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John Feather

Excerpt

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CHAPTER I

London and the Country

During the early months of 1695, both houses of Parliament devoted some time to the need to renew the Printing Act, which was due to expire at the end of the session. This legislation, in force since 1662 with a gap between 1679 and 1685, had replaced the earlier executive decrees for the control of the press.¹ It regulated many aspects of the book trade, with the overall effect of confining commercial printing, and hence publishing, to London. For over two centuries, the London trade had exercised a collective monopoly over the production of books in England, and although a number of bookshops existed in the provinces, they were dependent upon London suppliers. From the late sixteenth century onwards, there is copious evidence for the existence of a provincial book trade. There were indeed few towns of any size in which books were not available. Among the examples are a trader in Chester in 1593,² Christopher Hunt in Exeter from 1593,³ and William Corbett of Newcastle-upon-Tyne who died in 1626.⁴ Shops also existed in the two university towns, although these were, of course, wholly atypical of the trade as a whole. Even outside Oxford and Cambridge, however, there were some bookshops with substantial stocks. In 1644, John Awdley of Hull had well over two hundred books in stock, including a wide range of classical texts, schoolbooks, and theological works both learned and popular.⁵ By the end of the century, even the record of imprints,⁶ which is only the tip of the iceberg of the country trade, shows a wide spread of booksellers throughout the country.

The beginning of the eighteenth century nevertheless marks a distinctive change in the organisation of the provincial book trade, and indeed of the English book trade as a whole. Among the several unintended consequences of the lapse of the Printing (or Licensing) Act was the legalisation of provincial printing. The lapse of licensing, the most important event in the history of the English book trade between the chartering of the Stationers' Company in 1557 and the initiation of the Net Book Agreement in 1900, introduced a new factor

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of great significance into the relationship between the London and provincial trades.

In 1695, there was no tradition of provincial printing. The existing provincial booksellers were unable, for lack of skill and equipment, to set up as printers even had they wished to do so; had they succeeded, they could hope for no more than small and uneconomic local markets for their books. Despite these handicaps, however, printing was introduced into a number of provincial towns by men trained in London. The Common Council of Bristol was uniquely enlightened when it resolved within a few weeks of the lapse of licensing that 'a printing house would be useful in several respects', and invited William Bonny to establish a business even though he was not a Freeman of the city.⁷ He printed documents for the Corporation, as well as doing work for individual tradesmen. Within a few years, probably in November 1702, he started *The Bristol Post Boy*, the city's first newspaper.⁸ In all of this, except the initial invitation, he was a precursor of the typical provincial printer of the next thirty years. He and his like, without intending it, were to transform the trade and create a whole new mechanism of distribution.⁹

THE LONDON TRADE AFTER 1695

The lapse of the Licensing Act was by no means an unmixed blessing for the London book trade; indeed they petitioned Parliament several times for its renewal. This was not because they were philosophically or politically committed to a controlled press; it was because they saw a free press as an economic catastrophe for themselves. Their primary concern was with copyrights, the crucial privilege of the sole right to print and publish a particular work. Such rights were traditionally established by entry in the Hall Book of the Stationers' Company, and entries were compulsory in law for so long as the Licensing Act was on the Statute Book. The lapse of the Act opened the door to a chaotic world in which copyrights could be protected only by long and costly suits in Chancery. The trade asked for a Licensing Act; what it really wanted was a Copyright Act, and this it obtained in 1710.¹⁰

Meanwhile, however, the trade had developed internal machinery for its own protection. The first was, in effect, a wholesaling system which ensured that popular books were distributed only by a small group of London booksellers. This group met regularly from the 1690s to hold private auctions at which books were sold wholesale for

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resale either direct to the public or to the provincial booksellers. The group was known as the 'Conger';¹¹ the conger system was highly effective, handling over 170,000 books, to the value of nearly £37,000, between 1695 and 1705.¹²

The second defence mechanism was in the central area of the trade's concern: copyright. This was the trade sale,¹³ an auction which, like the meetings of the congers, was open only to invited booksellers. At these sales, copyrights, or shares in copyrights, were sold. Although the continuous series of auctions of which catalogues are extant did not begin until 1718, there is great similarity between these sales and the earlier sales of books, and some evidence that such sales were held well before 1718.¹⁴ It has always been accepted that these sales were intended by the booksellers as a defence of their rights, but usually with the inference that the intention was to protect copyrights against infringement.¹⁵ The evolution of the system in the years after 1695, however, suggests another reason for its rapid growth, and perhaps even for its institution. By selling copyrights only within their own circle, the leading London booksellers were able to defend their collective control of the most profitable part of the publishing trade. If this was indeed their objective, they were remarkably successful, for the system itself survived into the nineteenth century, and the dominance of London was never seriously endangered. Because all the largest firms in London were involved, it was impossible for an author to sell his copyright outside the group if his book was to have a reasonable chance of success. Once one of these men owned the copyright, it would be sold, either as a whole, or in shares, only to other members of the group. To make protection absolute, it was implicit that when a copyright owner died or left the trade his copyrights were offered to the other booksellers at a trade sale.

The leading London booksellers thus retained their control of two of the three essential elements of any successful publishing enterprise: copyrights and distribution. They also had uniquely easy access to the third: production facilities. The printers had long since lost the dominant position in the trade which they had established in the sixteenth century. Few were now involved in the publishing of books, but were instead commissioned by publishing booksellers to undertake specific jobs. A few printing houses, however, became large and heavily capitalised businesses. In 1730, for example, Tonson and Watts were employing about fifty men,¹⁶ and, later in the century, Strahan, Richardson, Bowyer, and others all had firms as large or

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larger. The concentration of skill and capital in London, the consequence of 150 years of a legally enforced collective monopoly, was so great that there could be no real provincial competition. The chain of cause and effect was circular: the demand for book printing was largely confined to London because the London booksellers successfully retained their control of copyrights and distribution; only the London printers could produce books on a sufficiently large scale; hence the dominance of the London booksellers was further enhanced by the availability of production facilities.

The trade acted with remarkable solidarity in the aftermath of the lapse of licensing, and they achieved, with little difficulty, their principal objective: London remained the only significant centre of English publishing.

THE RELATIONSHIP BETWEEN THE LONDON AND COUNTRY
TRADES

The organisational structure which had evolved under licensing, and its retention and indeed reinforcement after 1695, put the provincial booksellers into an essentially dependent relationship with the London trade. The Londoners were the sole source of supply of all the books they published, and often went to considerable trouble to ensure that the country booksellers did not become sharers in such books. The very understandable obsession with the copyright question which is the central issue in the history of the English book trade in the eighteenth century is indeed the best introduction to an understanding of the relationship between the London and country trades, for it was the determinant of the dependency of the latter upon the former.

A few shares in London copyrights did find their way into the country trade. Most copyrights held by the country booksellers had country origins, but there are isolated examples of London shares which are of some interest. Benjamin Collins of Salisbury was particularly active in this respect. He owned shares in *The Rambler*, *Pamela*, *Humphry Clinker*, and *The Vicar of Wakefield*. The first two he bought privately from William Strahan, but he was one of a group of booksellers who made the original purchase of their copyrights from Smollett and Goldsmith.¹⁷ Collins was unique in the scale and importance of his shareholdings, but other country booksellers did engage in similar activities. When they did so, however, distance, and the

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exclusive attitudes of the London partners, often made for difficulties. Joseph Pote of Eton, who had close contacts with the London trade and was himself a Freeman of the Stationers' Company, experienced a tempestuous relationship with John Nourse, with whom he was joint owner of Bartlet's *Farriery*. Nourse actually had an edition printed without Pote's knowledge.¹⁸

Significantly, Collins had not bought his shares at trade sales, and it seems that this would have been almost impossible. In 1774, it was claimed by John Merrill of Cambridge that some country booksellers had tried to attend the sales, but had been expelled. Merrill was giving evidence to the House of Commons on a bill supported by the London booksellers but vigorously opposed by him and, according to Merrill, other country booksellers. According to the official report 'on cross examination, it appeared that they [the country booksellers] had been turned out for misdemeanours, for breaking the rules observed at sales, etc.', but the details are not given. The report is, in fact, biased in favour of the Londoners, and it seems likely that the substance of Merrill's evidence-in-chief was true.¹⁹

It was perhaps a little more common for the country booksellers to be shareholders in London periodicals and newspapers; this is not entirely surprising, for, as we shall see, country sales were even more important for these publications than they were for books. Collins owned a one-fourth share in *The Monthly Review*, which, after his death, was sold back to the other proprietors for £900.²⁰ He was also part owner of *The London Chronicle* and *The Public Ledger*.²¹ James Fletcher of Oxford was a shareholder in *The Gazetteer* from about 1775 onwards,²² and there may have been a few other examples.

In practice, publishing was not a major source of friction between the London and country trades, at least in the first half of the century, since there was no real possibility of country competition in major publishing enterprises, and little even of country participation. Towards the end of the century, however, we do find more country shareholding, largely achieved through copyright dealings, outside the trade sales, for which there is evidence from an early date.²³ By 1828, when the first surviving rules of the 'Principal Shareholders of Books' were written, it was accepted that there were country partners. Even then, however, their position was distinctly inferior, for, whether for reasons of distance or from some other cause, they were 'bound by the acts of the London partners'.²⁴ Their money was welcome; their opinions were not.

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The reason for the greater participation by the country trade in the last quarter of the century was that after 1775 there was much greater freedom to reprint comparatively recent texts. In fact, the most difficult area of the relationship between the London and country trades until then had been in this area of reprinting, and, especially, of the reprinting and the selling of reprints of popular texts first published before the Copyright Act of 1710. This was a highly controversial subject, for, until the House of Lords finally decided against them in 1774, the London trade maintained that the 1710 Act merely confirmed common-law rights. They argued, in effect, that while the Act set a time limit on the specified statutory penalties for copyright infringement (as opposed to penalties in common law for the infringement of any rights of property), it did not limit the existence of the copyrights (or properties) themselves.²⁵ Under the Act, works already in existence on 1 April 1710 were protected for twenty-one years. On the London trade's interpretation of the law they were thereafter protected in perpetuity.

This was not, however, the only interpretation. In 1774, William Johnstone, giving evidence to the same committee as Merrill, told how he had tried to enforce his common-law rights as he saw them. He had, he said, threatened to take Chancery proceedings against Thomas Luckman of Coventry for printing *Pilgrim's Progress*, but had settled out of court. To agree to do so he had imposed Draconian conditions on Luckman: he was to hand over the offending books, pay Johnstone's expenses, and promise not to repeat the offence. Johnstone had entered the trade only in 1748, so the alleged offence had taken place after the statutory expiry of the Bunyan copyrights in 1732, and Luckman was exercising his rights under the 1710 Act.²⁶ In the whole forty-year struggle about the meaning of copyright law this is the only specific example quoted to Parliament of a threatened prosecution of an existing provincially printed book. It is not, however, the only example of interference in country publishing ventures. In 1757, John Baskerville of Birmingham was planning to print an edition of Milton, but, as he wrote to a friend, he was 'deterred by Mr. Tonson and Co. threatening me with a bill in Chancery if I attempt it'.²⁷ Tonson 'owned' the valuable Milton copyrights, and would not tolerate such 'piracy'.

Cases like this were very uncommon, but a continual source of irritation and disagreement was the related allegation that the country booksellers sold books illegally imported into England, in contraven-

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tion of the 1710 Act and the further Act of 1739 which specifically forbade all book imports except of certain classes of learned works.²⁸ The 1710 Act applied only to England and Wales, and it was therefore legal to print in Scotland, Ireland, and the British possessions overseas, books which were copyright in England and Wales. It was, however, a breach of copyright to import such books into England and Wales for sale.²⁹

There is a good deal of evidence that many such books were imported, and that in the north of England they were widely sold in booksellers' shops. In 1735, when the pre-1710 copyrights had expired, and the first batch of twenty-eight-year copyrights were about to lose their statutory protection, the London booksellers promoted a bill in Parliament to extend the term of years, and to strengthen the law against imports.³⁰ They claimed that their copyrights had been 'injured by Surreptitious Editions and Impressions made as well in Great Britain as in foreign parts',³¹ but what their witnesses actually produced was evidence of the import and sale of Dutch and Irish reprints. Indeed, both from the evidence and from the Act which finally emerged in 1739 it is clear that this was their principal concern at that time.

Charles Rivington testified that he and Philip Miller had jointly published the latter's *Gardener's Dictionary* at £1.5s.od., but that an Irish edition had been sold in England for £1.2s.od.³² He himself had bought a copy for that price from the shop of 'Mr. Hilliard', presumably Francis Hildyard,³³ in York. James Crockatt, another London bookseller, told the committee that he was present when a bookseller in Preston opened a parcel of books from Ireland, and from that parcel he had bought a copy of William Burdon's *The complete farrier*.³⁴ Two other booksellers then testified that Dutch reprints of English books had been imported and sold.³⁵

The concerns of the London trade are clearly reflected in the 1739 Act. It is entitled 'An Act for Prohibiting the Importation of Books re-printed Abroad, and first composed or written, and printed in Great Britain'. Imports of such books were completely forbidden, under a penalty of the destruction of the books, and a fine of £5 plus twice the value of the books imposed on everyone involved in the transaction. The only exception, apart from learned works in classical and northern languages, was for books in existence in 1710 which had not been reprinted in England for twenty years, that is, since 1718.

The sale of foreign reprints, however, was not to be stopped by

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mere legislation. It is clear from the evidence already quoted that they were cheaper, that they were readily available at least in the north, and that the country booksellers continued to sell them. Twenty years later the London trade tried to take direct action against the country booksellers. On 23 April 1759, John Whiston, on behalf of the London trade, wrote to John Merrill of Cambridge, as a leading member of the country trade, to tell him that the Londoners proposed to prosecute booksellers who broke the provisions of the 1739 Act.³⁶ Whiston pointed out that he, Andrew Millar, James Fletcher of Oxford, and Merrill's own father, also a Cambridge bookseller, had already met and agreed to subscribe various sums so that they could buy at cost all the stocks of Scottish and Irish editions held by the country booksellers, and give them English editions in exchange. After 1 May, however, they proposed to prosecute any further offenders in the Court of Chancery.

Alexander Donaldson, fifteen years later, chose to interpret this letter as a threat, and so, in a sense, it was. Yet the threat was tempered with reason; in fact, the London booksellers, and their two country allies, were proposing to enforce the law at their own expense. Fletcher and Merrill, as the leading booksellers in the two provincial towns most profitable to the trade, were apparently happy to collaborate in order to maintain good relations with the Londoners. This is significant, for it shows that at least two members of the country trade recognised the need for such co-operation. Equally significant is the appearance for the first time of the Scottish printers, for it was they who were to be the main cause of concern during the next fifteen years.

Five days later, Whiston again wrote to Merrill, reiterating the points he had previously made. This time, however, he elaborated on the plan. 'Riders shall be appointed the first of May to inspect all the booksellers shops in England,' he wrote, and he then listed the names of thirty-two London booksellers, including all the leading members of the trade, who would jointly subscribe a total of £3,175 for this purpose (Donaldson, pp. 14–15). The sheer cost of the operation seems to have been the rock on which the scheme foundered, for it was not until November that a printed letter was generally circulated to the country trade explaining the intentions and motives of the Londoners; despite the earlier time limits, the offer to replace illegal books with London editions still stands (Donaldson, pp. 15–17). Donaldson regarded this letter as a 'masterpiece of low cunning';

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certainly, it would have severely damaged his own trade in piracies if the plan had been carried out vigilantly.

As in the 1730s, the London trade was primarily concerned with imported books. There is passing reference in Whiston's second letter to 'pirated editions printed in England' (Donaldson, p. 13), but it was underselling by the Scottish and Irish imports which was the substance of the Londoners' concern. The problem, ironically, revolved largely around books already, by statute, in public domain, and when we consider how valuable they were we can see why the London booksellers were so worried that they subscribed over £3,000. Whiston had listed some of them in his first letter (Donaldson, p. 12):

The books will be mostly, I suppose, as follows: Spectators, Tatlers, Guardians, Shakespear, Gay's poems and fables, Swift's works, Temple's works, Prideaux's connection, Barrow's works, Rollin's ancient history, etc., Gil Blas, Whiston's Josephus, Burnet's theory, 2 vols, Young's works, Thomson's seasons, etc., Milton's poetical works, Parnell's poems, Hudibras, Waller's poems, Fable of the bees, 2 vols, Young's night-thoughts, Turkish spy, Travels of Cyrus.

All but three of these had no statutory protection,³⁷ but shares in them were still being sold at the trade sales, for all of them were constantly reprinted and highly profitable.

For another fifteen years the London booksellers fought to establish their view of the law. The battle coalesced over Donaldson, and it was *Millar v. Donaldson* which the Lords finally decided against the booksellers in 1774; with that decision the chimerical notion of perpetual common-law copyrights finally vanished.³⁸ Even then, the Londoners did not quite abandon their hopes. They petitioned the Commons for a Bill to overturn the Lords' decision, and the whole issue was aired yet again in a series of debates.³⁹ Merrill changed sides, and gave the evidence about trade sales already quoted; the Londoners testified to their plight if they lost the protection of the law; the letters of 1759 were discussed; and the Scottish and Irish pirates had their affairs dissected before a bemused House. It was here too that Johnstone's solitary and pathetic example of a country piracy was displayed. The Commons, more concerned with matters three thousand miles away, listened politely and dropped the bill.

Inevitably, these matters soured the relationship between the London and country trade from time to time, but never to the extent of causing a major breach. Indeed, moderation is apparent on both sides. In the well-documented events of 1759, two leading provincial

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booksellers played a crucial role on behalf of the London trade; the Londoners themselves moved very slowly, and with a considerable commitment of money to buy out rather than prosecute offenders. Perhaps a few country booksellers felt frustrated by the monopolistic attitudes of the London trade, but it is clear that some were admitted *de facto* into the magic circles at the heart of the trade. Some, like Luckman, were marginally inconvenienced by London booksellers choosing to stand on their alleged rights. Far more just sold the imports and hoped for the best. The moderation of the London trade, however, is best illustrated by considering that throughout this forty-year controversy they paid lip-service to the view that most country booksellers did not realise that they were selling illegal books. It can have been no more than lip-service, since the vast majority of the Irish and Scottish reprints have imprints which make no attempt to disguise their origins.

Why did the London trade hold back? Whatever the outcome of the cases on copyright, after 1738 they had the statute law on their side about imported English books, and yet except in 1759 they never really attempted to enforce it against the booksellers. One reason was certainly that they preferred, as far as possible, to deal with the problem at source, as in the prosecution of Donaldson. Equally important, however, was the impracticality of controlling the country trade. The 1759 exercise may have been a salutary warning; but it was far too expensive to become a permanent system of policing. Finally, there is the clear impression that the relationship between the London and country trades was slowly transformed into one of interdependence, because the growth of the provincial market for books meant that an ever-increasing percentage of a publisher's profit was derived from country sales. The Londoners could bypass the country booksellers only at great inconvenience to themselves, by dealing direct with provincial customers, and inherent in that was the danger that booksellers and customers alike would buy the imports of the most popular books if the London editions were not available.

So far, we have looked at the legal and structural relationship between the two sides of the trade. We have not yet considered their commercial dealings and the organisation of the distribution system. It is there that we shall find the key to an understanding of the comparative leniency of the London trade, and their reluctance to use the full rigour of the law. The fact is that during the first thirty years of the