decided, all the world (a few lawyers excepted) supposed that an author had no right to the benefit of a new publication, unless it were entered at Stationers' Hall.

The Court of King's Bench then determined, that the omission of the entry only prevented a prosecution for the penalties denounced by the statute; but it did not in any degree impede the recovery of a satisfaction for the violation of the copy-right. From that time, all authors, or the proprietors of the copy-right, have ceased to make an entry of their works, and have not sent any copies to Stationers' Hall for the use of the Universities, under a pretence that the Universities have no right to any copies of new publications which are not entered.

In the subjoined examination it has been my endeavour to prove, as far as I am able, the error and fallacy of this pretence and conclusion. When I inquired at Stationers' Hall the cause of the great failure of the supply of the books to the University, I was very civilly told by the

treasurer



treasures and warehouse-keeper, that no books of value were now entered; that they themselves had heard Lord Ellenborough declare, at Guildhall, that the entry was of no use with respect to an action for a violation of copyright. - - - I presume they were attending as witnesses, to prove that some publication had, or had not, been entered; and Lord Ellenborough rejected their testimony as superfluous, as any other of the learned Judges would have done.

But I am confident that the learned Chief Justice of the King's Bench, and all the other eleven Judges, will be equally clear, if the case shall be brought before them, that the right of the Universities, as well as that of the authors, does not depend in any degree upon the entry at Stationers' Hall. That profound lawyer, Lord Kenyon, was a sincere friend to learning and the Universities; and he would have been much shocked, if he had lived to have known what ungrateful conclusions authors had drawn from the judgment which he and the court made in their favour, in the case of *Beckford v. Hood*.

Until the decision of that case in 1798, every author of credit and character entered his works at Stationers' Hall, and sent the required nine copies to the Libraries specified in the statute. This afforded the University of Cambridge a constant and ample supply; and relying upon this, it has never appropriated any public funds for the purchase of books, and it is totally destitute of all resources to raise a competent fund for that purpose, but by a tax upon the students, whose unavoidable expences at present are such as every friend to science and to his country must deeply deplore. The revenue necessary to purchase the valuable books, which I conceive we are at present entitled to, cannot be estimated, I apprehend, at less than £.400 a year.

A tax to raise so large a sum would be unequal and unreasonable;



reasonable; for a very small proportion of the members of the University reside long enough to derive much benefit from the Public Library. Amongst the graduates of the University, there are many scholars who are capable of extending the *pomæria* of every science, that any language, dead or living, can communicate; but very few of them are so fortunate, whilst they are resident in the University, as to gain affluent situations, or the means of purchasing valuable and expensive books. Though the poverty of authors has always been proverbial, yet very few are influenced by the immediate profit arising from a publication; by far the greatest part are induced by a laudable ambition of serving the public; and at the same time, of honourably displaying their learning or their talents: and even the most mercenary expect to be repaid, not by the purchasers of their works, but by the credit they hope to derive from their exertions and industry, and by the general advancement of their fortune in life. All these would be anxious and ambitious that their works should be honoured with a conspicuous place in the Public Libraries of the Kingdom: they are indifferent with respect to purchasers, if they have but readers, who, they indulge a hope, will be amused or instructed by their productions. Every liberal author must also be desirous that the Reader should be possessed of the last edition of his publication; for in that it may be presumed the errors are corrected of which he is ashamed; or fresh discoveries and observations are made of which he is proud. He must therefore have an anxious wish that the Universities should be acquainted with every material addition which he has made, either to his own labours or to those of others.

The advocates for authors urge arguments for them, which every one possessing a generous sentiment disclaims, and thinks himself disgraced by. The incentive to the labours of such authors has been splendidly described by

Lord



Lord Camden, in his argument against the common-law right to literary property :

“ Glory (says he) is the reward of science ; and those  
 “ who deserve it, scorn all meaner views. I speak not of  
 “ the scribblers for bread, who teize the press with their  
 “ wretched productions : fourteen years are too long a  
 “ privilege for their perishable trash. It was not for gain  
 “ that Bacon, Newton, Milton, Locke, instructed and  
 “ delighted the world. When the bookseller offered  
 “ Milton five pounds for his *Paradise Lost*, he did not  
 “ reject it and commit his poem to the flames, nor did  
 “ he accept the miserable pittance as the reward of his  
 “ labour ; he knew that the real price of his work was  
 “ immortality, and that posterity would pay it.”

The booksellers or purchasers of copy-right, upon the present occasion, seem to be entirely *hors de combat*. Whether nine or ninety copies are given away, it is all one to them. They can calculate their loss and gain, advantage and disadvantage, to the greatest nicety : they can either give the author less, or make the public pay more, and therefore they have no interest whatever in the present question. But if they had any substantial interest, I am sure there are amongst them many honourable men, who would willingly co-operate with the Universities in advancing what may be thought the cause of justice and science.

The publications now sent to the Universities are comparatively very few, and of this small number almost every article is of trifling value. In general they consist of remarkable trials in the courts in London ; or at the assizes in the country, and of insignificant pamphlets upon temporary subjects.

“ ENTERED AT STATIONERS’ HALL ” is printed in great characters in the Title-page, to give consequence to such trash, and to discourage competition.

When

When I asked a young man who attends the University Library what kind of books they now received from Stationers' Hall, I was amused with his answer, "Horrid things, Sir, not worth putting up."

Sometimes "Entered at Stationers' Hall" is inserted in the title-page, though in fact the book has never been entered. A fraud of that nature was detected by the very obliging, attentive, and intelligent officer, Mr. John Marshall, keeper of the University Library at Cambridge.

Having observed such a title-page prefixed to a book of considerable price, he thought it his duty to inquire why it was not sent to the University; when, to his great surprize, he discovered it was all a false pretence, and that it had never been entered in the Stationers' Register.

Mr. Marshall also informs me that he has lately received the eleventh and twelfth volumes of a History, of which we have not any of the preceding volumes: and he says, that plates are seldom or never sent with books upon mathematics, surgery, botany, &c. without which the letter-press is of little or no value. But I am inclined to think, that, as the law stands at present, the University can recover nothing but what goes through the hands of the printer. Perhaps, in that case, the printer of the plates, and the printer of the letter-press, would each be subject to an action for the penalty. — See the Examination, p. 24 and 25.

I should be sorry that the public should suppose, from the preceding observations, that the University of Cambridge place in their Library every book which is sent to them. Two Librarians, members of the University, exercise, first of all, their judgment with respect to the admission or rejection of the publications received. Besides them, there are Syndics, or a Committee, consisting of the Heads of Colleges, Professors, and other Gentlemen, for the further regulation of the Library.

We

We had better, after the example of the Caliph Omar, set fire to our Libraries, than receive the blasphemy, immorality, and impiety, with which the press has teemed ever since French philosophy first reared its pestilential head.

I have lately been informed that the University of Oxford receives regularly all the printed public papers from the House of Commons. These are carefully preserved in the Public Library, for the general use of the members of the University.

It is indebted for this important privilege to an honourable member of the House, who justly thought that the University ought to be possessed of every publication which could communicate useful information.

I trust that every member of either House of Parliament, who retains a grateful recollection of any University, will be actuated by a similar sentiment, and, when an occasion offers, will be disposed to follow so liberal an example.

In the Examination of the Question subjoined to these Observations, I could wish to flatter myself that I have successfully proved that the Universities, the Royal Library, &c. are entitled to nine copies of every publication, of which the author or editor has a copy-right, though the work be never entered at Stationers' Hall.

I have been informed that some Gentlemen, whose judgment I highly reverence, are of a different opinion; but if they should adhere to their own opinion, when they have had leisure to give the subject full consideration, I will make the same apology for being obliged to differ from them which one lawyer makes to another at the consultation so pleasantly described by Terence :

*Ego sedulò hunc dixisse credo; verum ita est,  
Quot homines, tot sententiæ; suus cuique mos.*

But whatever may be the inclination of the mind of the Reader of the Examination subjoined, I shall request him  
not

not to determine irrevocably against the side I have taken, but to adopt the words of the third lawyer upon that occasion ;

*Ego amplius deliberandum censeo ;  
Res magna est. —*

The most desirable mode of putting this important subject into a train of further investigation, I conceive, would be this ; viz. That the University of Cambridge, or some other University interested, should commence an action in the court of King's Bench, as prescribed by the statute of 8 Ann. c. 19.

The question would then be fully debated by some learned counsel on each side, and would receive the deliberate judgment of the court.

But if that judgment should be pronounced to the full extent of my wish and expectation, still an application to Parliament will be indispensable.

For if the nine copies can be recovered as the law now exists, yet the right and remedy are lost entirely, if an action be not commenced within three months after the public sale of the book. See the Examination, p. 30.

It is quite clear also, that the two copies cannot be recovered by the Libraries in Ireland, if the book is not entered in the Stationer's register. See the Examination, pp. 30, 31. And there are many who now think it a great national object that all the Universities should be furnished with a copy of every new publication, yet they cannot find in their hearts to deprive a poor author of what they think is his property. Surely, then, every object may be attained, if the Legislature can be prevailed upon to extend the copy-right of authors, and at the same time to secure beyond all dispute and controversy the rights which were vested in five Libraries in Scotland and four in England by the statute of Queen Anne, and to enlarge the time for the recovery of these rights.

The

The Libraries in Ireland might then also derive some solid benefit from the learning of the rest of the United Kingdom; but the grant to Ireland at present is completely delusive and unavailing.

Lord Mansfield, Sir William Blackstone, six other Judges out of the twelve, and many other learned men, had great reason in thinking, that, by the common law of England, an author and his representatives had the sole and exclusive right of publishing a new literary work for ever. Six out of the twelve thought that that perpetuity was not abridged or affected by the statute of Queen Anne. See 4 Burr, 2408. *Donaldsons v. Becket*, Dom. Proc. 2 Black. Comm. 407.

All who are of that opinion, or who think that a further compensation ought to be made to *poor authors*, if they should be obliged to send eleven copies of their works to these Public Libraries, would readily accede to a further extension of the copy-right. To what extent it would be proper to enlarge the copy-right of authors it is unnecessary to discuss at present; but it would not be difficult to give them far beyond an equivalent for what they are now bound to render by the present law, or even far beyond the value of one copy to each of eleven Public Libraries. It would only, in effect, be taking so much from the common for the public benefit, and fencing it for a short limited time as private property.

Every friend of his country would sincerely rejoice, if such a plan were adopted by the Legislature; because he must be convinced, that it would contribute in the highest degree to the advancement of sound learning and the public interests; and at the same time no one could have any just ground to complain that his private rights were violated.

## EXAMINATION OF THE QUESTION,

&c. &c.

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THE Question proposed for examination and consideration is this; viz. Whether Printers, Authors, or Proprietors of *New Publications*, or of *Old Books* reprinted with *Additions*, are bound to send One Copy to the King's Library, and one to each of the Libraries of the Universities of Cambridge and Oxford, and of the other Libraries specified in the Statute 8 Ann. c. 19, though these Works are not entered in the Register of the Stationers' Company.

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THE claim or right of these libraries depends entirely upon the true construction of the 5th section of the statute 8 Ann. c. 19\*.

Some think that the King and the Universities, by that clause, are entitled respectively to a copy of such books only as are entered in the register of the Stationers' Company; others think that they are entitled to a copy of every *new book* published, and of every old book published *with additions*, although no entry is ever made of them in the Stationers' register.

In order to understand the true construction of this clause in the statute of Queen Anne, it does not seem  
necessary

\* The first five sections of the statute are fully recited in p. 23. & 24. post.

necessary to refer to any previous charter, public act of the government, or statute, except the licensing act, 13 and 14 Car. II. c. 33, and the statute 17 Car. II. c. 4\*.

During the civil war and the protectorate of Cromwell, most severe restrictions had been imposed upon the liberty of the press by the then existing legislative authority. See Scobell's Acts, 1643, c. 12. 1647, c. 95. 1649, c. 60, and 1652, c. 33.

After the restoration of the royal family to the throne, these ordinances became null and void; but in 1663 it was thought necessary that the press should no longer remain unrestrained and unlicensed; and a very long act of parliament, 13 and 14 Car. II. c. 33, was passed, containing a great variety of regulations respecting books printers, and authors.

It contains twenty-five sections.

The third section directs that no private person shall print, or cause to be printed, any book, unless it be licensed as described by the act, and unless all the titles of the book be entered in the book of the register of the Stationers' Company.

Then follows a great variety of regulations, which have no connection with the entry of the Stationers' Company required in the third section.

And by the seventeenth section it is enacted, "that  
 " every *printer* shall reserve three printed copies of the best  
 " and largest paper of every book *new printed* or *reprinted*  
 " by him with *additions*, and shall, before any public  
 " vending of the said book, bring them to the master  
 " of the Company of Stationers, and deliver them to  
 him;

\* The grant of the Crown to the Universities to print all manner of books, which was annulled by the Copy-right Act with respect to new publications, is a strong authority to prove the reason and justice of the right of the Universities to a copy of every new publication. See the Preliminary Observations, p. 4.



“him; one whereof shall be delivered to the keeper of his Majesty’s library, and the other two shall be sent to the Vice-chancellors of the two Universities respectively, for the use of the public libraries of the said Universities.”

It is impossible for any one to say, that, in this statute, which first gives the copies of *new books*, and of old books with *additions*, the donation of the copies has any connection whatever with the entry of them in the Stationers’ register.

The 17 Car. II. c. 4, continues the former statute, and adds two new clauses respecting the delivery of the books to the libraries to the following effect.

“The master of the Stationers’ Company shall send them to the libraries within ten days after receiving them. And if the printer shall not deliver the copies, or the master of the Stationers’ Company shall not remit them within ten days, then they shall forfeit each five pounds, besides the value of the books: the same to be recovered by his Majesty, and by each University, by an action of debt,” &c.

These additional provisions to the licensing act prove that the donation of the books had drawn the particular attention, and had received the marked approbation, of the legislature at the time.

The licensing act, 13 and 14 Car. II. c. 33. with these additions, was continued until the year 1694, when the whole expired.

I shall first consider the right of the King and of the Universities, to a copy of every *old* book reprinted with a *new* addition.

It is quite clear that, by the licensing act, the Universities were entitled to a copy of every new book, and every book reprinted with additions, that is, of every old book with any material *new* addition.

It was not intended that they should have a copy of an old work, where it might be presumed they had one before; but it wisely provided, that every new proposition which could add to the stores of any department of science and literature should be deposited, for the public benefit, in the libraries of the King and of the two English Universities. Here we collect a general principle, which is clearly expressed by the legislature.

The Universities would therefore be possessed of every edition of the Old and New Testament, Homer's Iliad and Odyssey, the works of Aristotle, Cicero, Shakspeare, Milton, Bacon, Newton, and of every book in every language and science, to which any translation, note, commentary, or material addition is annexed.

The statute of Queen Anne, instead of "every book new printed, and every book reprinted with additions," has given the Universities "every book printed and published *as aforesaid*\*, and every book reprinted and "published with additions." See Sect. 5.

Now after the words "*every book reprinted and published with additions*" there is no "*as aforesaid*," nor any words of reference or qualification whatever.

The existing statute, therefore, of Queen Anne has given us all old books with additions, as clearly, fully, unconditionally, and unequivocally, as the expired statute of Charles the Second gave them to us.

It has given them in the same terms, and with the same good sense, and with the same public spirit, for the encouragement of learning.

It therefore very properly added also the four libraries of the sister kingdom, Scotland, to which we had become indissolubly united three years before.

This

\* The whole doubt consists in these words "*as aforesaid*." The fifth section is fully recited in p. 24.

That we are at present entitled to all books of this description, will appear clear beyond all controversy, from this consideration; viz. that the statute has made no provision for the entry of old books with additions in the Stationers' register.

The entry of such books would be of no avail whatever; for the entry and penalties described in the statute apply only to books which shall be *composed* after the passing of the act. Old books with newly *composed* additions would not come under that description.

But every editor, who has made any material additions to an old work, has the same benefit from the exclusive sale of that edition, as if the whole was his original composition.—This point has long been decided. See the case of *Carey v. Longman and Rees*, 1 East. Rep. 358.

It is therefore consistent with the whole spirit and intention of the legislature, that for every edition with those additions, by which the editor gains a new term or lease, he should deliver nine copies, as a reasonable fine for the renewal.

This, too, suggests a broad rational ground for the construction of the word "*additions*" in the statute.

If the additions are so material as to give the editor, translator, or annotator, a copy-right under the statute, then they give the public libraries a right to the nine copies.

The editor will not be permitted to *blow hot and cold*, and with the same breath to insist, that these are additions which protect his property against literary pirates, but not such additions as will entitle his Majesty and the Universities to the gratuitous perusal of them.

Having shewn beyond all controversy, as I cannot but flatter myself, that it was the manifest intention of the legislature, both in the expired statutes of Charles the Second and the existing statute of Queen Anne, to give the King and the Universities respectively a copy of every old

old book reprinted with any material additions, I shall proceed to the consideration of their right to the copy of every new and original publication.

The statutes 13 and 14 Car. II. c. 33, and 17 Car. II. c. 4, describe the books of which the libraries are to have copies by these words, "Every book *new printed*, or reprinted with additions."

The statute of Queen Anne describes them thus, "Each book that shall be *printed and published as aforesaid*, or "reprinted and published with additions." I have shewn that the words describing the old books, the same both in the expired statutes and in the existing one, have no reference whatever to the entry. This affords a strong presumption that the words "each book that shall be printed and published as aforesaid" meant precisely the same as "every book new printed," or meant every new publication whatever, although it was never entered in the Stationers' register.

It is a rule of construction founded in good sense, that statutes *in pari materiâ*, or upon the same subject, must be construed with a reference to each other, or, that that which is clear in the one will help us to ascertain what is ambiguously expressed in another. For it is a fair presumption, that when a subsequent statute uses nearly the same words as a prior statute, but in some degree ambiguously, the intent and meaning of the ambiguous expressions is the same as that of the prior statute, where no ambiguity exists; as it must be supposed, if an alteration had been intended, that it would have been unequivocally described. See 1 Black. Comm. n. 8.

The words "*new printed*" in the former statute are certainly unconnected with the entry: And here, if the legislature had intended to give only the books which were entered, they would have said, "every book entered as aforesaid," or, "*every book printed, published, and entered as aforesaid.*"

But,

But, supposing that we had not the former statutes to throw light upon the subject, it appears to be a very extraordinary construction to refer the words "as aforesaid" to the second section of the statute which requires the entry.

The statute consists of several sections. The fifth gives the books to the libraries.

The first provides, that every author of any book, *that shall hereafter be composed*, shall have the sole liberty of printing and reprinting it for fourteen years, to commence from the day of the first publishing the same.

And if any other person, within that time, shall print any such book without the consent of the proprietor, or sell it so printed, the offender shall forfeit such book, and every sheet of it to the proprietor, who shall forthwith damask and make waste paper of them; and he shall forfeit one penny for every such sheet, one half to the King, and the other half to the prosecutor.

The second section recites, in the preamble of it, "That whereas many persons may through ignorance offend against the act, unless some provision be made, whereby the property in every such book, as is intended by this act to be secured to the proprietor thereof, may be ascertained:" it therefore enacts, that no person shall be subject to the forfeitures and penalties mentioned in the act for printing of any book without the consent as aforesaid, unless the title to the book shall, before publication, be entered in the register of the Stationers' company, &c.

The third section enacts, that if the clerk of the Stationers' company shall refuse or neglect to make such entry, then the proprietor, by an advertisement in the Gazette, shall have the like benefit as if such entry had been duly made.

The fourth section empowers the Archbishop of Canterbury, the Lord Chancellor, the Chief Justices, and many others

others specified, if the booksellers sell any book at such a price as shall be conceived to be too high and unreasonable, to fix a fair and reasonable price, at which they shall be bound to sell it\*.

The fifth section enacts, that nine copies of each book, upon the best paper, that *shall be printed and published as aforesaid, or reprinted and published with additions*, shall, by the printer, be delivered to the warehouse-keeper of the company of Stationers before such publication, for the use of the royal library, the libraries of the Universities of Oxford and Cambridge, the libraries of the four Universities in Scotland, the library of Sion College in London, and the library belonging to the faculty of Advocates at Edinburgh; and the warehouse-keeper is required within ten days after demand by the keepers of the respective libraries to transmit them: and if any proprietor, bookseller, or printer, or the warehouse-keeper, shall not observe the directions of this act therein, that then he or they, so making default, shall forfeit the sum of five pounds, and also the value of the said printed copy not so delivered; the same to be recovered by the King and the Universities &c. respectively, with their full costs.

The statute contains six more short sections; but they do not appear to affect the present question.

If any one compares the fifth section with the second and third sections of the expired statute of 17 Car. II. c. 4, he will find all the provisions the same, except that it was thought wise and politic, so soon after the union with Scotland, to extend the communication of new publications to that part of the United Kingdom, and therefore five copies of every new work are to be sent to the public libraries in Scotland; and for the benefit of the Clergy of London, one copy is also given to the library of Sion College.

These

\* This clause was repealed by 2 Geo. II. c. 36.

These copies are to be printed upon the best paper, and to be delivered by the *printer*, before *vending* or *publication*, to the warehouse-keeper of the Stationers' Company; and within *ten days after demand*, by the keepers of the respective libraries, the warehouse-keeper is to deliver them, under the penalty, upon default, of five pounds, and the value of the book.

When the word "*aforesaid*" is used in a statute, the natural application of it is to refer it either to the section immediately preceding; to all the preceding sections, if they are consistent; or to the first only. But it cannot be referred to the fourth section, for that extends to all books whatever, whether entered or not in the Stationers' register, and whether they are old or new.

Lord Mansfield has declared, that that section or clause extended to all books whatever, and was copied from a similar clause in a statute, 25 Hen. VIII. c. 15. § 4. long before any entry in the Stationers' register was thought of. 4 Burr. 2405.

The fifth clause directs the copies to be sent *before publication*: the fourth clause directs a reasonable price to be affixed *after the publication*, if the price is too high: so that the words "*as aforesaid*" cannot possibly refer to that clause, either singly or conjointly with the three preceding.

The third clause is merely an alternative for the second; for if the clerk of the company refuses or neglects to make the entry, then the author shall have the same protection from piracy by advertising in the Gazette: but if the framer of this act had meant "*as aforesaid*" to refer to the second and third sections, (for if it refers to the one, it must refer to the other,) surely he would have said, "Every book printed and published, and *entered, or advertised as aforesaid*;" or he would have said only, Every book entered or advertised as aforesaid.

The

The second section, which directs the entry, is not introduced for the benefit of the author, but, as the preamble of it expressly declares, it is intended for the benefit of all other printers and booksellers; viz. that they may have notice of the copy-right, and, through the medium of the public entry, may be able to collect information when the work may be published by themselves with security.

It surely would be the grossest absurdity to annex the donation of the books to a condition, which is not for the benefit of the author, and which depends upon his will and pleasure whether he will comply with it or not.

The author is under no compulsion to enter his works: if he does not, no one can be punished by the *penalties* specified in the statute, for reprinting his works.

The great object of the statute is expressed in the first clause; viz. that the author shall have the sole right of printing for fourteen years, a work, which should be *thereafter composed*.

The last section of the statute has given another term of fourteen years, provided the author be living at the end of the first fourteen years.

The framer of this statute copying the provisions of the expired statute, and having in his mind the great object of this act, instead of using the words "*every book new printed,*" substituted the words "*printed and published as aforesaid,*" with a reference to the first section only: the meaning consequently will be, every book printed and published, which shall be hereafter composed, and of which the author has the sole liberty of printing for fourteen years.

With this obvious construction, then, the sense will be the same as in the expired statute; viz. The King and Universities are entitled to every new book, and to every old book reprinted with additions.

The whole of this statute, by this construction, will be found consistent with itself.

The



The fourth section has certainly no connection with the entry. If the fifth section had been intended to be connected with the entry or with the advertising, it would have immediately followed the second and third sections; and the connection would not have been interrupted by the long section, the fourth, which certainly is perfectly independent of all that precedes or follows it.

It is also worthy of observation, that it is the *printer* who is to deliver the nine copies to the warehouse-keeper. The printer has no concern with the entry, for that is to be made by the author himself, or by his direction, with the *clerk* of the company, who is a very different person from the warehouse-keeper.

But the printer and the warehouse-keeper are quite competent to the parts assigned to them.

The printer, even without directions from, or any communication with, the author, will be able to judge whether he is to deliver nine copies according to the intent of the statute. If he prints the whole from a former printed book, it is clear that no copies are to be delivered to the warehouse-keeper. But if the whole is printed from a new manuscript, or from a former printed book with new manuscript additions, then the printer is bound to deliver nine copies, before he carries the rest home to his employer; for if a single copy is publicly sold before he delivers the nine to the warehouse-keeper, then he makes himself subject to penalties amounting, in the whole, to forty-five pounds, besides nine times the value of the work, to be recovered in nine different actions, with full costs in each.

To prevent the printer from practising any fraud in delivering inferior copies for the use of the libraries, these statutes expressly direct, that the copies for the nine libraries shall be printed upon the *best* paper.

If

If the printer delivers all the work to the author, who afterwards enters it, but withholds the nine copies, the printer is liable to the penalties, and the statute gives him no indemnification; an absurdity amounting to a demonstration that the delivery of the copies at Stationers' Hall could not be intended to depend upon the entry.

The reason why the Stationers' Company undertook the trouble of receiving them for the Universities, &c. was this: The Stationers' Company had received many grants and favours from the Crown, and the copyright act was passed at their special instance and request. See the Journals of the Commons, vol. 16. p. 240.

From this mode of considering the statute of Queen Anne, the title of which is, "An Act for the Encouragement of Learning," every ingenuous and disinterested reader will be compelled to conclude, that it was the manifest intention of the legislature to give encouragement to every author and editor, by securing to him the profits of his publication for fourteen or twenty-eight years; and at the same time to give encouragement to learning in all the Universities of Great Britain, by giving to the students, resident in them, the opportunity of becoming acquainted with every literary work, which could in any degree whatever contribute to the advancement of truth and science.

The intention of this statute is so manifest, that I apprehend it can be repealed or contravened only by the authority of parliament expressly declared.

The next statute upon the subject is the 15 Geo. III. c. 53. The sixth section of that statute recites the fifth section of 8 Ann. for the delivery of the nine copies; and adds, "Whereas the said provision has not proved effectual, but the same hath been *eluded* by the entry only of the title to a single volume, or of some part of such book  
" or

“or books so printed and published, or reprinted and  
 “republished.” It then enacts, “that no one shall be  
 “subject to the penalties in the statute c. Queen Anne for  
 “printing a book without the consent of the author, unless  
 “the title to the copy of the whole and every volume be  
 “entered in the register of the Company of Stationers;  
 “and unless nine such copies shall be actually delivered to  
 “the warehouse-keeper, for the use of the several libraries  
 “in the said act mentioned.”

This clause neither creates nor destroys any right; it imposes an inducement upon the author to see that the printer complies with the former statute; for until the books are delivered either by the printer or himself, no person shall be prosecuted for the *penalties* incurred by reprinting even an entered publication. But it will be argued, that this is in some degree a legislative interpretation of the statute of Queen Anne.

It must be admitted, that the parliament at that time, and all the world (a few professional men only excepted) until the year 1798, were under this error; viz. that no author had any benefit from the copy-right act if his work was not entered at Stationers' Hall; but in that year, in the case of Beckford and Hood, 7 Term Reports, 620, it is fully determined by Lord Kenyon and the other judges of the Court of King's Bench, that the author has a right to an action at law for damages, although the book is never entered. The entry merely gives a right to the author or to any informer to prosecute for the penalties,—a species of prosecution which I never yet read or heard of\*. And as the author or proprietor must necessarily have  
 a remedy

\* Since the above was written, I have been assured that the case of Dr. Trusler v. Murray, mentioned in a note, 1 East. 363, was a *qui-tam* action for the penalties, and that a verdict was obtained for fifteen-pence; though it does not appear in the printed statement.

a remedy in a court of equity, by an account of the copies sold, or by a perpetual injunction, against the publisher of a spurious edition, though the genuine edition is never entered, the clause for the entry and the penalties produces merely *brutum fulmen*; and no sensible bookseller in London would waste the time of his porter, by sending him to Stationers' Hall to purchase it at the trifling price of sixpence, as fixed by the statute. He knows that the perpetual injunction of the Lord Chancellor as effectually makes waste paper of all the sheets of the spurious edition, as a judgment pronounced by any court of law in Westminster Hall, or even by the highest court of appeal, the House of Lords.

But the recital in the preamble of 15 Geo. III. c. 53. § 6. does not necessarily prove that the Parliament at that time was of opinion that the Universities had no right to their copies if the book was not entered. For the penalty against the printer for not delivering the books before publication must, by the statute, be recovered within three months; and if the University have no notice of the publication by the entry, their right after three months, by the omission of that notice, is lost, and the provision of the statute, as this recital states, would be *eluded*.

But this clause is a public declaration that very shameful frauds before that time had been practised, to deprive the Universities of their rights.

I come now to the only remaining statute upon the subject, An Act for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, 41 Geo. III. c. 107. The object of this statute is to extend the rights and duties of copy-right in general to Ireland.

The sixth section enacts, "that, in addition to the nine  
" copies

“ copies now required by law to be delivered to the warehouse-keeper of the Company of Stationers, of each and every book and books which *shall be entered* in the register book of the said Company, one other copy shall be in like manner delivered for the use of the library of the college of the Holy Trinity of Dublin, and also one other copy for the use of the library of the King’s Inns Dublin, by the printer of every such book as shall hereafter be printed and published, and the title to the copy-right whereof *shall be entered* in the register-book of the said company.”

One is almost tempted to say, “ Timeo Danaos et dona ferentes;” for whilst a delusive semblance of a present of two books is tendered to Ireland, England is in danger of losing four, and Scotland five, which during eighty-six years, in every case of a new publication, no author of credit and honour ever thought of withholding from them.

A condition, which will never be complied with, is annexed to the donation to the Irish libraries; and, then, England and Scotland are told not to complain, as they are treated with the same kindness as their sister Ireland; and whenever she receives her keep-sake, they are not overlooked or forgotten.

I do not know who was the composer of this statute; but I cannot forbear suggesting, that, if he was not of the profession of the law, this, if it were intended to be an interpretation, may probably be attributed to inadvertence, to the vulgar error which prevailed till the case of *Beckford v. Hood*, 7th Term Reports, 620. and of which he perhaps never had heard.

Ireland is now in partnership with England and Scotland; but whatever sources of wealth and strength may flow from the Union, the public libraries of Dublin are not likely

likely to derive much benefit, by virtue of this statute, from the learning of the sister kingdoms: for if this subject is permitted to remain in its present state, I can confidently predict, that all the books which they will receive, both from England and Scotland; during the whole of the present century, will never fill a single shelf; and the few that will be sent, they will have reason to consider an insult, rather than a public benefit.

## RECAPITULATION.

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To bring this important subject a second time, and immediately, before the view of the Reader, I think it necessary briefly to recapitulate the contents of the Preliminary Observations, and the Examination of the Question of Right; and the Recapitulation will serve, in some degree, as an index to the whole.

King Henry the Eighth granted to the University of Cambridge to print *omnes et omnimodos libros*.

Charles the First made a similar grant to Oxford. See Prelim. Observ. p. 4.

The validity of such grants was recognized by the statute of monopolies, 21 Jac. I. c. 3. and in the courts of law and equity. Ibid. p. 3 and 4.

The English Universities had the benefit of these grants until the 8th Ann. c. 19. That statute gave the author the exclusive right of printing for fourteen or twenty-eight years. One copy was a commutation to the English Universities for the right they previously enjoyed; and in the case of the other libraries, it was a reasonable tax for the great benefit conferred by the statute upon authors. Ibid. p. 7 and 8.

The rights of poor students ought to be held as sacred as those of poor authors. The delivery of a few copies is a trifling loss to authors, and the general sale not more diminished by the donation, than by the sale of one copy. Prelim. Observ. p. 8 and 9.

The Universities had a copy of every new publication, until the case of *Beckford v. Hood*, in 1798.

No books of value since that time are entered, and none are now sent to the Universities. *Ibid.* p. 9.

From the 8th Ann. till 1798, every respectable author sent a copy of his works to the Universities. *Ibid.* p. 10.

The University of Cambridge relying upon this, has appropriated no fund for the support of the Library.

£.400 a year, or more, would probably be necessary to purchase the books which are now withheld.

This can only be raised by a tax upon the students, whose expences are already too great. *Ibid.* p. 10.

All liberal authors are anxious that a copy of their works, and of the last edition, should be deposited in the Public Libraries of the Kingdom. *Ibid.* p. 11.

The incentives of such authors splendidly described by Lord Camden. *Ibid.* p. 12.

The booksellers or purchasers of copy-right have no interest in the present Question. *Ibid.* p. 12.

The books now sent to the Universities are mere trash, and great frauds are committed. *Ibid.* p. 13.

When a copy of every publication was sent, the University made a selection. *Ibid.* p. 13.

If a difference of opinion amongst lawyers should exist, respecting the present law, it would be advisable to bring the subject both before a Court of Law, and before Parliament. *Ibid.* p. 14.

The time for the recovery of the right of the University, viz. three months only, ought to be enlarged. *Ibid.* p. 15.

If it is a hardship upon authors to deliver nine or eleven  
copies,



copies, a compensation may be made, by extending the present term of copy-right. Prelim. Observ. p. 16.

The Question is, Whether the Universities and Libraries, specified in the 8th Ann. c. 19. are entitled to a copy of every new book, or old book with a new addition, though they are not entered at Stationers' Hall. Exam. p. 17.

This depends upon the words "printed and published as aforesaid," in the 5th section of 8 Ann.

The licensing act, 13 and 14 Car. II. sec. 3. required all books to be entered in the Stationers' Register. Ibid. p. 18.

The 17th section directs that three copies shall be sent, one to the King's Library, and one to each of the English Universities. Ibid. p. 18.

The grant here to the Universities is unconditional, and has no connection with the entry.

The 17 Car. II. c. 4. continues the licensing act, and makes further provisions for the benefit of the Universities. Ibid. p. 19.

The whole expired in 1694. Ibid. p. 19.

The copies of the books to be sent to the Universities in the expired licensing act, are, 1st, Every book *new printed*, and 2dly, Every book reprinted with additions. Ibid. p. 19.

The copies of the books to be sent by the existing statute of Queen Anne, sect. 8. are, 1st. Every book *printed and published as aforesaid*, and 2dly, Every book reprinted and published with additions. Ibid. p. 20.

The second description of the books to be sent, is precisely the same in each: this affords a strong inference, that the first description was the same, and in the latter statute means only *new printed* books, without any reference to the entry, as in the licensing act.

Many reasons to confirm this construction. Ibid. p. 20—28.

The

The *printer* incurs the penalty, if he does not deliver the books at Stationers' Hall for the Universities. Exam. p. 24 and 27.

He is not to consult the *author*, and will not be protected, if the author does not enter the work. Ibid. p. 27 and 28.

The printer seems liable to the penalty for not delivering the books to the warehouse of the Stationers' Company at all events; and the reason why they were to be delivered there, though not entered, is quite obvious. Ibid. p. 28.

The intention of the Legislature, both in the expired statute 13 and 14 Car. II. and the expiring statute of 8 Ann. c. 19. seems so manifest, that the Universities can only be deprived of their rights by an act of parliament, passed for that express purpose. Ibid. p. 28.

The author's copy-right, and the remedy of the Universities to recover their copies, do not commence from the entry, but from the first day of publication. Ibid. p. 23 and 24.

The preamble to the sixth section of 15 Geo. III. c. 53. states that the right of the University had been *eluded* by the entry only of the title of a single volume, or of some part of a book. Ibid. p. 28.

This affords little or no inference that the University had no right, if the book was not at all entered; for they might be deluded by this false and fraudulent entry, till the remedy for the remainder was lost. Ibid. p. 28, 29, 30.

The enacting clause does not in any degree affect the Question. Ibid. p. 29.

The Court of King's-Bench decided that the author's copy-right did not depend, in any degree, upon the entry. Ibid. p. 29.

No book of value, unless the law is altered by the Legislature, will ever again be entered at Stationers' Hall. Ibid. p. 30.

The 41st Geo. III. c. 107. gives two copies of every  
book

book which *shall be entered*; one to the Library of Dublin College, and one to the King's Inns, Dublin. Exam. p. 31.

If this was intended as an interpretation of the statute of Queen Anne, it must be imputed to error or inadvertence. Ibid. p. 31.

That statute is wholly confined to books *which shall be entered*, and is perfectly silent with respect to books *which shall not be entered*. The fair conclusion then is, that the right of the English and Scotch Universities, remains just as it was with respect to books *which shall not be entered*, and that their rights are not in any degree affected by that statute.

If this opinion should be erroneous, and the Courts of Westminster should think themselves bound to decide against the claim of the Universities, in consequence of that statute, as every one must be convinced that the Parliament of the United Kingdom never intended to deprive the English and Scotch Universities of any rights which the Legislature in former times had granted; so he must also be convinced, that the justice of the existing Houses of Parliament would hasten to restore those rights, which their predecessors had inadvertently and unintentionally destroyed.

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THE END.

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**ERRATUM:**

Page 14, line 3. For *impiety* read *sedition*.

## POSTSCRIPT

TO

“ *A Vindication of the Right of the Universities,*” &c.

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IN consequence of the Observations collected and suggested in the preceding treatise, the University of Cambridge directed that a Case should be laid before their Counsel, requesting their opinion, whether the claim of the University of a copy of every publication, or edition with additions, can be sustained in a court of Justice, as the law now stands: And their Counsel have agreed in opinion, that the University of Cambridge may recover from the printer the penalty of five pounds, and the value of a copy of every book newly printed, or reprinted with additions, although the book has never been entered in the Register of the Stationers' Company. In pursuance of that opinion, the University have given orders to their Solicitor to demand a copy of such new publications as have not lately been transmitted to the University; and, where that demand is resisted, immediately to enforce the rights of the University, under the general Copy-right Act, 8 Ann. c. 19.

But expressions used by the Legislature in subsequent acts of Parliament have rendered it in some degree doubtful whether the actions of the University would be finally successful; and the right of the two Libraries of Dublin to such copies is made to depend entirely upon the entry of the book at Stationers' Hall. A modern decision in the King's Bench, that such entry was not necessary in order to enable an author to maintain a compensation for the violation of his copy-right, has made a material alteration in the practice of authors and booksellers in the entering of their books at Stationers' Hall: though their conduct with respect to their own security cannot in any degree affect either the rights of the Universities of Great Britain, or the pretensions of Dublin College; to which college the same right since the Union with Ireland was unquestionably

tionably intended to be conveyed by the 41st Geo. III. c. 107. — Under these circumstances, and with reasonable grounds for proposing something infinitely more valuable, both to authors and to the purchasers of their copy-right, than the miserable price of a few copies of their works, a Member of Parliament and of the University of Cambridge has undertaken to bring in a Bill for the explanation of the Statutes upon the subject, and for the further improvement of the law of copy-right.

Nothing can be so unfounded as the apprehension that the donation of a few copies of a publication to literary men, who could not otherwise obtain the perusal of them, will be injurious to an author's interest; on the contrary, the testimony of their approbation will give a circulation and extension of sale far beyond what could be communicated by the ordinary practice of advertisement: and thus to the most valuable works of science it becomes the cheapest and most æconomical mode of introducing them into general notoriety. This is stated for the purpose of proving, that, instead of a hardship, it is an actual benefit to authors to grant to the Universities, without resistance, what is conceived at present to be their lawful property: and if the learned Institutions of the United Kingdom join in a liberal wish to extend the interests of authors, they do not aim at a compromise of a loss, or recognize the idea of any injury, whilst they request the assistance of the Legislature to give an additional sanction and security to their antient important rights.

But, independently of every consideration of the claims of the Universities, it is in itself reasonable and just that some extension of copy-right should be made; and it is proposed that the second term of fourteen years, now dependent upon the contingency of the author's living beyond the first fourteen years, should be rendered in all cases certain and absolute; so that all authors, young and old, should have the same interest, from the time of the publication of their respective works.

At

At present, if an author lives fourteen years after the publication of his work, he, his assignee, or personal representatives, have the benefit of another term of fourteen years; but if he dies within the first term of fourteen years, his assignee or family have the exclusive privilege of publication only till the end of that term of fourteen years. So, if an author, when he is advanced in age, offers a valuable work for sale, as the production of the labour of a long life, he will have the mortification to be told, that the price of his work must necessarily be much lower than if he had completed it twenty or thirty years sooner, at an earlier period of life. Thus, when the work is more valuable to the rest of the world, it becomes less profitable to the author and his family:

*“Nec prosunt domino, quæ prosunt omnibus, artes.”*

This augmentation of an author's interest or copy-right seems to be more reasonable, from the consideration that every inventor of a print or engraving has an absolute term of twenty-eight years in the exclusive benefit of engraving and selling that print; and that privilege has been granted by two different acts of Parliament.

The 8th Geo. II. c. 13, gives an exclusive privilege to those who invent or design any print for fourteen years only. The 7th Geo. III. c. 38, extends the term to twenty-eight years absolutely to all who either invent the design or make a print from another's design or picture. And there is still another statute passed in their favour, the 17th Geo. III. c. 57, which gives the proprietor an action to recover damages and double costs for the injury sustained by the violation of his right.

When this subject is brought before the consideration of the two Houses of Parliament, they cannot possibly, with any colour of consistency, withhold from a learned author, at the close of a laborious life, what they have so liberally granted to every ingenious artist or mechanic, probably in the flower of his age and strength.

