

Authors and Their 'Mischievous' Books: The Salutary Experience of *Southey v Sherwood*

MEGAN RICHARDSON

Abstract: In the 1817 case of *Southey v Sherwood* Lord Eldon LC denied an injunction against the pirating of Robert Southey's potentially 'mischievous' *Wat Tyler*, setting the tone for judgments in cases to come. The judges' approach gave little account to the concerns of the authors whose interests in controlling their pirates lay in preserving their reputations and maintaining their livelihoods. The upshot was that the pirates prospered, large numbers of possibly seditious, blasphemous, defamatory and obscene books were published in England, and authors and judges were publicly excoriated. Eventually, judges had to reconsider their failed approach while authors looked for new ways to control their status and sources of income – as well as formulating some sharper distinctions between their public and private lives.

Contributor Biography: Megan Richardson is a Professor of Law and Co-Director of the Centre for Media and Communications Law at the University of Melbourne.¹

In the 1817 case of *Southey v Sherwood* Lord Eldon LC refused to grant an injunction against the pirating of Robert Southey's *Wat Tyler*, stating that equity would not lend its support to a 'mischievous' book. The decision became a *cause célèbre* of judicial attitudes to the enforcement of authors' rights over their more radical and scandalous works. Under the *aegis* of the arch conservative and highly moralistic Lord Chancellor of England, equity judges at the end of the long eighteenth century were alert to deny injunctions against the pirating of books that might be viewed as seditious, blasphemous, defamatory, obscene or otherwise unsupportable on public policy grounds. Not to be outdone, the common law courts were equally restrictive when it came to the question of damages for copyright infringement.

The judges' approach gave little account to the concerns of the authors in these cases whose interests in controlling their pirates lay in preserving their reputations and maintaining their livelihoods. Predictably, the upshot of the decisions was that the pirates prospered, large numbers of possibly seditious, blasphemous, defamatory and obscene books were published in England, and the authors and judges were publicly excoriated. Eventually, judges had to reconsider their failed approach while authors looked for new ways to control their status and sources of income – as well as formulating some sharper distinctions between their public and private lives.

In the background of *Southey v Sherwood* was Robert Southey's dramatic poem *Wat Tyler*, written in his radical youth. First penned in 1794, the year of the Treason Trials, Southey's sympathetic account of the peasant revolt of 1381 against the English King's poll tax revealed a very different political outlook from that now commonly

¹ The author wishes to thank *Authorship's* editors and the anonymous reviewers for their helpful comments on this article.

Richardson, Megan. "Authors and Their 'Mischievous' Books: The Salutary Experience of *Southey v Sherwood*." *Authorship* 4.1 (2015). DOI: <http://dx.doi.org/10.21825/aj.v4i1.1105>

Copyright Megan Richardson. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

associated with the Poet Laureate and outspoken contributor on public affairs in the conservative *Quarterly Review*, who was known for his strident support of British institutions and vehement critiques of liberal thinkers. When the work came to public attention at the instance of publishers Sherwood, Neely and Jones, Southey's many enemies took the opportunity to comment on his hypocritical change of heart in the surrounding furor. Eventually, and especially after charges of sedition were made in Parliament by William Smith MP, friend of Lord Brougham, Southey instituted proceedings in equity in March 1817, in an effort to stop the publication once and for all, relying on the so-called common law property right in unpublished works. In this he notably failed.

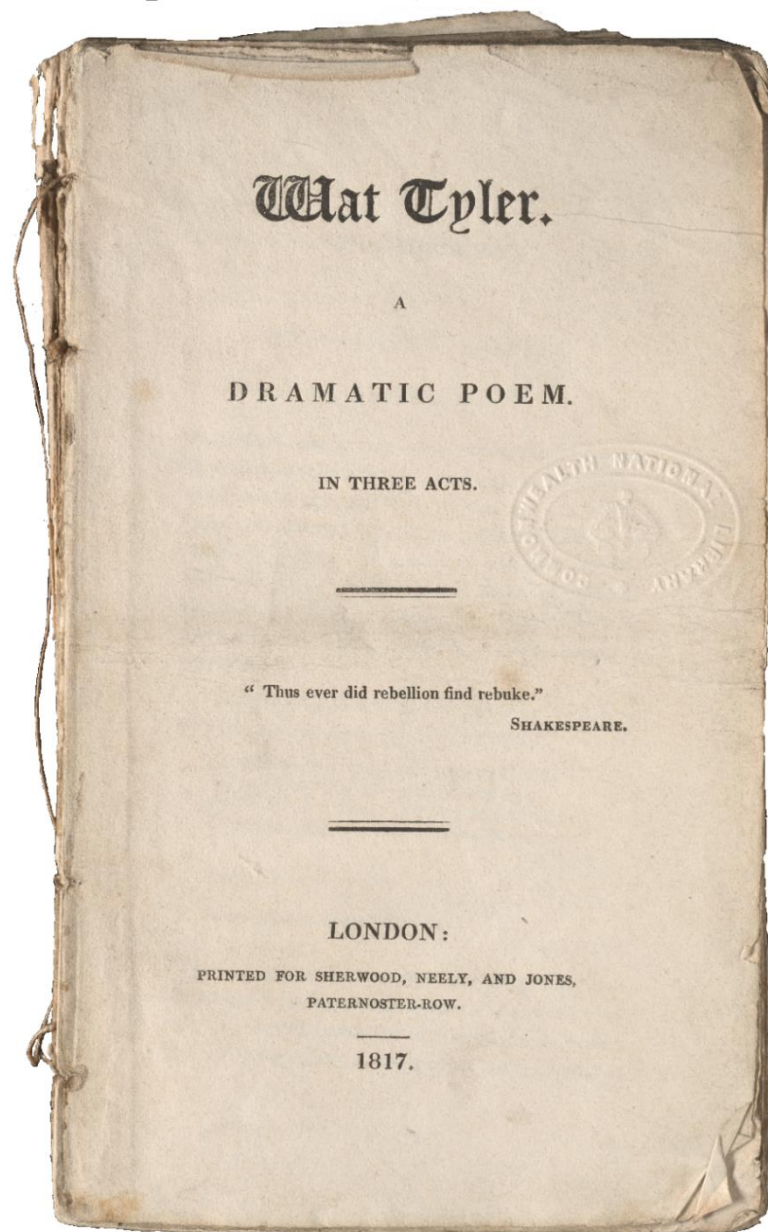


Figure 1: Southey's *Wat Tyler*, Sherwood Neely and Jones, 1817, reproduction courtesy of the National Library Australia

John Merivale's brief report of the case in the second of his volumes on *Cases Argued and Determined in the Court of Chancery* (435) gives some indication of the evidence and arguments. It records Southey as providing an affidavit stating that in 1794 he arranged for delivery of the manuscript to publisher James Ridgeway currently in Newgate Prison and visited him there but, after not hearing more, assumed it was decided that the work should not be published. At that point, Southey insisted, he abandoned the project and never thought to enquire again about the manuscript. Nevertheless, he maintained that he had not assigned or abandoned the property in the work and the defendants had 'no right to publish without his privity or consent' (436). Southey's statement was supported by an affidavit from Ridgeway disclaiming any involvement in the publication of *Wat Tyler* and a letter from Sherwood stating that the publication was at the behest of an (unnamed) third party.² Lord Eldon expressed incredulity that, with the change alleged in Southey's opinions, 'there should be nothing stated to account for [the manuscript's] having been left in Mr Ridgeway's hands to the present time, but that Mr Southey forgot it', adding '[i]t is impossible that Mr Southey could have forgotten it. There must have been some other reason'. He concluded that Southey, having failed to enquire about his manuscript over twenty-three years, 'can surely have no right to complain of its being published at the end of that period' (438-9). The Lord Chancellor added that if the work were seditious it could not be protected by an injunction in any event:

If this is not an innocent publication, in such a sense as that an action would not lie in case of its having been published by the author and subsequently pirated, I apprehend that this Court will not grant an injunction. (437-8)

Why did Lord Eldon take this line? It represented a change from at least one decision in a comparable earlier case where an injunction was awarded.³ In *Burnett v Chetwood*, noted briefly in *Southey v Sherwood* and reported by Merivale immediately following the report of that case, Lord Macclesfield LC intimated that keeping Bishop Burnet's *Archaeologiae Philosophicae* out of the hands of the 'vulgar' public was enough to justify an injunction against publication of an English translation of the book which was originally published in Latin – in order (it was said) to keep it to a scholarly audience on account of its subject matter, the Lord Chancellor agreeing that it 'contained strange notions' (441). The reasoning in *Burnett v Chetwood* was presumably that it would be better to grant an injunction than allow a dangerous work to be made

² According to Cuthbert Southey, Robert Southey's son and biographer, the third party in question was the radical minister William Winterbotham, who for his part insisted that he was given the manuscript by Southey at the meeting with Ridgeway (Southey, 1850, 255).

³ Although it is not the first case where Lord Eldon had denied an injunction on the ground of the moral character of the work: see *Walcot v Walker* in which the satirist John Wolcot (Peter Pindar) was equally unsuccessful in his application for an injunction against his erstwhile publisher.

available to the general public. Yet confronted with the argument in *Southey v Sherwood* Lord Eldon responded that:

It is very true that, in some cases, [the denial of an injunction] may operate so as to multiply copies of mischievous publications by the refusal of the Court to interfere by restraining them; but to this my answer is, that, sitting here as a Judge upon a mere question of property, I have nothing to do with the nature of the property, nor with the conduct of the parties except as it relates to their civil interests ; and if the publication be mischievous, either on the part of the author, or of the bookseller, it is not my business to interfere with it. (439-40)

Apart from Merivale's report of the proceedings and like reports in popular newspapers, there is little to explain the Lord Chancellor's reasoning (the period of March 1817 is not covered by the collection of his judicial notebooks now held in the Georgetown Law Library). So we are left with secondary accounts, including William Hazlitt's comment in *The Spirit of the Age*, that Lord Eldon was a Tory acolyte, little inclined to 'say Nay to Power', and content to 'act upon his immediate feelings and least irksome impulses', especially when it came to someone on the fringes of the 1794 Treason Trials where he had served as Attorney General (353-6).⁴ Yet behind the careful language of avoidance in *Southey v Sherwood* there is a sense of deliberate action rather than simple slackness in the face of power – that the Lord Chancellor was choosing a course which might lead to a widespread publication and a possible public trial over one of a quiet suppression, in line perhaps with some policy of educating the public as to the risks of sedition.⁵ If so, this was a failed policy for no public trial for sedition ensued and so the simple result was widespread publication of Southey's *Wat Tyler*.

It may also be wondered why Southey brought his action before Lord Eldon. His reputation as a poet was already associated with several earlier works including some of a revolutionary nature from his youth such as *Joan of Arc* and the *Fall of Robespierre* (co-authored with Samuel Taylor Coleridge, another aging Romantic poet). So there was nothing to correct there. Later biographers have argued that his response, which involved not only the bringing of proceedings but also the issuing of a public statement in the form of the pamphlet *Letter to William Smith*, was motivated by a sense of 'dignity' in the face of the 'gossip mongers' who fomented the *succès de scandale*

⁴ Hazlitt was no friend of Southey either, painting him as puritanical, intolerant and (most damning) 'irregular in his opinions' in *The Spirit of the Age* (382).

⁵ Certainly in his political life Lord Eldon consistently favoured strong measures against potential insurrection including his role in the Treason Trials, support of legislation on seditious meetings in 1817, and advocacy for prosecution of those involved in election meetings in Birmingham and Manchester in 1819 prompting the Peterloo Massacre (according to Rose Melikan, not because he considered convictions likely at the hands of the jury – rather 'because of their salutary effect on the public temperament': 267).

(Dowden 171; Simmons, 158). However, a more interesting account is provided by Southey's friend Henry Crabb Robinson who met and discussed the affair with him in May 1817. Crabb Robinson's diary note suggests that Southey's main concern in his *Letter to William Smith* was to argue that a man should be allowed to change his opinions over the course of some 20 years (Sadler, 49) – an interpretation borne out by the *Letter* itself where Southey talks of Wat Tyler as 'full of errors, ... but they are the errors of youth and ignorance' (6). Of course, there seemed to be little interest on the part of his enemies in appreciating his position. Southey suffered prolonged adverse publicity in a period characterised by some notable verbal feuds (see Wheatley). No doubt others observing the battle could draw their own conclusions about the effectiveness of a stratagem which ensured that the protagonist was kept in 'a fire of abuse' (Simmons, 159). Yet Southey himself seemed unperturbed according to Crabb Robinson who said that he 'did not appear to feel any shame or regret' and 'spoke gaily of his "Wat Tyler"' (49).

Nor is it clear that Southey was especially troubled by the possibility that *Wat Tyler* would be found seditious in 1817, a year of public unrest when *Habeas Corpus* was again suspended. Some might have considered his assessment naïve (and it does seem that Southey was not especially astute in matters of politics).⁶ In the proceedings before Lord Eldon, after the defendants raised the question of the work's possible seditiousness, arguing that its 'libellous tendency' was a reason not to support the application (436-7), Southey's lawyers responded that 'the Plaintiff would be entitled to the interposition of this Court on account of the injury done to his reputation by the publication of a work, the sentiments of which he has now disavowed, and sought to discountenance' (437). However, Lord Eldon disagreed that Southey had repented. And Southey in his *Letter to William Smith* seemed not very repentant, insisting that '[f]or the book itself I deny that it is a seditious performance', adding that '[the errors of] Wat Tyler bear no indication of an ungenerous spirit, or of a malevolent heart' (6). Moreover, he did not rule out the possibility of his publishing the work on his own account. Rather, he said,

... were I now to dramatise the same story there would be much to add, but little to alter ... I should write as a man, not as a stripling; with the same heart, and the same desires, but with a ripened understanding and competent stores of knowledge. (15)

The latter comment further belies any suggestion that Southey's action against Sherwood, Neely and Jones was motivated by a desire to stop the publication of a work which might expose him to undesirable notoriety and even possibly a prosecution for

⁶ John Stuart Mill, a relatively disinterested observer, for instance talks of Southey whom he met in 1831 as deficient in intellect and lacking in philosophical spirit and 'altogether out of place in the existing order of society ... cut him off from sympathy & communion with both halves of mankind [i.e. both 'Whigs and radicals' and 'Tories']', and yet for all that 'a remarkably pleasing & likeable man': letter to John Sterling, October 1831, in Mineka, 82-3.

sedition. Rather, it suggests that Southey's interests in the matter may have been more in the way of a professional author at the end of the long eighteenth century, asserting his right to his work in order that he might maintain control of any publication as well as his own public personality. In short, the impression is that Southey, 'the only existing entire man of letters', as Byron said (see Madden, 157), was concerned to ensure that any publication of *Wat Tyler* would be on his terms and for his benefit.

If so, Southey was not alone in his aspiration of exerting authorial control over the publication process especially of books whose message may be construed as 'mischievous' (as Lord Eldon put it). After *Southey v Sherwood*, authors in the 1820s continued to press courts for remedies in an effort to control the unauthorised publishing and reprinting of books that were not only potentially seditious but potentially blasphemous, defamatory or obscene or otherwise immoral, including in cases involving Lord Byron's *Cain* and *Don Juan* and the courtesan Harriette Wilson's scandalous *Memoirs*. Generally, plaintiffs lost the cases against their pirates, and this despite the absence of prosecutions for seditious, blasphemous, defamatory or obscene libel (although there might have been the fear that these could occur: see Mortenson, 11, with reference to *Cain*). Further, the cases were not only concerned with publication of unpublished works. Some concerned works that were published and were now being reprinted without authority (typically to a wider audience and at a cheaper price than was being charged for the original) and therefore fell under the jurisdiction of the copyright statute, the Act of Anne. Notably, in reaching these conclusions, judges had little authority to go on: essentially they made it up as they went along.

Nevertheless, judges appeared increasingly confident in reaching their conclusions. Lord Eldon LC may have been carefully tentative in his observations that *Wat Tyler* was possibly seditious and *Cain* likewise potentially blasphemous, leaving the plaintiff to go to the common law to get a remedy before he would grant an injunction.⁷ But when it came to *Don Juan*, Leach VC was more far-reaching in his statement in *Lord Byron v Dugdale* that

even if there was a legal right, wherever the publication could not be the subject of an indictment or an information – yet it would not follow as of course, that such a legal right could claim the extraordinary influence of this Court; for a publication, which could not be prosecuted a libel, might still be of such a general loose and immoral tendency, that the Court might hesitate before it would grant its assistance. (283)⁸

⁷ According to Murray's biographer Samuel Smiles, before instituting the latter case Murray had even obtained advice (through his attorney) from the King's Counsel Lancelot Shadwell, later Vice-Chancellor, who thought that *Cain* 'can hurt no reasonable mind' (1, 428).

⁸ Indeed, the defendant William Dugdale boldly went into court to argue that the work sought to be protected was 'immoral, irreligious, and unfriendly to regular government' (282) (notwithstanding that this was a work he was seeking to publish on his own account!).

Further, by the time of *Stockdale v Onwhyn*, where the objection was to the widespread pirating of Wilson's *Memoirs*, a book alleged to be both obscene and defamatory, the common law judges were equally zealous to deny the plaintiff a remedy.⁹ Abbott CJ commented that:

[U]pon the plainest principles of the common law, founded as it is, where there are no authorities, upon common sense and justice, this action cannot be maintained. It would be a disgrace to the common law could a doubt be entertained upon the subject; but I think that no doubt can be entertained, and I want no authority for pronouncing such a judicial opinion. (176)

The Chief Justice made little of the equity decisions, remarking that:

As to the cases in equity, it is admitted that they are no authority for us. One person of great authority and talents may think the publication of such a work will be most effectually restrained by granting an injunction. Another of equal authority and equal talents may think that the same object will be best attained by holding that there can be no property in the work; for the inducement to become the publisher will be less if other persons may copy and publish the book, gain being the object of the publisher [...] Each would act upon the rules of the common law, but would act upon them in such a manner as in his judgment was best calculated to effect that restraint. (176-177)

Other judges of the Court of Appeal seemed more respectful of the Lord Eldon line. Bayley J cited the Lord Chancellor in *Southey v Sherwood*, adding that on such reasoning 'no action in law could be maintained against the person pirating it', a proposition with which he agreed (178). Holroyd J thought it would be 'preposterous' for a court of law to say that a right of action is acquired by being the first publisher of a book, when the book is liable to be published as a grievous offence' (ibid). Littlejohn J regarded it as 'plain' that the foundation for the right could not exist when 'the very publication of the book is an offence against the law' (ibid).

However, those in literary circles found the decisions in the cases to be far from 'plain'. The *Edinburgh Review* charged the Lord Chancellor with devising a principle that effectively denied to authors a refuge against 'common robbers' (283). Even the conservative *Quarterly Review* argued that 'as to works clearly mischievous, it is hurtful only by increasingly their circulation [but] it is much more hurtful by really possessing the power of preventing the publication of others which might be highly useful' (135). William Hone, another piratical publisher of *Wat Tyler* and more generally of

⁹ Stockdale, who appeared to be a most entrepreneurial character, took advantage of the book's 'pernicious tendency' by refusing to pay his printer. See *Poplett v Stockdale*.

'mischievous' books,¹⁰ had his own retort in one of the stanzas in *The Man in the Moon*, published in 1820 and included in his *Select Popular Political Tracts*, which can be read in the following image from the book:

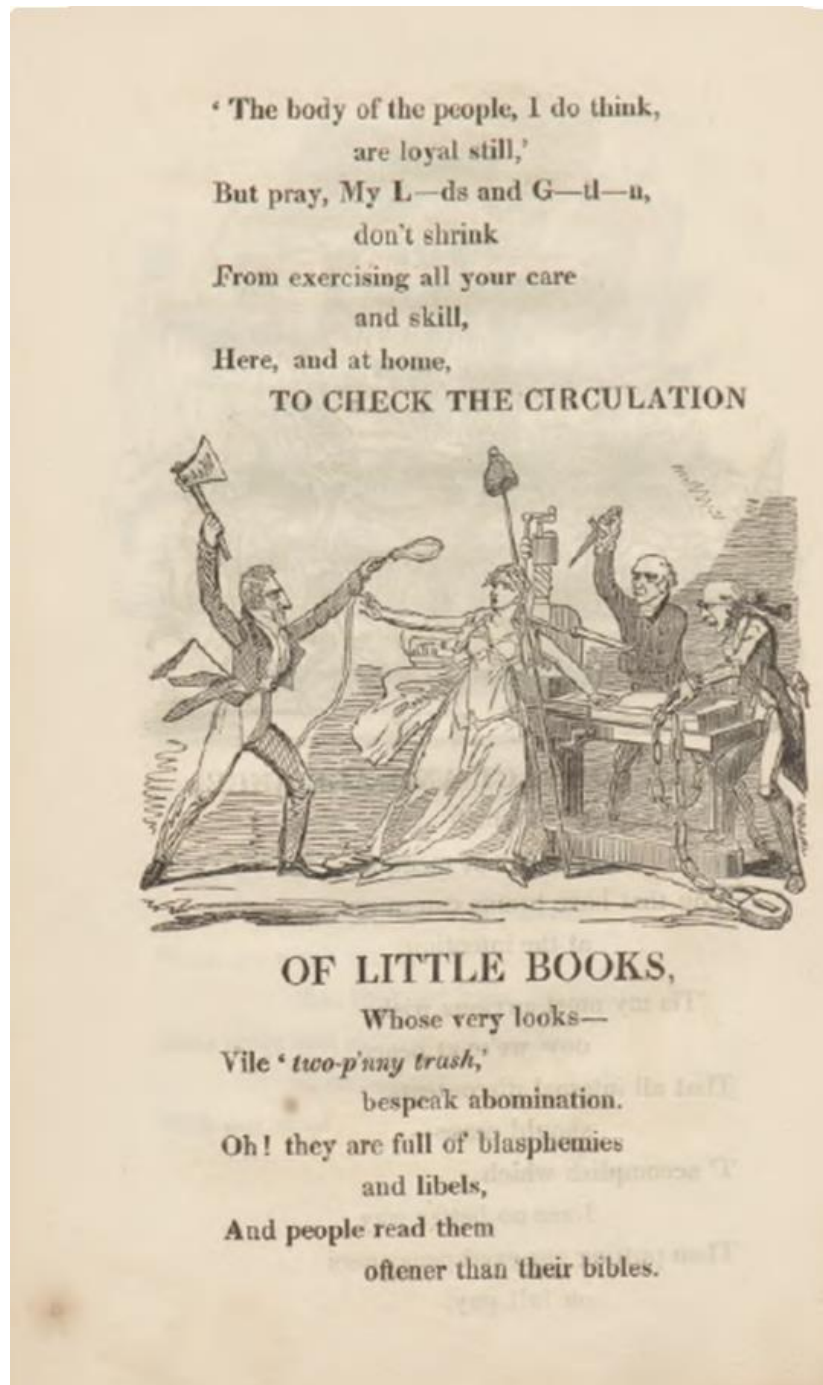


Figure 2: From Hone's "The Man in the Moon", Hone's *Select Popular Political Tracts*, William Hone, 1820, reproduction courtesy of the University of Melbourne Special Collections

¹⁰ Hone had experienced the threat of the law of libel, subjected to a series of trials for blasphemy in 1818, in which he successfully defended before the juries. He subsequently published an account of *The Three Trials of William Hone for Publishing Three Parodies*.

And there were also criticisms from legal commentators although these were on rather different grounds. A common complaint was the readiness of the Lord Chancellor to deny an injunction on very slim legal authority and with little regard to the basic idea of a 'property right' in unpublished works which, it was said, should be understood as giving an author 'exclusive dominion over his own manuscript' (Maugham, 96; Curtis, 163; and see further discussion in Alexander 77). These criticisms with their focus on the traditional concerns of lawyers, namely of maintaining a semblance of historical consistency in the law combined with an idealised sanctity accorded to anything that may be characterised as 'property', help to explain the stealthy process of legal experiment and adjustment that was actually going on in the cases. Thus the equity judges, especially Lord Eldon, were assiduous in placing responsibility for their new formulation of legal standards on the common law judges, while the latter treated the standards as drawing on what the equity courts were doing bolstered by more general considerations of 'justice' (the kind of fictional reasoning that led the utilitarian Jeremy Bentham to eschew judge-made law in favour of a codified statutory approach). Yet the judgments held and developed a certain authority of their own among judges and textbook writers (e.g., Kerr, 451; Copinger, 48).

Once the authorities became settled, they led to some changes in authoring practices, although not necessarily in ways that the judges might have hoped. For instance, Byron set out to publish *Don Juan* as widely as possible and in cheap editions to stave off the pirates once he had changed publisher from Murray to one more ready to accede to his wishes (St Clair, 327).¹¹ Harriette Wilson's *Memoirs* were sold in parts and together in four volumes and despite the pirates' incursions Stockdale ran into thirty editions in the first year (Reynolds). Even Southey after *Wat Tyler's* unauthorised publication included a version in a collection of his works published towards the end of his life (1837, 25-54). Yet in the short term, apart from the reading public, it was the pirates who won the most and they were also the readiest to push publishing practices designed to reach the widest possible market in the shortest possible time.¹² As noted in the *Quarterly Review*, the most evident result was that London, the most metropolitan city in England, was swamped with cheap copies of possibly seditious, blasphemous, defamatory, obscene and generally questionable books which could be purchased easily and cheaply in pirated editions. William St Clair also records a marked reduction in prices and increase in volumes in the editions of the period (318-30). To take the example of *Wat Tyler* again, a bi-product of Southey's dispute with Sherwood *et al* was that it was sold at lower prices and in volumes greater than any authorised version with

¹¹ This marked a significant change in Byron's attitude to Murray. For instance, in 1817 Byron supported Murray in mounting legal dispute against pirate publishers and without questioning Murray's publishing model (of high-priced quality editions): see Marchand, 137.

¹² Sometimes they operated on a certain morality, for instance Hone, *supra*; Benbow, writing in his *Rambler's Magazine* that 'The Mystery of Cain is a very singular composition, which will be circulated by thousands, and be universally read in consequence of the medium through which it is presented to the world. The dialogue between Lucifer and Cain cannot be read by a cultivated mind without giving rise to the most sceptical opinions' (25).

a respectable publisher would have commanded had Southey chosen to publish on his own account. Moreover, the pirates relished the controversy, turning it into a mechanism to advertise their commodities in their prefaces and advertisements. By the end of the affair, as Frank Hoadley concludes after a thorough survey, ‘politicians, newspapers, reviews, and literary men lined up for battle’ (96). And, to satisfy the public curiosity an estimated 60,000 copies were sold,¹³ on that count making *Wat Tyler* one of the most popular poems of the Romantic period.

Perhaps it is not surprising that as the nineteenth century wore on, authors would become more circumspect about what they wrote, more liberal in their publishing practices, and less ready to engage in public discussions about their conduct and opinions. Judges, for their part, would be more sympathetic to arguments about the benefits of exercising control over the pirates.¹⁴ Moreover, authors’ interests in preserving their status and incomes would extend to embrace interests of a more interior character, a development that judges also supported. The different sensibilities of Victorian England are clear, for instance, in the 1849 case of *Prince Albert v Strange* where the property right in unpublished works was relied on along with a developing equitable action for breach of confidence to stop an unauthorised exhibition of etchings of various domestic scenes prepared by Prince Albert and Queen Victoria complete with a catalogue, with references made to the ‘right’ to ‘privacy’.¹⁵ This was a significant step with lasting effect. Indeed, while *Southey v Sherwood* is now barely recalled as an old case in which a judge took on the role of public censor, *Prince Albert v Strange* is considered to be a ‘seminal case’ in the creation of the modern right to privacy.¹⁶

¹³ The latter estimate is taken from Cuthbert Southey, 251. According to Crabb Robinson the amount was 36,000 but that was in May 1817 (more might have been sold since then).

¹⁴ Although, for a later throwback, note *Glyn v Weston* in 1915 where the scandalous Elinor Glyn failed in her claim for copyright infringement of her popular novel *Three Weeks* by Charles Heston’s burlesque film *Pimple’s Three Weeks (without the Option)*. A remedy was denied on the basis that ‘it is clear law that copyright cannot exist in a work of a tendency so grossly immoral as this’ – for ‘[i]t may well be that the Court in this matter is now less strict than it was in the days of Lord Eldon, but the present is not a case in which in the public interest it ought, as it seems to me, to be at all anxious to relax its principles’ (269). This time it seems it was Glyn who capitalised on the notoriety, launching a flood of cheap editions with multiple publishers worldwide in 1916: see Glyn, 126; and generally Gillis, 2014.

¹⁵ As Lord Cottenham LC put it, ‘[i]n the present case, where the privacy is the right invaded, the postponing of the injunction would be equivalent to denying it altogether’: 26. Knight Bruce VC at first instance was even more emphatic, characterising the conduct as ‘a sordid spying into the privacy of domestic life’: 698. See Rose, 140 and Richardson and Thomas, ch 3.

¹⁶ See *Campbell v MGN Ltd*, Lord Hoffmann at 471.

Works Cited

- An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, During the Times therein mentioned, 1710, 8 Anne, c19.
- Alexander, Isabella, *Copyright Law and the Public Interest in the Nineteenth Century*, Oxford: Hart Publishing, 2010.
- Burnett v Chetwood* (1720) 2 Mer 441.
- Campbell v MGN Ltd* [2004] 2 AC 457.
- 'Cases of *Walcot v Walker*; *Southey v Sherwood*; *Murray v Benbow*, and *Laurence v Smith*' 27 *Quarterly Review*, 1822, 123.
- Copinger, Walter, *The Law of Copyright in Works of Literature and Art*, London: Stevens and Haynes, 1870.
- Curtis, George Ticknor, *A Treatise on the Law of Copyright: in Books, Dramatic and Musical Compositions, Letters and Other Manuscripts, Engravings and Sculpture*, Boston: Little and Brown; London: Maxwell and Son, 1847.
- Dowden, Edward, *Southey*, London: Macmillan and Co, Ltd, 1909.
- Gillis, Stacy, 'Pimple's Three Weeks (Without the Option), With Apologies to Elinor Glyn' (2014) 12 *Early Popular Visual Culture*, 378-91, published online 20 August 2014.
- Glyn v Weston Feature Film Company* [1916] 1 Ch 261.
- Glyn, Anthony, *Elinor Glyn: A Biography*, London: Hutchinson, 1955.
- Hazlitt, William, *The Spirit of the Age*, London: printed for H Colburn, 1825.
- Hoadley, Frank, 'The Controversy Over Southey's "Wat Tyler"' (1941) 38 *Studies in Philology*, 81-96.
- Hone, William, *The Three Trials of William Hone for Publishing Three Parodies*, London: Printed By and For William Hone, 1818.
- Hone, William, *Hone's Select Popular Political Tracts*, London: printed by and for William Hone, 1820-21.
- Kerr, William, *A Treatise on the Law and Practice of Injunctions in Equity*, London: William Maxwell & Son, 1867.
- Lord Byron v Dugdale* (1823) 1 LJ Ch 239.
- 'Lord Byron's "Cain" – *Murray v Benbow*', *The Times*, Wednesday, Feb 13, 1822, p 3.
- Madden, Lionel, ed, *Robert Southey: The Critical Heritage*, London: Routledge, 1972.

- Marchand, Leslie, ed, *Byron's Letters and Journals*, John Murray, 1973-82, vol 5 ('So Late into the Night'), 1816-1817.
- Merivale, John, *Cases Argued and Determined in the Court of Chancery*, London: printed for Joseph Butterworth and Son, Vol 2, 1818.
- Maugham, Robert, *A Treatise on the Laws of Literary Property*, Longman, Rees, Orme, Brown, and Green, 1828.
- Melikan, Rose, *John Scott, Lord Eldon, 1751-1838: The Duty of Loyalty*, Cambridge, UK: Cambridge University Press, 1999.
- Mineka, Francis, ed, *The Earlier Letters of John Stuart Mill 1812-1848*, Toronto: University of Toronto Press, 1963.
- Mortenson, Robert, 'The Copyright of Byron's "Cain"' (1969) 63 *Bibliographical Society of America*, 5-13.
- Poplett v Stockdale* (1825) Ry & M 337.
- Prince Albert v Strange* (1849) 2 De G & Sm and 1 H & Tw 1.
- Rambler's Magazine*, London: printed by and for William Benbow, Vol 1, 1822.
- 'Reports of Cases Argued and Decided in the High Court of Chancery', 38 *The Edinburgh Review; or Critical Journal*, 1823, 281-314.
- Reynolds, K D, 'Wilson, Harriette (1786–1845)', *Oxford Dictionary of National Biography*, Oxford: Oxford University Press, 2004; online edn, September 2010.
<<http://www.oxforddnb.com/view/article/29653>>.
- Richardson, Megan, and Thomas, Julian, *Fashioning Intellectual Property: Exhibition, Advertising and the Press 1789-1918*, Cambridge UK: Cambridge University Press, 2012.
- Sadler, Thomas, ed, *Diaries, Reminiscences, and Correspondence of Henry Crabb Robinson*, London: Macmillan, Vol 2, 1869.
- Rose, Mark, *Authors and Owners: The Invention of Copyright*, Harvard: Harvard University Press, 1993.
- St Clair, William, *The Reading Nation in the Romantic Period*, Cambridge UK: Cambridge University Press, 2004.
- Simmons, Jack, *Southey*, London: Collins, 1945.
- Smiles, Samuel, *Memoir and Correspondence of the late John Murray*, London: John Murray, 1891.
- Southey v Sherwood and Others* (1817) 2 Mer 435.
- Southey, Cuthbert, ed, *Life and Correspondence of Robert Southey*, Longman, Brown, Green and Longmans, Vol 4, 1850.
- Southey, Robert, *A Letter to William Smith, Esq, MP*, London: John Murray, 1817.

Southey, Robert, *The Poetical Works of Robert Southey Collected By Himself*, London: Longman, Orme, Brown, Green, & Longmans, Vol 2, 1837.

Southey, Robert, *Wat Tyler*, Sherwood, Neely and Jones, 1817.

Stockdale v Onwhyn (1826) 5 B & C 173.

Walcot v Walker (1802) 7 Ves Jun 1.

Wheatley, Kim, *Romantic Feuds: Transcending the 'Age of Personality'*, Burlington VT: Ashgate, 2013.

Zall, Paul, 'Lord Eldon's Censorship' (1953) 68 *PMLA* (*Publications of the Modern Language Association of America*), 436-43.