

COPYRIGHT AND PIRACY.

WE are somewhat interested in noticing in our esteemed contemporary, *The Law Quarterly Review*, at page 121 of the current number, a reference to this journal, in which the authors say that it is rather hard to find the enterprise of the Blackstone Publishing Company, of Philadelphia, in reprinting pirated editions of English text-books commended by their own fellow-subjects. *Interdum dormitat Homerus*, and we are inclined to think that *The Law Quarterly* was writing with less precision of thought than is habitual to it, which may perhaps be accounted for by the fact of the remarks coming at the very end of its usual able review of current cases and items of interest. The expression "pirated" is, in the first place, a begging of the question, because, no doubt, piracy in the sense of robbery is necessarily wrong and not to be commended either by British subjects or by anybody else, but the real question is whether it is possible to uphold the proposition that there is anything to be deprecated or blamed in Americans reprinting English copyright works under the present state of the copyright law. We will make, perhaps, the weakening admission that we, that is to say the writer, must own up to having had some qualms of conscience in subscribing to the Blackstone Publishing Company Series; but upon consulting a friend, in whose judgment on such subjects he has much reliance, he was met by a quotation of the text in the Bible about buying whatever is exposed in the shambles, asking no questions for conscience sake. We must confess that this appears to us a very insufficient way of meeting the point. In the case of the Blackstone Series there is no need of asking questions, inasmuch as they bear upon their very frontispiece the history of their shame, if shame it be; but we think that *The Law Quarterly Review* must either be prepared to support the proposition that these reprints are illegitimate morally (for obviously they are not illegal actually), or else it must confess that its observations to which we have above referred, are not founded on right reason. It seems to us that the right which is called copyright, is purely a matter of artificial creation, and that it would be quite conceivable to create a private and exclusive right in what a man says in ordinary conversation, that is to say, that it would be quite conceivable for the law to confine to the individuals, who utter brilliant remarks in conversation, the right of reproducing them either verbally or in writing, and thus very much injure the trade of many brilliant writers in the present day who write excellent books full of the conversational witticisms of other people; but because no such law exists anywhere, it has not entered, probably, into the head of anyone to say that it is wrong for such writers to utilize gems of thought which are not of their own creation. The mere fact, that in the case of copyright in certain countries and within certain limits, books which are published by the authors cannot be reproduced by other people without the author's consent, is surely no argument for saying that in places to which that copyright does not extend they may not be properly introduced. We are not writing this so much for the sake of propounding any theory on the subject ourselves, as for inviting our contemporary, to whom we gladly concede the blue riband of legal journalism,