

**THE BIBLIOGRAPHER: A
JOURNAL OF BOOK-LORE.
VOL. III, DECEMBER 1882 -
MAY 1883; NO. 13-18**

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THE BIBLIOGRAPHER.

A Journal of Book-Love.



VOL. III.

DECEMBER 1882—MAY 1883.

LONDON: ELLIOT STOCK, 62, PATERNOSTER ROW.

NEW YORK: J. W. BOUTON.

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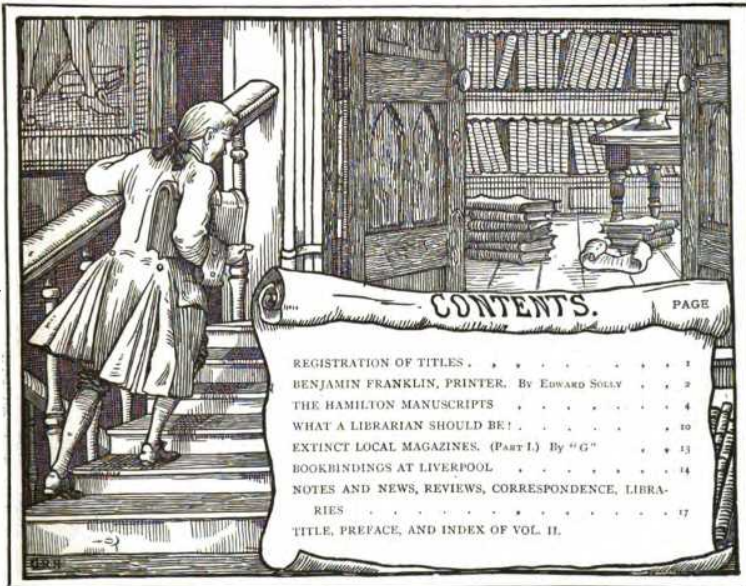
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THE BIBLIOGRAPHER



A Journal of Book-Love.



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in NEW YORK: J. W. BOUTON.

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THE BIBLIOGRAPHER.



REGISTRATION OF TITLES.

IF we were not writing in a literary journal we should scarcely venture to use this heading, as it has come to bear a special technical meaning; but our readers are not likely to suppose that we are about to treat of title-deeds. The need of a proper registration of titles (more particularly of novels) has long been felt, and many authors have suffered from the want of such a register. The title to a book is property, and the law recognizes it as such; therefore it is as much the duty of the State to register it as it is the duty of the State to register the title to land. The matter has long been in the hands of the Stationers' Company, and their action has not been satisfactory. This may partly be owing to the fact that they have no power to compel author or publisher to register, but the duty of making their books easy for consultation they have consistently ignored. About two years ago Mr. J. Cyril M. Weale made a proposal for improving the mode in which the registers of the Stationers' Company are kept, and suggested a form of index. He applied to the Company, but the authorities did not see their way to make the suggested alteration. Mr. Weale then applied to the Council of the Index Society, in the hope that that body would bring their influence to bear upon the Company. This is noted in the third annual report of the Index Society, July 1881.

Vol. III.—No. I.

Without some index of titles to guide him, the author is in constant fear of taking a title which has already been used. The only safe course is to take one composed of proper names, such as those mostly adopted by Dickens. *Apropos* of the titles used by this great novelist, we may allude to a very interesting point which has lately been raised and settled in *Notes and Queries*. The gentleman who writes under the name of Cuthbert Bede referred to a letter from Dickens to Macrone in which the author accepted the publisher's offer to publish a novel to be entitled "Gabriel Vardon, the Locksmith." Mr. Bede asked for information respecting this projected work, and Mr. J. A. Jarves was able to show that the title was abandoned in consequence of Macrone's exorbitant demands for the copyright of *Sketches by Bos*. The novel, however, appeared soon afterwards, but it was as *Barnaby Rudge*.

The reason for taking the question up at the present time will be found in the two following letters which appeared in the *Athenaeum*, the one from a well-known publisher and the other from a distinguished author.

"13, PATERNOSTER ROW, Oct. 17, 1882.

"While there has been so much agitation and discussion recently about international copyright with America, it is surprising that the compulsory registration of book titles should have escaped all our legislators, although the matter is one of every-day importance to the whole publishing trade, and the remedy ought

not to be beyond our grasp, as it does not present any serious difficulty.

"The present state of things is most unsatisfactory. When a title is chosen by author or publisher, the first care is to make a diligent search of all available catalogues, with a view to ascertain if the title has been used before. But it does not follow that because such a search does not disclose a previous use of the title, therefore it is free. Books have been published which are to be found neither in Low's Catalogue, the Museum Catalogue, Whitaker's Reference Catalogue, nor Stationers' Hall. Even if an entry is made at Stationers' Hall, if the author's name is given it is entered under that only, and not under the subject, so that unless one knows of such a book it is impossible to trace it there.

"The publisher now supposes that he has got hold of a title which is free, and proceeds to announce the book and get it ready for sale, involving printing, binding, etc. But after every care has been exercised, it occasionally happens that in 'subscribing' a new book to the trade a prior use of the title is discovered, in which case there is still time (not having actually published or delivered the book) to arrange with the holder of the copyright for permission to sell what have been printed and bound; or should that be impossible (as in the case of one who insists upon the strict legal rights), then voluntarily to withdraw all that has been done, cancel all that have been bound, choose and print a new title, etc., and so put up with a considerable loss. In other cases the previous use of a title may not be found out until after the book has been published and is in the hands of the public generally, and then may come an injunction in Chancery, with all its attendant worry and expense.

"Thus at present there is no absolute security about the selection of a title; and I have no doubt many others in the trade will have experienced what has just now fallen to my lot, which is what has led me to write this letter, in the hope that a movement may be got up for the introduction of a short Bill by some member of Parliament to remedy the present defective state of the law. Stationers' Hall could very well be utilized for the purpose, which should be compulsory registration, to be followed by actual publication within a given date, and the deposit of a copy of the book on the day of publication; all existing titles to be brought into the register within, say, three months; search to be made and official certificate supplied upon application. The practical details and the fees to be charged would not be difficult to arrange, if only we could get a few members of the trade to take up the matter actively; and I hope I have now set the ball rolling.—JOHN HOGG."

This letter elicited the following, which appeared in the number for Oct. 28th:—

"I sincerely hope that the subject of compulsory registration of titles will not be allowed to drop. As matters stand at present it is almost impossible to find a title which has not already been used, and perfectly impossible to discover whether a title is new or not. Of course there is no danger of using the title of a well-known work: no one is likely to write a book and call it *The Confidential Agent* or *The Trumpet-Major*. The difficulty lies in the issue year after year of countless books written for children, many of which have very attractive titles. These books have their run, and then are for the most part clean forgotten, dead, and buried, until an unlucky writer hits upon the title of one of them. Then, after he has had his title announced, and perhaps advertised at great expense, he is warned off by the publishers or the author of that little defunct book with the same title. It may be assumed that in all cases where a book is a success everybody gets to know about it. Therefore, when a title is chosen which has already been used, it is presumably the title of an obscure, dead, and utterly forgotten work, which can suffer no injury whatever. Nor do I believe that damages could be obtained in any court of law in such a case, were it to prove the subject of an action. At the same time, one would not desire to steal even so much as the forgotten title of a dead book, and if such an Act as that proposed by Mr. Hogg could be passed, it would be a great help to everybody. All that is wanted is that no title should be copyright which was not registered at the same time as the book was published.

"Some five or six years ago Mr. Charles Dickens, for whom, with my late partner, I wrote a Christmas story, after the title had been advertised everywhere—I believe even after the thing had appeared—received a letter from some one informing him that he had himself once written a story with the same title. He further intimated that unless substantial damages were at once paid him he would do dreadful things. Mr. Dickens, after ascertaining that the story spoken of was long ago dead and buried, wisely intimated that he might go and do his worst. And nothing came of it. Another story. A certain firm of publishers with whom I am acquainted once received a letter warning them that a work of theirs, then in the press and already well advertised, bore the title of a novel once written by himself. The writer went on to add that he contemplated issuing his book in a cheap form, so that unless—same threat as above. He gave as his address a public-house near Drury Lane. It was pretty evident from the tone of the letter what kind of man he was

and what he wanted. He had, in fact, published a novel under the title named, which fell flat, and was long since as dead as can be desired for any book, so that the use of the title would injure him in no possible way. However, these publishers, desiring to injure no man, invited him to an interview. He came, bringing with him a printer, who was good enough to testify that he had commenced negotiations for the reprint of the novel in question. While the partners were thinking how much they could offer the man of unappreciated genius in order to preserve their own title, he happily brought the matter to an issue by offering to 'square the job' for a guinea. Upon this he was ejected with his printer, and has never since claimed any damages. In fact, I do not believe that where it can be proved that no one is injured any damages could be obtained. But, to prevent disputes, let us register our titles.

"Again, a title ought not to be registered unless it belongs to a book; no one ought to have copyright in so unsubstantial a thing as a mere title. Yet I have heard a story which, if true, shows that there was, or is, such a copyright. It is related of the late Mr. Hain Friswell. He once met a publisher who confided to him that he was about to bring out a new religious weekly, but wanted a title. 'Why not,' said Mr. Friswell, 'call it —?' The publisher grasped his hand warmly, and left him in haste. Thereupon Mr. Friswell, repenting that he had so carelessly parted with a good title, called a cab and hastened to register it at Stationers' Hall. While the ink was still wet, a clerk arrived from the publisher on exactly the same errand. If registration of a title ten years or so ago secured its copyright, does it not secure that copyright still? And if there has been no registration, is the title the property of author or publisher? I have only to add that I am again a victim, and am informed that the title I had chosen for a new novel belongs to a little book written for children and published five years ago.

"WALTER BESANT."

A title alone cannot now be registered, but something in the form of a book (or number if a journal is to be registered) must be shown at the time the title is given in. We hope this very important subject will not be allowed to drop, and that pressure may be brought to bear on the proper authorities, so that a thorough system of registration may be undertaken by the State. A further duty will be the publication of the titles, as the Specifications of Patents are printed.

BENJAMIN FRANKLIN, PRINTER.

BY EDWARD SOLLY, F.R.S.

IN many libraries there is what may be termed a sentimental corner—that is to say, a habitation for certain books which are not admitted on account of their intrinsic value, beauty or rarity, but on account of some adventitious circumstance which seems to invest them with a special interest. Amongst these is that early edition of Wollaston's *Religion of Nature* the type for printing which was set up by Benjamin Franklin when he came to England in 1724. The statement which is commonly quoted on the subject is taken from the *Bibliographer's Manual* of Lowndes, p. 2976: "Wollaston, William. *The Religion of Nature Delineated*. Lond: 1722; of this the first edition a few copies only were printed for private use—Lond. S. Palmer 1724 4to. Benjamin Franklin was employed as a compositor on this edition." I have reason to think that this statement is incorrect, and for the following reasons.

William Wollaston, Esq., was born at Coton Clanford in Staffordshire in 1659, graduated at Sidney College, Cambridge, in 1681, and took orders in 1686. In 1688, on the death of his cousin Mr. Wollaston of Shenton, he succeeded to an ample estate, and was then able to devote himself entirely to literary pursuits and classical studies. In 1722, when he was sixty-three years old, he printed, anonymously and for private distribution only, his essay entitled *The Religion of Nature delineated*. His object was to describe Religion independent of Revelation—in fact, Religion as distinct from Christianity. The book excited much interest, and his friends urged him to publish it. In the first instance he was timid and doubtful as to its reception,—the book did not satisfy him; he had brought the subject up to the very threshold of Revealed Religion, and there he halted: to pass on was to enter into a new subject, not contemplated in his original scheme, and to stop short of it was to leave the whole thing imperfect. But his friends thought highly of his "Essay," and urged him to revise and publish it; he determined to do this, and therefore in 1724 he had it re-