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## PHILADELPHIA, SATURDAY, OCTOBER 20, 1866.

## TRIPLE SHEET ... THREE CENTS.

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## INTERNATIONAL COPYRIGHT.

Interesting Paper by Anthony Trollope on International Copyright, Read at the English Social Science Congress.

At a meeting of the Social Science Congress held at Manchester on the 4th instant, Mr. Anthony Trollope had prepared the following paper at the special desire of the Committee, and it was read:-

## INTERNATIONAL COPYRIGHT.

All those who are here present, no doubt, know full well that a law of copyright exists in this country by which an author's property in his own work is insured to him and his heirs for a term of years. This law of copyheirs for a term of years. This law of copy-right protects equally the author, the painter, and the composer of music; but, in speaking to you now of copyright and of international copyright, I shall confine myself to remarks on the copyright of books, and not a painter of pictures or a composer of music, and parity, also, because the arguments which will hold good as to one class of production will hold good equally as to the other classes. This law of home or domestic copyright originated. of home or domestic copyright originated, singularly enough, not in a desire to extend singularly enough, not in a desire to extend protection to authors, but with a view of limit-ing that protection, which was presumed to belong to them as a matter of course. It appears that in 1709 an act was passed limiting copyright in England to touteen years. I men-tion this as showing that, till the law inter/ered, the ordinary sense and feeling of men presumed that the author's property in his work was the same as that in his house or in his land. Then there came up the idea that, for the sake of literature in general, with the view of protecting literature in general, with the view of protecting readers, not against the authors, but against the booksellers, this right of property should be curtailed as to duration of time, and it was cut down, as I have suid, to jourteen years. In 1814 down, as I have said, to fourteen years. In 1814 the period was extended to twenty-eight years; in 1842 to forty-two years, and to the term of the author's life, should the author outlive the forty-two years. That is the law which now defends copyright in England, and it may be acknowledged that justice to the author can de-mand no more. There have been men, whose opinion on such a matter deserves great respect, who have beid that all copyright was permictions. Lord Camden said in giving judgment from the bench against a claim for constraint that "(large bench against a claim for copyright, that "Gtory is the reward of science, and that those who de-serve it scorn all meaner views," meaning thereby that an author should care nothing for his hire, only for his fame. But Lord Cam len, who himself achieved much glory, would hardly have been satisfied had no other payment been made to him from his country avenues. made to him from his country's exchequer. There are two living men, great in literature, who think that all copyright should be abrogated by law, arguing that the welfare of the country in cheap interature is of more concern than the material prosperity of the author. I myself think that such an argument, though it is far better, as being far truer than Lord Camden's, adapts of easy answer. For all good work done the laborer is worthy of his hire; and taking the world at large—the world of authors as well as the world of plonghmen—without that hire the laborer cannot live. This question, however, is hardly that which you are now re-quested to consider. It is not for caparignt quested to consider. It is not for copyright, but for international copyright, that I have to plead before you. The justice of copyright, though it has had its distinguished opponents, has been allowed by almost general consent, has been allowed by almost general consent, and it has, as regards the requirements of our own country, been settled by law. I have al-inded to it simply that I may call upon you to note that the questions of domestic copyright and of international copyright stand precisely on the same basis. If the one be desirable, the other must be equally desirable, if the one be just, the other must be equally just. If there be any one here who will d spute the propriety of convriber allowerber, with bim an argument copyright altogether, with him an argument may be heid; but I make bold to say that no man admitting the propriety of home copyright can bring forward reasons that shall be even plausible against international copyright. The only argument that I have ever heard as between two countries as this between two countries, let us say, which we will call A and B -that we, the men of A, finding ourselves in -that we, the men of A, anoneg ourselves in a condition to get more by pilfering from yot, the men of B, than you can get by pilfering from us, we of A will not consent to any law that shall impose a penaty upon us for such pilfer-ing. Now, I would not use so hard a word as that-even of the pilferers themselves of another nation-were it not that I shall go on to tell you just now that, in the case which most clearly concerns us, they who have hitherto opposed an international law of copyright are not the individuals who stem to be, and who indeed are, the persons most concerned. Our oppo-nents to international copyright are not the publishers or the bookselters of another nation, but the basicity. but the legislators. And here we are struck orcibly by that singular blindness to honesty which will so often fall upon a joint company of men, of which each member shall be as clear as the sunlight in his own sense of individual or confine ourselves to the question of mational copyright, to learn that it is so. Men who are honest enough for themselves can dare to be very much the reverse of honest in the interest of others. Most of you, however, are no doubt aware that the principle of copyright as regards the work of English anthors has been extended beyond our own International copyright does existvery much to the profit of many English authors. In 1838 an act was passed for securing to Englishmen international copyright wherever con-ventions could be made; and, in conformity with this act, conventions have been made with the two countries in Europe with which, as regards literature, we are most closely conrned. Such a convention has been made with France: and such a convention-or rather convalions—have been made with that courtry which I may perhaps at the present moment be allowed to call North Germany. We have such a convention separately with Saxony—which I will not name as a part of Prussia—and that convention with Saxony has been especially valu-able to English authors, for it has enabled them to deal on fair and reciprocal terms with that most energetic of publishers, Baron Tauchnitz. Under his auspices during the last twenty-five years some seven hundred volumes of English literasome seven hundred volumes of English litera-ture have been republished in Leipsic, by far the majority of which were so republished during the lifetime of the authors. But there is no such international copyright with that great nursing mother of English readers, the United States of America. When we speak of international copyright, and the want of inter-actional copyright, we mean international copy-right not with Austria, or with Spain, or with Russia—though we shall be ready enough to welcome as additional blessings inside for lite-rature between those countries and our own— but with America I Astegards literature America and England are one. We read the same lan-guage; we think the same thoughts. Our minds rational copyright, we mean international copyright is the total with American you will Spain, or with Russin—though we shall be ready enough to welcome as additional blessings justice for literature a merican additional blessings justice for literature between those countries and our own—bot with American lessengiand are one. We read the same international copyright, by the same thought. Our Miterary tastes are formed on the same models. Any popular works of the present day might have been models. Any popular works of the present day might have been models. Any popular works of the present day might have been models. Any popular works of the present form an American poet, or the romaner of the "Monte Beni from an American poet, or the manner are concerned; and very proud English as far as style and mode of thouset and historiam more lark who can spell their letters and issees, who can slit down to their book as you and T

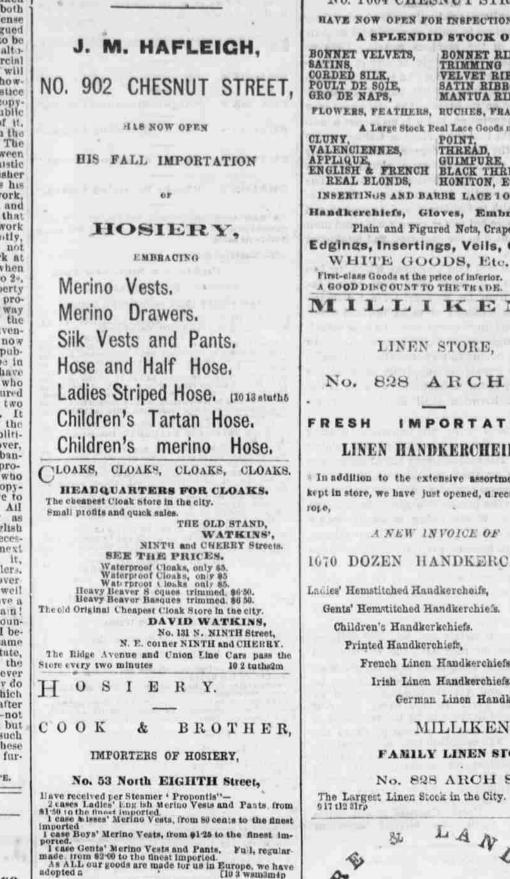
can, with true enjoyment of its luxury-and yet there is no international copyright between us and the United States. It is exactly as though there were none between Middlesex and Yorkshire. In our endeavors to get at the root of this matter, and to understand whether an international copyright would in truth be beneficial to the literary interests of the two countries, we should, I think, bear in mind the literary position of each of them. The United States are of the two the richer in realers, whereas England, including, of course, Scotland and Ireland, is as yet the richer in writers. That such a difference exists is indisputable, and it is the natural result of the condition of the coun-tries. The United States, beginping, as it were, tries. The United States, beginning, as it were, afresh, with the experience of all other coun-tries before them, and weighed down, when so beginning, with no existing burden of rooted ignorance, have been able to teach their chil-dren—I may almost say to teach all their chil-dren—I may almost say to teach all their chil-dren—to read and write. By reading I mean, as I said before, the faculty of inding positive enjoyment in a book. I am afraid we must own that we fall very fer short of this as regards our millions. But among us that leisure which comes from long prosperity and established wealth has been favorable to literary production, as it has been favorable to Interary production, as it has been favorable to all intellectual employment. The United States count their authors in quickly increasing num-bers, but they have not, as yet, increased with them as they have with us; and therefore it is them as they have with us; and therefore it is that the Americans consume while the English produce. And, added to this, there is, I think, on the part of Americans, a prejudice in favor of the literature of England over their own. Their most popular authors are more popular with us than they are in their own councy, whereas the works of Dickens and Tennyson are sold in numbers of which we know nothing. If this be so—and I think that the assert on will be contradicted by no Englishman or American who has watched the market for hierature in who has watched the market for interature in the two countries—it would appear at dist sight that we Englishmen, in asking for an internathat we Englishmen, in asking for an interna-tional copyright, are demanding from them much more than we are prepared or are able to give in return. But what if it beso? In a great international question, shall interest over-ride honesity? Shall a great nation consent to possess itself of that which is not its own be-cause it has the power to do so? Would the Americans take, and dare to say that they took, our cloths and our cutlery without paying us in corn or in cotton, if simply they had the power to do so? It seems to me that any such policy must be most ruinops to the nation which adopts it. But here in this case, I maintain that the assumption is altogether wrong which presumes that America gains in literature by presumes that America gains in literature by the absence of international copyright. America loses fully as much as England can lose. Indeed, whenever protection is named as the prin-ciple under which rights shall be defendedor of Government—we may be quite sure that each party concerned will be the loser. It may be thought that certain booksellers in the United States may gain by the protection to them of property which is not their own, though they (the booksellers) do not themselves so bethem of property which is not them of whit, though they (the booksellers) do not themselves so be-lieve; but no one can think that the readers of the country-that is, literature itself in the States-can gain by it. And now I will ask you to let me explain what is the present system of republication of modern books in the two coun-tries; for, of course, as there is no international copyright, the system is the same in each-equally dishonest in the one as in the other. I will speak of the republication in America of English becks, not as showing any wrong stronger than might be shown on the other side, but because it is the view of the question to which my own attention has naturally been drawn. Mr. Smith shall be a popular English anthor-or rather an author gradually becom-ing so popular that a reprint of some one of his books in the United States is considered desira-ble. The reprint is made by some firm there, probably, without any question asked-or, if asked, it is asked of Mr. Smith, Mr. Smith, when lisher, and not of Mr. Smith. Mr. Smith, when he hears of it, is not a whit displeased. Lord Camden's theory holds good for the nonce, and Mr. Smith is satisfied with his American glory; but things progress, and Mr. Smith begins to find that he has an American public at his dis-posal. He is read in the United States, and ridings come to him of editions very wonderful in number which are printed and sold, and for which he receives no further payment than that which comes to him from his American glory. Then be arouses bimself and becomes dissatis-fied. "What! copies by the thousand, by five thousands, by ten thousands, and no return to me. Smith, for all that I have done for this ungrateful people!" Upon this he inquires and learns that the American publisher who has reprinted him to this extent beyond all his spirations, is willing to deal with him, though Aspirations, is withing to deal with him, though there is no law of international copyright. Perhaps he goes to New York and sees the American publisher. The result is this—the American publisher will deal hith him. The generous publisher, although he undoubtedly has Mr. Smith in his grasp, scorns to repubhah Mr. Smith's works without paying for them. He will pay for what are called early sheets—or, more intelligibly, for the receipts of early sheets-which will enable him, the American publisher, to bring out the work on the same day as that on which it appears in England. Mr. Smith is delighted, and thinks of his price. But the American publisher has also thought of his price, and knows more about it than Mr. Smith knows. He will pay a price for Mr. Smith's great and favorite work on receipt of the early sheets which will, perhaps, nearly defray the cost of Mr. Smith's journey to Ame-rica. Mr. Smith demurs, thinking that if there is to be a matter of bargaining, each party to the bargain should bare a veto. But here the American publisher closes upon the English author, and demolishes him at once. "No, Mr. Smith, I have taken you up at a great outlay of capital, and must go on with you. I will deal with you willingly at so many dollars, upon such and such terms; but if that does not suit you, I 10 19 1211 fear that I must go on without the payment to you of any dollars at all, and on no terms as between you and me. I can afford nothing else. How can I pay you a high price for your work when my neighbor in the next street can reprint it from the first copy he gets?" And in truth this argument is not to be answered. That abthis argument is not to be answered. That ab-sence of international copyright which militates against the English author—which militates equally against the American author—acts with far greater strength against the American or English publisher. The pub-isher can, in fact, buy nothing beyond that almost surreptitious value of early possession. The moment that Messrs, A & B, in Broadway, have brought forth an En-glish work, Messrs, C & D, in One-hundred-and-ninth street, can reprint throm the reprint of their Broadway neighbor. I have fought of their Broadway neighbor. I have foughtshould rather say have attempted to light-

cussed the question of international copyright with him, and it was his opinion that no American who knew sught of literature com-American who knew sught of literature com-mon to the two countries would doubt as to the expediency of an international copyright. I presume it may be taken for granted that the authors m both countries would desire such a defense of their rights. But it will, perhaps, be argued that great public interests should be held to be paramount, and regarded as overraling allo-geher the rights of authors or the commercial enterprises of publishers. For myself, I will say that I cannot see how any interest, how-ever great, can override justice. It justice demand that the author shall have his copy-right, either home or international, no public interest should be allowed to rob him of it. But I altogether deny that public interest in the United States demands any such robbery. The frue interest of international literature between England and America is altogethor antagonistic to the present system. The American publisher England and America is altogethor antagonistic to the present system. The American publisher who, I will not say pirates, but assumes as his own the right of republishing an English work, has no legalized property in his venture, and cannot retail to his customers his goods at that price which an assured property in the work would enable him to reach, and, consequently, reprints of English books in America are not would enable him to reach, and, consequently, reprints of English books in America are not cheap. They are brought out in New York at \$1 or \$1.25—at 4s, or 5s., we will say—when they are being published in London at 1s, to 2s, 60. If stands to reason that a certific 1 property in a copyright must enable the publishing pro-violet of that coverifie to do a standard of the standard in a copyright must enable the publishing pro-prietor of that copyright to do more in the way of cheap selling than can be done by the unsteady hold of their precarious adven-tures which the American booksellers now possess. I have never met an American pub-lisher who has not professed himself to be in favor of international copyright; but I have met American legislators of both Houses who have shaked their heads when I have ventured to suggest that the mutual interests of the two countries demand such reciprocal instice. It countries demand such reciprocal justice. It was their duty, they thought, to protect the American reader. It there be one great politi-cal lesson to be preached the wide world over, it is that lesson which would teach us to aban-don the task of protections and the state of t don the task of protecting any one when pro-tection means injustice. But how are we, who are desirous of obtaining an international copy-right with the United States—how are we to proceed to the attainment of our object? All proceed to the attainment of our object? All Englishmen, with such exceptions only as may prove the rule, desire it. The English Legislature is willing to take the neces-sary steps to-morrow, or, let us say, next February. American authors wish for it, as do also American publishers and booksellers. But still there is the American Congress to over formed. In Frahand we are now post wall come. In England we are now pretty well aware that public opinion will at last move a mountain-will at last move any mountain! Our House of Peers, which is the greatest moun-tain I know, is always movable at last. I believe that the same means will effect the same results in the United States. Agitate, agitate, agitate! International copyright with the United States will, in all probability, never benefit you and me; but I think that we may do something towards assuring the benefit which will accrue from it to those who will come after ns. By insisting we shall carry our point-not in opposition to our brethren in America, but in full accord with them. In the hope that such urgency may be of avial, I have addressed these few words to the Congress now present in furtherance of social science. ANTHONY TROLLOPE. DRY GOODS.

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