

ing was the same as that of the burglar, who walks through what are deemed the richest parts of the house, the parlor, the dining-room, and the china-closet, taking what seems most like gold and silver, and departs; then melts down his treasures sufficiently to destroy their identity. The pirate went through the chosen portions, seized each coveted sentence and changed its form as far as appeared necessary; then shuffled the order of the cited cases, so as to bring them as chance would if his work had been original. He did not even attempt the obliteration of the author's order, and he had no conception of the deathless nature of our English sentences. In making up from these purloinings the better part of a hundred pages, he did not by his transmutings so change a dozen sentences as to leave the question of their identity a fair subject for argument. When the folly of the mistake appeared in the light of an impending hearing, involving the introduction of one of your honored law books to the Court in a manner not quite usual, and leading us to a luminous case for the reporter, nothing was left for the plaintiff but to accede to proposals for an honorable settlement. The stealing in this instance was not done with the scissors; for, though the original author's little errors were copied, adding to the evidences of the theft, the thief made similar errors of his own, thus showing that his instrument was the pen.

A manner of making your honored text-books which I have heard stated—not within any personal cognizance of mine, but corresponding in the results with what I have observed, is the following: The individual whose name is to stand on the title-page as author selects the books to be stolen. With pencil in hand, he goes through them, and marks the coveted matter. Then he passes them to copyists,—supposed to be competent to cover while they scratch,—directing them to change the expression as much as possible; lastly, he takes the copied matter, mixes with it such other matter as he can conveniently scrape together, and with his own more powerful genius completes the work of destroying, or satisfying himself that he has destroyed, the identity. Even on this plan I am told that there is danger of slipping; for, as one

observing upon it said, he had occasion to compare your honored text-books on a particular subject, and found an entire section in a new one identical with the section in the old.

It is not necessary for me to go on, under this head of the subject, with further particularizations of what you all, in a general way, know. I will quote the words of a very competent writer in your neighboring State of Georgia, one who evidently wrote them without any idea he was describing an abuse, but plainly deemed himself speaking of what existed as of course. "The more modern book," he says, "will usually repeat from the former all that part which is still in force, and will give besides the subsequent alterations." In other words, the author "usually" pirates the work of his predecessor, edits it, then publishes it as entirely his own production. I should insult you if I asked your opinion whether a scamp like this is a jurist. And still this writer informs us that such is your "usual" legal author, honored by the practicing profession, and bowed before and followed by the judges.

*Our copyright and false-pretense laws.*

But the noteworthy part of this matter remains to be stated. While our copyright laws, as expounded and administered by Courts smiling on piracy, are so defective as to seem almost worthless, not so are the laws which punish cheating by false pretenses. The latter exist in all our States, and the violators of them are shut up in the penitentiaries, except when the persons cheated are lawyers. One who, as author, presents to the public a book into which stolen matter enters, under the semblance of its being all his own, breaks the laws against obtaining money by false pretenses, whenever and wherever an innocent bookseller sells a copy to one who purchases it relying on the representation implied in the semblance of authorship, whether the ostensible author is or is not present in the same county or State. And before a single sale is made, down to any time before the edition is exhausted, he is indictable for the criminal attempt to cheat. These are propositions which no one familiar with the criminal law will question. Yet, while the cheats which