

it would be desirable to have'. Should they be required to purchase all these works the amount 'to be deducted from the annual allowance' would be considerable and the Keeper would 'grudge such an expenditure'.¹⁹ Prices generally were rising. The Keeper sometimes had to report that the original sum requested for purchases at a sale was insufficient because of the high prices fetched and to request an additional sum if desirable early works were to be purchased.²⁰

By 1883 a 'recommendation... for a general system of exchange of publications with independent Governments, ... India and the Colonies'²¹ provided the Museum with another means of adding to the collections without increasing the demands on the purchase grant. This was fortunate as 'unusual expenditure' had 'rendered it necessary to hold over until 1883 a considerable number of bills properly belonging to 1882', and, in fact, the sum spent on continuations (£1,752) and new books and periodicals (£3,350) only just exceeded the amount spent on old books (£4,768) in that year.²²

II · THE FIRST REDUCTION OF THE BOOK FUND, 1886–1900

It was also fortunate that at this time the deposit of works from the colonies and the receipt of publications by international exchange were becoming viable means of augmenting the purchase grant, because in 1886 Lord Randolph Churchill was appointed Chancellor of the Exchequer and, although his term in office lasted only a few months, the substantial reductions in government spending which he proposed had full Treasury approval. His successor, the more liberal-minded Goschen²³ was left no option but to enforce these economies, although less stringently than Churchill had intended. The British Museum as a whole was required to reduce its expenditure by £10,000 for the financial year 1887–88 and it was proposed that the acquisitions grant for the Department of Printed Books should be reduced by thirty-nine per cent from £10,000 to £6,000 to cover the purchase of books, although an additional £200 was allowed for maps.²⁴

The Keeper's reaction was immediate. On 6 January 1887 Bullen addressed the Trustees 'on the subject of the reduction required by the Lords Commissioners of the Treasury... and on the scheme for distributing the reduction over the Estimates of the several Departments... prepared by the Principal Librarian'. Although he was not objecting to the justice of the apportionment (he could hardly do that when Bond²⁵, the Principal Librarian, had proposed a forty per cent reduction of the grant for his former Department of Manuscripts from £2,500 to £1,500), he felt it:

The practice of reminding men of their civil duties through a police court is not a very English proceeding, and it reminds the publishers that the gentleman who pursues it with such zest is not an Englishman.

'The Book Wolf', *The Leader*, 10 July 1852.

THE LIBRARY OF the British Museum was always intended to be a national library, inheriting as it did the mantle and privileges of the former Royal Library. The difficulty in transferring concept into practice revolved around the question of ways and means; to be a true repository of the country's literature, statutory provision was needed. Hence the misleadingly entitled 'Copyright' Acts which required of publishers the compulsory deposit of all their publications in certain specified libraries. When Panizzi (Fig. 14) was at the height of his power, the relevant legislation was the Copyright Act of 1842 which granted legal deposit to the British Museum, the Bodleian, Cambridge University Library, the Advocates' Library, Edinburgh, and Trinity College, Dublin. Publishers were obliged to deposit books in the British Museum, subject to a penalty not exceeding five pounds as well as the cost of the books; the other libraries had to claim their copies within twelve months. The libraries could also claim works published anywhere in the British Empire, but this was quite unenforceable. When the Act was debated in Parliament, only authors' rights were discussed. The topic of legal deposit had already been aired at great length in 1836 during the passage of that year's Copyright Act, when James Silk Buckingham attempted to persuade the Commons to bring an end to this privilege. He failed, although the number of deposit libraries was reduced from eleven to the five mentioned above.¹

The legal deposit libraries had only spasmodically tried to enforce their rights. In 1812 Cambridge University Library had successfully prosecuted Henry Bryer for non-compliance in a case significant only because of its rarity. Bryer was a minnow amongst publishers and was chosen because Cambridge was afraid to tackle one of the big fry. The university legal deposit libraries suffered under a greater burden because they found it more difficult to justify their need to acquire every single publication, regardless of merit.² They aggravated the situation by actively discarding material felt to be worthless, a practice begun by Sir Thomas Bodley himself who held strong feelings against Shakespeare and his ilk: 'Happely some plaies may be worthy the keeping', he wrote to Thomas James in 1612, 'but hardly one in fortie'. Bodley was horrified at the thought of 'the harme that the scandal will bring vnto the Librarie, when it shalbe giuen out, that we stuffe it full of baggage bookes'.³

As is well known, many publishers did their best to evade their liability. The

story of how Panizzi increased the volume of accessions by prosecuting recalcitrant publishers has been oft repeated, but the details of the resulting court cases have not been published before. Edward Miller's biography of Panizzi refers to the trial of 'a Mr. Bohn' and comments that the latter was fined a mere shilling, which suggests that the subject was treated leniently, if not frivolously, by the courts.⁴ In truth Bohn was fined one shilling for each transgression, plus costs. Although the total was less than £12, an important principle had been upheld, and publicly so. The case became a *cause célèbre* because of the surrounding harmful publicity. Panizzi was portrayed as the British Museum's tyrannical servant, and a foreigner to boot. No matter that his goal was to ensure that the Museum really did become a national library. Panizzi's prosecutions are not of solely academic interest. As the British Library moves into the 1990s, a policy of deliberately declining to accept certain classes of literature deposited under the current Copyright Act is seriously being considered. The result may well be to turn the clock back until before even Panizzi's time. How to decide what should be declined? It is interesting to observe that in about 1836, according to Arundell Esdaile, the Trustees instructed their Copyright Receipt Officer not to claim publications of 'a socialistic or sceptical tendency'.⁵

During 1850 Panizzi must have felt under siege. There was constant public criticism of the inadequacies of the British Museum's catalogue, and the scandal of the Libri affair, in which Panizzi had supported the unworthy count. Pressure from books and readers was forcing Panizzi to think of expansion and ultimately towards the design of the circular Reading Room, opened in 1857. The rising number of accessions meant more space was required, but Panizzi was aware that the number of acquisitions should be even greater. In May 1850 Panizzi was granted power of attorney to enforce the Copyright Act. His chosen mode of procedure was to use an agent, not a member of the Museum staff, to purchase an undeposited book from the shop of the non-compliant publisher, and then take the proofs of purchase and non-receipt before a magistrate.⁶

Panizzi opened his campaign by issuing warning letters to thirteen known recalcitrant publishers in London. Five responded with abject apologies, but in November 1850 Panizzi instructed the Museum's solicitors, Bray, Warren, and Harding, to institute legal action against the remainder. The first incredulous victim was the firm of Spettigue and Farrance of Chancery Lane, who were summonsed to appear at the Guildhall on 5 December. Panizzi was pleased to report to the Trustees that, 'having begged for mercy, [the firm] brought a much larger number of books than it was known to have published, and promised to obey the law in future'.⁷ Less compliant was James Gilbert, summonsed on the same occasion for non-delivery of a map. Though dated

1850, Gilbert claimed the map had been engraved more than seven years earlier, i.e. before the Copyright Act of 1842, and was exempt. He complained of Panizzi's actions as 'robbery', but was fined ten shillings plus costs.⁸ Panizzi later commented to the Trustees that 'altho' some publishers so far forget themselves as to designate by the term *robbery* the inforcing of an act of parliament, they never forget to charge in their estimates for publishing a work the five copies which they are bound but omit to deliver'.⁹ Gilbert was fined a further fifty shillings and £2 costs on 20 February 1851 for a fresh non-compliance over a pamphlet on the late papal aggression. His defence was that he had intended to send a better copy.¹⁰ At about the same time James Burns was prosecuted,¹¹ while John Chapman appeared at Bow Street on 7 August and was fined a nominal one shilling and £3.13s. in costs.¹²

These few successes were merely preliminary skirmishes. During 1852 no less than twenty-one summonses were issued against London publishers, while the field of combat was extended to the rest of the United Kingdom. Amongst London publishers to be dragged through the courts were Routledge, H. G. Collins, Cassell, Day and son, James Darling, and Bradbury and Evans. Most apologised, promised to be more careful, and were fined a nominal sum. J. Saunders was more defiant. He appeared at Bow Street on 20 March 1852 and was fined £2 after a rebuke from the magistrate because of his behaviour. Panizzi promised a further summons against him for another offence.¹³ On the same day George Sowerby was 'summoned to the felons' bar', as the *Literary Gazette* put it, for not sending a fascicule of his *Thesaurus conchyliorum*. He complained about his treatment to Panizzi, who offered to prosecute him on two other offences. Panizzi's view was that Sowerby had deliberately defrauded the Trustees on previous occasions. He had, for instance, failed to provide his *Mineral conchology* under the previous Act. An incomplete copy had come with the bequest of General Hardwicke; nine parts of the *Conchology* were lacking for which Panizzi had had to shell out money in 1850 to Sowerby because he could not claim under the old Act: 'Mr. Sowerby was paid £1.16s. by the Trustees, beside having been paid for what he had sold to General Hardwicke; a reward for his infringement of the law'. The *Literary Gazette* reported Sowerby's prosecution by way of a warning to others and added inconsequentially: 'No wonder that Mr. Panizzi has been so many years getting over letter A in the new Catalogue, when he has to resort to such oppressive measures to get the books in'.¹⁴

Sowerby was not the only focus of discontent. John Chapman, already once prosecuted by Panizzi, was plotting revenge. Famous to posterity as the lover of George Eliot and less so as an author himself (he wrote books on diarrhoea and sea-sickness), Chapman had become the proprietor of the *Westminster Review*. In the issue of April 1852 he published an attack on the 'forced

“benevolences” which publishers had to make to the five copyright libraries, urging that the ‘tyranny of *compelling* the publisher *himself* to *deliver* the copies demanded might at least be dispensed with’. If manufacturers had to donate five copies of every product, he opined, this would be an interesting use for the new Crystal Palace.¹⁵ Panizzi would not let that pass. In May Chapman was summonsed for failing to send the January number of the *Westminster Review* and was fined £2 despite protestations of innocence. Chapman complained to the Trustees that Panizzi was being vindictive: ‘I presume such a motive will not bear the scrutiny of Englishmen, and therefore I write to enquire whether Mr. Panizzi’s frequent practice of issuing a summons without the courtesy of a previous notice meets with the approval of the Trustees of the British Museum’.¹⁶ The Trustees did approve. The *Literary Gazette* pursued its own vendetta: ‘Our exposure of this oppressive system of police fines had not, it seems, been agreeable to the government functionary. For the present venial oversight Mr. Chapman was mulct in the sum of 47s.. We think if Mr. Panizzi could get to work upon letter B of the Museum Catalogue, his services would be of far more advantage to the country than in manifesting these petty ebullitions of private pique to the country’s shame’.¹⁷

The successful prosecution of Bradbury and Evans in July 1852 provoked more press criticism, including a notable piece entitled ‘The Book Wolf’:

The practice of reminding men of their civil duties through a police court is not a very English proceeding, and it reminds the publishers that the gentleman who pursues it with such zest is not an Englishman. The affrighted publisher feels like the industrious ants, conscious of dreadful Formica Leo or Ant Lion, lying in ambush for him to snap him up if he stumble into the pit; and he regards that devouring insect with the more horror since it is an outlandish species – a sort of crawling Machiavel, whose pit is the British Museum, and whose slaves are policemen. “We should not see this morbid appetite for booksellers”, they say, “if the Librarian were an *Englishman*”.¹⁸

Shrugging off his critics (though deeply wounded), Panizzi decided to move against publishers outside London. He travelled to Scotland on 26 July 1852 where he took legal advice on the best way of proceeding, and also discovered a clerk in the Advocates’ Library, Edinburgh, who was prepared to send him quarterly lists of new books. During 1853 several reluctant Scottish publishers received admonitory circulars from Panizzi, and all complied with a minimum of fuss.¹⁹ September 1852 found Panizzi in Ireland, visiting Dublin and Cork. He claimed that he was hoping to remain incognito, but was soon recognised.

had never previously obeyed the Act had, after receiving a threat of legal action, sent almost 180 works.³⁴ Summonses against three London publishers were issued in 1853, including one against Smith and Elder, and no less than twenty during 1854. In December 1853 the publisher, John Russell Smith, a previous victim of Panizzi, complained to *The Times* that Panizzi was demanding an expensive book on architecture, published abroad but with Smith's name on the titlepage; he claimed that to avoid this iniquitous tax, he would reprint the titlepage with his name omitted.³⁵ Panizzi's actions were strongly supported by Serjeant Parry, who wrote:

It has been said that the mode of enforcing compliance has been harsh and severe, looking to the trifle value of the books claimed. The proceedings themselves, however, show that this charge is not well founded; every defaulter has been warned before being summoned, most of those summoned have been defaulters of long standing, and to a very considerable extent. And as to the question of value, Mr. Panizzi and the solicitors to the Trustees have repeatedly stated at the hearings before the magistrates, that books of small price have been purposely selected as the subjects of informations, in order that the penalties might fall as lightly as possible on the offenders. It is hardly fair that considerations of this kind should be misconstrued into oppression.³⁶

By 1855 the publishers had received the message that Panizzi would not be cowed by their opposition. The number of prosecutions fell significantly in that year, when there were only six. Although they rose to fourteen in 1859, there were none at all in 1862–63, 1866–67, and 1869. Between 1850 and 1874, thirty-two London publishers were convicted and fined, while 131 settled out of court after receiving solicitors' letters. No prosecutions were brought between 1879 and 1918. In the latter year six publishers were prosecuted at Bow Street, including Herbert Jenkins.³⁷ Francis Griffiths was summonsed in 1932, but no prosecutions have occurred since then. Panizzi's example was eventually followed by the other deposit libraries who in the 1860s appointed a joint agent to co-ordinate their claims against publishers.³⁸ The problem of non-compliance may not have been absolutely eradicated, but future generations of British Museum (and British Library) users have good reason to be thankful for Panizzi's persistence.