

THE CERAMIC COURT, CRYSTAL PALACE.

UNDER THE DIRECTION OF THOMAS BATTAM, F.S.A.

THE costly and beautiful collection of fictile art, which has for some time past formed so successful and creditable a feature of the Crystal Palace attractions, has just received many valuable additions, both in old and modern examples; and now ranks amongst its varied and interesting contents, loans from the Duke of Devonshire, Earl Granville, Marquis d'Azeglio, Lady Rolle, General the Honourable E. Lygon, Baroness de Goldsmidt, H. Danby Seymour, Esq., M.P., W. P. Thornhill, Esq., M.P., Samuel Addington, Esq., Isaac Falcke, Esq., &c. &c., together with examples of the modern manufactures of Minton, Copeland, Kerr and Binns, Ridgway, Bates, and Co., Rose and Co., Wedgwood, &c.

The liberality which prompts collectors of works so valuable, to lend them for public exhibition, is a most honourable and conclusive evidence of the interest felt in the advancement of national taste, which such enlightened conduct must necessarily tend to facilitate.

The Oriental and Japanese porcelain of the Duke of Devonshire, and the Baroness de Goldsmidt, presents remarkably rare and important examples of the perfection of these peculiar manufactures. The despatch-box, presented to Earl Granville by the Emperor of the French, a short time since, and executed expressly for that purpose at Sèvres, evidences the highest qualities of that imperial manufacture. The panels, of porcelain, are admirably painted with subjects illustrative of incidents in the life of Reubens, mounted in ebony and gold. The whole design is in the most exquisite taste, and both the modelling and manipulatory details of the metal-work, are deserving of the highest commendation.

Amongst the recent additions to the examples from the famed collection of General the Hon. E. Lygon, are two very remarkable plates with battle subjects—"Death of Gaston de Poix," and "The Chevalier Bayard wounded at the siege of Brescia;" and a *déjeuner* service of historical subjects, relieved by a diapered ground, executed in imitative jewels. Both painting and decoration are of high order.

The magnificent vases of St. Petersburg manufacture, presented by the Grand Duchess Helena to Lady Rolle, form prominent objects in the Court.

Mr. H. Danby Seymour, M.P., has lent some very fine specimens of the examples of Limoges, as well as examples of French enamel-painting on porcelain, of extreme beauty and delicacy.

Messrs. Ritterner and Saxby have a selection of remarkably fine examples of old Dresden, Copenhagen, Berlin, and French porcelain. The group of "The Resurrection," of the early Dresden manufacture, is a very important and interesting work.

Mr. Isaac Falcke's Wedgwood examples rank amongst the finest of these costly and coveted works.

The examples from the collection of His Excellency the Marquis d'Azeglio illustrate most conclusively the excellence attained by the early Italian potters. The specimens of majolica, or Raphael ware, are very important in size, and of rare merit in design and execution. The chief objects are three very large vases of Urbino manufacture; one of which, painted from an engraving by Marco di Ravonna, after Raphael, the subject being the Judgment of Paris, is a very remarkable and valuable work. An inkstand, also, of Urbino manufacture, made on the occasion of the marriage of Guidobaldo, Duke of Urbino, with Elizabetha Gonzaga, in 1480, whose portraits are painted upon the top, is a singularly interesting work; as are also many of the plateaus in the same class of art. The Capo di Monte porcelain groups, from the same collection, are the finest specimens of the manufacture that we have met with; and in classic feeling, as well as in artistic merit, certainly rival, if they do not excel, the best works of Dresden. The large group of Apollo and Daphne, is an extraordinary production, and would rank as a triumph over the technical difficulties which beset this hazardous manufacture even in the present day, independently of its high claims to consideration for its extraordinary perfection as a work of Art. The colouring of the figures is exquisitely toned, especially the flesh-tints, and altogether it is a most remarkable work.

The groups of Ganymede, Leda, and Venus and Cupid, although less important in size, are nearly of equal excellence. The Marquis d'Azeglio may be justly proud of the possession of examples which so successfully evidence his country's pre-eminence in Ceramic Art-manufacture.

Some very remarkable examples are contributed by Samuel Addington, Esq., from his magnificent collection, which includes rare and costly works, formerly the gems of the Bernal and Stowe cabinets. We draw attention to the three Dresden vases of the Marcolini period, for the exquisite figure-painting with which they are decorated. In drawing and colouring, as well as in manipulatory details they evidence artistic qualities of the highest class. The *déjeuner* services of Dresden and Berlin are also works well deserving the examination of all interested in this beautiful art. A ewer and bowl, composed of imitative shells and corals of the famous Spanish manufacture, at Il Buen Retiro, are very interesting and tasteful conceptions. A Palissy dish, important in size as well as for its meritorious execution, together with a statuette of the same manufacture, exhibit to great advantage the successful labours of the "glorious potter." Mr. Addington has also enriched the collection by the addition of the famous Limoges ewers from the Bernal and Strawberry Hill collections; and a tazza by Jean Courtois, a most brilliant example; together with a triptych, with painting of "the Crucifixion" by Monocarni (about 1450), formerly belonging to the Baron Rothschild.

Madame Temple has some fine examples of Dresden, Berlin, and Sèvres. The large vases painted by Kaulbach, at the Royal Dresden Manufactory, for exhibition in Paris, 1855, are amongst the finest examples of porcelain decoration.

In modern works of English manufacture, Messrs. Minton exhibit some very fine examples. The revival of the majolica ware by this firm has been, and deservedly, most successful. They exhibit also vases, and other articles in porcelain, of great excellence both in form and decoration.

Messrs. Copeland, amongst a varied assortment of their beautiful productions, have added specimens of a colossal size of a very fine kind of terra-cotta. Two busts, Minerva and Juno, from the antique, are admirably copied.

Messrs. Ridgway, Bates and Co., seem to have struck out in a higher field of action than that to which they have hitherto restricted their manufacture, and we congratulate them upon the satisfactory evidence their examples offer of their full capability to tread it worthily and successfully. The life-size busts of her Majesty and the Prince Consort, from the original marbles by Durham and the Baron Marochetti, may safely challenge comparison with the best productions of ceramic art. The statuettes, porcelain vases, &c., &c., exhibit qualities of design and execution which merit more detailed notice than we can devote at the present time; but we may take a future opportunity of referring to them when drawing attention to the marked advance in English pottery during the last few years, of which the recent works of this enterprising firm afford additional and the most recent evidence.

Messrs. Kerr and Binns's manufactory (Royal Works, Worcester) is very efficiently represented; the new works just placed in the collection more than maintain their established reputation. We can but briefly mention a few of these examples to which we would draw special attention. The plaque, with subject from Ary Scheffer's picture of Francesca da Rimini—the Venus Plateau—the Dante and Ariosto vases—the plateaus, with subjects of Ganymede and Sarpedon—are all executed in the style of the Limoges enamels, and are wonderful productions. The artistic feeling and manipulatory perfection evidenced in these paintings we have never seen equalled in this country.

We may, therefore, congratulate Mr. Battam on the very great success by which his labour has been attended: immense benefit has resulted, not only to the manufacturer and the student, but to the public. Assuredly a higher and better taste has thus been inculcated: excellence will be the aim, and not the accident, in our manufactories of porcelain and earthenware. Mr. Battam has achieved an amount of good incalculable, while he has largely served the Crystal Palace, by proving what may be done—in showing what has been done—to render it a great public instructor.

COPYRIGHT IN PICTURES, AND OTHER WORKS OF ART.

A COMMITTEE has at length been formed to consider and deal with this subject; it is a national reproach that, while Art has been making its way into every household of the United Kingdom, and its professors are counted by thousands, we have reached the year 1858, before anything like an adequate "move" has been made for the protection of either. We cannot take blame to ourselves because of any indifference hitherto manifested; the readers of the ART-JOURNAL know that during the last twenty years we have frequently and earnestly laboured to bring under public consideration this topic, of vital interest to so many of all classes. We heartily rejoice at the probability that long existing evils are about to be removed; and that the law is to become a protector of artists, as well as of all other orders of the community. At present, they are not only without such protection—their rights may be infringed with entire impunity; nay, temptations to defraud them are so numerous, and escape from consequences so easy, that it is scarcely strange to find them continual victims of unprincipled copyists and dealers. So vague and weak, indeed, have been all the acts of parliament concerning Art, that if an artist has any rights, he is ignorant of their amount and value, and has generally preferred submitting to palpable wrong, than trusting to that "glorious uncertainty" which is always costly as well as perilous.

The committee consists of about thirty gentlemen—a large portion are artists; but fortunately they are associated with men of business—men who are familiar with the course necessary for the removal of evils by legislation. There can be little doubt, therefore, that during the present session of Parliament such steps will be taken as shall go far to provide a remedy for a disease that has been pernicious to British Art, since Art became a profession in Great Britain.

The first meeting of the committee was held on the 7th of January in the council room of the Society of Arts—that society having, we believe, commenced the movement, and thus added another to the many services they have rendered the state.

A report was read by Mr. Robertson Blaine, a barrister; it was chiefly a digest of the existing laws concerning Art—a document of the deepest interest and importance, and the foundation of the much that is to result hereafter. He very properly abstained from considering remedies; his purpose being merely to show the present defective state of such laws as are on the statute book, or to explain cases in reference to which no law existed. The document is long and minute; and although it is to be printed and circulated, the circulation is for the present limited to those from whom information for guidance may be expected; a copy will be transmitted to the several Art societies, as well as to many private individuals; and at no distant period the statement will be so augmented and "improved" as to be fitted for publication. We, therefore, in compliance with the wish of the committee, publish merely a circular, which recites the several heads under which information is sought:—

"Society of Arts, Manufactures, and Commerce,
"Adelphi, London, W. C.
"2nd January, 1858.

"SIR,—A Committee has been formed by this Society for the purpose of considering and reporting on the state of the law relating to copyright in works of Fine Art, with a view to obtaining an amendment of it, and I am instructed to lay before you the following resolution, which has been passed:—

"Resolved—That the inquiries of this Committee be directed—

"1st. To ascertain the existing laws of British artistic copyright, and the chief defects of those laws.

"2nd. How those defects affect the interests of producers of works of Art.

"3rd. How they affect the interests of purchasers of works of modern Art.

"4th. How they affect the interests of the public and the promotion of the Fine Arts.

"5th. How they affect the subjects of those Foreign States with whom Her Majesty has entered into international copyright conventions; and what

the laws of those States are as affecting artistic copyright.

"6th. To obtain instances of fraudulent or wrongful acts relating to works of modern Art.

"7th. And lastly, to suggest such remedies as appear best calculated to amend the defects of our artistic copyright laws.

"The Committee direct me to call your attention specially to No. 6, in the hope that they may be favoured with the details of such instances as have come within your own experience. The Committee will be glad to receive full and distinct answers on this point. The other points are made known to you solely with a view of showing to what objects the Committee are directing their attention.

"In any instance which you may be able to send to the Committee, the names of individuals may be omitted, if so desired.

"I am, Sir,
"Your obedient servant,
"P. LE NEVE FOSTER,
"Secretary."

It would be premature, in the present stage, to offer any counsel to the committee; except that which it will be our duty to do at their several meetings. We are aware, and so are they, that the subject of copyright in pictures is to be approached with extreme caution; there is undoubtedly the danger of substituting a greater for a lesser evil; and it will be an infinitely greater evil, if by restricting a possessor in his power over a picture, we place him in a position of not knowing how far that is his own which he has purchased and paid for. We are quite sure there are many collectors who would cease to collect pictures, if they were not the entire masters of what they had bought—to lend, copy, transfer freely, and even to engrave, if it pleased them so to do. There may be artists—such, for example, as Sir Edwin Landseer—whose works are so universally coveted that he may make what terms he likes, reasonable or unreasonable, according to his will and pleasure; but the great mass of artists can do nothing of the kind; and to them it might be fatal so to restrict the purchaser with reference to his property, as to make him consider it no more his than it would be if it were in the National Gallery. We do not say that we may not so legislate as to secure to an artist a right over his creation, under every and all circumstances; but we do say, there must be exceeding caution to prevent the danger that a greater evil may take the place of a lesser.

So in reference to the copying of pictures, it will be hard to say what law can meet the case; we may go too far as well as stop too short; there can be no difficulty in so legislating as to reach culprits such as Mr. Closs; but any attempt to prevent by law pictures from being copied at all, would be simply absurd.

The subject is, indeed, environed by difficulties that must be treated with exceeding care, with a view, certainly, to protect and increase the interests of artists by every possible means; but not to prejudice or to ruin them by such restrictions as may alarm collectors—especially such collectors as, being merchants, manufacturers, and dealers, are very sensitive of any interference with a right to "do what they like with their own."

Several eminent collectors are now, however, members of the committee, and no doubt their opinions will have due weight—so much weight, indeed, as probably materially to influence the views of those to whom the preparation of "a measure" will be entrusted.

We especially ask their grave consideration of the whole matter; for, after all, the ultimate issue will rest mainly with them. It will be our duty, therefore, to gather the opinions of collectors, and to publish them for public guidance.

As we have intimated, however, this subject is not yet in a condition to receive safe and satisfactory treatment; it may be so at no very distant period, when we shall necessarily bring it, with all its several and varied details, under review.

Meanwhile we have only to hope that the invitation of the committee will receive many replies; and that a mass of information may be obtained, so clear and conclusive, as well as ample, that their appeal to Parliament cannot fail in obtaining at all events right and just, and therefore wise, protection.

THE ARCHITECTURAL EXHIBITION.

EXTENSIVE and important improvements in the Suffolk Street Galleries have caused the opening of the Architectural Exhibition to be delayed until the second week in the new year, instead of taking place a month earlier, in accordance with the practice in previous years. The only evil resulting from this delay is the shortening of the period during which the exhibition will remain open; this, however, is in itself by no means a trivial matter, since the exhibition is eminently calculated to attract visitors, while its sterling character cannot fail to sustain its powers of attraction.

This exhibition of architectural drawings, consisting of designs for new edifices, and representations of others already in existence, has now assumed a definite position amongst the Fine-Art collections which annually invite public attention in the metropolis; and its position has become recognised as well by the members of the profession, as by all who feel an interest in architecture, and who sympathise with architects. It is, accordingly, a subject for general congratulation to find the two great elements of worthiness combined in this exhibition,—to find, that is, that the collections are thoroughly good, and that they are managed with ability and on sound principles. So much of positive evil has been of late brought about, and so much of precious advantage has been lost to the cause of Art amongst us, through administrative incapacity and blundering, that judicious arrangements in connection with a Fine-Art exhibition may most justly claim warm expressions of grateful acknowledgment. In the instance of the Architectural Exhibition, the arrangements have provided a satisfactory classification of the drawings and other works exhibited; they have so adjusted the charges for admission that all classes of persons will be induced not only to pay one visit, but to frequent the galleries; and with the exhibition itself they have associated lectures upon architecture. Had they gone a step further in advance, and labelled every object, in addition to the good catalogue that has been prepared, the arrangements of the committee of management would have been deficient in no important particular. The gratuitous admission, on certain evenings, of workmen connected with Art, has not indeed been announced; but this, we trust, is an oversight that will be remedied forthwith. We would also suggest that on the occasion of these visits there should be brief and simple lectures, or addresses, upon the contents of the exhibition itself, specially adapted to the requirements of the visitors. We are inclined to believe, indeed, that an address upon the exhibition might have found a place with advantage in the programme of the lectures that has been issued by the committee: but, upon this point, we may have some further observations to make on another occasion.

The chief feature in the present exhibition is the presence of several groups of competition drawings, including a series from the great competition for the Government Offices, with others for the Constantinople Church, Bowden Church in Cheshire, the Sheffield and Salford Memorials, the Islington Vestry Hall, the Ulster Bank at Belfast, the Blackburn Infirmary, and the Brighton Pavilion improvements. The first prize drawings from the Lille Cathedral competition, by Messrs. Clutton and Burges, are also exhibited for the first time in London. These very remarkable drawings do not include any perspective views of the proposed cathedral in their number; they consist of a plan, west and north elevations, sections longitudinal and transverse, with a numerous series of details. They claim a careful examination and attentive study. The thoroughly continental, and the no less essentially Roman Catholic feeling of the authors in this work will not fail to strike every observer; and the peculiar excellence of the drawings themselves will command a warm and general expression of admiration. The selection from the Government Buildings Competition Designs is not the happiest that might have been made. Mr. Allom's design is by far the best, and Mr. Tarring's (the design with the *Pelion-on-Ossa* tower) by far the worst—

unless, indeed, some persons should feel disposed to consider that Mr. Fergusson has stepped out of his way to dispute the palm with the author of Nos. 169—171 with his Nos. 192—194. Of the designs for the Constantinople Memorial Church repeated examinations confirm our former opinion that Mr. Street's design ought to have received the first premium, and that the designs of Mr. Truefitt, Mr. Bodley, and Mr. C. Gray, are all of them preferable to the prize-design of Mr. Burges. From the other competition groups we select for special commendation Mr. J. Edmeston's Nos. 314—316, for Islington Vestry Hall; Mr. Johnson's No. 256, for the Ulster Bank; and No. 114, by Messrs. Oliver and Lamb, for Blackburn Infirmary. The competitors in the Brighton Pavilion Competition have evidently started upon the principle that what they had to do was beat the original building in its own style; and verily they have accomplished the task thus prescribed by them to themselves, and have fairly driven it out of the field.

Amongst the other drawings the following are distinguished for their superior worthiness: Nos. 16, 17, and 18, three views of No. 114, Piccadilly, as rebuilt under the direction of Mr. J. Edmeston, jun.; No. 27, by Mr. J. James, a design for a new chapel at the Cheltenham Proprietary College; No. 29, sketches of "sundry churches," by Messrs. Habershon; No. 32, Mr. R. Hesketh's design for some city dwelling-houses; Mr. Street's new church at Hagley, No. 46; Mr. Slater's proposed restoration of the Church of St. Bartholomew the Great, in the City of London, No. 48; No. 92, Mr. Ashpitel's new church near Cardigan; Nos. 96 and 149, two small churches by Mr. White; Mr. J. D. Wyatt's elevation of the tower of St. Mary's, Taunton; No. 98, Messrs. Pritchard and Seddon's marine villa, near Milford Haven; Nos. 102 and 103, two drawings by Mr. Truefitt; Nos. 106 and 109, Mr. Digby Wyatt's iron church for India; Nos. 23, 127, and 389, designs for stained glass, by Messrs. Clayton and Bell; Mr. J. Edmeston's, No. 141, "premises at Chipping Norton;" Mr. W. Slater's restoration of Higham Ferrers Church, No. 142; Mr. Street's "sketches of schools," No. 149; Mr. F. P. Cockerell's "studies in Magna Græcia," No. 346; and Nos. 105 and 301, two sketches of the very beautiful little chapel at Broughton, near Pershore, lately built by Mr. W. J. Hopkins, of Worcester. There are a few drawings that have apparently been admitted as *warnings*; but these speak for themselves, and do not need to be individually noticed.

We miss the names of many leading members of the profession from the catalogue; this, however, may, in some instances, have resulted from their time having been so much occupied with the government competition. It is to be regretted that any engagements should deprive the Architectural Exhibition of the support and co-operation of those, who ought always to be found, if not taking the lead, at least affording practical encouragement to their younger brethren.

On the whole, the present exhibition is altogether satisfactory. It indicates with much truthfulness the condition of anxious thoughtfulness which the subject of architecture now occupies; and it also speaks well both of past progress, and for future advance. One other thing this exhibition also very clearly sets forth, namely, that photography will speedily save architects the trouble of making sketches of existing edifices. This is a benefit of a dubious character; for, while it enables the architect and the student of architecture to obtain actual fac-similes of buildings without drawing them, it is but too much calculated to beguile them from that strictly practical study which careful drawing alone can thoroughly realize. Gladly do we accept the aid of photography to save trouble and to economise time; but we must also entertain the hope that drawing, as an element of study, will still retain its position.

The departments of metal-works and of building materials and fittings, which are so consistently associated with the drawings and photographs in this exhibition, exhibit a marked and most gratifying improvement in their several productions. Messrs. Hardman, of Birmingham, still retain their pre-eminence in the delicacy with which their works in metal are executed. Mr. Hart, of London, however, approaches very closely to the same high

ARTISTIC COPYRIGHT.

"Not very long ago, an artist of established repute, whose pictures bear high prices, was visited by a dealer; and the following brief conversation took place between them:—

"*The dealer.*—"I have about a dozen paintings in your style; and, if you will give about half an hour's touching on each of them, and sign them with your name, I will give you £500."

"*The artist.*—"Sir, you mean to tempt me to commit an infamous fraud. I request, you will instantly leave my house."

"There is little doubt, however, that the dealer did without the artist; and it is not improbable that an unscrupulous 'brother' was found to do the touching, and to sign the name, at much less cost to the dealer."

This paragraph we copy from the number of the *Art-Journal* for December last;—and in the article in that number wherein it is introduced as a note, we stated broadly as follows:—"We can tell where Stanfields, Turners, Wards, and Creswicks, as well as Linnells, are hanging in glory upon walls, in magnificently furnished drawing-rooms, or in spacious galleries, which these artists never saw, each of which is worth 'about six pounds,' but for which their unenlightened owners have paid hundreds."

The paragraphs in question point to one of the more direct and obvious of the many evils that have arisen out of the unsettled law of copyright in works of Art; but we have copied them here because they show the evil in that precise point of view which should enable the artist, if he be clear-sighted, to see it on two sides. Of course, it is apparent enough, on the one side, how much the artist is exposed to suffer, in pocket and in reputation, by such a state of things as these paragraphs disclose; but he may, we think, at the same time, be startled by them into inquiring how far the practices indicated reflect, from the other side, certain loose and questionable practices of his own. An anecdote like the above might suggest the policy of examining whether the immoralities which invade his interests have to any extent derived their sanctions, or their opportunities, from irregularities in his methods of dealing. It is important, that the principles which the artist seeks to establish as the law of security to himself, shall not be capable of being referred to as sustaining an impeachment of his assumed relations to others. If it be hoped to obtain such a law of copyright as will give perfect protection to the artist as against the pirate, care must be taken that the law shall be so framed as to define reasonably, and recognise clearly, the rights of others as against the artist himself.

We shall have occasion to show more clearly what we mean by these hints, in the course of that examination which we propose to institute into the various questions seeking for solution by means of the movement now making for a summary revision of the law that affects the property in works of Art. For the purpose of raising the discussion on the several points, it will be convenient that we should go into something like a statement of the present position of the general question.

Our readers know, that the sense of wrong under which the artists of this country have long suffered, arising out of the insufficient amount of property which they have in the productions of their own genius,—and their indignation at the frauds perpetrated against them, under shelter of the defective arrangements by which even that insufficient amount is secured,—have found, at last, what they have wanted so long—an authoritative exponent, in the person of the Society of Arts. For a people singularly quick, as we English are, at the apprehension of a grievance, we are a people

curiously slow in our progress towards a remedy. In the history of a large proportion of our national redresses, there is always a period during which the parties complaining have been content, apparently, with the complaint itself, and have accepted the right of that complaint as to some extent, and for a time, a satisfaction of their demands. Most of our great social causes have had their many victims, ere they found their one efficient apostle. There comes a time, at length, however, when the widely spread feeling of an injustice suffered, begins to gather towards a practical issue; and, in the present case, the Society of Arts has offered itself as a conductor to the floating discontent, and constituted itself the centre of that combined movement which is the only agency that can command a cure. The office is a responsible one,—but one which it befits the character and position of this body to assume. The important matter is, that, *having* assumed it, the society shall not overlook the responsibility which it involves. They who undertake to collect a scattered body of moral forces, with a view to phenomenal action, must be held to some extent answerable for the character of the phenomena produced. Just because it is probable that the artists would not have been able, for the present, to move towards their end without the help of the Society of Arts,—it behoves the Society of Arts, which has set them in motion, to see that their end is truly attained. The Society of Arts would scarcely, we presume, offer itself as the conductor of opinions which it might not to some reasonable extent control; and from its corporate chair it has a clear view over the whole field of the inquiry. With its generality of range and vision, it should see a peril, where the artist, with his personal views, may not. We believe we can show this body, that certain tendencies in the nature of the legislation now sought, involve a danger to the artist whom it seeks to serve,—the danger, that his interests may be sacrificed in the name of his claims,—and that, in the desire to secure to him the right of way over too large a privilege, the way chosen may be that which leads him out of his market.

To proceed with our narrative.—The first step taken by the Society of Arts, for the purpose of carrying out the objects which they had taken in hand, was, the appointment, as our readers already know, of a committee, embracing a large amount of the necessary conditions, to conduct the investigations. This committee, after wasting some time in doing little or nothing, as is the manner of committees, arrived at two measures of movement. It called on its elected reporter, Mr. D. Robertson Blaine, a barrister, to furnish it with a Report explaining the existing common and statute laws relating to the subject of artistic copyright:—and it addressed to the body of artists generally a series of questions, the object of which was, to obtain from them the statement of any instances of infringement of the rights derived under such laws,—so far as there might be any to infringe,—that may have come under the notice of each of them as individuals. The artists were also, and at the same time, invited to state their individual views as to the best means of applying a remedy to the existing imperfections in the copyright law, and a check to the fraudulent practices which find impunity under it. As was expected, the answers of the artists disclosed such a state of things as furnishes an imperative argument for the summary interference of the legislator. In the uncertain twilight of copyright privilege, a host of light-fingered gentlemen are abroad who demand the immediate action of the parliamentary policeman. By favour of an undefined law, a set of predatory practices have sprung up, which defy at once the producers and the purchasers of works of Art.

In addition to the material wrong which these practices inflict on the artist in common with the Art collector, they have this further, and yet more unhappy, effect for the artist in particular,—that they tempt him—and too successfully—on to the debateable ground whereon such practitioners find their prey. Of course, we know the qualification that will be demanded of us here. By the very conditions of the proposition, *of course* it is the "less reputable" portion of the artist body who lend themselves to the forgery of copies,—and to all that vile machinery of spurious manufacture, in virtue of which no eminent artist is secure against larceny at once on his fame and on his profits, and no careless or incompetent collector safe against the degradation of his collection. But, besides the fact, that the young or the needy artist is painfully exposed, as we have said, to the temptation of being seduced into the class of the "less reputable" by the opportunities thus afforded,—it rarely happens, that a relaxation of the moral code comes to be legally tolerated in *any* branch of any profession,—to be recognised as a familiar incident, for which there is no remedy,—without the taint sapping upwards, and exhibiting itself, at times, in places where it should be least expected. The pitch that society permits itself habitually to touch, will, on the very highest authority, defile what it touches,—and what it touches of course stands near and dangerous neighbour to something just above itself. The theory of contagious dissemination is sound doctrine at least in morals.—Wherever the law has neglected to draw its strong border lines, the merely theoretic ones that embrace an unsettled practice are disputable at will and removable at convenience. The story of our own modern Art and artists is not without its painful illustration of these truths. Our readers will scarcely have forgotten a very distressing case which took place not many years ago, wherein the revelation of professional malpractice fell in the very highest Art-quarter. The wrong charged belonged essentially to that same family of offences the known existence of which led the dealer, who has furnished us with the dramatic opening of our article, to the door of an artist who had himself sufficient scorn of all such immoralities to order his summary expulsion. Notwithstanding, however, the extreme peril which the dealer incurred of being kicked in this particular quarter, his application was only a fair corollary from a state of things known to himself,—and of which the example we are now alluding to furnished the general public with an unexpected proof. The delinquent in the painful instance in question was a member of the Royal Academy, in the first degree; and although the public exposure in his case necessarily marked him out for a victim, yet there was only too much reason to apprehend that his delinquency not very unfairly represented a set of practices which had been looked upon with, at least, indulgence, until exhibited in the strong light of this exposure. It was not quite confidently felt, that there was all the distance between his offence, and the average doings of some unimpeached branches of the profession, that was expressed in the large amount of virtuous indignation which was formulated for the occasion. At any rate, the best actual security for right, in this very busy world of ours, will be, to have the right defined; and we are satisfied, that the high-minded majority in the artist body desire the settlement of all questions relating to the property in works of Art, as much on the moral grounds as on any other.

In any case, the Society of Arts, we repeat, received, it is said, in answer to the questions which they circulated amongst artists, a very large body of instances showing that the pirate is rampant in the field of Art, and establishing

the pressing importance, on many grounds, of setting the law in force against him. That the committee of this society have refrained from giving publicity to all or any of these instances, is a matter which we greatly regret, and by no means understand. The reason assigned by themselves, in their Report to the Council, for this abstinence, in regard to transactions which they characterize as "wrongful and fraudulent acts," is, that "the communications having been received confidentially," they "are prevented from publishing them." Now, really, this tenderness towards the dealers in fraud, whether on the part of the artist making, or on that of the society receiving, the communication, is a refinement on the code of honour which, we repeat, passes our apprehension. We have heard, certainly, of "honour amongst thieves,"—but, "honour towards thieves," is a new reading. In the duel of the swindler with society, it is something very like giving the swindler the choice of weapons. Why is there to be anything confidential in an artist's statement that some man has picked his pocket? In our opinion, the Society of Arts would have done its work better if it had published every one of the cases. The exposure, rather than the concealment, of such instances, seems to us to be expressly an element of the task which they have undertaken. Such exposure we have, at any rate, considered a portion of the business of this Journal for many years;—and we have acted on it with great success. We have not felt, that the interests of any class demanded a delicate forbearance on our part towards the robber class. As a consequence, we can flatter ourselves with the consciousness that we have disturbed, or broken up, more than one manufactory of "ancient masters,"—and by keeping prominently before the public the delinquencies of the dealers in "modern artists," have contributed, as became us, our part towards that growing indignation on the subject which has issued, now, in this movement for redress.—However, since the Society of Arts is cautious of bringing the weight of its own denunciation to bear against the pirate,—let us see, by reference to the Report of Mr. Blaine, what means there are for his suppression under the law as it at present stands.

The aggregate of productions that may reasonably claim protection under any general law of copyright relating to works of Art, is divisible into three classes. The first and highest class is composed of all those works which include—whatever the technical Art-language that they speak—the spiritual element of design;—the works, in fact, which are the expression of the artist's individual thought, and include in themselves their own intellectual germ. The second class comprises those works which translate a thought not their own into another Art-tongue which they use,—but by means that still are Art proper:—such, for instance, as the drawing which renders in the flat an original statue, or presents the perspective lines of an architectural mass arranged into true picture. The third class,—such as engraving, in its various kinds,—translates too, but performs its translation by mechanical means,—and so provides for the wide diffusion of an original thought, and of its expressive forms, as printing does in the case of written mind. Unlike literary type, however, the great difference which there is between one man's engraving and another's, as a medium of translation, shows that in this class, also, there is an Art element, which may properly be made the subject of Art copyright.—Now, referring, for the present, to the first of these classes only,—it might really be supposed, that if there be any one thing more personal to a man than most others,—anything most intimately and absolutely his own,—anything of which the beneficial usufruct to him and his, as against all others, might find its

justification in the nature of the property itself,—it should be, this product of his own heart,—these fruits sprung from the soil that God gave to himself for an undisputed possession, and ripened by the suns of his individual soul. The only way, however, by which, as it would appear, a man can retain a property in his own thoughts, in this land which is so jealous of the rights of property in general, is, by shutting them up in his own breast. The common law gives him no right in his own intellectual creations beyond the boundaries of the home in which they grew. His Art pronouncements, like other forms of mental expression, once abroad,—and they belong to the *sparse voces* which are held to be irreclaimable in all senses, because they are so in one. The common law deals with these things because of their transcendental nature, as it deals with things that are *fera natura*,—all men may run them down, and feed on them. According to Mr. Blaine,—who, as we have stated, has gone into the whole law of the subject,—by the common law of England, no copyright protection exists in favour of works of Art, beyond that which forbids their piratical publication by another so long as the author shall not himself have published them. Now, a slight matter constitutes publication, in the legal definition,—exhibition, for instance, on any walls to which the public have access.—At common law, everybody, we repeat, is free to steal a work of Art the moment it comes abroad;—which, of course, is pretty nearly equivalent, so far as common law is concerned, to shutting up the Arts of the country. What, then, has the statute law done for the artist, in correction of the common law? Why, if Mr. Blaine's law be good, simply nothing:—or, at all events, the very next thing to it.

The only protection given to painters by the legislature, is, that which they derive under the act known to lawyers as Hogarth's Act, and to the public by the plate which he engraved in commemoration of that act,—and under the several acts passed to amend it. Hogarth, however, was an engraver as well as a painter. "It was his engravings that were pirated; and his act was, therefore, framed to meet the requirements of his own case, and those of other artists similarly placed." The legislation which we owe to him gives no protection to pictures or drawings, *as such*;—but defends them against piracy only for the purposes of engraving from them.

By virtue of certain Acts passed in the reign of George III., the sculptor has a fourteen years' term of copyright in new works of sculpture, on certain conditions to be by him fulfilled,—and a further term of fourteen years, in case he shall be living at the expiration of the first term, and shall not have parted with his copyright in the meantime. The conditions which must be strictly fulfilled by him, on pain of the forfeiture of his copyright, are,—that he shall cause his name to be put on his work before the same shall be published,—and also the date of such first publication. Now, with regard to the insufficiency of this *certain* term of only fourteen years,—and it is all in which the sculptor's family take any interest, unless he himself shall outlive it; whereas forty-two years are given to books, and twenty-eight to pictures under the Engravings Acts already mentioned,—in regard, we say, to its insufficiency in the sculptor's case most particularly, Mr. Blaine states a strong argument, drawn from the peculiar nature of the sculptor's practice. "It frequently happens,"—he says, most truly,—"that a sketch is made of a statue which is not commissioned for many years afterwards. Now, to insure his copyright in such sketch, or first model, it seems, that the artist must place his name and date upon it when he first publishes or exhibits it. The first four-

teen years' copyright runs from that day,—and may, therefore, expire before the work has been executed on an enlarged scale, and consequently when, so executed, it would be entitled to no copyright."—It may be added, that the works of sculptors are very generally pirated by a class of persons against whom the existing laws, such as they are, afford but a useless remedy, such as it is. The wandering Italian who parades his piracies through all the public streets, and robs the sculptor of a portion of his profits by means of a distortion of his art, is admirable as a test of the latter's patience,—but scarcely tempts the summons for penalties or the action for damages. "How defective the present Sculpture Copyright Acts are in this respect," says Mr. Blaine, "may be judged of by the fact, that only one reported case arising under these acts is to be found. The instances of piracy are constant; but sculptors have wisely submitted to the invasion of their rights, rather than embark in litigation with men of straw."

This, then, with the exception of some very slight and nearly profitless relief offered under the Useful and Ornamental Designs Acts, is all that legislation has done in correction of the common law, with a view to enlarging the estate of artists in their own productions. The existing protection, now that it comes to be looked into, appears to be even less than was believed. In such a state of the law, there is no property which can with any certainty be made the subject of an action. Without the further aid of the legislature, there is, we repeat, no remedy, for either producer or purchaser, against the pirate:—as was most strikingly demonstrated by the final failure of justice in the recent case of *The Queen v. Cross*.

The bill now prepared on the artists' behalf, proposes to sweep away in a body the whole of the subsisting legislation—at once insufficient and inoperative—in the matter of copyright in Art,—and to replace the variety of acts thus repealed by one uniform and comprehensive enactment.—The subjects of the proposed new Copyright Law are described as being, "all drawings and pictures, models and works of sculpture, and carving, architectural plans, sections and elevations, etchings, engravings, woodcuts, lithographs, photographs, and all other works of the Fine Arts, made by any means or process, either separate or combined, now known, or which hereafter may be invented:—and to the author of every such work and his assigns, with an exception, to be hereafter referred to, is given a copyright therein for the term of the author's natural life, and for thirty years after his death.

It is explained by the bill, that, "in cases where any work of Fine Art shall have been first designed by the author thereof, the copyright in every such work shall mean and include the exclusive right of copying, reproducing and multiplying the same, or the design thereof, by any means, of any size, or for any purpose whatsoever; and, where any work of Fine Art shall not have been first designed by the author thereof, the copyright therein shall mean and include only the exclusive right of copying, reproducing, or multiplying the same work of any size."—The first part of the enactment embodied in this explanatory form is a very stringent one indeed,—and will hit a great number of practitioners whose practices can by no stress of fair interpretation be stigmatized as piracies, and attack a variety of interests which have no desire to sustain themselves by dishonourable means. If we understand it rightly, no person would be legally able, under its interdict, to make any drawing or engraving, "for any purpose" of public information or public gratification, of such a public edifice, for instance, as Sir Charles Barry's new Houses of Parliament, or of any portion thereof, with-

out Sir Charles's consent (in writing, as by a subsequent enactment is required), previously obtained.—Another effect of this clause, if we read it rightly, will be, to throw us back upon the willow-pattern which mingled so wondrously in the dreams of our youth,—and has been receding more and more from our memories of that time, as new views of ceramic illustration usurped its place. The whole field of Art manufacture, which has had such rapid development amongst us of late, will be thrown out of cultivation by the enactments of this bill. The bill, if it shall grow into an act, will set up its snares all over that field; and the Art manufacturer, not knowing where he is safe on its high grounds, will retire, as we have said, upon his old wild walk among the willows.—However, there is retribution in this matter. As the Art manufacturer may not copy a statue, nor a landscape, nor an edifice, nor an Art device of any kind, on a vase or on a porcelain dish,—so, the artist will lose one obvious instrument for the circulation of his fame, as well as a means whereby, without injury to any interests of his own, he may be (as the true artist should desire to be) ministerial to the Art-education and Art-enjoyment of the people.

It is in the right spirit, however, that the bill proceeds to extend the copyright privilege, whatever it may be, to all places, in or out of the British dominions, and to all artists, whether British subjects or aliens:—and then, it declares, that “upon any sale, exchange, gift or bequest, of any work of Art, in which there shall be a subsisting copyright, by the proprietor of such copyright, such right shall not pass with the possession of such work, unless his intention to sell or otherwise dispose of such copyright be expressly declared in writing for that purpose.” To certain considerations connected with the policy of this enactment we shall have, at a later period of this article, to call the attention of our readers.—Infringement of copyright, in whomsoever vested, is by the bill—as we hope it will be by the new act—made a misdemeanour,—punishable, at the discretion of the Court, by imprisonment, with or without hard labour, for a term which is not to exceed two years—in addition to penalties and forfeitures of other kinds.—The forging, or altering, of the name, initials, monogram, or other signature, on a work of Art,—or the uttering of any such work, knowing it to have been so fraudulently dealt with,—the offence for which, it seems, under the existing law, the Courts could not reach Mr. Closs,—is by the proposed new act made felony, and visited with transportation for life as its maximum penalty, or a range of alternative penalties left to the discretion of the Court, but the lowest of which is to be an imprisonment of two years.—In reference to this enactment, it is necessary to state, that Section VI. of the proposed act renders the affixing, “legibly and permanently,” of the author's “name, initials, or monogram,” on the face, or some other conspicuous part, of a work of Art, necessary to his acquisition of any copyright therein; and, in the case of etchings, engravings, lithographs, photographs, or works made by any other process whereby prints or copies may be mechanically or chemically multiplied indefinitely, the copyright in the work is to be forfeited unless the name, initials, or monogram, be impressed on each individual print or copy.

Before the publication of any impression from an incised plate, the bill requires, that public notice shall be given, by printed prospectus or advertisement, of the number of proofs or other first impressions intended to be taken from such plate,—and in default of such notice, not more than fifty are to be taken. All such proofs and other first impressions are to be numbered from One upwards consec-

tively, and the number is to be legibly and permanently stamped on every such proof or first impression.—Any person wrongfully numbering, or altering the number on, any such proof or impression, or uttering such proof or impression with a knowledge that it has been so dealt with, is to be deemed guilty of a misdemeanour, and punished by imprisonment, with or without hard labour, for a term not exceeding two years, besides incurring a penalty of not less than ten pounds. This clause in the bill we reserve also for a few remarks,—together with that which immediately follows it, in case we rightly understand its intended effect.—“Where the author of an engraving, (the italics are ours,) or any other work of Fine Art, * * * * shall have sold or otherwise parted with the possession of such work, if any material alteration shall afterwards be made thereof, *by repair*, addition, or otherwise, no person shall be at liberty, during the life of the author of such work, without his consent, to make or knowingly to sell or publish for sale any copies of such work so altered as aforesaid, or of any part thereof.”—The language here is vague and enigmatical; but finding it in the connection that we do, we are led to conjecture that its intention is, that of helping to give effect to certain one of the objects avowedly put forward by the Society of Arts as bases of the legislation which they seek:—“To guard the public against * * * * the passing off, fraudulently, retouched engravings as first proofs, &c.,—or, as the works of the original engraver, though retouched by other hands.” As we have said, we shall have to return to the matters here involved,—for the purpose of endeavouring to call to them the very serious consideration of the artist body, ere the fatal blow to their interests thereby threatened be struck. Better no legislation at all, than legislation in a spirit like this. Better that the artist should resignedly accept his present condition, with all its uncertainties and drawbacks, than escape from the one and the other by commercial suicide.

Here, then, is a bill which, however it may err in some respects, will, at least, should it take the shape of an act of Parliament, and be so worded as to carry out its own objects, give to the artist and his family a reasonable amount of property in the work of his head and of his hands, and an effectual weapon against the fraudulent invader of that property. To every work of Fine Art there will, for the future, attach as its incident an exclusive proprietary right, originating, of course, in the author, and which he can assert for himself and assign to others.—It is at this point of assignment, however, and of the artist's relations to others which it affects, that certain questions arise which we think, as we have said, the former will do well very carefully to consider ere he commits himself to final legislation on the subject.

In that uncertainty which has existed as to an artist's own right in his works, it cannot be surprising that uncertainty should have prevailed as to what he passed to others,—and that a loose and unsettled state of things should have begotten a loose and unsettled practice. In this laxity of practice, however, it will not, we think, be difficult, in the end, to show, that the pirate has found, as we began this article by remarking, at once his opportunities, and such amount of merely logical justification as suits the morality of a pirate. By some it has been held, that the artist who sold a work of Art, sold it, as he would any other chattel—a house, or a horse,—with all its material incidents attaching; by others the works so sold have been dealt with after a fashion which reduces what the purchaser bought to little more than the right to hang them on his walls. A set of proprietary rights have been assumed to be reserved by the painter over a picture

for which a collector had paid a large price, that would assuredly have diminished the price by so much (*supposing the sale to have taken place at all*), in case the collector had known how limited a portion of the property in the picture it was which he was expected to receive in exchange. However spiritual a possession a work of Art may be, it is by its material incidents alone, that the law can deal with it as property; and to attempt to deal with these on conditions different from such as the law applies to other properties, will be found difficult in practice, and, as we believe, highly injurious in its consequences.—Now, we can imagine a man desiring to sell a horse, and reserve to himself the right to run it at all the public races, and the property in the stakes which it shall win,—but we cannot imagine his very easily finding a purchaser on such terms. Just such, however, has been the effect of the interpretation put by artists on a bargain in which the buyer believed he was a buyer of the whole.—Nay, so far is the illustration from being too highly coloured, that it is not highly coloured enough. The artist has claimed, as will be seen presently, even more than this: he has claimed the right to breed from the horse—or picture—too!

We have never doubted, for ourselves, that, according to all the analogies and moralities of the case, in every contract between an artist and his customer for the sale and purchase of a work of Art, the work passes with every property inherent in it,—subject to such express reservation of any such property or properties as may be agreed on at the time between the parties contracting. The purchaser's property in the thing bought and delivered is to be lessened, not enlarged, by any speciality in the terms. That, in the absence of a general declaration by law, or a particular declaration in the contract, seems to us the *reason* of the transaction.—Works of high Art, like all the works of mind, after the law has clothed them—as it *should*—with a property which may be made the subject of bargain and sale, have still this resulting gain to their authors over property of all other kinds:—there is a portion of them—and that the best—which cannot be sold. Whatever facilities legislation may create for enabling the artist to deal as chattel with the productions of his thought, there is yet that about them which legislative omnipotence cannot make into chattel. Alienate all you may of a great author's works,—and the author is still rich by virtue of them. Pass all you can,—and the artist yet retains a possession in his work that no bargain and sale can reach. The fame that belongs to a work of genius, the conveyance is not subtle enough to transfer:—the consciousness that belongs to it, he must quit his desk to understand. It is just because of this transcendental character of a work of Art, that it has seemed difficult to clothe it with the tangibilities of property. This, however, the law does in its own way. Unable to deal with the property in the thought, it deals as a chattel with the form in which the thought is embodied; and in clothing it with the rights of property, subjects the work also to its liabilities. He who buys it, like him who buys anything else, buys whatever can be legally done with it,—unless at the time of the purchase he agrees to buy something less. The Society of Arts seem to us to have recognised the true principle in the exception at which we before hinted, as made by them in their general rule with regard to copyright. That exception relates to the case of portraits.—“The Copyright in all portraits of persons which shall hereafter be made or taken * * * * for pecuniary reward to the maker or taker thereof, * * * * shall, upon payment of such reward, and, in the absence of any express contract to the contrary, become the property of the person by whom such payment

shall have been made." We have been informed, indeed,—we know not how truly,—that even this exception has been struck out of an amended draft of the artists' bill. This, if it be fact, illustrates curiously enough the inconvenience of fighting against a principle. The framers of the bill would seem to have perceived, that to let the enemy get a lodgment at this point, was to give up to him the whole of the defences. The entire question was probably, on further examination, felt to be surrendered by the admission which the exception made. Rather, therefore, than carry out to its consequences the principle let in by that exception, they surrender the exception itself;—though this absurdity, which it is clear they had not originally overlooked, is the result:—The man who orders an art copy of himself for the use of his family, and pays its price, acquires, at law, no further right in the transmission of his own face, foolish or otherwise, than the right to hang the individual copy in his house. The right to do whatever else can be done with the Art-creation which came of this desire for family commemoration, remains with the artist employed to realize the desire,—as against the family! The unobtrusive sitter, whose appeal to Art went no further than for such help as it can give towards keeping alive the fading memories in the home that he must one day leave, may find, that by means of his pious aspiration he has incurred the immortality of the print shops, whether he will or no. To a certain extent, and for certain purposes, he has created rights over his own person, adverse to himself!—The framers of the bill have contrived to apply the *reductio ad absurdum* to the principle involved, by the admission first and rejection afterwards of this exception.

For, as we have seen,—generally,—the artists have chosen—as, of course, they may—to shift the assumption from the ground on which we lay it. By the new act which they demand, the sale of a work of Art is to pass nothing more than can be *carried bodily away*,—all else remaining with the author. Whatever the purchaser obtains by his purchase more than the mere *thing*—picture, or statue—which he can so cart or carry off, must be gained by terms of *enlargement* at the time of the contract,—instead of the reservation of any of the inherent properties of a bargained and sold chattel being by him surrendered only by terms of diminution. "Upon any sale, exchange, gift, or bequest of any work of Art, in which there shall be a subsisting copyright, by the proprietor of such copyright, such right shall not pass with the possession of such work, unless his intention to sell or otherwise dispose of such copyright be expressly declared in writing for that purpose."

Now, so far as the mere principle of the thing is concerned, it signifies little which way the matter be taken, so that it be thoroughly understood. When the law comes in to define, it may make its definition where it will, so that the definition be clear and notorious. As all parties will know what they are doing, there will be no wrong done in one view of the case more than in the other. The only difference will be, that he *who buys at all* will know that he buys less,—and so, will pay less.—But, we, who have very anxiously at heart the interests of artists, entreat them seriously to consider how far that difference will affect their relations to the patrons of Art. The artist will readily agree with us, of course, in such general propositions as, that he would profit little by the assertion of a privilege which should greatly narrow his market,—that nothing is gained by maintaining the right to a watercourse, if it be maintained by damming up the stream. We are intimately persuaded, both by the reasoning on the case and by facts within our own knowledge, that the sale of works of Art will be very materially diminished by the manner in which this bill

proposes to deal with the copyright that is obtained under it. There are whole classes of purchasers whom we verily believe this law would send at once into other markets. The modern artist,—who is not an unwise personage in his generation,—has not overlooked the fact, that a race of picture-buyers have arisen in our great commercial towns, many of whom are impelled into the Art-market by pretty much the same motives that take them into other markets where a commodity is to be bought and sold, and a profit made. They have learnt to look on modern pictures as a good investment,—and, yearly more and more, a ready one. How much the painters of modern pictures have been, and are, benefited by the existence and growth of such a class, *they* know:—what shall be thought, then, of the wisdom of that legislation which goes to strip a work of Art of its most marketable qualities, and so gives up the class?—Even among the more tasteful and luxurious buyers of pictures,—those who were the more ancient patrons of Art, and will always be the true ones,—how many do the artists think will continue to pay large prices for works of Art when it is known that they are encumbered with such conditions? How many will consent to buy a property over which the seller retains a property nearly as large as their own? How many will hang on their walls that over which some stranger outside has a right concurrent with theirs? Who will put pictures up in his home which the artist may take down to engrave? We know, ourselves, many who will *not*:—who will be no buyers of works of Art with such incidents.—We remarked some little way back, that, under such a view of the law, the buyer of a picture buys little more than the privilege to hang it on his walls; but this was too favourable a statement of the case,—for he does not buy the whole of *that*. The right to engrave reserved by an artist, to be worth anything to himself, must include the right to have the picture away from the walls of him who has paid for it during all the months or years that may be necessary to the completion of the engraving!

There are so many points at which the peril, to artists, of the legislation contemplated may be shown, that this article, already long by the necessities of the subject, would take dimensions which we cannot afford to admit, if we should make any attempt to run over the whole. The matter may be put in twenty ways,—leading all to the same conclusion. Take it, for instance, thus,—and as it affects one particular class. The written history of Art records, and its unwritten annals abound in, instances wherein the artist, committed to that hard battle for bread which has too commonly to be fought on his way to his final success, has owed to the timely sympathy of some generous patron the aid which turned the battle at the time, and made the final success possible. The final success itself gives incidents of value to the work of Art by whose medium the aid came, which it was far from possessing at the time when the aid was given; and then, the artist, by this bill, turns round on the benefactor who befriended his hour of need, and claims to have reserved to himself all the eventualities. He who bought the smaller values which were all the poor artist had to sell, finds the prosperous artist claiming, as against him, the larger values which his seasonable patronage was the means of creating. He who purchased when others stood aloof, sees himself divested of rights growing naturally out of his purchase, the moment they become of value to others.—Can it be believed, that friends of rising Art, such as many whom we could name, will not have these things in mind on some future occasion when a career may be in the balance? Is not the artist, by these enact-

ments, deliberately shutting a door against himself on the path by which he has to struggle forward to his fame? Will the sympathy of generous men with the efforts of a generous profession be proof against this sordid interpretation of the bond between them?—The copyright clauses of this bill really appear as if they might have been framed with an express view to severing that bond for ever.

It seems to us, that the whole difficulty is solved by adopting, under legislative sanction, the other view of the case:—by attaching the copyright to the work as its incident, and making it follow everywhere, unless arrested by express stipulation. Let the buyer, *prima facie*, buy *all*,—and the seller recover as much of that all back by the terms of his contract as he can. In this way, all classes of purchasers are saved. He who will not consent to buy less of a work of Art than all the properties that belong to it, will have the right as he chooses to understand it, by law, and must pay for it accordingly:—and he who is willing to be a party to beneficial reservations in the interest of the seller, will buy so much less as he may choose to contract for, and naturally recover himself by virtue of a less price.

Before leaving this part of our subject, let us devote a few remarks to a certain practice that has arisen out of the unsettled conditions of copyright law,—and which is one of those practices hinted at by us, in the outset of this article, as being in some degree answerable for the far worse practices that in a worse sense imitate it. We allude to the right which the artist has claimed, or at any rate practised, to copy for sale an original work of Art from his own hand, after he had once sold and been paid for it as such. To us this practice,—unless where it was distinctly understood, that the right to do so had been reserved at the time of the purchase, or where permission was given afterwards,—has always seemed entirely indefensible. This is something more than a mere dealing with the materialities of a picture or a statue:—by this practice, one of the essentials is invaded. One element of value in an *original* work of Art, is, its unique quality; and the destruction of that uniqueness by unauthorised repetition, it is difficult to distinguish from piracy. We feel, that the pirate might be likely to quote it in his own defence, if hard pressed. We feel, in any case, that this existence of a variety of copies of a picture from the same hand has helped him, as we have said, to his opportunities as a piratical dealer in copies, and complicated the difficulties of his pursuit and detection. This claim to multiply, for the artist's benefit, out of a property sold to another, is the claim which we have stigmatised as too extravagant for acceptance in the sale of a horse.—We know, ourselves, of cases in which the artist, satisfied that his labour and his art had been already reasonably remunerated by the first price obtained, has accepted from a second purchaser a smaller price, as so much more gained out of the same work of Art, over and above the estimate. In such a case, the early purchaser suffers a double wrong,—first, from the reduction which the new original makes in the value of *his* original, (for under such circumstances, both works are originals, and both are copies),—and secondly, by the excess of price paid by the copy wronged over the copy that wrongs it.—The matter becomes even worse, when we remember, that artists who make these repetitions from their former works, and take the price of a single thought over and over again, often employ another—and inferior—hand than their own to do all the work of the repetition, except only the finishing.—We know, that the practice to which we are objecting has the sanction of honourable names,—the names of men who would not assert a right in which they did not faithfully believe.

But all such questions of right should have their distinct definition under the new copyright law.—Really, if an artist may reserve powers of repetition and reproduction of all kinds over the work of Art which he sells, we do not very well see what it is that the purchaser *does* buy. He might just as well, we think, for the future, content himself with a good proof impression “from an incised plate:”—that is, if there are to be any more proof impressions, or impressions at all, after this bill shall have passed into law.

For, as we have said, the legislation by which this bill aims at tying up the hands of the print publisher, demands, also, the anxious attention of the artist body. It might really seem as if the inconsistent objects of the framers of this bill had been,—first to give to the artist a term of valuable copyright in his works,—and then, to render the copyright valueless:—to secure to him a commodity capable of being carried into open market,—and then, to shut up the market. The artists, having made one mistake by vesting the copyright absolutely in themselves for the purpose of engraving, would appear to think it logical that they should make another by alienating the engraver. The measure before us is framed on the model of Dr. Kitchener's prescription for dealing with a salad. Careful instructions are given by the eccentric Doctor for the preparation of the compound,—and end by a direction to throw it out of the window!—To imagine that, under the restrictions which this bill proposes to enact, the print publisher will continue to enter liberally into those speculations on the works of modern artists which have yielded to the artist himself so large an addition on his money profits, and so brilliant a form for the extension of his fame, is to overlook the free genius of modern commercial enterprise. Look at the parliamentary fetters which the printseller is expected to wear,—or, to exchange them for two years' imprisonment, and hard labour,—or, to carry his capital and his labour into a freer market! If the artist, with his knowledge of what a respectable print publisher is, and of the course of respectable print-selling business, will just run over the clauses of this enactment, he will be very likely, we think, to break out into exclamation with old Lear:—“Who put *my* man in the stocks?”

Before the publisher, under the proposed act, may publish a single impression from “an incised plate,” he must give public notice how many such impressions he means to call proofs;—or, if he shall fail to give such notice, it is to be enacted by law, that no more of these impressions shall be proofs than fifty. These fifty, or such larger number as the publisher may claim by previous advertisement, are to be numbered consecutively from one upwards,—and each is to have its number conspicuously marked on its surface. Like hackney cabmen, each proof is to carry a badge, and be compelled to show it.—The great merit of this legislative set of arrangements is, that it carries us back towards the babyhood of principle, “and dallies with the innocence of *Art-love* like the old time.” The effect will be, to give an artificial scale of values, having no reference to the *fact* of value, to the impressions taken; and number twelve will be a better copy than number twenty by act of parliament. Of course, as regards the actual fact, the value of a print consists not in its being either number twelve or number twenty,—but in its being a good impression; and as regards this matter, the free-trade principle would leave the purchaser to take care of himself, and assume his capacity for doing so. But the print clauses of this bill proceed, in the old manner, on the supposition that the public are children, and must be led by the hand. It is assumed, that the purchaser does not know a good impression when he sees

it,—and also, that the publisher has an interest in serving him with a bad impression if he can. Accordingly, a certain number of all impressions taken from an incised plate shall henceforth be “commendable” by label. Fifty shall be good, by law,—and no more. The public are warned against the fifty-first. If the publisher, justified only in its beauty, shall call *that* a proof, he shall expiate his offence by two years' hard labour, and a fine of ten pounds.—What child's play is all this!—and what publisher can be expected to pay in future the large sums that have heretofore been given to engravers of first-rate eminence, for a plate that is thus to pass under the old and elsewhere discredited protection law, and have its sale forcibly kept down by legislative enactment?—Were it even true, according to the pleasant fiction of this bill, that an act of parliament could confer a virtue on impressions, the legislation that limits the accredited copies of a work by Cousins, or by Doo, to fifty, is, in its way, a distant imitation of that spirit—called by the more liberal genius of our time, *Vandalism*—which occasionally strikes off a small number of impressions only from an engraved plate, and then breaks up the steel for the purpose of enhancing their value.—We have a firm conviction, that Parliament will refuse to retrace its steps in the direction by these clauses indicated;—and will leave the trade in prints after works of Art to adjust itself, like the trade in any other commodity.

So, with the enactment which makes it penal to have a plate that needs repair touched on by any other hand than that which originally engraved it. Something like a copyright intention is, of course, discernible under this restriction; but a little consideration may convince the artist body that its principal effect, after all, will be, the difficulty which it will throw in the publisher's way. If, after a very large price has been paid to such an artist, for instance, as Mr. Cousins, for a first-rate engraving, the publisher may not keep his plate in such working order as shall enable him to take off impressions enough to cover the outlay, and to yield the profit with a view to which the outlay has been ventured on,—then, for the future the outlay will not be incurred. There will be an end of the enterprise which by the engraver's means brings so many of the best works of modern artists into our homes. If this work of repair can be done only by the original engraver's means, then the publisher is at the mercy of the original engraver, to whom he had already paid so large a sum for his Art. Suppose such original engraver to be elsewhere engaged, or out of the way, when wanted,—the plate is stopped, and the speculation destroyed.—In this age of minute mechanical certainty, the skilful engraver may work, for repair, on another engraver's lines, and the work to every reasonable intent remain the original engraver's, still.—We cannot but believe that Parliament will infer, that the publisher who paid the large price to begin with, has a continued interest in the integrity of the plate, and knows that he will secure his market best by keeping his impressions worthy.

Into the question of registration raised by this bill,—on which the Society of Arts and their reporter are at issue,—we have not left ourselves space to enter. The main thing about which we are concerned, is, the principles involved:—a question of means like that of registration may be left to the practical solution which it will receive in a committee of the House of Commons. Certainly, there seem to us all the difficulties in the way of a complete copyright registration of works of Art which the Society perceive,—while, as certainly, we do not see how, without registration, the evidence is to be obtained on which copyright

protection must rest.—As we have said, however, this matter may stand over until questions of more pressing importance shall have been settled.

Let us conclude, by affirming, with great earnestness, that, as the course of our duty has carried us over the whole field of this argument, we have been more and more struck by the extreme peril to which the bill before us is exposing the interests that it assumes to protect. We rise from our task with a very greatly enhanced sense of its importance. If the artists will but reflect on the nature of property, they will perceive beyond the possibility of a doubt that they *must* be narrowing the circle of their purchasers. If, to use the low class of illustration which the spirit of the bill suggests, they will examine, with the knowledge that they unquestionably possess, the machinery by which, as producers, they come practically into relation with the Art-consuming world, they will see, inevitably, that they are putting clogs on all its wheels. In fencing their rights by act of parliament, they are building up the fence so high, that the world on whose commerce with them the value of those rights depends will refuse to come over it. By way of asserting their freedom of sale, they are depreciating the thing they have to sell. The principle of Art Copyright is refined upon by some of the provisions of this bill, till its practical worth nearly disappears in the process.—But, that is not all,—nor the worst. The whole Art-feeling is lowered by the clauses that do most mistaken duty in this most injudicious bill. It was already the taint of Art in this country of ours,—preventing the more frequent attainment of Art's higher reaches,—that it is too much of a trade, and too little of an inspiration. Men take to it as they do to any other calling,—as a means of livelihood, not as the means of a revelation. The lofty spirit in which alone Art's masterpieces can have been conceived, is lowered by too much going into the market. The old Greek Muse takes modern apprentices,—and trains them up to the worship of Mammon. “The fine gold” has “become dim,” through too much of the world's alloy.—In our day and land, we know, something of this *must be*. The wants of life are at war with its spiritualities,—and must have a part conceded, that they may not take all. The higher natures that “live not by bread alone,” yet *do* live by bread. With the immense majority of mankind, even an Art must be a trade,—and the Art that is also a trade, must have its patrons. But, while we admit, and provide for, the trading element of Art, as we expressly propose to do by the wholesome clauses of this bill, we most earnestly denounce the sordid temper of others of its proposed enactments,—a temper which sets up the trading spirit as supreme in the Art temple, and subjects Art to it as its bondsman. And, while we recognise the artist's need of the patron, we urge strongly the wisdom of not alienating the latter by an onslaught on all the reasonable conditions of his patronage. Our own life is spent in the service of Art,—a willing service, most earnestly paid; and we are *sure*, that, both in its dignity and in its interests, Art will suffer by the clauses of this bill. The growing love of Art which is abroad, the artist will be wise, in all senses, to conciliate by all means in his power,—and mad, in the worldly sense, if he affront.—For his sake, and for the sake of the cause which he represents, we can but hope, that this bill may undergo such revision, before it reaches the House of Commons, or in committee of that House when it gets there, as may secure to the artist that copyright which he most justly seeks, and by means that shall not rob him of the fruits of such copyright when at last he shall have obtained it.

of the Nile. The duke has at length a sepulchre of his own; but the two temples of the immortal mortals stand close together,—and each of the chiefs contributes a portion of his memorial greatness to the other. The dark brown mass of Cornish porphyry which forms the new sarcophagus, relieved by the yellow markings that symbolise decay, carries two inscriptions; the one recording only the name, the other only the birth and death dates, of the illustrious sleeper. The sarcophagus rests on a granite base, with lion-heads watching, in stone, at the corners. The chamber is floored with Minton's tiles, and seen by light streaming from candelabra of granite. There is no ornament on the sarcophagus but the herald's cross.—On three days of the week, Mondays, Thursdays, and Saturdays, the public are admitted into this sepulchral chamber free: a charge of sixpence on the other days defrays the expense of lights and attendants.

THE LAW OF ART-COPYRIGHT.

THE questions connected with an enlargement of the terms and an improvement in the protection to be given to property in works of Fine Art,—into the consideration of which we entered largely in our number for the 1st of July last,—were brought before the House of Lords, by Lord Lyndhurst, on the 26th of that same month. His lordship's introduction of the matter took the form of petitions from the Society of Arts, from the Royal Institution of British Artists, and from a large body of practising artists, including the president and members of the Royal Academy. The subject is thus, during the recess, formally as regards the one house and incidentally as regards the other, under the consideration of those who will have to deal finally with it: and we trust earnestly, that in that sufficient interval there will be a careful examination of the principles by which legislation in respect of Art property should be governed. By this question, and by some others that are tending surely now to an early solution, the Arts of this country are in a period of crisis,—and measures of more kinds than one that are about to be almost immediately taken, will affect the condition of their professors amongst us for many years to come. In the interests of that body whose cause is our own, we anxiously solicit the attention of those members of both Houses who feel an interest in Art to the arguments which we have felt it our duty to advance, for the purpose of averting, so far as our warning can extend, the imminent peril in which, according to our view, the artists now appealing to Parliament stand. There is no mischief so incurable as that which is done under the misapplication of a true principle. The denial of the principle will right itself. Men answer certainly to its appeal at last, and rise in its favour. But that which is done under the authority of the principle itself, is done for many years to come,—and society cannot constantly be reopening questions so sanctioned. A mistaken position achieved for themselves under the banner of a right to be now asserted, the artists will probably find themselves powerless to retrace during this their generation. The time for the wise and wholesome course is now, while the questions are all open:—and really the questions, themselves, are so plain and practical, that, once more, we ask only a serious consideration of our own statement of them, on the part of the artist body, and of those who will have to decide ultimately for them.

To a certain extent, Lord Lyndhurst supplemented the omission of which we complained against the Society of Arts, when they declined to give publicity to the individual instances of fraudulent, or otherwise wrongful, invasion of copyright, which, nevertheless, they had collected as the basis of their argument for its protection. The evidence relating to these cases the society have, however, now laid before Lyndhurst; and this evidence,—forming, as his lordship says, "a mass which is most extraordinary,"—he will bring before the select committee which he has obtained to consider these copyright questions during the recess.—"One gentleman with whom I have communicated upon the subject," he states, "says that he has known as many as seventeen copies made from one picture.—A noble marquis purchased from the exhibition a picture of some

merit, called 'Second Class—The Departure,' for which he paid a considerable sum. He was asked to allow it to be engraved, and, with his usual kindness and fondness for the Arts, he consented. Some time afterwards, he found, that, while it had been in the hands of the engraver, it had been copied, and the copy sold as the original at a sale in London. At that sale it was described as a very popular work, and the evidence of its popularity was that it had actually been engraved.—The painter, Morland, made a contract with a dealer to go to his shop every morning at a certain time, and work for a certain number of hours each day until he had completed two or three pictures. At the same time the dealer engaged two inferior artists, who, as soon as Morland left, assumed his place, and copied the work which had been done during the day; so that, when the picture had been completed, instead of two or three, five or six came into circulation.—Another story is of this description:—A naval officer, whose novels and writings of that sort are very popular, sent two pictures to be lined. They were detained a long time; and when he went to inquire after them, the man to whom he had entrusted them said that his workshop was not there,—it was at a place some miles off. The officer went to this workshop, but he did not find his pictures. The servant there said they were at another place a mile or two off; but, seeing a ladder slung under a trap-door, he ran up it, opened the door, and in the loft to which it gave access found his pictures, surrounded by copies, three or four of which were completed, and two or three more still in progress."

The list of cases might be extended to almost any length desired, and, so as to form a very amusing anecdotal chapter in the history of fraudulent contrivance. But there is one case mentioned by Lord Lyndhurst, not coming exactly under the category of wilful wrong, to which we must allude,—because it is very difficult indeed to draw the moral distinction,—because the intending pirate may well plead such cases in countenance of his own wrong,—because the principle involved is one of those to which we earnestly called attention in our article on the subject of copyright, to which we have alluded [see *Art-Journal*, No. XLIII, p. 205], and because the artist in this case has come forward to defend the principle, with most conspicuous ill-success.—"A lady of very large fortune," says Lord Lyndhurst, "who is remarkable for the admirable manner in which she applies it, purchased a picture from an artist for £600, on the understanding that it should not be copied; and she was very much astonished, on going to the Manchester Exhibition a few years afterwards, to find there a painting which, with the exception of some of the subordinate details, was an exact copy of her own." Now, Mr. Faed having underwritten this anecdote with his name, we need have no delicacy in the matter:—but, indeed, our readers know that we are not in the habit of allowing any presumptions of delicacy to stand between what we consider artistic wrong and our exposure of it. We have formerly said, that we know the practice thus denounced by Lord Lyndhurst, and previously by ourselves, to be a common one; and Mr. Faed undoubtedly has, in this matter,—as he claims to have,—the support of honourable names. But, we must grieve that any artist of character should find himself involved in a kind of dealing, whose defence leads him into such helpless meshes of special-pleading as those wherein Mr. Faed is entangled on the present occasion. The lady alluded to as the purchaser of the picture in question, is Miss Coutts; and something like a misstatement is charged on her, or on Lord Lyndhurst, in respect of the assertion, that any understanding whatever existed against the picture being copied. "I cannot account," says Mr. Faed, "for Lord Lyndhurst's statement, unless from the fact, that on the 20th of August, 1856, I requested Miss Coutts's permission to have a water-colour copy made for publishing purposes. Correspondence on this subject led to a *voluntary statement* on my part, to the effect that *I never made copies of my pictures in oils.*" So far as we can understand Mr. Faed, he would seem to propose, for the public acceptance, some moral difference between the obligation of a *voluntary* undertaking not to copy a picture and an *undertaking demanded*:—but what, at any rate, we do not understand, is, how *that* can properly be called

a *voluntary* engagement, which explains the artist's own practice in a justificatory way, as an answer to the correspondence which had questioned it.—Fallacy No. 1, Mr. Faed!—In any case, the engagement was good and binding, however suggested. Most certainly, if Mr. Faed assured Miss Coutts that he "*never made copies of his pictures in oils,*" Miss Coutts was entitled to infer that he had not made, and would not make, a copy of *this particular one*. The greater includes the less, [see *Elementary Logic*, for the use of Schools]:—and Miss Coutts was safe, it would have seemed, under the *never*. Mr. Faed's dialectic breaks down, in a way which should warn his brother artists against rushing into print in a bad cause.—But, "the small picture Miss Coutts saw in Manchester, was," it appears, "*not a copy.*" "It was my original sketch, worked on and finished by me, *some-time prior to my letter above referred to.*" Here, the case becomes very bad indeed. Then, the "letter above referred to," takes a character on which we do not like to dwell,—because there is no doubt at all as to what understanding Miss Coutts would draw, and must have been intended to draw, from its terms. Surely, the letter which was written to re-assure Miss Coutts as to the amount of the artist's dealing in this express matter,—and in reply to expressed misgiving on the subject,—could not have omitted the fact of the work that had been done from the original sketch, but by design.—As for the dialectic which suggests that, *that* is not a copy of a picture sold which is copied, not from the picture sold, but from the original sketch from which the picture sold was copied:—fallacy, No. 2, Mr. Faed! Things which are copies of the same original, are copies of one another, (see *Elementary Logic*, for the use of Schools).—As we have said, the practice of such evasion is not peculiar to Mr. Faed,—and his excuse may be, that he has been led into a questionable transaction by the bad customs of his profession. It is *his* peculiar offence, however, that he has defended the transaction, and the custom.—The particular case may serve our own general argument, as an individual example of the peril in which the artists as a body will stand, should the principle of this transaction be moralized by legislation:—we ask the artist seriously to consider, if he thinks Miss Coutts is likely ever again to buy a picture from Mr. Faed?

MINOR TOPICS OF THE MONTH.

THE NEW NATIONAL GALLERY.—If we are not in all cases satisfied—and in some, our readers know, we are very far from it—with the direction which the zeal is taking, we are, at all events, glad to recognise that there *is* a zeal in Art-matters among the present ministers, which promises an early settlement of more than one that has too long stood over for solution. The enlargement of the National Gallery, in such manner as to admit of an enlargement of its scheme, is one of these. The question of site is settled:—not to our taste, it is true, but it is something that it is *settled*. The Chancellor of the Exchequer appears to have considered himself bound by the last decision of the House of Commons in the matter; and though we do not think he selected the best of the decisions at his disposal to anchor by, it is any way gain that we are to be no longer at sea. Our readers know, that there have been a variety of commissions and a conflict of decisions; and had the Chancellor of the Exchequer worked the question arithmetically, he would have obtained a different result. But then, Lord Elcho would have asked for another commission; and the Chancellor of the Exchequer felt that the time had come for a finality of some kind,—and, considered, we suppose, that such finality would most properly take its colour from the commission that stood nearest to it. After such an unreasonable amount of talk as there has been, action of any kind was better than *no* action; and whatever course may be the right one, any further continuance of the provisional *must* be the wrong. Lord Elcho's views and ours in the matter of the National Gallery are generally much farther apart than can be measured by the distance between Trafalgar Square and Kensington Gore,—but, for the moment, they have met. We are persuaded, that, even if a