During the course of 1838 two Copyright Bills were presented to Parliament. One, sponsored by T. N. Talfourd, got nowhere. The other, introduced by the Government, was easily passed. The former dealt with the duration of domestic copyright: the latter paved the way for copyright treaties with foreign states. On the surface of things, one might have thought that Talfourd's Bill would be the easier to pass, as domestic affairs are often more palatable to a legislature than the prospect of foreign commitments. That this was not the case had much to do with the determined opposition of the book trade. Correspondingly, the easy passage of a Bill regarding international copyright was due in large part to the almost complete indifference of the book trade.

On 16 January the government approved the idea of an International Copyright Bill, and formal leave to present such a Bill was obtained from Parliament on 20 March. Its first reading came on 11 April, its second on 12 May, and after some debate and amendment it passed the House of Commons on 27 June. With slight modification the House of Lords passed it a month later, and the royal assent was secured on 31 July.\(^1\) Styled as 1 & 2 Vict., c. 59 the Act prescribed steps by which copyright treaties could be negotiated between Britain and other countries based on the principle of reciprocity. British authors would receive the same privileges abroad as foreign authors would receive in Britain. Each treaty could be negotiated without specific Parliamentary sanction, using the less time-consuming method of Orders in Council.

To be sure there was opposition to a measure which could have the effect of making books more expensive. Some of the Radicals argued that
reciprocal international protection would put an end to the availability of cheap reprints from France and the United States. Precisely so, retorted Harriet Martineau, who had laboured so strenuously on behalf of Anglo-American copyright. According to Henry Crabb Robinson, she lost all patience with her friends in Parliament and was 'full of flap with the Rads. for opposing the proposed international copyright law'\(^2\) However, since the Radicals numbered a mere handful, even with Tory support they could not defeat a Whig Government measure. The Bill therefore met with little opposition.\(^3\) Furthermore, the international atmosphere was propitious. The French Government had been reassessing its own copyright policy and was hinting at negotiation with Britain; in 1834 the Zollverein or Customs Union came into effect in the Germanic Confederation and there seemed to be a willingness on the part of the thirty-eight German states to negotiate as an entity; Clay's Select Committee issued a favourable report concerning international copyright.\(^4\)

Following the passage of 1 & 2 Vict., c. 59, there was some delay before the Board of Trade mobilized itself and sent a copy of the Act to the Foreign Office with the suggestion that overtures be made to France, Prussia, Austria, Saxony, and the United States, through their respective diplomatic representatives in London.

In its turn, the Foreign Office procrastinated but by early March 1839 diplomatic representatives were contacted and urged to consider treaty negotiations. A complicated series of exchanges then took place with the German states, especially Prussia, but in the end the British Government was reluctant to accept the Prussian terms. France never made an official reply to the British initiative and the matter was allowed to drop. The American Minister to the Court of St James, Andrew Stevenson, promptly acknowledged the Foreign Office note of 6 March, saying that he would refer the matter to his government in Washington, but nothing was heard from the Americans for a year. At this point the Foreign Office decided to work through its own Minister in Washington, Henry S. Fox, who broached the subject with the American Secretary of State. Another year passed. Fox was again asked to raise the subject. Eleven years later the Foreign Office noted: 'It does not appear that any answer ever was received.'\(^5\)

The Whigs' long tenure of office came to an end in 1841 and the Tories led by Sir Robert Peel took office. After a lapse of two years the abortive negotiations for international copyright had faded from view, and it is scarcely surprising that Lord Aberdeen, the new Foreign Secretary, knew
nothing about them. When G. P. R. James asked about these treaties early in 1842, it took the Foreign Office several months to ascertain their fate. They asked the Board of Trade: 'what progress if any was made with any of the foreign governments who were invited to negotiate upon this matter; why the negotiations which were commenced were discontinued; and what were the obstacles which appeared to have prevented them from being successfully prosecuted'.

Others began to ask the same questions, and the clamour grew once the Domestic Copyright Bill, 5 & 6 Vict., c. 45, was safely through Parliament.

The subject of international copyright was discussed by authors and publishers in a public meeting at Freemasons' Tavern on 30 June 1842.

while this Meeting feel most grateful to Government for the additional protection which has been lately given to Literature, they cannot but view with deep regret the long delay which has taken place in carrying out the intentions of the Legislature, expressed in the Act, 1 and 2 Victoria, cap. 59, passed July 31, 1838, called 'the International Copyright Act'.

And returning to a familiar theme it was argued:

that the means employed for Smuggling copies of Spurious Editions into Great Britain and its dependencies are so artful, and the opportunities so great, that the most effectual remedy which can be applied to this evil appears to this Meeting to be the conclusion of treaties with Foreign Powers for the mutual recognition of Literary Property.

Two days later pressure from a different quarter was applied to the Government. Lord Mahon informed Peel that he wished to avail himself of the question period in Parliament. Having refrained from introducing the topic of international copyright while the domestic bill was pending, he now wanted to query whether the Government intended to resume efforts to secure international copyright treaties, especially with France and America.

By this time the Government was able to report progress. Negotiations were again under way with Prussia, and the British Minister in Berlin was trying to counter the objections of the Prussian Government to the proposed terms. Hitherto the problems had centred around the discrepancy between the extent of coverage each nation anticipated. In Prussia, domestic protection included artistic as well as literary productions, while Great Britain was prepared to guarantee reciprocity only for books. Similarly, the maximum time protection under British law was twenty-eight years, far shorter than the Prussian guarantee. Production costs and
duties on imported books were much lower among the German states, another threat to the principle of reciprocity.

In a series of communiqués between the Board of Trade and the Foreign Office, the British Government sought to counter these objections. During the years 1842-4 they pointed out that British production costs were not very much higher than those on the Continent, and although the English reading public preferred its novels in expensive three-volume editions, books for export need not be similarly bound. Cheaper editions manufactured in England had in fact done very nicely in Europe lately. Second, a promise to reduce the duties on imported books was tendered to countries willing to sign reciprocal copyright treaties with Britain. Henceforth foreigners were to be given the opportunity to offer reprints of non-copyright British works to the home market, whereas hitherto they had been substantially excluded. As to the duration of copyright, Britain could now point with pride to its new Act (5 & 6 Vict., c. 45), extending the term to forty-two years.9

The Board of Trade felt something more explicit had to be done to foster negotiations. They prepared a Bill for Parliament which Gladstone introduced in the House of Commons for the first time on Tuesday, 12 March 1844. Its second reading came the following Monday, and by the end of the week it had passed through the committee stage, was amended, and reported out of committee. The Commons passed it on 25 March; the Lords on 2 April; and the royal assent was affixed on 10 May. So rapid and smooth was its passage that John Murray III was still recommending changes in the proposed Bill when it had already been reported out of committee.10

‘An Act to Amend the Law Relating to International Copyright’ (7 & 8 Vict., c. 12) accomplished two main things. It modified the International Copyright Act of 1838 so as to make it consistent with the domestic copyright legislation of 1842, and it broadened the coverage of the 1838 Act to include not only books but also prints, sculpture, drama, and music. Later in the session of 1844, Parliament reduced the duties on books imported from countries having reciprocal copyright treaties with Britain (7 & 8 Vict., c. 73). In the meantime negotiations with Prussia dragged on while fresh overtures were made to other Continental states. Eventually a number of treaties were signed. The first was with Prussia on 13 May 1846, followed by: Saxony, 24 August 1846; Brunswick, 30 March 1847; Thuringian Union, 1 July 1847; Hanover, 4 August 1847; Oldenburg, 28 December 1847; France, 3 November 1851; Anhalt, 8
February 1853; Hamburg, 16 August 1853; and Belgium, 12 August 1854. The principle of reciprocity took a long time to gain acceptance, but it seemed the best way to serve the interests of authors and publishers.¹¹

The years 1837–44 were indeed remarkable as far as Parliamentary legislation on behalf of the literary community was concerned: two successful Bills for international copyright were passed, domestic copyright was set upon a new footing, and new Customs legislation sought to keep foreign reprints out of Britain and her colonies. For a time it even looked as though there might be a rapprochement among authors, publishers and politicians.

Nothing more graphically illustrates the traditional fragmentation within the book trade than the problems faced by Talfourd's Domestic Copyright Bill as it was taken up by Parliament in the years 1837–41. First of all, there is little indication that Talfourd ever consulted the book trade and their interests at all when drawing up his measure. Neither did he seek the support of authors in any systematic way. Unprecedented numbers of petitions poured in to oppose the Bill, over one hundred of which came from 'publishers, stationers, binders, printers, journeymen, devils, and hawkers'.¹² Only one petition favouring the Bill was recorded in 1838. The following year Talfourd's supporters mustered only nineteen petitions. A few prominent authors and public figures such as Thomas Arnold, Thomas Carlyle, and William Wordsworth, came to Talfourd's aid, but significantly, no publishers had yet done so. In 1840 over two hundred hostile petitions reached Parliament, balanced by a mere five in favour, while in 1841 the Bill was defeated so early in the session that interested parties had no time to memorialize their legislators. By this time it was all too evident that the opposition was exceedingly well organized.¹³

Two features of Talfourd's Bill as it was originally presented provoked ardent opposition from the book trade. The duration of copyright was extended to cover the life of the author plus sixty years, an obvious gesture to the descendants of famous writers. Second, the Bill provided that an author who had already sold his copyright to a publisher for the maximum twenty-eight years currently allowed could recover his copyright after the twenty-eight years and pass it on to his heirs or sell it again in accordance with the revised provision above. Publishers naturally disliked these proposals, 'feeling that if this Bill were passed, they would either, in the case of a valuable work, have to purchase the remainder of the term, or be prevented on the death of an author from enjoying this
implied Copyright any longer’ Reprinters also resisted any lengthening of the term of copyright since their livelihood depended to a large extent on reproducing out-of-copyright works. As Talfourd observed, Thomas Tegg, ‘the leader of the present opposition, had a stock worth £170,000 derived chiefly from the republication of works of merit, the copyright of which had expired’.\textsuperscript{14}

For five different sessions Talfourd failed to enlist the support of key Members of Parliament. He had anticipated disagreement on the part of Radicals like Warburton, Wakley, Hume, and Grote, since they regarded any extension of copyright as a way of increasing the price of books. But he was taken completely by surprise in June 1838 when Lord John Russell raised objections. Three years later, as a result of what he regarded as the watering down of his Bill by Macaulay and others, Talfourd assumed a stance of all or nothing, urging Members to defeat the measure outright rather than cripple it by amendment. Nothing speaks so eloquently of the frustration surrounding this last effort than Forster’s request to Bulwer to write an article on copyright for the next issue of the \textit{Examiner}.\textsuperscript{15}

\textit{For God’s sake don’t spare Macaulay. Fonblanque quite agrees with me in thinking his arguments below contempt – and he tells me that his conduct has been baser than his argument. Is it true that he promised to take no active part against the Bill. And he, a cabinet minister, with his Cabinet Colleagues voting in its favour, moves its rejection! What a paltry business.}

\textit{And oh! paltrier Talfourd! Don’t spare him either – if it is true, as Fonblanque tells me, that you offered to answer Macaulay and were prevented by his request. That could only be the meanest envy.}

\textit{Such an exhibition altogether was surely never seen. Not to have a word to say for himself! To give the matter up like a plaything! To declare, as he did in effect, that he had taken the subject up for a few fine tawdry speeches, and that as to the positive thing in issue, he hadn’t a word to fling to even such a dog as the nasty Mr. Macaulay.}

\textit{In my life I never knew a man cut so contemptible a figure. For heaven’s sake put in a word for the real interest at stake. At the head of the literary men of the day, say one word on their behalf. Expose the absurdity of Talfourd as well as Macaulay, and show how the whole thing has failed.}

\textit{Fonblanque will be greatly obliged, and of course strictest confidence will be kept.}

In view of the dissension which existed among authors, publishers and politicians, it is a wonder that Lord Mahon had the temerity to introduce
Talfourd’s Bill for a sixth time. As we have seen Talfourd was no longer in Parliament following the elections of 1841, and in Mahon’s words: ‘I have at the request and sanction of himself [Talfourd] and other promoters of the measure’ undertaken to see the Bill through Parliament.¹⁶

Mahon’s leadership inaugurated an unusual period of effective cooperation among those in and out of Parliament who favoured some sort of copyright legislation. As an author himself, he was well known to publishers and worked closely with several of the leading ones, especially Thomas Longman and John Murray, preparatory to introducing the revised Bill in the House of Commons. On 3 March 1842, the day before its first reading, he appealed to Murray:

the object you have in view of guarding London publishers from the Paris reprints now brought in by private travellers – would be as effectually obtained and much more easily [by including it in clause 18 of the present bill] than by a separate measure.

And with an eye to its eventual appearance in the House of Lords, Mahon supplied an early printed copy of the Bill to the quixotic but influential Lord Brougham.¹⁷

It is a subject on which you formerly expressed considerable interest, and should you be pleased to favour me with any suggestions as to its details and with a view to any improvements in committee, I assure you that they will be received with much respect and considered with much attention.

Before the usual opposition had time to reorganize Mahon saw to it that Murray and Longman furnished him with a set of petitions in support of the Bill. They were signed by authors, publishers, stationers, printers, and binders, and were presented to the House of Commons on the occasion of the Bill’s second reading, 16 March 1842. Immediately following their presentation Mahon engineered a postponement of debate, thus deferring detailed consideration until the Committee stage. This manoeuvre forestalled any possible premature rejection of the Bill while at the same time giving the impression that there was growing support coming from all quarters.

On 23 March the Commons resolved itself into a Committee of the Whole. Anticipating trouble over section 19 which dealt with whether or not publishers could retain the copyrights of encyclopaedia articles, Mahon kept in close touch with key publishers and even agreed to reword the clause so as to ‘completely meet the views of Mr. Longman as it does
Mr. Macaulay The fact that he was consulting with so powerful a figure in the House as Macaulay was auspicious in itself. To Murray he gave assurance: 'I will take care that copies [of the amended Bill] shall be forwarded to Mr. Longman and to you.'

When the Commons began discussing the Bill paragraph by paragraph sudden notoriety surrounded the proceedings due to the interest taken in the measure by two prominent parliamentarians, Thomas Babington Macaulay and Sir Robert Peel. As reported in the *Athenaeum*:

Mr. Macaulay, strange to say, after his last year's speech, concurred in the objects of the proposed measure, but thought they would be better accomplished by granting protection for the author's life or for forty-two years, whichever should be the longer term. Sir Robert Peel declared in favour of Mr. Macaulay's amendment, but proposed to add an additional seven years, in case the author should [not] survive the forty-two years; and Mr. Macaulay's proposition, with Sir Robert Peel's amendment, was carried.

The length of time an author could enjoy ownership of his copyright had long been a subject of negotiation and compromise, and Mahon had already reduced the duration from sixty to twenty-five years following an author's death. But with such sponsors as Macaulay and Peel the amendments carried by a comfortable margin, and it was becoming abundantly clear that the Bill had an excellent chance.

On 20 April the remaining clauses were taken up by the Committee of the Whole. Among these was section 24 which became a major stumbling block. When Talfourd had originally drawn up his Bill he used some of his legal expertise to assist copyright owners in their efforts to suppress piracies and importations of foreign reprints. Mahon preserved the proposed changes which permitted Common Law judges as well as Equity judges to grant injunctions, keep account of damages, and award compensation. One Member of Parliament who was sympathetic explained the problem this way:

Now if a plaintiff went into the Chancery Court he would get his injunction, but he would get no damages, and the object of the present clause was to enable him to get both his injunction and his damages in the same court.

This was a rather substantial alteration in legal procedure, and consequently considerable opposition arose. Sensing the danger to the Bill as a whole, Mahon observed:
As the new power given to the Common Law courts was so strongly opposed by Hon. Members who had given their support throughout, he felt bound to consent to the omission of the Court of Common Pleas.

Thus section 24 was dropped and the other parts were approved without difficulty.²⁰

A few days later Mahon again approached Lord Brougham with a copy of the Bill, 'altered in committee and as likely to reach your House where Lord Lyndhurst has promised me to undertake the charge of it'.²¹ Mahon chose well in enlisting the co-operation of Lyndhurst, the Lord Chancellor. Even if he had wanted to ask Brougham to manage the Bill in the Lords, Mahon could not have since Brougham was a Whig and the Tories were in power. Among the Tories Wellington commanded the greatest respect but was too infirm at this time to be considered. Lyndhurst, having served as Chancellor in several Tory ministries, exerted a good deal of influence although he was far from a favourite of Peel's and generally ignored by the Prime Minister in Cabinet meetings. However, since Peel had already signified his support of the Copyright Bill, Lyndhurst's principal responsibility was to persuade the Lords of its merit and to defend its legal implications.²²

With all of Lyndhurst's qualifications for the task, there was still trouble ahead. Increasingly Brougham seemed ill-disposed to the measure and there was fear that his opposition would influence other Members. Mahon explained, 'Exertion is very necessary, for this being no party question, we must depend on individuals rather than on masses and might find the latter against us'. We have seen how easily the Government measures of 1838 and 1844 on behalf of international copyright were passed by Parliament, but a Private Member's Bill such as Mahon's was something else. With party discipline relaxed, it became essential to seek support from all quarters. In an effort to do this in the Lords, Mahon again resorted to soliciting further petitions. On 6 May he wrote to Murray:

I learned from the Lord Chancellor that a great opposition will be made to the Second Reading of the Copyright Bill in the House of Lords - with Lord Brougham at its head. It would be of very good advantage to the success of this measure if you could obtain four petitions to the Lords similar to those which you sent me for the Commons - namely from authors, publishers, printers and stationers.

Such petitions must be if obtained not later than 4:00 o'clock on Tuesday afternoon [10 May] in the Lord Chancellor's hands. Let me beg of you therefore to
see about it immediately — this very evening if possible, or the object of our exertions may yet be lost to us.

The Petitions need not be long, but should express satisfaction with the Bill and entreat the House to pass it as it stands.

It was Friday, but Murray did not hesitate to comply despite the difficulty of collecting signatures during the weekend. He asked Mahon whether Members of Parliament could sign. 'There is no objection,' Mahon replied, 'though some persons in that position may object to it', adding, 'Remember above all that the petitions should be in time — a small petition at 4:00 o'clock on Tuesday will be valuable — a large one at 6:00 would be useless.'

On 9 May Lyndhurst asked the House of Lords to postpone the debate on the Second Reading which was scheduled for the next day, citing the precedent set by the House of Commons when debate had been deferred so that 'the discussion could take place on the motion for going into committee'. This had the effect of lessening the pressure to amass petitions. In the meantime, however, it was hard to gauge the opposition in the House of Lords. 'Lord Brougham's purposes are so variable and unsteady that they may change twenty times one way or the other', remarked Mahon.

The House of Lords took up the Bill in Committee on 26 May when Lyndhurst presented four petitions: 'from several persons of great eminence in the literary world, from the most eminent publishers in the metropolis, ... from the printers and stationers throughout England.' Alluding to Brougham, he noted that he 'anticipated no opposition in view of the Commons' action' but that 'he was distressed to find formidable opposition in the Lords from a particular quarter' Brougham may have taken a dim view of the Bill because in 1838 he himself had unsuccessfully introduced one which would have empowered the Crown through an Order in Council to extend the duration of copyrights possessed by eminent authors like Scott and Wordsworth. In the present instance Brougham, perhaps from a sense of frustration, asked why no Select Committee had been appointed as had been done in 1814 and 1818. For whatever reason, he was now unalterably opposed to a uniform extension of copyright to forty-two years. None the less, his views were not generally adopted and although minor changes were made, the Bill reached its Third Reading virtually unscathed.

At this juncture another potential obstacle arose, but to Mahon's
credit he managed to avoid it. Without warning on the day when the Bill should have come up for its Third Reading Gladstone suddenly urged Nahon to delay proceedings. A Customs Bill under consideration in the House of Commons provided for specific enforcement of regulations stipulated in the Copyright Bill before the Lords. Should not Mahon and Lyndhurst delay the Third Reading of the Copyright Bill and allow the Customs Bill to pass; then, by amendment, incorporate the Customs provisions into the copyright legislation? Wisely, Mahon took no chances. He had seen the Copyright Bill go down to defeat time and time again; now that it was on the verge of passing, he signalled Lyndhurst to call for the Third Reading. It passed that evening with amendments, was returned to the Commons for their approval of the changes, and received the royal assent on 1 July 1842. 27

There is no doubt that Mahon's political astuteness combined with his willingness to work closely with leading publishers was the key to the final success of the measure. Because he knew when to concede, when to apply pressure, and when to act promptly, his Bill's fate was far different from Talfourd's. Whereas previously the book trade had been hostile and divided, this time it co-operated for a common cause. The Athenaeum acknowledged this in its June edition: 'The voices of the literati form a powerful and welcome addition to the cry set up for the protection against foreign piracy.'

The spirit of co-operation engendered by their success in passing the Domestic Copyright Bill stimulated increased efforts on the part of the literary community to continue pressing for improved legislation for international copyright. Accordingly a meeting was arranged for 30 June at Freemasons' Tavern. Authors and publishers were urged to be present. G. P. R. James wrote to Bulwer, 'Messrs. Longman entrusted me with the enclosed. You will see by the contents that it is to induce you to attend a meeting about international copyright and I undertook to ask if you would propose one of the resolutions.' Longman also appealed to Dickens to come, but received word: 28

If I could possibly have attended the meeting yesterday I would most gladly have done so. But I have been up the whole night, and was too much exhausted even to write and say so before the proceedings came on.

I have fought the fight across the Atlantic with the utmost energy I could command; have never been turned aside by any consideration for an instant; am fresher for the fray than ever; will battle it to the death and die game to the last.

If
This meeting was not as successful as had been hoped. Having been called at short notice, comparatively few attended, and there were still those who failed to see the desirability of working together in pursuit of similar goals. In remonstrating tones, the Athenaeum warned:

So far well, as a manifestation of opinion; but, do those interested, really believe that firing a few paper pellets [memorials] at the Board of Trade will accomplish their purpose — will put an end to foreign piracy. If the parties desire justice, they must resolve to have it. The question is one involving the interest of all authors and all publishers all over the world. Let them then elect a committee, and as no one has time to throw away on other people's affairs, they must subscribe their money, and nominate an efficient and well-paid secretary, whose exclusive business shall be to put himself in communication with like committees in France, Germany, and America — and, the whole of these conjointly must keep up a perpetual fire, until governments become sensible that authors and publishers are a substantive something, no matter what — and then, no matter wherefore, as people, if you please, sometimes give a beggar a halfpenny to get rid of his importunities, they may choose to do justice, if only to obtain peace and quiet. Right and wrong are very pretty subjects for declamation, but if authors and booksellers mean to have justice done them, they must put their shoulders to the wheel, and not waste time in praying either to Jupiter or the Board of Trade.

In November the Athenaeum repeated its call for a formal association of authors and publishers prompting one to wonder who was so interested in prodding the book trade into action. Perhaps it was the editor, Charles W. Dilke, However it may well have been Tom Hood, an author and recent contributor on the subject of copyright. By the autumn of 1842 Hood was certainly sharing his thoughts widely. To Dickens he sent the following note, referring to a flagrant piracy of American Notes 'by Buz':

It is hard for an individual author or publisher to have to proceed against men of straw. There ought to be a Literary Association for the Suppression of Piracy — a fund subscribed by Authors, Booksellers and friends to letters — and of which to proceed against the very first offender — similar to the provincial Associations for the prosecution of felons. Eh!

Hood later reported to Dickens:

I sounded one or two Booksellers yesterday about the Association, and oddly enough, on seeing Longman Junior, G. P. R. James had been there just before
on the very same subject – and Longman showed me a paper in which the plan was sketched. So I said what you and I thought of it, and offered to cooperate.

There was nothing new about literary associations or book trade organizations. Since 1829 booksellers and publishers had banded together to regulate retail prices, but this group was restricted to members of the business side of the trade. Authors, if they knew about it at all, were suspicious of its aims, and every so often would begin a society of their own in which booksellers and publishers were not welcome. One of these, the Society of British Authors was being organized at about the time that Hood’s scheme was taking shape. The contrast between the two is significant. The proponents of the Society sent invitations to a number of authors asking them to join together for their mutual benefit. The idea was to finance their own publications by paying printing costs out of sales, thereby by-passing conventional publishers altogether. Dickens found himself an unwitting sponsor of this project, and hurriedly wrote to fellow authors privately disclaiming any connection with it. In fact, the truth of the matter was that he felt that an authors’ society was impractical and served no useful end. What was needed was an organization uniting authors, publishers and booksellers, not one which polarized them. With laws needing enforcement and copyrights requiring protection, concerted action was paramount. Dickens indicated that he would lend his support to the proposal which was being put forth by Messrs Longman and Murray.

By mid-May plans were complete for establishing an association representative of all branches of literature. Longman sent out circular letters and Dickens urged key figures like Bulwer to attend the organizational meeting. On the day it was to take place, 17 May, Dickens wrote to Longman:

If you and Murray should be together, before I come; pray consider the ‘two principles’ which Dilke informs me he intends to move in the opening and outset of the business.

1. That a main object of the association is to advance the cause of International Copyright all over the world.

2. That as it protests against being robbed, it protests no less against robbing; and therefore pledges itself by all its Members, not to lay violent hands upon the property of any Foreign author whomsoever, without his permission in writing.
I cannot oppose either of these things, so far as I am concerned. Indeed I consider them unquestionably honourable and just, and calculated to give the association a high standing.

The meeting was chaired by Dickens. Capt. Marryat moved the first resolution, seconded by Dilke of the Athenaeum, which called for the formation of an association of authors, publishers, printers, stationers, and others connected with literature, art, and science, having as its purpose: 'to carry into effect the provisions of the recent Acts in relation to infringement of Copyright and the introduction into England and her Possessions abroad of pirated copies of English works'. Dickens and the printer, Spottiswoode, then moved that the Association for the Protection of Literature be established immediately. Dr Pereira, the author, and Henry Colburn, the publisher, followed with the suggestion that a working Committee be selected from among the different segments of the membership. John Forster and P. Stewart then brought forward a slate of nominations: Bulwer, James, Dickens, and Marryat as representative authors; Dilke as a periodical editor; Spottiswoode, Bradbury, and McDowall as printers; Dickinson as a paper-maker. Publishers nominated were Murray, Blackwood, Colburn, J. Richardson, and T. Longman, the last to serve as Treasurer. This Committee was to meet monthly, submitting a report to the whole membership at least once a year. Longman and Murray strongly recommended hiring a secretary who would administer such operating funds as were gathered from annual dues of one guinea levied on all members. In addition, an open appeal was to be made to the public. Finally, the Committee was authorized to draw up by-laws for the whole Association.

Fortunately the initial list of members has survived together with a notation of the amount subscribed by each. Apparently most contributed something extra to help launch the organization. The first column includes authors, editors, and men of letters. The second lists firms of booksellers, printers, publishers, and paper-makers.

| Bulwer, E. L.   | £2.2.0       | Blackwood & Sons | £5.5.0       |
| Cole, H.        | £1.1.0       | Boone, T. & W.   | £1.1.0       |
| Dickens, C.     | £5.5.0       | Bowles & Gardiner| £5.5.0       |
| Dilke, C. W.    | £5.5.0       | Bradbury & Evans | £2.2.0       |
| Forster, J.     | £2.2.0       | Chapman & Hall   | £5.5.0       |
| Hallam, H.      | —            | Colburn, H.      | £10.0.0      |
| James, G. P. R. | £5.5.0       | Cox, J. L., & Sons| £1.1.0       |
Reports of what took place at the meeting vary widely. As is quite often the case behind the façade of co-operation and unanimity, dissension and controversy swirled. As John Blackwood wrote to his brother, Alexander:

Dickinson was in today. He says the meeting yesterday went off very languidly; the subscription still more so. Dilke of the Athenaeum made a furious attack upon Bentley who it seems has been giving an English title page to a Yankee book and pirating in the very way we complain of.

Dilke's Athenaeum, after observing that not much was accomplished, went on: 34

Indeed, the only discussion of importance related to a Resolution which went so far as to declare that the members would not knowingly either edit, print, or publish any work in which copyright existed, whether such copyright be vested in a foreigner or an Englishman, without the consent in writing of the author or publisher, or sell a copy of any pirated edition of such work; and the justice of this Resolution was fully admitted; but it was shown by Messrs. Longman, Murray, Spottiswoode, and others, that there were practical difficulties which made it inexpedient to adopt so stringent a principle as a fundamental law of the Association. It was therefore resolved, for the present at least, the aim of the Association should be to carry into effect the provisions of the recent Act in relation to the infringement of copyright, and the introduction into England and her possessions abroad of pirated copies of English works.

The tension between Dilke and Bentley was typical of the longstanding friction among authors and publishers. Despite the best intentions of men like Dickens and Longman, it was an uphill fight to preserve harmony. Well before the 17 May meeting Tom Hood voiced his misgivings to Dickens.
I ought to tell you of two remarks from two Publishers, but to one effect — viz., that, in reference to the proposed association for the defence of Copyright, the Authors being most interested ought to pay Double!!! How fond they are of profitable practical jokes!

And because he felt the cards were stacked against authors he resigned from the Association soon after the first meeting in spite of being nominated for the Committee. Asking Dickens to deliver his letter of resignation, he added:

*I send you a letter I wish you to lay before the Association. I do not care to be a Committeeman, but feel convinced there was a juggle. There are plenty of the trade would object to me, for I have published what I have thought of them. Colburn as likely as any, who on the publication of my last Copyright Letter [Athenaeum, June 1842] attempted to call me to account for writing in the Athm. I had all along told him I should write there and had done so, till then without an objection. As to the society they knew that you and I and Dilke should pull together, in the Committee. However I can act as a Free Lance — help the society as I see fit, and if not, like an Irish Partisan I'll cooperate against it.*

Hood was in a difficult position since he was editor of the *New Monthly Magazine* which was published by Henry Colburn whom he thoroughly disliked and who was already on the Committee. Furthermore Hood felt that the publishers were taking all the credit for establishing the Association, whereas it was originally his idea. Again he complained to Dickens:

*If you remember the arrangement of bodies at the first meeting [17 May], at the lower end of the table were the Publishers Longman, Murray and Colburn, but off from the rest by Dilke, and I think Turner. The proposition originated with that Trio. I do not believe Murray, whose Father is the only Gentleman, in the line, I have met with. I have already told you about Colburn and my Copyright letters in the Athenaeum, and as to Longman, considering that when the idea of such a Society occurred to me, I called and proposed the thing to him (a compliment not impaired by Mr. James having anticipated me) I feel warranted in saying that he has shown himself deficient not only in the courtesy of a gentleman, but the common civility of a Tradesman.

By way of experiment I sent to the Printer [of the *New Monthly*] an announcement of the Association — coupled with the bare fact of my retirement from it — and he [Colburn] has suppressed it. Confirmation strong as holy writ of my impressions both as to him and a section of the Society, which has
only now to order a seal, with a motto from Rolla’s Address to the Peruvians. — ‘Such Protection as Vultures give to Lambs – covering and devouring them.’

When the Association came to choose an Executive Secretary it singled out Alfred Turner for the job, and because his influence on the copyright issue was so significant he deserves special notice. Born in 1797, Alfred was one of seven children. His father, Sharon Turner (1768–1847), began practising law in London at the time Alfred was born. In 1806 the family moved to 32 Red Lion Square where they took up residence and where the law office was also established. As early as 1818 Alfred assisted his father in the practice, although he was not formally admitted as a solicitor until Michaelmas Term 1823. The next year Alfred joined his father in partnership. In 1838 a younger brother, William, entered the firm at about the time that Sharon retired to spend his time writing history. Sharon died in 1847 and William in 1852, leaving Alfred on his own at Red Lion Square until his death on 3 April 1864.

From 1808 until the late 1820s Sharon served as John Murray II’s solicitor and John Murray III relied on Alfred. This gave both Turners the opportunity to influence these clients above and beyond the usual routine of drawing up publishers’ contracts and handling the preliminaries to an occasional lawsuit. For example, when Washington Irving asked Murray to pay the unprecedentedly high figure of £3,000 for the copyright of *Columbus*, Turner was consulted and offered his opinion to Murray.

Will you pardon a well-meant line? Have you finally concluded about the *Columbus*? If not will you excuse me if from the extract I see in the Literary Gazette I am induced to ask what has it of that superb degree as to make it fully safe for you to give the price you intend for it. I see no novelty of fact though much ability, yet not that overwhelming talent which will give you a very great circulation to so trite a subject. I merely take the liberty of suggesting a precaution, which I do with great diffidence, for I know you have such an admirable tact of judgment about works and their probable success that there is no one on whose prospective opinion I should rely more confidently than on yours. Yet the sum, compared with the subject and with the small part that I have seen of the execution, makes me send you these hints as a mere question for your consideration. Could you make part of the price depend upon the edition or the number sold?

As it happened, *Columbus* still had not made its expenses four years later.
However, with Irving's next work, the *Conquest of Granada*, Murray took Turner's advice and offered £1,400 for the first edition plus £100 for each additional thousand copies printed until a maximum of £2,000 was reached.\(^{37}\)

Both Sharon and Alfred Turner made a speciality of literary copyright law. In 1813 Sharon wrote a pamphlet on the subject, and five years later the Turners assisted the publishers in connection with a parliamentary inquiry into copyright.\(^{38}\) In 1842 Alfred Turner counselled Longman and Murray about the legal implications of Mahon's Bill and afterwards gathered together a group to celebrate its successful passage.\(^{39}\)

*My brother and myself have planned that we shall have the pleasure of seeing the acting Committee on the Copyright Law at dinner that we may all take a glass of wine to the success of the new measure.*

The Association for the Protection of Literature, with Turner as Secretary, was not given much of an opportunity to function before it was faced with a challenge from an unexpected quarter. The Leipzig publisher, Tauchnitz, came to Britain in 1843 and offered to pay British authors a modest but welcome sum for the privilege of reprinting their books in Germany. His 'Collection of British Authors' had been growing since 1841, and it was clear that he had discovered a market for English-language books on the Continent. In making his offer Tauchnitz pointed out that he was not obliged by law to do this, but that he anticipated the day when international copyright would be a reality and in the meantime he sought their formal 'authorization'.

Authors such as Dickens, Bulwer, and James took a lively interest in the proposal. Dickens wrote to John Bayley of the Temple asking how the recent Copyright and Customs Acts affected such an arrangement and learned that there was no problem in a British author licensing reprints of his works in Germany, or for that fact in any other country. The essential point was to ensure that reprints should not enter the United Kingdom without the author's consent. The price charged abroad was immaterial since it would not interfere with the domestic selling price.\(^{40}\)

It might have been anticipated that the Association would greet Tauchnitz's overtures with great enthusiasm. Here was a Continental reprinter offering to reimburse British authors instead of plundering them but members were distinctly divided on the question. John Blackwood spoke for many publishers when he said:\(^{41}\)
There is to be a meeting on the ninth of August of publishers to consider the expediency of licensing parties in the Colonies, etc., to reprint English books at cheap rates, on their paying a certain sum to be agreed upon. I think it would be a most dangerous measure, as it is obvious we could not object to parties who had bought such legalized copies bringing them into this country for their own use. There would be an end of our total prohibition at once. Bulwer, James and some of these lads have already been making arrangements with a German bookseller [Tauchnitz] for the simultaneous publication of an authorized edition of their books. If men publish abroad of course it cannot be prevented; but for publishers as a body to give up all chance of selling their editions abroad or in the colonies would be perfect folly, and it runs directly in the teeth of what Government is so anxious for—viz, cheap editions; and all we would get for our licence would be a mere trifle except in the case of periodicals. The Longmans are very much disposed to forward this plan, but I must go to oppose it.

Because G. P. R. James could not be present at the next meeting of the Association, Alfred Turner, as Secretary, passed on the following account.

I was sorry that you were unable to attend the meeting of the Society on last Thursday; much discussion took place on the subject of Foreign and Colonial Editions and the resolution copied on the other side was finally passed. It is considered much more advisable to print off some cheap copies here when the Type is standing and to contract with parties in this country to export them—this will employ home capital and industry and may be done on inferior paper on very reasonable Terms. The Meeting therefore strongly advises that the arrangements with Mr. Tauchnitz should not be carried out.

The resolution stated:

—That upon considering the communication made [concerning] proposed arrangements with Mr. Tauchnitz, it is the opinion of this meeting that it will not be expedient that such arrangements should be generally adopted in as much as it is calculated to lessen the sale of the genuine Edition—but they are of opinion that other arrangements at present under discussion might be entered into which would be more advantageous both to the author and publisher.

Although we do not know for certain, it is very likely that the Tauchnitz issue irrevocably split the fledgling Association. Authors such as Dickens, Bulwer, and James called it gross interference on the part of printers and publishers to dictate where their books could be licensed,
and many apparently resigned. With a slightly altered name and with Turner as Secretary the 'Society for the Protection of Literature' functioned until 1848–9 petitioning the Government on behalf of copyright owners, but the hope of achieving a united front had collapsed. Authors, publishers, printers, booksellers, and stationers again went their separate ways.43

However, for years to come a thread of continuity was provided by Alfred Turner who was retained by the leading publishers when it came to dealing with Parliament and Government offices. As we shall see later, he represented Longman and Murray in discussions with the Board of Trade regarding the Anglo-American copyright treaty in 1853–4, and we have already seen his role in interrogating the Solicitor of Customs in 1860. Following his death in 1864 his nephew, Sharon Grote Turner, carried on in much the same manner, underlining the dependence of the nineteenth-century book trade on three generations of Turners.

Looking at the years 1837–44 it is remarkable that despite the difficulties of sustaining a copyright association, the British were more successful than the Americans in passing legislation favouring authors and publishers. One reason for the discrepancy lay in the contrasting legislative procedures. When the British Government undertook to sponsor measures such as the International Copyright Bills of 1838 and 1844, there was little difficulty securing their passage. If these bills had been highly controversial like the Reform Bill of 1832 or the repeal of the Corn Laws, the Ministries would have had to proceed with caution in order to preserve their majorities, but international copyright was scarcely an issue of this magnitude. By contrast, the American Executive could openly favour international copyright, as successive Presidential messages indicated, only to have Congress ignore its views completely. The Congress of the 1840s behaved very much like the French Chamber of Deputies under the Third Republic, voting according to convenience and self-interest rather than party loyalty. Southern Whigs often had more in common with southern Democrats than with northern Whigs, and some northern Democrats felt more sympathy with the South than they did with New England and the West.

Political astuteness was paramount in steering a Private Member's Bill through either Congress or the Houses of Parliament. In the latter, Sargeant Talfourd struggled mightily for five years to no avail while Mahon introduced an almost identical Bill and secured its passage in five months. Mahon succeeded largely because of his political skill
in combining the interests of authors, publishers, and politicians. In America Henry Clay failed to apply his talents to organizing an effective campaign for copyright and he lacked the active support of authors like Irving, Cooper, and Prescott. Even the book trade was slow to exert pressure on Congress. Furthermore America lacked the extended literary and cultural community which characterized Britain in the nineteenth century. Congress was remarkably deficient in members who could claim to be distinguished men of letters. Occasionally there was a Daniel Webster, an Edward Everett, or a John Quincy Adams. However, at any given time, Parliament seemed to have a generous supply of men like Bulwer, Macaulay, Mahon, and Grote. Parliament placed a premium on clever men; Congress on crafty men. There was a lurking feeling among many Parliamentarians that they must pay homage to the world of letters whereas Congressmen found this inexpedient since Britain dominated the literary world.

It may be an obvious cliché, but it is impossible to ignore the effects of geography and distance. The time it took in each country for publishers to communicate with legislators differed vastly. In England when Mahon needed four petitions to present to Parliament he dropped a note to Murray on a Friday knowing that it would be received later that day and that he would have a reply the same day or the next. Given this kind of timing it was not unreasonable to expect Murray to secure a number of signatures on petitions by the following Tuesday. And if there were a question as to when the petitions would be needed, Murray could even carry them to Mahon personally. The fact that in London Parliament existed essentially side by side with the centre of the book trade speaks for itself. Washington, on the other hand, was situated far from the centres of the American book trade. New York was several hundred miles away, as was Boston; and Philadelphia was not much nearer. In America there could be no getting up of petitions on the spur of the moment and trotting them down to Capitol Hill. Distance more than anything else accounted for the use of resident lobbyists in Washington to apply pressure on legislators and government officials in behalf of those unable to present their own cases.

Finally, the American book trade was far more divided than the British on the subject of foreign reprints and international copyright. During these years there was never the harmony of interest in America that characterized the British literary community briefly in 1842–3. The American Copyright Club, which claimed to represent so many and in
fact drew support from so few, contrasts markedly with the behind-the-scenes activities of G. P. R. James, Thomas Longman, John Murray, Alfred Turner and Lord Mahon. Perhaps America should have passed an international copyright agreement at this time, but it is clear why she could not.