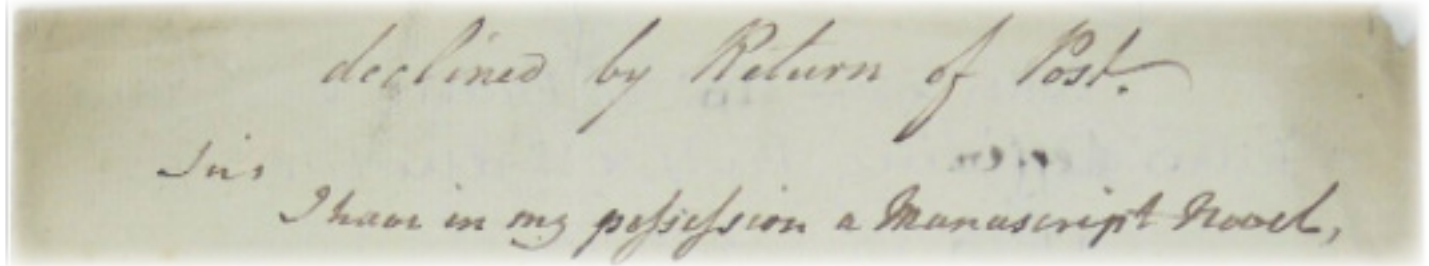


# COPYRIGHTS, COMMISSION, AND REGENCY PUBLISHING



Letter from George Austen to Thomas Cadell, “declined by Return of Post,” Oxford College Archives, St. John’s College.

## COPYRIGHT AND PROFESSIONAL AUTHORSHIP

### The Statute of Queen Anne (1710)

A parliamentary act that set the first copyright law. It protected a publisher’s copyright for 14 years (or 21 years for books printed before 1710), after which the book entered the public domain.

### “The Battle of the Booksellers”

The period beginning in 1731 (when copyrights set by the Statute of Queen Anne expired), during which publishers claimed a “common law copyright” to retain rights to publish; effectively, a perpetual copyright.

### Donaldson v. Beckett (1774)

A parliamentary ruling that rejected perpetual copyright and reinforced the copyright terms originally set by the Statute of Queen Anne. As a result, out-of-copyright works entered the public domain. This also set the stage for more “modern” business relationships between authors and publishers.

## FOUR ROUTES TO PUBLICATION

### on commission

The author retained the copyright to his/her work and paid all printing costs. The author received any profits minus a 10% commission to the publisher. Also called “at risk” publishing.

### sale of copyright

The author sold his/her copyright to a publisher for a fixed sum. The publisher assumed full control of printing and received any profits from sale.

### by subscription

Patrons, or subscribers, paid a sum to help fund printing costs. In return, the subscriber was listed on a “subscriber’s list” in the printed book.

### profit-sharing

Publishers paid for production and, after repaying themselves from sales, split remaining profits with the author.

## PUBLISHERS’ DEALINGS WITH AUSTEN



### Thomas Cadell

Partner in Cadell & Davies. Notable authors included Fanny Burney, Samuel Johnson, and Robert Burns. Rejected “First Impressions.”



### Benjamin Crosby

Founder of Crosby & Co., a mid-size publisher that focused on compilations and moral literature, with some sentimental/Gothic fiction. Bought and advertised “Susan” but never published it.



### Thomas Egerton

Printer and bookseller in Whitehall, London that specialized in military titles. Published S&S, P&P, and the first edition of *MP*.



### John Murray

A preeminent C19 printer and editor of *The Quarterly Review*. Aside from Austen, he notably published the works of Lord Byron.



### Richard Bentley

Began the Standard Novel Series with Henry Colburn. They bought up copyrights to release low-cost, illustrated editions of novels—including Austen’s.

1797

"First Impressions" rejected by Cadell

1803

Copyright of "Susan" sold to Crosby & Co. for £10

1811

*Sense and Sensibility* published on commission by Egerton

1813

Copyright of *Pride and Prejudice* sold to Egerton for £110

1814

*Mansfield Park* published on commission by Egerton

1815

Murray offers £450 for the copyrights to *MP*, *S&S*, and *Emma*; the offer is rejected

*Emma* published on commission by Murray

1816

Henry Austen buys back the copyright for "Susan" from Crosby

1817

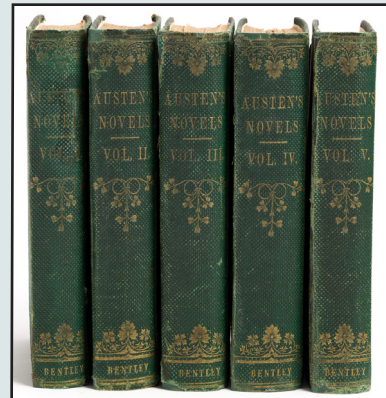
*NA* and *Persuasion* published on commission by Murray

1833

Bentley purchases copyrights to all of Austen's works for the Standard Novel Series



top left: 4/5 of the Standard Novel Series editions of Austen



top right: Bentley and Colburn's 1833 collected edition of Austen



bottom right: first edition of *Pride and Prejudice* in original publisher's boards



## FURTHER READING

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Fergus, Jan. *Jane Austen: A Literary Life*, Macmillan, 1991.

Levy, Michelle. "Jane Austen's Fiction in Manuscript," *Literary Manuscript Culture in Romantic Britain*, Edinburgh University Press, 2020.

Looser, Devoney. "Austen's First English Illustrator: Ferdinand Pickering's Victorian Sensationalism," *The Making of Jane Austen*, Johns Hopkins University Press, 2007, 19–34.

Mandal, A.A. "Making Austen MAD: Benjamin Crosby and the Non-Publication of Susan," *The Review of English Studies*, vol. 57, no. 231, 2006, 507–525.

St. Clair, William. *The Reading Nation in the Romantic Period*, Cambridge University Press, 2007.

Sutherland, Kathryn. "Jane Austen's Dealings with Murray and His Firm," *The Review of English Studies*, vol. 64, no. 263, 2013, 105–126.

Tetrault, Ronald. "Publishers, 'Pirates,' and the Formation of Regency Authorship," *English Studies in Canada*, vol. 38, no. 2, 2012, 29–48.



## DISCUSSION QUESTIONS

1. Does Austen's attentiveness to the publication and sales of her work confirm, extend, or complicate your sense of her as a writer? To what degree do you think Austen identified as, and enjoyed being, a professional author? Consider the several letters in which she talks explicitly of her copyrights, her sales, and her profits, below. You might also consider her early attempts at publishing "First Impressions" and "Susan," and her juvenilia's "mock titles and dedications that demonstrate a thorough engagement with and determination for print" (Levy 186).

✿ *"P. & P. is sold. — Egerton gives £110 for it. — I would rather have had £150, but we could not both be pleased, & I am not at all surprised that he should not chuse to hazard so much. — Its' being sold will I hope be great saving of Trouble to Henry, & therefore must be welcome to me"* (Le Faye p. 205 [letter 77, to Martha Lloyd, 29 Nov. 1812]).

✿ *"You will be glad to hear that every Copy of S. & S. is sold & that it has brought me £140 — besides the Copyright, if that should ever be of any value. — I have now written myself into £250. — which only makes me long for more"* (Le Faye p. 226 [letter 86, to Francis Austen, 6 July 1813]).

✿ *"You will be glad to hear that that first Edit: of M. P. is all sold. — Your Uncle Henry is rather wanting me to come to Town, to settle about a 2d Edit:."* (Le Faye p. 293 [letter 109, to Fanny Knight, 18 November 1814]).

2. Do you think that the Austens were competent, knowledgeable negotiators with publishers? Did you sense any change in their ability to deal with publishers over time? Why might Austen have chosen to retain the copyright to most of her novels, and how do you think this affected her literary legacy? Consider George Austen's letter to Thomas Cadell soliciting publication of "First Impressions," and Austen's rejection of Murray's £450 offer.

✿ *"I have in my possession a Manuscript Novel, comprised in three Vols. about the length of Miss Burney's Evelina. As I am well aware of what consequence it is that a work of this sort should make its' first appearance under a respectable name I apply to you. Shall be much obliged therefore if you will inform me whether you chuse to be concerned in it; what will be the expense of publishing at the Author's risk; & what you will advance for the Property of it, if on a perusal it is approved of"* (G. Austen to T. Cadell, 1 November 1797)?

✿ *"Mr. Murray's Letter is come; he is a Rogue of course, but a civil one. He offers £450 — but wants to have the Copyright of MP. & S&S included. It will end in my publishing for myself I daresay. — He sends more praise however than I expected"* (Le Faye p. 303 [letter 121, to Cassandra Austen, 17 October 1815]).

3. In her *Jane Austen: A Literary Life*, Jan Fergus reminds us of the problems faced by women authors during Austen's lifetime. "Proper women were modest, retiring, essentially domestic and private. Authorship of any kind entailed publicity, thrusting oneself before the public eye — thus loss of femininity" (5). More recently, Michelle Levy has summarized debates over whether Austen restrained the energy of her juvenilia for print publication: only through a process of "accommodation and domestication did Austen become publishable" (185). How do you think Austen's status as a woman affected her route to publication? The content of her novels? You might consider the following quotes, in which Austen references gendered authorship, in your discussion.

✿ “*A Classical Education, or at any rate, a very extensive acquaintance with English Literature, Ancient & Modern, appears to me quite Indispensable for the person who would do any justice to your Clergyman— And I think I may boast myself to be, with all possible Vanity, the most unlearned, & uninformed Female who ever dared to be an Authoress*” (Le Faye p. 319 [letter 132(D), to James Stanier Clarke, 11 December 1815]).

✿ “*I often wonder how you can find time for what you do, in addition to the care of the House;— And how good Mrs. West could have written such Books & collected so many hard words, with her family cares, is still more a matter of astonishment! Composition seems to me Impossible, with a head full of Joints of Mutton & doses of rhubarb*” (Le Faye pp. 335–6 [letter 145, to Cassandra Austen, 9 September 1816]).

✿ “*What should I do with your strong, manly, spirited Sketches, full of variety & Glow?— How could I possibly join them on to the little bit (two Inches wide) of Ivory on which I work with so fine a Brush, as produces little effect after much labour*” (Le Faye p. 337 [letter 146, to James Edward Austen, 16 December 1816])?

4. Return to Austen’s July–September 1814 letters to her niece, Anna Austen, which offer criticisms on her in-progress novel (Le Faye pp. 278–281; 286–290 [letters 103, 104, 107, 108]). Did you find Austen’s feedback harsh? Supportive? Helpful? What do these comments tell us about Austen and her sense of herself as a writer? Do you think Austen might have enjoyed another career in the literary marketplace, such as editor, publisher, or reviewer?

5. In response to letters from Cassandra and from Fanny Knight, Austen comments on the quality of her correspondents’ writing. In the following extracts, Austen writes, characteristically combining jest with earnestness, that their writing is equal to professional publication:

✿ “*The letter which I have this moment received from you has diverted me beyond moderation. I could die of laughter of it, as they used to say at school. You are indeed the finest comic writer of the present age*” (Le Faye p. 5 [letter 4, to Cassandra Austen, 1 September 1796]).

✿ “*Your trying to excite your own feelings by a visit to his room amused me excessively. — The dirty shaving rag was exquisite! — Such a circumstance ought to be in print. Much too good to be lost —*” (Le Faye p. 294 [letter 109, to Fanny Knight, 20 November 1814]).

How might Austen’s conflation of women’s private correspondence and professional authorship have framed her approach to writing? To women’s professional authorship? Did you recognize any overlaps, such as in style or subject matter, between Austen’s letters and her novels?