The year 1852 began auspiciously for those advocating an Anglo-American copyright agreement. There was a tone of suppressed excitement combined with feelings of relief in Robert Lytton's mid-January letter to his father.

As to the Copyright I am very glad to hear the money can be forthcoming. That is the great thing — it will now be very simple — I shall be able to hear whether these people will undertake it or no; if they undertake it I think they can do it, and I don't think they will if they can't. I shall be able to let you know more fully about it I hope by next post.

He went on to explain why there were no good alternatives to working through the Organization. Henry Clay, who had been the nominal champion of copyright in earlier times, was a dying man and in no condition to assist. Neither could Robert consult James Mandeville Carlisle, the American attorney for the British Legation in Washington, about so private and delicate a matter. In this as in previous letters Robert implied that if one wished to play the game of American politics one must be prepared to play by the informal rules. Thus application was made to the Organization and Lewis Levin responded:

We shall call the members of the Organization together at an early day and decide whether it is advisable to accomplish the subject by treaty or by a bill before the Houses of Congress . . . if we decide upon a bill through Congress, we will have secured the Committee, and have everything in readiness for the Report and Bill, by the time you hear from your friends. You know
enough of American legislation to know that a Report and Bill thus introduced and backed by our force cannot fail.

Levin went on to state the terms. A total of $60,000 (£12,000) would be required: $20,000 in cash upon presentation of the Report and Bill; the balance upon their successful passage.

Robert Lytton was unable to confirm the arrangements with the Committee until 23 February by which time he learned that the first instalment of $20,000 had to be paid in advance. To Bulwer he reported:

I am not to obtain any further guarantee of their good faith in the business from the peculiar nature of the transaction. I fear none can be given. The money advanced will therefore have to be advanced at a risk and you will yourself be the best judge as to the advisability of running that risk to the extent of £4000.

He continued with an argument which he and others came to rely on time and time again.

I am also convinced that if the thing cannot be done by this means it cannot be done by any other, since these very men, if they do not support it will oppose and upset it in the committees. . . I understood from those who are best able to judge that the present session of Congress is for several reasons a very favourable time to bring forward the measure.

Having done his best to smooth the way for a successful copyright campaign, Robert returned to England. When he docked at Liverpool on 19 March, he made his way directly to Knebworth to join his father. Crampton had been left in charge of the matter in Washington and was apparently pursuing it zealously according to a letter from T. W. C. Moore. The campaign was to involve a two-pronged attack. One approach would be made through the executive branch of the Government, urging sponsorship of a treaty which could be ratified by a two-thirds vote of the Senate. The other was to simultaneously approach the House of Representatives requesting them to present a favourable committee report and to support a proposed bill. Moore emphasized the need for prompt compliance with the Organization's terms. 'Action has been taken upon my assurance that the agreement should be scrupulously fulfilled.' A few days later Crampton filled in the details. The Patent Committee of the House had already been alerted and was in the process of drawing up a favourable report; petitions in support of copyright
would now start arriving on Congress's doorstep; 'and the press will also be employed'. If all went well the Secretary of State, Daniel Webster, would notice the ground swell of support being manifested for international copyright and would propose the desired treaty. The advantage of a treaty was that it could by-pass the House of Representatives because it required only Senate approval. Furthermore it was an infinitely easier task to influence sixty Senators than several hundred Representatives. Its disadvantage was that it required a two-thirds majority for ratification.²

In March 1852 Crampton informed the Foreign Office of his wish to negotiate a copyright treaty. The topic had not arisen since 1848, but he stated that America was becoming more favourably inclined towards an Anglo-American agreement, and he had learned confidentially that Webster would negotiate provided there was not too much hostility from Congress and the American public. Without alluding to the Organization therefore he asked the Foreign Office for permission to proceed. He addressed his remarks to Lord Granville, but they were received by the new Tory Foreign Secretary Lord Malmesbury who gave Crampton full authorization to negotiate, suggesting that any copyright treaty with America be patterned on the one signed recently between Britain and France. Malmesbury then consulted the Board of Trade and received their views. On 21 May he forwarded an annotated copy of the Anglo-French Copyright Treaty with appropriate modifications to Crampton.³

Negotiations progressed nicely until Crampton received disconcerting news that there had been a gross misunderstanding about the amount of money to be raised. Robert Lytton sent an abject apology:

*It seems that when I stated to you that the money specified by the Persons, who have undertaken the Copyright business in Washington, to be advanced in England – I misread the sum stated in my father's letter to me on that subject, and mistook hundreds for thousands – This is of course very vexatious and indeed I regret, as much as I am sure you will, – having misled you on the subject by so ridiculous and unfortunate a mistake. It is the more annoying from the fact that the Organization at Washington have taken up the business in so prompt and energetic a manner – with the belief that the sums stipulated for by them would be produced as promptly. I also know well that if the support of these men cannot be secured – their opposition will be certain and insurmountable – and the Copyright will be a dead quest.*
The confusion had arisen because in Robert’s first letter to his father he inadvertently put hundreds not thousands of pounds sterling. Bulwer’s response saying he thought this amount could be raised was thus based on the lower figure, and though in later correspondence the mistake was rectified the misconception had sunk deep and was not detected until Robert arrived in England.

Bulwer tried to explain the reluctance of British authors and publishers to subscribe anything like what the Organization required: ‘the suspicion that the money would be wholly lost, the distrust of the American securities; and the strangeness of the whole transaction according to our English notions.’ Dickens and Bulwer estimated that £1,000 to £1,500 could initially be raised, and then if the treaty passed a larger amount might be forthcoming. Seconding this suggestion, Robert Lytton commented:

I still hope that our friends at Washington may think that half a loaf is better than no bread — . . . I am sure you will do all that can be done but I am in a horrid fright that they will have gone some way in the matter before my letter reaches you and complain of me and [bad] faith upon our part.

Crampton had apparently harboured doubts that Bulwer could raise as much as Robert requested and had warned the Organization that its terms might not be met. When he received confirmation of this he lost no time contacting Levin to ask how far things had gone and was there any hope of salvaging the situation. Levin replied that the Patent Committee had its report in hand, ‘and only awaited a fulfillment of the agreement on your part to ratify it’. In fact, the Organization ‘had the privilege of drawing up the report ourselves which the committee would adopt’. In addition, Webster had given Levin permission to ‘prepare the terms of the treaty’.

When it was learned that Crampton could scarcely offer one-tenth of what had previously been agreed, Levin sought to be as accommodating as possible.

Still we are Mr. Crampton’s devoted friends, and fully appreciate the embarrassment of his present position. We desire to carry the treaty through on his account even if we are obliged to work for nothing, but we have made engagements to the amount of £2,000 to various printers whose influences were important to carry the measure. We expected also in addition to receive £2,000 for our own services.
In order to carry on, however, the Organization needed £2,000 to cover outstanding obligations. Their own compensation might await the ratification of the treaty and a further solicitation of funds. Crampton relayed Levin’s report to Bulwer reiterating that half of the £2,000 had to be paid as soon as possible and the other half once the treaty was signed.

By mid-May Crampton received tentative though reassuring word from Bulwer saying that he was glad to know that the Organization would carry on. He also mentioned that Dickens was planning to sound out leading publishers for donations. ‘If you succeed in this great work – you will have conferred a greater boon on English authors and literature than they have ever yet obtained from Parliament or diplomatists.’

Even before he received this reassurance, Crampton was busy soliciting petitions in support of a treaty. These were regarded as evidence of strong popular sentiment. On 25 April he wrote to Robert C. Winthrop of Massachusetts, former Speaker of the House of Representatives, to enlist his help. Could he quietly secure signatures from some prominent Boston authors? Without mentioning the Organization, Crampton outlined the progress thus far:

_We have taken these measures quietly not wishing to bring the matter forward till pretty well matured, in order to give as little time as possible for getting up a popular opposition to it – by this I mean publishers from whom alone we apprehend any objections._

Similar requests were sent to Longfellow and Emerson by W. W. F. Synge, a Foreign Office attaché temporarily assigned to the British Legation in Washington. Although Synge had been in America for scarcely six months he had managed to meet both Emerson and Longfellow and wished to assure them that the current copyright campaign was far different from the futile effort of times past.

_I have reason to know that Mr. Webster is well disposed to carrying out such a measure . we have got a very favourable report preparing on the subject in Congress by the Committee on Patents. It is most essential that this measure should be proposed to us as one affecting American interests and not as a British measure._

Winthrop’s response was affable but pessimistic. He reminded Crampton that previous memorials to Congress had not proved very effective,
and therefore he hesitated to try again for fear of stirring up opposition. However, he had tried to oblige.

It happened that a few days after your letter came, I had Everett, Prescott, Longfellow, Dr. Warren, and one or two others of our literary and professional men, to breakfast with me. I took the opportunity to consult them upon the subject; - but nothing has come of it, and I fear nothing will.

On the other hand, Longfellow had more encouraging news to report.

I have been as expeditious and secret as possible and if no good comes of it I hope at least no harm will. I have seen Winthrop, Everett, Prescott and Emerson. The last is by far the most interested and ardent in the matter and I have requested him to write a few words for the rest of us to sign. Some of the gentlemen think we shall mar more than make. Of this you must judge.

On 10 May Emerson sent Longfellow a draft of a memorial and asked him to secure what signatures he could. Longfellow returned it with twelve signatures. Emerson delayed forwarding it to Washington until Hawthorne's name could be added, finally sending it to Synge on 6 June. Thirteen prominent New Englanders' names were attached: W. H. Prescott; H. W. Longfellow; Louis Agassiz; C. C. Felton; George Ticknor; O. W. Holmes; Edward Everett; E. P. Whipple; Charles Sprague; G. S. Hillard; Andrews Norton; Nathaniel Hawthorne; and R. W. Emerson. Secrecy was well maintained, and the only thing now lacking was confirmation from England that the initial £1,000 had been raised. Bulwer was finding the task of collecting money most arduous. Crampton had urged haste because the current Congressional session would be over in August, but there was little Bulwer could do to speed things up. Being a man of limited means in spite of his reputation as one of the most popular authors of the day, he was chronically short of cash. Most of his own surplus income went to maintain the family estate at Knebworth. Because he personally stood to gain a good deal from an Anglo-American copyright agreement he was willing to promote one even though he himself could only contribute £100. Therefore, once it was clear that the Organization would continue handling the project, Bulwer approached Dickens for assistance. Unfortunately Dickens took a dim view of the project, as did his close friend, John Forster. Both expressed doubt that Longman or Murray would co-operate. It was a time of great antagonism among authors and publishers because of an upheaval in the book trade involving the right of the Booksellers' Association
to regulate the retail prices of new books. This question was due for arbitration just when Bulwer began to solicit funds. Many authors and a few publishers, including Dickens and Bentley, had come out against the Booksellers' Association, but most of the publishers, such as Longman and Murray, strongly defended it. Dickens probably found it distasteful to contemplate fund-raising when he and other authors were castigating the book trade for their inordinate profits and monopolistic practices. However, in several weeks' time he was persuaded to test book trade sentiment. To John Murray he wrote that Bulwer had 'some very curious papers on the subject of copyright which he wished to share with a few trusted and interested parties. Could Murray attend a small meeting at Dickens's home to hear what Bulwer had to propose?' The same day he wrote to his own publishers, Chapman & Hall, suggesting that they might also wish to be present.

The meeting at Dickens's house took place, as did many other private conferences, but by the end of May it was clear that Bulwer had failed in his object. He had to confess to Crampton that it was extremely difficult if not impossible to raise the first £1,000, let alone the second.

Mr. Longman and most of the principal publishers refused flatly altogether — alleging their total disbelief in the success of the negotiation — other booksellers declare it to be an Authors' question not theirs — for that Authors would contract with American publishers without profit to themselves. Authors on the other hand are too poor to subscribe enough.

Even among the publishers there were considerable shades of difference. Murray was willing to contribute but Bentley was not. The Blackwoods greeted the idea enthusiastically and offered their energetic assistance whereas the Longmans denied any help at all. John Blackwood felt particularly bitter regarding Longmans because not only had they failed to support the Booksellers' Association with sufficient vigour, but now they were also refusing to go along with the copyright scheme. To his brothers in Edinburgh he confided:

there will be no getting together the money for the American copyright movement. . . . It is a great pity and Longmans have as usual behaved like despicable shits — petty tradesmen they are, incapable of taking the broad generous view of anything.

In a letter to Crampton, Robert Lytton expressed his disappointment and disgust.
Some days ago I saw the principal Publishers, Printers, and Booksellers, to whom it was thought safe to confide the subject, at the home of Dickens. [Bulwer explained the matter and Robert] backed him up very strongly — dwelling upon the power of the Organization and their ability to perform what they now undertook — the necessity of immediate action, and the fact that this opportunity once lost none other would ever occur again — Dickens, who from the first had hung fire, now threw cold water upon the thing. He said that he did not believe either in the good faith of the American 'Organization,' or in their power to oppose successfully the cry of the small publishers and especially the newspaper press, which would be certain to do all they could to prevent the passage of such a measure. When however it came to the point of raising a subscription everybody buttoned up their pockets, and looked very glum. Then Mr. Bentley (who I believe is one of the greatest seigneurs in the fraternity of Publishers) — declared that he felt moral scruples, that it was a dirty transaction and that he wouldn't be a party to bribery and corruption. This statement was immediately echoed by Dickens and all the others — My father ridiculed such an idea very much and showed very elaborately that such things as the 'Organization' were looked upon in American political life, in a very different way from that in which they would be regarded here. . . . You can't be more vexed at the stupidity of the people from whom we expected such eager cooperation than I am myself — For, either the measure . . . would be of immense benefit to them, or it would not; if not, all the clamour and fuss they have been making for years to obtain it is nonsense.

The question of bribery clearly plagued those in Britain who supported the copyright scheme. Bulwer did his best to calm their uneasiness by explaining how he had resolved his own doubts. Before he undertook to raise any funds, he articulated his thoughts to Crampton:

In fact the way I should propose it at such a meeting [for fund-raising] would be to treat the proposed act as analogous to a private Bill before our own Parliament, (in which considerable expense is always incurred) and to treat the party to deal with, as a Parliamentary agent.

Crampton agreed with Bulwer's approach:

You are quite right in supposing that the way in which pecuniary consideration is administered in such matters is analogous to a fee to counsel for carrying a private bill through Parliament. There is a class of persons at Washington called agents for claims whose business it is to get bills of that sort through
Congress for a fee. The only difference is that secrecy must be observed here as to the amount.

Crampton went on to justify the need for secrecy in the present instance. On the one hand it would be embarrassing to the British Government diplomatically if there were any kind of public exposure. On the other, it was vital that the Organization maintain its anonymity or else it would cease to wield such power and influence.

Try as he might, Bulwer could never quite erase the tainted stigma which clung to the undertaking. Yankees had not acquired a reputation for sharp practices without cause. Although Britain had her share of political corruption and bribery, especially on the local level at election time, most Englishmen were unwilling to acknowledge that influence was used in Westminster as it was on Capitol Hill. In America political morality had been gradually eroded. Increasingly it was taken for granted everywhere that American politics was a dirty business; fire must be fought with fire. The effect was cumulative. The more this was accepted, the more it was justified. Having seen the various applications of political pressure both fair and foul, it was hardly surprising that Crampton and Lytton became convinced of its necessity. No matter how they explained it away the fact remained that bribery was bribery.

On a different level, there were those in England who were troubled by the federal structure of the United States. John Dickinson, a leading paper-maker, questioned the power of the American Government to impose a copyright treaty on the individual states. Would this not require a constitutional amendment which would have to be ratified by a majority of the states? The same problem had been posed and answered before in 1838 when the President of the Board of Trade, Poulett Thomson, stated, with regard to international copyright, ‘that the power was specially reserved to the [federal] Government and was not left in the hands of the states’. For his part, Crampton found it hard to believe that intelligent Englishmen were still so ill-informed about the American Constitution.

The month of June dragged on with Crampton still uncertain about the funds from England. Bulwer and his son reinforced by Blackwood and Murray doggedly persisted though thoroughly disgusted. They managed to get a reluctant Dickens to pledge £100 if they each did likewise. Bulwer also offered to double the largest single contribution as an inducement to encourage subscriptions. Crampton, sensing the
predicament they were in, made an ostentatious offer. ‘I would willingly come down handsomely out of my own pocket rather than let the thing misfire’, he wrote. Five days later he pledged £500, expecting that he might someday be reimbursed by the book trade. It was a wonderful gesture, and it persuaded Bulwer to make one last effort even though his son was dubious.

I confess that I have heard so much driveling nonsense talked about it—and it has met with so much determined and unreasonable (and I must say unaccountable and unlooked for) opposition from the very people on whose cooperation we had so securely counted, that I am too disgusted and disheartened to expect any great display of common sense from those gentlemen now.

However, in another fortnight Robert sang a new song.*

I am at last able to write you better news about the Copyright. Your offer of the £500 was so Princely and handsome a thing—that it has somewhat shamed these gentlemen over here out of their ‘moral scruples’—and it was also a satisfactory guarantee for the security of the transaction. I need scarcely say that it was solely through your most liberal offer, and your positive opinion as to the certainty of success, that the money has been raised and you will therefore at once see that if the measure should be manqué and fail after all—we are all lost men and I shall never dare to put my nose amongst the Moral Fraternity again—whose scruples will return with ten-fold intensity—

If therefore the £1500 should arrive too late to be used to advantage this Session, it would be well to keep it for another opportunity, but that of course I need not mention to you. When the Copyright is satisfactorily obtained—I have no doubt whatever that I shall be able to make up the full £2000, and I assure you that I would rather work night and day than let you be in the end a loser by such generous and noble conduct. I cannot say how disgusted I am at what I have seen of the ‘literary mind’ here; I believe Dickens to be solely actuated by 2 feelings 1st. a distaste to open his purse—though he is making £1000 a month!—and 2nd. a lurking sentiment of jealousy or some ill feeling at not having obtained the Copyright himself—But perhaps I may wrong him.

The first £1,000 was sent off to Crampton as soon as possible in mid-July. On the basis of several tentative lists it is possible to reconstruct the amounts which each contributor gave. Other names were listed as possible donors, but nothing seemed to come of them. Printers like Spottiswoode and paper-makers like Dickinson; music publishers and
booksellers; publishers like Rivington, Charles Knight, Edward Moxon; and authors like Ainsworth, Thackeray, Macaulay, Tennyson, Forster and Lewes.¹²

**Contributions Toward the First One Thousand Pounds**

<table>
<thead>
<tr>
<th>Name</th>
<th>Contribution</th>
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<tbody>
<tr>
<td>Alison, Archibald. Historian</td>
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</tr>
<tr>
<td>Aytoun, William. Poet and Editor</td>
<td>£25</td>
</tr>
<tr>
<td>Blackie, John. Glasgow Publisher</td>
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<tr>
<td>Blackwood, Wm &amp; Sons. Edinburgh Publisher</td>
<td>£100</td>
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<td>Bradbury &amp; Evans. London Printers</td>
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<td>Clowes, William. Printer</td>
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<tr>
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</tr>
<tr>
<td>Spalding &amp; Hodge. Wholesale Stationers</td>
<td>£50</td>
</tr>
</tbody>
</table>

14 Contributors Total: £1,000

Murray and Blackwood bore the brunt of soliciting the additional funds because Bulwer was suddenly called upon to contest an election to Parliament thanks to a decision of the Tories to go to the polls. Before he relinquished his share of the responsibility to Murray he received pledges from Dickens and Blackwood for an additional £100 each, and he himself added a further £100. With £50 from Murray plus Crampton's £500 they were well on their way to the second thousand. Murray then returned to the Longmans for the third time, imploring their cooperation. They agreed to supply £200 provided that Blackwood, Bulwer, and Dickens contributed the same. However, they also stipulated that they would not pay a shilling in advance, but only reimburse the others once the treaty had passed.

In an effort to avoid publicity, Crampton instructed Bulwer to deposit the first thousand in the Bank of Ransom & Co., London, in the name of T. W. C. Moore, but the bank would not accept such a large sum because Moore had no account with them. Since Crampton did, there was no alternative but to place the funds in his name.¹³ The money now
in hand, the ball was in the other court and it was Crampton, Moore, and the Organization's turn.\textsuperscript{14}

The good news from London did not reach Washington until the end of July, and Crampton had already been forced to act. Since he had long been authorized by the Foreign Office to negotiate a treaty, he decided to concentrate on this alone and avoid having to deal with the Patent Committee and the House of Representatives. Accordingly, he and Webster escaped from the intolerable July heat of the Capitol and went to Webster's farm in Marshfield, Massachusetts to confer privately. The secret nature of the negotiations precluded using the Emerson-Longfellow memorial as originally intended, and as anticipated. Anyway, Synge admitted that 'though such signatures are invaluable, still the grounds on which the memorial is based seem to us to be so far not quite what we wish, inasmuch as we should like the measure to be asked for on the grounds of justice to Americans and not of fairness to British authors', and later added: 'the time is not yet come for a memorial from the great authors of America to be sent into Congress'.

Crampton must have been taken aback when Senator Charles Sumner of Massachusetts presented a copyright memorial to the Senate on 19 July. The signatures were entirely different from those collected by Longfellow and Emerson. A perusal of the names – J. F. Cooper; Wainwright; Melville; Bryant; Putnam; Irving; Hawks; Robinson; Griswold; Taylor; and Jay – revealed the New York connection of each. The fact that Cooper was dead suggested that the names had been assembled a year or two before. Who prompted Sumner to deliver the petition is not known, though it is more than likely that John Jay took the initiative. Since Crampton's negotiations were not general knowledge Sumner's memorial seemed to come out of the blue.\textsuperscript{15}

Meanwhile at Marshfield Crampton and Webster agreed upon a draft treaty. Because there would not be enough time for the Senate to ratify it before the end of the autumn session Webster recommended holding it over until the session starting in December. Then suddenly another circumstance arose which also suggested procrastination. Fishing rights off the Canadian shores came into open dispute and there was just enough anti-British feeling in the Senate to prompt rejection of any Anglo-American treaty.

Under instructions from the Foreign Office Crampton had to issue a warning to American fishermen not to come within three miles of the Canadian coast, as stipulated in a treaty of 1818. If they persisted, British
warships would support the Canadian squadron in excluding Americans from the bays of the St Lawrence. Webster replied with a strong note of protest, but privately counselled moderation. Many in Congress thought differently, however, and took the opportunity to twist the Lion's tail, especially as there was a Presidential election coming up the following November and this sort of campaign rhetoric was very popular. By mid-August Everett was able to report to the American Minister in London, 'The alarm of trouble with the fisheries is blowing over.'

At this point the unpublished diary of John Pendleton Kennedy is illuminating. He was Secretary of the Navy under Fillmore's Administration, though better known as an author of historical novels. We have already witnessed his interest in Anglo-American copyright in 1842 when he was the Chairman of a Congressional committee on the subject. In an entry on 11 August he noted that Webster was back in Washington and present at a Cabinet meeting. When the President brought forth the copyright treaty he asked Kennedy, as an author, to examine it and report his recommendations to the Cabinet. On 20 August Kennedy and Crampton went over its provisions together, and five days later Kennedy 'urged the International Copyright treaty. But I find the President rather adverse, at least for the present.' In the same entry he noted: 'I find Crampton very anxious about the Copyright treaty. Webster begs me to see the President again and urge it upon him. I promise to do so.' Apparently Webster had changed regarding a delay and now advocated hastening the exchange of signatures. The next day Kennedy recorded: 'To my office - and then to the President to talk about the treaty. He suggests the propriety of letting it lie over until after the Presidential election: thinking it may be made an element in the canvass if acted on now.' That evening Kennedy reported this conversation to Crampton who relayed the news to Bulwer that all was not bleak; in fact the delay might even enhance the chances of passage through Congress.

Ironically Crampton could not urge immediate action because he did not wish to disclose what arrangements had been made for Senate confirmation. It was to be one of the great dilemmas of Crampton's position that he was never able to explain the basis for his optimism to those who disparaged the treaty's chances. In the meantime he retained most of the money designated for the Organization, advancing it as necessary. In a 'statement of account' drawn up by T. W. C. Moore
£345 was paid out which left a balance of about £775 with 'A.B.', presumably Anthony Barclay, the British Consul in New York. Here again Crampton tried to keep his own name and bank account separate from the copyright fund.¹⁸

Crampton awaited the next session of Congress with composure. Then in October occurred one of those accidents which so bedevils men’s lives and confounds historical inquiry. Daniel Webster died unexpectedly. He had been thrown from a horse, complications had set in, and he succumbed on 24 October. It was one thing for Crampton to have a cosy understanding with Webster; quite another to sign a copyright treaty with a new Secretary of State. Webster had known about the secret arrangements, but none of them could be intimated to his successor.

Shortly before his death Webster had recommended Edward Everett to succeed him. Everett had enjoyed a distinguished career as an author, an educator, and a diplomat. In the latter capacity he served as American Minister to Britain from 1841 to 1845 and was known to have anglophil sympathies. His interest in literature presumably made him well disposed to an Anglo-American copyright agreement, but he was more austere and puritanical than Webster which meant that there would be none of that intimacy which existed previously between Webster and Crampton. Whereas Webster had really liked Crampton and was pleased with his appointment as British Minister to replace Sir Henry Bulwer, Everett disliked him, which Crampton no doubt sensed. Shortly before Everett assumed his official duties at the State Department he attended a dinner in Washington and was seated next to Crampton. Later recounting the evening to his wife he complained bitterly of Crampton’s talking behind his hand to his charming female dinner partner thus preventing him from overhearing. Adding a bit more spice, Everett related the current gossip about Crampton paying court to Anna Coolidge of Boston. After he got to know him better Everett continued to be censorious of this man-of-the-world and was embarrassed to walk along the streets of Washington with him because he smoked a cigar in public.¹⁹

When Everett assumed his duties as Secretary of State there were several Anglo-American treaties pending. Webster’s private secretary, G. J. Abbot, outlined them to Everett and said of Crampton:

*He was very anxious that Mr. Webster should have the credit of [resolving] by another great treaty all the questions with England respecting the fisheries,*
the navigation of the St. John's and St. Lawrence, reciprocity, Hudson's Bay Company, and copyright.

We have already seen how the fisheries question intruded itself. The claim of the Hudson's Bay Company against the United States stemmed from circumstances following America's acquisition of the Oregon Territory. The Company was insisting on continued rights of navigation on the Columbia River and in part of the territory north of the river which had been purchased by the Americans. It was prepared to relinquish these provided that adequate compensation was forthcoming from the American government. As to the Reciprocity Treaty, this dealt with commercial relations between the United States and Canada in which the British proposed that American tariff barriers be lowered in return for concessions from Canada.20

As if Webster's death were not enough, Crampton received another unpleasant surprise at the beginning of November: the Organization was breaking up and the members going their several ways. Although Levin's allusions are not entirely clear, the gist of his letter leaves little doubt:

*It has been a source of deep mortification to me, to learn that Mr. Walker [J. Knox Walker] has left Washington, without providing for his acceptance. It stamps him as a man, alike destitute of principle and honor. As the drawer of the draft, I hold myself responsible for its payment, and shall provide for it, at no distant day, although greatly pressed for means, at this time.*

Apparently Walker had returned to Memphis, Tennessee, without paying some obligation, leaving Levin to do so. It is possible that this was why Levin asked Crampton to advance some of the copyright money. In any case, he wanted to reassure Crampton that all was not lost.21

*I shall be in Washington, at the meeting of Congress [in December]. I shall go on, in good faith, to carry the International Copyright through, as well as the Hudson Bay Company affair. I have reason to know, that Mr. Everett will favor both, and I am rejoiced at his appointment.*

*I shall also, if you approve it, lay the foundation for the certain passage of the reciprocity Bill, if the Canadian Government acts judiciously — that is if nothing be done to exasperate our people. That measure, must be kept separate and distinct from the others. I feel confident of carrying all three measures, independent of Mr. Walker or his influence.*
A fortnight later Levin gave T. W. C. Moore similar assurances. He would concentrate on the three treaties alone and would 'undertake no other business'.

Mr. Tucker of Philadelphia has promised me his active co-operation in carrying the reciprocity bill through Congress and it is an all-powerful influence. I have been organizing a strong force during the recess and I am willing to undertake to carry it on a contingent fee without asking any retainer. The fee however ought to be a considerable one.

Why Knox Walker suddenly left Washington is a mystery. It may have had something to do with the Senate investigation of bribery and claims. The Committee was appointed on 6 August 1852, and although it did not take Walker's testimony until the beginning of 1853, it may well have been scrutinizing his activities as early as the previous October. If he had wished to, there was no reason why he could not have continued to be active in the Organization from a distance. He need only have arranged for an agent in Washington to look after the day-to-day affairs until he could be on hand to deal personally with special cases. However, he and some of the other members chose to leave, and from this point on the Organization as an entity ceased to function. A few, such as Beverley Tucker, were still very much in evidence in the Capitol, but they seemed to be substantially on their own.

Characteristically, Levin was sure that he could manipulate the sources of political power himself. It is perhaps appropriate to wonder at this point whether he was not simply indulging in a certain amount of self-delusion. A man of considerable charm and energy, he nevertheless exaggerated his own importance and minimized the obstacles before him. Apparently he felt that he could not vanquish his opponents too casually or his triumphs over them would seem negligible. The British representative of the Hudson's Bay Co., Sir George Simpson, conveyed some of his misgivings to Crampton.

Although no doubt a man of talent, I must say from what I saw and heard of him, he does not appear so circumspect as could be desired in a negotiation requiring privacy and address. Your good opinion of him however induces me to mistrust my own judgment and to repose confidence in his management.

One wonders whether Crampton also began to have doubts about Levin in the late autumn of 1852, but whether he did or not Levin had been the original liaison with the Organization and Crampton could not
repudiate him and hope to enlist another agent. He either abandoned everything or carried on as best he could with Levin. This became even more imperative once Levin undertook to manage three treaties, not just the one for copyright. By the same token there was much to induce Levin to carry on. He had put all his eggs in one basket as the sole agent for the British Legation and whatever fees he hoped to earn would have to come from them.

The key to success was Everett. Without his signature on the treaty all was lost. Crampton could refund the money to the interested parties in Britain, but after they had worked so hard he was reluctant to give up so readily. Alternatively, he could bide his time and allow the Fillmore Administration to come to the end of its term of office in March 1853. If this were done Everett would no longer be Secretary of State since he had accepted the assignment only while Fillmore was President. Under a new administration there might be time to organize things more carefully. Yet Crampton and Levin knew that some of the Senators on whom they depended were 'lame duck' office-holders whose terms also ended in March 1853. Once they were gone Levin would have to begin lining up support all over again, and his influence among new Senators would mean less than it did among the retiring old guard.

In fact, Everett was not opposed to a copyright treaty. Generally he favoured it. But both he and Fillmore were reluctant to sign a treaty which they feared the Senate would repudiate. It was odd that they should be so apprehensive about a rebuff from the Senate since neither of them were staying on in the executive branch of the Government and therefore had no particular need to placate the upper branch of the Legislature. Perhaps it was vanity which prompted them to procrastinate; a desire to leave enduring legislative monuments rather than a series of wrecked treaties. Replying to Senator Sumner's query concerning the progress of the treaty Everett said:

Is there a fair chance that the Senate would assent to a copyright convention? If I thought there was I would try to arrange the details with Crampton and Sartiges [French Minister] who both desire it, but there is no use in hammering upon a nail which will not go.

Fillmore proved an even greater problem. Crampton bitterly described him as 'the most hesitating and timid of mankind'. Neither John P. Kennedy's recommendation to the Cabinet nor Webster's evident willingness to sign a copyright treaty satisfied him. He insisted on asking
James A. Pearce, a Senator from Maryland and Chairman of the Senate Library Committee, to assess the mood of the upper chamber and estimate the probable chances of such a treaty. This drew open scorn from Levin who readily shared his frustration with Crampton.

The extraordinary position of the President, upon the subject referred to, may lead to delay, but it cannot produce defeat. The very contingency, upon which his action depends, will insure its success. The course of the President is absurd, and ridiculous. What sources of information can Mr. Pearce have upon a subject, perhaps suggested to him for the first time? Has he canvassed the Senate? Or will he canvass the Senate after Congress shall have met? After all, his reply to Mr. Everett will be but his opinion. The true and only legitimate way to test the sense of the Senate, will be by sending in the Convention for their ratification or rejection. All else is boy’s play—disgraceful and degrading—and I should think Mr. Everett would so consider it.

Levin continued with an analysis of the current situation as he saw it. Since there was no practical way for Senator Pearce to canvass his colleagues immediately, the only possible danger was Pearce’s rendering a negative opinion without sounding out his colleagues. If this seemed likely Crampton was advised to urge Everett to insist on a meeting of the Library Committee. Levin was sure he could arrange the support of two members of the Committee, Jeremiah Clemens of Alabama and Augustus Dodge of Iowa. Meanwhile additional efforts were needed to ensure that the Senate as a whole would be friendly. Levin counselled Crampton to let it be known that Webster had been prepared to sign a treaty and had ‘sent for various Senators, Whig and Democratic—who pledged their support, both to the Copyright and the Hudson Bay negotiation’. Webster’s son, Fletcher, should also be asked to publicize his father’s support.

Not only did Senator Pearce eventually report favourably on the treaty, but in the meantime sympathetic parties unconnected with the Crampton-Levin conspiracy began to apply pressure on Senators and other members of the Administration. That redoubtable champion of international copyright, John Jay of New York, again became active. Probably as a result of his regular correspondence with Senator Charles Sumner he learned of the pending copyright negotiations and gratuitously supplied him with a copy of the 1848 memorial which had been sent to the House of Representatives. One of the most interesting parts of this document was an appendix which listed British reprints of American
books, and Jay promised to ask G. P. Putnam, its compiler, to bring
the list up to date so that Sumner could make current use of it. Jay still
smarted because the House had never ordered his lengthy memorial
printed, and what was more, it had never seen the 1848 Committee report
because the Chairman, T. B. King, had been derelict in his duty. Jay
now sent copies of his memorial to Nathaniel Hawthorne, Senator
William H. Seward of New York, and Frederick Hudson, Managing
Editor of the New York Herald, asking Seward if he could arrange to have
it printed. To the Edinburgh firm of Blackwood's he reported: 'I am
endeavoring to enlist the aid of a few gentlemen here to use their personal
influence with the Senators likely to oppose us.' He also counted on the
fact that the extreme popularity of Uncle Tom's Cabin in Britain would
alert Americans to the pirating of their books abroad and make them
more disposed to a copyright agreement. Coincidentally he was echoing
the same sentiments that John Blackwood had expressed to Bulwer six
months earlier. Jay also hoped that many Southerners would favour
such an agreement since it might have the effect of excluding British
writings on sensitive subjects like slavery; a curious argument for a
staunch abolitionist like Jay.26

The question inevitably arises as to Jay's awareness of the Crampton-
Levin scheme. Jay certainly knew that negotiations were going on,
and from Blackwood he learned that Bulwer was in close communica-
tion with Crampton. But Blackwood was most circumspect in what
he told Jay, and there is no evidence to suggest that Jay was in on the
secret. He met Crampton once during these months but it was only a
brief encounter, and on the whole Jay's sphere of influence was quite
different from that of the British Minister and the other lobbyists.

Up to this point the opposition forces were negligible. The Harpers
had been asked by President Fillmore what they thought of a possible
copyright treaty, and they somewhat ingenuously declined to express a
private opinion, acknowledging only that the question was important;
that British and American authors were generally in favour; and manu-
facturers and the reading public were not.27 However, by the end of
January 1853 certain publishers and printers were beginning to take
alarm, and several of them presented an elaborate memorandum to the
Secretary of State enumerating their 'Objections' to a treaty. Everett
showed these to Crampton and invited him to comment confidentially.
With the help of W. M. Thackeray, who was in America at the time,
Crampton composed a résumé of 'Observations' in response to the
'Objections' and by so doing hoped to satisfy Everett and strengthen his resolve to sign the treaty. Fortunately copies of these documents have survived, and they portray vividly the fears as well as the hopes surrounding copyright.

The 'Objections' originated with an anxiety that British authors and publishers would exercise 'complete control over the publication of their works in the U.S.'. Popular writers like Bulwer, Dickens, and Macaulay could then exact their own prices for their books when sold here'. Thus, copyright would not only enhance the profits of major authors, but at the same time protect and encourage second-rate foreign talent. It would also interfere with the laws of supply and demand because it encouraged monopoly which was never in the public interest. Tariff duties might be appropriate for some industries, but they were never intended to confer a monopoly on a producer. As for books, they were unlike other commodities; whereas it took the same amount of labour to create each new hat or boot, the multiplication of copies of a book meant a saving on each additional facsimile. Further, authors and publishers enjoyed rights in their literary property only by virtue of statute law, not 'absolute and natural ownership. The right of individual property has always been held subordinate to the public good' which was best served through free competition and cheap reprints.

It is universally conceded that the American people are far more intelligent than the English, and this is the special mark and proof of the superiority of their condition and character. . . . As popular reading must always be the chief means of popular education, a restriction of it would be seriously and injuriously felt upon our population, enlightenment and prosperity.

America's intellectual superiority was cited as the product of public-supported education which in turn developed a reading public far larger than Britain's.

In commenting upon these arguments, Crampton had to nimbly pick his way through the profusion of truths and half-truths because if he revealed an insulting or condescending attitude he might offend the American Secretary of State. Therefore, he began by suggesting that the 'Objections' were somewhat contradictory. If Americans were as intellectually advanced as they claimed, why were they so dependent upon British literature. With ten British works being reprinted in America for every one American work reprinted in Britain, surely other issues were involved.
While the United States were colonies it was natural that they should seek a supply of their literary wants in England, but the rough work of colonization is now over; a state of advancement in every other art and science equal to that of any other of the countries of Europe has been obtained; and yet the practice of relying upon England for a supply of literature is, to a great degree, maintained. This cannot be accounted for in any natural cause now existing. An explanation of the fact must therefore be sought in the existence of some artificial discouragement to the cultivation of literature in America, which has prevented its natural development.

By 'artificial discouragement' Crampton clearly implied the Congress whose members had failed to legislate an international copyright treaty.

Crampton was not alone in defending the cause of copyright. Many others felt that the time was right for the passage of a treaty and that there was much more support throughout the country than was generally recognized. The New York Herald declared with its usual exuberance:

*The country is unanimous in favor of international copyright. Whigs and Democrats, protectionists and free traders, book-makers and readers, writers and printers, and even a majority of the publishers, concur in confessing that honesty is not only the most becoming but the most advantageous policy to pursue. Neither the arguments nor the numerical strength of the dissidents entitle them to much consideration when ninety-nine hundredths of the people are clamorous for copyright. The Senate may safely stamp its sanction on the treaty in spite of the whine of one or two grasping publishers, and the groans of their newspaper organs. On the Senators now rest the whole responsibility of the future pillage of foreign authors. They have in their power to rivet still closer the mill stone round the neck of our literature, or to cut it loose, once and forever. If they falter or swerve from their duty, let the ignominy of literary piracies attach to them—let them be branded as men who have done their utmost to crush our native authors and retain this country in a state of intellectual vassalage to England.*

Yet other 'Objections' required answers. There was a general acknowledgment that the low prices of American books would inevitably rise after the passage of a copyright treaty. Crampton admitted that an agreement 'would no doubt increase the price to some extent, but to a much smaller extent than is supposed. The cheapness of the English editions of books lately published in England for railway and colonial consumption, and for which copyright is paid, is a convincing proof
G. P. Putnam took essentially the same tack in a letter to the National Intelligencer.

The objection urged by some that it would largely increase the price of books in this country, and would be a burdensome tax on the reading community, I believe to be wholly unfounded. It can be shown I think conclusively, . . . the interests of publishers will prompt them to make books cheap — suited in price to the character of the market — and that in this country at least it is more profitable to publish books at moderate prices, within the means of the largest number of readers, than it is to make them expensive.

For some the question of prices was as much moral as economic. According to the New York Herald:

Books, they tell you, are cheaper now than they would be under an international copyright law. The statement may possibly be true, though we are not at all clear that the few cents a volume which the copyright would secure to the author, would come out of the reader’s pocket. But is it in a civilized land that we are gravely told to steal instead of buy because it is cheaper? Is it among men of wealth, standing, and education, that the economy of a systematic theft is descanted upon, and the pick-pocket is commended because he has saved half a dollar by stealing the handkerchief he desired, instead of buying it? The Messrs. Harper may, very probably, find it more economical to help themselves to an author’s labor than to offer him a fair remuneration for it; and we, and other book readers, would also find it cheaper to help ourselves to a book from Messrs. Harper’s shelves than to buy it over the counter. If the rule be good in one case, it is equally good in the other. Far as they may excel the rest of the community in the boldness and the extent of their ‘border forays’, the Harpers cannot be suffered to enjoy a monopoly of rapine.

Both sides became enmeshed in contradictions when describing the likely effect of a copyright agreement on the American book trade. They agreed that British authors had essentially two alternatives: sell the reprint rights to American publishers, or export their books from Britain to America. Opponents to a treaty condemned either alternative, pointing out that in the first instance British authors would doubtless ask as much as they dared and the American reading public would suffer accordingly. In the second, British-manufactured books would flood the American market, jeopardizing the employment and security of thousands of native artisans. Clearly the former was preferable to the latter, as everyone admitted that home-produced books were better
than importations. Besides, Crampton gave assurances that British authors were in no position to dictate terms to American publishers.

The amount of this price depends upon elements which he has no power whatsoever to fix. It will depend upon the intrinsic usefulness of the article, upon its scarcity, and upon the degree of competition which may exist in the market at the time the article is offered for sale.

Elsewhere Crampton put forth the argument that retail prices of British books need not rise excessively if British publishers printed large impressions and were thereby able to export cheaper copies. But this was the last thing American publishers wanted. As it was, one-fifth of British works were imported, and any copyright agreement which threatened the American book trade was not to be tolerated. In one way or another the trade insisted on cheap books on its own terms, which meant reprinting British books in America either through piracy or paying for advance sheets when it proved convenient. The policy partook of a curious blend of protectionism and free trade: protection for American industry but not American authors; freedom to reprint British works but not to import them. 28

While this controversy raged the President and the Cabinet were incredibly blasé. As late as January Fillmore was merely instructing Everett to discuss the 'expediency' of a copyright convention at a Cabinet meeting. Everett in turn made a mild request of J. P. Kennedy to attend in order to lend a helping hand. Another month passed without anything happening. On 2 February Levin informed Crampton that he had the required number of votes, and would he therefore bring the issue to a head quickly. 29

Will you have the goodness to see Mr. Everett tomorrow and say to him, that you have the strongest possible assurances that the International Copyright treaty, will be ratified by the Senate.

General Cass is now, all right! You may say, to Mr. E., that Mr. Cass will secure its passing . . . or you may, if you think it advisable, ask him to consult General Cass upon the subject, and let his (General Cass) action decide the question of signing the Treaty, one way or the other.

We have on the Democratic side, Judge Douglas, Senator Dodge and Son, I. P. Walker, Clemens, Bayard, Atchison, Rusk, — Hale (and his friends in the Senate) — as he himself told me today — and as soon as Mr. Dandrige [?] arrives I shall have Hunter, Mason and Judge Butler.
If necessary I can bring an influence from Pennsylvania. That will secure Brodhead, and another influence, if required, that will control Borland.

This was indeed a formidable array of the Senate's majority party. Senator Lewis Cass of Michigan had been a Democratic Presidential contender in 1848. Stephen A. Douglas of Illinois had sought the Democratic nomination for President in 1852 and as leader of the 'Young America' movement was a man who inspired loyal friendship or bitter hostility, seen later when he became Abraham Lincoln's chief adversary. Andrew P. Butler (South Carolina), Robert M. T. Hunter (Virginia), and James M. Mason (Virginia) were probably the three most powerful Southern Senators. They were not only colleagues but close personal friends, sharing the same residence in Washington. As Chairman of the Foreign Relations Committee, Mason was crucial to the success of any treaty.

In February rumours were rife that the copyright treaty had already been signed and sent to the Senate. Crampton of course knew this was pure speculation, but he feared idle gossip. On the twelfth Levin reported: 'In a conversation which Mr. Everett had a few days ago with a certain U.S. Senator, Mr. Everett said that the only point of difficulty was concerning stereotype editions, and that all he asked was a truly reciprocal Treaty.' As for stereotype plates these were the perennial bugbear because it was feared that they would be manufactured in Britain and become the source from which cheap reprints would be exported to America.

On 14 February President Fillmore finally authorized Everett to sign the treaty. Crampton and Everett conferred on the following two days, and signed a treaty 'for the Establishment of International Copyright' on the 17th. It was then conveyed to the Senate for its advice and consent. A small scrap of paper dated 21 February 1853 concluded the story: 'Received from John F. Crampton Esq., Hon. Envoy Extraordinary etc., £1,000 sterling. - Lewis C. Levin.'

With a mixture of pride and apprehension Crampton reported to the new Foreign Secretary, Lord Clarendon: I send home today a treaty for International Copyright. I had a hard fight to get it signed, and it is yet to go through the fiery ordeal of the Senate, where I have done my best to prepare the ground for it. The assurances I receive would, in any other country, make me sanguine of success; but here political blasts and counter-blasts are so rapid and changeable, and honorable
Gentlemen slippery, that it is hard to count upon anything. Whatever becomes of it however it is something to have got such a Treaty signed and presented, for I believe the inherent fairness of the measure and the real advantage of it to American Literature will ultimately secure its success, altho' on the present occasion it may be staved off by the application of dollars by the rich piratical Publishing houses of New York and Philadelphia.