NOTES

Chapter I  The Depression of 1837-43 and its Implications for the American Book Trade


2 A good general account of the depression of 1837-43 is D. C. North, The Economic Growth of the United States, 1790-1860 (Englewood Cliffs, N. J., 1961), pp. 189-203. A very useful contemporary account of the state debts and political repercussions is to be found in the short-lived periodical which was published in London by an American: Great Western Magazine, II (September 1842), pp. 101-6.

3 H. Greeley, Recollections of a Busy Life (New York, 1869), p. 95.


6 W. S. Tryon and W. Charvat, The Cost Books of Ticknor and Fields and Their Predecessors, 1832-1858 (New York, 1949). The yearly totals are a rough compilation, incorporating entries in the main body of the volume as well as the appendices.

7 D. Kaser, The Cost Book of Carey and Lea, 1825-1838 (Philadelphia, 1963). The figures are a rough compilation of the main volume and its appendices. The annual totals which Kaser gives on pp. 72-3 do not include the books which Carey and Lea published in conjunction with other firms.

8 Quoted in J. Bayless, Rufus Wilmot Griswold: Poe's Literary Executor (Nashville, 1943), pp. 28-30. See also Hoover, op. cit., pp. 96-100.

9 The best account of the New World is to be found in Hoover, op. cit., p. 100 and following.

10 New World, 2 November 1839, p. 1; Jonathan, 16 May 1840, p. 3.

11 The last folio issue of the New World was 19 March 1842.
12 For such details see especially *New World*, 6 June 1840, p. 2; 4 March 1841, p. 4; quarto ed. II (23 January 1841), p. 64; quarto ed. VI (20 May 1843), p. 609.


14 Ibid., 13 March 1841, p. 2.

15 Ibid., quarto ed. III (3 July 1841), p. 15.

16 Ibid., 12 June 1841, p. 1; quarto ed. IV (19 February 1842), p. 130.

17 Ibid., 26 October 1839, p. 1; 30 November, p. 1; 18 April 1840, p. 2; 29 May 1841, p. 3; 1 January 1842, p. 4. See also the MS journals of Jared Sparks, Houghton Library, MS 141K (15 November 1841), p. 22.

18 *New World*, 28 March 1840, p. 1; 1 January 1841, p. 1; 4 March 1841, p. 4.

19 *New World*, quarto ed. IV (23 April 1842), p. 271; IV (21 May 1842), p. 326; IV (11 June 1842), p. 382; V (6 August 1842), p. 93; V (17 December 1842), p. 399. *Brother Jonathan* supplement, 25 July 1842. Thanks to Hoover, *op. cit.*, pp. 201-6, it is possible to follow the course of all the *New World* extras for 1842-3. This is all the more valuable since the extras are comparatively rare in most libraries.

20 *New World*, quarto ed. IV (11 June 1842), p. 382.

21 *Brother Jonathan* supplement, 9 July 1842.


25 Ibid.

26 *New World*, 17 October 1840, p. 1; 24 October 1840, p. 2.


28 Ibid., V (6 August 1842), p. 94.


30 Ibid., V (27 August 1842), p. 143.

31 The most authoritative and reliable work on the Harpers is Exman, *op. cit.*, pp. 158-9. As to the responsibility for the fire, Exman expresses no firm opinion. It seems unlikely, however, that the *New World* had to resort to such measures. It was still riding the crest of popularity prior to any serious competition from others. It had its own agent in London who was quite as adept as Harpers’ agent in forwarding the latest English publications to New York. Besides, its market at this time was different enough from Harpers’, what with yearly subscriptions and cheap supplements, that it need not have sanctioned such a desperate act as theft and fire. One possible alternative was noted by *Brother Jonathan* a few months later when it pointed out that the Harpers’ cash box had been broken into and that money may have been the prime motive: II (13 August 1842), p. 438.
34 Ibid., p. 163. Harper had quite an investment to protect in the Alison book, issuing it first in sixteen parts and then all together in four volumes totalling 1,358 pages.
35 W. H. Prescott to Charles Dickens, 1 December 1842, as quoted in R. Wolcott (ed.), The Correspondence of William Hickling Prescott, 1833-1847 (Boston, 1923), p. 323. In the phrases quoted above, Prescott was referring to a somewhat different situation but his point was applicable.
36 For details of the various Sue editions, see New World, quarto ed. IX (10 August 1844), p. 177; IX (7 September 1844), p. 311.
37 Exman, op. cit., p. 143.
40 An Act to Reduce into One the Several Acts Establishing and Regulating the Post Office Department, 3 March 1825.
41 Brother Jonathan, quarto ed. II (7 May 1842), p. 43; New World, quarto ed. IV (7 May 1842), p. 305.
42 National Archives, letter books of the Postmaster General, vol. M/1, p. 351. Laws and Regulations of the Government of the Post Office Department (Washington, 1843), pp. 19-22. Legare's opinion was included among the Regulations for the benefit of local postmasters who had to assess rates of postage on various publications.
44 Ibid., quarto ed. VI (27 May 1843), p. 628.
46 An Act Amendatory of the Act Regulating the Post Office, 2 March 1827. Section 3 prohibited foot and horse conveyance of the mail by private firms. Section 30 of the Act of 1825 permitted newspapers and magazines to be carried by those contracting to carry the mail.
50 New World, quarto ed. VI (27 May 1843), p. 628.
51 Although the New World and Brother Jonathan had discontinued their weekly folio editions, they still issued occasional mammoth folios at Christmas and
other holidays. Furthermore, they wanted the privilege of resuming the regular folio editions and sending them at newspaper rates of postage.


54 *An Act to Reduce the Rates of Postage*, 3 March 1845.


57 Not until 1851 were bound books weighing 32 ounces or less permitted through the post.

58 11 December 1841, Houghton Library, Longfellow Papers.

59 Benjamin to B. Mayer, 23 June 1844, Maryland Historical Society, Mayer and Roszel Papers, MS 581.3.

60 Ward had previously acquired the *New World's* interest in *Brother Jonathan* in June 1844.

61 In addition to various New York City directories for the period, see: Hoover, *op. cit.*, pp. 144, 156-60; Greeley, *op. cit.*, pp. 91-3; L. Scott to J. Jay, April [?] 1848, Jay Homestead.

62 *Dictionary of American Biography* and *Appleton's Cyclopaedia*; plus various New York City directories.

63 In addition to various City directories, see *Brother Jonathan*, 4 July 1848.


66 For Weld, see *Appleton's Cyclopaedia*. See also H. A. Beers, *Nathaniel Parker Willis* (Boston, 1885). John Neal was apparently affiliated with *Brother Jonathan* in 1843, but his own autobiography is sufficiently muddled on this point to be of little use: *Wandering Recollections of a Somewhat Busy Life* (Boston, 1869), p. 351. Neal suggests he was a contributor and not an editor. It is not clear when Weld ceased editing *Brother Jonathan*. From May to August 1843 the
editors were John Neal, G. M. Snow and Edward Stephens. The last of these seems to have continued from September 1843 until the sale of the magazine at the end of the year.


Chapter II  British Periodicals in America

These and many of the other details which follow, about the American reprinting of British periodicals, come from a remarkable letter at the Jay Homestead, Katonah, New York. In early April 1848 the leading reprinter of British periodicals in New York, Leonard Scott, undertook to describe the various past efforts to supply the American market with reprints of foreign periodicals. Scott's letter was addressed to John Jay and forms the basis of much that follows in this chapter. Many of the gaps left in Scott's undated letter have been supplied by reference to contemporary magazines and city directories. Other sources are cited when appropriate.

By the 1840s Clayton had given up his printing business and become a successful stationer and paper-maker.

Blackwood to Wilder & Campbell, 9 December 1824, National Library of Scotland, MS 4013, f. 293v-4v; and Wilder & Campbell to Blackwood, 10 December 1824, MS 4013, f. 293v.


An announcement of Jackson's undertaking is to be found in the *Albion*, i n. s. (8 June 1833), p. 183.


Shortly after selling their reprint business to Theodore Foster, Peck & Newton dissolved their partnership.

The later career of Theodore Foster typified the fragmented affairs of many printers and publishers in the 1830s and 1840s. As Leonard Scott noted in 1848: 'Foster has started several literary Enterprises since his failure, but generally without success – He published the "Plaindealer" edited by Wm Leggett until it was suspended for want of patronage – Subsequently he wrote and published some works in Phrenology – and at one time he was engaged in moulding "the human face divine" in plaster of paris and selling Busts. He was, for a year or more, afflicted with blindness – so much so as to render it impossible to do any business – He recovered from this, however, and then commenced
the publication of a paper called “The Family Visitor and Silk Culturist” devoted to the silk interest, which at the time was all the rage in this Country, as many Speculators in Morus Multicaulis may remember to their sorrow - This failed however, then he got up a society called the “National Society of Literature” whose business it should be to form Reading Associations in every Town and Village in the Country and furnish them with periodicals such as they might select to any amount [to which] such associations should subscribe - The plan of this National Society involved the employment of numerous travelling agents and lecturers – and for the first year it went on auspiciously, but it never lived to see the End of the second year, and many were the wailings of subscribers thereat who had paid for their works in advance and found them not forthcoming – The dishonesty of some of these itinerant agents, and the want of experience in the management of this new business, were doubtless the principal causes of its failure. Foster then published a Magazine called the “Indicator”, an excellent thing it was too, but not popular, so he gave that up. He has more recently published a host of little shilling Pamphlets, out of which he has made some money, and he is still engaged in that business.

9 For these and other details see the note to Leonard Scott above.


11 For announcements of these reprints see Winchester’s New World, quarto ed. VI (4 February 1843), p. 150; VI (4 March 1843), p. 267.

12 Murray to Mason, 16 December 1843, John Murray Ltd, letter book, p. 139. Curiously enough Murray made no better terms to Mason than he had with Wiley & Putnam three years before. This may help to explain why the importation of British periodicals was never as successful as anticipated. The price was never quite low enough.

13 The advertising agency did not last long, and by 1846 Mason managed a reading room. His wife, Jemima, had died the previous year.


16 Coxe to Blackwood, 29 April 1846, National Library of Scotland, MS 4078, f. 126.

17 Blackwood’s Magazine, LXI (March 1847), pp. 337–49. The Wellesley Index to Victorian Periodicals substantiates that Coxe was the author of the article entitled: ‘The cave of the regicides’, as well as the other articles which Coxe subsequently published with Blackwood. See also Coxe to Jay, 23 March 1847, Columbia Univ., MS Jay Papers.
18 Coxe to Jay, 2 June, 28 June and 20 July 1847, Columbia University, MS Jay Papers; 9 June 1847, MS Jay Homestead.

19 Jay had two of Coxe’s articles registered with the District Court under the general title of *Letters to Godfrey*. The first ‘letter’ appeared as ‘“Maga” in America’, LXII (October 1847), pp. 422–31; the second ‘letter’ as ‘American copyright’, LXII (November 1847), pp. 534–46. Copies of the copyright registration are in the Jay Homestead for the dates 12 October, 21 October and 6 November 1847. The Jay–Van Norden agreements are both dated 23 October.

20 Scott to Jay, 27 October; Jay to Scott, 29 October; and Jay–Scott agreement, 30 October 1847; MSS Jay Homestead.

21 *Ibid.* See also Jay to Blackwood, 30 October 1847. Behind many of Jay’s arguments lay the advice of Coxe. See for example Coxe to Jay, 27 October, 20 November and 22 November 1847; MSS Jay Homestead.

22 Coxe’s estimate of 10,000 came in LXII (November 1847), p. 537. For Scott’s account of his expenses and profits, see his letter to Jay, 27 October and a copy of his letter to Blackwood, 30 October 1847; MSS Jay Homestead.

23 Scott estimated that the printing and binding cost for 2,000 copies was $3,156; the overhead costs were $650; giving a combined outlay of $3,806. Figuring subscriptions at $4 he could make 11 1/2% on all copies sold beyond 2,000, and he was willing to allocate to Blackwood 36 on every such copy.

24 Scott’s calculations were based on the tariff of 1846.

25 Thus the total composing bill for 3,000 copies was about $117 and not what Blackwood had supposed.

26 Scott to Jay, 15 November, 20 November, 30 December 1847; Blackwood to Jay, 1 December, 2 December 1847; copy of Jay to Blackwood, 30–1 December 1847.

27 *Blackwood’s Magazine*, LXIII (January 1848), pp. 127–8. Scott’s statement, dated 24 January 1848, was reprinted inside the back of the cover of the *Literary World* for 15 April 1848.

28 Scott to Jay, 16 March 1848; Jay to Blackwood, 1 May 1848; MSS Jay Homestead.

29 For the renewal of the Scott–Blackwood agreement, see extracts from letters of Scott to Blackwood, 4 December 1849 and Blackwood to Scott, 5 January 1850; MSS Jay Homestead. Between 1848–54 Scott’s payments were handled by Jay and forwarded to the Blackwoods. See for example Jay to Blackwood, 11 February 1851, National Library of Scotland, MS 4094, f. 11; Jay to Blackwood, 14 March 1852, National Library of Scotland, MS 4098, f. 192; Jay to Blackwood, 8 April 1852, National Library of Scotland, MS 4094, f. 20; Jay to Blackwood, 28 January 1853, National Library of Scotland, MS 4102, ff. 179–82; Jay to Blackwood, 31 March 1854, National Library of Scotland, MS 4105, f. 158; and Blackwood to Jay, 24 April 1854, Columbia University, Jay Papers.
30 Jay estimated $100-150 per annum.
31 Jay to Chapman, 12 September 1851, copy in letter book, pp. 187–9; MS Jay Homestead. The history of eclectic magazines in America is worthy of a separate study; it is unfortunately beyond the scope of this present work. Suffice it to say that a great deal of British Periodical writing was made available to the American reading public under the scissors-and-paste auspices of the eclectics.
33 The standard work on Henry Stevens is W. W. Parker, Henry Stevens of Vermont: American rare book dealer in London, 1845–86 (Amsterdam, 1963). The only confusion in an otherwise valuable work is that Parker credits Stevens with originating negotiations with Scott. However, correspondence in the Clements Library of the University of Michigan makes it clear that Stevens worked out new arrangements only in 1853. See especially Stevens to Scott, 11 November 1853 and Stevens to C. B. Norton, 10 January 1854.
34 Two of Coxe's articles were in the form of 'Letters to Godfrey'.
35 Coxe's later contributions to Blackwood's Magazine were: LXIII (March 1848), pp. 328–39 ('My route into Canada'); LXIII (April 1848), pp. 425–35 ('My route into Canada', continued); LXIV (July 1848), pp. 31–9 ('American thoughts on European revolutions'); LXV (February 1849), pp. 190–201 ('American thoughts on European revolutions', continued); LXV (May 1849), pp. 529–41 ('The reaction, or foreign conservatism'). Bristed's article, 'Periodical literature of America', appeared in LXIII (January 1848), pp. 106–12. For the attitudes of Coxe, Jay and Blackwood respecting various contributors to the magazine, see Coxe to Jay, 15 November, 1 December 1847; 20 January, 29 January, 7 March, 27 March, 11 April 1848, Jay Homestead; Coxe to Jay, 15 August 1848, Columbia University; Blackwood to Coxe, 29 December 1847, Jay Homestead; Scott to Blackwood, 23 March 1848, Jay Homestead; Jay to Blackwood, 24 March 1848, 19 June 1849, Jay Homestead, letter books, pp. 38–9 and p. 15; Jay to Blackwood, 1 February 1853, 12 July 1854, National Library of Scotland; MS 4098, f. 190 and MS 4105, f. 160; Blackwood to Jay, 4 May 1852, Columbia University.

Chapter III Copyright In and Out of Congress, 1815–42
2 Most standard works on the American book trade and on copyright give brief accounts of these years. See, for example, H. Lehmann-Haupt et al.,


5 Cooper to Carey & Lea, 9 November 1826, Beard, op. cit., I, pp. 170–4.


7 Knickerbocker, VI (October 1835), p. 287.

8 The Harpers concluded a similar agreement with G. P. R. James on 13 July 1836, though the rate of compensation, £30 per novel, was considerably less than that accorded Bulwer. The Harper–James agreement is in the Greater London Record Office, Middlesex Records, Acc. 976D, no. 160a–b. Some of what follows about Bulwer and the Harpers is taken from my article, 'Edward Lytton Bulwer and the publishing firm of Harper and Brothers', American Literature, XXXVIII (March 1966), pp. 35–48. Unless otherwise indicated the quotations come from the Hertfordshire County Record Office, Bulwer Papers, MS Box 63. Edward Lytton Bulwer was created a Baronet in 1838, and thereafter referred to himself as Sir Edward Bulwer Lytton. In 1866 he became Baron Lytton of Knebworth, and was addressed as Lord Lytton. For the sake of clarity and convenience, he is referred to as Bulwer throughout this account.

9 16 February 1836. At this time there were two related firms in Philadelphia: Carey & Lea and Carey & Hart.

10 15 January 1835.

11 7 April 1835.

12 The Duchess de la Valliere.

13 Harper to Bulwer, 16 (?) February 1836; Appleton to Bulwer, 5 March 1836; and Harper to Bulwer, 12 September 1836.

14 Capen to Bulwer, 29 August and 17 October 1836.

15 See chap. I, where Willis was a contributing editor to Brother Jonathan.

16 Melanie and Other Poems (London 1835,), and Inklings of Adventure (London, 1836).

17 The best account of Frederick Saunders and his attempt to establish an office in New York is A. L. Bader, 'Frederick Saunders and the early history of the international copyright movement in America', Library Quarterly, VIII (January 1938), pp. 25–39. See also J. A. Rawley, 'An early history of the inter-
national copyright movement', *Library Quarterly*, XI (April 1941), pp. 200-6; *Publishers' Weekly*, XXXIII (30 June 1888), p. 988, for a brief statement by Frederick Saunders. In 1890 Saunders dictated his 'Recollections to his grandson, a copy of which is in the Manuscript Department of the New York Public Library. I am grateful for permission to quote from this latter account.

18 Frederick Saunders, 'Early history of the international copyright movement in America', p. 24v, part of an undated 1836 newspaper clipping, New York Public Library, MS Department.

19 12 September 1836.

20 Martineau to Brougham, 5 November 1836 and two undated (November 1836) letters, University College, London, Brougham Papers, MSS, 8357-9. As far as one can tell Brougham never signed the memorial, since his name did not appear on the version printed by order of the United States Senate. On the other hand Charles Dickens claimed to have signed and yet his name is missing as well. Dickens wrote to J. P. Kennedy 30 April 1842, as quoted in M. House, G. Storey, and K. Tillotson (eds), *The Letters of Charles Dickens: Pilgrim Edition* (Oxford, 1974), III, pp. 221-2. 'When Miss Martineau came to me to sign the petition which was presented to the American Legislature a few years ago, I said, then, that I had an invincible repugnance to ask humbly for what I had as clear a right to, as the coat upon my back; and that I could not bring myself to sue to a Body which had so long sanctioned such a Monstrous and Wholesale Injustice, as if in seeking its correction, I asked a favour at their hands. I was persuaded to sign that petition, and did so. I have always regretted it since.' For a time I thought the explanation of this seeming contradiction lay in a hitherto unnoticed entry in the *Journal of the Senate*, 24th Cong. 2nd Sess., 1836-7, p. 203. Clay had presented the memorial of the British authors on 2 February 1837, but two days later he offered additional signatures on a parchment which had just reached him. It looked as though these supplemental names had been inadvertently omitted by the printer when the memorial was printed. Dickens may have been among those whose names were missing. The *Congressional Globe* makes no mention of the extra names, but mention is made in the competing *Register of Debates in Congress*, XIII (4 February 1837), pp. 696-7. However, the survival of the original supplementary list in the National Archives at Washington, without Dickens's name upon it, disposes of such conjecture. Still, it seems very unlikely that Dickens would have said what he did in 1842 if he had not in fact signed the memorial circulated by Harriet Martineau.

21 Martineau to Everett, 8 November 1836, Massachusetts Historical Society, Everett Papers, MS Box 5; Bader, 'Frederick Saunders', p. 33; P. Godwin, *A Biography of William Cullen Bryant* (New York, 1883), I, p. 315; Sparks to Martineau, 22 June 1837, copy, Houghton Library, Sparks Papers, MS 147-G, pp. 20-1.

22 Everett to Martineau, copy, Massachusetts Historical Society, Everett Papers, LXVII, p. 137.
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23 Public Documents Printed by Order of the Senate, 24th Cong. 2nd Sess., II (1837), no. 134; Register of Debates in Congress, XIII (2 February 1837), pp. 670–1; Journal of the Senate, 1836–7, p. 192; Journal of the House, 1836–7, p. 400; the British authors' memorial was also reprinted by Saunders & Otley in their monthly periodical, the Metropolitan Magazine XVIII (April 1837), pp. 413–14.


25 Congressional Globe, 24th Cong. 2nd Sess., IV–V (16 February 1837), p. 201; Journal of the Senate, 1836–7, p. 258; the report of the Select Committee, no. 179, was reprinted by the Metropolitan Magazine, XIX (May 1837), pp. 25–8; see also Senate Documents, II (1837).


27 The Congressional Globe did not report this debate in any detail, but fortunately the Register of Debates in Congress gave it considerable coverage: 24th Cong. 2nd Sess., XIII (2 February 1837), pp. 670–1.

28 Jay to Blackwood, 28 January 1848, copy, Jay Homestead.

29 Some publications appeared with Saunders & Otley's imprint in 1837–8.

30 As we shall see, the British Government took steps to remove the ambiguity the following year, in the form of the International Copyright Act of 1838. Martineau to Clay, 15 May 1837, in C. C. Colton, The Private Correspondence of Henry Clay (New York, 1855), pp. 413–14; Everett to Martineau, 10 May 1837, copy, Massachusetts Historical Society, Everett Papers, LXVII, p. 187; Sparks to Martineau, 22 June 1837, copy, Houghton Library, Sparks Papers, MS 147–G, pp. 20–1; Congressional Globe, 25th Cong. 2nd Sess., VI, p. 20.

31 The most convenient list of petitions ordered to be printed by the Congress, along with citations to the respective Congressional papers, is in T. Solberg, Copyright in Congress, 1789–1904 (Washington, 1905), pp. 96–102. For references to some of these as well as petitions not printed, see the Journal of the House and the Senate for 1837–8 (25th Cong. 2nd Sess.). See also Clay to Sargent, 13 January 1838, Massachusetts Institute of Technology. Clay's remarks of 24 April 1838 are in Congressional Globe, VI, p. 326; Nicklin, Remarks on Literary Property (Philadelphia, 1838), p. vii.


33 Basic information about these Senators may be found in The Biographical Directory of the American Congress and The Dictionary of American Biography. For the Strange–Force publishing agreement of 10 July 1838, see State Dept. of Archives and History, Raleigh, North Carolina, Strange Papers. See also R. Walser, 'Senator Strange's indian novel', North Carolina Historical Review, XXVI (January 1949), pp. 1–27.

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More realistic statistics were set forth a few years later in a memorial to the Senate, *Senate Documents*, 27th Cong. 2nd Sess., IV (13 June 1842), no. 323. It estimated that the total number of people employed in the book and printing trades were about 41,000. The figure of 200,000 was arrived at by estimating that each employee would have four dependants: a very different impression from that left by Nicklin and the Patent Committee. The investment in plant and equipment was about $15 million, while the annual volume of business was $27 million. The facet of the trade most directly involved with foreign reprints was that having to do with 'publishing and bookselling'; with 4,000 employees, $4 million investment, and $7 million in sales.

Congressional Globe, 25th Cong. 2nd Sess., VII (17 December 1838), p. 34; *Journal of the Senate*, pp. 51, 55 and 305.


**Chapter IV  Further Efforts to Influence the American Congress, 1842–51**

1. L. H. Houtchens, 'Charles Dickens and international copyright', *American Literature*, XIII (March 1941), pp. 18–28. Houtchens is still the best treatment of Dickens's visit to America as far as the copyright issue is concerned. Perhaps Houtchens's chief shortcoming, and that of many Dickens scholars, is to assume that Dickens had a thorough understanding of the American literary and publishing scene.

3 An example of the initial invitation is Duyckinck's letter to John Jay, 23 August 1843, Columbia University Library, Jay Papers. Typical of the letters which the Corresponding Secretary sent out was that of 26 August 1843 to R. W. Griswold, Boston Public Library, Griswold Papers; or that to Dr John W. Francis, 28 August 1843, Library of Congress, Rare Book Division. The Club's 'Address' was printed, bore the date 18 October 1843, and was sent to all the members.


5 Mathews to Simms, 22 December 1843, Columbia University Library. As with the original canvassing of members in August 1843, so with the instructions about petitions, Mathew’s correspondence was essentially a form letter.

6 Journal of the Senate, 28th Cong. 1st Sess. (15 December 1843), p. 33; Journal of the House, 16 December 1843, p. 58; an advance copy of the Putnam petition was printed in the Athenaeum, no. 835 (28 October 1843), p. 963. For Capen’s memorial see Journal of the House, 15 and 19 January 1844, pp. 238, 260; it was also printed as a separate pamphlet by Capen. See also House Documents, I (16 December 1843), no. 10; I (15 January 1843), no. 61.

7 Mathews authorized Griswold to keep the Copyright Club’s ‘interests before the Committee of the House’ in a letter of 21 February 1844, Historical Society of Pennsylvania, Amer. Lit. Dupl., MS Box 327. On 4 April 1844 Mathews told Griswold he would send him some money to cover necessary expenses in connection with copyright Boston Public Library, Griswold Papers.


9 Morse to Mathews, 5 March 1842, New York Historical Society. For mention of those who blamed Mathews see Clark, op. cit., p. 72.

10 29 July 1846, Pennsylvania Historical Society, Amer. Lit. Dupl., MS Box 327. Mathews was referring to a letter he wrote to the editor of the Courier and Inquirer, dated 22 July 1846. Mackenzie was an American residing in Britain, who served as a correspondent to American newspapers from time to time.

11 Winthrop to Everett, 27 December 1843, Massachusetts Historical Society, Everett Papers, MS Box 8; Jay to Blackwood & Sons, 28 January 1848, copy, Jay Homestead.
15 Carey to J. Miller, 19 June 1835, in Kaser, op. cit., p. 150. Between Kaser and Exman one gains a good picture of trade courtesy as it functioned in the 1820s and 1830s. In some future work I shall hope to deal with the phenomenon for the 1840s and 1850s in considerable detail. Harper & Bros reprinted Marryat's Stones of the Sea and in retaliation H. C. Carey persuaded his younger brother in the firm of Carey & Hart to reprint Bulwer's Rienzi.
16 An account of Jay's visit to Washington and the conclusion he drew from it are set forth in a lengthy letter written to Blackwood on 28 January 1848 which was subsequently reprinted by Blackwood and cautiously distributed to interested parties. The original draft is in the Jay Homestead. One of the printed copies, entitled 'Copyright in America', is among the Lytton papers at the Herts County Record Office, MS vol. XVI, ff. 21-2. Another copy is among the Jay Papers at Columbia University.
17 Jay to Blackwood, 29 January 1848, MS Jay Homestead.
18 Coxe to Jay, 24 January 1848, MS Jay Homestead.
19 Jay to King, 18 March 1848, MS copy, Jay Homestead letter book, pp. 34-5; King to Jay, 20 March 1848, Columbia University, Jay Papers. King presented the memorial to the House of Representatives on 22 March.
20 For the Jay and Bryant memorials see House Misc. Documents, 30th Cong. 1st Sess. (22 March 1848), no. 76. Although ordered to be printed at the time, through a confusion it was not generally available for some years thereafter. This was of considerable annoyance to Jay, who had wished to convert the memorials into a vehicle of effective publicity.
21 Memorial, p. 6.
22 Blackwood to Jay, 24 February 1848, MS Jay Homestead.
23 Jay to King, 27 March 1848, Jay Homestead, MS copy in letter book, p. 41; Palfrey to Jay, 3 April and 6 April, Columbia University, Jay Papers; Jay to Winthrop, 10 April, Jay Homestead, MS copy; King to Jay, 15 April, Columbia University, Jay Papers.
25 The copy of Jay's 28 January letter which was sent to Bulwer was dated 5 April and had no. 5 on it.
26 James to Jay, 4 June 1848 and R. Blackwood to Jay, n.d. [June 1848], Columbia University, Jay Papers.
27 Jay to King, 1 May and 8 June 1848, University of North Carolina, Southern Historical Collection, King Papers.
28 Jay to King, 26 June 1848, University of North Carolina, King Papers. The Customs regulations in question were 8 & 9 Vict., c. 90, and 9 & 10 Vict.,
c. 58. The former had set a duty of £5 per hundredweight on foreign editions of works which had previously been published in Britain. Naturally reprints of books which still enjoyed copyright in Britain could not be imported from abroad. In the case of those states which had concluded a copyright treaty with Britain, the duty on foreign reprints of non-copyright English books was £2.10s. od. The latter statute reduced these duties respectively to £2.10s. od. and 15s. The 15s. was felt to be equivalent to what British publishers and paper-makers had to pay in excise to the British Government.


Chapter V The Impact of Foreign Reprints on the Domestic British Book Trade

1 The best account of the Paris reprint trade is G. Barber, 'Galignani and the publication of English books in France, 1800-52', Library, XVI (December 1961), pp. 267-84.

2 James, 'Of some observations on the book trade, as connected with literature in England', Journal of the Statistical Society of London, VI (1843), pp. 50-60. Although the article is not dated, internal evidence would suggest the late spring of 1842.

3 Publishers' Circular, V (1 April 1842), p. 97.

4 Colbrun v. Carrol and Halliday, P.R.O., Chancery, C. 13-2702; C. 31-508 (part II).

5 Morgan to Bentley, 22 September 1834, University of Illinois Library, Bentley Papers, authors' file, Morgan folder; Bentley v. Baillière, P.R.O., C. 31-514 (part I); C. 13-2702; Bentley Papers, B.M. Add. MSS 46633, ff. 18-27. The case and others of the time are briefly discussed in J. J. Barnes, 'Galignani and the publication of English books in France: A postscript', Library, XXV 5th ser. (December 1970), pp. 294-313. The article deals mainly with the efforts of London publishers to issue their books through agents in Paris.

6 These procedures are set forth in 54 Geo. III, c. 156. Section 4 of this Act provides for double costs when damages are claimed. The main reason to avoid a common law court, as distinct from Equity in Chancery, was that the legal expenses would far exceed an out-of-court settlement.
9 Bentley v. Kennett, Bentley Papers, B.M. Add. MSS 46633, f. 165 and following.
10 For the itemized legal expenses, see B.M. Add. MSS 46634, ff. 287-90.
11 P.R.O., F.O. 5-339/246V. The memorandum was enclosed in a letter from J. A. Murray to Lord Palmerston, 25 March 1839.
12 10 January 1842; P.R.O., B.T. 1-385. James's letter was enclosed in the F.O. dispatch 488 to the Board of Trade, 17 March 1842.
14 For the earlier legislation, see 12 Geo. II, c. 35; 41 Geo. Ill, c. 107.
15 Gladstone to Dean, 14 April 1842, Gladstone Papers, copy, B.M. Add. MSS 44527, f. 70v; Gladstone to James, 18-20 April 1842, copy, B.M. Add. MSS 44527, f. 72. The Treasury Minute in question was dated 25 February 1842. See also Customs to Board of Trade, 11 February 1842, Report, P.R.O., B.T. 1-382 for a good summary of the earlier policy.
16 James to Bulwer, 26 May 1842, Herts Record Office, Bulwer Papers, III, 32.
17 For a fuller discussion of Mahon-Talfourd Bill and its eventual passage, see chapter VI.
18 Mahon to Murray, 3 and 5 March 1842, in the possession of John Murray Ltd.
19 For Gladstone's role in steering the Customs Bill through Parliament, see The Journals of the House of Commons, XCVII (1842), pp. 394, 398, 418, and 430. See also Gladstone to F. B. Long, 17 June 1842, B.M. Add. MSS 44527, f. 82v; Gladstone to Mahon, 24 June 1842, Add. MSS 44527, ff. 83-4; copies.
21 6 November 1842, Herts Record Office, Bulwer Papers, III, p. 28.
22 James to Bulwer, 22 September 1842; Herts Record Office, Bulwer Papers, III, p. 31.
23 James to Bulwer, 23 November 1842; Marryat to Bulwer, n.d. (Wednesday, November-December 1842); Herts Record Office; Bulwer Papers, III, p. 30; IV, p. 10.
Chapter VI Efforts to Influence Parliament, 1838-44

1 P.R.O., Board of Trade, Ind. 14107/7 (16 January 1838), no. 6169; Athenaeum, no. 537 (10 February 1838), pp. 105-6. The measure may best be traced in the Journals of the Commons and the Lords for 1838. Comparatively little shows up in Hansard’s Parliamentary Debates, but see Paulett Thomson’s request to present the Bill, XLI (20 March 1838), pp. 1096-8.


4 For French interest in copyright negotiations see Foreign Office to Board of Trade, 12 May 1837, F.O. 5-1534/1-2.

5 Board of Trade to Foreign Office, 29 January 1839, P.R.O., F.O. 5-339/60-2. The Foreign Office summary of earlier transactions is in F.O. 5-1534/1-1v. In 1842 a summary of earlier negotiations was set forth in a memorandum...
for Sir Robert Peel, 6 May 1842, Peel Papers, B.M. Add. MSS 40508, ff. 137-8v.

6 Foreign Office to Board of Trade, 17 March 1842, P.R.O., B.T. 1-385, Disp. 488, in which a copy of James's letter to Aberdeen, 10 January 1842, was also enclosed.


8 Mahon to Drummond, 2 July 1842, Peel Papers, B.M. Add. MSS 40511, f. 236.

9 Board of Trade to Foreign Office, 12 March, 3 May and 15 October 1842; 19 June 1843; 2 April and 20 May 1844; P.R.O., B.T. 3-30/461, p. 581; B.T. 3-31/258-70; B.T. 3-31/193-7; B.T. 3-32/98, p. 118.

10 Journals of the House of Commons, XCIX (1844), pp. 119, 147, 162, 168, 193, and 285. The Parliamentary Debates are particularly brief in their reporting of this measure and throw little light on its passage. See also Murray to Gladstone, 23 March 1844, John Murray Ltd, letter book.

11 A convenient list of the treaties is to be found in the Parliamentary Papers, 'Copyright commission', Reports from Commissioners, XXIV (1878), Appendix VI, p. 608. For more recent treatment, see S. P. Ladas, The International Protection of Literary and Artistic Property (New York, 1938), p. 21; S. Nowell-Smith, International Copyright Law and the Publisher in the Reign of Queen Victoria (Oxford, 1968), pp. 41-2.

12 Athenaeum, no. 763 (11 June 1842), p. 524; letter from Tom Hood.

13 The lists of petitions, though not the contents nor signatures of each, may be traced in the indices of the respective volumes of The Journals of the House of Commons.


16 Mahon to Brougham, 15 March 1842, University College, London, Brougham Papers, MS 6361.

17 Mahon to Murray, 3 March 1842, John Murray Ltd; Mahon to Brougham, 15 March 1842, University College, London, Brougham Papers, MS 6361.

18 Mahon to Murray, 23 March 1842, John Murray Ltd. The progress of the Copyright Bill can best be traced in the Journals of the Commons and the Lords for 1842.

19 Athenaeum, no. 754 (9 April 1842), p. 320.

20 Parliamentary Debates, LXII (20 April 1842), pp. 892-3. Godson supported the legal implications of section 24. See also Mahon to Murray, 21 April 1842, John Murray Ltd.

21 24 April 1842, University College, London, MS 6362. The Bill passed the House of Commons on 26 April.

22 Lyndhurst is given extended treatment in J. Campbell, Lives of the Lord Chancellors (London, 1869), VIII. The section on Lyndhurst covers approximately half the volume.
23 Mahon to Murray, 6 and 7 May 1842, John Murray Ltd; Mahon to Drummond, 7 May 1842, Peel Papers, B.M. Add. MSS 40508, f. 136.
25 Mahon to Murray, 13 May 1842, John Murray Ltd.
27 Gladstone to Mahon, 24 June 1842, Gladstone Papers, B.M. Add. MSS 44527, ff. 83v–4. According to Gladstone section 17 of the Copyright Bill 'provided no means of ascertaining what works are under copyright and thus as it now stands seems to fail in part of the executory provisions necessary for giving it effect'.
32 Dickens to T. Beard, 7 April 1843; Dickens to Babbage, 27 April 1843; and Dickens to Bulwer, 27 April 1843; in Dexter, op. cit., I, pp. 515–16. Gladstone to J. Robertson, 1 May 1843, B.M. Add. MSS 44527, f. 127v.
33 Dickens to Bulwer, 14 May 1843, in Dexter, op. cit., I, p. 521; Dickens to Longman, 17 May 1843, as quoted in M. House, G. Storey, and K. Tillotson (eds), The Letters of Charles Dickens: Pilgrim Edition (Oxford, 1974), III, pp. 491–2. Whitley, op. cit., p. 399 n. 59; Athenaeum, no. 812 (20 May 1843), p. 489; Literary Gazette, no. 1374 (20 May 1843), p. 337; Meeting of Authors, Publishers and Other Gentlemen Connected with Literature Held at Messrs. Longman and Co.'s, 39 Paternoster Row, on Wednesday, the 17th Day of May, 1843. Copies are to be found in the library of HM Customs and Excise and in the Parrish Collection of Princeton University. The latter collection also contains a list of members with their contributions.
36 For background on the Turners the following have been consulted: the Last Will and Testament of Sharon Turner (27 November 1843) and of Alfred Turner (20 February 1864). A considerable file of letters from both L&
Turners to John Murray is in the possession of John Murray Ltd. Further information came from the Library of the Law Society.


38 Although their exact role in the inquiry of 1818 is not entirely clear, it is apparent that the Turners aided Murray and the poet, Robert Southey, in seeking to amend the 1814 Copyright Act. In a letter to Murray of 25 March 1818 Alfred Turner wrote: 'I enclose you copies of the two general petitions against the existing copyright act for Mr. Southey if you think they will be of use to him.' Letter in the possession of John Murray Ltd.

39 Turner to Murray, 20 July 1842, John Murray Ltd.

40 By far the best account of Tauchnitz is S. Nowell-Smith, *op. cit.*, pp. 41-63. A copy of Bayley's opinion dated 15 July 1843 is in Herts Record Office, Bulwer Papers, MS Box 40. Dickens's inquiry does not seem to have survived. The licensing of foreign reprints of English copyright works was provided for by Section 17 of 5 & 6 Vict., c. 45.


42 Turner to James, 7 August 1843, Boston Public Library.

43 An example of the Society's effort to influence the Government may be found in a letter from A. Turner to the B. of T., 31 December 1844, P.R.O., Ind. 20446, p. 2. Five years later Turner was writing to the Board of Trade on behalf of interested publishers, but without mentioning the Society: 31 August 1849, Ind. 20451, p. 71. Unfortunately no membership list for these years seems to have survived.

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**Chapter VII  The Canadian Market**

1 The following arguments are based on both private and official sources. Of particular value is the printed Parliamentary report of 1872, which reprints some of the inter-departmental correspondence for 1845-6: *Accounts and Papers*, vol. XLIII, document no. 339, pp. 1-14. See also Colonial Office to Board of Trade, 10 June 1845, 27 June 1845, 27 June 1846, P.R.O., Ind. 20446, p. 144 and Ind. 20447, p. 148; Board of Trade to Colonial Office, 5 November 1845, 19 October 1846, P.R.O., B.T. 3-34/64-6 and B.T. 3-34/99-102; Board of Trade to Colonial Office, 14 July 1843, B.T. 3-31/68; 28 August 1843, B.T. 3-31/73; C.O. 42-509/118-19. See also J. Murray to Editor of *The Times*, 28 August 1843, copy, John Murray Ltd, letter book; *Athenaeum*, no. 855 (16 March 1844), p. 249.

2 *Accounts and Papers* (1872).


4 Hereafter the term Canadian will be used in its more general sense to include all five Provinces of British North America.
5 & 6 Vict., c. 49.

6 Ibid.

7 During the winter British books were shipped to the port of Halifax, and then overland across Nova Scotia and New Brunswick to Montreal.

8 Armour & Ramsay to Blackwood, 7 March 1843, National Library of Scotland, Blackwood Papers, MS 4063, ff. 65-6; Blackwood to Board of Trade, 18 April and 1 May 1843, P.R.O., B.T. 1-408 no. 690 and B.T. 1-409 no. 782; Treasury, T. 1-4956 no. 14,751, which bundles together all the previous correspondence relating to Stayner; a copy of the Treasury Warrant of 11 October 1843 is in CO. 42-511/311. See also Brother Jonathan, quarto ed. VI (11 November 1843), p. 298.


11 For the Association for the Protection of Literature, see chapter VI above. For the Royal Commission, see Reports from Commissioners, XXIV (1878). Canadian publishers were not given permission to reprint British copyright works until 1875, and then only under certain circumstances.


14 The opinion poll of booksellers and the comment by Greig are taken from Appendix PP of The Journals of the Legislative Assembly of the Province of Canada, III (1843), First Provincial Parliament, 3rd Sess. In the Public Record Office this is C.O. 45-216. For Murray's statements about the sale of Colonial Library volumes, see: Murray to G. Borrow, 18 January 1844; Murray to Melville, 3 December 1847; and Murray to Head, 7 April 1849.
15 Board of Trade to Colonial Office, 5 November 1845, P.R.O., B.T. 3-34/64. Also reprinted in the report of 1872.
16 Earl Grey succeeded Gladstone as Colonial Secretary. It is unlikely that the Board of Trade put further pressure on the book trade as Gladstone recommended.
17 Most of the correspondence between the Board of Trade and the Colonial Office relating to copyright is reprinted in the report of 1872. See also: Colonial Office to Board of Trade, 27 June 1846, P.R.O., Ind. 20447, p. 148 no. 1195; Board of Trade to Colonial Office, 19 October 1846, B.T. 3-34/99.
18 The Parliamentary Debates throw no light on the passage of the Foreign Reprints Act. However, its course may be followed in the Journals of the House of Commons, CII (1847), pp. 778, 807, 862, 868, 874, 931 and 951.
19 10 & 11 Vict., c. 28 (1847) applied only in the Province of Canada, not in the other four Canadian provinces.
20 For general background to Canadian copyright legislation, see: T. Solberg, Copyright in Canada and Newfoundland (Washington, 1903); H. G. Fox, The Canadian Law of Copyright and Industrial Designs (Toronto, 1967). Solberg reprints the texts of the various provincial copyright acts. For the exchange of official correspondence, see: Elgin to Colonial Office, 7 April 1848, P.R.O., C.O. 42-550/4; Colonial Office to Board of Trade, 12 May 1848, Ind. 20449, p. 139, no. 1361; Board of Trade to Colonial Office, 30 June 1848, C.O. 42-553/54 and B.T. 3-35/641; Colonial Office to Elgin, 7 July 1848, C.O. 42-550/302. The following Acts and Orders in Council imposed a duty of 20 per cent on foreign reprints entering their respective provinces: Nova Scotia Act of 21 March 1848 (11 Vict., c. 9) confirmed by Order in Council, 11 August 1848; New Brunswick Act of 30 March 1848 (11 Vict., c. 66) and Order of 31 October 1848; Newfoundland Act of 23 April 1849 (12 Vict., c. 5), Order of 30 July 1849.
21 See the following for the problems of enforcing the 1842 Copyright and Customs Acts, as well as the dispute between Dunscombe and Pratt: Treasury to Colonial Office, 31 July 1849, P.R.O., T. 7-1/129; Treasury to Colonial Office, 23 August 1849, T. 7-1/150; Elgin to Colonial Office, 8 February 1850, C.O. 42-565/53; Treasury to Colonial Office, 7 March 1850, with enclosures, C.O. 42-569/70-84; Colonial Office to Board of Trade, 25 March 1850, Ind. 20452, p. 94; Elgin to Colonial Office, 16 August 1850, C.O. 42-566/86; Board of Trade to Colonial Office, 20 November 1850, C.O. 42-567/56; Colonial Office to Board of Trade, 29 November 1850, C.O. 42-567/59; Board of Trade to Colonial Office, 9 December 1850, C.O. 42-567/62; Order in Council, 12 December 1850, C.O. 42-566/95-9; Privy Council to Colonial Office, 21 December 1850, C.O. 42-567/40; Elgin to Colonial Office, 4 February 1851, C.O. 42-572/182; Board of Trade to Colonial Office, 8 March 1851 and Board of Trade to Colonial Office, 18 March 1851, C.O. 42-575/150-3.
22 Athenaeum, no. 1254 (8 November 1851), p. 1174.

23 The Inspector-General of Canada noted that 'the annual expense attending upon the collection of the Copyright duty at 89 Ports, at which so much of the time of the officers is necessarily engaged in the scrutiny of Book Importations, the keeping of Separate Accounts and Entries, and the preparation of special Returns', far exceeded the duty collected. He estimated that the Province spent about £250 a year imposing and collecting the duty on books, while only £30 to £35 was deducted from the receipts to cover the printing of lists and forms. Only about 1 per cent of the possible duty on American books entering Canada was collected from 1851-5.

24 The best source for the Canadian figures is: P.R.O., Governor-General E. Head to the Colonial Office, 16 February and 12 July 1856, with enclosures, C.O. 42-603/283 and C.O. 42-604/319. See also: Bentley to C. Trevelyan of the Treasury, 8 July 1856, copy, Bentley Papers, B.M. Add. MSS 46642, f. 110v. For a discussion of the Foreign Reprints Act of 1847 and its effectiveness or lack thereof, see: Athenaeum, no. 1418 (30 December 1854), p. 1592; no. 1429 (17 March 1855), p. 324; and no. 1517 (22 November 1856), p. 1436. For some of the legal implications see the Jurist, VI n.s. (11 February 1860), pp. 44-6. Bulwer's income from the colonial duty comes from Herts Record Office, Bulwer Papers, Treasury to Lord Lytton, 31 October 1866, MS Box 40.

Chapter VIII The British Law Courts: A Possible Remedy for the Absence of International Copyright


2 The Routledge figures come from one of the 'paper and print' volumes in possession of Routledge & Kegan Paul Ltd. Although the figures in these volumes were estimates of future commitments, they are a gauge of actual practice. For a history of the firm see F. A. Mumby, The House of Routledge, 1834-1934 (London, 1934). A description of Hawthorne's writings and the publishers who reprinted them may be found in J. Blanck (ed.), Bibliography of American Literature (6 vols to date; New Haven, 1955-73). See also C. Gohdes, American Literature in Nineteenth Century England (Carbondale, 1944).

3 In July-August 1850 Murray formally applied for the injunction while Bentley gathered evidence and awaited the outcome of Murray's litigation. Thus, strictly speaking, Murray was the only plaintiff. However, it was made clear at the time that if Bohn and Routledge did not cease the republication of Irving and Melville, Bentley would also seek damages.

4 The most convenient listing of Bohn's Shilling Series and Routledge's Popular Library is in the Publishers' Circular, XIII (1850), in the Catalogue of Printed Books at the beginning of the volume. Bohn's list was numbered in the order
of appearance while Routledge's was not, but I have assigned numbers to the latter.

5 The following correspondence deals with Murray's requests to Putnam and Irving for information and their replies: Putnam to Murray, 5 June, 3 July, 16 July 1850, in the possession of John Murray Ltd; R. Cooke in behalf of Murray to Putnam, 9 August 1850, in G. H. Putnam, *A Memoir of George Palmer Putnam* (New York, priv. printed, 1903), pp. 341–2; and Irving to Murray, 18 August, 19 August and 22 September 1850, in B. H. McClary, *Washington Irving and the House of Murray, 1817–1856* (Knoxville, 1969), pp. 193–9, where these three letters are reprinted in their entirety. The letter from Irving to Murray of 22 September was particularly important since it provided Murray with literary and biographical information which Murray needed for his lawsuit.

6 Turner to Murray, 10 August 1850.

7 Turner to Murray, 11 February, 1 April and 20 April 1851, John Murray Ltd. The definition of a Demurrer came from a former solicitor of Richard Bentley's, J. H. Adlington, in his *Cyclopaedia of Law* (London, 1820), p. 217.

8 Turner to Murray, 12 June and 3 December 1851, John Murray Ltd; Bentley to Routledge, 3 June, 13 June, 8 July, 10 July, 14 July 1851, Bentley Papers, B.M. Add. MSS 46641, ff. 140v., 142, 147v., 151v–2v; Bentley to Devey, 31 January 1852, B.M. Add. MSS 46641, f. 207; Bentley–Routledge agreement, 17 June 1851, in the possession of Routledge & Kegan Paul Ltd (agreements and copyright receipts A–H). Bentley's dissatisfaction with the way Routledge abided by the agreement of 17 June 1851 is indicated by his solicitor's warning that legal proceedings might be resumed for breach of contract; Devey to Routledge, 6 December 1851, University of Illinois, Bentley Papers, business file, Devey folder. See also Devey to Bentley, 30 January and 6 February 1852, Devey folder. Eventually Routledge seems to have pacified Bentley by a penalty payment of £100, though Bentley wanted £300. By 1851 Routledge had reprinted three of J. F. Cooper's works in a Railway Series, thus forcing Bentley to protect his copyrights in Cooper as well as Irving.

9 Turner to Murray, 20 June, 22 July, 28 July, and undated (late July) 1851; and Murray to Irving, undated (late July) 1851; copy; John Murray Ltd; for Bentley's efforts to force Bohn's surrender see: Bentley to Devey, 23 May 1851, Bentley Papers, B.M. Add. MSS 46641, f. 134v; Devey to Bentley, 3 June 1851, University of Illinois, Bentley Papers, business file, Devey folder; Bentley to W. H. Prescott, 19 June 1851, B.M. Add. MSS 46641, f. 143v.

10 Murray to Irving, 19 September 1851, in P. Irving, *The Life and Letters of Washington Irving* (New York, 1862–4), IV, pp. 89–90; Turner to Murray, 8 April and 14 April 1852, John Murray Ltd. The Murray–Bohn agreement of 27 August is in the possession of the Murray firm. The total of Murray's legal costs came to £817 14s. 10d. For the Bentley–Bohn settlement see: Devey to Bentley, 11 September, 3 October 1851, University of Illinois,
NOTES TO PAGES 165–168

Bentley Papers, business file, Devey folder; Bentley to Bohn, 27 December 1851, B.M. Add. MSS 46641, f. 189v.

11 McClary, op. cit., pp. 204–5.

12 On appeal to the House of Lords this case was known as Jefferys v. Boosey rather than Boosey v. Jefferys as it had been referred to in the Court of Exchequer and the Court of Error.

13 References to the various cases cited in this chapter may be found in any of the contemporary works on copyright. Perhaps the most comprehensive and useful is R. A. Fisher, A Digest of the Reported Cases Determined in the House of Lords and Privy Council, and in the Courts of Common Law . . . 1756–1870 (5 vols; London, 1870); see especially vol. I, cols 1873–4 for copyright of foreigners. Not all cases were reported, especially if they were tried in the same court and were of a similar nature. Thus, Boosey v. Purday was reported and Boosey v. Jefferys was not. Information about the latter is taken from materials at the Public Record Office: Exchequer, E. 8–11 and E. 8–12 Exch. of Pleas Roll no. 63. These Exchequer materials provide dates and details for the years 1849–52 but not thereafter.

The appeal before the Court of Error was duly reported in several of the contemporary journals, as was the final decision of the House of Lords: 4 House of Lords Cases, 815, which includes the opinions of the Common Law Judges as well as those of the Law Lords.

The Parliamentary Inquiry into the appellate jurisdiction of the Lords is in the Parliamentary Papers, Reports, Committees, VIII (1856), pp. 403–605. See also Accounts and Papers, L (1856), nos 272 and 298, concerning the number of cases brought to the House of Lords and those who heard them. The best, and most lively account, though by no means impartial, was Lord Campbell’s Lives of the Lord Chancellors, especially the posthumously printed volume VIII (London, 1869).

14 The biography of Lord Campbell by his daughter, the Hon Mrs Hardcastle (2 vols; London, 1881), is another important source. She was heavily dependent upon the personal diaries of Lord Campbell, and I am especially indebted to the Rt Hon. Baron Stratheden and Campbell, for permission to peruse and quote from manuscripts of these which are in his possession. W. Holdsworth’s A History of the English Law (new ed., 16 vols; London, 1966) is also valuable, as are: C. M. Denison and C. H. Scott, The Practice and Procedure of the House of Lords . . . under the Appellate Jurisdiction Act 1876 (London, 1879); T. Beven, ‘Appellate jurisdiction of the House of Lords’, Law Quarterly Review, XVII (October 1901), pp. 357–71.

15 Bohn went to great lengths to publicize the open meeting of 1 July 1851 chaired by Bulwer. He hired a shorthand writer to take down the proceedings verbatim but when this arrangement failed he personally supervised the collecting and editing of the speeches and motions which became the basis for a long pamphlet entitled The Question of Unreciprocated Foreign Copyright. This
appeared in August 1851. The Society for Obtaining an Adjustment of the Law of Copyright also issued a printed circular encouraging membership. The only copy of this that has come to my attention is at the British Library, London School of Economics, Coll. G, 884 (2). The July meeting was also well publicized in the daily and periodical press.

16 Lord Campbell's comments about his contemporaries are in his MS journals for the years 1850-4.

17 Granville's description is quoted by Holdsworth, op. cit., XVI, p. 59. Bethell's evidence before the Select Committee begins on p. 431 of the 1856 report, as cited above.

18 We do not know why the other five judges were absent, although it was a rule of procedure that a judge could deliver an opinion only if he were present at the outset of a hearing and was later present to read his opinion in person. Lord Campbell may have been precluded because he had written the decision for the Court of Error, though his absence may have stemmed from some other cause.

19 Justice Patteson, who had also supported Boosey's appeal in 1851, was in retirement by 1854, and Cresswell, another supporter in 1851, was absent. One other judge of Common Pleas might have taken part in both judgments but for some reason did not: T. N. Talfourd, whose name had for so many years been linked with the defence of copyright. The opinions of the ten judges are set forth in the report of Jefferys v. Boosey as cited above. They are also reprinted in the Journals of the House of Lords, LXXXVI (1854), pp. 299-322.

20 The statistics concerning the frequency of Law Lords attending to appeals were conveyed in a special statement by the House of Lords to the House of Commons, Accounts and Papers, L (1856), no. 272.

21 Sampson Low placed his announcement in his own publication, Publishers' Circular, XVII (16 August 1854), p. 376. See also Athenaeum, no. 1402 (9 September 1854), p. 1090.

22 The various figures for Routledge's editions are taken from the firm's paper and print book covering the years 1851-5. A copy of Bentley's sale of Prescott's works to Routledge is also in the possession of Routledge & Kegan Paul Ltd. There is a voluminous exchange of correspondence between Bentley and Prescott divided among the British Museum, the University of Illinois, Houghton Library, the Massachusetts Historical Society. The published works of C. H. Gardiner also contain portions of this correspondence. Bentley's statement about his financial position comes from a copy of a letter to Prescott, 22 June 1855, B.M. Add. MS 46642, f. 74. Statistics of Bentley's cheap reprints are in B.M. Add. MSS 46637, f. 76. The legal opinions of Turner, Devey, and Willes, dated 28 May, 9 June and 14 June 1855 respectively, are in the University of Illinois, Bentley Papers, authors' file, Prescott folder. By 1854 the only other potentially profitable American author attached to Bentley was George Bancroft. However, they had fallen out over the length of
Bancroft's multi-volume work even before the decision of Jefferys v. Boosey.

23 Le Marchant to Bentley, n.d. (August-September 1854), extract, University of Illinois, Bentley Papers, authors' file, copyright folder; Bentley to Brougham, 3 January and 23 February 1855, University College, London, Brougham Papers, MSS 19, 201-2; Gladstone to Bentley, 12 January 1866, copy, University of Illinois, authors' file, Gladstone folder.

Chapter IX  American Lobbyists in the Early 1850s

1 Much of what follows comes from materials in the Hertfordshire County Record Office, Bulwer Papers, red files marked 1831-64 and 1854. These contain the letters which Robert wrote to his father. Another volume, labelled 'Letters of the First Lord Lytton to his Son', are less useful for this study. The standard biography of Robert Lytton Bulwer who referred to himself as Robert Lytton and later assumed the nom de plume of Owen Meredith was written by his daughter, E. E. Balfour, Personal and Literary Letters of Robert first Earl of Lytton (London, 1906).

2 21 January 1851.

3 24 February and 29 April 1851, red file 1854.

4 For basic biographical information about Crampton, see Dictionary of National Biography; E. Walford (comp.), The County Families of the United Kingdom (4th ed., London, 1868).


7 Palmerston to H. Bulwer, 21 November 1850, P.R.O., F.O. 5-510/167; A. McVaye to Palmerston, 21 November 1850; J. Harnett to Palmerston, 11 November 1850; Bulwer to Palmerston, 13 January 1851, enclosing Moore to Bulwer, 10 January 1851; F.O. 5-524/134 and 149; F.O. 5-527/13-14.

8 Crampton to Elgin, 3 November 1851, copy, enclosed in Crampton to Malmesbury, 12 September 1852; in possession of the Earl of Malmesbury; volume labelled 'Private Correspondence: Turkey . N.S. America, 1852'. In this letter Douglas is clearly alluded to in terms of his support of reciprocity and his aspiration for the Presidency. He had introduced a Reciprocity Bill on 11 February 1850: Journal of the Senate, 31st Cong. 1st Sess., p. 138.

9 R. Lytton to E. L. Bulwer, 8 November and 13 November 1851, Herts Record Office, Bulwer Papers, red file 1854.
10 Bulwer to Palmerston, 1 July 1850, Palmerston Papers, currently in the possession of the Historical Manuscripts Commission, Chancery Lane, London.


15 Austin to Sumner, 6 June 1852, Houghton Library, Sumner Papers.


17 H. Hamilton, Zachary Taylor (Indianapolis, 1951), II, pp. 164, 345–7. Hamilton provides good references for further inquiry into the affair. See also Stryker's American Register, IV (July 1850), pp. 78–80, for a good contemporary account.


19 Stryker's American Register, V (January 1851), pp. 572–4.

20 A good account of the Mexican claims is in A. Nevins, Ordeal of the Union, 1852–57 (New York, 1947), I, p. 156.


22 Nevins, op. cit., I, p. 155.


25 'Bribery and claims', Senate Documents, Special Session of the 33rd Cong. (22 March 1853), report no. 1.

26 'An Act to Prevent Frauds upon the Treasury of the United States', 26 February 1853.

27 Borland Report, p. 31.

28 Ibid., pp. 28–9.

and papers, one of the best sources for the background and workings of the Court of Claims is J. C. Devereux, *Court of Claims: Report and Digest of Opinions Delivered since the Organization of the Court* (New York, 1856).

**Chapter X  The Organization**


I am particularly grateful to the Tennessee State Library, the Memphis Public Library, and the Yale University Alumni Office for assisting me with these sources. Because Walker usually styled himself J. Knox or merely Knox Walker, some writers have mistakenly assumed that his Christian name was James. However the family Bible as well as other sources clearly indicates Joseph, not James.

2 M. M. Quaife (ed.), *The Diary of James K. Polk during his Presidency, 1845 to 1849* (Chicago 1910), II (21 January 1847), pp. 345-6.


4 Borland Report, 1853, pp. 24-7, 190-205; Rainey’s Memphis City Directory for 1855-6.

5 The chief source for Beverley Tucker is Jane Ellis Tucker, *Beverley Tucker: A Memoir, by His Wife* (Richmond, 1893). See also the *Dictionary of American Biography*.

6 Beverley to N. B. Tucker, 14 December 1848 and 10 December 1849, College of William and Mary, Tucker–Coleman Papers.

7 B. Tucker to N. B. Tucker, 25 April 1851, College of William and Mary, Tucker–Coleman Papers.

8 Tucker to Hunter, 5 April 1851, University of Virginia Library, Hunter Papers; B. Tucker to J. Randolph Tucker, 15 December 1851, University of North Carolina Library, Southern Historical Collection, Tucker family Papers.


10 There is a particularly good account of Walker in the *Dictionary of American Biography* and there are several monographs dealing with Walker’s later career. The most recent and generally useful is J. P. Shenton, *Robert John Walker: a politician from Jackson to Lincoln* (New York, 1961). See also: M. Eichert, ‘Some

In 1849-50 Colt's personal attorney was Joseph Knox Walker, and thus it was natural to use the Organization's representative at the Great Exhibition in 1851. See H. Stevens, *An Account of the Proceedings at a Dinner Given by Mr. George Peabody to the Americans Connected with the Great Exhibition at the London Coffee House Ludgate Hill on the 27th October 1851* (London, 1851), at which both R. J. Walker and Colt were present. On 25 November Colt read a paper entitled *On the Application of Machinery to the Manufacture of Rotating Chambered-Breech Fire-arms, and Their Peculiarities* to the Institution of Civil Engineers in London. R. J. Walker was one of the Honoured Guests in attendance. The paper was published in 1853 with notes by the Institute's Secretary, Charles Manby.


Spencer, *op. cit.*, pp. 184-5, 193; MS diary, 1831-57, Library of Congress, Marcy Papers, vol. LXXVII, see for example p. 14 (7 March 1851), where Marcy works on the Leggett claim; A Leggett to Marcy, 16 July 1851, Library of Congress, Marcy Papers, vol. XIX. The difficulty with Spencer's approach may be that he is so preoccupied with political considerations in the narrowest sense that he ignores the role of personal influence through business connections and claims.

Various letters from Causten to Marcy are found in Library of Congress, Marcy Papers, vol. XVIII; Marcy's end-of-the-year account for 1850 is in his MS diary, 'literary and political', vol. LXXXV, section C.; his day-to-day work in Washington from January to April 1851 is in MS diary, vol. LXXXVII, especially pp. 1-25. Causten is regularly listed in the city directories for Washington, D.C., for the late 1840s and early 1850s.

A brief account of Mason's life is in the *Dictionary of American Biography*. See also: Mason to Grigsby, 14 September 1850, Pennsylvania Historical Society, Gratz Collection; Mason to Buchanan, 8 December 1851, Pennsylvania Historical Society, Buchanan Papers, MS Box 74.

Brief accounts of Burke are in Appleton's *Cyclopaedia of American Biography* and *Biographical Directory of the American Congress*. For his connection with


20 Dictionary of American Biography; plus references in Sellers's Polk; Nichols's Pierce and Democratic Machine.

21 The most comprehensive study of Levin is to be found in an article by J. A. Forman, 'Lewis Charles Levin: portrait of an American demagogue', American Jewish Archives, XII (October 1960), pp. 150-94. This traces the earlier years of Levin's career and elucidates Levin's political and social views. It does not deal with his career as a lobbyist, however. See also: Dictionary of American Biography; Biographical Directory of the American Congress; National Cyclopaedia of American Biography; Dollar Newspaper, 21 March 1860, p. 2. I am very grateful for the assistance which Professor Thomas Curran of St John's University (NY) gave me in my search for information about Levin. Unfortunately the Levin family papers were lost in the Charleston earthquake of 1886.

22 Levin to Lewis, 15 April 1849, Huntington Library. Unless otherwise indicated, the following references and quotations are from the same collection.

23 16 April 1849.

24 30 April, 2 May and 3 May 1849.

25 10 and 19 December 1849; 26 January, 31 January and 1 February 1850.

26 W. D. Lewis's charges against Cooper were set forth in an extended pamphlet: A Brief Account of the Efforts of Senator Cooper of Pennsylvania . . . to Prevent the Confirmation of William D. Lewis, Collector of the Customs of the District of Philadelphia (Philadelphia, 1851).

27 22 April and 8 May 1850.

28 Levin to Lewis, 6 August 1850.

29 Levin to Webster, 25 April 1851, Library of Congress, Webster Papers, vol. X.

Chapter XI Bribery, or the Necessary Expenses of Congressional Action: November 1851-February 1853

1 R. Lytton to Bulwer, 17 January 1852, Herts Record Office, Bulwer Papers, red file, 1854; Levin to Moore, January-February 1852, Bodleian Library, Crampton Papers; there is also an unsigned copy in Herts Record Office, Bulwer Papers, XII, p. 18. Both the original and the copy are unsigned, but the former is in Levin's writing.

2 R. Lytton to Bulwer, 23 February 1852, Herts Record Office, Bulwer Papers,
red file, 1854; Moore to R. Lytton, 10 March 1852, Bulwer Papers, XII, p. 11; Crampton to Bulwer, 15 March 1852, Bulwer Papers, XII, p. 12.

3 Crampton to Granville, 14 March 1852, P.R.O., F.O. 5-544/213-17; Malmesbury to Crampton, 19 April 1852, F.O. 5-544/218-19; Foreign Office to Board of Trade, 7 May 1852, F.O. 5-556/208-8v; Board of Trade to Foreign Office, 19 May 1852, F.O. 5-556/262-63v; Malmesbury to Crampton, 21 May 1852, F.O. 5-542/174-8v. Copies of the Anglo-French Copyright Treaty, signed 3 November 1851, altered for purposes of negotiation with America, are in: F.O. 5-542/180-4v; F.O. 5-556/264-8v.

4 R. Lytton to Bulwer, 13 November 1851, Herts Record Office, Bulwer Papers, red file 1854; Bulwer to Crampton, 25 March 1852, Bodleian Library, Crampton Papers; R. Lytton to Crampton, 28 and 29 March 1852, Crampton Papers.

5 Levin to Moore [?], 15 April 1852, original in Bodleian Library, Crampton Papers; copy in Herts Record Office, Bulwer Papers, XII, p. 12; this latter copy in the handwriting of T. W. C. Moore. The name of Levin was obliterated, presumably by Bulwer at some later date to maintain the American's anonymity. See also Crampton to Bulwer, 19 April 1852, Herts Record Office, Bulwer Papers, XII, p. 14; Bulwer to Crampton, 3 May 1852, Bodleian Library, Crampton Papers.

6 Crampton to Winthrop, 25 April 1852, copy, Bodleian Library, Crampton Papers; Synge to Longfellow, 26 April 1852, Houghton Library, Longfellow Papers; Synge to Emerson, 26 April 1852, Houghton Library, Emerson Papers.

7 Longfellow to Synge, 5 May 1852, New York Public Library, Berg Collection; Emerson to Longfellow, 10 May 1852, Houghton Library, Longfellow Papers; Winthrop to Crampton, 12 May 1852, Bodleian Library, Crampton Papers; Longfellow to Emerson, 26 May 1852, Houghton Library, Longfellow Papers; Emerson to Synge, 6 June 1852, Houghton Library, Emerson Papers. See also R. L. Rusk, The Letters of Ralph Waldo Emerson (New York, 1939), IV, pp. 292-3.


9 Dickens to Murray, 18 May 1852, copy in the possession of the Editors of The Letters of Charles Dickens: Pilgrim Edition. Dickens to Edward Chapman, 18 May 1852, in Dexter, op. cit., II, p. 462; J. Blackwood to W. Blackwood, 24 May and 28 May 1852, National Library of Scotland, MS 4097, ff. 163-4 and 170-1; Bulwer to Crampton, 29 May 1852, Bodleian Library, Crampton Papers; R. Lytton to Crampton, 30 May 1852, Crampton Papers.

10 Parliamentary Debates, XLI (20 March 1838), pp. 1107-8; R. Lytton to Crampton, 30 May 1852, Bodleian Library, Crampton Papers; Crampton to Bulwer,

11 R. Lytton to Crampton, 29 June and 14 July 1852, Bodleian Library, Crampton Papers.

12 Apparently one contributor paid in £5 less than indicated above, so that the actual total forwarded to Crampton was £995. The lists of contributors were scrawled on the backs of several of the following letters, while other letters referred to specific subscriptions. Crampton to Bulwer, 14 June 1852, enclosed with some letters from Bulwer to Murray, John Murray Ltd; Bulwer to Murray, 9 July 1852, John Murray Ltd; Blackwood to J. Dickinson, 16 July 1852, letter book, pp. 6–7, Wm Blackwood & Sons; Murray to Blackwood, 3 August 1852, National Library of Scotland, Blackwood Papers, MS 4013, f. 41.

13 Bulwer to Crampton, 27 July 1852, Bodleian Library, Crampton Papers; R. Lytton to Crampton, late July 1852, Crampton Papers.

14 For material concerning the fund-raising efforts see: Murray to Blackwood, 10 July 1852, National Library of Scotland, Blackwood Papers, MS 4099, ff. 165–6; Blackwood to Murray, 12 July 1852, Wm Blackwood & Sons, letter book, p. 4; J. Blackwood to J. Blackie, 12 July 1852, letter book, pp. 2–3; Murray to Blackwood, 14 July 1852, National Library of Scotland, Blackwood papers, MS 4103, f. 40; Blackwood to Murray, 15 July 1852, Wm Blackwood & Sons, letter book, p. 5. Some of these financial arrangements first came to light in K. J. Fielding, 'Dickens and international copyright', Bulletin of the British Association for American Studies, no. 4 n.s. (August 1962), pp. 32–3. Since Fielding had access to only a few of the letters pertinent to the subject, namely those at John Murray Ltd, he laboured under a considerable disadvantage.

15 Crampton to Bulwer, 28 June 1852, Hertford Record Office, Bulwer Papers, XII, p. 16; Synge to Longfellow, 8 June 1852, Houghton Library, Longfellow Papers; Synge to Emerson, 28 June 1852, Emerson Papers; Congressional Globe, 32nd Cong. 1st Sess., XXIV (19 July 1852), p. 1832.


17 The Kennedy diaries are in the Peabody Institute, Kennedy Papers. See also Crampton to Bulwer, 28 August 1852, Hertford Record Office, Bulwer Papers, XII, p. 17.

18 Statement of account, in the name of T. W. C. Moore, 19 February 1853, Bodleian Library, Crampton Papers.
19 Everett to Charlotte Everett, 6 November 1852, Massachusetts Historical Society, Everett Papers, MS Box 13; Everett MS Diary, 8 February 1853, CLXXII, p. 30.

20 The literature on the Reciprocity Treaty and other Anglo-American negotiations at this time is voluminous. Standard works on diplomatic history deal with these issues in detail. The forthcoming edition of Crampton's letters by Mrs Theodore Silverstein of Chicago, Illinois, will undoubtedly yield a good deal of new and valuable insight on these issues. See also G. J. Abbot to Everett, 28 October 1852, Massachusetts Historical Society, Everett Papers, MS Box 12.

21 Levin to Crampton, 2 November 1852, Bodleian Library, Crampton Papers.

22 Levin to Moore, 15 November 1852, Bodleian Library, Crampton Papers.

23 Simpson to Crampton, 28 December 1852, Bodleian Library, Crampton Papers.

24 Sumner to Everett, 19 November 1852, Massachusetts Historical Society, Everett Papers, MS Box 13; Everett to Sumner, 21 November 1852, Houghton Library, Sumner Papers; Crampton to Bulwer, 24 December 1852, Herts Record Office, Bulwer Papers, XII, p. 18.

25 Levin to Crampton, 20 and 23 November 1852, Bodleian Library, Crampton Papers.


28 The 'Objections' and Crampton's 'Observations' are in P.R.O., F.O. 5-563/312-21. Thackeray's memorandum is also undated and in the Bodleian Library, Crampton Papers. See also New York Herald, February 1853; National Intelligencer, 16 March 1853.

29 Everett to Kennedy, 10 January 1853, Peabody Institute, Kennedy Papers; Levin to Crampton, 2 February 1853, Bodleian Library, Crampton Papers.

30 Basic information on these and other Senators may be found in the Biographical Directory of the American Congress. Since the volume is cumulative, a twentieth-century edition includes nineteenth-century members. For further details about her father see V. Mason, The Public Life and Diplomatic Correspondence of James M. Mason (Roanoke, 1903).

31 Levin to Crampton, 12 February 1853, Bodleian Library, Crampton Papers.
Chapter XII  The Need for Senate Ratification:  
February 1853–June 1854

1 John Slidell of Louisiana joined the Committee in December 1853. Though John M. Clayton of Delaware was newly elected to the Senate, he was well known as Zachary Taylor’s Secretary of State in 1849–50. As we shall see shortly, the so-called Clayton–Bulwer Treaty of 1850 was to impinge upon the fate of the Copyright Convention.

2 Crampton to Clarendon, 27 February, 7 March and 13 March 1853, Bodleian Library, Clarendon Papers, C. 11, ff. 38–9v, 44–5, and 48–9; The Claims Convention was signed on 8 February in London and then conveyed to Washington; *Journal of the Executive Proceedings of the Senate of the United States of America, Dec. 6, 1852–Mar. 3, 1855* (Washington, 1887), IX, p. 68, concerning the ratification of the Claims Convention of 15 March 1853. For the first reading of the Copyright Treaty and its referral to the Foreign Relations Committee, *ibid.*, p. 36. See also; MS Diary, Massachusetts Historical Society, Everett Papers, CLXXII (15 March 1853), p. 61; Levin to Crampton, 22 March 1853 and Marcy to Levin, 23 October 1852, Bodleian Library, Crampton Papers.

3 Seward to Everett, 28 February 1853, Massachusetts Historical Society, Everett Papers, MS Box 13; F. Hudson to Jay, 10 March 1853 and Jay to


5 MS diary, Massachusetts Historical Society, Everett Papers, CLXXII (14 March and 25 March 1853), pp. 60, 67; *Journal of the Executive Proceedings of the Senate*, IX (15 March 1853), p. 69.

6 Crampton to Clarendon, 21 March 1853, Bodleian Library, Clarendon Papers, C. 11, ff. 56v-7v.


10 Crampton to Clarendon, 21 March 1853, P.R.O., F.O. 5-564/88-9v and 96-6v.

11 Crampton to Clarendon, 21 March 1853, Bodleian Library, Clarendon Papers, C. 11, ff. 55-9; MS diary, Massachusetts Historical Society, Everett Papers, CLXXII (15 March 1853), p. 61; *Journal of the Senate*, IX (15 March 1853), p. 68. The *Journal* lists the names of those Senators voting for and against the Claims Convention.

12 Crampton to Clarendon, 7 March 1853, Bodleian Library, Clarendon Papers, C. 11, ff. 41-2v.

13 Levin to Crampton, 22 March 1853, Bodleian Library, Crampton Papers.

April 1853, and Crampton to R. Lytton, 25 April 1853, Herts Record Office, Bulwer Papers, XVIII, pp. 97 and 98.

15 'Convention between Her Britannic Majesty and the United States of America for the Establishment of International Copyright, 17 February 1853.' The copies of the Treaty which Crampton sent the Foreign Office are in F.O. 93-8/32. Almost more interesting is Crampton’s draft copy with the last minute changes including the new Article VI, F.O. 115-31/195-205. A copy is also in the National Archives: Notes from the British Legation . . . in the United States Department of State, microcopy no. 50, Roll T-30, vol. XXX, under date of 24 February 1853. Crampton’s lengthy comments on the Treaty are in his dispatch to the Foreign Office of 21 February 1853, P.R.O., F.O. 5-563/294-306v.

16 Russell to Crampton, 25 January 1853, P.R.O., F.O. 5-561/97-97v; Foreign Office Memo., 10 March 1853, F.O. 5-563/308-11; Foreign Office to Board of Trade, 16 March 1853, F.O. 5-576/160; Board of Trade to Foreign Office, 30 April 1853, F.O. 5-576/247-47v; Foreign Office Minute, 9 May 1853, F.O. 5-576/249. Thackeray’s undated memo is in the Bodleian Library, Crampton Papers, Box A-2, in a folder marked October 1853. Turner to Board of Trade, 9 May 1853, and Board of Trade to Foreign Office, 12 May 1853, P.R.O., F.O. 5-577/57-60.

17 Clarendon to Crampton, 13 and 20 May 1853, P.R.O., F.O. 5-561/222v, 224-5.

18 Clarendon to Crampton, 14 November 1853, P.R.O., F.O. 5-562/136; Crampton to Clarendon 12 December 1853, F.O. 5-567/192-9.

19 Appleton et al. to Everett, 15 February 1853, copy, University of Rochester Library, Seward Papers.

20 Cardwell to Clarendon, 4 January 1854, Bodleian Library, Clarendon Papers, C. 14, f. 544; A. Turner to Board of Trade, 5 and 6 January 1854, P.R.O., F.O. 5-607/54-7v; Board of Trade to Foreign Office, 11 January 1854, F.O. 5-607/44-50v.

21 Carlisle to Crampton, 4 February 1854, P.R.O., F.O. 5-594/21-9; Cushing to Marcy, 16 February 1854, and Marcy to Crampton, 28 February 1854, F.O. 5-594/7-19v. Cushing’s own copy of the ‘Opinion on international copyright’ is in the Library of Congress, Cushing Papers, Box 234, February 1854 folder.

22 Clarendon to Crampton, 13 January 1854, P.R.O., F.O. 5-590/15-20; Clarendon to Crampton, 13 January 1854, Bodleian Library, Clarendon Papers, C. 127, f. 241. Crampton to Clarendon, 12 February 1854, P.R.O., F.O. 5-593/188-90v; the amendment is in the National Archives; see also the Journal of the Senate, IX (14 February 1854), p. 241.

23 Levin to Crampton, 22 June 1853, Bodleian Library, Crampton Papers.

25 Everett to Crampton, 9 December 1853, copy, P.R.O., F.O. 5-567/205.
26 A. Hart et al. to H. C. Baird, 31 January 1854, Pennsylvania Historical Society, Gardiner Collection, Baird section, Box 5. See also Athenaeum, no. 1375 (4 March 1854), p. 279, where the circular letter from Hart and others is cited.
28 Journal of the Senate, IX, pp. 237–8, 240, 249 and 259. The original petitions are preserved in the National Archives. For a slightly earlier effort to prevent treaties from finding their way into unauthorized hands, see IX (16 February 1854), p. 247.
31 MS diary, Massachusetts Historical Society, Everett Papers, CLXXIII, pp. 78, 89, and 94; Everett to Warren, 17 April 1854, Everett Papers, CIII, pp. 141–2; Everett to A. Lawrence, 12 May 1854, Everett Papers, CIII, pp. 171–2.
32 Everett to Mason, 24 May 1854, Massachusetts Historical Society, Everett Papers, copy, CIII, pp. 200–1.
33 Everett to Crampton, 3 June 1854, Massachusetts Historical Society, Everett Papers, copy, CIII, pp. 210–12; extract of same enclosed in Crampton to Clarendon, 7 and 18 June 1854, Bodleian Library, Clarendon Papers, C. 24, ff. 376–8; Crampton to Everett, 7 June 1854, Massachusetts Historical Society, Everett Papers, MS Box 13.
34 Murray to Blackwood, 3 August 1852, National Library of Scotland, Blackwood Papers, MS 4103, f. 41; concerning Layard’s suggestion to Murray. Crampton’s Secret Service account is in P.R.O., Treasury, Ind. 12666.
36 E. P. Smith to Carey, 22 February 1854, Pennsylvania Historical Society, Gardiner collection, Box 77, Carey section; Carey’s inscription to an unknown recipient is in the second edition of his Letters on International Copyright (New York, 1868), in the Library of Congress.
37 Everett to Hayes, 27 November 1855, Massachusetts Historical Society, Everett Papers, copy, CV, pp. 123–4.