

in the contemplation of the Legislature, that there is not a word about patents in the whole Act. Could they have given any right, it was not worth saving; because it never exceeded fourteen years.

It was strongly urged, "that a common law right could not exist; because there was no time from which it could be said to attach or begin:" whereas the statute-property was ascertained by and commenced from the entry.

Undoubtedly, the previous entry is a condition upon which all the security given by the statute depends: and if every man was intitled to print, without the author's consent, before this Act, no body can be questioned for so printing since the Act, before an entry. Nay, the [2407] offence being newly created, it can only be prosecuted by the remedies prescribed, and within the limited time of three months.

But the Court of Chancery has uniformly proceeded upon a contrary construction. They considered the Act, not as creating a new offence, but as giving an additional security to a proprietor grieved; and gave relief, without regard to any of the provisions in the Act, or whether the term was or was not expired. No injunction can be obtained, till the Court is satisfied "that the plaintiff has a clear legal right." And where, for the sake of the relief, the Court of Chancery proceeds upon a ground of common or statute law, their judgments are precedents of high authority in all the Courts of Westminster-Hall.

His Lordship adopted and referred to other observations made upon the Act by the two Judges who spoke first:—and then concluded thus—

I desire to be understood, that it is upon this special verdict, I give my opinion. Every remark which has been made, as to what is and what is not found, I consider as material. The variation of any one of the circumstances may change the merits of the question: the variation of some, certainly would. Every case, where such variation arises, will stand upon its own particular ground; and will not be concluded by this judgment.

The subject at large is exhausted: and therefore I have not gone into it. I have had frequent opportunities to consider of it. I have travelled in it for many years. I was counsel in most of the cases which have been cited from Chancery: I have copies of all, from the register-book. The first case of *Milton's Paradise Lost* was upon my motion. I argued the second: which was solemnly argued, by one on each side. I argued the case of *Millar* against *Kincaid*, in the House of Lords. Many of the precedents were tried by my advice. The accurate and elaborate investigation of the matter, in this cause, and in the former case of *Tonson and Collins*, has confirmed me in what I always inclined to think, "that the Court of Chancery did right, in giving relief upon the foundation of a legal property in authors; independent of the entry, the term for years, and all the other provisions annexed to the security given by the Act."

Therefore my opinion is—"that judgment be for the plaintiff." And it must be * entered as on the day of the last argument of this case at the Bar.

[2408] A writ of error was afterwards brought: but the plaintiff in error, after assigning errors, suffered himself to be nonprosd. And the Lords Commissioners, after Trinity term 1770, granted an injunction.

In the case of *Donaldsons* against *Becket and Others*, the matter came before the House of Lords, upon an appeal from a decree of the Court of Chancery, founded upon this judgment: and what appears from the minutes is as follows—

Die Mercurii, 9 Februarii 1774. *Donaldsons* against *Becket and Others*.

[See note, ante, 4 Burr. 2303.] 19 35. 1 ch. 285.

Ordered, that the Judges be directed to deliver their opinions upon the following questions (viz.)

1. Whether at common law, an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against any person who printed published and sold the same without his consent?

2. If the author had such right originally, did the law take it away, upon his printing and publishing such book or literary composition: and might any person

* Vide ante, p. 2303.

afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author?

3. If such action would have lain at common law, is it taken away by the Statute of 8th Ann.? And is an author, by the said statute precluded from every remedy, except on the foundation of the said statute and on the terms and conditions prescribed thereby?

Ordered, that the Judges do deliver their opinions upon the following questions (viz.)

Whether the author of any literary composition and his assigns, had the sole right of printing and publishing the same in perpetuity, by the common law?

Whether this right is any way impeached restrained or taken away by the Statute 8th Ann.?

Whereupon, the Judges desiring that some time might be allowed them for that purpose,

[2409] Ordered, that the further consideration of this cause be adjourned till Tuesday next; and that the Judges do then attend, to deliver their opinions upon the said questions.

Die Martis, 15 Februarii 1774.

The Lord Chancellor acquainted the House, that the Judges differed in their opinions upon the said questions.

Ordered, that the Judges present do deliver their opinions upon the said questions, seriatim, with their reasons.

Accordingly,

Mr. Baron Eyre was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had not the sole right of first printing and publishing the same for sale; and could not bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

2. Upon the second question, delivered his opinion—that if the author had such sole right of first printing, the law did take away his right, upon his printing and publishing such book or literary composition; and that any person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such right is taken away by the Statute of 8 Ann.; and that an author by the said statute is precluded from every remedy except on the foundation of the said statute: but that there may be a remedy in equity upon the foundation of the statute, independent of the terms and conditions prescribed by the statute, in respect of penalties enacted thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had not the sole right of printing and publishing the same in perpetuity, by the common law.—And gave his reasons.

[2410] 5. Upon the fifth question, delivered his opinion—that the right is impeached restrained and taken away by the Statute 8th Ann.—And gave his reasons.

Then Mr. Justice Nares was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against the person who printed published and sold the same without his consent.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did not take away his right, upon his printing and publishing such book or literary composition; and that no person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is taken away by the Statute 8 Ann.; and that an author by the said statute is precluded for every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—that this right is impeached restrained and taken away by the Statute 8 Ann.—And gave his reasons.

Then Mr. Justice Ashurst was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

[2411] 2. Upon the second question, delivered his opinion—that the law did not take away his right, upon his printing and publishing such book or literary composition; and that no person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is not taken away by the Statute of 8th Ann.; and that an author by the said statute is not precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—that this right is not any way impeached restrained or taken away by the Statute of 8th Ann.—And gave his reasons.

Then Mr. Justice Ashurst delivered the opinion of Mr. Justice Blackstone (who was absent, being confined to his room with the gout,) upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did not take away his right, upon his printing and publishing such book or literary composition; and that no person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is not taken away by the Statute of 8th Ann.; and that an author, by the said statute, is not precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

[2412] 4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—that this right is not any way impeached restrained or taken away by the Statute 8th Ann.—And gave his reasons.

Ordered, that the further consideration of this cause, and hearing the opinion of the rest of the Judges upon the said questions, be adjourned till Thursday next; and that the Judges do then attend.

Die Jovis, 17 Februarii 1774.

Mr. Justice Willes was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did not take away his right, upon his printing and publishing such book or literary composition; and that no person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is not taken away by the Statute of the 8th Ann.; and that an author by the said statute is not precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any

literary composition and his assigns had the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—that this right is not any way impeached restrained or taken away by the Statute of 8th Ann.—And gave his reasons.

[2413] Then Mr. Justice Aston was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did not take away his right, upon his printing and publishing such book or literary composition; and that no person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is not taken away by the Statute of the 8th Ann.; and that an author by the said statute is not precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.^(a)

5. Upon the fifth question, delivered his opinion—that this right is not any way impeached restrained or taken away by the Statute of 8th Ann.—And gave his reasons.

Then Mr. Baron Perrott was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law an author of any book or literary composition had the sole right of first printing and publishing the same; but could not bring an action against any person who printed published and sold the same, unless such person obtained the copy by fraud or violence.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did take away his right, upon his printing and publishing such book or literary composition; and that any person might afterward re-[2414]-print and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such right is taken away by the Statute of 8th Ann.; and that an author, by the said statute, is precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had not the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—that the right is impeached restrained and taken away by the Statute of 8th Ann.—And gave his reasons.

Then Mr. Justice Gould was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing

(a) *Multum postea de impulsoribus suis, præcipue de regulo, questus est, qui se in sententia, quam ipse dictaverat, deseruisset. Est alioquin regulo tam mobile ingenium, ut plurimum audeat, plurimum timeat. Plinii Epis. lib. 2, epis. 11, p. 131.*

Regulus being in great favor with Domitian, was highly flattered by Martial, though the character given of him by Pliny, not only in the passage quoted but in many other of his epistles is infamous; and particularly so in lib. 1, epis. 5, on which Mr. Melmoth observes, that poets especially when needy, are generally not the most faithful painters in that way, and adds, if antiquity had delivered down more of those drawings of the same persons by different hands, the truth of characters might be easier ascertained, and many now viewed with rapture would perhaps greatly sink; and he adds even Horace himself we find giving a very different air to his Lollius from that in which he is represented by Paternulus.

the same for sale; and might bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did not take away his right, upon his printing and publishing such book or literary composition; and that no person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is taken away by the Statute of 8th Ann.; and that an author, by the said statute, is precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

[2415] 5. Upon the fifth question, delivered his opinion—that this right is impeached restrained and taken away by the Statute of 8th Ann.—And gave his reasons.

Then Mr. Baron Adams was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing the same; but could not bring an action against any person who printed published and sold the same, unless such person obtained the copy by fraud or violence.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did take away his right, upon his printing and publishing such book or literary composition; and that any person might afterwards reprint and sell, for his own benefit, such book or literary composition against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such right is taken away by the Statute of 8th Ann.; and that an author, by the said statute, is precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had not the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—that the right is impeached restrained and taken away by the Statute of 8th Ann.—And gave his reasons.

Ordered, that the further consideration of the said cause be adjourned to Monday next; and that the Judges do then attend, to deliver their opinions seriatim, with their reasons, upon said questions.

[2416] Die Lunæ, 21 Februarii 1774.

The Lord Chief Baron of the Court of Exchequer was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law, an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

2. Upon the second question, delivered his opinion—that the law did not take away his right, upon his printing and publishing such book or literary composition; and that no person might afterward reprint and sell, for his own benefit, such book or literary composition against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is not taken away by the Statute of 8th Ann.; and that an author, by the said statute, is not precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—that this right is not any way impeached restrained and taken away by the Statute of 8th Ann.—And gave his reasons.

Then the Lord Chief Justice of the Court of Common Pleas was heard upon the said questions.—And

1. Upon the first question, delivered his opinion—that at common law an author of any book or literary composition had the sole right of first printing and publishing the same for sale; and might bring an action against any person who printed published and sold the same without his consent.—And gave his reasons.

[2417] 2. Upon the second question, delivered his opinion—that the law did take away his right, upon his printing and publishing such book or literary composition; and that any person might afterward reprint and sell, for his own benefit, such book or literary composition, against the will of the author.—And gave his reasons.

3. Upon the third question, delivered his opinion—that such action at common law is taken away by the Statute of 8th Ann; and that an author by the said statute is precluded from every remedy except on the foundation of the said statute and on the terms and conditions prescribed thereby.—And gave his reasons.

4. Upon the fourth question, delivered his opinion—that the author of any literary composition and his assigns had not the sole right of printing and publishing the same, in perpetuity, by the common law.—And gave his reasons.

5. Upon the fifth question, delivered his opinion—That this right is impeached, restrained and taken away by the Statute of 8th Ann.—And gave his reasons.

So that of the eleven Judges, there were eight to three, upon the first question; seven to four, upon the second; and five to six, upon the third.

It was notorious, that Lord Mansfield adhered to his opinion; and therefore concurred with the eight, upon the first question; with the seven, upon the second; and with the five, upon the third. But it being very unusual, (from reasons of delicacy,) for a peer to support his own judgment, upon an appeal to the House of Lords, he did not speak.

And the Lord Chancellor seconding Lord Camden's motion "to reverse; the decree was reversed."

The argument upon the third question turned greatly upon the meaning of the proviso in the 8th of Queen Ann, which saves the right of the universities. It is the 9th clause, and runs in these words—"Provided that nothing in this Act contained shall extend or be construed to extend, either to prejudice or confirm any right that the said universities or any of them, or any person or persons, have or claim to have, to the printing or reprinting any book or copy already printed, or hereafter to be printed."

[2418] The universities, alarmed at the consequences of this determination, applied for and obtained an * Act of Parliament establishing, in perpetuity, their right to all the copies given them heretofore, or which might hereafter be given to or acquired by them.

Memorandum.—In a former account of this case, which (at the request of several of my most learned and respectable friends) I communicated to the public, some time ago, in a detached piece, I inserted a marginal note upon Lord Mansfield's mentioning "that printing was introduced in the reign of Edw. 4th, or Hen. 6," which marginal note was not only unnecessary and improper, but grossly erroneous and false in fact. I have never been able to recollect or discover what led me into such an egregious blunder. The only method that occurs to me of making compensation for it, is to endeavour to fix with some degree of accuracy and precision, by this present note, the real and true times and persons, when and by whom the art of printing was originally discovered; and when and how it was afterwards first introduced into this country.

Very great honour is certainly due to the ingenious inventors of this most noble and useful art: and even the cities where it was first attempted to be put in practice claim some share of reputation, from having given birth or residence to the first discoverers.

Haerlem, Mentz and Strashburgh seem to have the best pretensions of this sort, with regard to the original invention. Venice has a better claim to the improvement, than to the first rudiments. For Nicolas Jenson, who is generally supposed to have first taught the art of printing to the Venetians, did not begin printing there till the year

1470: and if John de Spira's claim should be allowed, who says "that he was the first who had ever printed in that city," yet his pretensions go only a year or two further backward. And even admitting that another book was printed at Venice before John de Spira's "*Cicero's Epistles ad Familiares*," in 1469; (namely, "*Fr. Maturantii de Componendis Versibus Hexametro et Pentametro*, by Ranolt, Venet. 1468;") yet that would carry it back but one year more, in support of the Venetian claim. Whereas the first rudiments of the art, the first rough specimens, the first essay with separate wooden types, if not elsewhere, yet, at least at Haerlem, was about thirty years anterior to those dates. There is indeed some difficulty in ascertaining the claim to the first invention of arts which though entirely owing to the [2411] sagacity of the inventor, are scarce perfect and complete whilst in embryo, and kept secret; but when once discovered to the world, soon receive improvement from other ingenious men to whom the original idea of the invention never did or ever would have presented itself. So, in the art of printing, Haerlem and Mentz both claim the honour of being the place where it was first known and practised. Dr. Middleton goes so far as to say, "that it is certain, beyond all doubt, that printing was first invented and propagated from Mentz." Others ascribe it to Haerlem. And it is true of each, in a qualified sense; if printing on fusile separate types be considered as the invention of printing. In this sense, the improvement is the title to the merit of the invention: but the original thought and first attempt belongs to another person, and probably would never have occurred to the improver. At Haerlem, it was first thought of, by Laurentius, about 1430; and practised by him there, with separate wooden types: it was afterwards practised at Mentz, with metal types, first cut, and then cast; invented there, by one of the two brothers of the name of Geinsfleisch; probably by the elder John Geinsfleisch, about the year 1442, when he published his first essays on wooden types, which had not answered his expectations. However, both the brothers have been called *protocharagmatici*: this invention of printing with metal types was called "*Ars characterizandi*." The cut metal types were further improved by John Fust, of Mentz; who, in 1452, completed the art, by the help of his servant Peter Schoeffer, whom he adopted for his son, and to whom he gave his daughter in marriage, *pro dignâ laborum multarumque ad inventionum remuneratione*. So that the original foundation of the art of printing, in general, seems to have been laid at Haerlem; and the improvements made at Mentz. As to Strasburgh, it can have no pretensions nearly equal to either Haerlem or Mentz. Gutenberg endeavoured to attain the art whilst he resided in that city: and his first attempts were made in 1436, with wooden types. But he and his partners were never able to bring the art to perfection. He quitted Strasburgh in 1444 or 1445; greatly involved in debt, and obliged to sell all that he had.

The true original inventor of printing seems to have been Laurentius of Haerlem, son of John, who was son of another Laurence. This Laurence, the grandson, was born at Haerlem about 1370; and died in 1440. He was *ædituus* or *custos*, of the cathedral of Haerlem; and was called *Coster*, from his office, not from his family-name: his descent is said to have been from an illegitimate branch of the Gens *Brederodia*. He was a man of large property; and his office was both respectable and lucrative. Hadrian Junius gives a full narrative of the accident which led Laurentius into the happy train of [2412] this useful invention: (see his *Batavia*, Ed. Ludg. Bat. 1588, p. 253). This Laurentius being a man of ingenuity and judgment, he proceeded step by step, by inventing a more glutinous ink, and then forming whole pages of wood with letters cut upon them; pasting the backsides of the pages together, lest they should betray their nakedness. Then he changed his original beechen letters, for leaden ones; and those again for a mixture of tin and lead, as a less flexible and more solid and durable substance. His first works, in one of which (the "*Speculum Salutis*") he introduced pictures on wooden blocks, were printed on separate moveable wooden types, fastened together by threads. He did not live to see the art brought to perfection. He died in 1440, aged 70; and was succeeded, either by his son-in-law Thomas Peter, who married his only daughter Lucia; or by their immediate descendants Peter, Andrew, and Thomas; who seem to have been industrious, and printed neatly, with separate wooden types. Their last known work was printed at Haerlem in 1472: soon after which, they disposed of all their materials, and probably quitted their employment. Laurentius's types were stolen, soon after his death. The thief was one of his workmen; and his name

was John; and there is little doubt of his being a native of Mentz; to which place he conveyed them, and settled there: but it is not so certain, what was his surname. John Fust or Faust has been suspected: but it seems to be an unjust charge upon him. So also, upon John Gutenberg; whose residence was at Strasburgh, from 1436 to 1444, endeavouring with fruitless labour and expence to attain the art. Neither does it seem just to suspect John Meidenbachius, an assistant to the first Mentz-printers; nor John Petersheimius, sometime a servant to Fust and Schoeffer, and who set up a printing-house at Frankfort in 1459. It is most probable, (all things being fully considered,) that this dishonest and unfaithful servant was John Geinsfleisch, Senior, elder brother of Gutenberg; who was born at Mentz, but had resided in other places. As he stole the types from Haerlem with a view to set up for himself elsewhere, it was natural for him to make choice of Mentz, his native city.—Accordingly, he took the shortest route, through Amsterdam and Cologne, to Mentz; where he fixed his residence, in the year 1441, and in 1442 published two small works. It is said, in a Lambeth record which will be hereafter taken notice of, p. 3, “that Mentz gained the art, by the brother of one of the workmen of Haerlem, who learnt it at home of his brother, who afterwards set up for himself at Mentz.” But Gutenberg, the younger brother, never was a servant to Laurentius. It was the elder brother, who having learnt the art by being servant to the first inventor, stole his types, and carried them to Mentz his native country: and it must be this elder brother who instructed his younger brother, Gutenberg in the art; [2413] which younger brother first applied himself to the business at Strasburgh, and not succeeding there (as has been before mentioned) quitted Strasburgh, and joined his elder brother who had in the mean time settled at Mentz.

As to the imagination of Specklinus, and the other chronologer of Strasburgh, “that Strasburgh was the place of the invention, and Mentelius the person who was the inventor, and from whom the types were stolen,” it is quite erroneous. Mentelius certainly did not begin to print till 1444; probably, not before 1447. Gutenberg was an earlier printer than Mentelius: much more so were Laurentius, at Haerlem; and John Geinsfleisch, Senior, at Mentz. Ulric Zell, in his *Chronicon Coloniae*, 1499, attributes the invention, or at least the completion of the art, to Gutenberg at Mentz; though he admits that some books had been published in Holland earlier than in that city; and from Mentz, he says, it was first communicated to Cologne; next, to Strasburgh; then, to Venice. There is no certain proof of any book having been printed at Strasburgh, till after 1462; after which period, printing made a rapid progress in Europe. In 1490, it reached Constantinople; in the middle of the next century, it advanced into Africa and America; and about 1560, was introduced into Russia. After this, it was even carried into Iceland, the farthest north (as Mr. Bryant observes) of any place where arts and sciences have ever resided. This very learned and ingenious gentleman has in his own possession a book written in Latin by Arngrim Jonas, in his own country of Iceland, and printed “*Typis Hollensibus in Islandia Boreali, anno 1612.*” This curious little treatise is intitled “*Anatome Blefkiniana.*” Mr. Bryant notes “that Holar is, in some maps, placed within the arctic circle; and certainly is not far removed from it.”

This may suffice, I should hope, to satisfy the curiosity of the reader, with respect to the original invention of printing, and its earliest advances in foreign countries.

It is now time to examine how, when, and by whom, it was first introduced into our own.

Concerning this matter, there are different accounts.

It was formerly the general opinion and belief, and seemed to be agreed by all our historians, that the art of printing was introduced and first practised in England by Mr. William Caxton, a citizen of London, who had been bred a mercer, having served an apprenticeship to Robert Large in that branch of business: which Robert Large died in 1441, after having been Sheriff and Lord Mayor [2414] of London; and left a legacy to Caxton, in testimony of his good character and integrity. From the time of his master's death, Mr. Caxton spent the following thirty years (from 1441 to 1471) beyond sea, in the business of merchandize. In 1464, he was employed by King Edward the Fourth in a public and honourable negotiation, to transact and conclude a treaty of commerce between that King and his brother-in-law, the Duke of Burgundy.—By his long residence in Holland, Flanders, and Germany, he had opportunity of being informed of the whole method and process of this art: and

returning to England, and meeting with encouragement from great persons, and particularly from the then Abbot of Westminster, he first set up a press in that abbey, (in the almshouse or ambury,) and began to print books soon after the year 1471, and is said to have pursued his business there with extraordinary diligence till the year 1494; in which year Dr. Middleton says he died; "not in the year following, as all who write of him affirm." But Mr. Ames says, if not proved, that it was no longer than the year 1491. He was probably upwards of fourscore years of age, when he died. The "*Recuyel of the Historyes of Troye*," is supposed to have been the first book that he printed in England. Dr. Middleton is a very strenuous advocate for Caxton; and professes a desire "to do justice to his memory, and not suffer him to be robbed of the glory so clearly due to him, of having first imported into this kingdom, an art of great use and benefit to mankind; a kind of merit that, in the sense of all nations, gives the best title to true praise, and the best claim to be commemorated with honour to posterity." The doctor states the positive evidence in proof of his assertion, as well as the negative and circumstantial: and he observes "that all our writers before the Restoration, who mention the introduction of the art amongst us, give Caxton the credit of it, without any contradiction or variation." He cites Stowe, Trussell, Sir Richard Baker, Leland, and Howell, and the more modern authorities of Mr. Henry Wharton and M. Du Pin; all strong in favour of his opinion.

In opposition, however, to all these great and seemingly invincible testimonies and authorities on behalf of Mr. Caxton, a book which had been scarce observed before the Restoration, was soon after that time taken notice of, and looked upon as a strong argument, if not a full and clear proof, "that the art of printing had been exercised [2415] in the University of Oxford, before Caxton exercised it at Westminster, in 1471." This book bears for its title, "*Expositio Sancti Jeronimi in Simbolum Apostolorum ad Papam Laurentium*;" and at the end—"Explicit, Expositio, &c. Impressa Oxonie, & finita anno Domini M.CCCC.LXVIII. xvii die Decembris." Yet history was quite silent about this very remarkable fact of a printing in England prior to Caxton's; nor was there any memorial to be found in the university, of a circumstance so honourable to them, and so beneficial to literature. It has been urged, that notwithstanding this long silence concerning such a very extraordinary event, the matter is now cleared up, by the discovery of a record which had long lain obscure and unknown at Lambeth Palace, in the register of the See of Canterbury; which record contains a narrative of the whole transaction, drawn up at the very time. An account of this record was first published by Richard Atkyns, Esq. in the beginning of 1664, in his "*Original and Growth of Printing, Collected out of History and the Records of this Kingdom*." It sets forth, "that Thomas Bouchier, Archbishop of Canterbury, moved King Henry the Sixth to use all possible means for procuring a printing mould to be brought into this kingdom. The King readily hearkened to the motion; and, taking private advice how to effect his design, concluded that it could not be brought about without great secrecy and a considerable sum of money given to such person or persons as would draw off some of the workmen of Harleim in Holland, where John Cuthenberg had newly invented it, and was himself personally at work. It is resolved, that less than one thousand marks would not produce the desired effect: towards which sum, the said archbishop presented the King three hundred marks. The management of the design was committed to Mr. Robert Turnour, of the robes to the King, and much in favour with him. Mr. Turnour took to his assistance Mr. Caxton, a citizen of good abilities; who, trading much into Holland, might be a credible pretence as well for his going, as stay in the low countries. Mr. Turnour was in disguise, (his beard and hair shaven quite off:) but Mr. Caxton appeared known and public.—They went first to Amsterdam, then to Leyden, not daring to enter Harleim itself; for, the town was very jealous, and had apprehended and imprisoned divers persons who had come from other parts for the same purpose. They stayed till they had spent the whole thousand marks, in gifts and expences: so as the King was fain to send five hundred marks more. Mr. Turnour had written to the King, that he had almost done his work; a bargain being struck betwixt him and two Hollanders, for bringing off one of the under workmen, whose name was Frederick Corsells (or rather Corsellis:) who, late one night, stole from his fellows, in disguise, into a vessel prepared for that purpose, and got safe to London. It was not thought prudent, to set him on work at London: but by the Archbishop's means, (who had been first Vice-Chancellor, and afterwards Chancellor of the University of Oxon,)

Corsellis was carried with a guard to Oxon; which guard constantly watched this Cor-[2416]-sellis, to prevent him from any possible escape, till he had made good his promise, in teaching them how to print. So that at Oxford printing was first set up in England: which was before there was any printing-press or printer in France, Spain, Italy, or Germany except the City of Mentz, which claims seniority as to printing, even of Harleim itself; calling her city *Urbem Moguntinam artis typographicae inventricem primam*; though it is known to be otherwise, that city gaining that art by the brother of one of the workmen of Harleim, who had learnt it at home of his brother, and after set up for himself at Mentz. This press at Oxford, was afterwards found inconvenient to be the sole printing place of England; as being too far from London and the sea: wherefore the King set up a press at St. Alban's, and another in the City of Westminster, where they printed several books of divinity and physic. For, the King, (for reasons best known to himself and Council) permitted then no law books to be printed; nor did any printer exercise that art, but only such as were the King's sworn servants; the King himself having the price and emolument for printing books."

Upon the authority of this record, all our later writers have declared Corsellis to have been the first printer in England. This is admitted by Dr. Middleton: and he specifies Antony Wood and Mr. Mattaire, and Palmer, and Bagford, by name, as persons who were clear in that opinion. But he says, "It is strange that a piece so fabulous, and carrying such evident marks of forgery, could impose upon men so knowing and inquisitive." He asserts, "that as it was never heard of before the publication of Atkyns's book, so it has never since been seen or produced by any man." He cites Palmer himself as owning, "that it is not to be found there now:" and he thinks it clear, that Archbishop Parker must have very carefully examined the registers of Canterbury, and that it was not there in his time. In fine, he declares in express terms, "that we may pronounce this record to be a forgery."

But though he seems to exult in having cleared his hands of this record, yet he admits "that the book itself stands firm as a monument of the exercise of printing in Oxford six years older than any book of Caxton with date."* He acknowledges the fact to be stroug, and "what in ordinary cases passes for certain evidence of the age of books:" but he says, "that in this, there are such contrary facts to balance it, and such circumstances to turn the scale, that he takes the date in question to have been falsified originally by the printer, either by design or mistake, and an X to have been dropt or omitted in the age of its impression." And [2417] he argues with his usual sagacity and acuteness, to shew not only the possibility of his conjecture, but the probability of it, and (as he says) "to make it even certain."

Mr. Bowyer, whose general learning and particular knowledge in his profession seem to qualify him for being at least as good a judge of this dispute as any man that ever lived, does by no means agree with Dr. Middleton in this point of Caxton's priority to the Oxford-Book, or in the arguments adduced by the doctor in support of his opinion; any more than he does in the former point, of the place where the art was first invented and practised abroad.—He is of opinion, that the Oxford-Press was prior to Caxton's; and thinks that those who have called Mr. Caxton the "first printer in England," and Leland in particular, meant that he was the first who "practised the art with fusile types, and consequently first brought it to perfection:" which is not inconsistent with Corsellis's having printed earlier at Oxford with separate cut types in wood, which was the only method he had learnt at Harleim. The speaking of Mr. Caxton as the first printer in England, in this sense of the expression, is not irreconcilable with the story of Corsellis.

These facts and opinions being thus laid before the reader, he will judge for himself, concerning their truth or probability. The disputants on both sides have agreed in one position, which will be easily assented to; namely, "that it is very unsafe to trust to common history; and necessary to recur to original testimonies, if we would know the state of facts with exactness."

* The first work that is known to have a date to it, was the Psalter published at Mentz, in 1457.