

**Scissors-and-paste:  
The labour, law, and practice of circulating journalism in the British newspaper and  
periodical press, 1842-1911**

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## **Abstract**

Throughout the long nineteenth century, newspaper and periodical subeditors circulated texts by way of scissors-and-paste journalism: they reused and typically revised previously published texts. While scholars have acknowledged this practice, they have not accounted for its diversity, its pervasiveness, its legal ambiguity, or its importance to Britain's emergent media ecology. Scissors-and-paste played a critical role in the development of Britain's public sphere and market for popular print by making news from across the nation and wider world intelligible and accessible to large and expanding readerships. Through a methodological approach which examines the context as well as the content of reprinted texts, I show how subeditors used this practice to achieve a variety of ends, including routine news gathering, mandates to undercut competition in a merciless marketplace by appropriating intellectual property, and as an ingenious means to circumvent censorship. In pursuit of these aims, I first examine subeditorial labour and working conditions. I then argue that scholars can approach subedited text as a reading experience and that historians of reading should be attentive to how this textual circulation practice transformed texts across time and space. I then investigate labour issues raised by scissors-and-paste, in the context of journalistic professionalization and unionization. Debates over copyright are central to this research. I explore this issue in detail with attention to journalistic remuneration and questions about intellectual property. Moreover, I analyze in particular depth the arguments in favour of a copyright in news made by C. F. Moberly Bell and *The Times* to defend their elite news collection network. Finally, I use quantitative methods to analyze an unusual case of scissors-and-paste journalism by the Irish nationalist politician and journalist, Arthur Griffith, who used this practice to challenge British censors during the First World War. Moving from the 1840s to 1910s, this dissertation asks, how did the people of the press use and respond to this prevalent and often controversial journalism practice?

## Résumé

Durant tout le long XIX<sup>e</sup> siècle, les sous-rédacteurs des journaux et des périodiques ont fait circuler des textes en utilisant le journalisme de style *scissors-and-paste* : ils réutilisaient et révisaient généralement des textes déjà publiés. Si les chercheurs ont constaté l'existence de cette pratique, ils n'ont toutefois pas pris en compte sa diversité, son omniprésence, son ambiguïté juridique ou son importance pour l'écologie émergente des médias britanniques. Le système du « couper-coller » a pourtant joué un rôle essentiel en Grande-Bretagne dans le développement de la sphère publique et du marché de la presse écrite populaire en rendant les nouvelles du pays et du monde entier intelligibles et accessibles à un large lectorat en expansion. Grâce à une approche méthodologique qui examine le contexte ainsi que le contenu des textes réimprimés, je montre comment les sous-rédacteurs ont utilisé ce style de journalisme pour atteindre divers objectifs, notamment la collecte d'informations de base, la diminution de la concurrence sur un marché impitoyable en s'appropriant la propriété intellectuelle d'autrui, et comme un ingénieux moyen de contourner la censure. Dans la poursuite de ces objectifs, j'examine tout d'abord le travail et les conditions de travail des sous-rédacteurs. Je soutiens ensuite que les chercheurs peuvent aborder les textes sous-rédacteurs comme une expérience de lecture et que les historiens de la lecture devraient être attentifs à la manière dont cette pratique de circulation textuelle a transformé les textes à travers le temps et l'espace. J'étudie ensuite les questions liées au travail qui sont soulevées par cette technique de réutilisation textuelle dans le contexte de la professionnalisation et de la syndicalisation du journalisme. Les débats sur les droits d'auteur sont au cœur de cette recherche. J'explore cette question en détail en prêtant attention à la rémunération des journalistes et aux questions de propriété intellectuelle. En outre, j'analyse de manière particulièrement approfondie les arguments en faveur d'un droit d'auteur sur les nouvelles avancés par C. F. Moberly Bell et *The Times* pour défendre leur excellent réseau de collecte d'informations. Enfin, j'utilise des méthodes quantitatives pour analyser un cas inhabituel de journalisme de style « couper-coller » par le journaliste et homme politique nationaliste irlandais, Arthur Griffith, qui a utilisé cette pratique pour défier la censure britannique pendant la Première Guerre mondiale. Passant des années 1840 aux années 1910, cette thèse pose la question suivante : comment les gens de la presse ont-ils utilisé et réagi à cette pratique journalistique répandue et souvent controversée ?

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Presently, Montreal is the centre of the pandemic in Canada. Nevertheless, I am grateful to have completed my doctoral studies and written this dissertation here. During better days, Montreal's charm is a strange amalgam of *joie de vivre* and seemingly endless, punishing winters. When I leave, I will miss the dance of French and English with painful missteps. I will dream about *pain-aux-raisins* from Duc de Lorraine and the perfect *café alongé* from Caffè In Gamba. I will remember autumn afternoons walking carelessly over Mount Royal to Mile End and onwards to Jean Talon. Winters huddled around a table playing Dungeons & Dragons with friends, conversing and listening late into the night. The blink of spring and the long, humid summers lazing along the Lachine. To study in Montreal is a treat and experience like no other.

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Stephan Pigeon  
Avenue Ridgewood, Montreal  
May 2020

The Song of the Sub-Editor

Scratch, scratch, scratch,  
Paragraphs, Items, and News;  
Essays, Tales, and Reviews,  
With the blackest kind of blues.

Scratch, scratch, scratch,  
Marriage, Debt, and Dun;  
Eulogy, Gossip, and Pun;  
Accident, Panic, and Fun.

Scratch, scratch, scratch,  
Battle, Riot, and Raid;  
Music, and Cash, and Trade—  
Who is, and who isn't afraid?

Scratch, scratch, scratch,  
Apology, Challenge, and Slur,  
Of It, of Him, of Her,  
Invention, Humbug, and Truth,  
Folly, Fashion, and Youth.

Suicide, Sermon, and Joke,  
Metaphysics, and Smoke,  
With upward and downward stroke,  
Ruin, and Vice, and Shame,  
Virtue, and Honour, and Fame.

Scratch, scratch, scratch,  
Oh, slave of the mighty Press!  
For "Devil" demands a "Mess"  
For subscribers who never pay.  
Oh, isn't it jolly! —say?

*Gentleman's Journal*, January 1, 1871

### A Philosophical Cockroach

A cockroach sat on an editor's desk,  
 With a cynical smile on his face;  
 And watched the editor make grotesque  
 Black marks on a clean, white place.  
 "Dear me!" said the cockroach, "I can't see  
 Why he should labour so constantly.  
 For he doesn't accomplish a single thing  
 With all this writing and scissoring,  
     Paste and scissors,  
     Scissors and paste –  
 Think of the energy going to waste!"

The editor listened, but didn't reply,  
 For he had too much to do;  
 But he said to himself, "One can't deny  
 There's much in the point of view –  
 One cannot measure his neighbour's worth  
 By the gash he makes in the face of the earth;  
 And I strongly suspect that he may be  
 Perfectly right in his judgement of me,  
     Paste and scissors,  
     Scissors and paste –  
 Think of the energy going to waste!"

Then the editor smashed the cockroach flat  
 With his scissors and buried him deep  
 In the pot of paste and remarked, "Now that  
 I consider getting off cheap.  
 The critical faculty, as we know,  
 Is a dangerous thing to have, and so  
 I've forwarded you to a better land,  
 For the sake of society, understand."  
 Then the editor took up his pen and said,  
 As he looked at the cockroach lying dead –  
     "Paste and scissors,  
     Scissors and paste –  
 Think of the energy going to waste!"

*Preston Herald*, May 14, 1892

Boil It Down

Whatever you have today, my friend,  
Whether witty, or grave, or gay,  
Condense as much as ever you can,  
And say it the readiest way;  
And whether you write of rural affairs,  
Or of matters and things in a town,  
Just take a word of friendly advice—  
Boil it down!

For if you go spluttering over a page  
When a couple of lines will do,  
Your butter is spread so much, you see,  
That the bread looks plainly through.  
So when you have a story to tell,  
And would like a little renown,  
To make quite sure of your wish, my friend,  
Boil it down!

When writing an article for the Press,  
Whether prose or verse, just try  
To settle your thoughts in the fewest words,  
And let them be crisp and dry;  
And when it is finished, and you suppose  
It is done exactly brown,  
Just look it over again, and then  
Boil it down!

For editors do not like to print  
An article lazily long,  
And the general reader does not care  
For a couple of yards of song.  
So gather your wits in the smallest space,  
If you want a little renown,  
And every time you write, my friend,  
Boil it down!

*The Journalist and Newspaper Proprietor, October 6, 1900*

## Introduction

### Situating Scissors-and-Paste Journalism

In the centre of the room is a great desk or table, the principal objects distinguishable amid the litter of newspapers and MSS. that covers it, being a dirty old blotting-pad, and an inkstand the size of a tolerable punch-bowl. By the side of the subeditor's chair is an enormous waste-paper basket, which is full to the brim, the floor all around it being covered with letters, proofs, papers, and other rubbish which have escaped from the 'Balaam-box' of the establishment. Hard by the inkstand, but hidden just now by an open copy of the *Times*, is a paste-pot which a bill-sticker need not be ashamed of owning; whilst the gentleman who sits at the desk, and who is just now looking over a provincial newspaper, holds in his hands a huge *pair of scissors*!<sup>1</sup>

Scholars of the nineteenth-century newspaper and periodical press are familiar with scissors-and-paste journalism. As emphasized in the above account from *Chambers's Journal* in 1867, the "pejorative term" directly references the tools of the journalistic trade.<sup>2</sup> Scissors-and-paste journalism was typically associated with subeditors in the newspaper press, though not exclusively.<sup>3</sup> These journalistic workers were known for clipping texts from a previously published source to fill their publication with desirable content. Although subediting work involved far more than merely working with scissors and paste, the occupation was synonymous with scissors-and-paste journalism. Subeditors selected and revised content, assigned headlines,

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<sup>1</sup> "Scissors and Paste," *Chambers's Journal*, December 14, 1867, 785; 785-88. Emphasis in the original. 'Balaam-box' refers to a receptacle for rejected articles.

<sup>2</sup> Catherine Feely, "'Scissors and Paste' Journalism," *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 561.

<sup>3</sup> In this dissertation, the preferred spelling for subeditor is without a hyphen. The preferred spelling for scissors-and-paste journalism is without quotations around 'scissors-and-paste'.

and ultimately decided much of what appeared in print. Significantly, scissors-and-paste journalism was not only verbatim copying. Subeditors would also modify, or even disguise, the content they clipped so as to have it appear original. To this effect, subeditors helped facilitate the transmission of ideas and information across the press.

Any scholar who has wandered into what W. T. Stead famously described as “the mighty maze” of nineteenth century newspapers and periodicals has observed scissors-and-paste’s footprints and ubiquity.<sup>4</sup> What scholars are perhaps less familiar with is the range of ways in which scissors-and-paste journalism was used and how the press, government, and reading public responded to the widespread routine of this information-gathering method. The subeditor’s labour was significant but at the same time inherently invisible.<sup>5</sup> The effects of scissors-and-paste as a custom of the journalistic trade intensified with time. What may have started as the work of opportunistic or well-intentioned journalists became the terms of a serious and passionate debate over the rules of newspaper publishing, journalistic rights, and intellectual property.

Scissors-and-paste journalism was ubiquitous, economically and editorially essential, but nevertheless controversial. This practice’s legalities were contested despite some members of the newspaper and periodical press insisting that the reuse of previously published textual material was within the boundaries of the law. What journalists deemed acceptable and what they disputed depended on a number of variables including: the nature of the text in question, the time between the initial publication and the reprinting, what sort of publication lifted the content, and the attitudes of the individuals whom this affected. The role of scissors-and-paste within journalistic production was an evolving issue that some approached in earnest with attention

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<sup>4</sup> W. T. Stead, “Programme,” *Review of Reviews*, January 1, 1890, 14.

<sup>5</sup> “Gentlemen of the Press,” *St. James’s Magazine*, November 19, 1881, 340-41.

towards its repercussions for the people of the press and others disregarded as a longstanding industry standard. The challenge these respective parties faced was how to achieve resolution over the alleged misuse use of this reprinting practice when the law did not provide clarity as to what kinds of reprinting in newspapers and periodicals were permissible and what was illegitimate.

To evaluate the labour, law, and practice of journalism, this dissertation focuses on the people of the press: subeditors who completed the work of reading and mediating texts; journalists who conducted reporting, prepared articles, and responded with frustration to seeing their labour's results circulate with impunity; editors who were complicit in lifting their subordinate's texts and those who cried foul over having their competitors undercut their exclusive articles; managers and proprietors who lobbied for legal protection for news that was specially and independently obtained. This research is an inquiry into the people behind the texts, who not only conducted scissors-and-paste journalism but reacted to its use; they debated its place in the ecology of newspaper and periodical publishing, and brought grievances concerning infringement before the courts.

Scissors-and-paste journalism was not a minor or isolated phenomenon. The custom was pervasive and had a range of implications. While the subeditor held a vital position in the newspaper office, critics characterized this branch of journalism as carrying out mechanical duties as opposed to respected journalists who relied on their mental faculties to craft leading articles. For the reporters who were powerless to prevent their copy from circulating across the press, iterations of their work reduced the value these workers brought to the profession.<sup>6</sup>

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<sup>6</sup> My decision to use the term 'profession' throughout the dissertation is based largely on evidence gathered in Chapter 3 where members of the press discussed their occupation's status. Journalists who wrote into *The Journalist* repeatedly referred to their occupation as a 'profession' (perhaps at times in an aspirational sense) – especially among the upper ranks. As I show in Chapter 3, there is a clear sense that



Moreover, scissors-and-paste journalism influenced ventures in news acquisition. The persistent threat of having expensive and exclusive news items reprinted by competitors created circumstances where proprietors were averse to making capital investments in acquiring news and special correspondence. As publications increasingly relied on information supplied through news agencies, some journalists pointed out that this created an effect of news homogenization.<sup>7</sup> Perhaps most significantly, the cut-and-paste method depreciated journalism's commercial value by establishing the principle that readers did not necessarily need to pay for the latest news from the journal that produced the information in question. Other publications would eventually reprint extracts, rewrite the information in new words, or replicate the news verbatim and supply it to readers at a reduced rate.<sup>8</sup> While commentators admitted that "everyone must be free to make use of the common stock of information," many argued that a "higher standard of morality" was desperately needed.<sup>9</sup> The effects, however, were not all damaging. Alongside the newspaper press's reforms and expansion throughout the nineteenth century, scissors-and-paste journalism helped connect Britain's provincial regions and metropolitan centres, sites of commerce and conquest across the British imperium, and the island nation with the world more generally. Scissors-and-paste was an important means by which essential news and information traveled throughout the press.

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certain members of the press aimed for British society to accept journalism as a profession. As Mark Hampton has shown, many journalists argued that theirs was not a closed profession like law or medicine but an "open profession" where hardworking persons with ability would eventually find success. See Mark Hampton, "Defining Journalists in Late-Nineteenth Century Britain," 22.2 (2005): 138-55.

<sup>7</sup> Simon Potter has made this point in relation to the supply of news from the empire to the English press. See Simon J. Potter, "Empire and the English press, c. 1857-1914," in *Newspapers and Empire in Ireland and Britain: Reporting the British Empire, c. 1857-1921*, ed. Simon J. Potter (Dublin: Four Courts Press, 2004), 60.

<sup>8</sup> Jonathan Silberstein-Loeb, *The International Distribution of News: The Associated Press, Press Association, and Reuters, 1848-1947* (New York: Cambridge University Press, 2014), 116.

<sup>9</sup> "Literary Theft," *The Journalist*, June 4, 1892, 12-13.

In the chapters that follow, I demonstrate this multifaceted journalism practice's importance to newspaper production and explain the ways that its continual use was part of some of the most significant historical developments of the newspaper and periodical press in nineteenth-century Britain. Scissors-and-paste journalism's results are in plain sight – they exist on the page. Though, the reason for cutting and pasting any given text remains invisible. Examining this practice reveals the structural and labour issues within journalism and the broader field of the Victorian press. The purpose of this dissertation is to better understand not merely what this phenomenon was, but where it took place, how it was conducted, and who participated and benefited. It is about the far-reaching effects of circulating journalism and the ways that it disrupted assumptions about how a free press should operate. This ambiguous, rather than sordid practice, mattered – mostly to journalism, but also to the ways that the press's readers understood the news, and thus their own place in the world. The conflict of scissors-and-paste was not a sideline to journalism practice. The question of textual circulation was woven into broader debates about the labour and professionalization of journalism, the rights of journalists and publishers over the texts they produced and under what terms the public should have access to ideas and information, and the rules that should govern newspaper and periodical production across Britain.

### ***Copyright, Textual Circulation, and Technology***

The use of snippets, extracts, and wholesale abstracting has a long trajectory. If scissors-and-paste, in its most basic form, means the copying, recycling, or reuse of previously published material, then the practice has been happening for as long as inscribed texts have existed. People have used this technique of using scissors to 'lift' text from one place and paste to 'stick' it in

another to achieve a range of textual applications from encyclopedias and reference works to commonplace books and scrapbooks. In each of these applications, scissors-and-paste, which was also referred to as cut-and-paste, had the additional effect of helping early-modern compilers avoid transcription errors and also provided compositors with clear, legible copy from which they prepared the type for printing.<sup>10</sup> The use of scissors-and-paste to take matter from one context and reuse it in another extends far past the margins of newspapers and the boundaries of Victorian periodization.<sup>11</sup>

It is helpful, however, to consider the laws and customs that governed newspaper and periodical production in the period immediately preceding the one studied here. Historian Will Slauter's recent work is especially helpful to understand the relationship between newspapers and periodicals and the practice of reprinting before the nineteenth century. Slauter has shown that there was a general custom of reprinting in newspapers and periodicals that emerged in the eighteenth century. The Statute of Anne, Britain's first copyright law enacted in 1710, did not specifically mention newspapers or periodicals as publications that were granted protection from reprinting, despite this kind of print matter having enjoyed protection in the form of state enforced licenses, censorship, and royal privileges. Slauter argues that this aberration in the law

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<sup>10</sup> Ann Blair, *Too Much to Know: Managing Scholarly Information before the Modern Age* (New Haven, Conn.: Yale University Press, 2010), 213-29.

<sup>11</sup> For example, David Allan has determined a shape and format for commonplace books to which scissors-and-paste journalism is analogous. See David Allan, *Commonplace Books and Reading in Georgian England* (Cambridge: Cambridge University Press, 2010). See also David Allan, "Some Methods and Problems in the History of Reading: Georgian England and the Scottish Enlightenment," *Journal of the Historical Society* 3.1 (Winter 2003): 9-124; Leah Price, "Cultures of the Commonplace," *The Book History Reader*, 2<sup>nd</sup> edition, eds. David Finkelstein and Alistair McCleery (London: Routledge, 2006), 327-336. For an essential account of scissors-and-paste in the Georgian newspaper press, see M. H. Beals, "The role of the *Sydney Gazette* in the creation of Australia in the Scottish public sphere," in *Historical Networks in the Book Trade*, ed. John Hinks and Catherine Feely (London and New York: Routledge, 2017), 148-70. See also Will Slauter, "The Paragraph as Information Technology: How News Traveled in the Eighteenth-Century Atlantic World," *Annales HSS* 67.2 (2012): 253-78; "Upright Piracy: Understanding the Lack of Copyright for Journalism in Eighteenth-century Britain," *Book History* 16 (2013): 34-61.

“was crucial to the growth of newspapers” as it modified existing publishing rubrics. He adds, however, that the “culture of copying” that emerged alongside modern periodical forms “depended on changes in publishing practice that ultimately made copyright seem inappropriate for newspapers.” Slauter argues that editors and publishers “recognized that copying enabled news to spread and facilitated commentary on reports issued by rivals.” Taking this view that textual circulation was an accepted publishing custom, he further explains that participation in the circulation of information “made economic sense” as “editors treated individual articles as shared resources.” On the question of copyright, Slauter reasons that the absence of legal protection for content in newspapers and periodicals was not a failure but rather indicative of the fact that writers, publishers, and readers all benefited from a system that did not view news as a kind of property.<sup>12</sup>

While some members of the public and the press may have taken the view that textual reprinting in newspapers and periodicals served a free circulation of news, ideas, and information, this outlook was far from universal. As this custom of reprinting became fully embedded into newspaper and periodical production, there arose a discernible friction between the law of copyright and the custom of scissors-and-paste.<sup>13</sup> The conflict that members of the press confronted was that there were no clear rules for what was an appropriate reuse of a published text and what was an infraction. The enduring debate over scissors-and-paste centred on how accusers, offenders, and the courts perceived the value of the text in question – how much labour, skill, and investment it took to produce.

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<sup>12</sup> Will Slauter, *Who Owns the News? A History of Copyright* (Stanford: University of Stanford Press, 2019), 17, 53, 53-54, 78, 85. See also, Stephan Pigeon, “Review of Will Slauter’s *Who Owns the News? A History of Copyright*,” *Victorian Periodicals Review* 53, no. 3 (2020): 549-53.

<sup>13</sup> For an overview, see Meredith McGill, “Copyright and Intellectual Property: The State of the Discipline,” *Book History* 16 (2013): 387-427.

The landmark 1842 Copyright Act, which revised and consolidated the United Kingdom's copyright law, was written with the intention to "afford greater encouragement to the productions of literary works of lasting benefit to the world."<sup>14</sup> The law offered progressive protection for books, which was its main purpose, but textual content in newspapers, and to a lesser extent periodicals, remained susceptible to reuse.<sup>15</sup> Under the interpretation of the Act, a 'book' was "construed to mean and include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published".<sup>16</sup> 'Newspaper' was not explicitly included. This question of language within the law was a critical issue and one that I return to throughout this dissertation. Moreover, the Act provided "That the proprietor of the copyright in any encyclopaedia, review, magazine, periodical work, or work published in a series of books or parts, shall be entitled to all the benefits of the registration at Stationers' Hall," which again excluded newspaper content but clearly protected periodicals.<sup>17</sup> Periodicals, which contained long essays which were constructed as literary, were protected works. This highlights a class distinction in journalism through what sorts of writers and kinds of writing the state deemed worthy of protection. Periodical proprietors secured copyright by submitting respective publication issues, along with a five shilling fee, to the Register of Copyrights at Stationers' Hall, in London, which granted protection under the law from infringement.<sup>18</sup>

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<sup>14</sup> Copyright Law Amendment Act, 1842, 5 & 6 Vict., c.45, Preamble.

<sup>15</sup> Slauter, *Who Owns the News? A History of Copyright*, 11.

<sup>16</sup> Copyright Law Amendment Act, 1842, 5 & 6 Vict., c.45, s., 2. As I explain in Chapter 5, the question of whether newspapers qualified as a 'sheet of letter-press' was point of differentiation seen by some newspaper proprietors as nit-picking while others argued that if newspapers were meant to be protected under the Act, they surely would have been listed. It is noteworthy that 'dramatic piece' also receive a comprehensive and inclusive definition under the Interpretation of Act.

<sup>17</sup> Copyright Law Amendment Act, 1842, 5 & 6 Vict., c.45, s., 19.

<sup>18</sup> For Stationers' Company, see Robin Meyers, ed., *The Stationers' Company: A History of the Later Years 1800-2000* (London: The Worshipful Company of Stationers & Newspaper Makers, 2001). For a

That the 1842 Copyright Act did not explicitly mention newspapers was an ongoing point of contention and debate. Crucially, this system did not preclude newspaper proprietors from entering their respective texts at Stationers' Hall and nor did it necessarily mean that all newspaper content was ineligible for copyright. It was generally unclear whether specific content in newspapers could be protected under the law. In the mid-nineteenth century, some newspapers that produced stock and commodity prices, for example, submitted their material to Stationers' Hall as did Reuters in an attempt to protect its expensive telegraphic dispatches from reprinting. This registration process demonstrated ownership over the material in question, but it was questionable whether this granted copyright protection. If these enterprises were in a position to sue for damages caused by reprinting, having their material registered was an effective means to demonstrate ownership. However, as I show throughout this dissertation, by exploring the arguments and circumstances of specific copyright cases, it was up to the courts to determine a copyright claim's legitimacy.<sup>19</sup>

Crucially, the issue of international copyright (with which this dissertation only interacts briefly, in Chapter 2) was something else entirely. In 1844, the International Copyright Act brought British domestic copyright in line with Belgium, Spain, France, and the German states to help facilitate bilateral copyright agreements. In 1847, the Foreign Reprints Act aimed to control the production of unauthorized editions of British works in colonial markets through implementing a tariff-based system. In 1852, the International Copyright Act allowed for translation of political texts in certain foreign periodicals. Later, the Berne Convention for the Protection of Literary and Artistic Works, an international copyright agreement, was first

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survey of copyright history in Britain, see John Feather, *Publishing, Piracy and Politics: An Historical Study of Copyright in Britain* (London: Mansell, 1994).

<sup>19</sup> Slauter, *Who Owns the News? A History of Copyright*, 167.

established in 1886 and provided reciprocal copyright protection for affiliated parties, including Britain.<sup>20</sup> These pieces of legislation are indicative of the Victorian outlook that free trade should be balanced by voluntary association. Cooperation between states gave the opportunity for order.<sup>21</sup> In 1891, the United States passed the International Copyright Act which provided copyright protection to foreign authors from select nations with the provision that the protected books must be manufactured in the United States.<sup>22</sup> These agreements, much like the 1842 Copyright Act, were designed to protect material published in books. The question of literature in periodicals or news in newspaper was a far hazier and more complex issue due to the distinctive nature of these publications and the variety and types of texts they contained.

As the copyright question developed in Britain, so did the scope of legislative additions which worked to supplement and improve the law. Following 1842, there were a number of additional laws which provided copyright protection for matter that the Copyright Act left unprotected. For example, the 1862 Fine Art Copyright Act provided protection for paintings, drawings, and photographs. The 1876 Customs Consolidation Act regulated the importation of foreign books. In 1882 and 1888, the Musical Copyright Acts established the right of performing musical compositions. In response to the need for copyright laws which protected specific kinds of original works and confusion over what protections existing laws already provided, the 1878

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<sup>20</sup> Signatories in 1886 included Belgium, France, Germany, Great Britain, Haiti, Italy, Liberia, Spain, Switzerland, and Tunisia.

<sup>21</sup> There are exceptions to this, like Richard Cobden, who Colin Matthew describes as a free trader who “saw any form of diplomacy as likely to deteriorate into aristocratic corruption.” See Colin Matthew, *The Nineteenth Century: Short Oxford History of the British Isles*, (Oxford: Oxford University Press, 2000), 11.

<sup>22</sup> For more on international copyright between Britain and the United States in the nineteenth century, see James J. Barnes, *Authors, Publishers, and Politicians: The Quest for an Anglo-American Copyright Agreement, 1815-1854* (Columbus: Ohio State University Press, 1974); Simon Nowell-Smith, *International Copyright and the Publisher in the Reign of Queen Victoria* (Oxford: Clarendon Press, 1968).

Report of the Royal Commission on Copyright was tasked with investigating the state of the United Kingdom's copyright law. The report took an unfavourable view of the whole. The commissioners stated, "The law is intelligible upon long study, it is in many parts so ill-expressed that no one who does not give such study to it can understand it."<sup>23</sup> By 1891, Lord Monkswell described the eighteen Laws of Parliament and various common law principles that comprised the United Kingdom's copyright laws as a "glorious muddle" that was "confounded" with "confusion" from each ensuing statute.<sup>24</sup>

Nevertheless, the 1842 Copyright Act, as problematic as it was, stood until its repeal under the 1911 Copyright Act, which consolidated and revised the law. In regard to newspapers, the 1911 Copyright Act provided for "fair dealing" and the reproduction of texts for review, criticism, or "news summary."<sup>25</sup> In effect, it allowed for the practice of textual circulation to persist into the twentieth century. Scissors-and-paste work in the nineteenth century press may have operated within the law but in many cases this journalistic practice breached expectations for the conventional customs and courtesies. In those cases, some proprietors, editors, and journalists who took the Lockean view that an individual should have property in the results of their labour, considered scissors-and-paste work as an infringement of their rights over a text (whether or not the law actually granted those rights) and explained this violation as a kind of piracy.<sup>26</sup> While members of the press tolerated much of scissors-and-paste work, many took

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<sup>23</sup> Lincolnshire County Archives (hereafter LCA), Lindsey Deposit (hereafter LD) 24/3/2/1, 1878 Copyright Commissioners Report, vii. See also J. M. Lely, *Copyright Law Reform: An Exposition of Lord Monkswell's Copyright Bill* (London: Eyre and Spottiswoode, 1891). For a more detailed analysis of the 1878 Royal Commission on Copyright as it pertains to newspapers, see Chapter 5.

<sup>24</sup> Lord Monkswell, Second reading of the Copyright Bill [H. L.] (No. 7), May 11, 1891, *19<sup>th</sup> Century House of Lords Hansard Sessional Papers*, 3<sup>rd</sup> ser., vol. 353 (Victoria year 54), cols. 435; 429-78. See also Sherman and Bentley, *Making of Modern Intellectual Property Law*, 207.

<sup>25</sup> Copyright Act, 1911, 1 & 2 Geo. 5, c. 46, s. 2 (1) (ii).

<sup>26</sup> For John Locke, property, and the press, see Slauter, *Who Owns the News*, 63-64.



umbrage in instances where they believed their competitors were not acting in good faith by reprinting too much or too frequently, not providing adequate attribution, or copied texts which, they argued, should be off limits.

Complicating matters further, in this nearly 70-year period between the 1842 and 1911 Copyright Acts, the British newspaper press was transformed by steam powered printing, the repeal of the ‘Taxes on Knowledge’, technological improvements in communication including telegraph facilities, a broadly literate populace, and changes to the practice of journalism itself.<sup>27</sup> At its best, scissors-and-paste journalism was part of the liberal outlook for a free trade in news and information.<sup>28</sup> It was a customary practice that facilitated the circulation of useful information to an eager reading public. At its worst, it was part of the newspaper and periodical press’s harsh capitalist modernization. Journalists took advantage of unclear and often inadequate copyright laws to profit from texts that they did not write and whose authors were not compensated. It depended on one’s position and values.

In light of these legal ambiguities, the application of scissors-and-paste journalism that scholars of the nineteenth-century press have perhaps encountered most frequently is as a news

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<sup>27</sup> For steam powered printing, see Aileen Fyfe, *Steam-Powered Knowledge: William Chambers and the Business of Publishing, 1820-1860* (Chicago: University of Chicago Press, 2012). For the repeal of the ‘Taxes on Knowledge’, see Martin Hewitt, *The Dawn of the Cheap Press in Victorian Britain: The End of the ‘Taxes on Knowledge’* (London: Bloomsbury Press, 2014). For literacy in Britain, see David Vincent, *Literacy and Popular Culture in Victorian Britain* (Cambridge: Cambridge University Press, 1989). For changes to journalistic practice, see Kate Jackson, *George Newness and the New Journalism in Britain, 1880-1910: Culture and Profit* (Aldershot: Ashgate, 2001); Martin Conboy, *The Press and Popular Culture* (London: Sage Publications, 2002); Jean K. Chalaby, *The Invention of Journalism* (Basingstoke: Macmillan Press, 1998); L. Perry Curtis Jr., *Jack the Ripper and the London Press* (New Haven, Conn.: Yale University Press, 2001). See especially Helena Goodwyn, “The ‘New’ Journalist: The Americanization of W. T. Stead,” *Journal of Victorian Culture* 23.3 (July 2018): 405-20.

<sup>28</sup> On this point of free trade in news, see Catherine Feely, “‘What say you to free trade in literature?’ *The Thief* and the Politics of Piracy in the 1830s,” *Journal of Victorian Culture* 19.4 (2014): 497-506.

gathering method.<sup>29</sup> While not exclusively, this especially pertained to provincial newspapers which relied on clippings from large metropolitan-based dailies and weeklies.<sup>30</sup> Subeditors sourced content from across the national press and beyond to provide a representative digest of information. These extracts were typically short reprints, often verbatim but usually punched up by a subeditor, and occasionally assembled from various sources. The subeditor almost always included a revised headline to draw in the reader. This shaped newspaper formats with columns of edited material that focused on local news as well domestic, colonial, foreign, and special interests including finance, sports, parliament, commerce, law and police reports.<sup>31</sup> As one commentator explained, the subeditor's work demanded "tact, quickness, promptitude, and a keen perception" to effectively identify and relay the most essential news items:

We may talk as we like of our smart leading articles, our crushing reviews of new books, our well-written dramatic and musical criticism, and so forth, but after all what sells a paper to nine readers out of every ten is its news, the quality and variety of which depends on the sub-editor, passing, as it invariably does, through his hands. His work is to select and arrange, his duty to reject and shut out what is objectionable and leave out what is unimportant.<sup>32</sup>

The work was a standard and indispensable part of newspaper publishing. It was born out of a necessity to deliver a representative range of news and information to newspaper readerships.

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<sup>29</sup> Paul Clough has studied the reuse of news in a contemporary context in "Measuring text reuse in the news industry," in *Copyright and Piracy: An Interdisciplinary Critique*, ed. Lionel Bently et al. (Cambridge: Cambridge University Press, 2010), 247-259.

<sup>30</sup> Andrew Hobbs, *A Fleet Street in Every Town: The power of the provincial press, 1855-1900* (London: Open Books, 2018), 138-70. See also Andrew Hobbs, "Provincial Periodicals," in *The Routledge Handbook to Nineteenth-Century British Periodicals and Newspapers*, ed. Andrew King, Alexis Easley, and John Morton (London: Routledge, 2016), 221-33.

<sup>31</sup> Aled Jones, "Newsgathering," *Dictionary of Nineteenth Century Journalism*, 453.

<sup>32</sup> "The Sub-Editor," *Manchester Courier and Lancashire General Advertiser*, November 19, 1881, 4.

Scissors-and-paste journalism was about replicating content, but it was also about making the old appear new. There is no pre-existing terminology to describe the separate documents that were a result of scissors-and-paste journalism which are textually similar but bibliographically distinct. I recommend the term ‘separplex’ to mean texts that are the result of scissors-and-paste journalism which when taken together, constitute a comprehensive feature of a text’s lifespan.<sup>33</sup> Subeditors would incorporate news sourced by scissors-and-paste into the newspaper in such a way that readers were none the wiser that an article was garnered from another publication. In other cases, the means by which news was gathered and presented to readers was made explicit. This was usually accomplished by listing the publication from which it was sourced at the end of the article as a professional courtesy. Alternatively, the subeditor would incorporate the source, often including the date of publication, into the article’s lead. In other instances, clippings grouped under a telling headline acknowledged the publication’s content gathering method. Newspapers generally opted for headings like “News Summary” to explicitly group texts that the subeditor’s department clipped, revised, and assembled for publication. However, the ways that a subeditor might apply scissors-and-paste work had considerable variability.<sup>34</sup> There was no definite protocol for how to present or acknowledge scissors-and-paste journalism. It was

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<sup>33</sup> This new term comes from the Latin word ‘separ’ (separate, different) and the suffix ‘plex’ (having parts or units). I present it here to tentatively position a terminology that effectively describes texts that were the result of scissors-and-paste journalism. See Philip Gaskell, *A New Introduction to Bibliography* (Oxford: Oxford University Press, 1972), 313-20.

<sup>34</sup> The *Dublin Daily Express*, for example, regularly published a column titled, “The London Journals,” which summarized articles deemed relevant to the newspaper’s readership. In a more exceptional instance of acknowledgement, provincial papers including the *Leamington Spa Courier*, *Ballymena Observer*, *South Wales Evening Echo*, *Newcastle Chronicle*, *East London Observer*, and *Motherwell Times* all at one point published a column of news under the unapologetic heading “Scissors and Paste”. Likewise, the *Essex Newsman* carried clipped jokes under the heading “The Gleaner”. Ellen Gruber Garvey has noted similar examples in the American newspaper press. See Ellen Gruber Garvey, *Writing with Scissors: American Scrapbooks from the Civil War to the Harlem Renaissance* (Oxford: Oxford University Press, 2012), 29-36.

integrated into journalism with a considerable range of transparency. Regardless of the heading and the degree of integration into the newspaper's fabric, subeditors played a vital part in supplying news from disparate markets and curating an attractive "mosaic" for readers.<sup>35</sup>

However, textual circulation was not *all* scissors-and-paste work that relied on lifting news from previously published sources.<sup>36</sup> There existed a practice of exchanging newspapers as a mutual, reciprocal practice, done on the understanding that news would be reused. There is also an essential distinction between the work of *taking* news from other publications and *selecting* items legitimately procured through news agencies. Syndicated news from organizations like Reuters, Central News, and the Press Association (among other services) was not scissors-and-paste journalism, but it was often grouped together with the subeditor's more questionable news gathering methods. Publishing news acquired through an agency, however, is not really an example of textual *recycling*. To the publication with an agency subscription, this was the latest news. One explanation for this conflation of practices is that both news distribution methods had a similar effect of uniformity and duplication across the press.<sup>37</sup> Another explanation is that it was the subeditor's responsibility to select which items from news agencies to publish and this journalistic occupation was directly associated with the shears and pastepot.

In practice, however, there was considerable nuance to the ways that readers read reused texts across the press. As Stephen Colclough and David Vincent explain, "the idea that readers

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<sup>35</sup> Hobbs, *A Fleet Street in Every Town*, 160.

<sup>36</sup> Richard Altick has discussed how news circulated through sharing the actual newspaper in coffeehouses and later in subscription reading rooms, which began in the 1820s. Altick also outlines the hiring-out of newspapers, which was illegal, but "widely practiced" at least until the 1830s. See Richard Altick, *The English Common Reader* (Chicago: University of Chicago Press, 1957), 322-24.

<sup>37</sup> Alan J. Lee explains that newspaper readers made a connection between the rise of telegraphed news services and some newspapers, especially in Scotland, becoming "more cosmopolitan and imperial in their tone." See Alan J. Lee, *The Origins of the Popular Press, 1855-1914* (Croom Helm and London: Rowman and Littlefield, 1976), 60.

invest printed objects with their own expectations and actively construct meaning, rather than finding it already inscribed in the text, has transformed the way in which we think about the history of reading.”<sup>38</sup> Scissors-and-paste journalism is about how subeditors read and presented texts. It is also about how newspaper readers read those texts and the expectation they put into the newness of newspaper content.

Even without a subscription, syndicated news was not beyond the grasp of a cunning subeditor. In the absence of an effective copyright law, some publications nevertheless obtained and published texts they did not have licence to use. As Jonathan Silberstein-Loeb has shown, this practice was especially prevalent with regard to news provided by Reuters. As the agency furnished newspapers in London with its reports in advance of the provincial press, some London editors took advantage of this to transmit the news by wire to publications that wanted a time advantage over their local competitors.<sup>39</sup> While not directly cutting from one newspaper and pasting into another, the practice effectively represents a more surreptitious iteration of scissors-and-paste journalism. The news gathering method shows how human agency adopts and adapts technologies, ranging from the rudimentary (like the shears and pastepot) to the advanced (like the electric telegraph) to serve their particular needs.<sup>40</sup> Untangling which publications relied on ‘legitimate’ sources and which opted to take advantage of inadequate copyright law is a challenging mission. Successive gradation over time reduces the certainty of knowing where knowledge of an event or its initial publication originated. Alongside telegraphy, scissors-and-

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<sup>38</sup> Stephen Colclough and David Vincent, “Reading,” *The Cambridge History of the Book in Britain Volume VI 1830-1914*, ed. David McKitterick (Cambridge: Cambridge University Press, 2009), 281; 281-323.

<sup>39</sup> Silberstein-Loeb, *The International Distribution of News*, 115-16. For Reuters, see also Donald Read, *The Power of News: The History of Reuters* (Oxford: Oxford University Press, 1992), 92.

<sup>40</sup> For the role of human agency and the study of the book, see Leslie Howsam, “The study of book history,” in *The Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 1-13.

paste journalism complicated the pathways that news followed and the means by which it was transmitted and received.

The importance of news gathering and circulation through the electric telegraph, and more specifically the role of news agencies, cannot be understated.<sup>41</sup> In the United Kingdom, throughout the 1840s and 1850s, three telegraph companies, the Electric and International, the British and Irish Magnetic, and the United Kingdom Telegraph Company, held an effective monopoly over news transmission.<sup>42</sup> By the 1860s, these firms consolidated their efforts to systematically supply news for the press. The result was a service that was unreliable and expensive. As Alan J. Lee has explained, the only alternatives were for provincial newspapers to independently collect news in distant places and compete for access with commercial enterprises or hire a private wire, which was so expensive that the prospect was out of reach for most publications.<sup>43</sup> The provincial press could also solicit the services of news agencies like Reuters. However, as Silberstein-Loeb has shown, newspaper proprietors in the provincial press often found the selection of news supplied through agencies “unsuited to their needs” and that it did not resonate with their particular readership’s interests.<sup>44</sup> Contrarily, scissors-and-paste journalism, facilitated by specialized newspaper workers with a keen sense of the journal’s readers and community, was a key publishing feature for newspapers to provide the ‘right’ sort of news and information. The trade-off, for effective and profitable news, was time.

While scissors-and-paste journalism endured, there remained a spirited hunger for news that was timely, reliable, and relevant. In 1864, the provincial press, under the auspices of the

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<sup>41</sup> For the telegraph in Britain, see Tom Sandage, *The Victorian Internet: The Remarkable Story of the Telegraph and the Nineteenth Century’s Online Pioneers* (New York: Walker and Co., 1998).

<sup>42</sup> Silberstein-Loeb, *The International Distribution of News*, 89; Lee, *Origins of the Popular Press*, 60.

<sup>43</sup> Lee, *Origins of the Popular Press*, 60.

<sup>44</sup> Silberstein-Loeb, *The International Distribution of News*, 100.

Provincial Newspaper Society, began to petition the British government against the telegraph monopoly.<sup>45</sup> By 1868, their organization's efforts led to the nationalization of the United Kingdom's telegraph system. This change, which took effect beginning in 1870, provided much cheaper transmission rates and effectively established a government monopoly controlled by the Post Office.<sup>46</sup> Silberstein-Loeb reasons that by nationalizing the telegraph network, the British government created and helped "maintain a level playing field for competition among provincial publishers while subsidizing newsgathering collectively."<sup>47</sup> He adds that government control over the telegraph network corresponded to "the pursuit of free trade in knowledge."<sup>48</sup> This intervention to make newspapers more viable – especially in the provinces – was built up by the viewpoint that news circulation was not an issue of economic opportunity, but rather, an issue of securing an important public service.<sup>49</sup> Like the arguments made by campaigns against the 'Taxes on Knowledge', the diffusion of news and information was part and parcel of the spread of liberal ideology throughout the nineteenth century. According to David Vincent, "Mass communication was seen as the most effective means of overcoming the divisions which had crippled nations in the past and the obstacles to national integration which the future threatened to create."<sup>50</sup> Liberalism's central aims in the nineteenth century, according to J. P. Parry,

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<sup>45</sup> Matthew Taunton, "Provincial Newspaper Society," *Dictionary of Nineteenth Century Journalism*, 514. Alan J. Lee explains that this was part of an ongoing attempt at reform. He outlines that provincial newspaper proprietors in cooperation with some local chambers of commerce had organized themselves in 1865 to establish their own telegraph agency; however, "nothing effective was achieved." The idea of nationalizing the telegraph system had existed since at least 1840 as part of the recommendation of a Select Committee, with repeated calls for nationalization throughout the 1850s and 1860s from government and commercial leaders. See Lee, *Origins of the Popular Press*, 60-61.

<sup>46</sup> Matthew Taunton, "Press Association," *Dictionary of Nineteenth Century Journalism*, 505.

<sup>47</sup> Silberstein-Loeb, *The International Distribution of News*, 88.

<sup>48</sup> Silberstein-Loeb, *The International Distribution of News*, 95.

<sup>49</sup> Lee, *Origins of the Popular Press*, 62.

<sup>50</sup> David Vincent, *The Rise of Mass Literacy: Reading and Writing in Modern Europe* (Cambridge: Polity Press, 2000), 125.

included developing a viable “national political community” and ensuring that the national character was comprised of “the right virtues”. A newspaper and periodical press that reached *all* members of the state in its metropolises and isolated communities was a fundamental tool for aiding the liberal missions of “increased fairness within the political community” and “improving morality and character” among its citizens.<sup>51</sup>

By opening up access to the market for news, provincial newspaper publishers could more easily obtain matter that was suited to their particular readerships. The Press Association, founded as a newspaper cooperative in 1868 by the proprietors of the leading provincial dailies, played an essential role in supplying the provincial press with domestic and foreign news. The organization would remain latent until 1870 as legislation to nationalize the telegraph companies passed through Parliament.<sup>52</sup> Under the new nationalized system, the Press Association established a network of reporters and editorial staff who collected and prepared news for transmission by wire and did so with more accuracy and timeliness than the previous Intelligence Unit operated by the private telegraph companies. With improved reporting of national and international news, the provinces marked an increase in circulation numbers.<sup>53</sup> As Slauter explains, “Provincial newspapers that joined the Press Association had decided that it was better

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<sup>51</sup> J. P. Parry, “Liberalism and Liberty,” in *Liberty and Authority in Victorian Britain*, ed. Peter Mandler (Oxford: Oxford University Press, 2006), 83-84; 71-100. Benedict Anderson’s work on “imagined communities” is adjacent to this position where he argues for a connection between the role of mass media and the development of national identity. This was driven by “print-capitalism” which encouraged newspaper proprietors to develop national markets and “made it possible for rapidly growing numbers of people to think about themselves, and to relate to themselves and others, in profoundly new ways.” See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, New ed. (London: Verso Press, 1983 [2006]), 36; 37-46.

<sup>52</sup> Taunton, “Press Association,” *Dictionary of Nineteenth Century Journalism*, 503-05. Taunton explains that the Press Association’s foreign news service was in fact supplied by Reuters through a “symbiotic relationship”. The Press Association agreed to limit their activity to the United Kingdom and paid Reuters an annual subscription of £3,000 for access to their foreign news service. In exchange, Reuters also received news collected by the Press Association from across the United Kingdom to sell to its foreign clients.

<sup>53</sup> Taunton, “Provincial Newspaper Society,” *Dictionary of Nineteenth Century Journalism*, 513-14.



for everyone to have access to the same news and share the cost of collecting it rather than to engage in ruinous competition.”<sup>54</sup> It was what one commentator in *Chambers’s Journal* described as “a little oasis of neutral ground, flourishing and fruitful amid the contending forces of journalism.”<sup>55</sup> Likewise, Matthew Taunton positions the Press Association as an organization that “liberated the provincial newspaper from their dependence on the London press, and inaugurated what was arguably the first national news broadcasting network.”<sup>56</sup> By unleashing the power of the provincial press, the Press Association participated in sustaining what historian of modern Britain Simon Potter has called “patterns of interconnection” that linked Britain together in the nineteenth and twentieth centuries.<sup>57</sup> It was through reforming control of the United Kingdom’s telegraphic network that the press emerged as a meaningful force in the diffusion of knowledge.

The United Kingdom’s telegraphic network played a critical role in circulating journalism across the nation and empire, but it was not the only means by which news travelled. Scissors-and-paste journalism persisted in tandem as a standard for selecting the most essential texts that subeditors thought would interest and benefit their readership. Newspapers have always been primarily about recent events, but they are also about noteworthy information and criticism. One of the newspaper’s central features is that the ideas and detailed information it contains are unknown to the reader. As such, the nineteenth-century newspaper press was fundamentally shaped by the space between the place of publication and where a notable event occurred. It was also shaped by the time it took to receive and publish news matter. The

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<sup>54</sup> Slauter, *Who Owns the News*, 167.

<sup>55</sup> “Press Association,” *Chambers’s Journal*, August 14, 1897, 517; 516-17.

<sup>56</sup> Taunton, “Press Association,” *Dictionary of Nineteenth Century Journalism*, 505.

<sup>57</sup> Simon J. Potter, “Webs, Networks, and Systems: Globalization and the Mass Media in the Nineteenth- and Twentieth-Century British Empire,” *Journal of British Studies* 46 (July 2007): 621; 621-46.

subeditor's work was commonly characterized by critics as 'mechanical', but it overcame the technological limitations for communication.<sup>58</sup> The subeditor, with scissors and paste at the ready, was an essential means that facilitated and accelerated the dispersal of news and information. Subeditors sliced newsprint from across the nation and globe to collect advantageous clippings, which they presented alongside matter received by wire and articles submitted by journalists and freelancers. Subeditors used scissors-and-paste to acquire what was noteworthy from outside the newspaper's community and beyond the prepackaged bundles sent by wire. It was part of what made a newspaper distinctive and extended from a longstanding custom of collecting and sharing matter that readers found important, useful, and entertaining.

### ***Research Scope and Contributions***

Although I frame this dissertation between the 1842 and 1911 Copyright Acts, this study is overwhelmingly about the late nineteenth century. This is not to say that scissors-and-paste journalism work did not exasperate the people of the press and challenge publishing norms in the earlier part of the century. But as the following chapters show, it was during the later period that a confluence of circumstances created the conditions for this longstanding practice to distress an influential range of stakeholders. A prevailing factor was that from the 1880s into the 1910s, the newspaper and periodical publishing industry developed at a considerable rate. Within this expansion, the market and contest for readers was more competitive than ever before. Moreover, the press's disparate workforce of contributors was beginning to professionalize and advocate for better compensation and control over the results of their respective labour. As the industry confronted the habitual use of textual appropriation more consistently, journalists, editors, and

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<sup>58</sup> Marshall McLuhan, *Understanding Media: The Extensions of Man*, ed. W. Terrence Gordon (New York: Gingko Press, 2013 [1964]).

proprietors also grappled with the unsatisfactory copyright laws that frustrated their efforts to maintain adequate acknowledgement of, compensation for, and control over their published texts. As commentators have long pointed out, the use of scissors-and-paste journalism stretches across the nineteenth century and beyond. This dissertation shows that it was in the late nineteenth century that tolerance for scissors-and-paste journalism – in its range of methods and applications – reached a tipping point.

When considering the function and presence of scissors-and-paste journalism, scholars may associate this textual gathering method with publications that exclusively or overwhelmingly relied on reproducing snippets and short digestible items of previously published information, literature, and entertainment.<sup>59</sup> This type of publication, popularized by George Newnes in *Tit-Bits* beginning in 1881, and imitated by others to much commercial success in publications like *Answers to Correspondents* and *Pearson's Weekly*, represents a crucial aspect of scissors-and-paste journalism and a prominent part of the New Journalism style.<sup>60</sup> As Newnes explained in his publication's opening issue:

Opinions may differ as to whether it is fair for newspapers to use other people's writings so extensively as has now become practice. Whatever fault may be found by some with this whole-sale abstracting, in the case of *Tit-Bits* it is at any rate done openly and avowedly, and no attempt is made to pass off extracts as original compositions.<sup>61</sup>

The ability to compile “interesting incidents, amusing anecdotes, [and] pithy paragraphs” held a powerful cultural capital.<sup>62</sup> New Journalism popularized publications that delivered literature and

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<sup>59</sup> Laura Kasson Fiss has impressively engaged this aspect of scissors-and-paste journalism in “‘Out with It,’ as the Subeditor Said to the Novel: Wellerisms and the Humor of Newspaper Excerpts,” *Victorian Periodicals Review* 50.1 (Spring 2017): 228-37.

<sup>60</sup> For *Tit-Bits*, see Zsuzanna Varga, “Tit-Bits,” *Dictionary of Nineteenth Century Journalism*, 630.

<sup>61</sup> “Tit-Bits,” *Tit-Bits*, October 22, 1881, 1.

<sup>62</sup> “Tit-Bits,” *Tit-Bits*, 1.

amusement, rather than news or ‘useful knowledge’. However, as cultural historian Catherine Feely has shown, the use of scissors-and-paste in the nineteenth-century to build such publications extends at least from the 1830s with Henry Mayhew and Gilbert à Beckett’s radical publication, *The Thief*, which “consisted of articles, stories, and illustrations extracted, condensed and brazenly stolen from other periodicals, magazines, newspapers and books.”<sup>63</sup> As scholars like Kate Jackson and more recently Catherine Waters have shown, many of the journalistic structures and changes associated with New Journalism and the modern press also appeared in the earlier part of the century in the popular and radical press.<sup>64</sup> This variety of scissors-and-paste is a notable part of the journalism method’s cultural prevalence; however, it is ultimately a sideline that detracts from the significance of cut-and-paste practices. Rather than take a literary perspective, I focus on the people who undertook the work of scissors-and-paste, the people it affected, and how the press as a whole responded. Within this area of research, there remains much to uncover in terms of the intersection of entertaining publications with the work of scissors-and-paste journalism.<sup>65</sup>

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<sup>63</sup> Feely, “*The Thief* and the Politics of Piracy,” 497. According to Feely, *The Thief* was modeled on *Le Voleur*, a publication by Emile de Girardin, an innovator of French popular journalism. For the circulation of news before the nineteenth century, see Chapters 1 and 2 of Will Slauter’s *Who Owns the News*.

<sup>64</sup> See Jackson, *George Newness and the New Journalism in Britain*, 45. See also Catherine Waters, *Special Correspondence and the Newspaper Press in Victorian Print Culture, 1850-1886* (London: Palgrave Macmillan, 2019), 11.

<sup>65</sup> While I explore many types of publications in this dissertation, this account of scissors-and-paste is not exhaustive. There are two particular publications of which I have undertaken a considerable amount of research which did not form material for this study. The first is the obscure periodical, *Scissors: Literary Operations with Scissors and Paste*. This publication, which existed briefly for 14 issues in 1889, was comprised entirely of American humour gleaned by scissors-and-paste. The publication, conducted by proprietors Joseph Cooke and Charles Henry Southwell in Boston, Lincolnshire, is a prime example of the British appetite for American humour. Likewise, the second publication, *The Detroit Free Press*, was the first American newspaper to publish a transatlantic edition beginning in 1881. *The Detroit Free Press* in London, led by the Scottish-Canadian journalist and author Robert Barr, was non-political and instead provided readers with extracts of family-oriented entertainment and literature. The publication was successful, and according to *Mitchell’s Newspaper Press Directory* for 1885, maintained a circulation of 300,000 in England. While I do not engage these publications in this dissertation or focus heavily on the transatlantic connections between Britain and the United States, this is one of the ‘missing pieces’ for a

Although this dissertation focuses on Britain, scissors-and-paste journalism was also practiced in other newspaper and periodical markets, notably the United States. Whereas in Britain, scissors-and-paste was associated with the subeditor, Americans referred to this newspaper worker as the exchange editor. The title reflects the custom of exchanging newspapers between publishers to supply publishable content.<sup>66</sup> There are striking similarities in the ways that the people of the American and British newspaper and periodical presses perceived and evaluated this unit of journalistic labour. Descriptions of this occupation's respective work in both countries confirm that these labourers shared the work of reading, careful thought, and diligence. Additionally, the respective reading publics reacted in similar ways to seeing the reiteration of content across the newspaper and periodical press. As George Grantham Bain, an American photographer and cultural commentator, pointed out in *Lippincott's Magazine* in 1891, the exchange editor made a living off giving old material "a fresh gloss".<sup>67</sup> Bain's commentary, which is American in its origin and outlook, could easily substitute for an account of the British subeditor, if not for the occupation's American designation:

The exchange editors of the daily newspaper are undoubtedly the best judges of what is new and what is old in the line of anecdote. They are constantly on the lookout for spicy paragraphs of gossip to fill out their daily assortment of reprinted matter. They read all the leading daily newspapers and watch closely the 'patent insides' of the country papers.

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full account of scissors-and-paste journalism. As I reposition this dissertation for publication, I plan to include research that explores the role and trajectory of snippet papers within this journalism phenomenon.

<sup>66</sup> For a concise account of exchange editors in the United States, see Chapter 1 of Ellen Gruber Garvey's *Writing with Scissors*, 4-25. See also Chapter 3 of Will Slauter's, *Who Owns the News*, 87-115.

<sup>67</sup> George Grantham Bain, "Re-Roasted Chestnuts," *Lippincott's Monthly Magazine*, August 1891, 253; 251-53.

They must keep close track of all that is published, or they are liable to make embarrassing errors.<sup>68</sup>

Further tightening the relationship between American and British scissors-and-paste journalism work was the transatlantic movement of texts, which I discuss in Chapter 2. This kind of textual circulation is part of what media historian Bob Nicholson has called “the cultural power of scissors-and-paste journalism in the formation of popular ideas.”<sup>69</sup> It is not only that these distinctive newspaper marketplaces circulated textual matter, but that it led to an interchange of news, ideas, information, and entertainment across the English-speaking world.

It is also fair to query whether this research is representative of the British press, or merely of the English press. Except in Chapter 6, where I examine the ways that the British authorities in Dublin reacted to reprinting practices in Ireland’s revolutionary press, the majority of the examples and evidence I provide originate inside England’s borders. When it has been possible, I include examples from Ireland and Scotland, and to a much lesser extent, Wales. Nevertheless, I maintain that this study is a history of journalism in Britain. The experiences I describe are applicable across Britain and I have endeavoured to locate a range of accounts to communicate the nature and scope of this specialized work. When explaining the law of copyright and textual reuse, this was the law of the United Kingdom. I acknowledge that the particular case studies I provide are rooted in England and at times emphasize publications in London. This comes through in Chapter 5, where I examine the issue of reprinted news items from *The Times* and how the newspaper’s assistant manager advocated for a copyright in news. However, freelancers, journalists, and editors across the nation would have confronted these

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<sup>68</sup> Bain, “Re-Roasted Chestnuts,” 252.

<sup>69</sup> Bob Nicholson, “‘You Kick the Bucket; We Do the Rest!’: Jokes and the Culture of Reprinting in the Transatlantic Press,” *Journal of Victorian Culture* 17.3 (September 2012): 286; 273-86.

challenges with the copyright law. On the point of custom, I concede that there is no doubt that I have left regional variances unaccounted for. This comes through in Chapter 3, where I discuss the Institute of Journalists (IOJ), a professional society for newspaper workers across the United Kingdom, and the cacophony of complaints and explanations they received when they attempted to reform the custom of circulating texts with impunity. As this study is the first to evaluate the scope and range of scissors-and-paste journalism and the work of subediting more generally, it provides an impetus to encourage other scholars to inquire about the particular customs and habits of journalistic production beyond the metropolises and within specific regional publications.

A fundamental purpose in this dissertation is to bring out the voice of the nameless reporter, the struggling subeditor, the penniless freelancer, and the distraught contributors who watched their copy circulate across the newspaper press without seeing fair compensation for their labour. They are the ones who lived through this period of immense social, political, and cultural change and confronted those transformations in the newspaper and periodical press – for better or for worse. I also challenge the limitations of Victorian Studies with its emphasis on literature when engaging the newspaper and periodical press. I argue that the study of journalists needs to extend beyond the well-worn list of celebrated figures who were also eminent authors of the period: Charles Dickens, Harriet Martineau, Wilkie Collins, Margaret Oliphant, George Eliot, and Oscar Wilde, to name a few.<sup>70</sup> These authors did produce journalism and contributed in

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<sup>70</sup> For example, in Joanne Shattock's recent volume *Journalism and the Periodical Press in Nineteenth-Century Britain*, six chapters are devoted to the section 'Journalists and Journalism'. However, the entirety of these chapters focuses on the work of celebrated Victorian authors in the press (those named above). There is no substantial engagement with the daily work of journalism by ordinary journalists. This issue of representation is longstanding. The essential collection, *Nineteenth-Century Media and the Construction of Identities*, edited by Bill Bell, Laurel Brake, and David Finkelstein, similarly conflates 'Writers/Authors/Journalists' by focusing primarily on the work of celebrated Victorian authors who engaged primarily in fiction writing. I am not recommending that there is no merit or need to study these figures. This is a call for the field of Victorian periodical studies to move on and seek out new vantage points to study this particular period of British history. See Joanne Shattock ed., *Journalism and the*

important and substantial ways to the nineteenth-century newspaper and periodical press in Britain and beyond. However, these contributors (with the exception of Dickens who worked as a Parliamentary reporter from 1832 to 1836) were not journalists who could call themselves reporters.<sup>71</sup> They are certainly authors who contributed to the periodical press and that might be enough for some scholars to consider them journalists in the broadest sense. But, even then, these popular Victorian authors are from one very particular *class* of journalists, to which a minority of writers belonged, and which produced a minority of the content that appeared in newspapers. These authors did not conduct their work in the same way or under the same conditions as the traveling country reporter or the novice penny-a-liner. As individuals and as a whole, these thousands of journalists have received a diminutive level of attention. One reason for this is their low visibility in the historical record. Another is the routine of scholars who gravitate towards research about well-studied literary figures who happened to also produce material that was published in the newspaper and periodical press, rather than pursuing the arduous work of stitching together evidence about little-known journalists from the press itself. This dissertation breaks away from the convention of Victorian Studies and its emphasis on celebrated authors and literature to instead locate the challenges and controversies faced by the people who can only be found in the press and are often without a catalogue of personal papers and longstanding scholarship to build upon. This dissertation aspires to be what Michael Wolff described as “A bringer of new things” not only with “every new title investigated” but also through the inclusion of new people and experiences that have been previously omitted.<sup>72</sup> Likewise, this study also

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*Periodical Press in Nineteenth-Century Britain* (Cambridge: Cambridge University Press, 2017); Bill Bell, Laurel Brake, and David Finkelstein eds., *Nineteenth-Century Media and the Construction of Identities* (Basingstoke: Palgrave Macmillan 2000).

<sup>71</sup> See J. Drew, *Dickens the Journalist* (Basingstoke: Palgrave Macmillan, 2003).

<sup>72</sup> Michael Wolff, “Charting the Golden Stream: Thoughts on a Directory of Victorian Periodicals,” *Victorian Periodicals Newsletter* 13.4-3 (September 1971): 23-38; 24.



contributes towards what James Mussell has characterized as “a narrative of discovery and recovery” in nineteenth-century newspaper and periodical studies.<sup>73</sup>

### *Methodology*

This dissertation’s methodology draws on Sydney Shep’s recent model for situated knowledges in book history.<sup>74</sup> Shep positions the field of book history as three converging spheres of investigation: prosopography (life histories), placeography (space and place), and bibliography (the material record). According to Shep, the intersections between people, places, and objects “offers a quite different way of conceptualizing the ways and means by which books travel and transform through space and across time.” It is a model not for the production, distribution, and reception of books, but rather a model for the study of material and immaterial objects that transmit ideas and information. Shep shows that these spheres of investigation intersect to reveal distinctive approaches to the book history field. Placeography and bibliography combine to form “the politics of the archive”. Bibliography and prosopography form “biography of a book”. Prosopography and placeography merge to provide “life geographies”. Most striking is where the three spheres of investigation meet in a central zone which Shep terms the “event horizon”. She explains “this multidimensional contact zone” as “one of a constant, energetic interplay between people, places and things.” For Shep, the “event horizon” explains a comprehensive book history approach that fixates on a “unique node” or research focus.<sup>75</sup> It is a convincing model that argues

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<sup>73</sup> James Mussell, *The Nineteenth-Century Press in the Digital Age* (Basingstoke: Palgrave Macmillan, 2012), 28.

<sup>74</sup> Sydney Shep, “Books in global perspectives,” *Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 53-70.

<sup>75</sup> Shep, “Books in global perspectives,” 66.

for a book history field “that moves us beyond comparative history and transfer studies, into related modalities such as connected, shared or entangled history.”<sup>76</sup>

One feature of Shep’s model – the opportunity for scholars to emphasize one of the three spheres of investigation – is reminiscent of the way that Leslie Howsam has visualized the main approaches to book culture and “how particular projects and specific approaches intersect with others.” Howsam uses an equilateral triangle to position the “disciplinary boundaries and interdisciplinary opportunities” within the broader field of book history by placing one of the three fundamental humanities disciplines that shape book culture (history, literature, and bibliography) at each vertex. She explains that the disciplines can rotate to the top of the triangle, depending on the researcher’s particular vantage point. Crucially, this concept maintains equality between the disciplines. Howsam’s explanation positions book history not as *l’histoire totale*, but rather connects the field “as a node on some other taxonomy of approaches to the discipline in question.”<sup>77</sup> In contrast, Shep’s model does away with individual disciplines and instead relies on spheres of knowledge that are malleable to the individual researcher. As Shep explains, her model “moves us away from the current disciplinary orientation of book history being narrowly focused on literary criticism, history, or bibliography, to a more comprehensive understanding of the interdisciplinarity that enables our field of study.” She further suggests that the book historian’s approach is shaped by their perspective, research questions, and also the available evidence which bends the model to accommodate one particular sphere of investigation.<sup>78</sup>

Howsam and Shep promote different approaches to the field (the former shows book history as it

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<sup>76</sup> Shep, “Books in global perspectives,” 62. In making this point, Shep was explaining the work of Michael Werner and Bénédicte Zimmeermann, “Beyond Comparison: *Histoire croisée* and the Challenges of Reflexivity,” *History and Theory* 45 (February 2006): 30-50.

<sup>77</sup> Leslie Howsam, *Old Books & New Histories: An Orientation to Studies in Book and Print Culture* (Toronto: University of Toronto Press, 2006), 8-10, 26.

<sup>78</sup> Shep, “Books in global perspectives,” 67.

is and the latter recommends a new, comprehensive methodology) but they both allow for the researcher's agency to shape the investigation.

This dissertation is a cultural history of journalism in Britain that primarily focuses on the roles of “agency, power, and experience” but relies on textual and material analysis to develop the inquiry.<sup>79</sup> In terms of this research's interdisciplinary leanings, my historical approach engages mainly with literature. In discussing the relationship between literature and history, cultural historian Ludmilla Jordanova argues that “Texts are not transparent documents but elaborate creations, parts of discourses, and [are] therefore implicated in the nature of power.”<sup>80</sup> This dissertation examines the role of texts that are everywhere throughout the newspaper and periodical press, but which are difficult to grasp as distinct cultural artifacts. I use textual analysis (as well as historical and material) to recover a comprehensive range of experiences attached to the practice and consequences of scissors-and-paste journalism. As Howsam argues, “works (or texts) in the abstract cannot be separated from the material forms in which they appear, are used, and survive.”<sup>81</sup> I show what a history of a specific journalistic practice can look like and I also introduce the labour of subediting into the history of reading. I identify the legal structures and labour practices for the production of newspapers and periodicals as well as give context to a particular kind of content that appeared in these publications – texts that were copied and reprinted. There is a diversity to the materials I analyze in this dissertation. For example, Chapter 2 examines a short literary account about a writer's favourite metropole and its transatlantic reprinting; Chapter 4 scrutinizes the legal circumstances around the reprinting of a recipe promising cost-effective cakes; Chapter 6 investigates news articles about German support

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<sup>79</sup> Howsam, *Old Books & New Histories*, 10.

<sup>80</sup> Ludmilla Jordanova, *History in Practice*, 2<sup>nd</sup> edition (London: Hodder Education, 2006), 78-79.

<sup>81</sup> Howsam, *Old Books & New Histories*, 16, 11.

for Ireland's resistance to English rule. These may all appear as clear and straightforward texts. I show that these items are often far more complicated than a surface level textual analysis can disclose. Texts in newspapers and periodicals are entrenched in networks of material practice that shape the transmission and meaning of textual content.

This research is also attentive to bibliography, specifically the materiality of newspapers and periodicals. Subeditors practiced scissors-and-paste journalism on seemingly inconsequential texts in cheap and ephemeral publications. However, in their particular time and place, those texts (ranging from news stories to trade articles and special correspondence) mattered a great deal to certain people: the journalists who wrote them and demanded payment or acknowledgement, the managers and publishers who invested in procuring them and wanted exclusivity within the market, and even government censors who were anxious about how texts can take on new meanings in different material and geographic contexts. My methodological process recovers texts that are worthy of analyzing or recording in terms of their identity as reprinted texts. These texts are difficult to capture, usually nameless, and appear by definition in multiple variants. This scholarship re-evaluates the importance of these texts and their value to understanding the inner workings of the Victorian periodical press. To ignore the presence of scissors-and-paste journalism and the people behind these texts who made them possible is a kind of elitism that privileges writing by celebrated authors over contributions by ordinary but equally important reporters and writers.

This research also shifts its focus to reconstruct the reader's experience with the page. Although this research focuses more on the social context in which these texts emerged than newspapers and periodicals as only material objects, I use a particular practice of textual transmission – scissors-and-paste journalism – to show how these abundant but often overlooked

texts were produced and received. This inquiry is related to what D. F. McKenzie calls “the fact that new readers of course make new texts, and that their new meanings are a function of their new forms.”<sup>82</sup> This dissertation explains how subeditors used this particular materiality to achieve a specific end. It is about how a publishing practice was used and perceived across journalistic ranks, the courts, and newspaper and periodical readers themselves. Through the practice of scissors-and-paste journalism – including revisions, additions, or verbatim reprinting – subeditors gave new forms to texts. By studying those texts, scholars gain access to a history of reading as well as a history of meanings. Scissors-and-paste journalism captures a “human presence” in the circulation of ideas and information.<sup>83</sup>

To capture all these dimensions, in this study, I focus on the press itself and utilize an approach that is attentive to context as well as content. I draw on an array of supplementary archival materials (including government documents, personal papers, court records, and correspondence) but the central support for each chapter relies on evidence published in historical newspapers and periodicals. Crucially, this study is attentive to the people behind the text, in a sense that involves biographical research but is essentially historical. To reach an understanding about the nature of the work of scissors-and-paste journalism, I examine the experiences of people who engaged with and confronted this journalism method. In *History in Practice*, Jordanova recommends that “taking a person as the unit of analysis is to adopt a quite particular historical approach, one that emphasises individual agency and sees the subject as a point at which diverse historical forces converge, while taking the span of a human life as a natural period of time.”<sup>84</sup> This is one of the crucial and innovative methodological approaches I

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<sup>82</sup> D. F. McKenzie, *Bibliography and the Sociology of Texts* (Cambridge: Cambridge University Press, 1999), 29. This quote is also cited in Howsam, *Old Books & New Histories*, 15.

<sup>83</sup> McKenzie, *Bibliography and the Sociology of Texts*, 29.

<sup>84</sup> Ludmilla Jordanova, *History in Practice*, 2<sup>nd</sup> edition (London: Hodder Education, 2006), 45-46.

occupy. Through the life, work, and writings of journalists including Thomas Frost, Philip Howard Davis, Charles Frederic Moberly Bell, and Arthur Griffith, I confront the different ways that scissors-and-paste journalism was used and challenged.<sup>85</sup> In instances where there is no single historical person to drive the investigation, I rely on a collection of people, some named and others anonymous. *The Journalist*, a trade journal for newspaper workers, captured the impressions of journalists of all ranks about scissors-and-paste journalism as well as the labour, law, and practice of circulating journalism. This register of opinion is a crucial source to access voices and outlooks that are otherwise inaccessible. This source provides a valuable account of what was said about the free circulation of texts. By evaluating these commentaries as a whole, patterns of opinion emerge to help situate the attitudes and judgement of ordinary journalists towards how textual circulation affected the journalistic work and the profession more broadly.

To locate examples of scissors-and-paste journalism beyond the predictable kind in publications that made it their business to extract and circulate previously published titbits, is a challenge. Scissors-and-paste journalism is dynamic and interactive. It is a combination of actions, including writing, reading, and publishing. Textual gatherings appear on the page but are not always obvious. Skilful subeditors aimed to obscure the visibility of reprinted texts. To access examples of textual appropriation and recycling that were egregious enough to be noteworthy and determine whether or not scissors-and-paste journalism was actually a minor phenomenon or truly overlooked in the existing scholarship, I began this research by reading *Mitchell's Newspaper Press Directory*. Scholars of the Victorian periodical press are familiar with this resource as a historical directory with brief descriptions of newspapers published across the United Kingdom. In its time, it was a resource for advertisers and press workers. Included in

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<sup>85</sup> Subeditorial work was dominated – but not exclusively conducted – by men. I include the work of women in subediting in Chapter 2 with an analysis of reprinted texts in women's magazines.

this source, which was published annually beginning in 1846, are essays and summaries written by legal experts on matters directly relating to newspaper publishing.<sup>86</sup> These instructive and informative essays about the rights and responsibilities of newspaper publishers, including summaries of recent legal decisions, were revised and added to with each instalment. As an essential resource for newspaper proprietors, agents, and advertisers, these essays outlined laws that affected their work and gave commentary about the essential challenges within the industry. I initiated this study with this resource to understand how the work of scissors-and-paste journalism intersected with the law of newspapers. Having located examples of reprinting which resulted in litigation or public exposure, I then worked backwards through the newspaper and periodical sources that explained and clarified the issue in question. I also read through legal proceedings when it was relevant and examined the particular instances of reprinting in the newspapers and periodicals themselves. The legal summaries and essays in *Mitchell's Newspaper Press Directory* were indispensable as a guiding source to comprehend not only which cases of textual circulation and reprinting were noteworthy, but also how authoritative commentators from the period positioned and explained the ongoing presence of this editorial tactic.

Digitized materials, which I have analyzed and interpreted alongside printed newspapers and periodicals, were also essential to this study. This integration of physical and digital resources forms a central part of this research's methodology. In each chapter, I have relied on a range of proprietary databases that provide full-text searchable reproductions of newspapers, periodicals, as well as government documents. To trace the presence of subeditors, freelancers, and journalists in the historical record, these digital repositories were indispensable. I also rely

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<sup>86</sup> See Tom O'Malley, "Mitchell's *Newspaper Press Directory* and the Late-Victorian and Early Twentieth-Century Press," *Victorian Periodicals Review* 48.4 (Winter 2015): 591-606.

on published journalism handbooks for explanations of subediting and instructive commentary about how people conducted journalistic work. This evidence is further reinforced by the use of word searches in digital collections to locate commentaries in periodical publications that I would not have otherwise consulted. As James Mussell has explained, the digital landscape makes it “possible to search across an unprecedented amount of material with remarkable facility and speed. Yet it is tempting to mistake such technical achievement with bibliographic control.”<sup>87</sup> Jasper Schelstraete and Marianne Van Remoortel have made a similar point, arguing that since the digital turn, “Students and researchers alike are disproportionately drawing on particular periodicals, amplifying their perceived importance through the basic fact of their digital availability to the researcher.”<sup>88</sup> Mindful of this limitation, and what Patrick Leary has described as the “offline penumbra” of material that remains undigitized, this dissertation relies on a substantial amount of newspaper and periodical matter that has not been digitized.<sup>89</sup> In gathering materials, I have worked to balance the availability of digital matter collected through the web with raw, unpublished materials collected from archives and library reading rooms.

This study is a cultural history of journalism with interdisciplinary boundaries that meet in Victorian periodicals studies where scholarship from history, literature, and media studies converge. Moreover, my analysis relies on book history’s scaffolding, the study of authorship, reading, publishing, and the material text. As historian of science James Secord argues in

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<sup>87</sup> Mussell, *The Nineteenth-Century Press in the Digital Age*, 66.

<sup>88</sup> Jasper Schelstraete and Marianne Van Remoortel, “Towards a Sustainable and Collaborative Data Model for Periodical Studies,” *Media History*, 25.3 (2019): 338; 336-354; See also Bob Nicholson, “Digital Turn: Exploring the methodological possibilities of digital newspaper archives,” *Media History* 19.1 (2013): 59-73.

<sup>89</sup> Patrick Leary, “Googling the Victorians,” *Journal of Victorian Culture* 10.1 (January 2005): 82-83; 72-86.



*Victorian Sensation*, books “do not have a ‘life’ of their own independent from their use”.<sup>90</sup> The theoretical approach provided by book history lends itself to not only inquire about ‘the text’ but the agency of people which brought it into existence.

### *Contents of Dissertation*

This dissertation is about the labour, law, and practice of circulating journalism in the British newspaper and periodical press throughout the nineteenth and into the twentieth century. It concerns journalists, including freelancers, reporters, subeditors, editors, and proprietors. It looks at the circulation of texts, as well as the specialized work of producing those texts, in newspapers and periodicals at a time of considerable expansion, diversification, as well as commercial and social change. This research confronts one of the ways that periodicals and newspapers are mutable.<sup>91</sup> I show the importance of approaching newspapers and periodicals as objects that change through human agency to understand their production. Moreover, I demonstrate how the scissors-and-paste journalism is related to a legal apparatus that permitted textual circulation to propagate. As I explain in this study, this was to the benefit of readers by ensuring the flow of information but the detriment and frustration of other journalists who viewed this system of copying as an injustice. Scissors-and-paste journalism is not only about reprinted texts. It is also about the people it affected within the wider journalistic occupation.

In Chapter 1, I locate subeditorial work as a central component of newspaper and periodical production, something that is absent in the existing scholarship. To make this argument, I explore the subeditor’s room where the work of scissors-and-paste journalism took

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<sup>90</sup> James A. Secord, *Victorian Sensation: The Extraordinary Publication, Reception, and Secret Authorship of Vestiges of the Natural History of Creation* (Chicago: University of Chicago Press, 2001), 2-3.

<sup>91</sup> Howsam, *Old Books & New Histories*, 5.

place. Following the late career of journalist Thomas Frost, I explain the routine and rhythm of subediting, including the typical sounds and smells inside this part of the newspaper office, and the scope of work that subeditors conducted. I show how the people of the press as well as commentators and authors positioned and explained the work of subediting. I am specifically attentive to the issue of compensation and how subeditors like Frost raised the issue of irregular compensation in a saturated journalism labour market.

In Chapter 2, I argue that scissors-and-paste journalism is more than a simple routine of clipping from one source and pasting into another. By approaching subeditorial work as a reading experience, I explore the complex mental processes and expectations subeditors undertook in their journalistic occupation. Moreover, I delineate the various kinds of texts that were subjected to the subeditor's shears and paste pot. I give particular attention to transatlantic exchanges in periodicals between Britain and the United States to show the scope of transformations that subeditors applied to previously published texts. I also analyze how some newspaper readers responded to the presence of reprinted news and discuss the particular challenges to tracing the ways that news content circulated. I show that, while scissors-and-paste journalism has been characterized as an omnipresent and routine textual gathering method, the practice in fact had a considerable amount of variety in method, specialization, and reaction.

In Chapter 3, I pivot away from subeditors towards the work of producing journalism and the range of contributors who saw the results of their labour circulate across the press, often without credit or compensation. This chapter accounts for the range of journalistic workers, explains their relations with other members of the press, and studies how the spread of news, ideas, and information was interdependent on different cities, regions, and publications. I explain the origins of the National Association of Journalists (NAJ), later renamed the Institute of

Journalists (IOJ), which was one of the first associations that attempted to organize and regulate journalists as a cohesive labour unit, beginning in 1884. This development was part of a broader effort to professionalize journalistic work and improve its respectability in British society.

Within journalism, however, there were competing visions. What started as grassroots labour organization was quickly co-opted to accommodate better-established pressmen and management. Ordinary working journalists advocated for trade unionism while elite newspaper editors and proprietors argued for a professional society with a centralized power structure based in London. I show how a journalistic class consciousness emerged among certain members of the IOJ, especially in the provincial press, who felt marginalized from the organization's leadership in London. By accounting for how journalists organized themselves, I show that the circulation of texts was more than a minor irritant. It often exploited low-ranking labour that produced journalism.

Chapters 4, 5, and 6 focus more specifically on examples of scissors-and-paste journalism in particular publications to explain broader trends within the newspaper and periodical press. Chapter 4 examines how journalists positioned and resisted scissors-and-paste journalism as a journalism custom. I intertwine two legal threads. The first, *Maclaren v. Davis* (1890), examines a case of ongoing unlicensed reprinting in the confectionery trade press. I demonstrate the friction that occurred between publications that produced original content and those whose editors engaged in reprinting without acknowledging their source material. Davis and his trade journal, *Confectioners' Union*, showcase an example of defending what they believed was intellectual property in a way that was especially aggressive and vigilant towards monitoring the press for instances of unacknowledged reprinting. The second, *Walter v. Steinkopff* (1892), focuses on the broader issue of the 'courtesy of the trade' in journalism. I use the better-known

case of the *St. James's Gazette* reprinting news articles from *The Times* to outline where the broader newspaper press stood on the question of scissors-and-paste journalism being a longstanding custom. *St. James's Gazette* framed this particular case as a question of legitimate quotation and inquired as to whether there existed agreed-upon rules within the journalistic community for reasonable quotation and wholesale abstracting. I gauge not only the opinions and arguments of the respective parties on this well-publicized case, but the members of the newspaper and periodical press more generally. Together, these cases exemplify the variable ways that the people of the press responded to the issue of scissors-and-paste journalism and sought protection for articles and items that some believed should not be subjected to wholesale reprinting.

Chapter 5 continues with the issue of reprinting texts from *The Times* and investigates the efforts of Charles Frederic Moberly Bell, the newspaper's assistant manager from 1890 to 1908 and managing director until 1911, who passionately and consistently advocated for a copyright in news to prevent the free circulation of journalism between publications. Building on Chapter 4, I explain a number of legal cases over the issue of reprinting that developed common law judgements. I consider the 'in-between' of the copyright laws and the unsuccessful efforts by lawmakers to make meaningful reforms throughout the late nineteenth century, leading up to an eventual overhaul in the 1911 Copyright Act. I provide a detailed analysis of Bell's testimony and advocacy for a time-limited copyright in news before the Select Committee of the House of Lords on the Copyright Bill [H. L.] and the Copyright Amendment Bill [H. L.] in 1898, the British government's effort to inquire into the state of copyright law. While scholars have previously considered Bell's testimony, I supplement my interpretation with correspondence from Bell to Lord Welby of the Select Committee. In these previously uninvestigated letters, Bell

elaborates in more candid detail on his outlook for a copyright in news. He outlines the financial investments made by *The Times* in the procurement of news from across the globe, which competing newspapers customarily appropriated with impunity. This chapter demonstrates that, for large commercial publications like *The Times*, scissors-and-paste journalism was not a minor or inconsequential journalistic feature. Bell argued that unregulated reprinting in the newspaper press was a costly custom that damaged publications which produced news that was specially and independently obtained.

Lastly, in Chapter 6, I shift to the revolutionary newspaper press in Ireland to examine an innovative and revealing case of scissors-and-paste journalism in the aptly named but short-lived newspaper, *Scissors and Paste*, conducted by Sinn Féin founder, Arthur Griffith. I argue that Griffith's subversive newspaper was an important moment for scissors-and-paste journalism as a news gathering technique that challenged censorship law and temporarily thwarted British authority in regulating the Irish press. I contextualize Griffith's scissors-and-paste work within the wider trend of New Journalism and connect the Irish revolutionary journalist and politician with what W. T. Stead called 'government by journalism'. Combining quantitative and qualitative methods, I provide an analysis of the topics that Griffith reprinted in *Scissors and Paste* to capture his reading experience in creating the newspaper. I compare this with internal governmental correspondence from the Dublin Castle records which not only demonstrates how the British authorities debated and eventually censored the publication, but also show a categorically different reading experience from that of Griffith. *Scissors and Paste* showcases how Irish printers were punished for printing the same texts that London or English printers could freely circulate without interference. This incongruence between English and Irish readers, as well as Griffith and the censors at Dublin Castle, is expected. I show how tracing cut-and-

paste practices provides an opportunity to consider a particular kind of reading experience that scholars of the history of reading have not previously considered, and which is only made visible through locating the labour and practice of scissors-and-paste journalism.

To conclude this dissertation, I explain how, after the 1911 Copyright Act, the circulation of texts did not disappear but merely adapted as journalism evolved as a profession. What remained was a process whereby journalists revised the form but maintained the substance in recirculated texts. I then offer a summary of this dissertation by mapping my research method against Sydney Shep's model for the history of the book. Scissors-and-paste journalism is a difficult practice to grasp, but it was everywhere and in plain sight across the nineteenth-century periodical and newspaper press. This research is about "the dynamic intercrossings" between people, places, and objects, about helping to conceptualize a particular means by which texts in newspapers and periodicals "travel and transform through space and time."<sup>92</sup> This model reinforces how subeditors used the scissors-and-paste journalism practice to move news, ideas, and information across the press, and as a result, across Britain. As I show throughout this dissertation, scissors-and-paste journalism was a central means by which ideas and information traveled between platforms and spread across readerships.

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<sup>92</sup> Sydney Shep, "Books in global perspectives," *Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 66; 53-70.

## Chapter 1

### **Space and Time: The Labour of Subediting in the Victorian Newspaper and Periodical Press**

The work of subediting in the nineteenth century is little known despite its formative bearing on newspapers and periodicals at technical, legal, and journalistic levels. Subeditors shaped the production of a wide range of content by sorting through the daily mass of news and information and choosing what items would appear in print. In the later part of the nineteenth century, the New Journalism style drew in new readerships with faster news transmission, human-centred reporting through investigation and interviews, and fresh visual elements including design and typography.<sup>1</sup> Subeditors were responsible for making these elements work together “at the level of the page”.<sup>2</sup> In 1932, journalist and commentator F. J. Mansfield explained in a manual on subediting that, with the development of staffs at newspaper offices, “there came into being men who were not primarily writers themselves, but whose function it was to control and revise the writing of others” – this was the work of subediting. Subeditors transformed “the mass of undigested and ill-assorted matter into a connected, readable and fascinating story.”<sup>3</sup> Aled Jones’s entry for subeditors in the *Dictionary of Nineteenth Century Journalism* elaborates on Mansfield’s description, noting that subeditors were responsible for “refining the art of narrative

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<sup>1</sup> James Mussell, “New Journalism,” *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 443.

<sup>2</sup> This phrase is quoted from Aled Jones, “The ‘Dart’ and the Damning of the Sylvan Stream: Journalism and Political Culture in the Late-Victorian City,” *Victorian Periodicals Review* 35.1 (Spring 2002): 4. Jones is referring to a Brian Maidment, “*The Illustrated Exhibitor* (1851-52), John Cassell, and the Artisans,” (lecture, Research Society for Victorian Periodicals, Yale University, New Haven, Connecticut, September 17, 1999). Maidment encourages scholars “to focus attention on the interaction of word and image” (quoted in Jones). I understand this phrase to mean analysis that reads materiality at the level of the periodical and at a particular moment in journalism.

<sup>3</sup> F. J. Mansfield, *Sub-editing: A book mainly for young journalists* (London: Pitman and Sons Ltd., 1932), 2; 7.

headline, the structuring of news values and the deliberate design of layout, typography and illustration to conform to the editorial house style that defined a title's identity."<sup>4</sup> One late-nineteenth century commentator fittingly summarized the subeditor's role as having "to feel the pulse of the paper."<sup>5</sup>

This chapter responds directly to press historian Joel H. Wiener, who pointed out as recently as 2011 that "sub-editing, the relatively mundane task that provided much of the cement of print journalism" is yet to receive its full due.<sup>6</sup> While the labour of subediting, the longevity of this position in the newspaper press, and its importance in producing journalism have not gone entirely unacknowledged by scholars, the crucial importance of this labour, and the technology at its heart, has been generally overlooked from comprehensive study. The resources and material evidence to examine the ideas, work, and lives of these labourers are comparatively thin – though not entirely absent. The prolific journalists and periodical publishers of the nineteenth century rightly continue to receive attention from scholars on account of their contributions to the press and their considerable volume of writing and records. While gaps remain to be filled, there is a substantial body of scholarship on the work of celebrated journalists and newspaper editors ranging from William Cobbett and George William Reynolds to Matthew Arnold and William Thomas Stead. The processes that made it possible for texts to appear and circulate in the press, however, and the people who completed essential technical labour in the allied roles of newspaper and periodical production, including assistant editors and subeditors, compositors, and machine-men, have gone largely unobserved.

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<sup>4</sup> Aled Jones, "Subediting," *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 608.

<sup>5</sup> "From the Editor's Table to the Street," *Cycling*, January 18, 1896, 7.

<sup>6</sup> Joel H. Wiener, *The Americanization of the British Press, 1830s-1914: Speed in the Age of Transatlantic Journalism* (London: Palgrave Macmillan, 2011), 6-7.



The people of the press I explore in this chapter did not reach the prestige of the proprietor or even the manager at larger daily productions, but nor were they tradesmen or craftsmen. These workers were situated somewhere in between, overlapping with both groups.<sup>7</sup> While the details of their livelihood would depend on variables such as the quality of publication and provincial versus metropolitan markets, they normally emerged from the ranks; the hierarchy of journalistic work before the turn of the century did not necessarily require formal training or qualifications for aspiring journalists and newspaper men.<sup>8</sup> As journalist E. L. Shuman recounts, subediting required “a good all-round newspaper man” for the best work, but a smaller paper might appoint an “intelligent novice” as an “entrance way to newspaperdom.”<sup>9</sup> Moreover, there is considerable difficulty in not only identifying who was completing the subeditorial work, but also with then locating enough meaningful evidence to demonstrate the significance of the profession within the wider newspaper industry. While a diary or professional notebook of a labouring subeditor for a daily provincial or metropolitan newspaper would provide an ideal resource to understand the day-to-day routine, job expectations, and the relentless grind of newspaper work from the perspective of production, this historian is yet to locate such extraordinary records.<sup>10</sup> Instead, this research relies on materials largely drawn from the

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<sup>7</sup> Eric Hobsbawm, “The Labour Aristocracy in Nineteenth-century Britain,” in *Labouring Men: Studies in the History of Labour* (London: Weidenfeld & Nicholson, 1964), 272-315; 275.

<sup>8</sup> As I outline in Chapter 3, there were a number of schemes discussed in *The Journalist* to regulate who had access to the profession and to educate would-be journalists in the industry’s methods and skills. By the late nineteenth century, journalistic leaders were frustrated with significant disparities in the skills of journalists across the profession, ranging from basic literacy to more refined skills in reporting and subediting. See Chapter 3 and “The ‘New Departure’ in Journalism,” *The Journalist*, March 18, 1887, 356-57.

<sup>9</sup> E. L. Shuman, *Practical Journalism: A Complete Manual of the Best Newspaper Methods* (New York and London: D. Appleton and Co., 1910), 98-99.

<sup>10</sup> Andrew Hobbs’s transcription and scholarship on the diary of Anthony Hewitson (1836-1912), a newspaper reporter and newspaper proprietor in Lancashire and Yorkshire is a notable exception. See Andrew Hobbs, “The Hewitson Diaries,” accessed October 21, 2020. <https://hewitsondiaries.wordpress.com/>.

periodical press itself and published materials by newspaper men that set the scene for the kind of work that subeditors completed and the environment they operated within.

To evaluate the labour of subediting, I consider the ways that journalists, press commentators, and subeditors themselves characterized this specialized labour with particular attention to the use of scissors-and-paste journalism. Simply put, scissors-and-paste journalism was the process by which subeditors selected previously published texts for redistribution into the press. However, the practice varied considerably between publications and could include a range of editorial tactics including abstracting, reworking, splicing stories together, simple language modifications, or reprinting verbatim. Sometimes referred to as ‘cut-and-paste’, it was a method typically associated with subeditors who used it to quickly and cheaply produce copy for publication.<sup>11</sup> The work was intensive, complicated, and an essential part of information circulation in the nineteenth century newspaper and periodical press.

Subediting’s practical aspects rouse a range of questions: What did the subeditor’s room look like? What tools did subeditors use? What was the nature of their work? What essential skills and qualities did subeditors need for success? In answering these questions, consistent evidence emerges in the instructive, explanatory, and literary records. This chapter establishes how through the labour of reading and revision, the subeditor’s work was concerned with resolving the limits of space and time. I consider how time constraints (including the speed of editing to meet press deadlines) and space demands (such as word limits and page count) shaped subediting work in the late-nineteenth century newspaper press. By using descriptive accounts

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<sup>11</sup> See Catherine Feely, ‘Scissors and Paste Journalism,’ *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 561.

provided by journalists in addition to fictional examples of subediting, I show the behind-the-scenes work of making newspapers.

### *Inside the Subeditor's Room*

In July 1881, Thomas Frost took up an appointment as subeditor for the *Sheffield Evening Post*.<sup>12</sup> Frost, a country journalist in Yorkshire and author of considerable experience, was in need of employment, and while he had hoped for more compensation than the newspaper's proprietor offered, he admitted that he was forced to accept the terms despite "a very wide difference of ideas as to what the remuneration of the sub-editor of an evening journal should be."<sup>13</sup> Upon arriving at the newspaper's offices, Frost found that the proprietor, Henry Haig Murphy, wanted him to take on more than the responsibilities of subediting and also act as the editor, leader-writer, and reader.<sup>14</sup> In fact, Frost was surprised to learn that he was expected to run the newspaper office with only two other men: a single reporter of questionable experience named Fisher, and a man named Bloomer who acted as a canvasser, collector, and bookkeeper. Frost put the gravity of the matter quite candidly in his memoir, writing that Murphy "did nothing himself."<sup>15</sup> The new subeditor describes himself as quick to learn the task, which was fortunate,

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<sup>12</sup> For Thomas Frost's other writings, especially his contributions to working-class writing, see Peter Gurney, "Working-Class Writers and the Art of Escapology in Victorian England: The Case of Thomas Frost" *Journal of British Studies* 45.1 (January 2006): 51-71. For Frost's contributions to Chartism, see Dorothy Thompson, *The Chartists: Popular Politics in the Industrial Revolution* (London: Breviary Stuff Publications, 1984), 221; 232.

<sup>13</sup> Thomas Frost, *Reminiscences of a Country Journalist* (London: Ward and Downey, 1886), 273.

<sup>14</sup> For a comprehensive history of the management of a national evening newspaper, see Dennis Griffiths, "The Early Management of the *Standard*," in *Investigating Victorian Journalism*, ed. Laurel Brake, Aled Jones, Lionel Madden (London: Palgrave Macmillan, 1990), 120-32.

<sup>15</sup> Frost, *Reminiscences*, 276.

as only three weeks into the new position, his employer was found guilty of libel against a Leeds brewer and was sentenced to six months in prison.<sup>16</sup>

Frost recounts his anxiety over his employer's libel accusation as he had not been briefed about its details or the severity of the charge before his employment.<sup>17</sup> While Murphy was away on trial in Leeds, it was Frost's first time producing a newspaper entirely without oversight. To make matters even more hectic for the novice subeditor, Fisher, the bungling journalist, failed to send his report on the ongoing libel case. However, before Frost began printing the paper's first edition, he received telegrams from Murphy with updates on the trial's progress, which he revised into a news article. The telegram ended with the counsel for the prosecution reading out the alleged libel, and to give full effect of the legal proceedings in Leeds, Frost included it in the newspaper's account of the trial. A turn of events in court, however, resulted in chaos at the *Sheffield Evening Post*. As the first edition was being printed, another telegram from his employer arrived. To Frost's astonishment, Murphy had withdrawn his argument that the text was justified and pleaded guilty to the libel.<sup>18</sup> Frost explains his actions after receiving the news: "I rushed downstairs, stopped the machine, and had the libel taken out; for, as sentence was deferred till [the next] morning, the republication of the libel would have been an aggravation of the offence, and probably increased the severity of the sentence."<sup>19</sup> The relationship between man and machine was typically explained as harmonious in the production of newspapers.

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<sup>16</sup> "The Richdale Libel Case," *Sheffield Daily Telegraph*, August 6, 1881, 16.

<sup>17</sup> Frost, *Reminiscences*, 276.

<sup>18</sup> Frost, *Reminiscences*, 277. In 1881, there were three chief defences for an editor who was sued for libel: justification, fair comment, and privileged reports. For Justification, the defence had to argue that the words in question were substantially true. However, if there was exaggeration the plea would fail. The defence could argue that the meaning of the text was correct in substance and that the details which are not justified produce no difference effect on the mind of the reader than the actual truth. For an explanation of libel laws in newspaper before the amendments to the Libel Act in 1881, see "The Law of Newspapers," *Mitchell's Newspaper Press Directory* (London: C. Mitchell and Co., 1873), 6-8.

<sup>19</sup> Frost, *Reminiscences*, 277.

Journalist H. Frisby detailed in the magazine *Young England* how human labour worked in time with the mechanical process of newspaper production, where editors and typesetters worked to keep pace with the “marvellous machine” that prints, cuts, and folds papers while the workers “proceed like clockwork.”<sup>20</sup> In Frost’s case, he was ever pressed for time and the printing interruption set the paper’s production schedule back by an hour for the first edition and half an hour for the later editions.<sup>21</sup> Waiting until the eleventh hour for Fisher’s report, which never arrived, Frost was forced to send for copies of another Sheffield paper, the *Evening Star*, which already had its issue on newsstands, and form his own report from theirs for the final edition. With the final edition off to the press and having narrowly overcome a potentially disastrous scenario with sound judgement and quick thinking – and Murray sentenced to prison – Frost believed that he had become editor, in his words, “in name as well as in fact.”<sup>22</sup>

Frost’s first-hand account reinforces the explanations of subeditorial work appearing throughout the press. An 1897 account in *Nineteenth Century* underlines the importance of this aspect of journalistic labour and describes the subeditor’s room as “the real centre and heart of the mighty machinery of the daily newspaper office.” Further emphasizing the subeditor’s importance to producing journalism, journalist Michael MacDonagh judged that “the presiding genius of that department depends, in a large measure, on the success or failure of the journal.”<sup>23</sup> In preparing content for publication, it was the subeditor “who, as grand censor, selects from the overwhelming mass of news which pours in an unceasing stream into the newspaper office that which is most valuable and most interesting, and sees that it is presented to the readers of the

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<sup>20</sup> H. Frisby, “A Night in a Newspaper Office,” *Young England*, August 1, 1891, 377.

<sup>21</sup> Frost, *Reminiscences*, 277.

<sup>22</sup> Frost, *Reminiscences*, 278.

<sup>23</sup> Michael MacDonagh, “In the Sub-Editor’s Room,” *Nineteenth Century*, December 1897, 999; 999-1008.

journal grammatically correct, and in a bright, pointed, and attractive form.”<sup>24</sup> While this characterization did not indicate journalistic independence, the subeditor had considerable obligation and direction over shaping the paper’s tone and character. They selected which news items were included in the publication and held authority over which journalists, secretaries, or officials they solicited and compensated for contributions. Furthermore, they determined which publications to rely on for abstraction. Some of this was shaped by a paper’s politics and institutional factors, but the majority of the content was, in effect, curated by the subeditor who gave the publication its individuality.<sup>25</sup>

While Frost understood the importance of his role at the *Sheffield Evening Post*, the challenges nevertheless continued. Shortly after Murphy’s departure, Fisher submitted a report on an important meeting regarding the Transvaal question held at Cutlers’ Hall in Sheffield. Frost describes the article as fairly well-written and, being very busy and short-staffed in producing the newspaper’s next number, he included it in the publication without question. He later learned that the article was actually not written by Fisher but was a simple job of scissors-and-paste journalism. Looking for a quick remedy for the work of producing copy, Fisher had submitted, as his own, an article that had appeared in one of the morning papers. When Frost confronted Fisher about the matter, he freely admitted to it. Frost found the action entirely improper but he explains that he was not in a position to dismiss Fisher from his employment with the newspaper.<sup>26</sup> The reproduction of news was pervasive; however, many journalists who produced original copy, and the proprietors who compensated them for it, argued that this

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<sup>24</sup> MacDonagh, “In the Sub-Editor’s Room,” 999.

<sup>25</sup> For a list of complaints detailed by the Institute of Journalists regarding the misuse of the subeditor’s power to shape publications and the journalistic industry, see “Summary of Returns,” *The Journalist*, August 15, 1891, 5-6. See also Chapter 3.

<sup>26</sup> Frost, *Reminiscences*, 279.

conduct amounted to literary robbery. They wanted the law to restrain the traffic of news that was not independently obtained or original work.<sup>27</sup>

In this case of the *Sheffield Evening Post*, it was an indolent reporter who submitted the copied text as their original work. Frost noted that he too participated in using previously published material to form his own report when his colleague failed to submit one. The National Association for Journalists (NAJ), formed in 1884 (renamed the Institute of Journalists in 1888) to protect the interests of journalists and bring fairness to the profession, took a particular focus on this issue. Some of the association's members advocated that no editor or subeditor "should use to his own advantage another man's copy without fair payment."<sup>28</sup> Despite these efforts, the practice was omnipresent and nearly impossible to monitor across the entire newspaper and periodical press. One commentator went so far as to earnestly suggest that, as part of a qualifying examination for journalistic employment, the candidate should be handed a bundle of old newspapers and a pair of scissors to assemble a paper with "'original articles' and 'special telegrams'."<sup>29</sup> Throughout the century, the ability to efficiently punch up a text and speedily select the best articles for reprinting was an essential part of the successful subeditor's repertoire.

E. L. Shuman's *Practical Journalism*, a handbook for navigating the metropolitan newspaper published in 1910, describes the "man who writes with shears" as "held quite closely within the limits of his paper's policy" and relying heavily on "the faculty of swift reading" to accomplish his daily tasks.<sup>30</sup> Shuman elaborates:

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<sup>27</sup> "News 'Parasites'," *The Journalist*, August 10, 1888, 8.

<sup>28</sup> See, for example, "The Institute of Journalists London District – The Linage Report," *The Journalist*, January 16, 1892, 4-5. See especially, Chapter 3.

<sup>29</sup> *The Journalist*, January 21, 1887, 238.

<sup>30</sup> Shuman, *Practical Journalism*, 98-99.

It is his duty to look through the newspapers of the rest of the English-speaking world in search of interesting miscellany and pointed comments of other editors, to choose such articles or extracts as will suit the policy and politics of his papers, to give them the proper credit lines telling what paper they are from, and to write new headlines that will suit the typographical make-up of his own journal. This sounds simple, but the work requires the news instinct and other journalistic talents to a high degree.<sup>31</sup>

Contrary to Shuman's description, credit lines were not always given when a text was subjected to scissors-and-paste work. As I explore in later chapters, the result was a number of high-profile copyright claims and considerable efforts by some newspaper managers and proprietors to revise the law in order to better protect news that was independently and specially obtained from republication. While credit for producing news was important to the journalistic trade, compensation was even more so. Smaller publications would habitually rely on major metropolitan dailies to collect news that was expensive to acquire on account of telegraphic charges and compensation for journalists, and then simply reprint the news in their own publication, in different words, with or without credit. While all variety of texts were subjected to scissors-and-paste, from the lowly joke to the high-profile foreign correspondence, it was the reproduction of matter that was costly to procure that drew the frustration of newspaper proprietors and managers. They argued that the practice affected their ability to gain a return on their investment.<sup>32</sup>

The work of scissors-and-paste, according to accounts that were meant to inform readers as to the practice of journalism and venerate the art and skill employed by its agents, was

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<sup>31</sup> Shuman, *Practical Journalism*, 98.

<sup>32</sup> This outlook is discussed in detail through the *Walter v. Steinkopff* case in Chapter 4 and C. F. Moberly Bell's testimony to the House of Lords Select Committee on Copyright in Chapter 5.



occupied with vigilant reading and attention to detail to effectively capture the periodical's politics and voice.<sup>33</sup> According to Shuman:

Each day [the subeditor] must read a pile of papers almost as high as his desk, and it will count against him if he misses any important article of special interest to his own community. He must have the ability to know at a glance whether or not there is anything quotable on a page, and to run his eye down an editorial column and pick out its salient paragraph in a moment.<sup>34</sup>

Subediting in the Victorian press was more complex than merely reading with purpose. The work demanded “accurate judgement, good taste, and up-to-date knowledge on all subjects.”<sup>35</sup> As an editor's job included, according to Robert L. Patten and David Finkelstein, “promoting an ideology” and “giving the periodical a distinctive character,” there is an intellectual struggle to this type of reading.<sup>36</sup> Subeditors in the Victorian newspaper and periodical press were readers, authors, *and* editors. Nowhere else in Victorian media do so many types of intellectual labour fuse into the responsibility and practice of a single profession – at least not under the pressures of time and space that the press demanded.

The subeditor and his or her assistants, should a newspaper have them (the largest newspapers having as many as five or six), would select the “choicest morsels” and paste each item to a sheet of white paper.<sup>37</sup> Referred to by some as “jetsam and flotsam” (the unwanted

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<sup>33</sup> See also, for example, John Pendleton, “The Autocrat of the Night,” *Good Words*, December 1900, 782; 781-84.

<sup>34</sup> Shuman, *Practical Journalism*, 99. For an amusing account of an American editor who failed to recognize good copy, see Mark Twain's short story, *Journalism in Tennessee* (1869).

<sup>35</sup> Shuman, *Practical Journalism*, 99.

<sup>36</sup> Robert L. Patten and David Finkelstein, “Editing *Blackwood's*; or, What Do Editors Do?” in *Print Culture and the Blackwood Tradition, 1805-1930* (Toronto: University of Toronto Press, 2006), 152; 155-59; 169-71.

<sup>37</sup> Subeditors were mostly men, but by no means exclusively. For example, between 1897 and 1907 Ann Marry Sparrow worked as a subeditor for *The Household*, *The Woman's Herald*, *The Vegetarian*, and

material or cargo thrown overboard from a ship and the wreckage of a ship washed ashore, respectively), the subeditor would then go over each item with a blue editor's pencil and make revisions, redactions, and assign new headlines.<sup>38</sup> The work of revision was meant to manipulate what was 'stale' or yesterday's intelligence "into spicy items of news and personal gossip" for republication.<sup>39</sup> However, the language of 'morsels' or unwanted materials in fact downplays the nature of the scissors-and-paste and the value of reprinted texts. The practice of lifting minor texts that were unimportant or inconsequential to a publication as a whole may have, in some cases, been an innocuous routine. However, in many of these cases, salvaged and reused texts collected from various publications comprised the news content that newspaper readers wanted to stay informed on all topics. Moreover, the language surrounding the practice of scissors-and-paste that described the clippings subeditors collected as morsels, flotsam, and jetsam implies that only minor texts were subjected to the subeditor's shears. This was not necessarily the case.

Journalist Michael MacDonagh noted that, while the "work of the scissors is indispensable, and a pot of paste is absolutely necessary [...] it is not all 'scissors and paste,' as the work is rather contemptuously termed."<sup>40</sup> This was a common misconception. As early as 1851, *Punch* disparagingly recommended that the motto for all subeditors should be "Aut scissors, aut nullus" playing on the phrase "aut Caesar, aut nullus" (either Caesar or nobody)

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*Pleasures: A Sporting Magazine*. I am grateful to Laura Vorachek for bringing this to my attention. For Ann Marry Sparrow's other journalistic work, see Laura Vorachek, "'How little I cared for fame': T. Sparrow and Women's Investigative Journalism at the Fin de Siècle," *Victorian Periodicals Review* 49.2 (Summer 2016): 333-61.

<sup>38</sup> Monica F. Cohen's description of "wrecking culture" in Walter Scott's *The Pirate* offers a similar explanation for "limited ownership and public usage as a matter of culture" in the appropriation of literary property. Monica F. Cohen, *Pirating Fictions: Ownership and Creativity in Nineteenth-Century Popular Culture* (Charlottesville, Virginia: University of Virginia Press, 2017), 85-89. See also Elizabeth M. Cuddy, "Salvaging Wreckers: Sir Walter Scott, the Pirate, and Morality at Sea," *Studies in English Literature* 50.4 (Autumn 2013): 793-807.

<sup>39</sup> MacDonagh, "In the Sub-Editor's Room," 1005-6.

<sup>40</sup> MacDonagh, "In the Sub-Editor's Room," 1005.

suggesting that the subeditor's work was completed entirely with scissors, otherwise, not at all.<sup>41</sup> The objective of subeditorial work, according to historian Joel H. Wiener, was that even when it relied heavily on verbatim reprinting from previously published sources, it was to “simulate a feeling of ‘real news’ that would have instant appeal to the consumer.”<sup>42</sup> There was considerable skill in selecting the *right* pieces of news to replicate, and substantial work in efficiently enhancing, revising, or resituating items as necessary for the publication.



**Figure 1.1** “The Sub-Editors at Work,” Supplement to *The Manchester Courier*, January 1, 1901, ii. This image featured in a New Year’s supplement about the arduous duty of reporting work in the newspaper press.

<sup>41</sup> The turn of phrase was used at least as early as 1847 in *Punch* in reference to a dramatic author’s unoriginal work. See “Motto for a Sub-Editor,” *Punch Almanack for 1851*, (London, 1851), 103. Ellen Gruber Garvey has also noticed the use of this turn of phrase in the American periodical press in the late nineteenth and early twentieth century. See Ellen Gruber Garvey, *Writing with Scissors: American Scrapbooks from the Civil War to the Harlem Renaissance* (Oxford and New York: Oxford University Press, 2013), 32-36.

<sup>42</sup> Wiener, *The Americanization of the British Press*, 213.

This practice of dispatching news and information underpins the importance of newness in the newspaper press. In every way, time shaped the subeditor's role of making old texts appear new. Where newspapers were a commodity and medium for communicating information that had an exceptionally short shelf life with readers wanting 'the latest', the subeditor allowed for the individual texts that made up the newspaper to last much longer in the marketplace. Margaret Beetham suggests that scholars should "rethink the importance of the periodical's relationship to time, particularly each number's claim of being 'new' and of the moment;" subediting accounts show that much of the periodical content was new merely in presentation of the material form.<sup>43</sup> To situate conceptions of time in the newspaper and periodical press, scholars should consider Beetham's recommendation in congruence with Marshal McLuhan's famous observation that "the medium is the message."<sup>44</sup> For readers of the periodical press, periodicity promised new information; that promise shaped the reader's expectations and understanding of the medium. Date-stamping the product and branding various editions of newspapers as 'morning' or 'evening' of various editions were effective tools to redeploy old texts, crucially affecting the ways audiences perceived the enclosed information. Being date-stamped, this type of materiality may have been filled with old texts that a subeditor had reconfigured to appear new, but as a commodity it was still "of the moment". It communicated the publication's 'latest' account of what a subeditor deemed the most essential and relevant information for their readers.<sup>45</sup>

Much of the subeditors' work was marked by the need to update and adapt to contextualize the news. This was accomplished by providing new information to articles across each of the paper's daily editions. As Laurel Brake has discussed, daily newspapers typically

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<sup>43</sup> Margaret Beetham, "Time: Periodicals and the Time of the Now," *Victorian Periodicals Review* 48.3 (Fall 2015): 337-38.

<sup>44</sup> Marshal McLuhan, *Understanding Media: The Extension of Man* (New York: McGraw-Hill, 1964).

<sup>45</sup> Beetham, "Time: Periodicals of the Time and Now," 323-42.

published multiple editions with different pieces of information as stories developed and more information flowed into the newsroom. Each edition was meant to respond to the marketplace with first editions in the morning, and later editions provided for commuters outside London.<sup>46</sup> In the case of a four-page evening paper in a folio format (one sheet of paper, printed on both sides and folded once to give four pages) such as the *Sheffield Evening Post*, where Thomas Frost worked publishing three editions each day, the front and back and the first inside page would appear unchanged after the first printing.<sup>47</sup> The content on these pages for a typical four-page evening newspaper would consist of advertisements, personal gossip, a leading article, and notes. Often a short story and other miscellaneous matter would also be included, depending on the paper and the particular market. The subeditor's work in this instance was generally confined to page three in the organization and preparation of the most recent news. Depending on the paper, the subeditor may have organized the other three pages if not completed by the editor. Fresh news items arrived in the subeditor's room by way of "messenger, post, telegraph, and tape machine" and it was the subeditor's responsibility to "read every item that comes in, rejecting, selecting, reprinting, abbreviating."<sup>48</sup> Journalist Michael MacDonagh captures the variation of news the subeditor attempted to scrutinize and consolidate on any given day:

They deal with the latest murder in the East End of London; the day's transactions on the New York Stock Exchange and the Chicago Produce Exchange; a long debate in the House of Commons; special reports from representatives of the paper at a Welsh colliery accident; a train collision in Northumberland; a murder mystery at Plymouth; Reuter's supply of

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<sup>46</sup> Laurel Brake, "Tracking: Victorian Literature and its Readers," *Romanticism and Victorianism on the Net* 55 (August 2009), <https://doi.org/10.7202/039555ar>. See also "The Great London Dailies," *The Leisure Hour*, September 1892, 740; 740-43.

<sup>47</sup> Frost, *Reminiscences*, 277.

<sup>48</sup> MacDonagh, "In the Sub-Editor's Room," 1008.

news from all parts of the world; sporting news, race meetings, football or cricket matches, communications from correspondents at Paris, Berlin, Rome, and New York; the grain, vegetable, and meat markets; Stock Exchange Reports; the big strike at Glasgow; the latest French crisis; affairs in South Africa; London police reports; interesting cases from the High Courts, and a thousand and one other items of intelligence. Letters, with a similar collection of news of the most miscellaneous character, are also continually arriving by post and messenger and by railway parcel.<sup>49</sup>

The extent of the news arriving at the newspaper's office would vary depending on a publication's size and the locality it served. However, the goal for the last edition of any newspaper, which was sometimes referred to as the 'extra special', or 'hextra speshul' by the newsboys pressing pedestrians to purchase, was to include the absolute latest news possible.<sup>50</sup> The importance of "deft printing, and speed in the stereotyping and machine departments" cannot be understated, as while swift subediting was crucial to the production process, communication and cooperation with the workers who set the type and operated the printing machines were equally critical.<sup>51</sup>

Pressed by time and space constraints and needing a thorough understanding of the paper's readership in addition to the day's politics and issues, subediting work was referred to by

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<sup>49</sup> MacDonagh, "In the Sub-Editor's Room," 1001.

<sup>50</sup> MacDonagh, "In the Sub-Editor's Room," 1008. In the case of trials of widespread interest, having the results of the contest printed and on newsstands first was a serious business. In one instance, the *Northern Daily Telegraph* went about the clever process of writing up their report for the trial before the verdict was relayed in court leaving blank space at the bottom of the article where the verdict would normally be placed. As other reporters ran out of the courtroom to file their stories, the newsboys for the *Telegraph* were already on the street with India-rubber stamps for either a 'NOT GUILTY' or 'GUILTY' result. The newsboys stamped away as copies "sold like wildfire" to eager readers who wanted the latest. See "Newspaper Enterprise," *The Journalist*, August 23, 1889, 6.

<sup>51</sup> "The Great London Dailies," 740.

some in the industry as having “within its bounds the elements of a fine art.”<sup>52</sup> In *The Journalist*, commentator R. R. Dodds recommended that readers were accustomed to placing “too great a value on that portion of the newspaper which belongs to the editor’s department, and too little on that which comes under the domain of subeditor.”<sup>53</sup> This rivalry, in part, was likely related to the tradition in journalism of ‘once a subeditor, always a subeditor,’ as these workers were rarely promoted. The commentator in *The Journalist* explained:

The sub-editor’s duty generally seems to be looked down upon now as one of mere revision and condensation, and the higher branch of his business – that of displaying what goods he has to submit to the public in the most attractive form – that exercise of his art which ought to be to the newspaper what the successful dressing of a shop window is to the vendor of any article which he seeks to sell – is absolutely denied him.<sup>54</sup>

*St. James’s Magazine* remarked in 1881 that some editors purposely held back good articles penned by their subeditor because if they succeeded in writing articles and essays, the editor could lose the subeditor’s services.<sup>55</sup> Good subediting being so crucial to a newspaper’s production, the newspaper’s proprietors and management would do anything for them “but allow him to aspire to a higher position in the office.”<sup>56</sup> If a subeditor ever had the ambition of journalistic celebrity, this position would almost certainly deny them such goals despite producing so much essential copy. They were the unseen doers, the yeomen of the press.

Journalism was seen by many Victorians as an accessible profession that offered opportunity for social, commercial, and political advancement. Like any other member of the

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<sup>52</sup> R. R. Dodds, “Ideal Sub-Editorship,” *The Journalist*, December 24, 1886, 164.

<sup>53</sup> Dodds, “Ideal Sub-Editorship,” 164.

<sup>54</sup> Dodds, “Ideal Sub-Editorship,” 164.

<sup>55</sup> “Gentlemen of the Press,” 341.

<sup>56</sup> MacDonagh, “In the Sub-Editor’s Room,” 1008.

profession who worked to climb the journalistic ladder, subeditors too sought the glory of the adventure journalist or triumphant editor who had their names readily associated with the production of desirable news and journalistic inquiry.<sup>57</sup> Unlike a newspaper's editor, the subeditor was not seen at public demonstrations or invited to banquets or literary soirées. Patten and Finkelstein, building on Joel Wiener's research, have argued that as editors reached a professional status by mid-century, they "became powerful personalities in the print world."<sup>58</sup> The subeditor was instead perceived as the "gin-horse of the Press" – the power source used to mill out suitable texts for publication.<sup>59</sup> While colloquial descriptions for the job ranged from the beastly 'gin-horse' to the villainous-sounding 'scissors-wielder', newspaper production was dependent on this essential position to read, organize, and prepare news from across the country and globe for publication. Rejecting the title of 'sub' as wrongly alluding to a subordinate position within the newspaper office hierarchy, one contributor to *The Journalist* who identified as a subeditor, suggested that the title should be done away with in favour of something more indicative of their importance to newspaper production. The commentator lamented, "it is hardly fair that they should have to put up with the title of 'sub,' and to figure in the eyes of the public as a reporting, proof-correcting, and general jobbing machine of no great importance." They suggested that a new title of 'director' or 'manager' would be more dignified and better reflect the position's status which brings about "the very life and soul of his paper."<sup>60</sup>

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<sup>57</sup> Fred Wilson, "Journalism as a Profession," *Westminster Review*, July 1896, 427-436.

<sup>58</sup> Patten and Finkelstein, "What Do Editors Do?" 151. See also Joel H. Wiener, "Introduction," *Innovators and Preaches: The Role of the Editor in Victorian England*, ed. Joel H. Wiener, (Westport, Conn., and London: Greenwood Press, 1985), xvi-xvii. For the editor in literary periodicals, see Matthew Philpotts, "The role of the periodical editor: Literary journals and editorial habitus," *Modern Language Review*, 107.1 (2012): 39-337.

<sup>59</sup> John Pendleton, "The Diversions of a Sub-Editor," *The Gentleman's Magazine*, February 1896, 120-25, 121.

<sup>60</sup> Sub-Editor, "Sub-Editors," *The Journalist*, April 15, 1887, 389.



There is a tension between accounts that describe subeditorial work in terms of a political economy of labour stressing the mechanical process of reproduction and organization, and romantic tropes that emphasized the subeditor's genius or gifted brilliance at arranging the news and transforming snippets for publication.<sup>61</sup> This friction plays out in accounts of the press which insist that the subeditor is not responsible for writing the paper's leaders or leaderettes (though, this was not always the case in practice) and thus need not be "a man of high education" or "necessarily possess any considerable literary skill, or capacity for literary expression." Descriptions of subeditorial work note that "a wide knowledge of affairs, a ready brain, and an enormous capacity for wearisome work" were essential and that the subeditor was "the hardest worked man on the paper."<sup>62</sup> Moreover, the position itself was situated as at the limits of promotion. Despite the subeditor's enormous importance to and intimate knowledge of newspaper production, these workers would not transcend to the position of chief editor or manager except in the rarest of cases.

Thomas Frost knew the struggles of an unappreciated subeditor all too well. By January 1882 he left the *Sheffield Evening Post* having been inexplicably unable to renew his contract with Murphy – who was still incarcerated at the Wakefield jail in West Riding, Yorkshire. Needing employment, he took up a position as subeditor for the *Barnsley Times*. Frost notes again in his memoir that although the remuneration offered was little more than what he received in Sheffield, "circumstances constrained me to accept it."<sup>63</sup> Upon arrival in Barnsley, Frost learned that he was faced with a proprietor who was hesitant to invest any money in the

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<sup>61</sup> Richard Salmon also makes this point to discuss the ways that early and mid-Victorian writers approached working-class authorship. See Richard Salmon, *The Formation of the Victorian Literary Profession* (Cambridge: Cambridge University Press, 2013), 136.

<sup>62</sup> Arnot Reid, "Twenty-Four Hours in a Newspaper Office," *The Nineteenth Century*, March 1887, 454; 452-59.

<sup>63</sup> Frost, *Reminiscences*, 285.

publication. He goes on to explain, “Added to this drawback was the fact that, with the exception of one comparatively brief period, the paper had never been well edited.”<sup>64</sup> He recounts that men of ability had attempted to edit the paper but they were “harassed and hampered by the constant interference of the editorial committee, who knew no more of journalism than a pig does of geometry.”<sup>65</sup> That “editorial committee” was a group of Conservatives who owned the newspaper.<sup>66</sup> As Frost explains, one by one the other subeditors had left for better positions. Much like his experience in Sheffield, Frost learned that taking up the position of subeditor for a provincial paper also meant taking on any and all editorial and journalistic work necessary to bring the issue to publication. The subeditor explained:

[...] it being a too common practice of newspaper proprietors at the present day, when they require the services of an editor, to advertise for a sub-editor, who, when installed in the office, finds that he has to be also editor and leader-writer, his employer, by this device, securing an editor for the salary of a sub-editor.<sup>67</sup>

Notices of employment for subeditors *and* editors in the provincial press often advertised with the caveat that the position was “to undertake the whole of duties” or listed required competence and participation in leader-writing, verbatim shorthand, and descriptive reporting, in addition to the journalistic skills of paragraph writing and condensing.<sup>68</sup> To Frost’s displeasure, despite receiving confirmation in his case that the position was “not a nominal editorship,” he recounts that in addition to the responsibilities of subediting, he was required to assist in producing

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<sup>64</sup> Frost, *Reminiscences*, 286.

<sup>65</sup> Frost, *Reminiscences*, 286.

<sup>66</sup> Frost, *Reminiscences*, 285.

<sup>67</sup> Frost, *Reminiscences*, 287.

<sup>68</sup> See, for example, “Advertisement,” *The Athenaeum*, August 22, 1874, 226; “Advertisement,” *The Athenaeum*, January 22, 1876, 109; “Advertisement,” *The Athenaeum*, March 8, 1884, 297. See also “Situations Wanted,” *London Daily News*, April 2, 1880, 8; “Experienced,” *Glasgow Evening Post*, April 22, 1885, 1; “Turf Reporter Wanted,” *Yorkshire Post and Leeds Intelligencer*, June 22, 1870, 4.

reports, “and was subject to almost daily interference, which appeared to consist the proprietor’s whole understanding of editorship.”<sup>69</sup> Interference in newspaper production made the time-sensitive process all the more difficult.

In the case of a London evening newspaper, the subeditor would typically arrive at the newspaper office at eight o’clock in the morning. He would characteristically wear a dust coat to protect himself from the ink and paste they would interact with throughout the day and exchanged his boots for a pair of slippers as they paced about the office.<sup>70</sup> While the contents and furniture in the subeditor’s room would vary among publications, it was common for there to be several chairs and tables at which the subeditor and his assistants could sit or stand to work. A newspaper’s library and reference collection were kept in the subeditor’s room on account of them needing to use the material most often to verify information and provide supplementary details to news stories.<sup>71</sup> Towards the end of the century, newspapers would have also had the room furnished with a telegraph, and later a telephone, to receive news directly from agencies and reporters. As the paper went to press, sounds of clicking and clacking made by compositors who set the type for printing as well as the printing machine’s hum and vibrations would fill the subeditor’s room.<sup>72</sup> In larger establishments, the subeditor also relied on a “labyrinth of speaking tubes” made of India rubber to communicate with the various departments throughout the newspaper office.<sup>73</sup> As one commentator put it, the subeditor’s room was “the real heart and

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<sup>69</sup> Frost, *Reminiscences*, 288.

<sup>70</sup> “Sub-Editing a London Newspaper,” *Chambers’s Journal*, October 18, 1879, 664; 663-64. See also “Scissors and Paste,” *Chambers’s Journal*, December 14, 1867.

<sup>71</sup> “The Establishment of Newspapers,” *The National Review*, August 1885, 819; 818-28.

<sup>72</sup> For a clear description of compositing work, see Philip Gaskell, *A New Introduction to Bibliography*, (Oxford: Oxford University Press, 1972), 40-56.

<sup>73</sup> For a detailed description of a subeditor’s room on Fleet Street, see Joseph Hatton, “The Editor,” *Ludgate Illustrated Magazine*, January 1895, 227; 227-56. See also Henry Leach, *Fleet Street from Within* (Bristol: J. W. Arrowsmith, 1905), 7-27. See especially “Scissors and Paste,” *Chambers’s Journal*, December 14, 1867, 785.

centre of the great machine whose influence is felt all over England; and the man who labours here is he who approaches most nearly to the popular ideal of a newspaper editor.”<sup>74</sup>

Setting to work at a writing table, the subeditor started his day by preparing copy using the latest morning papers and the evening papers from the day before. Snipping out columns of news, the subeditor would hand the clippings off to the assistants with instructions to assign news headings and cut down the length, all while “himself still keeping his scissors busily employed.”<sup>75</sup> For larger metropolitan papers, especially in London, a City Editor was responsible for news arriving from the Stock Exchange or other information of financial intelligence which would arrive by telegraph.<sup>76</sup> While this practice of relying on previously published news was standard across the newspaper industry, some journalists such as Andrew Dunlop argued that this method was wholly “disastrous to true journalism” as it did not offer readers “a fair record of the day” but rather a “distorted” and “incomplete” account through systematization.<sup>77</sup> Nevertheless, the practice was typical for newspaper production. As the condensing and revisions got underway and the copy piled up, the compositors, who habitually arrived a half hour to an hour after the subeditor, would be ready to assemble the type as it was sent up from the subeditor’s room.

After ten o’clock, with essential copy extracted and condensed from the morning papers, the subeditor then set to writing a summary of the day’s news. The assistants were assigned duties ranging from writing summaries of foreign intelligence to compiling reports from the press on the issues of interest. Major metropolitan newspapers would compile the news of the day with special attention to American, Colonial, and French journals, linking parts of the British

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<sup>74</sup> Scissors and Paste,” *Chambers’s Journal*, 785.

<sup>75</sup> “Gentlemen of the Press,” *St. James’s Magazine*, November 19, 1881, 342.

<sup>76</sup> “Gentlemen of the Press,” 342.

<sup>77</sup> Andrew Dunlop, “Journalism and News Agencies,” *The Journalist*, October 15, 1891, 9; 8-10.

Empire through newspaper media and supporting political and social interconnection.<sup>78</sup>

Depending on the day, an assistant subeditor might have been required to develop an obituary for a deceased person of note using one of the many reference books that were typically kept in the subeditor's room. Another assistant might have been required to summarize recent governmental dispatches that would be of interest to the community. If a newspaper did not employ a dedicated Sporting News Editor, this responsibility would fall on the subeditor's room and an assistant would transcribe the telegraphed notices and arrange information on the latest results of horseracing, cricket, boating, rowing or other sporting results. All the while, the chief subeditor would fill large wastepaper baskets with items he deemed unfit for publication, reducing the news of the day down to the material that would best inform and entertain the newspaper's readership. Perhaps most importantly, the chief subeditor had to be especially cautious so as to not reproduce an item which may have been deemed an "injudicious sentiment or libellous expression" and run the risk of leaving the newspaper financially vulnerable to litigation.<sup>79</sup>

Around eleven o'clock, the subeditor met with the reporters and then sent them to attend and report on meetings, events, and happenings of significance to include in the later editions.<sup>80</sup> News would still be streaming into the office, including police reports, judgements in law cases, and important telegrams. The subeditor worked to quickly cut the most essential news down and, with quick work in the compositor's room, had those items fitted into the first edition, which was prepared to go to press by noon. For those papers which subscribed to an agency service such as

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<sup>78</sup> "Sub-Editing a London Newspaper," 664.

<sup>79</sup> "Sub-Editing a London Newspaper," 664. Responsibility for libellous texts was a very real concern for subeditors. The matter was turned into a three-act comedy by Edmund Payne and Cyril Harrison, titled "The Sub-Editor," and was first staged in November 1896 at the Brixton Theatre. The plot was such that when the editor, Christopher Careless, for the fictional newspaper the *Weekly Whopper*, is charged with libel, he blames the subeditor, a literary hack named Turradiddle Flukeham, for the item's inclusion. It is Flukeham who the plaintiffs pursue for the libels. See "The Sub-Editor," *Era*, November 7, 1896, 13.

<sup>80</sup> "Gentlemen of the Press," 343.

Reuters or the Press Association for the latest reports, this content would stream into the office as telegrams on sheets of thin oiled carbonic paper, called ‘flimsy’, used for making several identical copies of the same material.<sup>81</sup> The telegrams themselves would “emit a powerful and unpleasant smell” on account of the oil and lamp black (also known as carbon black, produced by the incomplete combustion of heavy petroleum products) used in manufacturing the ‘flimsy’ which quickly had the subeditors’ fingers resemble “those of a chimney sweep.”<sup>82</sup> With the first edition arriving on newsstands between half-past twelve and quarter to one, the subeditor and his assistants would then take their morning break.<sup>83</sup>

Just as with the first edition, the routine of sifting through the news and condensing text continued with the second edition, which was typically completed by four o’clock in the afternoon, and the third edition, which was sent to print before six in the evening. After the first edition, however, if the newspaper employed assistants, some of them might be released from their duties for the day, with each subsequent edition requiring less work. The bulk of the remaining labour for the ensuing editions involved the subeditor and his assistants revising, enhancing, and reworking copy submitted by ‘liners’ (often referred to as penny-a-liners on account of their poor compensation) for publication. This news consisted of reports involving inquests, street accidents, crime, fires, or any sort of captivating story the reporters managed to come across.<sup>84</sup> The copy was predictably “badly written, badly spelled, ill composed, and

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<sup>81</sup> “The Evening Newspaper,” *Time*, August 1887, 180-85; 182. See also Donald Read’s chapter “The World’s News 1865-1914” in *The Power of News: The History of Reuters* (Oxford: Oxford University Press, 1992), 90-110.

<sup>82</sup> Alfred Baker, *The Newspaper World: Essays on Press History and Work, Past and Present* (London: Isaac Pitman & Sons, 1890), 68-69.

<sup>83</sup> “Gentlemen of the Press,” 342-43.

<sup>84</sup> “Gentlemen of the Press,” 344.

ungrammatical” but after the subeditor or one of his assistants was finished with revisions and additions, it made “an interesting column of news.”<sup>85</sup>

Additionally, the subeditor’s office was responsible for correcting political speeches that reporters would telegraph into the newspaper office. While many reporters would telegraph the contents of speeches, reporters and newspaper readers took notice of considerable variance in the contents of what was meant to be verbatim reporting. Whether errors in the subeditor’s work of revising copy or differentiation in the verbatim reporting itself, accounts of the same event or speech could often vary considerably. A report in *Reporter’s Journal*, compared verbatim accounts of Gladstone’s speech at the National Liberal Club in April 1888 and identified nearly 80 variations – including several contradictions – between *The Times* and the *Daily News* which both claimed to have word-for-word accounts.<sup>86</sup> In a similar comment on the ability of subeditors to shape a news report by omitting or embellishing information as demands to fill more or less space on the page required, the *Sporting Times* noted the variance in length and the inclusion or exclusion of laughter and cheers in the various versions of the same event. The observer suggested that the subeditor had the ability to make news reports “dull as ditch-water or light as a *soufflé*, by either omitting or retaining the (cheers) and (laughter).”<sup>87</sup> Going on to compare five reports of varying length about a recent libel case heard at Guildhall, the report noted:

In the *Daily Telegraph* report (over four columns) the cheers and laughter are noted only twice. In the *Daily News*, about the same length, they occur twenty-five times. In the

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<sup>85</sup> “Sub-Editing a London Newspaper,” 663.

<sup>86</sup> “‘Verbatim’ Reporting,” *The Journalist*, July 13, 1888, 3. Some of the variations were listed as follows: prolonged/continues; there left open no doubt/that they admit of no doubt; in the quietude in the grave/in the quietude in the air; combatism [sic]/conduct; has been of so weighty and importance/have become so inexpressively wide and important; construction/consideration; exhibited/excepted; he does appear to feel/he does not care to feel; that he must have broached this question/he appears to have put the question.

<sup>87</sup> “Sporting Notes,” *The Sporting Times*, October 1879, 1.

*Standard* (three column), eight times. In the *Chronicle* (over five columns), twenty times.

And in the *Globe* (five columns), twenty. Funny, isn't it?<sup>88</sup>

The closing line hints at the unreliability of verbatim news reporting. However, the cutting down and rearrangement of content may have in fact been the work of subeditors who revised reports for clarity as well as cut them down (or expanded them) to make the news fit on the page.

These differences in reporting may have stemmed from the reporter's account and not from an unreliable subeditor, however there is no doubt that the meaning of some news was shifted or diminished in the subeditor's room. Complicating matters further, if news was telegraphed with incorrect spelling or obscure phraseology (often used to reduce the immense telegraphic charges), it was up to the subeditor or their assistant to extract the meaning.<sup>89</sup> The subeditor needed to remain sharp, as miscommunication through the telegraph combined with ineffective subediting could result in embarrassing errors.<sup>90</sup> The texts that passed through the subeditor's hands were not stable. Subeditors mediated and interpreted newspaper content with the publication's mandate and the readers' interests in mind.

By October 1882, Thomas Frost was once again looking to improve his standing in the newspaper world after eight months of subediting for the *Barnsley Times*. When he failed to receive a promised increase in compensation, Frost left his family behind and headed to Liverpool to work as subeditor for the *Evening Albion*.<sup>91</sup> For Frost, the opportunity was a welcome change. Initially left to complete the subediting for the *Albion* without interruption or additional tasks, Frost was momentarily pleased with his work and employer. However, shortly thereafter, the subeditor came to the realization that each person working for the *Albion* had

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<sup>88</sup> "Sporting Notes," 1.

<sup>89</sup> "Sub-Editing a London Newspaper," 664.

<sup>90</sup> See "Telegraphic Blunders," *Chambers's Journal*, November 2, 1889, 700-1.

<sup>91</sup> Frost, *Reminiscences*, 308.



received a notice of dismissal except for himself. Inquiring into the matter, Frost learned that the daily newspaper was to be amalgamated with a morning newspaper, *Telephone*, which was produced by the same proprietor. Frost explains that only weeks before, he had been asked to take over subediting for *Telephone* but declined on account of not wanting to undertake night-work for the morning paper. To his dismay, Frost now realized that the offer had in fact been his opportunity to maintain employment and, having turned down the position, he was once again jobless.<sup>92</sup> Defeated, Frost returned to his family in Barnsley before winter.<sup>93</sup>

Newspaper production was shaped by the necessities of time perhaps more than any other factor. For a morning newspaper to arrive on newsstands and breakfast tables across the country, work had to begin between seven and eight o'clock in the evening, depending on the publication. Just as in the case of the evening papers, as the work was completed, the subeditor would send his assistants home (around two o'clock in the morning) and the chief subeditor would stay (until two-thirty or three o'clock in the morning) "to see the paper 'to bed'." <sup>94</sup> At a major paper such as *The Times*, by four o'clock, the distribution department opened with porters, carters, and newsvendors waiting for bundles of the paper to sell. Finishing the paper on time was critical, as by five o'clock, trains leaving London would need to have a stock of papers if the news was to arrive at its destinations on time.<sup>95</sup> While distribution networks were essential to the success of any newspaper, in order for delivery services to remain reliable, the subeditor needed to ensure

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<sup>92</sup> Frost, *Reminiscences*, 310-11.

<sup>93</sup> Frost, *Reminiscences*, 312.

<sup>94</sup> "Sub-Editing a London Newspaper," 664.

<sup>95</sup> "Night Visit to a Newspaper Office," *Answers*, December 7, 1889, 2.

that production was completed on schedule.<sup>96</sup> In every way, speed was vital as the deadlines were unforgiving.<sup>97</sup>

*My Ducats and My Daughter*, an 1884 work of fiction by the literary team of Hunter P. Hay and Walter Whyte, effectually narrates the persistent demands of subediting a late-nineteenth century London morning paper. The *Athenaeum* commented that the novel captured the public fascination with journalism and the “ingenuous young men who desire an easy and independent career” and the *Westminster Review* noted that the novel was “particularly admirable in those pages dealing with the true inwardness of a newspaper office.”<sup>98</sup> In the account, the protagonist, Arthur Lynn, renounces his “cherished Gospel of Leisure” for the nightly toil of working as a subeditor at the fictional morning newspaper, *Forum*, published in London.<sup>99</sup> Anticipating his new career in journalism, Lynn “pictured himself dashing off brilliant articles at the dead of night, and going home tranquilly to sleep, while men were talking of them everywhere,” taking on the industry trope of the young man who misunderstood the work of journalism.<sup>100</sup> The reality, he swiftly learned, was a gruelling routine of reading, marking up and revising copy that began each evening at half-past seven. In an “uncomfortably hot” and unventilated subeditor’s room with blinds drawn and lit by gas-jet lamps, Lynn learns the subeditor’s work at a leather-covered table under the supervision of the head subeditor, Mr.

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<sup>96</sup> For distribution networks, see Lisa Peters and Kath Skinner, “Selling the News: Distributing Wrexham’s Newspapers, 1850-1900,” in *Periodicals and Publishers: The Newspaper and Journal Trade, 1750-1914* ed. John Hinks, Catherine Armstrong and Matthew Day (New Castle, DE and London: Oak Knoll and The British Library, 2009), 203-222.

<sup>97</sup> W. J. Gordon, “The Newspaper Printing of Today,” *The Leisure Hour*, February 1890, 263-68.

<sup>98</sup> “Advertisement,” *The Academy*, June 16, 1894, 485; “Novels of the Week,” *The Athenaeum*, May 17, 1884, 629; “Belles Letters,” *Westminster Review*, July 1894, 238.

<sup>99</sup> [Hunter P. Hay and Walter Whyte], *My Ducats and My Daughter* (London: Kegan Paul, 1884), 47. For attribution, see Troy J Bassett, *At the Circulating Library: A Database of Victorian Fiction, 1837-1901*, Victorian Research Web, <http://www.victorianresearch.org/atcl>.

<sup>100</sup> *My Ducats and My Daughter* 49.

Sugden.<sup>101</sup> Above, in the compositing room, voices shout into a speaking tube to demand copy which Lynn sends up using a small hoist set inside a wooden pillar. Demanding faster copy, the compositor's "impatient hands" rattle and shake the hoist in vain as Lynn tries to produce copy.<sup>102</sup>

Lynn, a complete novice fussing over the minutiae of every detail in his paragraphs, learns that subediting and newspaper work was a race against the clock. During his first night on the job, he observes the chief subeditor "driving through his work with the placid regularity of a machine."<sup>103</sup> The chief subeditor's ability and aptitude are put on full display, reinforcing that this was challenging and skilled labour. Sugden reads through a broad pile of sheets, scores them with his pencil, and hastily sends them off to the compositing room. Lynn watches on as "Sheet after sheet was crumpled up and tossed into the waste-basket – bundle after bundle was unfolded, its contents read and apparently altered and condensed, and so despatched upwards."<sup>104</sup> As one leader writer employed at the publication tells Lynn:

[Sugden] is never happy away from that desk of his – that butcher's block, where he hacks and hews at the poor correspondents. He is bringing their wives and little ones to the workhouse, and themselves to paupers' graves. By the waters of Fleet Street they sit down and weep, but they cannot soften that fell Fury with the abhorred shears!<sup>105</sup>

Payment schemes for correspondents varied, but many publications had set remuneration rates based on 1,000 words or per column of published material.<sup>106</sup> Each scissor snip and every pen

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<sup>101</sup> *My Ducats and My Daughter*, 52-53.

<sup>102</sup> *My Ducats and My Daughter*, 53.

<sup>103</sup> *My Ducats and My Daughter*, 61.

<sup>104</sup> *My Ducats and My Daughter*, 56.

<sup>105</sup> *My Ducats and My Daughter*, 69.

<sup>106</sup> For a table of payment schemes for freelance literary contributions in British and American periodicals, see John Dawson, *Practical Journalism: How to enter thereon and succeed*, 2<sup>nd</sup> edition (London: L. Upcott Gill, 1904).

stroke diminished the correspondent's remuneration. Sugden, however, encouraged Lynn to "cut and carve" through the copy with impunity.<sup>107</sup> For Lynn, the assertive and hard-hitting approach to revisions was a challenge. When Sugden reviews his trainee's first attempts, he points out that his concern for particulars was entirely unnecessary as they "haven't *time* to cut the stuff down that way."<sup>108</sup> The veteran subeditor takes the paragraphs, draws his pencil across the sheet, writes two words at the top, and sends it on without another thought. Another paragraph that Lynn had rewritten entirely with great care is immediately consigned to the bin. For the novice, progress was incremental.<sup>109</sup>

Sugden instructs Lynn to take the 'flimsies' and cut them down by half with new headings. As Sugden informs him that they are not worth very much, he understands that as little time as possible should be spent on them. As Lynn tries to improve the style and abridge the news service content, Sugden interrupts the novice again to remind him that his job is to "boil everything down to the bare bones." The young subeditor recalls the strain on his eyes, head aching, and the illegible writing he was forced to drudge through and "deciphered them with extreme difficulty."<sup>110</sup>

The composition was certainly wordy and slovenly. Lynn questioned if it were possible to correct and condense the paragraphs without re-writing each – and, plainly, there was no time for that. How Sugden could deal with these sheets as he did seemed inexplicable to Lynn. How long it took him to read, correct, and curtail these 'flimsies' he never knew; but he knew that he had never had such hard work in his life before.<sup>111</sup>

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<sup>107</sup> [Hunter P. Hay and Walter Whyte], *My Ducats and My Daughter*, 61.

<sup>108</sup> *My Ducats and My Daughter*, 59. Emphasis in the original.

<sup>109</sup> *My Ducats and My Daughter*, 61.

<sup>110</sup> *My Ducats and My Daughter*, 57.

<sup>111</sup> *My Ducats and My Daughter*, 58.

Lynn, in a moment of surprise at the processes for completing a morning newspaper exclaims enthusiastically, “And this was sub-editing! This was journalism!”<sup>112</sup>

In Hunter and Whyte’s account of the subeditor’s room, the “fight with time” was equally a fight with mounting copy.<sup>113</sup> With the building beginning to vibrate and rumble after midnight as the steam press started to print off sheets, the night-foreman arrives at the subeditor’s office, distraught that the paper was over-set (the set type being in excess of the allotted space):

“The paper is over-set!” – he cried. “You see what you’ve done. Now, then, what am I to do? Tell me. How am I to get to press? I knew how it would be, the way the copy’s been coming up! Do you want this paper out to-morrow, or do you not? What am I to take off? When are you coming up to show me?”<sup>114</sup>

As the foreman goes on about the paper being over-set, the editor, Mr. Mallory, arrives in the subeditor’s room to offer a verbal assault of his own:

“You’ve done it again,” he said; “you’ve gone and over-set the paper. I hope you’re happy now. Get down all the copy that’s gone out of this room in the last half-hour! Get it down at once, I say, and cut it to pieces! Tear that copy into ribbons, Sugden, do you hear? Put every one of your d—d paragraphs into lines – do you understand? – literally into lines! Good God! – how is he to get to press if you go on in this way? It’s not sub-editing,

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<sup>112</sup> *My Ducats and My Daughter*, 58. The language used by Hay and Whyte is reminiscent of arguments made by C. F. Moberly Bell in Chapter 5 where he describes news as “a creation of man’s industry and bears the same relation to facts and events that a manufactured articles does to raw material.” This emphasis on physical labour through the metaphor of manufacturing combined with Hay and Whyte’s language of “the butcher’s block” and “boiling everything down to the bare bones” evokes similar images as described by the American journalist and novelist Upton Sinclair in *The Jungle* (1906). Sinclair’s novel portrays the difficult and brutish living conditions for immigrants working in Chicago’s meat industry in the early-twentieth century. While this dissertation does not engage a literary analysis about how authors have described the ways that labourers were swept up in mass-produced capitalism, there may be potential for a future study which evaluates metaphors of killing and processing in the journalistic trade.

<sup>113</sup> *My Ducats and My Daughter*, 62, 63.

<sup>114</sup> *My Ducats and My Daughter*, 64.

Sugden – a ploughman could sub-edit as well with a pitch-fork. Haven't I been telling you all night to sit well down on that copy? It's monstrous – simply monstrous!"<sup>115</sup>

Despite it not being the subeditor's fault for an over-set paper, "with an unmoved face" Sugden walks up to the composing room to see what he can remove.<sup>116</sup> A text's survival in the communication network could largely depend on the time at which it crossed the subeditor's desk.<sup>117</sup> After meeting the challenge of getting the paper off in time, Sugden lights his pipe and takes in his victory, having "struck with the pencil and slain with the shears."<sup>118</sup>

While such literary accounts of subediting work are rare, George Augustus Sala's account of the subeditor's room in *Twice Round the Clock* describes a slightly different environment – but equally hurried. 26 years earlier, in 1859, Sala portrays the fictional subeditor's office for the *Daily Wagon* as in complete disarray:

What a litter it is in, to be sure! what piles of newspapers, home and country ones, mangled and disembowelled by the relentless scissors, cumber to the floor! More newspapers on shelves – old files, these – more on the table; letters opened and unopened, wet proof-sheets, files of "copy," books for review, just sent by the publishers, or returned by the reviewers, after they have duly demolished the contents and the authors.<sup>119</sup>

Sala's version of the subeditor's room is covered with "great splashes and dried-up pools of ink" and lit by candles that darkened the ceiling and filled the room with "evil-smelling" tallow.<sup>120</sup>

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<sup>115</sup> *My Ducats and My Daughter*, 64.

<sup>116</sup> *My Ducats and My Daughter*, 65.

<sup>117</sup> See Chapter 2 for an explanation of the term 'communication network'.

<sup>118</sup> *My Ducats and My Daughter*, 68. For a discussion of 'news routines' see Gaye Tuchman, "Making News by Doing Work: Routinizing the Unexpected," *American Journal of Sociology* 79.1 (July 1973): 110-31.

<sup>119</sup> George Augustus Sala, *Twice Round the Clock: Or, The Hours of Day and Night in London*, (London: Richard Marsh, 1859), 327.

<sup>120</sup> Sala, *Twice Round the Clock*, 327.

The vignette recounts how the journalists fight in “a chronic state of rage” to obtain and publish “fresher news, more accurate intelligence, more interesting correspondence, and reflections on public events incomparably more powerful, than its high-priced contemporaries, all for the small sum of one penny.”<sup>121</sup> The subeditor, Mr. Limberly, works away at a leather-covered table producing copy, “Snipping and pasting, extracting, excising, revising, and correcting” late into the night.<sup>122</sup>

These fictional accounts help fill in how Victorian novelists pictured and relayed the work and toil of subediting. For Thomas Frost, however, the struggles of journalistic work were very much real. After his dismissal from his post in Liverpool, Frost returned to Barnsley where, at the *Barnsley Times*, his old position of subeditor had been taken over by a man who, in his words, “absented himself on the first two days of the second week, and who, making his appearance on the third day in a semi-inebriated condition, had then been summarily dismissed.” Without a proficient and knowledgeable subeditor, Frost explains that the *Barnsley Times* began to appear without the leader, leaderettes on local topics, or the gossip column with the political, municipal, and social news.<sup>123</sup> After Frost’s return to Barnsley, a young man from Scotland was briefly hired to attempt at turning the paper around. However, Frost bluntly notes that the new subeditor “had proved utterly incompetent” and left the post without notice after a week in the subeditor’s chair.<sup>124</sup> Now with a previous employer in desperate need of an editor, Frost took up the position, helped reinvent the paper into the *Barnsley Independent*, and secured a salary equal to that which he received in Liverpool.<sup>125</sup>

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<sup>121</sup> Sala, *Twice Round the Clock*, 329.

<sup>122</sup> Sala, *Twice Round the Clock*, 329-30.

<sup>123</sup> Frost, *Reminiscences*, 313.

<sup>124</sup> Frost, *Reminiscences*, 314.

<sup>125</sup> Frost, *Reminiscences*, 314.

Frost's good fortunes, however, would not last. The general election of 1885 was the United Kingdom's first to extend the vote to most adult males as a result of the Third Reform Act. Moreover, the Redistribution of Seats Act of 1885 provided Barnsley with its own constituency. Frost explains that leading up to the election, readers of the *Barnsley Independent* accused the newspaper of producing reports too Liberal for an independent paper. The alignment of newspapers with political parties was a common and long-standing practice during election periods with the Liberal Party having the most influence in the provincial press. However, media historian Aled Jones explains that, after 1883, "the Liberal hegemony of the provincial press began to be eroded." The cause for this shift was that "many businessmen and holders of landed property in the county constituencies, the traditional advertisers and financial backers of local newspapers, had abandoned the Liberal Party for the Conservatives after 1884."<sup>126</sup> As a result of the complaint against the *Barnsley Independent's* political leanings, the proprietor blamed the subeditor for the criticism and Frost was dismissed. It is conceivable that Frost's employer was genuinely wary of the new reforms or was even responding to pressure from the advertisers on which his business depended. It is also perfectly possible that Frost's subediting work was in fact too Liberal. However, as the Liberal candidate, Courtney Kenny, handily won the election with over 71 per cent of the vote, Frost was likely providing a fair representation of his community.<sup>127</sup> Regardless, what is more telling is that after Frost's dismissal, the proprietor promoted the paper's reporter to subeditor, and hired a new reporter. According to Frost, "the proprietor had his mental vision gladdened by the prospect of saving the difference between my salary and the

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<sup>126</sup> Aled Jones, *The Powers of the Press: Newspapers, Power and the Public in Nineteenth-Century England* (Aldershot: Scholar Press, 1996), 145-46.

<sup>127</sup> F. W. S. Craig, ed., *British Parliamentary Election Results, 1885-1918* (London: Macmillan, 1974), 432.



second reporter's, which was quite sufficient to blind him to the further prospect of a loss of circulation."<sup>128</sup> This was the unceremonious end to Frost's journalistic career.

### *Journalistic Remuneration*

The subeditor's experience of insecure labour and low salary was common across the profession. With the NAJ founded in the previous autumn of 1884 by a conference of pressmen in Birmingham, Frost records in his memoir that a branch was soon established in Sheffield, where he attended a meeting, and subsequently joined the organization. At age 64, the unemployed journalist recalled that he was hoping his participation in the organization might help prevent "the downward progress of the profession".<sup>129</sup> It was his view that experienced journalists such as himself, had become disadvantaged in "a profession flooded with incapables" who drove down the wages and quality of press work.<sup>130</sup> His difficulty, however, was that while the NAJ's leadership had the ambitious object "to protect the common interests of the journalistic profession, and secure those advantages which, in the case of other professions, have been found to accrue from union," he was quickly convinced that this was all rhetoric and no action as "the means by which these objects were to be attained were not set forth."<sup>131</sup> In particular, speaking to his own predicament, Frost upheld that rules to maintain a member's status and "secure due remuneration" were essential.<sup>132</sup> To his frustration, the NAJ's Birmingham Conference resolved that it was not the association's responsibility to interfere in "any dispute which may arise to the

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<sup>128</sup> Frost, *Reminiscences*, 324.

<sup>129</sup> Frost, *Reminiscences*, 324.

<sup>130</sup> Frost, *Reminiscences*, 326.

<sup>131</sup> Frost, *Reminiscences*, 325.

<sup>132</sup> Frost, *Reminiscences*, 326.

rate of payment or remuneration of any member of the profession.”<sup>133</sup> As the organization grew, and membership questioned the usefulness of the association if they were unwilling to collectively advocate for fair wages, the question of remuneration was a central issue.<sup>134</sup>

Second only to journalistic ability, wages and job security were Frost’s principal concerns for the profession. The desire to combine efforts for mutual protection by forming a trade union was understood by many journalists across the industry as the only feasible method to improve the profession’s status.<sup>135</sup> Frost, sceptical about the association’s power in having journalists refuse a minimum salary, registered his concerns about the NAJ’s ability to carry out their professed aims in an article for the *Athenaeum*. The result was several letters from other journalists who had comparable experiences with dismissals to his and held similar views as to “the deterioration of press-work that was being brought about by the competition of newspaper proprietors, and the process of reducing expenses.”<sup>136</sup> As Alan J. Lee has shown, towards the end of the century there was a palpable tension between older provincial journalists who wanted to preserve or even improve their position and proprietors who were more commercially minded and focused on reducing production costs in order to offer a cheaper price to readers. The journalist’s criticisms and frustration were surely also spurred by a growing “trend towards

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<sup>133</sup> Frost, *Reminiscences*, 326. This language is similar to that which was reported at the meeting of the London Press Club prior to the Birmingham Conference which resolved that any new journalistic organization should not “regulate the financial relations between newspaper proprietors and the members of the reporting or editorial staff.” See “Proposed National Association,” *Yorkshire Post and Leeds Intelligencer*, June 9, 1884, 3. The quotation here is taken from Frost’s account but is an accurate summary of the result of the Birmingham Conference from October 1884. For a similar summary of the conference, see “Conference of British Journalists,” *York Herald*, November 1, 1884, 15.

<sup>134</sup> See, for example, “The Linage Question,” *The Journalist*, August 15, 1891, 5-6.

<sup>135</sup> Allis Gower, “Journalistic Pirates,” *The Journalist*, June 24, 1887, 173.

<sup>136</sup> Frost, *Reminiscences*, 326. Thomas Frost, “The National Association of Journalists,” *The Athenaeum*, January 17, 1885, 87; Thomas Frost, “The National Association of Journalists,” *The Athenaeum*, February 14, 1885, 215; Thomas Frost, “The National Association of Journalists,” *The Athenaeum*, February 28, 1885, 280-81.

centralization” and a feeling of “provincial inferiority” and a desire among some journalists “to restore provincial self-respect.”<sup>137</sup> To Frost’s dismay, as he attempted to re-enter the labour market, he learned that a newspaper might receive 100 applications from reporters willing to work at a rate of 30s. per week.<sup>138</sup>

Frost was not alone. One man from Yorkshire explained to him that he had been employed as a reporter with additional duties of subediting and superintending the reading for a provincial daily at a rate of £2 10s. per week, which was equal to wages for a skilled tradesman.<sup>139</sup> Soon after, the proprietor terminated his position and hired three juniors, one at a rate of £1 and the other two at 17s. 6d., gaining three times the labour at a mere cost of ten additional shillings.<sup>140</sup> Frost also notes of another instance of “an able and experienced editor supplanted at the age of fifty by a younger man, the difference of years being the only ground for the preference of his successor.”<sup>141</sup> The result, according to Frost, was “the growing deterioration of journalistic work.”<sup>142</sup> He elaborated:

Their employers, looking for their pecuniary gains from advertisements rather than from the circulation of the paper, condone their deficiencies in consideration of their cheapness; and in time they are promoted to the editorial room, at salaries considerably less than their predecessors received, and proceed to write leaders and reviews without knowing how to construct a sentence in good literary English, or even to write grammatically.<sup>143</sup>

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<sup>137</sup> Alan J. Lee, *The Origins of the Popular Press, 1855-1914* (Croom Helm and London: Rowman and Littlefield, 1976), 73.

<sup>138</sup> Frost, *Reminiscences*, 327.

<sup>139</sup> £2 10s. in 1890 would equal roughly £205 in 2017. For conversions, see “Currency Converter, 1270-2017,” *The National Archives*, <http://www.nationalarchives.gov.uk/currency-converter/>. All currency conversions use this calculation tool.

<sup>140</sup> Frost, *Reminiscences*, 326-27.

<sup>141</sup> Frost, *Reminiscences*, 331.

<sup>142</sup> Frost, *Reminiscences*, 329.

<sup>143</sup> Frost, *Reminiscences*, 329.

Writing in the *Athenaeum*, he compared his frustration with his profession to the difficulties overcome by various labourers through trade unions:

So, the promoters of the organization say, “How can we fix a minimum rate of remuneration?” How, I would ask them, have the medical and legal professions done it? Editors, qualified for the best positions in the profession, are offered by newspaper proprietors 80*l.* per year, and are sometimes obliged to accept that beggarly remuneration, because, unlike bricklayers, boilermakers, or even miners, they have no union behind them to support them in standing out for an adequate salary.<sup>144</sup>

In his memoir, Frost quipped that he knew of “an evening paper in a large manufacturing town in Yorkshire” where only one journalist was employed, working for merely 25*s.* per week. In another instance, at a weekly in another Yorkshire manufacturing town, two journalists were employed, one receiving 35*s.* and the other 18*s.*; another with one reporter who received 30*s.* Exasperated, he considered the range of compensation perfectly unreasonable and unsustainable for the profession.<sup>145</sup> The under cutting of fellow wage-working journalists was the result, in part, of the lack of cohesive organization to the profession. The use of young and inexperienced workers at low wages was a common method used by employers of all industries to cut costs.<sup>146</sup> Without labour protections the practice itself was a rational capitalist use of an abundant source of cheap labour.

Speaking of his own experiences, Frost confided that his own wages for journalistic work never exceeded £100 per annum and that his entire income from journalistic and other literary

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<sup>144</sup> Frost, “The National Association of Journalists,” 87.

<sup>145</sup> Frost, *Reminiscences of a Country Journalist*, 328. In 1890, 30*s.* would have the approximate buying power of £123 and £2 would equal roughly £164 in 2017.

<sup>146</sup> For an overview of the age and labour conflict, see Andrew August, *The British Working Class 1832-1940* (Harlow, UK: Pearson Education Ltd, 2007), 113-16. See also, S. Meacham, *A Life Apart: The English Working Class 1890-1914* (Cambridge, MA: Harvard University Press, 1977), 180.

work never exceeded £200 except for one instance when he hustled his skills by editing a periodical, producing leaders and reports for two newspapers, and occasionally contributing material to several other publications.<sup>147</sup> These wages were surely unsatisfactory. As late as 1862, journalist James Macdonell relayed that the *Edinburgh Courier* paid £300 per year for subediting, £200 to the first and £100 to the second subeditor.<sup>148</sup> In 1894 the *Review of Reviews* took up the question of the journalist's rate of pay and recommended that junior reporters should receive between £100 and £150 per year with more experienced men on provincial dailies receiving £150 to £250. The heads of staff were expected to receive £250 to £400. The *Review of Reviews* recommended that compensation for subeditors should be "on the whole a little higher" but only a "few of the best men on the best papers are allowed as much as £400 and £500 per annum; while the editors who receive £1,000 or more may be counted on the ten fingers."<sup>149</sup> These figures do not reflect Frost's experience as a subeditor or journalist in the provincial press. Unable to have accumulated savings from his years of work in the journalistic trade, he retired from journalism with an annual income of £60 from an inheritance.<sup>150</sup> While he expressed "no regrets" for his career, he conceded that a 64 year old veteran provincial journalist such as himself had little chance of regaining a position in the newspaper trade.<sup>151</sup>

Into the twentieth century, the poor rate of pay and the lack of job security for journalists of all ranks remained what F. J. Higginbottom, Vice President and Fellow of the IOJ, referred to as "perhaps the most objectional feature of modern journalism." Speaking to the annual meeting of the Liverpool District in 1904, Higginbottom remarked that "the conditions of the journalists'

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<sup>147</sup> Frost, *Reminiscences*, 330. £100 in 1890 would have the approximate buying power of £8,205 and £200 would equal roughly £16,410 in 2017.

<sup>148</sup> W. Robertson Nicoll, *James Macdonell, Journalist* (London: Hodder and Stoughton, 1890), 87.

<sup>149</sup> "Journalism as a Profession," *Review of Reviews*, July 1894, 44.

<sup>150</sup> Frost, *Reminiscences*, 330. In 1890, £60 would have the buying power of roughly £4,923 in 2017.

<sup>151</sup> Frost, *Reminiscences*, 331.

occupation were undergoing corresponding transformation.” While he believed that newspaper proprietors had the right to change personnel as they saw fit, he conceded that “sudden and frequent changes” were “cruel and mischievous” – an astute description for the effects of mass-production capitalism.<sup>152</sup> Thomas Frost’s experience as a subeditor, precipitously dismissed as he was unwilling to bend to his proprietor’s management decisions, demonstrates a central theme of the profession’s precarious nature, and the often inadequate wages for newspaper work more generally. Throughout his career, Frost was forced to accept positions paying less than he desired, deserved, or attempted to negotiate, on account of market saturation for his profession and his employer’s profits-driven outlooks. His account shows subediting and newspaper work more generally as a modest profession; not one filled with glory and admiration. Those well-versed in the work of journalism agreed that the subeditor remained the single most influential unit of labour and determinant for success in publishing newspapers.<sup>153</sup> Frost’s memoir provides a sobering account of unjust treatment without recourse and of the poor state of the labour market for journalists in the late-nineteenth century newspaper press.

Nevertheless, journalism continued to expand in Britain and many of the challenges faced by working journalists persisted. There are at least four interrelated reasons:

Firstly, the supply of entry-level or novice journalists remained very large. Journalism was seen by many men, and women to a lesser extent, as an opportunity for professional and class advancement. With no union for working journalists to regulate their work, wages, and treatment, the oversupply of labour drove down the price journalists could demand for their labour on the low end of the experience curve.

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<sup>152</sup> “The Profession of Journalism,” *The Journalist and Newspaper Proprietor*, March 1904, 15.

<sup>153</sup> John Dawson, *Practical Journalism: How to enter thereon and succeed*, 2<sup>nd</sup> edition (London: L. Upcott Gill, 1904), 20-26.

Secondly, especially after the repeal of the ‘Taxes on Knowledge’ and the intense political struggle over who had the right to produce news, journalism was a highly competitive venture with comparably low profit margins for a product with an especially short shelf life. A single news item was practically valueless; a newspaper as a whole was greater than the sum of its parts. Compounding this problem was the popular penny press. Consumers expected journalism at cheap prices. While there remained a dedicated but unorganized labour supply, these conditions contributed towards journalists being unfairly disadvantaged by their proprietors.

Thirdly, non-financial incentives motivated many journalists to attempt to make a living in this new and unregulated profession. As Eric Hobsbawm has pointed out in other labour spheres, some workers demanded the extra price in terms of non-economic satisfactions, such as independence from supervision, dignified treatment, mobility, and social advancement.<sup>154</sup> Journalism was no different. That the profession offered the opportunity to transcend out of working with one’s body towards working with one’s mind was a real motivation for many men to attempt to make a living in this growing but unregulated profession.

Fourthly, the journalistic profession in the late nineteenth century was *new*. While the effects of newness are difficult to quantify, its influence on the imagination of the people who entered the profession cannot be understated. As early as the mid nineteenth century, it was more common for people without formal training or experience in politics, law, or literature to take up journalism.<sup>155</sup> This shift, which intensified in the 1880s and 1890s, in turn spurred questions from the industry’s leadership and powerful interests about who should qualify as a journalist and what formal training should be enforced on its members. In a world that was dependent on

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<sup>154</sup> Eric Hobsbawm, “The Labour Aristocracy in Nineteenth-century Britain,” 272-315.

<sup>155</sup> W. R. Gregg, “The Newspaper Press,” *Edinburgh Review*, October 1855, 484; 470-98.

accurate and reliable information collected and organized from local, national, and global networks, journalists – including subeditors – were responsible for preparing and positioning those texts for a mass audience.

Tying these factors together was the harsh pressure of capital organization based on rapid turnover. As Andrew King and Mark Turner have explained, “news is a hook to make people buy regularly and increase capital turnover.”<sup>156</sup> Newspapers, like other manufactured goods, operated in a system where the competition imposed by a capitalistic system took place not only between classes but *within* classes. And, in the case of journalism, that competition intensified within the burgeoning profession itself. Journalists of varying ranks and skills competed with one another for a living while capitalist proprietors competed for profits through advertising and readership. That drive for profits manifested itself in the effort to reduce prices, cut wages, derail unions, and keep journalistic work precarious for the many that filled its ranks.

### *Conclusions*

Leslie Howsam writes, “Studies in the history of the book discover and analyse the connections between the people who used books as readers, and those who wrote or compiled them.”<sup>157</sup> In the Victorian periodical press, subeditors are the embodiment of that connection point; they served as a node in a communication network who read texts for publication and, through that process, also assembled, recomposed, and deployed those texts for new readers. The texts that appeared in print throughout the Victorian periodical press – especially newspapers – were mediated by

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<sup>156</sup> Andrew King and Mark Turner, “News,” *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 448-50.

<sup>157</sup> Leslie Howsam, “The Study of Book History,” in *The Cambridge Companion to the History of the Book* ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 1.



subeditors, who not only selected which texts their publication would circulate, but also often revised the ways that the information itself was communicated to readers. The work was time-sensitive, arduous, and intense.

Having explained the labour of subediting and how this essential occupation fits inside the broader realm of journalistic publishing, in the following chapter I consider the ways that subediting intersects with the history of reading. I rely on the evidence I have developed in this chapter about the labour of subediting – specifically the routine practice of scissors-and-paste – to theorize about how subedited texts can provide historical evidence that reveals the reading experiences of people who produced and mediated newspapers and periodicals. Through engagement with reception and reader-response theory, I analyze how scholars can approach subedited text as a reading experience. Where this chapter has detailed where subediting work took place as well as its rhythms and routines, in the following chapter I build on this to examine the ways in which subeditors read and interacted with texts. By situating subediting work as part of the history of reading, it is possible to grasp how and why certain texts changed or did not change when subeditors recirculated them into the newspaper and periodical marketplace. I show the subeditor's role and active agency in shaping texts.

## Chapter 2

### Analyzing Subedited Text as Historical Evidence

Scholarship that examines reading experiences, “a record of engagement with a written or printed text – beyond mere fact of possession,” is typically preoccupied with questions about what people read, when and where they read, and what people thought about the texts with which they engaged.<sup>1</sup> These seemingly simple questions are in fact challenging for historians and literary scholars who seek to capture evidence about a practice that is typically private, unrecorded, and without testimony. In his 1986 essay, “First Steps Toward a History of Reading”, Robert Darnton explained the difficulty of capturing the private mental experience of the common reader. He offered words of caution when he recommended that “documents rarely show readers at work, fashioning meaning from texts”. He went on to explain, “the documents are texts themselves, which also require interpretation. Few of them are rich enough to provide even indirect access to the cognitive and affective elements of reading, and a few exceptional cases may not be enough for one to reconstruct the inner dimensions of that experience.”<sup>2</sup> The reader’s experience is often a seemingly impenetrable area of inquiry on account of the scarcity of evidence. However, approaches to this field typically focus on a single reader who happened to leave behind evidence in the form of marginalia or a commonplace book. I argue that it is also possible to apply the concept of a reading experience to wider group of readers – subeditors – who read through and experienced an extraordinary amount of the texts that comprised the newspaper and periodical press.

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<sup>1</sup> “What is a ‘Reading Experience?’,” Reading Experience Database, 1450-1945, accessed August 18, 2020, <http://www.open.ac.uk/Arts/RED/data.htm>.

<sup>2</sup> Robert Darnton, “First Steps Toward a History of Reading,” in *The Kiss of Lamourette: Reflections in Cultural History* (New York and London: W. W. Norton, 1990), 157.

In the nineteenth and twentieth centuries, reading for ordinary Britons meant engaging with newspapers.<sup>3</sup> That gateway was largely mediated by subeditors, who through an ambitious routine of daily reading, selected and revised the texts that appeared in newsprint across the nation. In this chapter, I challenge disciplinary customs by pushing past the study of a single reader with individual agency over the text towards an entire category of readers whose daily occupation was preoccupied with the work of reading comprehension and analysis. I examine the reading experience of subeditors and theorize about the potential of using subedited text as historical evidence to understand this distinctive kind of reading experience. As I have already demonstrated, the subeditor's reading was typically preoccupied with the intent of textual recirculation. The results of this particular type of reading had a profound influence on the history of journalism and newspaper production, copyright law, and the labour of news production. Moreover, neither historical nor literary studies have considered the reading methods journalistic workers employed when interacting with a text. My purpose in this chapter is to extend the theory of what a reading experience is and how it can be deployed to better understand the practice of journalistic workers in the Victorian periodical and newspaper press.

Historian of reading Mary Hammond has argued that “before we approach the problem of a reader's engagement with a text, we must examine the social and cultural spaces in which the act of reading is likely to have taken place.”<sup>4</sup> Similarly, as Darnton has put it, “by placing readers

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<sup>3</sup> Andrew Hobbs, “The Reading World of a Provincial Town: Preston, Lancashire 1855-1900,” *History of Reading Volume 2: Evidence from the British Isles, c.1750-1950*, ed. Katie Halsey and W. R. Owens (London: Palgrave Macmillan, 2011), 121-138; Adrian Bingham, ““Putting literature out of reach”? Reading Popular Newspapers in Mid-Twentieth-Century Britain,” *History of Reading Volume 2: Evidence from the British Isles, c.1750-1950*, ed. Katie Halsey and W. R. Owens (London: Palgrave Macmillan, 2011), 139-54.

<sup>4</sup> Mary Hammond, “Book History in the Reading Experience,” in *The Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 241.

in their setting it can provide hints about the nature of their experience.”<sup>5</sup> In this chapter, I build on the broad evidence I detailed in Chapter 1 about the scope of subediting work, the procedures inside a nineteenth century newspaper office, and the people who filled this essential role. I pivot away from questions about when and where reading took place towards the more difficult question of what readers thought about particular texts. The day-to-day work of subediting appears in plain sight on the printed page. I argue that studying the quotidian routine associated with this line of labour, and the sorts of people who completed it, sheds light on how and what Victorians read. I further contend that subeditors (and journalistic workers who used scissors-and-paste to produce publishable content) are an overlooked group of readers. There is a trail of evidence that shows what they read, and it is possible, in many cases, to also study how they read it and what they thought about it. Although these journalistic workers read for a living, their reading experience is not necessarily easy to recover.<sup>6</sup> Subeditors were part of a quasi-professional group of journalistic workers, but they were not literati. The theoretical approach I advance in this chapter provides an original means of studying a critical reading experience that, in effect, facilitated the spread of ideas and information.

When examining how subediting intersects with history of reading, it is vital to recall that subediting not only shaped the reading experiences of others but was itself a labour that was consumed with the practice of reading. This line of inquiry highlights an aspect of production that most histories of the Victorian press discount, the subeditors’ labour and method of producing suitable and varied content for publication. This work was *meant* to go unseen by the nineteenth-century reader. Through vigorous reading, measured revisions, and the power of

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<sup>5</sup> Robert Darnton, “History of Reading,” in *New Perspectives on Historical Writing 2<sup>nd</sup> edition*, ed. Peter Burke (University Park: University of Pennsylvania Press, 2004), 165-66.

<sup>6</sup> Jonathan Rose, *The Intellectual Life of the British Working Classes*, 2<sup>nd</sup> ed. (New Haven and London: Yale University Press, 2002), 1.

selection, their business was to ensure that the publications were interesting and attractive to other readers. I deploy a new approach to what the history of reading is by focusing on reading as a process and labour rather than a single experience that informs a person's impressions and reactions about a particular text. As book historian Sydney Shep explains, "texts can be translated, repurposed, remediated, their intellectual content appropriated, adapted and transformed over time and space."<sup>7</sup> Subeditors facilitated that process.

This investigation into the history of reading is in contrast to scholars who use evidence of reading practices found in commonplace books, marginalia, correspondence, memoirs, library registers, autobiographies, and diaries, among other records in the material archive.<sup>8</sup> Those forms of evidence reveal a kind of explicit reading experience. In the case of subeditors and their typical daily interaction with texts, the evidence is far more implicit. In the case of subeditors and reprinted texts, the necessary intellectual and research tools to access this reading experience are embedded in knowledge about the newspaper and periodical press's inner workings. First, an understanding of subediting – this journalistic labour's patterns and demands – is crucial to this line of inquiry. Second, knowledge about the specific newspaper and periodical publications in question is requisite. This information ranges from each publication's production schedule to the readership and content. Knowing this kind of information helps inform an analysis that is rooted in comparing and contrasting the changes a subeditor made to a given text. Third, a firm grasp of reader-response criticism is needed to explain the complex relationship between authorship, reading, and texts. Where the full nature of the subeditor's reading experience is unavailable on account of incomplete archival evidence, this theoretical approach can supplement and inform

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<sup>7</sup> Sydney Shep, "Books in global perspectives," *Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 53.

<sup>8</sup> Shafquat Towheed, "Digital Forum: Reading in the Digital Archive," *Journal of Victorian Studies* 15.1 (April 2010):139; 139-43.

missing datapoints that are obscured by a scarcity of evidence. Together, these lines of inquiry allow for research that accesses the mental world of a reader who consumed and appraised an extraordinary volume of texts for publication to a mass audience.<sup>9</sup>

To accomplish this objective, I first apply reader-response criticism to the subeditor's reading experience to analyze how subeditors interacted with texts. However, the way I implement this approach to the text is not classic criticism. In those cases, there is no evidence beyond the text on the page and the critic's critical faculties. I rely on actual evidence of texts revised by readers to show how subeditors responded to the text in a particular case, as well as the evidence of general scissors-and-paste journalism practices, to back up the interpretations of those comparisons. This innovative approach to the history of reading provides a process for finding evidence of the subeditor's hand in reprinted texts. It also expands ideas about what the history of reading is, and the places and spaces which scholars can investigate to access and evaluate a reading experience. I put theory into practice in two ways. First, I examine the transatlantic movement of texts from the American periodical marketplace into Britain in the mid to late nineteenth century. I implement the reader-response criticism I discuss in the previous section to analyze the textual modifications subeditors made to short fiction published in women's magazines to accommodate a distinct national readership. Second, I investigate a case from 1845 of reprinting in two Derbyshire newspapers, the *Derby Mercury* and the *Derbyshire Courier*. The respective publications engaged in considerable banter over the practice – and specifically the morality – of reprinting previously published texts. By analyzing this case of reprinting and local competition between newspaper publishers, I also show how readers

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<sup>9</sup> Robert Darnton, "Intellectual and Cultural History," in *The Kiss of Lamourette*, (New York and London: W. W. Norton, 1990), 212. See also Jonathan Rose, "Arriving at the History of Reading," *Historically Speaking* 5.3 (January 2004): 36.

responded to reprinted news. I also show how newspapers positioned and explained this phenomenon as a kind of unfair competition that was impossible to regulate.

### *Scissors-and-Paste as a Reading Experience*

Roger Chartier reminds scholars that reading is “always of the order of the ephemeral” and a practice “that only rarely leaves traces.”<sup>10</sup> He bases this assertion on the argument that “reading is not already inscribed in the text with no conceivable gap between the meaning assigned to it (by its author, by custom, by criticism and so forth) and the interpretation that its readers might make of it; and, as a corollary, that a text exists only because there is a reader to give it meaning.”<sup>11</sup> Despite the rarity of readers who leave traces as to their mind’s inner workings in conjunction with a given text, scholars have demonstrated that behind the banality of reading are extraordinary readers who leave their mark.<sup>12</sup> However, most investigations have bound these studies overwhelmingly within the study of books – Andrew Hobbs’s recent work on newspaper readers in the provincial press being a notable exception.<sup>13</sup> My purpose is to call attention to the subeditors who engaged the Victorian newspaper press with a very particular determination in

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<sup>10</sup> Roger Chartier, *The Order of Books*, trans. Lydia G. Cochrane (Stanford: Stanford University Press, 1994), 1. Priti Joshi has similarly considered the ephemeral aspects of scissors-and-paste journalism in “Scissors-and-Paste: Ephemerality and memorialization in the archive of Indian Newspapers,” *Amodern 7: Ephemera and Ephemerality* (2017), accessed February 19, 2018, <http://amodern.net/article/scissors-and-paste/>.

<sup>11</sup> Chartier, *The Order of Books*, 2.

<sup>12</sup> Among the most celebrated of these accounts is Carlo Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, (Baltimore: Johns Hopkins University Press, 1980); Kevin Sharpe, *Reading Revolutions: The Politics of Reading in Early Modern England* (New Haven: Yale University Press, 2000); Jonathan Rose, *The Intellectual Life of the British Working Classes* (New Haven: Yale University Press, 2001); Robert Darnton, “Readers Respond to Rousseau: The Fabrication of Romantic Sensitivity,” in Robert Darnton, *The Great Cat Massacre and Other Episodes of French Cultural History* (New York: Basic Books, 1984), 215-56; James A. Seacord, *Victorian Sensation: The Extraordinary Publication, Reception, and Secret Authorship of Vestiges of the Natural History of Creation* (Chicago: University of Chicago Press, 2001).

<sup>13</sup> Andrew Hobbs, *A Fleet Street in Every Town: The power of the provincial press, 1855-1900* (London: Open Books, 2018).

completing their daily assignment of newspaper production. These crucial readers and communicators left no *direct* commentary on the texts they handled. However, the ways that they appropriated and repositioned texts offer a kind of informal commentary. As readers tasked with keeping a sharp and critical eye, subeditors navigated the dizzying mass of newspaper content with purpose.

To organize the ways that subeditors collected, consumed, and communicated texts, I situate these workers as nodes that mediated information in a communication network. The terminology of ‘communication network’, rather than Darnton’s ‘communication circuit’ which has up to the present dominated the field of book studies, is deliberate – to capture Victorian Britain’s complex media ecology. Darnton used the ‘communication circuit’ model to explain the production of books in early-modern Europe and some scholars and educators have erroneously used this visualization to explain the field of book history itself. In making the model, Darnton’s purpose was to show how books came into being at a particular time, mindful of the relative technological stability for book production in early-modern Europe.<sup>14</sup> An all-encompassing model that considers how books (of all varieties, including newspapers and periodicals) come into existence and how they proliferate across borders and between people was not his intent. Thomas Adams and Nicholas Barker have produced the most frequently cited alternative model, situating the production of a ‘bibliographical document’ as a series of events. A particular innovation that distinguishes their interpretation of how to study the history of books was the inclusion of ‘survival’ as a crucial point of consideration which is paramount to the circulation of texts in the newspaper and periodical press.<sup>15</sup>

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<sup>14</sup> See Robert Darnton, “What is the History of Books?” *Daedalus* 111.3 (1982): 65-89; Robert Darnton, “What is the History of Books? Revisited,” *Modern Intellectual History* 4.3 (2007): 495-508.

<sup>15</sup> Thomas R. Adams and Nicholas Barker, “A New Model for the Study of the Book,” in *A Potencie of Life: Books in Society*, ed. Nicholas Barker (London: British Library, 1993), 5-43.



Nevertheless, the model advanced by Sydney Shep, which approaches the book as a research challenge in a global perspective, is far more appropriate for understanding the circulation of texts in newspapers and periodicals. Shep's model emphasizes "the number of ways in which books travel and transform and takes as a starting point that the protean nature of books is one of their defining features."<sup>16</sup> This stress on technology, human mobility, and the mutable nature of texts underscores the importance of books (including newspapers and periodicals) to facilitate the transportation of ideas "across physical, cultural, social and psychological boundaries."<sup>17</sup> I use the terminology of 'network' to account for the non-linear ways in which texts travel and the ways that people at all stages of production read, interact with, and influence the shape and meaning of texts.<sup>18</sup>

I argue for an interpretive language and mode of explaining communication networks that stresses the role of the people who purposefully moved texts by means of their labour. Whether texts become networked or inflated, subeditorial work (including scissors-and-paste journalism) is not something that just happens. It is something that editors *do* with and to texts. It is not just that texts moved, but that there was a person behind each text who decided to replicate an original, make revisions, assign a new headline, cut it down, splice it with another article, and so forth. There was a person who engaged in a very particular reading experience. Specific details

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<sup>16</sup> Sydney Shep, "Books in global perspectives," *Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 53.

<sup>17</sup> Shep, "Books in global perspectives," 54.

<sup>18</sup> For networks in Victorian media, see also "Special Issue: Victorian Networks and the Periodical Press," *Victorian Periodicals Review*, ed. Alexis Easley 44:2 (2011); "Special Issue: Networks and the Nineteenth-Century Periodical," *American Periodicals: A Journal of History, Criticism and Bibliography* ed. John Fagg Matthew Pethers, and Robin Vandome 23:2 (2013). For a critique of the usefulness of networks to periodical press research, see Nathan K. Hensley, "Network: Andrew Lang and the Distributed Agencies of Literary Production," *Victorian Periodical Review* 48.3 (2015): 359-82.

about specific subeditors are not often available but there is a consistency to this labour that is useful for understanding the reading processes that subeditors used to complete their work.

To put the matter directly, texts do not move by themselves; people move texts. When the subeditor interacted with a text, they identified their own meaning and applied those texts with new purpose and consideration. The texts that subeditors produced were, to use J. G. A. Pocock's words, "as both an action and an event."<sup>19</sup> Concerned with conveying the uses of 'contextualism' as a method for intellectual history, Pocock suggests "it is a basic rule of historical method that more meanings can be found in a text, or any document, than the author intended to convey when he wrote it."<sup>20</sup> Through a text's interpretability, Pocock reasons, it "becomes a matrix or holding pattern within which a series of widely differing events can and do occur."<sup>21</sup> Roger Chartier explains, through an interpretation of Michel de Certeau, that the historian's work is "to reconstruct the variations that differentiate the *espaces lisibles* – that is, the texts in their discursive and material forms – and those that govern the circumstances of their *effectuation* – that is, the readings, understood as concrete practices and as procedures of interpretation."<sup>22</sup> While Pocock was referring to *texts* as something that "happen as the result of actions by persons," the subeditor's work in newspapers maps how texts move and detects what motivated these readers to act on particular items.<sup>23</sup> Each text is an 'event' in the sense that Pocock recommends, where reading is "performed and the events happen in the contexts that make them possible [...] and intelligible."<sup>24</sup> Subeditors considered whether or not an item would be of

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<sup>19</sup> J. G. A. Pocock, "Texts as Events: Reflections on the History of Political Thought," in *Politics of Discourse: The Literature and History of Seventeenth-Century England*, ed. Kevin Sharpe and Steven N. Zwicker (Berkeley: University of California Press, 1987), 23.

<sup>20</sup> Pocock, "Texts as Events," 21.

<sup>21</sup> Pocock, "Texts as Events," 21.

<sup>22</sup> Chartier, *The Order of Books*, 2.

<sup>23</sup> Pocock, "Texts as Events," 22.

<sup>24</sup> Pocock, "Texts as Events," 21.

importance or interest to their readership, which is shown in what kinds of texts they privileged on the page.

According to Catherine Feely, acts of scissors-and-paste journalism ranged from “agreed syndication to unacknowledged piracy” and that enormous range means that there is considerable variability in the nature of reprinted texts.<sup>25</sup> Identifying scissors-and-paste journalism can put Pocock’s contextualism into practice by locating the original text along with its authorship (if available) and provenance, identifying the reading and modifications (if any, including omissions and additions) applied to it, and inquiring as to the circumstances that motivated this particular reader to replicate the text, effectively recreating it. Even an unaltered text changes with reprinting, given that the context changes when the subeditor lifts it from one environment and places it into another. Reprinting a text, unaltered or otherwise, under the masthead of a different periodical with its own voice, agenda, editorship, and commercial support modifies the text by resituating its context. This is implicitly so where subeditors maintained a newspaper’s ideological tone. The changes, however, are not always substantial, remarkable, or at times even noticeable. Inevitably, some texts are more interesting than others in the ways that the subeditor’s protocols interpreted and redeployed them.

The particulars of how these texts were formed and the circumstances which led to them being published in the press – no matter how minor or insignificant – is crucial to understanding the nature and subtleties of Victorian media. The conditions of reprinting, fashioned by the social, political, and cultural climates that texts originate in and are transferred to, help situate textual movement and modification. Subeditors were nodes in a communication network that

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<sup>25</sup> Catherine Feely, “‘Scissors and Paste’ Journalism,” *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 561.

processed and relayed information to their readership. Locating reprinted texts is useful to understanding the daily reading experiences of common readers, being attentive to where information was originating from, and to the processes which took place to allow for a text to exist inside such a publication.

Subeditors reacted to texts. While Roland Barthes resolved that, “the birth of the reader must be at the cost of the death of the author,” the subeditor’s reading does not presage an authorial death but rather a rebirth, as this particular reader was reading with the intention of appropriating and redeploying the text at hand and implicitly its authorship.<sup>26</sup> When confronted with an assortment of news, information, and entertainment from across the press, the subeditor created meaning in each text; no matter the liberty they took in revising and redeploying it. For these readers, however, commercial constraints and demands from the publication’s editor or readership would have inevitably tainted their experience – not necessarily their initial reading experience but certainly the way in which they communicated the text. Subeditors reprinted texts that they deemed appropriate and of interest to their audience. They did not read on behalf of themselves; they were workers who earned a wage. As active and conscious readers, they were responding both to the text itself and the strictures set forth by their editor and publication. For the subeditor, the text and the readers they sought to accommodate simultaneously guided their interpretation. Combining the roles of author and reader adds an additional complexity towards how they interpret a text. They are doubly directed by where the text takes them and where they want to take the text. While the precise nature of their work on specific texts remains nebulous, as I demonstrated in Chapter 1, the subeditor’s purpose and motivation for reading is knowable.

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<sup>26</sup> Roland Barthes, “The Death of the Author,” in *Modern Criticism and Theory: A Reader*, ed. David Lodge (London: Longman, 1988), 172.

Michel Foucault took the approach of historicizing the idea of the author to show that its function was not a timeless category but one that changes *with* time. According to Foucault, authorship is not a fundamental unit to knowing a given text. This insight is characteristic of the subeditor's work in the newspaper and periodical press as these workers used hazy copyright laws to facilitate what Foucault called "the free circulation, the free manipulation, the free composition, decomposition, and recomposition" of texts.<sup>27</sup> These readers were recipients who shaped the message as authors and editors who looked past the medium towards the text's interpretive and commercial qualities.

When scholars analyze scissors-and-paste reprints alongside the original text, there is an opportunity to uncover what the subeditor may have thought about the text by assessing the imposed modifications. There is opportunity to evaluate how the text changed as the subeditor worked to pass the text onward. The inner workings of the subeditor's mind are not directly available; only the 'old' and 'new' versions of a given text. This is a record of engagement. Subeditors were at a centre of an interpretive community within the readership of their publication, guiding readers to interpret texts in particular ways. The way in which a subeditor repackaged a text is an embodiment of a process scholars characterize in terms of reader response. The subeditor demonstrated meaning, as he or she understood the original text or wished to have it interpreted by their audience, through how they passed it on to other readers. Conscious of their readership, the subeditor shaped the text so that their readers would understand and interpret it on the terms that they themselves experienced it, or at the very least contextualized it for other readers.

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<sup>27</sup> Michel Foucault, "What is an author," *Modern Criticism and Theory: A Reader*, ed. David Lodge (New York: Longman, 1988), 209.

Hans Robert Jauss's 'horizons of expectation' concept accounts for the variety of assumptions that order a reader's method for comprehending a text. According to Jauss, the dominant ideas and societal norms that the reader has previously encountered, and the extent to which a text does or does not conform to these expectations situates the reader's response.<sup>28</sup> For a subeditor to be effective, it was critical that they understood the politics and social structures of the day to ensure that the texts they redeployed were within the realm of prospective interpretability for new readers. The subeditor was not only interpreting the messages for themselves but for their readership as well. With cut-and-paste work, revising or rewriting previously published texts, there is risk that the subeditor may misrepresent the initial text and the ideas and information it was intended to communicate. These specialized editors were redistribution points in the Victorian media network and analyzing the ways they understood and repackaged a text is imperative for tracing the evolution of reprinted texts.

For assessing the subeditor's work, Quentin Skinner's insight on the study of context is particularly useful. He argues that context needs "to be treated as an ultimate framework for helping to decide what conventionally recognizable meanings, in a society of *that* kind, it might in principle have been possible for someone to have intended to communicate."<sup>29</sup> For Skinner, this is a mechanism for a scholar to understand language in context when approaching a text at a distance of years. For the Victorian subeditor, the text was immediate and modern. An investigation into subediting seeks to identify the particular social, cultural, and political similarities that would have helped facilitate the transfer of a particular text, and in some cases, the cultural differences that would have required textual alterations to guarantee successful

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<sup>28</sup> Hans Robert Jauss, *Towards an Aesthetic Reception*, ed. Timothy Bahti (Minneapolis: Minneapolis University Press, 1982).

<sup>29</sup> Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory* 8 (1969): 49.

transmission to new readers. In most cases, the reason for reproduction was based on the availability of content that was commercial and desired by readers. However, in some cases, the reasons are more revealing, such as the rejection of liberal ideals when preparing ‘appropriate’ literature meant for mass public consumption.<sup>30</sup> For subeditors, identifying authorial intention was not automatically a precursor to reading. They placed their attention on identifying texts they anticipated new readers would understand in the way they themselves understood or positioned the text to encourage a particular interpretation and give the text clarity.

Scrutinizing the subeditor’s work of selecting and modifying texts provides an opportunity to examine the subeditors’ reading methods, but the methodological challenges are severe. They repurposed and reprinted texts, effectively reviving and reimagining their use, but, in almost all cases, these editors left no evidentiary trail. While a theoretical approach can explain where the subeditor fits into the production, interpretation, and survival of texts, it is another task entirely to locate the specific texts that subeditors engaged with when building content to fill their publication. Subeditors relied on a multitude of texts, from across the press, which had in their own right all been mediated by other subeditors in their respective publications. As such, tracing a text’s path in the communication is a seemingly impossible task. Many texts were printed without attribution and the wide-spread use of news agencies and subscription-based news services by the mid-nineteenth century complicates this issue even further. Where attribution is available, it is a helpful but imperfect tool to trace textual provenance. However, to completely untangle where one particular part of an item that the subeditor consulted ends, and where the subeditor’s original contributions begins, is a

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<sup>30</sup> For reprinting as a rejection of liberal attitudes for useful knowledge, see Catherine Feely, “‘What say you to free trade in literature?’ *The Thief* and the Politics of Piracy in the 1830s,” *Journal of Victorian Culture* 19.4 (2014): 497-506.

complicated and perhaps unnecessary task of textual archaeology.<sup>31</sup> Regardless, subediting work was intense, complex, and characteristically resulted in a variety and range of circulated news, ideas, and information.

### *Reprinted Literature in Periodicals*

Having examined reader reception theory and how scholars can use it to approach subedited text as a reading response, in this section I implement theory into analysis about how subeditors read, revised, and positioned republished texts. As one way to capture the reading experiences of subeditors, I analyze texts from American periodicals that were reprinted in Britain.<sup>32</sup> This transatlantic textual circulation provides an opportunity not only to assess the subeditor's social and cultural framework but also the ways these journalistic workers "brought mobility to ideas and prescriptive ideologies" when they moved texts between these distinct marketplaces.<sup>33</sup> There is a robust collection of scholarship that considers this variety of textual circulation between the United States and Britain. In particular, Meredith McGill has investigated "the ways in which

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<sup>31</sup> For tracing the circulation of texts in the United States using digital techniques, see especially Ryan Cordell, "Viral Textuality in Nineteenth-Century US Newspaper Exchanges," in *Viral Victorians: Networks, Connections, Technologies*, ed. Veronica Alfano and Andrew Stauffer, (New York: Palgrave Macmillan, 2015), 29-56. It is a more manageable task to reconstruct the movement of serial literature, short stories, humour, and listicles because of the fact that essential structures in the text typically remained constant with transferal to another publication. See also Ryan Cordell, "Reprinting, Circulation, and the Network Author in Antebellum Newspapers," *American Literary History* 27.3 (Fall 2015): 417-445.

<sup>32</sup> For Anglo-American media interactions more generally, see Joel H. Wiener and Mark Hampton, eds., *Anglo-American Media Interactions, 1850-2000* (Basingstoke and New York: Palgrave Macmillan, 2007). See also Isabel Hofmeyr, *The Portable Bunyan: A Transnational History of the Pilgrim's Progress*, (Princeton and Oxford: Princeton University Press, 2004); Leslie Howsam and James Raven, eds., *Books between Europe and the Americas: Connections and Communities, 1820-1860* (Basingstoke: Palgrave Macmillan, 2011).

<sup>33</sup> Stephan Pigeon, "Steal it, Change it, Print it: Transatlantic Scissors-and-Paste Journalism in the Ladies' Treasury, 1857-1895," *Journal of Victorian Culture* 22.1 (2017): 16. For scissors-and-paste journalism in women's magazine for the Dutch market, see Marianne Van Remoortel, "Scissors, paste, and the female editor: the making of the Dutch women's magazine *De Gracieuse* (1862-94)," *Women's History Review* (June 2020): 1-19.



foreign literature is repackaged and redeployed” in assessing the circulation of print in antebellum United States. She demonstrates how a systematic reprinting of works, mainly British, developed a national literature in the United States predicated on a “culture of reprinting.”<sup>34</sup> Although there was a series of international copyright agreements between the United States and Britain, which I detailed in this dissertation’s introduction, these laws focused overwhelmingly on the content published in books. In the periodical press, both countries routinely republished content from the other’s respective markets.<sup>35</sup> Moreover, while scholars have paid considerably more attention to British texts moving westward into the American literary marketplace, scholarship by Aileen Fyfe and Jennifer Phegley being superb examples in the case of literature in periodicals, texts from periodicals and newspapers in fact moved in both directions across the Atlantic.<sup>36</sup> The eastward movement of American content transplanted into the British press has been minimally researched by scholars, with Bob Nicholson’s work on transatlantic humour being a notable exception.<sup>37</sup>

For example, the reprinting of texts gathered from the American periodical press was a common feature of the British women’s magazine, the *Ladies’ Treasury*, the longest-lasting women’s magazine of the nineteenth century. Significantly, there was variety in the ways that the

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<sup>34</sup> Meredith L. McGill, *American Literature and the Culture of Reprinting 1834–1853*, (Philadelphia: University of Pennsylvania Press, 2007), 2-3. See also Catherine Seville, “Nineteenth-Century Anglo-US Copyright Relations: The Language of Piracy Versus the Moral High Ground,” in *Copyright and Piracy: An Interdisciplinary Critique*, ed. Lionel Bently et al. (Cambridge: Cambridge University Press, 2010), 19-43.

<sup>35</sup> For an example of how dramatic texts circulated, see Monica F. Cohen, *Pirating Fictions: Ownership and Creativity in Nineteenth-Century Popular Culture*, (Charlottesville and London: University of Virginia Press, 2017).

<sup>36</sup> Aileen Fyfe, *Steam-Powered Knowledge: William Chambers and the Business of Publishing 1820–1860*, (Chicago: University of Chicago Press, 2012); Jennifer Phegley, *Educating the Proper Woman Reader: Victorian Family Literary Magazines and the Cultural Health of the Nation*, (Columbus: Ohio State University Press, 2004).

<sup>37</sup> See, for example, Bob Nicholson, ““You Kick the Bucket; We do the Rest!”: Jokes and the Culture of Reprinting in the Transatlantic Press,” *Journal of Victorian Culture* 17.3 (September 2012): 273-86.

periodical's editorial staff, presented reprinted material for an English audience and contributed to a text's survival.<sup>38</sup> In some cases, the subeditor reworked an American text with superficial language modifications which had the effect of masking the text's American origins so as to have it appear distinctly English. In other instances, American texts were largely reprinted verbatim with subtle additions or changes to reposition those texts as thrilling accounts of American life on the frontier. The range of modifications applied to different kinds of reprinted texts provides an example of how subeditors found multiple meanings in a text and how through careful attention to textual detail, manipulated interpretability to make that message possible and intelligible for a new audience.<sup>39</sup>

In December 1858, the American *Atlantic Monthly* printed the first instalments of a serial titled "Bulls and Bears".<sup>40</sup> A didactic narrative about an aspiring artist's fluctuating successes and failures in business while managing familial responsibilities, "Bulls and Bears" ran in monthly instalments until its conclusion in June 1859. In October 1859, four months after *Atlantic Monthly* published the fiction's final chapters, *Ladies' Treasury* reprinted the first instalment.<sup>41</sup> The British reprinting of the story was identical in nearly every way with the exception of spelling modifications to accommodate the British audience. While the narrative itself was not particularly remarkable, the addition of a disclaimer at the beginning of the opening chapter in the recycled version, likely included by the scissors-and-paste wielding subeditor who initially located and responded to the American text, worked to position the reader's imagination towards a particular Americanness they found in the text. The result

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<sup>38</sup> Adams and Nicholas Barker, "A New Model for the Study of the Book," 5-43.

<sup>39</sup> Pocock, "Texts as Events," 21.

<sup>40</sup> "Bulls and Bears," *Atlantic Monthly*, December 1858, 825-38.

<sup>41</sup> "Bulls and Bears," *Ladies' Treasury*, October 1859, 290-93. See also Jolein De Ridder, "Ladies' Treasury," in *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor (London: British Library, 2009), 341.

effectively created new meaning.<sup>42</sup> The opening lines warned, “This is an American tale, strikingly illustrative of the life and manners of our transatlantic cousins. We give it in all its original raciness, as any pruning, polishing, or toning down, would impair its national character.”<sup>43</sup> The disclaimer is a prime example of how subeditors (or any sort of journalistic worker whose responsibility it was to recirculate previously published matter) read, evaluated, and repositioned texts for a new audience. In this instance, the subeditor’s addition did not destroy the text’s “point of origin” but rather emphasized it, and in doing so, reimagined the author’s voice. In responding to the text in this way, the subeditor was also negotiating the publication’s limits of social acceptability.<sup>44</sup> This text’s reprinting, along with the dozens of other American texts that the *Ladies’ Treasury* reprinted, was part of a regular scissors-and-paste journalism practice that the periodical’s editor, Eliza Warren Francis, relied on for monthly content.<sup>45</sup>

The *Ladies’ Treasury* habitually lifted American texts, sometimes modifying them through a process of Anglicization to appear as authentic English narratives. This Anglicization process was effectively a redistribution of the text.<sup>46</sup> These reprinted transatlantic texts that a subeditor modified are evidence of an informal but engaged reading response. Comparing American texts to the recirculated British versions demonstrates how people within the British periodical press interpreted American culture and way of life in the nineteenth century and how they presented it to their readers. The *Ladies’ Treasury* did not reprint verbatim every American

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<sup>42</sup> Barthes, “The Death of the Author,” 172.

<sup>43</sup> “Bull and Bears,” *Ladies’ Treasury*, October 1859, 290.

<sup>44</sup> Barthes, “The Death of the Author,” 168.

<sup>45</sup> See Pigeon, “Steal it, Change it, Print it,” 24-39. For Eliza Warren Francis, see Jolein de Ridder and Marianne Van Remoortel, “Not Simply ‘Mrs. Warren’: Eliza Warren Francis (c.1810-1900) and the *Ladies’ Treasury*,” *Victorian Periodicals Review* 44.4 (2011): 307-26.

<sup>46</sup> Foucault, “What is an author,” 197-210.

text that made its way into its pages. A member of the editorial staff modified texts to accommodate all variety of changes, including spelling, lexicon, and cultural differences, through a rigorous Anglicization process. Sorting out the types of texts that editors modified from those reprinted in their American form demonstrates not only how texts circulated in transatlantic print networks but also shows how, as Bob Nicholson argues, “imported texts provided British readers with new ways to access, explore, and interpret the landscapes, languages, character, and culture of the United States.”<sup>47</sup>

When taking up the tools of scissors-and-paste, the *Ladies' Treasury* consistently highlighted a world filled with adventure when reprinting American texts without Anglicization. In texts that were left in their original form, the narratives emphasized the peculiarities of American life. A reader might pick up *The Ladies' Treasury* and absorb an allegorical story of danger on the frontier, like in “An Incident in the Back-Woods of America,” which was an unaccredited piece by Harriet Prescott Spofford and titled “Circumstance” when it appeared in *Atlantic Monthly* in 1860.<sup>48</sup> Revised titles from articles that originated in the United States typically had an Americanness built into them. For example, “A Visit to the Mormons of Utah. By an American” from June 1864, published in *Atlantic Monthly* as “Among the Mormons” two months earlier, is an inquiry into Mormon life, religion, and domestic practices. The inclusion of ‘By an American’ may have been to reinforce that the account was a foreign one and *not* conducted by an English observer.<sup>49</sup> In another instance, “The Red Fox; An American Tale” from July 1871, published in *Lippincott's Magazine* as “The Red Fox: A Tale of New Year's

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<sup>47</sup> Bob Nicholson, “Looming Large: American and the Late Victorian Press, 1865-1902” (PhD diss., University of Manchester, 2012), 13.

<sup>48</sup> [Harriet Prescott Spofford], “An Incident in the Back-Woods of America,” *Ladies' Treasury*, 1870, 7-12; Harriet Prescott Spofford, “Circumstance,” *Atlantic Monthly*, May 1860, 558-65.

<sup>49</sup> “A Visit to the Mormons of Utah. By an American,” *Ladies' Treasury*, June 1864, 177-81; “Among the Mormons of Utah,” *Atlantic Monthly*, April 1864, 479-95.

Eve” in January that same year, is a story about a daring mother interacting with Native Americans while living on the Michigan frontier.<sup>50</sup> Bayard Taylor’s short story, “Friend Eli’s Daughter,” published in *Atlantic Monthly* in July 1862 was presented three months later as “A New England Tale” keeping all of particulars about the Quaker way of life in America as well as the rousing details of young love’s first kiss.<sup>51</sup> While this selection of examples found in the *Ladies’ Treasury* is certainly not representative of the periodical press in its entirety, they reinforce the practice of publishing American content in women’s magazines as preoccupied with the exotic and unusual. It also highlights how subeditors needed to identify the “appropriate procedures” to reposition the text for their readership.<sup>52</sup> The subeditor relied on social norms and ideas they had previously encountered to situate these texts within the realm of interpretability for their readership. Taken together, knowing that these narratives were selected by an English subeditor and purposefully recirculated, these stories of America show the building of a particular interpretation of American people and practices.

Offsetting these recirculated texts left virtually untouched are ones that underwent modifications so that the narrative would read as a British original. These texts, far from the adventures on the frontier, were concerned with domestic management and child-rearing. It is unlikely that this type of didactic fiction kept in its unmodified American form would have resonated with readers as advice and tactics that they should practice in their own lives. The ordinary reader may have focused on the text’s Americanness, but by thinking through the text a subeditor could obscure those aspects and emphasize a text’s more conventional and

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<sup>50</sup> [Clara F. Guernsey], “The Red Fox; An American Tale,” *Ladies’ Treasury*, July 1871, 19-27; Clara F. Guernsey, “The Red Fox: A Tale of New Year’s Eve,” *Lippincott’s Magazine*, January 1871, 9-21.

<sup>51</sup> Bayard Taylor, “Friend Eli’s Daughter,” *Atlantic Monthly*, July 1862, 99-114; [Bayard Taylor], “A New England Tale,” *Ladies’ Treasury*, October 1862, 297-305.

<sup>52</sup> Skinner, “Meaning and Understanding in the History of Ideas,” 3.

instructional qualities.<sup>53</sup> For example, a careful editing of the article “Our Mothers” which initially appeared in *Arthur’s Illustrated Home Magazine* in 1861 and was reprinted by the *Ladies’ Treasury* in 1863 as “Our Mothers: A Tale of Working-Day Life” after comprehensive language modifications, swapped American words like washwoman, fandangos, and molasses for the more appropriately British counterparts of laundress, nonsense, and honey. Furthermore, among other modifications, the British version modified the protagonist’s surname from Birney to Birnie.<sup>54</sup> In “Dangerous Ground,” titled “A Little Misunderstanding” when it appeared in *Arthur’s Home Magazine* two years earlier, the subeditor changed the protagonist’s name from Cora Brentwood – a given name made popular by the American writer James Fenimore Cooper in his 1826 novel, “The Last of the Mohicans” – to the inconspicuous Amy Brentwood.<sup>55</sup> In this transatlantic exchange, “an experimental streak” becomes “an experimental fancy,” “feeling badly” becomes “feeling sorry,” “a secretary” is “a desk” and the protagonist looks over “papers” rather than “documents.”<sup>56</sup> In “Our New Housemaid,” a narrative the *Ladies’ Treasury* printed in 1870 concerning the trials of poor housekeeping after it had appeared in an 1868 *Atlantic Monthly* installment, “pewter” is swapped for “tarnish,” “crockery-stores” for “china establishments,” and the “nature of the American working class” for “nature of modern servants.”<sup>57</sup> Despite these changes, both articles communicate the importance of good,

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<sup>53</sup> Skinner, “Meaning and Understanding in the History of Ideas,” 48-49.

<sup>54</sup> Sarah Hepburn Hayes, “Our Mothers,” *Arthur’s Home Magazine*, January 1861, 38-43; Sarah Hepburn Hayes, “Our Mothers: A Tale of Working Day Life,” *The Ladies’ Treasury*, January 1863, 11-14. This is the principle narrative I investigate in “Steal it, Change it, Print it,” 24-39.

<sup>55</sup> Sarah A. Wentz, “A Little Misunderstanding,” *Arthur’s Home Magazine*, July 1860, 9-14; [Sarah A. Wentz], “Dangerous Ground: A Tale,” *Ladies’ Treasury*, April 1862, 105-8.

<sup>56</sup> Wentz, “A Little Misunderstanding,” 9-14; [Wentz], “Dangerous Ground: A Tale,” 105-8.

<sup>57</sup> H. S., “Our Second Girl,” *Atlantic Monthly*, January 1868, 50-61; H. S., “Our New Housemaid,” *Ladies’ Treasury*, September 1870, 82-89.

trustworthy housekeepers and consistent household management.<sup>58</sup> While these changes did not drastically alter content, they indicate differences in daily speech to maintain the text's ideological tone.<sup>59</sup> These conscientious edits also show attention and careful detail in preparing a text for a new and distinct English readership.

Where subeditors regularly appropriated material from other publications, these revisions to didactic fiction amount in many ways to a reimagining and rewriting of the text while maintaining the initial author's moralizing message. While the changes are at times small in quantity, they are always enormous when you consider that a single misplaced cultural reference would have struck the reader as out-of-place and in turn, would have challenged the narrative's integrity as a reliable piece of domestic advice.<sup>60</sup> At the discretion of its editor, the *Ladies' Treasury* reused and reworked texts of serial literature, didactic fiction, and essays on a wide range of topics including household management, women's suffrage, and procedures for hiring domestic servants. The editor modified texts so that they not only read in an English vernacular but were re-contextualised for a British audience. In this way, the American authorship was not a fundamental category for knowing the text.<sup>61</sup>

Responding to the methodological difficulties of appraising audience reception, Bob Nicholson has suggested, "by examining the ways in which newspapers reported, represented, discussed, and marketed the United States we can explore the tastes and attitudes of their implied readers."<sup>62</sup> By the very nature of competing for readers in the periodical marketplace,

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<sup>58</sup> For domesticity in Victorian Britain, see Kay Boardman, "The Ideology of Domesticity: The Regulation of the Household Economy in Victorian Women's Magazines," *Victorian Periodicals Review*, 33.2 (2002): 150-64. See also, Margaret Beetham, *A Magazine of Her Own? Domesticity and Desire in the Women's Magazine, 1800-1914* (London: Routledge, 1996).

<sup>59</sup> Pocock, "Texts as Events," 21.

<sup>60</sup> Pocock, "Texts as Events," 21.

<sup>61</sup> Foucault, "What is an author?" 209-10.

<sup>62</sup> Nicholson, "Looming Large," 25.

publications like the *Ladies' Treasury* needed to be sensitive to readers' interests and demands. The Anglicization of American didactic fiction shows that the value of texts explicitly about American life were related to interest and entertainment, not as instructive material. The periodical's readers likely would have expected something as important as the domestic home front to be a distinctly British milieu. Where transatlantic reprinting was an inventive and strategic editorial decision, the *Ladies' Treasury* grounded child-rearing and domestic management in an ideology based on social respectability and custom. Anglicized American texts worked to convey that tradition.

The method of repositioning texts for a new audience was pervasive throughout the periodical press. Another reprinting case, this time between the American *Knickerbocker* and the English *Ladies' Cabinet*, further demonstrates how American editors responded to witnessing their original texts reprinted without attribution or permission. In July 1836, the *Knickerbocker*, an American literary magazine, published a short notice titled "American Periodical Literature Abroad" written by Lewis Gaylord Clark, who edited the *Knickerbocker* from 1834 to 1861. In the column, Clark described "a query of our transatlantic neighbours that had forced sententious criticism upon our minds."<sup>63</sup> Clark claimed that an English periodical, the *Ladies' Cabinet of Fashion, Music, and Romance*, had reproduced no fewer than nine articles from the *Knickerbocker* in their January 1836 issue. First published in 1832, the *Ladies' Cabinet* was one of the longest running English women's magazines of the mid-nineteenth century, featuring a mix of short stories, poetry, sheet-music, and fashion.<sup>64</sup> As I explained in this dissertation's introduction, there was no copyright protection in Britain for texts published in an American

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<sup>63</sup> "American Periodical Literature Abroad," *Knickerbocker; or, New-York Monthly*, July 1836, 119-20.

<sup>64</sup> Margaret Beetham, "Ladies' Cabinet of Fashion, Music, and Romance," *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 340.



periodical. As such, there was little that Clark could actually do except make the matter known to his readers.<sup>65</sup> The *Knickerbocker* listed the texts that had been cut from their pages, noting various title changes and reconfirming the correct authorial attributions that the *Ladies' Cabinet* had omitted to include. With the articles attributed to “an officer in the American Navy” and “Dr. Caruthers of Virginia”, for example, a clever subeditor for the *Ladies' Cabinet* excluded the revealing authorial attribution to help reposition the texts for their English readers.<sup>66</sup> Upon evaluating the texts that their transatlantic neighbour appropriated, Clark was especially shocked to see that a number of lexical changes had been applied:

The most impudent part of the matter, however, is the transformation which many of the articles have been made to undergo, to suit the meridian of London... the coolest impudence in the world. [...] The circumstance is a little mortifying, that the merit of one or two of the articles named above was not discovered in America, until they were reprinted from an *English* periodical! They were straightaway widely diffused, through the medium of native city and country journals. *When* shall we learn to think for ourselves?<sup>67</sup>

It seems that a couple of the articles in question managed to cross the Atlantic again, with iterations of the English version of the American original appearing in the American press.<sup>68</sup> An inspection of the *Ladies' Cabinet* shows that, in fact, the publication regularly relied upon American and British texts to which a fresh gloss was applied before recirculation. With the evidence presented by the *Knickerbocker*, it appears that the *Ladies' Cabinet* had someone

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<sup>65</sup> In 1836, the law of copyright was governed by the Statute of Anne from 1710. This identified property rights in printed works that were owned by a publisher and founded on the work of an author. The statute provided copyright for fourteen years which was extended to twenty-eight if the author lived past the first fourteen. Provisions had been made to extend the length of copyright in 1814 to twenty-eight years or the author's natural life span, whichever was longer.

<sup>66</sup> Foucault, “What is an author?” 198.

<sup>67</sup> “American Periodical Literature Abroad,” *Knickerbocker; or, New-York Monthly*, July 1836, 119-20.

<sup>68</sup> Shep, “Books in global perspectives,” 53.

affiliated with the journal who searched the periodical marketplace for appropriate content to revise and replicate.

Of particular interest from this group of texts taken from the *Knickerbocker* is a narrative originally titled, “Odd Ends: From the port-folio of ‘a penny-a-liner’”.<sup>69</sup> The narrative, in its initial form, was a commentary and musing about the American author’s favourite city, New York. The six-page account describes in detail how the author enjoyed walking through the city, exploring different streets, and taking in the various scenes and senses provided by “the greatest and richest city in the Union.”<sup>70</sup> In the version printed in the *Ladies’ Cabinet*, however, the account was not about New York, but rather, *London*. With a title change to “Random Sketches in the Metropolis” a subeditor combed through the text, swapping all the necessary references so that the reader was pulled into the various scenes and senses provided by “the greatest city and richest city in the *world*.”<sup>71</sup>

The revised version resonates as an authentic account. Ironically, the original text reads, “I like New York. I like it for the very points of difference which distinguish it from all other cities in the world.”<sup>72</sup> Clearly, this particular subeditor did not think it was so unique at all. In the American account, the wanderer “strolled into Wall-street, so very lazy and listless... tearing up and down the street through Pearl, into Water, up Front-street, skipping over barrels, and boxes, and crates.”<sup>73</sup> In the reprint, the British rambler does nearly the same as they “strolled into Whitehall, so very lazy and listless... tearing up and down the Strand, into Fleet street, along

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<sup>69</sup> “Odds and Ends: From the Port-Folio of ‘A Penny-a-Liner’,” *Knickerbocker; or, New-York Monthly Magazine*, February 1835, 124-29.

<sup>70</sup> “Random Sketches,” *Ladies’ Cabinet of Fashion, Music, and Romance*, January 1836, 54-61.

<sup>71</sup> “Random Sketches,” 54. Emphasis mine.

<sup>72</sup> “Odds and Ends,” 124.

<sup>73</sup> “Random Sketches,” 54-6.

Cheapside, skipping over barrels, boxes, and crates.”<sup>74</sup> Other changes include Anglicized spelling, adjusting for descriptions of population and weather, the names of hotels (the Ohio Hotel becomes the Shakespeare Hotel), and rich men own stores and lots uptown in New York but bonds and land in London.

There is also the matter of omissions. An extensive description of New York’s Battery Park is struck from the reprinted text completely. With descriptions from the wanderer who “looked upon the beautiful bay” and took in the “fresh ocean breeze” not being applicable to London, the scissors-and-paste worker may have thought it better to not adapt a textual equivalent for the Thames. Where this passage gives way to a salacious description of lovers on a moonlit summer’s evening “guilty of some indiscreet speech” of tender affection, however, it is more likely that this section was simply too spicy for the *Ladies’ Cabinet*’s more conservative tone and was easily struck from the account entirely.<sup>75</sup> This is a routine practiced in transatlantic scissors-and-paste where editors of American periodicals were more apt to publish texts that were at times a little indecorous compared to their British counterparts. Furthermore, where the narrative adapted and reprinted from the *Knickerbocker* described free Black Americans from the South, views of Wethersfield Connecticut, or friends from Vermont, these passages were simply struck out. The cause for this could be a perceived lack of adaptability or possibly something as simple as being limited by space in constructing the page. This *Knickerbocker* and *Ladies’ Cabinet* reprinting case shows more than a comparison of New York and London; it demonstrates differences in the scope of acceptability and how subeditorial work positioned the text for a new audience. Not only did this reuse of the American text give it an unexpected

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<sup>74</sup> “Odds and Ends,” 124-29.

<sup>75</sup> “Random Sketches,” 54-61; “Odds and Ends,” 124-29.

endurance in the periodical marketplace, it also shows how there is no “ultimate meaning” within the text and so the subeditor creates meaning to suit their own purposes.<sup>76</sup>

These American short stories and didactic fictions reprinted in the *Ladies' Treasury* and *Ladies' Cabinet* are but a few of the accounts about American life that proliferated throughout the British periodical press. They gave Victorians opportunity to experience the United States through indirect means. Among the texts about America that were available to readers in Britain, some popular ones, such as Frances Trollope's *Domestic Manners of the Americans*, Anthony Trollope's *North America*, and Alexis de Tocqueville's *On Democracy* provided critical reviews of manners and civility. While those accounts are inadequate to capture the totality of public opinion, they reinforce a particular image of America with which the British reading public interacted. The periodical press, however, presented a more varied and complex image of America.

Although analysis of the various revisions and additions made to reprinted texts are revealing, there is admittedly no named person with whom to associate this kind of reading experience. However, by tracing the reproduced texts, it is possible to identify what a subeditor read and, by evaluating the initial and reprinted texts side-by-side, gain insight into their reading experience, including what they thought about the content and how they repositioned the text for their readers. In the case of the *Ladies' Cabinet*, that a reader in London read through an account of New York and considered that it was easily adaptable to their city with alterations is a surprising and ingenious reuse of ‘old’ texts as ‘new’. It is equally possible that the work of transatlantic scissors-and-paste with language modifications could have been completed by aspiring novices who capitalized on an abundance of texts produced in the United States that

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<sup>76</sup> Adams and Nicholas Barker, “A New Model for the Study of the Book,” 5-43; Barthes, “The Death of the Author,” 171.

were well suited for a British audience with a bit of ingenuity and reworking. For young writers looking for access to the journalistic or literary professions, the reworking of existing texts was perhaps an opportunity to develop literary and journalistic skills. These would-be periodical contributors were economically motivated to gain compensation for their labour, but they were also, and perhaps more significantly, struggling for a position in an industry that, especially towards the later part of the nineteenth century, was extremely competitive to reach the highest rungs. In these instances of beginners looking to gain traction, ability was not measured by the genius of original thought but through ingenuity and the ability to deliver texts that resonated with readers.

For example, in January 1908, the *Modern Journalist and Literary Aspirant*, a monthly magazine for “all who desire to adopt some branch of literature as a profession, or a hobby,” issued a series of articles directed at persons without any journalistic experience about how to develop their writing skills to gain a foothold in the journalistic profession. In the articles, Oliver McEwan, the publication’s editor and the director of the British School of Journalism, instructed readers about how to revise and recycle previously published texts from the leading periodicals and newspapers of the day to meet the aspiring journalist’s need for ‘original’ copy.<sup>77</sup> The edifying texts offered readers a tutorial about how to become a freelance journalist. The process,

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<sup>77</sup> The British School of Journalism and Oliver McEwan appear to have escaped any scholarly consideration to date. McEwan published a number of instructive books about journalism in the late nineteenth century and by the early twentieth century, developed a school located on New Bond Street in London to teach journalism. He also edited another short-lived periodical titled *The Royal Shorthand Magazine* (1907). Some of his publications, like *The Modern Journalist and Literary Aspirant*, were published through the British School of Journalism, which was also referred to as the British Schools of Commerce and Journalism. These publications included a study of photography, a textbook for teaching journalism, and books about shorthand.

according to McEwan, was simple: the novice should take up the tools of scissors-and-paste journalism.<sup>78</sup>

Although the monthly articles did not specifically use the term scissors-and-paste, the process McEwan outlined had all the hallmarks of the long-used textual gathering method. To always have a variety of subject matter to build upon, McEwan encouraged would-be journalists to develop a properly indexed cuttings book, filled with clippings on the subject matters upon which they wished to become known as an expert.<sup>79</sup> More specifically, McEwan directed his readers to capitalize on the fact “that certain American periodicals, not much read in England, contained many short and interesting articles which were capable of being slightly altered or of being ‘boiled down’.”<sup>80</sup> The “Lessons in Journalism” explained:

Everyone who is in the habit of reading much of the periodical literature of the day must have been struck with the frequency with which they come across articles and stories which suggest to the mind that they have been read somewhere else. The fact is that a large portion of some of our most widely-read periodicals is made up of articles and stories reproduced with more or less alteration from other periodicals.<sup>81</sup>

With minor alterations, editors were none the wiser as to the article’s origins. Freelancers, McEwan explained, should strive to ensure that their paragraphs were written such that they could bypass the subeditor’s revisions and be handed directly to the compositor. The veteran journalist advised that if newcomers composed their submissions carefully, editors would not

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<sup>78</sup> Oliver McEwan, “Lessons in Journalism,” *The Modern Journalist and Literary Aspirant*, January 1, 1908, 2.

<sup>79</sup> Oliver McEwan, “Lessons in Journalism,” *The Modern Journalist and Literary Aspirant*, September 1, 1908, 65; Oliver McEwan, “Lessons in Journalism,” *The Modern Journalist and Literary Aspirant*, October 1, 1908, 73.

<sup>80</sup> McEwan, “Lessons in Journalism,” 2.

<sup>81</sup> Oliver McEwan, “Lessons in Journalism,” *The Modern Journalist and Literary Aspirant*, February 1, 1908, 11.

give a second thought as to *where* the information came from so long as the contributions were of interest to the publication's readers.

For McEwan, this was not a conflict or an issue which the profession should remedy or improve. It was a matter of fact. Transforming the old into the new was an essential part of modern journalism. Scissors-and-paste journalism was a method by which texts circulated throughout the newspaper press but it was also a learning tool that helped aspiring freelancers grasp writing structures, conventions, and style. McEwan's lessons show that scissors-and-paste journalism was a teaching method as well as an accepted industry standard for producing newspaper content. This less ambitious variety of reporting may have not been entirely unique, but as far as the praxis of modern journalism was concerned, it was authentic.

In the transatlantic context, locating these types of modifications shows what the subeditor-reader thought about American culture and notes crucial differences in the description of daily life. As I have previously argued about transatlantic reprinting, "While many of these language modifications are minor and generally superficial, they work to anchor the British reader's imagination locally and dispel any question of foreignness. In turn, they heighten the account's effects of authenticity and trustworthiness."<sup>82</sup> These types of appropriations typically went unnoticed, especially in the transatlantic context. While literature produced by leading authors of the age was closely monitored, the submissions of uncelebrated authors or the occasional contributor could circulate relatively unnoticed – especially when adapted for a new audience. In revising literary texts, the subeditor (or even possibly an unscrupulous contributor) *was* thinking for themselves. They acted with resourcefulness and ingenuity by thinking about where a text was taking them and how they could revise it to take other readers somewhere new.

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<sup>82</sup> Pigeon, "Steal it, Change it, Print it," 39.

### *Reprinted News in Newspapers*

Having examined how subeditors approached and reworked literary texts for recirculation, it is also important to analyze the subeditor's practice in relation to news items. Untangling the pathways reprinted news in newspapers followed is considerably more problematic than working with literary texts. News moved in all directions throughout Victorian communication networks. Moreover, where a literary work might be reprinted up to a few times in the periodical press, a single news item could easily be reprinted many dozens of times. While it is helpful to look at cases where subeditors provided credit to the sources they poached for content, this does not necessarily indicate where a particular item *originated*.<sup>83</sup> While subeditors habitually transferred news items between publications, identifying a reprinted text is a somewhat static discovery without putting that instance into context by thinking through the specifics about the publication, the text itself, and the readership.

Within this area of research – identifying reprinted news in newspapers – digital humanities projects have made considerable progress in mapping the movement of specific texts or showing similarities in content between publications. For example, M. H. Beals' *Scissors and Paste Database* "aims to be a central repository of reprinted news across the 19th-century Anglophone world."<sup>84</sup> This impressive resource scans a specific page of a specific newspaper from the *British Library's 19<sup>th</sup>-Century Newspaper Collection* or the *Times Digital Archive* and then relays where identical information appeared elsewhere in the press, before and after the page in question was printed. This tool does not indicate, however, where the content inside specific articles also appeared, only across the page as a whole. Beals' work focuses on the

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<sup>83</sup> In Chapter 6, I confront this problem about attribution and originality in more detail.

<sup>84</sup> M. H. Beals, "Scissors and Paste," *Scissors and Paste: A Collection of Newspaper Transcriptions and Connections*, <http://scissorsandpaste.net/>. See also, Robert K. Nelson, "Mining the Dispatch," *Mining the Dispatch*, <http://dsl.richmond.edu/dispatch/>.



occurrence of identical texts (which may include subscription-based news, advertisements, notices, etc.) rather than the processes and labour behind reprinting and the ways that subeditors may have relied on a number of sources to develop a single text. Beals offers an enormously useful tool that can quickly reveal the extent to which identical and reprinted texts appeared throughout nineteenth-century newspaper networks. Tracing what the subeditor may have read and engaged with, however, remains a task that – for the present – must be completed through specific searches about specific articles. Even then, it is nearly impossible to know for certain what source a subeditor may have consulted, as many reprinted the same news but in different words.<sup>85</sup> If a scholar locates verbatim text, it is an arduous task to piece together the text's path in the absence of consistent attribution.<sup>86</sup> Knowing this detailed information, however, is less important than understanding the wider practices of subeditorial labour that shaped the texts which appeared throughout the newspaper press.

As I have already demonstrated, despite the best efforts made by some organizations, news was not a legally protected text.<sup>87</sup> As I will show further on, newspapers that invested in procuring news wanted to avoid having their most costly items reprinted without permission or compensation. Foreign intelligence and correspondence comprised essential information for many newspaper readers, especially for those whose work was informed by global politics and

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<sup>85</sup> This difficulty of combating the publishing of news taken from another source but given in a different form continued well into the twentieth century and it was an issue that the Institute of Journalists attempted to combat. Without a law of copyright, however, it was exceedingly difficult to enforce. See "The Pirating of News," *The Journalist*, April 1902, 1; "The Question of Pirating News," *The Journalist*, April 1902, 4.

<sup>86</sup> For an example of the challenge of compiling each text that a subeditor consulted in building a weekly newspaper, see Chapter 6. See also Rod Kirkpatrick, "Scissors and Paste: Recreating the History of Newspapers in Ten Country Towns," *BSANZ Bulletin* 22.4 (1998): 232-46. Kirkpatrick accounts for the appropriation of newspaper content in ten different Australian newspapers. While he does not examine specific articles, his research offers a scope of the variety of publications that subeditors in Australian newspapers relied on to compile content.

<sup>87</sup> See also Chapter 5.

economic affairs. This news matter informed the status of capital across the globe and British prosperity more generally. Foreign intelligence and correspondence summarized social unrest, military and civil conflicts, and the status of international powers. It had the potential to shape market activity and the prices of commodities in which Britain was heavily invested. This type of information was an essential news element and one that some news organizations were willing to invest in, but also sought to protect from infringement, as competing publications quickly appropriated the most desirable items.<sup>88</sup> The ways that subeditors reused news was therefore a contentious issue. With intense competition in the marketplace, fair dealing was not guaranteed.

This tension is made evident in a case of reprinted news between two Derbyshire weeklies, the *Derby Mercury* and the *Derbyshire Courier*, each of whose editors felt that the other was treating him poorly on account of uncredited appropriations. This example is not about identifying what subeditors thought about the text they reprinted but how they explained and positioned this work to their readers. Most important is the language used to describe this practice. While the law permitted the circulation of this type of text in newspapers, the people whom this actually affected employed strong language to condemn the practice while the perpetrators essentially downplayed the matter as minor and inconsequential. This case helps reveal the subeditor's relationship to the text and to his imagined readers and how issues over reprinting played out in the press itself.

On 18 June 1845, the *Derby Mercury* provided a venue for a disgruntled reader to express their frustration with the *Derbyshire Courier* after identifying reprinted and uncredited texts. The readership oversight was signed by 'A Lover of Fair Play' who claimed, "the *Courier* attempts to

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<sup>88</sup> For an example of protest with the anticipation that the practice of scissors-and-paste would continue with the repeal of the Stamp Act in 1855, see "The Newspaper Stamp," *Morning Chronicle*, February 15, 1855, 5. These points are also explained in detail in Chapter 5.

get away from my charge of having pirated nearly a column of ‘Notes of the Month,’ and passing them off as original fancies” which appeared in their paper on 7 June 1845.<sup>89</sup> The passionate reader claimed that the editor had stolen the texts from the *Mercury* and other papers, providing no credit to the texts’ origins. In response, the *Courier* described their clippings as “patchwork.” However, the reader stated that the editor was indebted to other authors “and *not* to his own brains, for what appeared under that title. The only bit of original matter in the whole mass, is where a line is here and there introduced by way of connection.”<sup>90</sup> The reader provided an astute commentary on the troubling presence of reprinted and unacknowledged content in the newspaper press: “The man of scissors and paste [...] has been ‘wandering’ over other people’s pastures and cutting herbage which did not belong to him; a more trumpery imposition was never practiced. [...] The impudence of your contemporary is astounding.”<sup>91</sup> The agrarian metaphor used by the complainant is reminiscent of W. T. Stead’s description of newspaper readers some 50 years later:

[Newspaper readers] do not read it all, any more than a cow eats all the grass of the meadow into which she is turned loose to graze. They browse over it, picking here and there such a tasty herbage as may suit their palates. In this way a newspaper comes to be almost like a Gazetteer or an Encyclopaedia.<sup>92</sup>

These agrarian metaphors emphasize the protection of private property from trespassers and are also evocative of de Certeau’s metaphor of readers as travellers who “move across lands belonging to someone else, like nomads poaching their way across fields they did not write”.<sup>93</sup>

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<sup>89</sup> A Lover of Fair Play, “To the Editor of the Derby Mercury,” *Derby Mercury*, June 18, 1845, 3.

<sup>90</sup> A Lover of Fair Play, “To the Editor of the Derby Mercury,” 3. Emphasis in original.

<sup>91</sup> A Lover of Fair Play, “To the Editor of the Derby Mercury,” 3.

<sup>92</sup> W. T. Stead, *The Americanization of the World or the Trend of the Twentieth Century* (London: Review of Reviews Office, 1902), 111.

<sup>93</sup> de Certeau, *The Practice of Everyday Life*, 174.

‘A Lover of Fair Play’ argued that the reuse of the text without acknowledgement amounted to plagiarism and the editor might learn a lesson from “reading the fable of ‘The Frog and the Ox’.”<sup>94</sup> The fable, attributed to Aesop, concerns a frog who attempts to inflate itself to the size of an ox and bursts in the process. While this parable has generally been associated with living within means and other socio-economic advice, here the correspondent suggested that the *Courier* was inflating the size of the publication and that this was a dangerous tactic for journalistic integrity. The reader noted that the *Courier* had attempted to disguise the text by applying some “alterations of some half dozen words at the beginning” and that their “vanity” was “simply disgusting”:

Possibly, the miserably small circulation of the *Courier* suggested the idea, that in so limited a circle of readers nobody would be the wiser for his plagiarisms; or possibly, he was not aware that every man, woman, or child in Derbyshire, has read over and over again to satiety any thing he can cull from the many printed records of the country.<sup>95</sup>

The reader went on to show how their own careful reading and textual comparison identified the particular recycling methods that the *Courier* used to repack and redeploy the old as new.

Upon inspection of the *Courier* for the issue in question, however, it appears that this episode of unacknowledged reprinting was by design. The *Courier*’s 7 June 1845 issue with the reprints in question from the *Mercury* carried the following notice to their correspondents:

We are at all times happy if your columns are the means of diffusing local information to any of our brethren of the broad sheet. Nor do we much complain when they glean two or three paragraphs, without acknowledging the source. But when they come to extract nearly a column of matter from the *Courier*, without the slightest acknowledgment, we think we

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<sup>94</sup> A Lover of Fair Play, “To the Editor of the Derby Mercury,” 3.

<sup>95</sup> A Lover of Fair Play, “To the Editor of the Derby Mercury,” 3.

are not asking too much to quote the channel from whence they derive their information. To pirate paragraph after paragraph from a local contemporary, without acknowledgment, is really “too bad,” of such a highly respectable and well conducted Journal as the *Derby Mercury*, of whom we expected better things. The editor of the *Mercury* has this week transferred nearly the whole of our local intelligence to his columns, without the slightest acknowledgement. We now set the *Mercury* an example, which we sincerely trust will be imitated for the future. We have obtained some local matter from the *Mercury*, and we hesitate not to acknowledge the source.<sup>96</sup>

The *Courier*’s reprinting of the *Mercury*’s texts was entirely intentional to make a point about the disapproval of their own texts being reprinting without acknowledgement. This wider picture puts into question the authenticity of the correspondence attributed to ‘A Lover of Fair Play’ despite the *Mercury* insisting in their column that they could produce the correspondence upon request.<sup>97</sup>

While this is circumstantial evidence about the ways that the subeditor engaged in reading across the press, it demonstrates that only through reading the press can scholars contextualize the circumstances of reprinting and the wider practice of textual circulation in newspapers. In this case, the *Courier* copied without acknowledgement because the *Mercury* did it first. The *Mercury* lifted the *Courier*’s local intelligence without attribution, and so, in retribution, the *Courier* lifted the *Mercury*’s ‘Notes of the Month’, triggering their respective posturing over the use of scissors-and-paste. Whether a passionate response from a busybody who kept an eye to the press or a ruse to draw attention to a competitor’s use of scissors-and-

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<sup>96</sup> “To Correspondents,” *Derbyshire Courier*, June 7, 1845, 3.

<sup>97</sup> A Lover of Fair Play, “To the Editor of the Derby Mercury,” 3.

paste without acknowledgement, the episode highlights the seriousness with which competing publications watched over their content circulated in the press.

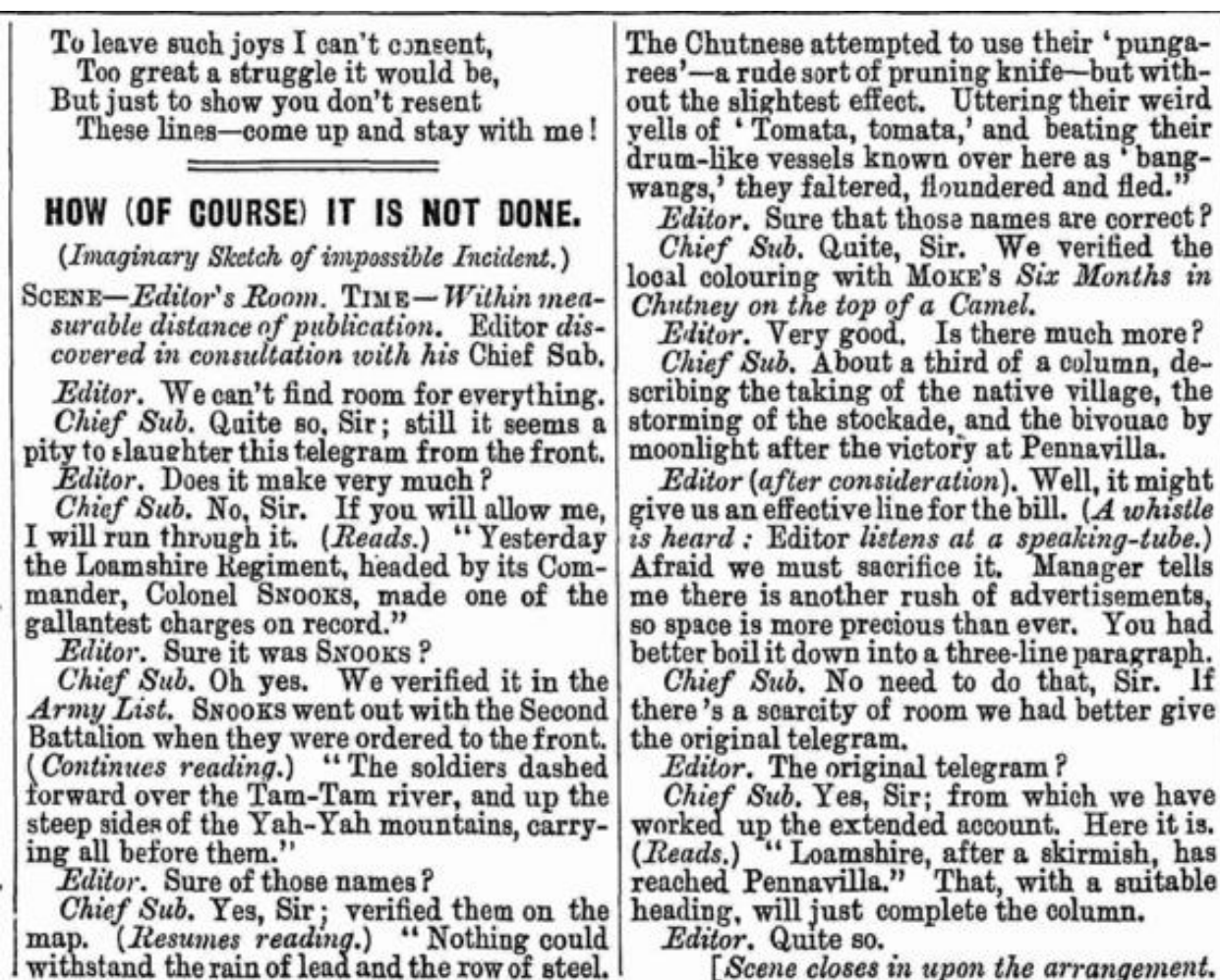


Figure 2.1 "How (of course) it is not done," *Punch*, May 25, 1895, 250.

The news that the *Courier* claimed had been reprinted without acknowledgement by the *Mercury* comprised eight items of sensational local affairs including "Death on a Wedding Day," about an elderly bridegroom who died shortly after taking his marriage vows, and "Forgery and Embezzlement," telling of a man who secretly skimmed funds for 20 years before escaping to America. This news would have been produced by local reporters or penny-a-liners and acquired

exclusively by the *Courier* for a fee. The absence of attribution violated conventional courtesies of journalism, where it was expected that journalists should give credit to the publications from which they lifted content. After the *Mercury* had apparently (and repeatedly) *not* given credit to their local competitor, the *Courier* responded with an appropriation of their own.

It cannot be ignored that the subeditor's process of reading news, interpreting it, and then repositioning it for new audiences could result in a miscommunication of the facts (satirized by *Punch* in Figure 2.2). Successful transmission of news and information depended on the subeditor being well connected to the context from which the news emerged, as well as to the readership which their publication served. For example, misrepresentation of news as a result of ill-informed scissors-and-paste journalism work was put on satirical display in April 1887 when the *Dublin Weekly Nation* targeted what it referred to as "The Piracies of Shoddy Journalism" and referred to the appropriation of foreign intelligence from another paper's columns as "the meanest of all forms of theft."<sup>98</sup> The *Nation* stated that the appropriation of foreign intelligence was wholly inappropriate and "the gravest detriment to the public welfare" on account of presenting as reliable news "tissues and worthless fabrics [...] pirated news vamped out by the sorry stuff of blundering invention and ignorant and undigested scissors-and-paste."<sup>99</sup> *Nation* openly rejected scissors-and-paste journalism work and the subeditors who were responsible for it. Writing from the perspective of their competitors to illustrate their position, *Nation* openly mocked publications that took intelligence which they did not gather independently:

We cannot allow the *Nation* to have a speciality which is not in our columns also. So just write me a couple of columns regularly on the foreign situation also. You can always get a number of facts from the *Nation*, and you can interlard them with bits out of the London

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<sup>98</sup> "The Piracies of Shoddy Journalism," *Dublin Weekly Nation*, April 1887, 5.

<sup>99</sup> "The Piracies of Shoddy Journalism," 5.

papers and plenty of ‘personal experience’ when necessary. Be sure also to say very often ‘as I predicted.’ The Irish public won’t know the difference between a column of facts and a column of special remarks on the Foreign Situation just like the *Nation*. You ought to learn the names of a half-dozen foreign newspapers also. It will look well to quote them extensively now and then. The Irish public must find articles on foreign affairs in our columns, and so long as the articles are there that is all that is wanted.<sup>100</sup>

The *Nation* went on to contend that reprinting which resulted in a misrepresentation of the facts was a “journalistic malpractice.”<sup>101</sup> Misinformation in foreign intelligence risked serious consequences. News that was distorted by ill-informed scissors-and-paste work threatened the reliability of reporting, which shaped political and social attitudes. The subeditor’s work was easy to overlook but not without consequence.

### *Conclusions*

Scissors-and-paste journalism and subediting are aspects of journalism that dovetailed into each other. The practice of reprinting texts was commonplace and fundamental to newspaper production throughout the nineteenth century. As journalist Michael MacDonagh explained, subeditors read through “piles of journals, eagerly scanning column after column for matter suitable for republication” as part of their daily routine.<sup>102</sup> Michel de Certeau’s argument that “the text has a meaning only through its readers; it changes along with them; it is ordered in accord with codes of perception that it does not control” captures the subeditor’s practice.<sup>103</sup> The

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<sup>100</sup> “The Piracies of Shoddy Journalism,” 5.

<sup>101</sup> “The Piracies of Shoddy Journalism,” 5.

<sup>102</sup> MacDonagh, “In the Sub-Editor’s Room,” 1005.

<sup>103</sup> Michel de Certeau, *L’invention du quotidien, vol. 1, Arts de faire* (1980), new edition, ed. Luce Giard (Gallimard: Paris, 1990), 247, quoted from de Certeau, *The Practice of Everyday Life*, trans. Steven F. Rendall (Berkeley, Los Angeles, and London: University of California Press, 1984), 174.



responsibilities these workers carried out were complex and varied. These readers needed the “nose for news” and a thorough understanding of what their readers wanted.<sup>104</sup> For subeditors, reading was an active practice with their mind oriented towards their proprietor’s needs, the publication’s voice, and their readers’ interests. They did not just replicate text; they *made* texts. Their method for producing newspaper and periodical content put them outside the traditional parameters of the literary and journalistic production, somewhere between and beyond both reader and writer, editor and critic.

While the practice of textual circulation was common and widespread, it was not without its critics. In the following chapter, I show how, under the auspices of what became the Institute of Journalists, ordinary working journalists argued that this practice needed clear rules and regulation to ensure that reprinting in the press was done fairly and without disenfranchising the very people who produced journalism content. These journalists further argued that organization was imperative to improve their standing within the emerging profession and that a code of conduct was necessary to establish what kinds of texts could be reprinted as well as set rates for fair remuneration. Where the law did not provide protection, journalism’s lower ranks recognized collective organization as an opportunity to regulate the labour of journalism for themselves, from the inside. However, better established journalists and newspaper proprietors met this effort to create a national union of working journalists with considerable opposition.

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<sup>104</sup> MacDonagh, “In the Sub-Editor’s Room,” 1005.

### Chapter 3

#### **Reactions to Textual Circulation: The Institute of Journalists, Professional Status, and the Value of Journalistic Labour**

On 15 August 1904, *The Journalist and Newspaper Proprietor* bid a “reluctant farewell” to its readers. The editor explained that with dwindling support, their publishing operation, which once positioned itself as informing a “great army of workers” as to their profession’s status, was no longer viable. The trade journal first appeared in 1886, shortly after the formation of the National Association of Journalists (NAJ), which revised its name to the Institute of Journalists (IOJ) in 1889. Originally titled *The Journalist: A Newspaper for all Newspaper Producers*, the subtitle changed to *A Weekly Newspaper for the Journalistic Profession* in 1887 before settling on *The Journalist and Newspaper Proprietor* in 1890. The publication’s aim, as set forth in its premier issue, was to establish “a centre of information and authority in press matters; to bring pressmen all over the Empire to know and cultivate each other; to define and to protect the true interests of journalism, and, in time, to obtain for journalists, that definite professional status and formal recognition which other professions have secured.”<sup>1</sup> While *The Journalist* and the IOJ were not formally connected, the two bodies were wholly entwined.<sup>2</sup> After 18 years of publication and adapting printing schemes from weekly to fortnightly and monthly intervals, the editorship

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<sup>1</sup> “An Introductory Note,” *The Journalist*, October 15, 1886, 1.

<sup>2</sup> There is some confusion among scholars as to whether or not *The Journalist* was an official organ of the NAJ, and later, the IOJ. *The Journalist* was launched in October 1886 in cooperation with the NAJ. While it did report on the IOJ and have endorsements from the organization’s leadership, *The Journalist* was not formally connected or funded by any professional society. This issue is further confused by the short-lived publication titled *Journalism* which ran from November 1887 until September 1888. As recorded in the IOJ’s 1891 Annual Report, “Your Council have continued to give assistance in every possible way ‘to the firm establishment’ and ‘satisfactory development’ of the *Journalist*, as the only existing professional journal for journalists. Members are aware that the *Journalist* is not the property of the Institute, but, being under the control and direction of a member, and conducted in general harmony with the objects of the Institute.” See “Annual Conference – Dublin,” *Supplement to The Journalist and Newspaper Proprietor*, July 18, 1891.

conceded that the publication had been granted “a fair trial” but that it was time to acknowledge that the young and ambitious journalists who had once supported the journal were “now tired and mature men.” As for the newest journalists beginning their climb on the ladder of newspaperdom, the parting editorial suggested with a tone of disappointment that “the bulk of them are no more conscious of their need of a professional organ.” The editorial was not speaking of the IOJ but of the longstanding desire of some newspaper men to establish a trade union for journalists – a hotly contested query since the organization’s earliest days. While the journal continued to receive correspondence from pressmen who wished for the IOJ to become a trade union to advance the rights and interests of journalistic labour, the organization’s charter, formalized in 1890, prohibited such a transformation.<sup>3</sup> The question of labour organization for journalists was crucial. With the publication’s termination, the editorship at *The Journalist* estimated that the vision of comprehensive labour organization and inter-class collaboration was effectively dead.<sup>4</sup>

*The Journalist’s* failure as a reputable and self-supporting trade journal is indicative of the struggle faced by journalists – especially at the low end of the experience curve – to receive fair wages and treatment. It also shows the ways that well-established newspaper editors and proprietors within the IOJ actively worked against these aims at the turn of the twentieth century. By drawing on the voices of ordinary working journalists, this chapter examines how journalists in Britain organized their profession, with special attention to the period between 1884 with the

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<sup>3</sup> “Last Words,” *The Journalist*, August 15, 1904, 8-9.

<sup>4</sup> *The Journalist* continued publication under the same title until 1909. No longer an unofficial organ for the Institute of Journalists, the journal instead provided information regarding specimens for printers, new printing techniques, and taxation. The publication was reduced to eight pages from sixteen, three and a half of which were devoted to advertisements for printing machinery. While it retained its name, it was effectively an entirely different publication. See Mark Turner, “Journalist. A Newspaper for all Newspaper Producers (1886-1909),” *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 327.

advent of the NAJ and 1904 with the close of *The Journalist* as the profession's solitary trade publication. The NAJ, and later the IOJ, were harnessed by elite newspaper interests to advance their own prestige and influence, rather than banding journalists together to improve wages and rights over the results of their labour.<sup>5</sup> According to journalism historian Martin Conboy, "Not only did this period witness an intensification and systematization of technologies associated with the gathering and dissemination of news but it was also a time when journalists were beginning to identify themselves collectively and professionally."<sup>6</sup> There is a basic narrative media scholars summarize to acknowledge journalism's course of professionalization in Britain: The National Association of Journalists was inaugurated in Birmingham in 1884, changed its name to the Institute of Journalists in 1889, and received a Royal Charter in 1890, all while working to enhance the profession's status "by promoting the interests of journalists, raising their status and qualifications, supervising their professional duties, and testing qualifications for membership."<sup>7</sup> In the *Dictionary of Nineteenth Century Journalism*, Matt Rubery's entry for the IOJ points out the organization's charitable endeavours, including the establishment of an Orphan Fund in 1891, a Benevolent Fund for distressed journalists in 1898, and an Unemployment Fund in 1910.<sup>8</sup> Aled Jones likewise highlights how the organization worked to

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<sup>5</sup> For the labour movement in Britain, see James Thompson, "Political economy, the labour movement and minimum wage, 1880-1914," in *The Strange Survival of Liberal England: Political Leaders, Moral Values and the Reception of Economic Debate*, ed. E. H. H. Green and D. M. Tanner (Cambridge: Cambridge University Press, 2007), 62-88.

<sup>6</sup> Martin Conboy, "It is nobbut (only) an oligarchy that calls itself a 'we': Perceptions of journalism and journalists in Britain, 1880-1900," *Journalism Studies* 16.6 (2016): 730; 730-43.

<sup>7</sup> Philip Elliot, "Professional ideology and organizational change: the journalist since 1800," in *Newspaper History: From the 17<sup>th</sup> Century to the Present Day*, ed. George Boyce, James Curran, and Pauline Wingate (London: Constable, 1978), 175; 172-91.

<sup>8</sup> Matt Rubery, "Institute of Journalists (1888-)," *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 308. Laurel Brake's entry for the National Union of Journalists also makes these points. See Laurel Brake, "National Union of Journalists (NUJ) (1907-)," *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: Academia Press and British Library, 2009), 440.

improve professional qualifications for journalists entering the profession and kept “a watchful eye” on legislation affecting journalistic work.<sup>9</sup> While these summaries are accurate, a more detailed account of the IOJ’s origins and the limited nature of its advocacy for the journalistic profession as a whole is necessary. To understand the development of journalistic work in the late nineteenth and early twentieth century, I examine the ways that the IOJ failed to protect the rights of ordinary working journalists and to promote their importance to the ecology of news production.



**Figure 3.1** The original masthead for *The Journalist* emphasized the labour of newspaper production with vignettes of men setting type and working at printing machines, editing and writing copy, and reading in solitude. The masthead shows a conscious effort at inter-class collaboration.

Ordinary working journalists were the freelancers, penny-a-liners, and traveling country reporters. As discussed in Chapter 1, these workers included subeditors, especially those whose

<sup>9</sup> Aled Jones, *The Powers of the Press: Newspaper, Power and the Public in Nineteenth-Century England* (Aldershot: Scholar Press, 1996), 124-27.

work in producing a local newspaper habitually exceeded their job description. Existing scholarship has accounted for very little about who these workers were, what their relations were with other members of the press, or about the specifics concerning how their work varied in particular cities, regions, or publications. These newsmen earning weekly wages were often precariously employed (or at least underemployed). They were without job security or the benefits of unionism but contributed significantly to the news and information that appeared across the newspaper press. Not only did these people produce journalistic content, they also circulated it throughout the press. While some ascended into better paying and more secure positions like leader writers or correspondents at home and abroad, most did not.

There is good reason why these workers have gone relatively unobserved. A central challenge in this domain of research is the low availability of evidence about the work, lives, and inner thoughts of the journalistic profession's rank and file. Over the course of its publication, *The Journalist* played a vibrant role as a sounding board for journalists to register their opinions and outlooks about the challenges they faced in their respective positions and across the wider industry. This trade journal offered opportunity for all sorts of journalists to participate in lively and often colourful debates and commentary about the profession's progress and specifically the IOJ. The people of the press were in conversation with each other on *The Journalist's* pages. By studying the IOJ through *The Journalist*, as well as commentary in the wider periodical and newspaper press, I extract the impressions and sentiments of those often nameless journalists about the nature of their work, the basic challenges they faced, and how they interpreted the effectiveness (and ineffectiveness) of the organization which purported to represent their interests.

Certainly, the IOJ contributed towards improving journalism's overall professional status. But the profession's improved status did not mean better terms of employment for the industry's most vulnerable workers. This chapter provides a more critical account. As social historians Heidi Egginton and Zoë Thomas have recently argued, "The making of a society governed by professions in unequal hierarchies and structured by competitive professional ideals and expertise now forms the foundation of many of the master narratives of modern British history."<sup>10</sup> Gareth Stedman Jones challenged the idea that "the history of the working class or of any other oppressed group could be adequately understood through the history of its leadership or its formal organizations."<sup>11</sup> As an unofficial organ which published frequent and consistent criticism as well as impartial news about the IOJ's activities and verbatim institutional reports, *The Journalist* provides a useful and generally underexplored vantage point to consider the ways that ordinary journalists explained their mistreatment and rallied for fiscal and organizational improvements. Commentary and correspondence in *The Journalist* show that there was a "class feeling" among working journalists – what Harold Perkin describes as "the existence of vertical antagonism between a small number of horizontal groups, each based on a common source of income."<sup>12</sup> Mark Hampton, one of the few press historians to relay the IOJ's presence in late-nineteenth and early-twentieth century journalism in any considerable detail, has argued that it was fundamental disagreements over the meaning of 'professional' which led to conflict between journalists as to whether their national association should work as a trade union or professional society. He situates this problem as "the ambiguous position of the 'mental labourer' in British

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<sup>10</sup> Heidi Egginton and Zoë Thomas, (eds.), *Precarious Professionals: Gender and the Politics of Expertise in Modern Britain* (London: University of London Press, forthcoming 2020-21), 2.

<sup>11</sup> Gareth Stedman Jones, *Languages of Class: Studies in English working class history, 1832-1982* (Cambridge: Cambridge University Press, 1983), 25-26.

<sup>12</sup> Harold Perkin, "The Birth of Class," in *History and Class: Essential Readings in Theory and Interpretation* ed. R. S. Neale (Oxford: Basil Blackwell, 1983), 165; 165-95.

society.”<sup>13</sup> The competing ideals over the qualifications for ‘professional’ in the late-nineteenth century British press were real and complex. I argue that it was not merely a conflict of definition which took place in forming the NAJ (and which led to its shift into the IOJ). Elite newspaper interests that aligned themselves with the infant NAJ actively worked to better serve their own welfare as proprietors, well-established editors, and metropolitan managers. These members were in the minority but held a disproportionate amount of power and influence. The eventual result was a chorus of discord from journalists who registered their frustration when confronted with the organization’s unwillingness to respond to their needs as the profession’s ordinary members. An improved professional status for their occupation was desirable in the long term, but these workers confronted poor wages and unfair reprinting practices on a daily basis.

I approach this topic and the people who conducted journalism work through a study of journalistic organization. How does professional organization in journalism intersect with the issue of reprinting and circulation in the newspaper and periodical press? While scissors-and-paste (and reprinting more generally) was a longstanding news and information gathering method, where does this journalism technique fit within an occupation that was striving to improve its professional recognition? If the results of journalistic labour were freely circulated by way of scissors-and-paste in an informal system of appropriation and dissemination, what did this say about the perceived value of certain types of journalistic labour? To what extent did working journalists tolerate the redistribution of their labours without additional compensation? More generally, where does journalistic work fit within the broader history of British labour? I engage these questions to relay the ways that working journalists attempted to advocate for

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<sup>13</sup> Mark Hampton, “Journalism and the ‘Professional Ideal’ in Britain: the Institute of Journalists, 1884-1907,” *Historical Research* 78.178 (June 1999): 183-201; 183.



themselves and their work's crucial but severely undervalued importance. Furthermore, this chapter shows the ways that textual circulation in an unregulated marketplace had wide-reaching implications, often with a real and substantial effect on the lives of working journalists.

This chapter is divided into three sections. I do not specifically examine subediting or scissors-and-paste but instead investigate the people who conducted these practices and their place within the broader journalistic field. There were social consequences to scissors-and-paste journalism. Moreover, this was not the only means by which texts travelled in the press. I demonstrate that within nineteenth century journalism, there was a range of other, far more underhanded circulation methods employed by subeditors and editors at the expense of ordinary journalists.

First, I explain the origins of the NAJ as a short-lived labour movement which ultimately failed in its initial inspiration as a trade union for journalists of all status and standing across the newspaper press. This section communicates a clear account of when and why the NAJ formed, shows how working journalists made efforts to organize themselves to improve their standing within the journalistic profession, and explains how this effort was quickly subverted by elite metropolitan journalists who did not want their profession to devolve into a trade union. Where the NAJ began as an attempt by journalists to regulate themselves as a cohesive unit of labour, the result was an association that was strong in its rhetoric but weak in action and willingness to improve the status of ordinary journalists.

Second, I account for the slow decline of the IOJ which reached a critical point in 1895 with waning memberships and powerful commentary from journalists who argued that the organization was ineffective in representing all its members' needs. This crucial moment for the IOJ coincided with the return of forceful discussions among its membership about the need for

collective bargaining and standardized compensation rates – a few of the NAJ’s initial stimuluses in 1884. This issue manifested itself through what journalists referred to as the ‘Lineage Question’ (a standard rate of pay for news reports) and a ‘Code of Usage’ (a standard set of rules for circulating previously published news) to regulate journalistic work. I argue that these issue of payment and rules for circulation were part of the complex and multifaceted work of scissors-and-page journalism. By exploring how the IOJ mishandled this portfolio, I show the ways that ordinary journalists tried to gain control over the means of journalistic production.

Third, I close this chapter with a brief case study that brings together the questions of textual circulation, journalistic compensation, and the IOJ’s charge to protect and promote its members’ rights through an analysis of the copyright case *Springfield v. Thame* (1903). The case, in which the freelancer George Springfield accused the *Evening Standard* of copyright infringement after the routine republication of his exclusive article, is about more than the plaintiff’s arguments about property and ownership and the defence’s retorts about fair use and the flow of news. I argue that this case was a tipping point for the IOJ membership’s faith in the organization’s ability to advocate for the rights of ordinary journalists. The case represents a culmination of the challenges faced by these precarious workers at the turn of the twentieth century. While journalism gained greater recognition for its political and social significance during this period, most journalists remained on the periphery of British society.<sup>14</sup>

### ***Journalism’s Failed Labour Movement, 1884-1890***

“It has oftentimes been truthfully remarked that, although British journalists are ever anxious to champion the advantage of unity,” wrote the *Daily Gazette for Middlesbrough* on 5 July 1884,

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<sup>14</sup> See, for example, Nigel Cross, *The Common Writer: Life in 19<sup>th</sup>-Century Grub Street* (Cambridge: Cambridge University Press, 1985).

“they themselves are without any union at all.”<sup>15</sup> The comment was in response to a series of meetings held across the United Kingdom to gauge interest among journalists in the prospect of forming a national association. As early as 1881, the Manchester Press Club had considered the usefulness of an association for the benefit of all working journalists and struck a committee to evaluate the possibility of forming a National Association of Pressmen. However, they achieved no definite result. By March 1884, they revived the issue.<sup>16</sup> In pursuing the question, the club appointed a new committee “to take prompt and energetic measures for the establishment of a league or association of reporters, sub-editors, and others engaged on the Press of this country.”<sup>17</sup> In response, British journalists gathered in metropolitan and provincial centres to discuss “as to the advisableness of forming an association” and, most importantly, to what means and purpose it would serve.<sup>18</sup> Throughout the spring of 1884, the reaction from pressmen was positive and enthusiastic. In anticipating how such an organization would improve the profession, one journalist remarked, “A more promising movement has not been started in connection with journalism in my time.”<sup>19</sup> With strong support across Britain, the people of the press prepared to send delegates to a national convention later that year in Birmingham on 25 October to formally discuss the matter as a national assembly.

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<sup>15</sup> “National Association of Journalists,” *Daily Gazette for Middlesbrough*, July 5, 1884, 4.

<sup>16</sup> The driving force for a national association was professionalization. However, I argue that some journalists within this organizational movement were likely attempting to catch the wave of labour organization and trade union membership expansion in Britain which lasted from the early 1870s until 1914. This period saw trade union membership swell from half a million workers to over four million in three bursts, beginning in the 1870s, followed by the 1880s, and again in the years before 1914. See James Hinton, “The Rise of a Mass Labour Movement: Growth and Limits,” *A History of British Industrial Relations 1875-1914*, ed. Chris Wrigley (Manchester: University of Manchester Press, 1982), 20-25; Andrew August, *The British Working Class 1832-1940* (Harlow, UK: Pearson Education Ltd., 2007), 116-17.

<sup>17</sup> Alfred Baker, *The Newspaper World: Essays on Press History and Work, Past and Present* (London: Isaac Pitman & Sons, 1890), 32.

<sup>18</sup> “Literary Gossip,” *The Athenaeum*, October 18, 1884, 498.

<sup>19</sup> “Journalism Association,” *The Sportsman*, October 4, 1884, 3.

Of particular consequence was the London Press Club's meeting on this subject. While other assemblies held across the country received short acknowledgements in their respective local presses, news reports about the meeting in London gained attention across the United Kingdom.<sup>20</sup> On the evening of Saturday, 7 June 1884, the London Press Club convened at their regular meeting place and fashionable rendezvous, Anderton's Hotel on Fleet-Street. David Bremner, news editor for the *St. James's Gazette*, chaired the meeting, which had the expressed purpose to discuss "the expediency of forming a national association" for the journalistic profession.<sup>21</sup> While the assembly was "a numerously attended and representative gathering of journalists" a number of letters were read aloud from members of the provincial press who were unable to attend. The letters – the contents of which were not recorded in any news report – were recounted to have "greatly differed in opinion as to the objects for which such a society should be formed."<sup>22</sup> It was noted, however, that the letters strongly supported a national association. After some discussion among the attendees, Samuel Bennett, barrister at Middle Temple and editor of the weekly newspaper *The Radical*, moved that the meeting approve the formation of a

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<sup>20</sup> See for example *Glasgow Herald*, June 9, 1884, 7; *Western Daily Press*, June 10, 1884, 7; *Huddersfield Daily Chronicle*, June 9, 1884, 4; *Yorkshire Post*, June 9, 1884, 3; *Derby Daily Telegraph*, June 9, 1884, 2; *Bradford Daily Telegraph*, June 9, 1884, 2; *Pall Mall Gazette*, June 27, 1884, 11-12; *North British Daily Mail*, June 9, 1884, 5; *Western Mail*, June 9, 1884, 3.

<sup>21</sup> David Bremner would go on to become the chief subeditor for the *St. James's Gazette*. See *Sheffield Evening Telegraph*, November 16, 1893, 3.

<sup>22</sup> "Proposed National Journalists' Association," *Western Daily Press*, Bristol, June 10, 1884, 7.

national association of journalists.<sup>23</sup> The resolution passed by a large majority and the assembly agreed to send five delegates to the upcoming Birmingham conference.<sup>24</sup>

What followed in the London Press Club's discussion was a curious and exceptional departure from the other meetings across the country. K. Chant, a London correspondent for the *Irish Times*, moved "That the delegates be instructed to recommend to the conference that the objects of the proposed Press Benefit Society should be attained by extending and amending the basis and organization of the Newspaper Press Fund."<sup>25</sup> After some debate on the resolution, "several speakers" expressed concern about the role of a national association in regulating the financial relationships between newspaper proprietors and members of the reporting and editorial staff.<sup>26</sup> This outlook was not unanimous. A smaller contingent of journalists "advocated the formation of a regular Trade Union, with power to fix minimum salaries and a minimum scale of

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<sup>23</sup> One of the challenges to this research is identifying who these journalists were. While they helped make the news, journalists were not necessarily part of the news and their names and work were not always recorded. News reports only refer to "Mr. Bennett" with no precise affiliation. However, at the Birmingham conference, Bennett (who was elected as a delegate to represent the London district) is referred to as a barrister. This is further supported by an "S. Bennett" advocating for the NAJ's importance and usefulness to journalists in *The Athenaeum* in 1885. An article in *The Sketch* refers to a "Samuel Bennett" who is a barrister at Middle Temple as the founder of *The Radical* with T. P. O'Connor. Moreover, a biographical list of Middle Temple's members lists a Samuel Bennett whose father of the same name was the proprietor of the *Dunbarton Herald* and *Lennox Herald* in Dunbarton, Scotland. That Samuel Bennett's dates are 1815-1870. See "Conference of British Journalists," *York Herald*, November 1, 1884, 15; "Journals and Journalists of To-Day," *The Sketch*, November 21, 1894, 24; "The National Association of Journalists," *The Athenaeum*, February 14, 1885, 215; Joseph Foster, *Men-at-the-bar: A Biographical Handlist of the Members of the Various Inns of Court*, 2<sup>nd</sup> edition (London and Avlesbury: Hazell, Watson, and Viney, Limited, 1885), 33. See especially "The Dumbarton Herald and The Lennox Herald," *Lennox Herald*, 8 March 1890, 2.

<sup>24</sup> "Proposed National Journalists' Association," *Western Daily Press, Bristol*, June 10, 1884, 7.

<sup>25</sup> Mr. Chant's identity, like other journalists who did not sign their news reports, has been difficult to track down. A February 1885 article from the *Manchester Courier and Lancashire General Advertiser* regarding a meeting of London correspondents and parliamentary reports lists a Mr. Chant as affiliated with the *Irish Times*. I use this evidence, combined with Chant's proposal that journalists maintain the right to free contract, to position him as a London correspondent. At the Birmingham conference Chant was listed as a representative for London journalists. See "Parliament and the Press," *Manchester Courier and Lancashire General Advertiser*, February 15, 1885, 5; *York Herald*, October 27, 1884, 5-6; "Conference of British Journalists," *York Herald*, November 1, 1884, 15. For the quotation, see *Western Daily Press, Bristol*, June 10, 1884, 7.

<sup>26</sup> *Western Daily Press, Bristol*, June 10, 1884, 7.

payments for ‘copy’ generally.”<sup>27</sup> What was agreed was that a society of some kind was wanted and necessary; its shape and purpose was debatable.

Building on Chant’s resolution, Dr. Robert Griffiths, a London-based leader writer for the *Glasgow Mail* and the *Shipping Gazette* as well as contributor to *The Guardian* and editor of the *British Trade Journal*, amended it to add “That the delegates be instructed not to press the introduction into the objects of the association of any scheme for interfering with financial arrangements between newspaper proprietors and their staffs.”<sup>28</sup> While opinions were divided with the smaller number advocating for unionism, the majority of the pressmen in attendance “energetically repudiated any idea of collective interference between employers and employed.” Chant’s resolution passed with Griffiths’ amendment intact.<sup>29</sup> As the journalistic profession attempted to organize itself into a national association, delegates from the London Press Club chose to advocate for maintaining freedom of contract at the upcoming national convention.

Two key questions arise from the limited evidence available about this meeting. First, why would Chant use the terminology of ‘Press Benefit Society’ in his resolution? Moreover, why advance a resolution which aimed to equate this new organization with ‘extending and amending’ the Newspaper Press Fund? This was a clear departure from the Manchester Press Club’s language of “organization of working journalists” and “league or association.”<sup>30</sup> Chant’s actions directed momentum for a national organization away from trade unionism and instead towards something similar to a benevolent society. The Newspaper Press Fund, established in

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<sup>27</sup> *Derby Daily Telegraph*, June 9, 1884, 2; *Yorkshire Post and Leeds Intelligencer*, June 9, 1884, 3. See also “Servile Salaries,” *The Journalist*, May 6, 1887, 53-54.

<sup>28</sup> “Death of the Counsel to the Institute of Journalists,” *Berwickshire News and General Advertiser*, June 7, 1892, 6. Griffiths would go on to play a substantial role in the Institute of Journalist as a member of the executive committee. For the quotation, see *Western Daily Press, Bristol*, June 10, 1884, 7.

<sup>29</sup> *Derby Daily Telegraph*, June 9, 1884, 2.

<sup>30</sup> Alfred Baker, *The Newspaper World: Essays on Press History and Work, Past and Present* (London: Isaac Pitman & Sons, 1890), 32.

1867 by Charles Dickens, was exactly that – an insurance organization. As Dickens explained, its purpose was to grant financial relief to “members in want or distress, and to the widows, families, parents, or other near relatives of deceased members in right of a moderate provident annual subscription.”<sup>31</sup> That Chant steered the London Press Club towards a system for compensating journalists and their dependents in financial need, rather than a national organization with the power to reform and regulate journalistic work and wages, was a crucial aberration.

Second, why argue against trade unionism in journalism?<sup>32</sup> The spirit of the Manchester Press Club’s initial investigation into a national league for press workers was to specifically accommodate reporters and sub-editors. It is irregular (but not surprising) that this effort was so quickly co-opted to include better-established pressmen and management. Griffiths’ inclusion that any journalistic organization should not “regulate the financial relations between newspaper proprietors and the members of the reporting or editorial staff” was direct and deliberate action against the potential for collective negotiation between journalists and newspaper management.<sup>33</sup> Ordinary working journalists, some of whom were at the London Press Club meeting but in the minority, surely understood common organization as an opportunity to break out of an isolated and autonomous labour struggle towards a national effort. Their request that such an organization would have the power to fix minimum salaries and scale payments for copy suggests that these

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<sup>31</sup> Charles Dickens, *Life, Letters, and Speeches of Charles Dickens* (Boston and New York, Houghton, Mifflin and Company, 1894), 450.

<sup>32</sup> This question was contested in *The Journalist*, especially by the journalist, Thomas Frost. See for example “Journalistic Salaries,” *The Journalist*, November 5, 1886, 70; “Our Association,” *The Journalist*, December 17, 1886, 148; “Journalistic Failures,” *The Journalist*, March 11, 1887, 341-42; “Journalistic Trade Unionism,” *The Journalist*, May 13, 1887, 69; “Journalistic Trade Unionism,” *The Journalist*, May 27, 1887, 101-2.

<sup>33</sup> *Derby Daily Telegraph*, June 9, 1884, 2; “Proposed National Association,” *Yorkshire Post and Leeds Intelligencer*, June 9, 1884, 3.

workers were attentive to keeping “the price of labour-power from falling below its value.”<sup>34</sup>

Where one journalistic contingent may have wanted an organization to improve the terms on which they traded their labour, a second and more powerful group wanted a professional society that would enhance their prestige and influence within *and beyond* their profession. Chant’s and Griffiths’ resolution demonstrates a power within one segment of the journalistic profession to purposefully direct the course of its development *away from* unionism with its ability to enforce reforms and regulate compensation. In effect, the resolution advocated for circumstances that were favourable, or, at the very least, maintained the status quo, for well-established metropolitan journalists who benefited from negotiating their own contracts and for the managing editors and proprietors who profited from an unregulated labour market.

The London Press Club’s resolution for what kind of organization they would advocate for at the Birmingham conference signals a discord within the profession’s ranks. One aspect of this partition was rooted in metropolitan and provincial differences. Another and perhaps more compelling factor is what media historian Mark Hampton calls “the distinction between broadly educated ‘journalist’ and a mere ‘reporter’ derived in part from class snobbery.”<sup>35</sup> The question of ‘journalist’ versus ‘reporter’ speaks directly towards the value put on different aspects of

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<sup>34</sup> Karl Marx, *Capital Volume I*, trans. Ben Fowkes (London: Penguin Books, 1976), 1069. The full passage is as follows: “On the other hand, the value of labour-power constitutes the conscious and explicit foundation of the trade unions, whose importance for the English working class can scarcely be overestimated. The trade unions aim at nothing less than to prevent the reduction of wages below the level that is traditionally maintained in the various branches of industry. That is to say, they wish to prevent the price of labour-power from falling below its value.” I use the term “labour-power” (rather than labour) deliberately here. In Chapter 6 of *Capital*, Marx introduces this concept as follows: “By labour-power or capacity for labour is to be understood the aggregate of those mental and physical capabilities existing in a human being, which he exercises whenever he produces a use-value of any description.” As discussed in Chapter 1 of this dissertation, this inclusion is especially appropriate when discussing the work of journalists who rely on both the physical and mental processes to produce a quality result.

<sup>35</sup> Mark Hampton, “Defining Journalists in Late-Nineteenth Century Britain,” *Critical Studies in Media Communication* 22 no. 2 (2005): 138-55; 143.



labour in the same industry. Before organizations like the NAJ and universities developed formal journalism courses and training (the earliest in Britain being inaugurated at University of London in 1919), there were competing and contested conceptions of who qualified as a journalist. This friction was, at least in part, the result of changes in *who* was completing journalistic work.

In 1855, shortly after the repeal of the newspaper stamp duty, the English essayist W. R. Gregg identified the types of men who conducted journalism. Writing in the *Edinburgh Review*, Gregg explained that journalists could be classed under three heads: barristers waiting to practice, young and promising politicians, and “men of training and cultivated minds who have chosen literature as a profession and politics as a favourite pursuit; and who have been driven into journalism by ‘accidental connexions’ or by the attraction of an income and an audience.” Gregg remarked that “From this classification it will be obvious that the average ability of the conductors of the Periodical Press must be at least equal to that which obtains in the other intellectual professions, – the Church, the Bar, the Senate, or Literature in the more usual acceptation of the word.”<sup>36</sup> In practice, journalism also allowed ambitious outsiders to break into the middle class. This mid-century classification speaks towards the desire on the part of journalists – especially at the profession’s higher end – to gain social acceptance as trained experts within not merely a specialized occupation but a noble profession. This outlook was touted by others, like the journalist E. S. Dallas who in 1859 wrote, “The newspaper is the elemental form of modern literature” and that “There is not a man, there is hardly a woman, who is not more or less dependent on it.”<sup>37</sup> By the 1880s, the journalistic landscape was not so definite; there were considerable disparities within the field with a far greater range of

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<sup>36</sup> [W. R. Gregg], “The Newspaper Press,” *Edinburgh Review*, October 1855, 470-98; 484.

<sup>37</sup> [E. S. Dallas], “Popular Literature – the Periodical Press,” *Blackwood’s Magazine*, February 1859, 180-95; 180-81.

participants. However, a network of journalists who fit the mid-century mould with elite cachet maintained a commanding presence throughout the press. To reject unionism was to reinforce the class rivalries harboured within the journalistic industry. W. T. Stead, writing in the *Review of Reviews* in 1891, succinctly summarized this division when he wrote, “There are journalists and journalists, and everything depends on upon what kind of journalist you wish to be.”<sup>38</sup> Denying people on the lowest rungs of the journalistic ladder the collective representation and solidarity that might improve their position effectively reinforced the existing professional hierarchy.<sup>39</sup>

Journalism was notable for the range of people and socio-economic positions that coalesced within the occupation. The London Press Club meeting shows two competing visions for how journalists might progress past what English social critic R. H. Tawney called “a collection of individuals who get a living for themselves by the same kind of work” and towards an organized trade “for the performance of function.”<sup>40</sup> One path was unionism; the other was to join a professional society. The former approached professionalism as protecting labour in newspaper production while fostering better practices within the harsh capitalistic reality of late-nineteenth century Britain. The latter protected capitalist interests while promoting social affiliation and exclusivity. Both acted in self-interest to establish their position as an authority. Journalism contained a multitude of interests ranging from politicians, intellectuals, and well-educated writers to businessmen who owned and operated the press and to ordinary journalists including novice reporters and specialized subeditors. And these clusters were not rigid. Within each of these groupings there would have been considerable variance and, in many cases,

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<sup>38</sup> W. T. Stead, *A Journalist on Journalism*, ed. Edwin H. Stout (London: John Haddon & Co., 1891), 19-26; 19.

<sup>39</sup> Harold Perkin’s explanation of class versus hierarchy in *The Rise of Professional Society: England since 1880* (London and New York: Routledge, 1989), 2-9.

<sup>40</sup> R. H. Tawney, *The Acquisitive Society*, (New York: Dover Publications, Inc., 1920), 92.

crossovers. The range of socio-economic positions and special interests within the journalistic occupation is too substantial to define as a single journalistic ‘class’. Historian Thomas L. Haskell referred to this phenomenon as an “assemblage of social types” which in their own right display an “instinct for self-preservation”. There is an underlying antagonism between these groups as they attempt to fold themselves together into a cohesive organization. The long-term result was fragmentation and dispersal.<sup>41</sup>

On 25 October 1884, at the Grand Hotel in Birmingham, journalists from across England gathered to discuss the prospect of a national association in what would become the first annual meeting for the NAJ. They came from London, Manchester, Liverpool, Leeds, Sheffield, Birmingham, Newcastle-on-Tyne, Bradford, Birmingham, Derby, Wolverhampton, Coventry, Exeter, Preston, York, Northwich, and Oldham.<sup>42</sup> Harry Flint, president of the Manchester Press Club and chief reporter for the *Manchester Courier*, presided over the assembly. Roughly 100 pressmen attended, representing what the *Leeds Times* estimated was no less than 2,000 pressmen from across the country, to discuss the question of a national association.<sup>43</sup> The *Sheffield Daily Telegraph* estimated that the conference was the “largest and most representative assembly of press-men which has ever assembled in the provinces.”<sup>44</sup> The specifics as to who attended the conference and the range of ordinary and well-established journalists who set forth the principles and mission for the national association are unknown. Nevertheless, the result was a unanimous agreement to form a National Association of Journalists. The assembly appointed

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<sup>41</sup> Thomas L. Haskell, “Professionalism *versus* Capitalism: R. H. Tawney, Emile Durkeim, and C. S. Peirce on the Disinterestedness of Professional Communities,” in *The Authority of Experts: Studies in History and Theory*, ed. Thomas L. Haskell (Bloomington: Indiana University Press, 1984), 180-225; 183-84.

<sup>42</sup> “The National Association of Journalists,” *Sheffield Independent*, October 27, 1884, 3.

<sup>43</sup> *Leeds Times*, November 1, 1884, 7.

<sup>44</sup> *Sheffield Daily Telegraph*, October 27, 1884, 3.

an executive committee which was responsible for organizing and developing the association. This included Harry Flint as the founding president and four vice-presidents including Henry Stephenson Green, reporter for the *Manchester Courier*, Dr. Griffiths from the London Press Club, Dain Hopwood, proprietor of the *Midland Counties Herald* in Birmingham, and Joseph Mason, long-time journalist for the *Liverpool Daily Post*. George H. Kynaston and J. B. Atkinson, Manchester reporters with the *Examiner* and *Guardian*, respectively, were appointed honorary secretaries.<sup>45</sup> Additionally, one member from each of the largest newspaper districts represented at the meeting (London, Manchester, Birmingham, Sheffield, Leeds, Newcastle-on-Tyne, Nottingham, York, and Bradford) were appointed to fill out an executive committee. After four and a half hours of discussion and debate, the NAJ was born.<sup>46</sup>

From the start, the friction between ordinary journalists and the more securely established was evident. The NAJ's purpose, as outlined in this foundational meeting, was "To promote the common interests of the journalistic profession by resisting any attempt which may be made to encroach upon its rights and privileges, to advance the status of the profession, and to secure those advantages which in the case of other professions have been found to accrue from union."<sup>47</sup> Crucially, "those advantages" would not include wages. That unionism was included at all in this initial statement – however carefully phrased so as to not endorse it directly – reinforces the presence of journalists who wished to improve their pay through collective action. In practice, this was something of a paradox. Over the course of the conference, the assembly decided that the NAJ should fully enforce the London's Press Club's resolution on the issues of wages and non-intervention between employees and employers. It was "thoroughly understood" that the

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<sup>45</sup> "Conference of British Journalists," *York Herald*, November 1, 1884, 15.

<sup>46</sup> "The National Association of Journalists," *Pateley Bridge & Nidderdale Herald*, November 1, 1884, 6; *Sheffield Daily Telegraph*, October 27, 1884, 3.

<sup>47</sup> *South Wales Daily News*, October 29, 1884, 4.

new association would not resemble a trade union and would not initiate any action that “would be inimical to the interests of employers.”<sup>48</sup> The question regarding the rate of payment for journalists was specifically targeted as beyond the NAJ’s scope or responsibility. The *South Wales Daily News* quoted the association’s position directly:

It is distinctly understood, however, that the association “does not contemplate interfering in any way in any dispute which may arise relating solely to the rate of payment or remuneration of any of its members, but will at all times be prepared to afford to members through the medium of its branches information as to the status and general character of newspapers and journals on which they may be seeking employment, and will also, where practicable, lend assistance in procuring employment.”<sup>49</sup>

The decision to not interfere in the issues of compensation and employment disputes was a calculated one. The rift at the London Press Club’s meeting regarding what function the NAJ would serve carried over fully to the national conference. These fault lines may not have been immediately visible but would have long-term implications for the association. If the NAJ’s expressed purpose was “to protect the interests of the members of the profession,” the interests of some affiliates counted more than others.<sup>50</sup>

The class-based nature of journalistic work in the late nineteenth century was significant.<sup>51</sup> While certain journalists had a lifelong dependence on working-class wages, most people who filled this occupation were part of an intellectual proletariat, aspiring towards

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<sup>48</sup> “Conference of British Journalists,” *York Herald*, November 1, 1884, 15.

<sup>49</sup> *South Wales Daily News*, October 29, 1884, 4.

<sup>50</sup> *Yarmouth Mercury*, November 1, 1884, 6.

<sup>51</sup> I do not mean to equate journalistic work – no matter how arduous – with the physical and dangerous work which the working class in Britain undertook throughout the nineteenth century and beyond. For example, see James R. Simmons, Jr., ed., *Factory Lives: Four Nineteenth-Century Working-Class Autobiographies* (Peterborough, Ontario: Broadview Press, 2007).

professional status and in many cases seeking to advance their personal opportunities through the work of journalism.<sup>52</sup> Part of journalism's appeal for the greenhorn reporter in the late nineteenth century was that the press was still effectively without gatekeepers requiring formal accreditation as an entrance way into newspaperdom. The notion that the NAJ could succeed long-term in advancing the profession's status for all its members was visionary but improbable. The interests of novice reporters did not coincide with those of expert leader-writers, highly skilled editors, and newspaper management, none of whom were willing to advocate for widespread reforms to improve the terms of employment or compensation for ordinary journalists. According to provincial journalist Ernest Phillips, journalism was the "youngest and freest of all the professions" as opposed to medicine, law, or the clergy, and was distinguished "in being absolutely open to all comers."<sup>53</sup> The result was a catch-all professional organization but one which did not necessarily inspire a broad spectrum of views among its most powerful members.

The NAJ wanted to include all variety of journalists but maintained a determined ideology about what purpose and which part of the journalistic continuum the association should serve. Work for the newly formed NAJ was slow going. On 3 January 1885, the executive committee held their first meeting at the Mitre Hotel in Manchester. Harry Flint, the newly appointed president, was unable to attend and vice-president Henry Stephenson Green took the chair in his place. The executive committee's work mostly comprised of fixing the areas of local branches and districts to organize the NAJ's development and representation. As outlined in Table 3.1, the committee established 15 districts in England and Wales (districts in Scotland

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<sup>52</sup> For wages in journalism, see Chapter 1.

<sup>53</sup> Ernest Phillips, *How to Become a Journalist: A Practical Guide to Newspaper Work* (London: Sampson Low, Marston & Company, 1895), ix-xxii.

were incorporated in the NAJ beginning in 1887 and districts in Ireland joined in 1889).<sup>54</sup> The justification for these districts is not entirely clear, but it provides a picture of journalism's shape (from the NAJ executive committee's vantage point) in 1885.<sup>55</sup> The executive also established committees to begin work on a monthly journal as well an insurance scheme for NAJ members.<sup>56</sup> Most important was the executive's decision that the NAJ's offices, which were temporarily held in conjunction with the Manchester Press Club, should be moved to London as "the natural centre of press communication in Great Britain."<sup>57</sup> The move was seen by some as beneficial in generating a cohesive movement that was not exclusively provincial in scope. *Court Journal*, for example, remarked that "With all due respect for the high quality of provincial journalism in the present day, it may still be claimed that in the metropolis the workmen of journalism are, more especially than elsewhere, found in the highest circles, intellectual, financial, and social."<sup>58</sup> By virtue of being in London, the NAJ would also have the opportunity to align their profession with political and legal circles. To advance the NAJ's influence and effect as a national organization, there was a sense that closer affiliation with London was essential.

That alignment was actualized on 27 February 1886 at the NAJ's second annual conference, which was held in London.<sup>59</sup> Delegates from London, Manchester, Sheffield,

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<sup>54</sup> Individual journalists from Scotland and Ireland were able to join the NAJ but they were without local branches. As early as 1886, there was considerable attempts to form an Association of Irish Journalists which ultimately joined with the NAJ in 1888. See "Association of Irish Journalists," *Freeman's Journal*, September 13, 1886, 3; "Irish Journalists' Association," *The Journalist*, March 4, 1887, 334. For Scotland, see "National Association of Journalists," *Aberdeen Evening Express*, September 13, 1886, 4.

<sup>55</sup> Table 3.1 relies on data reported in "National Association of Journalists," *Cheshire Observer*, January 10, 1885, 7.

<sup>56</sup> "The National Association of Journalists," *Manchester Courier and Lancashire General Advertiser*, January 10, 1885, 15.

<sup>57</sup> "National Association of Journalists," *Yorkshire Post and Leeds Intelligencer*, January 5, 1885, 5; "National Association of Journalists," *Bradford Daily Telegraph*, January 6, 1885, 3.

<sup>58</sup> Clipping from *Court Journal* reprinted in "Journalism," *Leamington Spa Courier*, 17 January 1885, 4.

<sup>59</sup> The NAJ did not hold a national conference in 1885. The work associated with the 1885 general election was cited as the chief reason why the association failed to effectively organize. See "National Association of Journalists," *Northampton Mercury*, June 5, 1886, 6.

Liverpool, Birmingham, Manchester, and Newcastle-on-Tyne attended the conference at Anderton's Hotel on Fleet-Street.<sup>60</sup> The assembly, which had now reached 250 members, elected Sir Algeron Borthwick, 1<sup>st</sup> Baron Glenesk, owner of the *Morning Post* and Conservative Member of Parliament for Kensington South as the organization's new president – a marked shift in stature to the NAJ's leadership.<sup>61</sup> Borthwick had made an impression on journalists the previous year when Westminster had enforced new access regulations for reporters to the House of Commons. The response among journalists was that the new protocols amounted to “insuperable obstacles in the way of full and accurate reporting” for leader-writers and reporters alike.<sup>62</sup> In a moment of rousing commentary, Borthwick, standing before the NAJ's London District in February 1885, argued for further facilities instead of restrictions. He expounded that the press had earned “an absolute public right for the benefit of the nation” and that he “had always regretted that the press did not act more together, as by their isolation and indifference they lost a great deal of the power and influence to which they were entitled.” The strong and passionate words provoked applause from the assembly. More importantly, his speech circulated throughout the press and Borthwick gained recognition and esteem from all variety of journalists.<sup>63</sup> In addition to Borthwick's appointment as NAJ president in 1886, the assembly also appointed Hugh Gilzean Reid, the Scottish journalist, Liberal Member of Parliament for Aston Manor for 1885-86, and proprietor of the *North-Eastern Daily Gazette*, as vice-

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<sup>60</sup> *Yorkshire Post and Leeds Intelligencer*, March 1, 1886, 4.

<sup>61</sup> *Daily Gazette for Middlesbrough*, March 1, 1886, 2. Algeron Borthwick simultaneously held the presidency of the Newspaper Press Fund. See *Heywood Advertiser*, December 10, 1886, 5.

<sup>62</sup> “Parliament and the Press,” *St. James's Gazette*, February 14, 1885, 11

<sup>63</sup> “Parliament and the Press,” *Manchester Courier and Lancashire General Advertiser*, February 18, 1885, 5. See also “Parliament and the Press,” *Irish Times*, February 18, 1885, 5; “Parliament and the Press,” *St. James's Gazette*, February 18, 1885, 13; “Parliament & Its Reporters,” *Edinburgh Evening News*, February 19, 1885, 4; “The House of Commons and the Press,” *Western Daily Press*, February 19, 1885, 3; *Penny Illustrated Paper*, February 21, 1885, 2.



president.<sup>64</sup> Thereafter, members of parliament routinely joined the association and frequently gained positions of authority.<sup>65</sup> If the impetus for the NAJ had been an organization to advocate for reporters and subeditors who engaged in the work of newspaper production, in practice it became an association focused on centralizing and enhancing the powers of the press for those at the peak of the experience and influence curve.

**Table 3.1** Original 15 Districts with Corresponding Local Branches for the National Association of Journalists, 1885

Number	Local Branches	District
1	Northumberland, Durham, Cumberland, Westmoreland	Newcastle-on-Tyne
2	North and East Ridings	York
3	West Riding (Northern Division)	Leeds or Bradford
4	South Yorkshire, North Derbyshire, North Notts, North Lincolnshire	Sheffield
5	North, North-east, and South Lancashire, East Cheshire	Manchester
6	West Lancashire, West Cheshire, North Wales	Liverpool
7	Warwick, Stafford, Shropshire (South), Worcester, Hereford	Birmingham
8	Leicester, South Lincolnshire, South Notts, South Derbyshire, Rutland	Nottingham
9	South Wales	Cardiff
10	Cornwall, Devon, Somerset, Dorset, Gloucester, Wiltshire	Exeter
11	Northampton, Huntingdon, Bedfordshire	Northampton
12	Cambridgeshire, Suffolk, Norfolk	Cambridge
13	Oxford, Buckingham, Berkshire, Hampshire	Reading
14	Essex, Hertford, Middlesex, Surrey	London
15	Sussex, Kent	Brighton

<sup>64</sup> *Leeds Mercury*, March 1, 1886, 5.

<sup>65</sup> For example, throughout the remainder of 1886, the following Members of Parliament joined the NAJ: Leonard Courtney, 1<sup>st</sup> Baron Courtney of Penwith (Liskeard and Bodmin); J. Henniker Heaton, 1<sup>st</sup> Baronet (Canterbury); E. Dwyer Gray (Carlow County and Dublin St. Stephen's Green); C. Bradlaugh (Northampton); J. J. Coleman (Norwich).

**Table 3.2** Newspapers Published in the United Kingdom, 1887

<b>Country</b>	<b>Number of Publications</b>
England (London)	435
England (Provinces)	1,246-1,681
Wales	84
Scotland	191
Ireland	158
British Isles	21

**Table 3.3** Daily Newspapers Published in the United Kingdom, 1887

<b>Country</b>	<b>Number of Publications</b>
England	145
Wales	5
Scotland	20
Ireland	15
British Isles	1

The following annual conference in February 1887 was pivotal. Membership for the NAJ had reached 614 and *The Journalist* had been operating as an independent monthly periodical since October 1886. *Journalism*, the official organ of the NAJ, would begin its publication in November 1887. More broadly, journalism as an industry was continuing its advances, as shown in Table 3.2 and Table 3.3, with 2,135 newspapers published throughout the United Kingdom, 145 of which were daily publications.<sup>66</sup> On 5 February 1887 at the Grand Restaurant in Leeds, Algeron Borthwick gave two addresses as NAJ president. The first, was to the general assembly and had the dual effect of an election speech as he sought the presidential position for a second one-year term. Borthwick began his address by building up the prominence of the newspaper press throughout the United Kingdom and noted that in his view there was no distinction between provincial and London papers. He submitted:

<sup>66</sup> Tables 3.2 and 3.3 use data reported in the *Newspaper Press Directory* for 1887, which was reissued in *The Journalist*, February 25, 1887, 318.

I don't think it is right now-a-days to draw a distinction between London and the provinces, considering the extraordinary means of communication throughout this little kingdom. We are all brought so close together now, that we might well say in all parts of the country that we are divided, indeed, into districts, but it would be childish at the present day to speak of "London and the provinces," as was done, properly enough, a century ago, when the provinces were really rural communities, with hardly any newspapers among them. We see now all around us proofs that every district and every centre of population and intelligence can now hold its own with the metropolis, and, so far as newspaper are concerned, can furnish an article equal to the very best published in London, whether as considered in its writing capacity, in its intelligence, or in any other matter that secures the fame of a first-class journal.<sup>67</sup>

The assembly received Borthwick's words with cries of 'hear, hear!' and applause. To the provincial press's delight, his commentary suggested a course of cooperation amongst all associated with the work of producing newspapers. His advocacy for collaboration was more than just between regions but also between peoples. He continued:

These writers and different classes of journalists would, I think, do well now, instead of remaining strangers to each other as they have been, not only between districts or as between districts and London – nay, even in London itself – to extend the hand of good fellowship to each other, to recognise each other in all the various grades of reporting, and writing, and criticism, and all the other phases of journalistic life, as being parts of the great power which is represented by the whole.<sup>68</sup>

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<sup>67</sup> "The National Association of Journalists," *The Journalist*, February 11, 1887, 284.

<sup>68</sup> "The National Association of Journalists," *The Journalist*, 284.

This position for greater integration was likely spurred by the provincial press's far greater output of newspaper publications. Andrew Hobbs has powerfully demonstrated that in terms of print matter, the provincial press had greater influence on Victorian culture than any other medium – including London.<sup>69</sup> This commentary about the provincial press's power effectively shaped the NAJ's course of authority as a professional association. The NAJ needed to have wide appeal and enrollment across the United Kingdom, including the provincial press, the continent, and the empire, if it was to gain legitimacy as a professional association and wield any real influence within the industry. In concluding his address, he reasoned that it was through this all-inclusive approach to journalism that the NAJ would “succeed in establishing the press as a profession full of honour and full of power.”<sup>70</sup> However, what followed suggests that some of these words may have been placation rather than sincere commentary.

Borthwick's rhetoric took a different direction with his second address in front of a smaller group of dinner guests that same evening. While the remarks did not appear in *The Journalist's* account of the annual meeting, the *Gloucestershire Echo* provided a verbatim report. In elevating the work of journalism for those at the highest end of the profession, the NAJ's president made it clear that journalism was for full-fledged journalists and not ordinary reporters, subeditors and those who filled what he perceived as the profession's subordinate branches. The distinction between the journalist who crafted leading articles and the reporter who compiled copy about local affairs was critical. The very workers that the Manchester Press Club believed needed to form an association were on the outside of what Borthwick believed counted as true journalism. He reiterated the tired expression that journalism was “the most influential of all

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<sup>69</sup> Andrew Hobbs, *A Fleet Street in Every Town: The power of the provincial press, 1855-1900* (London: Open Books, 2018), 2.

<sup>70</sup> “The National Association of Journalists,” *The Journalist*, 284.

professions” and then focused on journalism’s exception as a profession without entrance examinations.<sup>71</sup>

Differentiating journalism from the law, medicine, the clergy, and some positions in the public service, he reminded his audience that their profession was without formal accreditation. Journalism was ‘open’ but, in his view, it was the only profession that required a balance of “culture and intelligence” for true success. Borthwick considered that “only the very fittest survive, that is to say, of course, in the higher branches.”<sup>72</sup> This acknowledgment of a division within the journalistic profession is critical. It was not based on metropolitan and provincial lines but on occupational status, which in itself reinforced class divisions. Where his previous speech touted the importance of an inclusive range of members across the profession (which had the effect of securing him a second presidential term), this second address pivoted towards a more narrow and exclusive characterization which elevated the few at the profession’s peak above the many in less celebrated positions who contributed equally in producing a marketable product. Borthwick explicated:

The lower departments have only a distant connection with the real profession. It requires no great talent to take a speech in shorthand, and still less to manipulate scissors and paste. But genius itself has fullest scope in journalistic literature; and genius usually takes advantage of the opportunity. There are a few of our great men who have not been journalists; and when we say journalists, we do not mean amateur dabblers, but genuine professionals who did their day’s drag at quill-driving for their day’s pay.<sup>73</sup>

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<sup>71</sup> *Gloucestershire Echo*, February 7, 1887, 3.

<sup>72</sup> *Gloucestershire Echo*, 3.

<sup>73</sup> *Gloucestershire Echo*, 3.

This narrowing of the field contravened the NAJ's 'Constitution and Code of Rules' which was formally adopted in 1886. Section 7 of the association's constitution, which outlined the rules for qualifications for membership, was broad and inclusive. It stated that the qualifications recognized by the NAJ to constitute any person as a journalist included:

- (a) That he is the editor of a journal.
- (b) That he is professionally engaged upon the staff of some journal, in the capacity of leader writer, writer of special articles, artist, literary manager, assistant-editor, sub-editor, or reporter.
- (c) That he is professionally and habitually engaged in supplying journals with articles, illustrations, correspondence, or reports.<sup>74</sup>

The question Borthwick engaged was what should qualify as *bona fide* journalism. Readers understood intuitively, and scholars have demonstrated persuasively, that a newspaper was more than journalistic content and a well-crafted leader, just as it was more than a single report or summary of local news.<sup>75</sup> Behind each of these portions was a particular kind of work that was instrumental in generating a result that was in demand and which the public depended on for reliable information. What is striking is how readily Borthwick overlooked the ways that newspaper production relied on the so-called 'lower departments' to produce each newspaper issue. Furthermore, that the NAJ accepted the same dues of 10s. 6d. per annum from all members

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<sup>74</sup> "The National Association of Journalists," *The Journalist*, October 15, 1886, 4.

<sup>75</sup> James Wald, "Periodicals and Periodicity," in *A Companion to the History of the Book*, ed. Simon Eliot and Jonathan Rose (Chichester: Blackwell Publishing, 2009), 421-22; Mark Turner, "Time, Periodicals, and Literary Studies," *Victorian Periodicals Review* 39.4 (Winter 2006): 309-16; Mark Turner, "Periodical Time in the Nineteenth Century," *Media History* 8.2 (August 2010): 183-96; Margaret Beetham, "Towards a Theory of Periodicals as a Publishing Genre," in *Investigating Victorian Journalism*, ed. Laurel Brake, Aled Jones, Lionel Madden (New York: Palgrave Macmillan, 1990), 19-32.

regardless of the range of standings within the wider profession.<sup>76</sup> By narrowing the field of occupations that were eligible to align themselves within the journalistic profession, Borthwick was restricting access to the symbolic capital of professional affiliation and consolidating the press's power and authority.

Borthwick was not the only one to identify this division within the journalistic profession. This idea that journalism was crowded and in need of better gatekeeping surfaced as a discussion topic among correspondents to *The Journalist*. Writing in March 1887, a provincial subeditor shared a similar view to Borthwick's that "The press, with a generosity which exceeds its prudence, opens its arms to 'all sorts and conditions of men,' and the result is greatly detrimental to its dignity, efficiency and influence."<sup>77</sup> The perception of divisions within journalism existed throughout the profession:

Let us look at the men of whom the great press army is composed. Away out at the front – so far away that you can scarcely recognize them as part of the main body – are a few illustrious men who are an honour to their country and an ornament to the profession to which they belong. Then come a few lines of men of sterling ability in their various departments; and next a fair number of "average" pressmen – competent, experienced journalists, who, for lack of brilliancy or special qualifications, are destined to become "plodders" all their lives. Behind them is a motley horde, a vast phalanx of hungry hangers-on. Here are to be seen men who have spent years on the press, but whose want of education had been the insuperable barrier to their success; composers who might have earned a respectable livelihood had they but remained at the case; ex-dissenting ministers;

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<sup>76</sup> Associate Members (persons between the age of 17 and 21 who were engaged or training in the profession of journalism) contributed 5. per annum and Honorary Members (elected by the NAJ's Central Executive) were expected to contribute no less than one guinea per annum.

<sup>77</sup> "The 'New Departure' in Journalism," *The Journalist*, March 18, 1887, 356-57.

schoolmasters down at heel; men who have failed in every other vocation and who have a “taste for scribbling,” and any number of clerks who have acquired a certain amount of skill in shorthand, fondly imagine that they have possessed themselves of the key with which to unlock the gate of literary success. This is a roughly-drawn picture, but I fear that its rugged outlines are too true.<sup>78</sup>

This echoes Borthwick’s position that not all who tried their hand at journalism possessed the necessary capacity for newspaper work in its highest form and that the profession suffered from amateurs without the necessary skill or training. Furthermore, it hints at the mistaken impression that success in journalism merely required ambition, literacy, and a compelling story. The unsigned provincial subeditor argued, “This seething mass of incompetence to which I have alluded had a disadvantageous effect upon the salaries paid to the competent few, while it robs press life of much of its respectability and attractiveness as an occupation for men of culture and ability.” With misgiving and frustration, the subeditor recommended to his peers, “Something must be done to define what a journalist is and to draw a clear line of demarcation – a line which the uninitiated public can recognise – between the professional journalist and the hanger-on of the press.”<sup>79</sup> The question about the right to professional affiliation – who may call themselves a journalist – haunted the newspaper industry.

Borthwick and this nameless provincial subeditor’s respective commentaries suggest something other than class as informing how journalists understood the challenges within their industry.<sup>80</sup> This conflict was also about professional belonging.<sup>81</sup> According to historian Patrick Joyce, looking past “the class concept involves attention to the actual terms in which

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<sup>78</sup> “The ‘New Departure’ in Journalism,” 356-57.

<sup>79</sup> “The ‘New Departure’ in Journalism,” 356-57.

<sup>80</sup> Harry Flint, “Caste in Journalism,” *The Journalist*, December 19, 1891, 13.

<sup>81</sup> S. Grogan, “Question of An Institute,” *Journalism*, March 1888, 22.



contemporaries talked about the social order, and to the means through which they communicated their perceptions.”<sup>82</sup> All journalists had a stake in the newspaper press’s ownership and production, but also in the journalistic profession’s governance. The lines of inclusion and exclusion depended on one’s vantage point.

As I explain in Chapter 1, a successful provincial subeditor had to imagine themselves as intrinsic to the profession on account of their particular skill and training. Designations including occupational status, education, training, skill, culture, and influence were highly malleable categories of consideration. There were no universally accepted criteria for professional standing. While wages and influence weighed heavily for some, others placed stock in intelligence and experience. Others limited the profession to specific kinds of journalistic work like ownership, managing, editing, and writing leading articles. This self-designation further complicates an already complex and diverse profession. The problem faced by all stakeholders was that there was no clear consensus on journalism’s professional boundaries. In this instance, the provincial subeditor condemned the work of amateurs as the cause for economic hardship within the profession while not fully perceiving the true nature of his own socio-economic situation or how his own professional standing and work were undervalued by elite newspaper managers and proprietors. While individuals may have had a sense of the professional ideal, there was no consensus.

Some, however, recognized that in the absence of agreement as to who was qualified as a journalist, newspaper proprietors played a role in driving down wages. Another commentator in *The Journalist*, who signed his correspondence as “An Old Journalist”, captures this position. Lamenting the declining terms of employment, he argued, “The salaries now offered to

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<sup>82</sup> Patrick Joyce, *Visions of the People: Industrial England and the question of class 1848-1914* (Cambridge: Cambridge University Press, 1991), 1.

journalists are so preposterously low as to be really insulting.” He pointed towards advertisements for verbatim reporters and leaderette writers for London papers offering salaries as low as 25s. and notices of positions for junior reporters at 15s. per week.<sup>83</sup> These wages, while not casual labour, would qualify as part of what Gareth Stedman Jones described as “a continuous spectrum of degrees of underemployment.”<sup>84</sup> It also typifies what Kate Jackson describes as “the lack of editorial responsibility and the transparent pursuit of profit” associated with the New Journalism of the 1880s.<sup>85</sup> The commentator observed that the result was “that the Press is no longer a profession that can be depended upon for a livelihood but should only be regarded as a precarious adjunct to something else better worth one’s attention.”<sup>86</sup> The commentator remarked:

It does seem not a little anomalous that while the Association of Journalists is seeking to supply well-trained journalists to the proprietors, the latter care only to employ the worst hands who will work at the lowest wage. It is the well-trained journalists who are everywhere being thrust out of employment by parsimonious newspaper proprietors, and inferior hands are engaged at lower salaries, to fill their places. This does not promise very well for the future of journalism. The only hope of better times for Journalists seems to me in a revulsion of feeling occurring.<sup>87</sup>

This view that the insufficient salaries was the result of no formal procedures for hiring or training journalists was partly correct. It was also caused by newspaper managers and proprietors

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<sup>83</sup> “Reporters’ Salaries,” *The Journalist*, July 27, 1888, 5.

<sup>84</sup> Gareth Stedman Jones, *Outcast London: A Study in the relationship between classes in Victorian society* (London: Penguin, 1984), 53.

<sup>85</sup> Kate Jackson, *George Newnes and the New Journalism in Britain, 1880-1910* (Aldershot: Ashgate, 2001), 43.

<sup>86</sup> “Reporters’ Salaries,” 5.

<sup>87</sup> “Reporters’ Salaries,” 5.

who took advantage of the labour market's oversaturation to drive down wages for qualified journalists or instead hire newcomers who were motivated, but inexperienced and willing to work for less. Ordinary reporters and subeditors had essentially failed to convince their industry's leaders that their non-material services were worthy of a secure income. As a result, these workers faced "the rigours of capitalist competition in the conventional free market."<sup>88</sup>

Another commentator in *The Journalist* took a more forceful approach, specifically towards the NAJ's responsibility to effectively regulate the profession. The problem, in their view, was that the national association was not an effective surrogate for a union. The unsigned critic asserted:

I may be very stupid, but I am utterly unable to see what the National Association has done, or is likely to do, for journalists. For some years I, like many pressmen, had been anxious to see the formation of an association which would be, though the medium of union, a powerful agency for the protection of our common interests. When the National Association was mooted some four or five years ago, I thought the time had at last arrived when journalists would enjoy the advantages which nearly every other craft obtains by unity.<sup>89</sup>

Where members of the press clamoured for examination schemes and formal qualifications for access into the journalistic profession (similar to exams which barred non-elite participation in the civil service), this commentator argued that forbidding someone from writing articles or reviews because he has not "submitted to their examinations, in order that he might qualify himself as a journalist," would prove impossible to enforce. Examination schemes, they argued, "would tend to create a monopoly in newspapers, and that would be for the benefit of the

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<sup>88</sup> Harold Perkin, *The Rise of Professional Society*, 117.

<sup>89</sup> "The Proposed Institute," *The Journalist*, June 22, 1888, 6.

existing newspaper proprietors” rather than ordinary working journalists. Taking the position that the newspaper press should remain open to all, the correspondent opined, “The Republic of Letters will always be a republic.”<sup>90</sup> Without an effective union to advocate for the rights and needs of the majority who produced the content that filled and circulated within the newspaper press, the question of adequate compensation persisted.

For Algernon Borthwick and the NAJ leadership, the solution to this range of frustration was to transform their organization into a Chartered Institute of Journalists with the power to grant diplomas through formal examinations. Professional examinations (to which Borthwick insisted men of “tried capacity” would not be subjected) would also enhance their influence over the labour market.<sup>91</sup> For those who supported testing qualifications, journalism’s future was too valuable to be left to market impulses.<sup>92</sup> The scheme was especially supported by the NAJ’s London District who at their annual meeting in 1887, resolved that their district’s delegates should attend the upcoming conference “with the object of advocating the principle of the establishment of an institute” with the power to enforce and test qualifications, much like they had done in 1884 in advocating against trade unionism.<sup>93</sup> The resolution’s aim was to restrict the occupation’s openness to occasional correspondents who could refer to themselves as a journalist.<sup>94</sup>

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<sup>90</sup> “The Proposed Institute,” 6. For another forceful argument against the usefulness of examinations and qualifications for journalists, see Jeffrey Weeks, “Anti-Journalism,” *The Journalist*, July 15, 1887, 213.

<sup>91</sup> Alan J. Lee, *The Origins of the Popular Press, 1855-1914* (Croom Helm and London: Rowman and Littlefield, 1976), 114-16.

<sup>92</sup> “President’s Address and Annual Report,” *Journalism*, March 1888, 18.

<sup>93</sup> “An Institute for Journalists,” *Pall Mall Gazette*, June 30, 1887, 10. The London District specifically pointed out the Institute of Civil Engineers as a model to follow. Founded in 1818 and granted a Royal Charter in 1828, the professional organization was highly successful and influential. This situates where the NAJ’s leadership (or, at the very least its vocal and influential London District) aimed to position itself among the established members of British professional society.

<sup>94</sup> Mark Hampton, “Journalism and the ‘Professional Ideal,’” 183-201.

In February 1888, at the NAJ's fourth annual conference in Newcastle, Borthwick explained to the general assembly that "journalists were behind the times" and that establishing professional affiliation with a Royal Charter was the right course of action to reinforce journalism's importance to British society.<sup>95</sup> The outlook advocated by the NAJ executive committee that the designation of 'journalist' should be distinct from other aspects of newspaper production, was part of what Laurel Brake calls "a seismic shift in the categories of classification within the publishing industry".<sup>96</sup> The *York Herald* reported on how Borthwick wished for the organization to proceed:

Newspapers were looked up to and respected, but the men who wrote for them has not as a body hitherto been appreciated at their proper value. They had in this movement already made great progress in the work of binding the profession together, but they would do more. (Applause) They particularly wished to have an institute for the journalists' profession – an institute into which at the first the journalists of tried capacity could enter without the examination; but the great object would be to encourage and train young

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<sup>95</sup> Royal Charters were granted by the sovereign on the advice of the Privy Council. Before the nineteenth century, a Charter of Incorporation was a method to create distinct legal personalities. By the late nineteenth century, Royal Charters were granted to organizations that worked in the public interest (including professional societies) or which could demonstrate excellence within a particular field. When legislation was introduced which facilitated the incorporation of commercial enterprises, incorporation by a Royal Charter was reduced and it became a prestigious means by which some organizations sought a high status for their organization. "Royal Charters," The Privy Council Office, accessed January 5, 2020, <http://privycouncil.independent.gov.uk/royal-charters/>.

<sup>96</sup> Laurel Brake, *Print in Transition, 1850-1910* (Basingstoke, Palgrave Macmillan, 2001), 67. Brake explains the ways that the print culture industry organized itself around periodicals including the *Author* representing literary authors, *Authors' Circular* (1898) for journalists and other authors, the *Review of Reviews* (1890-1936) for the busy reader, the *Bookman* (1891-1934) for literary readers, and the *Newsagents' Chronicle* (1896-1898) for distributors alongside the long-established *Publishers' Circular* (1837-1959) and the *Bookseller* (1858- ). While there were other periodicals including the *Newsagent and Advertisers' Record* (1889-1950), the *Newsagent and Bookseller's Review* (1891-1940), the *Reporter's Journal* (1892-1900), and *Journalism* (1887-1888).

journalists. He thought that the association had grown so far that their wishes in respect to the institute might be carried into effect. (Cheers.)<sup>97</sup>

Incorporation as a Chartered Institute, however, was more a mark of distinction than a mechanism to directly improve wages for the profession's rank and file. Ordinary working journalists would gain little beyond personal pride of affiliation with an organization granted the favour of a Royal Charter. For some proprietors, managers, editors, and top journalistic talent with cultivated social circles and a well-established presence in the upper end of the middle class, a Royal Charter offered the opportunity to merge and associate with the fringes of 'Society'. For the owners of large national papers and celebrated journalists, a Royal Charter would further enhance their livelihood's prestige. In terms of effect on the profession itself, a charter would not result in better sales or enhance the quality of writing and reporting. It would afford a new layer of gatekeeping. At a dinner party at the Midland Hotel following a meeting for the NAJ's executive committee held in Derby, the newly elected president, Hugh Gilzean Reid, explained that this organizational shift "was to give journalists a fair share in the enjoyment of the honours bestowed upon members of other professions."<sup>98</sup> Pursuing a Royal Charter was about the well-established members of the newspaper press better aligning themselves with professional society, and gaining the respect that those with the similar designations of 'author' or 'writer' had already enjoyed.<sup>99</sup> This motivation was markedly dissimilar from the Manchester Press Club's ambitions four years earlier.

On 9 March 1889, with much fanfare, the NAJ was inaugurated as the Institute of Journalists at Mansion House, the official residence of the Lord Mayor of London. Some 2,000

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<sup>97</sup> "The National Association of Journalists," *The York Herald*, February 27, 1888, 6.

<sup>98</sup> "National Association of Journalists," *Derbyshire Advertiser and Journal*, July 13, 1888, 6.

<sup>99</sup> Joanne Shattock, "Introduction," *Journalism and the Periodical Press in Nineteenth-Century Britain*, (Cambridge: Cambridge University Press, 2017), 6.

journalists attended the event and the *Birmingham Daily Post* estimated that “there were mingled more English pressmen from town and country than had probably ever before been under one roof.”<sup>100</sup> At the time, membership had risen to 1,202 (a third of which were based in London) with 27 districts and sub-districts organized across the United Kingdom. Plans for a new district in Dublin were imminent. With unanimous approval, the assembly agreed that the executive committee would proceed with their petition for a Charter of Incorporation, the details of which had been established at a special meeting held the previous September in Bristol. In seconding the motion, Algernon Borthwick remarked that this course of action “would be of the greatest value to journalists through the country and give the press a status which it had never previously held.”<sup>101</sup> This moment’s significance to the journalistic profession received extensive coverage across the newspaper press. The *Western Daily Press*, in anticipating this shift in the journalistic profession, offered a reflection:

Journalism as known to the present generation is a new institution. Those who can recall the events of thirty-five or forty years ago will remember that there was not at that time a single provincial daily newspaper in England. It was one of the small businesses of the provinces to let out London daily journals to read at the rate of a penny an hour, while the local weekly papers had a struggling existence. The press was hemmed in on all sides by conditions and restraints that effectually check its development. The Governments and the Parliaments of that day seemed to be afraid to let loose a power that might, if encouraged,

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<sup>100</sup> “London Correspondence,” *Birmingham Daily Post*, March 11, 1889, 5.

<sup>101</sup> “The Institute of Journalists,” *St. James’s Gazette*, March 11, 1889, 14; “The Institute of Journalists,” *Daily News*, March 8, 1889, 2.

rival their own. The newspaper press was chained down so effectually that its conductors were scarcely capable of voluntary action.<sup>102</sup>

The Lord Mayor, in congratulating members of the newly minted IOJ, designated the journalistic profession as critical to “the daily extending democracy” and worthy of a high status equal in eminence “to artists of a high character when they took the Royal Academy.”<sup>103</sup> Journalism had, apparently, arrived. On 7 February 1890, the Privy Council approved the IOJ’s application and granted the privilege of a Royal Charter.<sup>104</sup>

Some understood the IOJ’s new distinction as an impending shift in who would be able to refer to themselves as a journalist. Writing in *The Speaker*, one commentator recommended, “The Institute of Journalists, besides protecting the interests of journalism, will have a most valuable influence in clearing its ranks from the harpies and impostors who now trade upon a name to which they are not entitled.”<sup>105</sup> In *The Graphic*, another observer considered whether it was the right course of action for such an “infant association” to close off the profession from all comers, resorting to the popular refrain that journalists, like other inspired writers, were “born, not made”:

But how will the “blacklegs” be kept out, if editors consider their knowledge of men and things more valuable for journalistic purposes than the acquired accomplishments of the trained hands? Even as the poet is born, not made, so is the journalist; unless he has the gift

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<sup>102</sup> “The Future of Journalism,” *Western Daily Press*, September 17, 1888, 5. See also “Fleet Street Journalism – 1846 to 1890,” *The Journalist*, November 1, 1890, 5.

<sup>103</sup> “An Institute of Journalists,” *York Herald*, March 11, 1889, 5.

<sup>104</sup> “The Institute of Journalists,” *Cheltenham Chronicle*, February 15, 1890, 9; “The Institute of Journalists,” *Huddersfield Daily Chronicle*, February 10, 1890, 3.

<sup>105</sup> “Public Affairs,” *The Speaker*, October 4, 1890, 366.



by Nature, all the training in the world will never advance him beyond the second or third grades.<sup>106</sup>

*The Graphic* further recommended that “long and systematic training” should be required for “the mechanical branch of the profession,” including reporters and subeditors; however, “no examination, however stringent, could test the qualifications of the original writer.”<sup>107</sup> As the journalistic profession matured, the divisions within its orders came into focus.

These commentaries, however, overlooked what this institutional shift meant for ordinary working journalists. In the matter of a few years, the organization had developed from a vision set forth by provincial journalists to organize and better advocate on behalf of their peers to a Chartered Institute, based in London and led by newspaper proprietors and managers who were motivated to improve the commercial value of their respective ventures. Journalism’s establishment may have gained access to a professional society, but newspaper production remained a commodity manufactured by workers proficient in various independent skills “who work into one another’s hands.”<sup>108</sup> Newspapers were made through a collaboration of skilled workers who each performed essential tasks in assembling a social product. Stoking sentiments

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<sup>106</sup> “Journalists in Council,” *The Graphic*, October 4, 1890, 371.

<sup>107</sup> “Journalists in Council,” *The Graphic*, 371. The IOJ’s education and qualification scheme took several years to get underway and was never fully implemented. This was one of the key topics discussed at the 1892 annual conference in Edinburgh, specifically if the examinations should be an educational or technical test (including shorthand) and what sorts of criteria would be most appropriate to measure a candidate’s fitness for access to the profession. This was a conflict over testing capacity for literary journalism with knowledge of politics, society, and culture, versus the work of journalism and effective verbatim reporting. There was no immediate consensus as the profession’s divergent members weighed in on the issue. One journalist argued that the scheme would “erect a turnstile, where the passenger would have to pay a small educational coin.” While the details of its implementation and enforcement are beyond the scope of this dissertation, for a verbatim account of crucial discussions at the 1892 conference, see “The Examination Scheme,” *The Journalist*, September 17, 1892, 16. Mark Hampton also discusses proposals for the IOJ’s education scheme and its relation to ensuring that those who could refer to themselves as journalists “would be worthy of social esteem”. See Mark Hampton, “Journalism and the ‘Professional Ideal’,” 189.

<sup>108</sup> Karl Marx, *Capital: A new abridgement*, ed. David McLellan (Oxford: Oxford University Press, 2018): 205; 205-7.

of division may have enhanced the stature and esteem for some, but this did not improve the quality of the product which all members of the profession depended on to earn their livelihood.

Into the 1890s, the industry's divisive issues remained and intensified. Like other British industries, journalism was not immune to demands from workers for improved wages and better working conditions. The variety of occupations within the journalistic profession and the wide disparity between workers was an impetus for conflict. The newly chartered IOJ became the natural venue for bringing forth grievances and it was viewed by many as responsible not only for working to advance the profession, but also for resolving conflicts within the industry itself. As the IOJ continued to accept memberships from all variety of journalists, there was a disagreement concerning what ordinary working journalists expected and what those who were fully integrated into the British professional society were willing to provide or regulate.

### ***Dissent in the Institute of Journalists, 1890-1904***

One of the central grievances confronted throughout the press was the issue of unlicensed reprinting and circulation of news. Moreover, across journalism's ranks, there were competing expectations as to what kinds of reuse methods were acceptable. This issue is exemplified in the case of Cleveland Moffett and the *Birmingham Daily Post*. At 3:00 pm on 12 August 1890, the American journalist, Cleveland Moffett, arrived at the *Birmingham Daily Post's* offices. He presented himself as a correspondent for the *New York Herald* and asked to be supplied with an early copy of the newspaper.<sup>109</sup> The porter informed him that his request was strictly against the publication's rules and that no copy could be had before 6:00 that evening. Upon being rebuffed,

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<sup>109</sup> Cleveland Moffett (1863-1926) joined the *New York Herald's* staff in 1887 and worked as a correspondent in Europe and Asia until 1892. In 1893 he took up a new position as the editor of the *New York Recorder*. For Cleveland Moffett, see John William Leonard, "Cleveland Moffatt," *Who's Who in America*, ed. Albert Nelson Marquis (Chicago: A. N. Marquis, 1907), 1246.

Moffett insisted that he speak with the newspaper's editor or subeditor directly. The porter left to make the inquiry and soon thereafter returned to inform the correspondent that his appeal had been denied. Pleading a pressing engagement, Moffett abruptly left the office. A short time afterwards, the porter was tasked with business at the telegraph office. It was there that he found Moffett with a copy of the *Birmingham Daily Post* from which he was hurriedly cutting out strips and pasting onto forms for the purpose of telegraphing to New York. The porter, catching the scissors-wielding news thief red-handed, ran back to the newspaper's offices where he informed his superiors as to what he had just witnessed.

The *Birmingham Daily Post*'s proprietors, however, had few legal options. They addressed a letter of complaint to the London editor of the *New York Herald* and awaited a reply to the accusation. They soon learned the consequences of what their porter had witnessed. The *New York Herald* of 12 August contained a verbatim reprint of several paragraphs from the *Birmingham Daily Post* – without acknowledgement. To add insult to injury, the American paper stated that it was their special correspondent who had been supplied with the news and even went so far as to indicate that the report in question was copyrighted to fend off other unscrupulous journalists.<sup>110</sup>

On 20 August, the proprietors of the *Birmingham Daily Post* received the following response from the *New York Herald*'s nimble-fingered correspondent:

I suppose from the standpoint of high ethics it was wrong to appropriate another man's newspaper, an indelicacy to which I must plead guilty, but I think, if you will consider the circumstances under which the newspaper was appropriated, you will regard the offence

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<sup>110</sup> "Serious Charge Against a 'Special Correspondent'," *The Journalist*, September 20, 1890, 12. The article in question was concerning the death of Cardinal Newman, the theologian and leading person in the revival of Roman Catholicism in nineteenth-century Britain, who died at Birmingham Oratory from pneumonia.

more leniently. On the morning in question I had not a minute – hardly a second, indeed, to lose if I would have my dispatch reach New York in time for the morning’s edition. The boy who answered my ring assured me that the editors had all gone home, and rather than waste most valuable time in parleying with a subordinate, I hurried off to the telegraph office with a copy which chanced to be lying on a table with some thousands of others. Knowing the habitual courtesy with which one editor received another, I took it for granted that you would appreciate the urgent necessity which led me to make free with your valuable paper, and would pardon the unceremonious fashion in which I, as it were, discounted your consent. I now see with regret that you have taken quite a different view of the case, and that you are disposed to regard me as a sort of journalistic highwayman. Such I most distinctly am not, and I trust you will believe me sincere when I now formally apologise for two things – first, for taking the paper at all; and, secondly, for neglecting, through a rush of business and travel, to explain the matter sooner.<sup>111</sup>

Moffett was not a desperate freelancer looking for an exclusive scoop. He was a respectable member of the journalistic profession with long-term employment as a foreign correspondent. While he argued that he was accustomed to a ‘courtesy of the trade’ in journalism, his lifting of texts without express permission shows how the practice of scissors-and-paste journalism pervaded all parts of the journalistic occupation. It was easier to beg for forgiveness than ask for permission.<sup>112</sup>

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<sup>111</sup> “Serious Charge Against,” 12.

<sup>112</sup> For courtesy of the trade, see Chapter 4. See also Robert Spoo, *Without Copyrights: Piracy, Publishing, and the Public Domain* (New York: Oxford University Press, 2013); Joseph Rezek, *London and the Making of Provincial Literature: Aesthetics and the Transatlantic Book Trade, 1800-1850* (Philadelphia: University of Pennsylvania Press, 2015); Mike Everton, *The Grand Chorus of Complaint: Authors and the Business Ethic of American Publishing* (New York: Oxford University Press, 2011).

Cleveland Moffett's defence for the flagrant pilfering was that he was accustomed to being granted access to early editions and, more importantly, was desperate to have the news on time. In addition to journalistic theft, Moffett also stole the physical newspaper. The evidence was enough to bring the parties before the Birmingham Police Court. Appearing before the magistrate on 2 September, Moffett's counsel "expressed regret that his client's overzeal in the interests of his proprietors had led him to appropriate the paper" but, pointing out the time-sensitive nature of news, explained that his client "had only a few minutes in which to telegraph to New York, and therefore did not take the ordinary course of obtaining information." The defence essentially argued that the news's time-sensitive nature put Moffett under such duress that he was compelled to snatch the newspaper when the porter was not looking and go on to telegraph its contents without permission. Nevertheless, the *Birmingham Daily Post's* proprietors knew that financial compensation would be impossible to quantify. They settled for a second apology from the *New York Herald's* proprietors and withdrew their complaint.<sup>113</sup>

Scissors-and-paste journalism was a multifaced textual-gathering strategy, and this comically brazen account of reuse captures its most obvious form of verbatim reprinting without permission or acknowledgement. Most research that engages with scissors-and-paste journalism, including the research in this dissertation, does so in these most evident terms. Not only are examples of verbatim reprinting the easiest to identify, they also gained the most attention in their time. However, the ways that writers and publications exploited another newspaper writer's work were often much more subtle and complex. As Catherine Feely explained in her entry for scissors-and-paste journalism in the *Dictionary of Nineteenth Century Journalism*, "this term

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<sup>113</sup> "Serious Charge Against," 12.

actually covered a number of different editorial strategies” of considerable range and result.<sup>114</sup> It was one aspect of a more widely-held attitude that undervalued the ordinary journalist’s labour. Moreover, without an effective union or formal regulations, there were no fixed rules to govern the work and production of journalism. Appropriating another’s work for personal or commercial gain was a practice that ordinary journalists could not effectively combat. As one commentator put the issue, “neither etiquette nor morals are necessary in the profession of journalism.”<sup>115</sup>

### **Milking, Sweating, and Poaching**

Scissors-and-paste was not, however, the only content-gathering method used by newspaper editors, subeditors, and journalists. Editorial strategies pejoratively referred to as ‘milking, sweating, and poaching’ were related methods that appropriated texts, primarily written by low ranking reporters, before publication. These methods pertained directly to the customs, usages, and practices relating to newspaper texts produced by reporters. Even more so than scissors-and-paste, the ‘milking, sweating, and poaching’ methods exploited the labour of journalism itself. These terms were well-known to the members of journalism’s underclass but had little use beyond an insider’s knowledge of the ways that a harsh and unregulated labour market created challenging circumstances for reporters to earn a living. Crucially, these were not isolated practices. ‘Milking, sweating, and poaching’ were directly connected to grievances over wages, the lack of standardized rates of pay, and, most importantly, the absence of clear rules for the ways that a reporter’s text could be legitimately reused by another publication. Simply put, these practices were opportunistic. Journalists with a superior status engaged in them as a *quid pro quo*

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<sup>114</sup> Cath Feely, “‘Scissors-and-Paste’ Journalism,” *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 561.

<sup>115</sup> “The Reclaimed Journalist,” *The Journalist*, June 22, 1888, 5-6.

with other publications, to supplement their income, or as an efficient means to reduce the expense of procuring news.

Andrew Dunlop, the Scottish journalist who made his career writing in the Irish press, took an interest in the fragmented complaints about ‘milking, sweating, and poaching’ from correspondents to *The Journalist*.<sup>116</sup> He explained what essentially amounted to commonplace textual appropriation procedures as follows:

**Milking:** When a journalist filed a report and received no share in the profits after it was deliberately transmitted to other publications. A person of authority (the proprietor, editor, subeditor, chief reporter, or someone else) would compel a journalist, instead of allowing them to go home after a night meeting to write their report, to return to the office and submit their report that same evening. The person of authority would then send the report in substance or in full to other publications by wire for a fee.<sup>117</sup> This typically involved journalism from the provincial press supplying larger metropolitan markets. The practice also hints towards the use of more supervision in industrial environments to improve control over workers and their work. Furthermore, it brings into focus the question of intellectual property and to what extent a journalist should maintain control over their texts after receiving payment.

**Sweating:** When a journalist lost payment for their labour because of the action of an intermediary who controlled their access to the market. A senior journalist used their influence to impose a shared-fee arrangement with those employed under their supervision. That intermediary

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<sup>116</sup> Andrew Dunlop, “Linage, Correspondence and Salaries,” *The Journalist*, June 6, 1891, 8-10.

<sup>117</sup> The ‘milking’ system had a variety of methods. For example, one journalist, Thomas Green, explained his experiences where the proprietor of newspaper charged his reporters a half penny per line (or half of their pay) “for allowing his name to be used” in undertaking their work. In Green’s view this was “a thousand times worse than the ‘milking’ system” where it is only one journalist taking advantage of another. In his experience, the proprietor was taking “as much as 10s. per week unearned increment which was drawn from another’s labours.” See Thomas Green, “The Linage Question,” *The Journalist*, August 1, 1891, 13-14.

would secure a share of the payment derived from work which had been done by those holding the subordinate position. This term also applies to journalists who were remunerated only for materials which their employer published, which is similar to industrial payment schemes for piece work to maximize worker productivity. In this instance, a journalist might not receive any payment if their work was unsatisfactory, scooped by another reporter, or simply unused. As a result, knowledge of the social and cultural environment the newspaper served became less of a necessity to the freelancer or penny-a-liner who submitted material for which they were likely to receive payment.

**Poaching:** Journalistic work was divided into districts and sub-districts corresponding to the community which a newspaper served. Poaching occurred when a journalist, mistakenly or otherwise, considered they had the right to submit a report in a given district. The poaching journalist would submit their report before the local reporter, effectively scooping them, and deprive that reporter of the opportunity to gain payment.<sup>118</sup> In other cases, an editor would contact a journal in another district and inform them that they were planning to send a correspondent to a particular event in their area and that, for a nominal fee, they would telegraph the report and save them the expense of employing their own reporter. Journalists referred to this as poaching on local preserves and regarded those who engaged in it as exhibiting a lack of professional etiquette. Most contentious was the practice where subeditors took reports from

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<sup>118</sup> A reporter who identified as ‘A Lover of Fair Play’ pointed out his own particular experiences with poaching. After submitting an article for publication, the reporter had their text returned with a notice that it was “not used”. However, upon investigation, they recognized that their article was in fact published. Having made an inquiry into the matter, the reporter was informed that the article was supplied by a different correspondent. The conclusion was that their telegram was intercepted and submitted by a journalist who claimed the credit. The reporter explained that this had happened to him more than three times with no recourse to obtain compensation. See A Lover of Fair Play, “Improper Use of a Correspondent’s Copy,” *The Journalist*, December 6, 1890, 13.



junior reporters, revised the copy, and submitted it for personal profit to publications in other districts. This was referred to interchangeably as ‘milking, sweating, and poaching’.

Appealing to readers in *The Journalist* and IOJ members who understood the complexities of newspaper production, Dunlop reasoned that their organization could make no rule or take any individual action that would remedy the problems of ‘milking, sweating, and poaching’. In fact, Dunlop’s view was that the difficulty was not that these practices persisted, but that the present remuneration for journalists had not improved with better revenues for newspaper proprietors.<sup>119</sup> He argued that these unprincipled practices were systemic issues that were impossible to regulate; rules could not account for every discrepancy. Taking the establishment’s view that these appropriation methods were part and parcel of the newspaper industry, Dunlop further suggested that such practices were not as destructive as other journalists claimed. He considered that while ‘milking’ copy appeared to impose a “great hardship,” the working reporter received the agreed upon salary and was not asked to undertake any additional work. In terms of ‘sweating,’ Dunlop explained that if a man had risen to a position of influence in the newspaper office, it is quite possible that he would be “just as much underpaid, in proportion, as the junior or working reporters now are in theirs.” If a journalist had the opportunity to “increase his income by correspondence or lineage,” in his view, there was no “overwhelming reason why he should be deprived of that” opportunity. Dunlop pointed towards the journalistic hierarchy and positioned reporters as having to pay their dues. He argued that it was at the individual reporter’s discretion to accept appointments where conditions were “imposed with a view to the pecuniary benefit of another” and that such practices could “scarcely be held to constitute a special grievance.” To “remedy any real grievance” over the

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<sup>119</sup> Dunlop, “Lineage, Correspondence and Salaries,” 9.

issue of ‘poaching,’ he called for better “professional etiquette” as the preferred course of action.<sup>120</sup> Industry standard or otherwise, these news publishing tactics supply a practical explanation of the uneven opportunity available to journalists. This was the “organized system of plunder” that frustrated workers across the newspaper and periodical press.<sup>121</sup>

Nevertheless, Dunlop acknowledged that this issue was directly tied to compensation for ‘linage’ (the lines of texts which working reporters produced) and conceded that “working pressmen are, as a rule, grossly underpaid.”<sup>122</sup> As he expected that formal schemes would not provide “a more equitable system,” he recommended that an overall better treatment of journalistic salaries would finally put aside calls for trade unionism in journalism and co-operative linage systems as a worker-owned rival to the Press Association.<sup>123</sup> He did not expect opportunistic practices to fade away but recommended that a general wage increase was

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<sup>120</sup> Dunlop, “Linage, Correspondence and Salaries,” 9.

<sup>121</sup> The reference to newspaper work as the dishonest acquisition of property or in concert with looting was a reoccurring description. For examples in *The Journalist*, see “The Journalistic Pirate,” *The Journalist*, June 24, 1887, 173; C. Cooper, “To the Editor of The Journalist,” *The Journalist*, March 5, 1892, 11; “A Copyright Experience,” *The Journalist*, March 19, 1892, 8; “The Remuneration of Journalists,” *The Journalist*, January 28, 1899, 32; “Literary Theft,” *The Journalist*, May 21, 1892, 5-6; “Important Copyright Action,” *The Journalist*, June 18, 1892, 13; “The Morality of Scissors and Paste,” *The Journalist*, November 5, 1892, 5.

<sup>122</sup> Dunlop, “Linage, Correspondence and Salaries,” 9. See also S, “The Hard Lot of Reporters,” *The Journalist*, June 4, 1892, 3 and the reply, W. G. Stapleton, “‘The Hard Lot of Reporters,’” *The Journalist*, June 18, 1892, 3.

<sup>123</sup> Dunlop, “Linage, Correspondence and Salaries,” 10. Proposals for a co-operative linage scheme were recurring but never materialized. The most substantial effort was suggested by the journalist P. T. Macaulay in 1891. Writing in *The Journalist*, he recommended “That it would be to the interest of working journalists, by conducting to the settlement of difficulties in regard to linage customs, and would also be to the interest of newspaper managers and of the public, if working journalists established a general news-supplying association on a co-operative basis.” The basic principle was that journalists could earn better salaries by working together to produce news rather than competing with each other. If enough journalists participated, they could then demand standardized compensation. Through cooperation, Macaulay argued that the newspaper proprietors, and in turn the public, would be furnished “with a more complete and otherwise satisfactory collection of news than could be available from the agencies under the present system.” Macaulay acknowledged that while some had attempted to enact co-operative new groups, they typically failed on account of more experienced journalists becoming “discontented at having to work for the indolent or stupid, and they broke off and set to work on their own account.” For Macaulay’s vision, see P. T. Macaulay, “Co-Operative Linage,” *The Journalist*, April 4, 1891, 4-5. The Press Association is discussed in more detail in Chapter 5.

necessary to quell the frustrations of ordinary working journalists. Newspaper ownership needed to share the wealth:

[...] where the income of the proprietors has increased, and enormously increased, as it has done in the vast majority of instances – the proprietors, now that the matter has been brought prominently under their notice, ought to make generous concessions, and by a substantial increase of salaries do away with the existing discontent and dissatisfaction – a state of things which cannot possibly be conducive to that cordial co-operation which is so essential in newspaper work, and which has, I believe, never existed in anything like the degree which the adoption of such a source of action as I have suggested would be likely to bring about.<sup>124</sup>

In the end though, a benevolent and universal wage increase would never come to pass. As one provincial reporter put the issue, “How can a reporter maintain the dignity of the Press on 20s. per week? And how can an economical employer be expected to offer more when he is deluged with applications from all parts of the country in response to his announcement in the Employment Register?”<sup>125</sup> While wages were a fundamental part of the challenges facing ordinary journalists, these practices also existed on account of poor regulation and the absence of real protections for the results of this particular kind of work.

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<sup>124</sup> Dunlop, “Linage, Correspondence and Salaries,” 10.

<sup>125</sup> A Sub-District M. J. I., “What Has the Institute Done? The Employment Register and Its Effect,” *The Journalist*, April 16, 1892, 6. The Employment Register was a program developed by the IOJ which was essentially a job bank. It was meant to provide a list of vacancies and give opportunity for unemployed members list their availability and experience. In principle, it was designed to give unemployed journalists an opportunity to look for work without necessarily taking on the expense of traveling or writing to a particular district. In practice, it allowed the most experienced journalists who wanted to move on to a new district to make their availability known. It did not effectively resolve the problem of widespread unemployment for ordinary working journalists.

The reporter's labour and its results were not valued in equal terms to those who had achieved the dignity and emoluments of professional status. That is, they were not salaried. As Henry Flint of the Manchester District explained, these practices were predicated on class divisions. In his view, working journalists needed to face the fact that their profession was "tainted" with the "noxious effluvia" of social stratification.<sup>126</sup> Pointing out the real work of reporting, Flint reminded his colleagues as to what kind of labour working reporters actually engaged on a daily basis:

A reporter was not only required to write original articles, but he must be able to take down the utterances of public speakers at the rate of 100 or 180 words a minute. The exigencies of a daily newspaper, and especially those of an evening organ, required, nay demanded, that he should possess a ready and sound judgement, a facile pen, and a promptitude and despatch not needed in the majority of other professions. He had often no time to think twice as to the construction of a sentence. Moreover, he had frequently to frame his sentences under circumstances more difficult and trying. In a crowded court of justice, in a heated and noisy public meeting, in the bustle of a smoke room or dining room of an hotel, in a dark waiting room at a railway station, amid the screeching of engine whistles, the lumbering of waggons, and the shouting of officials, and in other disagreeable places the reporter has to write readable descriptive matter; for editions would not wait, and if the accounts were not readable his work was criticised, and he would be laughed at and censured almost as freely as if he had had plenty of time and had written his report in a quiet editor's or sub-editor's room. How many editors or leader writers would be able to do this?<sup>127</sup>

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<sup>126</sup> Henry Flint, "Caste in Journalism," *The Journalist*, December 19, 1891, 13.

<sup>127</sup> Henry Flint, "Caste in Journalism," 13.

The effects of textual appropriation and practices that interfered in a reporter's ability to earn an income were significant. 'Milking' was an appropriation to extract greater surplus value from a commodity. Like scissors-and-paste journalism, it was an iteration of one person's work from which someone else profited. While these texts may have appeared as minor or inconsequential affairs to newspaper proprietors, for the reporter, this was their livelihood. 'Sweating' was effectively wage garnishment. 'Poaching' was not merely an expression of journalistic rivalries. For the journalist who produced a news commodity, its value was zero if an editor was unwilling to pay for its publication. As London journalist Edward Eden Peacock, put the issue, "The cheapest man cuts the throat of the man who required decent remuneration."<sup>128</sup> Journalist James Sykes recommended that ordinary journalists needed to cooperate and collectively overcome "the grasping proprietor, the sweating editor, and the unfair competitor, whether he be a sneaking poacher or an arrogant monopolist liner."<sup>129</sup> If the IOJ's mission was to improve the profession's status, maltreated reporters argued, then this should be in both social and financial terms.<sup>130</sup>

### **The Code of Usage Relating to Newspaper Correspondence**

In December 1890, as a result of a resolution brought forth by provincial journalists at the annual conference in Birmingham, the IOJ's executive committee tasked the London District with forming a Special Committee (dubbed the Linage Committee) to inquire into the issue of "customs, usages, and practice relating to newspaper correspondence generally, and especially with regard to local and special correspondence by the system of lineage."<sup>131</sup> The committee was

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<sup>128</sup> "Special Committee on Correspondence by Linage," *The Journalist*, December 20, 1890, 5.

<sup>129</sup> James Sykes, "A Protest Against Snarling," *The Journalist*, February 16, 1895, 63.

<sup>130</sup> Socialist, "Sweating in Journalism," *The Journalist*, June 6, 1891, 5.

<sup>131</sup> "Special Committee on Correspondence by Linage," *The Journalist*, December 20, 1890, 4. The members of the Linage Committee included: A. Groser of the *Western Morning News*, R. Lewis James of the Birmingham Press Club, Blackburn Journalist J. Quail, T. McDonald Rendle of the London Press

overwhelmed with responses. The results of that inquiry were presented the following year at the 1891 annual conference in Dublin. Committee member James Sykes explained that while the Special Committee would have preferred to present their final report much sooner, they were astounded with the volume and diversity of replies. The brief report summarized grievances and suggestions, as well as general information, bearing upon the ways that journalistic labour for producing newspaper correspondence was appropriated and mistreated.<sup>132</sup>

The report did not provide specific details or examples but was rather a compendium of information received by the Linage Committee from concerned journalists. The specifics about where this information came from and its distribution across the United Kingdom were not included. It did not show what kinds of journalists (reporter, subeditor, manager, or otherwise) brought which items to the committee for consideration. Moreover, the frequency of particular types of complaints was not included. What the report did show, however, was the variety of grievances and obstructions. Complaints of “encroachment”, “abstraction and delegation without remuneration”, and abuses of authority by senior journalists essentially expressed the methods of ‘milking, sweating, and poaching’ in more refined terms. References to partiality in accepting correspondence, editorial monopoly, and proprietorial control reinforce the longstanding strain between persons in authority and the working journalists who produced the newspaper correspondence. The summary of complaints was as follows:

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Club, J. A. Scott of the *Irish Times*, G. F. Stone of the *Western Daily Press*, and James Sykes of the *Derby Mercury*.

<sup>132</sup> “Draft Report of the Special Committee of the Institute of Journalists,” *The Journalist*, August 15, 1891, 5-6. The ensuing reproductions of the report are obtained from this source. Emphasis appears in the original.

## Summary of Returns

### (a) *Complaints*

1. That *Serious Grievances* Prevail (generally).
2. *Encroachment* or “Poaching”:
  - (a) Upon districts;
  - (b) Upon practice or connexion.
3. *Abstraction* without remuneration.
4. *Delegation* without remuneration, or adequate remuneration.
5. *Non-professional Service* accepted.
6. *Partiality* in acceptance of correspondence by sub-editors.
7. *Monopoly* in the hands of editors.
8. *Proprietorial Control* of correspondence.
9. *Freedom of Contract* hindered.
10. *Abuse of Authority* by seniors to prejudice of correspondence by juniors.
11. *Due Notices of Reduction of Rates* not given.

The conflict in resolving this issue was largely about professional status. For the better-established IOJ members, a code or rules had the effect of bringing their organization down to the level of a trade union. For working journalists, it would raise their work's value. Alongside the list of complaints received were “Other Statements”. Far more diverse in scope than the complaints themselves, these inclusions were equally revealing for how they show that some journalists engaged with the Linage Committee to explain that there were no problems with journalistic remuneration, working conditions, or treatment. For some, the issues complained of by reporters, simply did not exist. One explanation for this is what the London District's secretary, R. G. Emery, expressed when he learned that his district was tasked with an inquiry into this matter. Claiming that such issues did not exist in London, he understood the skirmish

over lineage compensation as “a matter that concerned the country districts.”<sup>133</sup> Another explanation was the ongoing concern that the IOJ would devolve into a trade union.<sup>134</sup> If the better-established members could convince the committee that reporters’ tribulations were exaggerated or non-existent, a formal code of conduct would be unnecessary. The statements show an unevenness across the press and no clear method for the ways that journalism work was delegated or practiced:

*(b) Other Statements*

Not complaints, or not clearly advanced as complaints

1. *Proprietorial Holding* of correspondence appointments.
2. *Editorial Holding* of correspondence appointments.
3. *Prohibition of Correspondence* by managers, etc.
4. *Encouragement of Correspondence* by managers, etc.
5. *Prohibition of Correspondence is Unknown*.
6. That *Division of Work and Profits* obtains in certain offices (with or without “linage corps.”)
7. The *Abstraction with Remuneration* obtains.
8. That *Delegation with Remuneration* obtains.
9. That *No Complaints of “Abstraction”* are made.
10. That *No Complaints of “Encroaching”* are made.

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<sup>133</sup> “Special Committee on Correspondence by Linage,” 4. This point was also made clear during the 1891 annual conference in Dublin where the IOJ’s Executive Committee revised the organization’s byelaws. In revising Byelaw 41 which outlined the means by which disputes between IOJ members should be resolved, it was moved that this power should rest with the IOJ Executive Committee, rather than the subdistrict where the grievance occurred. While it was ultimately agreed that disputes should be resolved by the Executive Committee for the sake of uniformity, there was a meaningful debate as to the range of customs and practices across the United Kingdom. See “On Bye-law 41,” *The Journalist*, September 5, 1891, 23-24.

<sup>134</sup> For example, see the debate on the Linage Question held by the Continental Branch of the IOJ in May 1892. See “Journalistic Meeting in Paris,” *The Journalist*, May 21, 1892, 12-13. Vice-Chairman of the IOJ’s Continental Branch argued that the ensuing ‘Code of Usage Relating to News Correspondence’ would lead to the IOJ “assuming the character of a trades union, and arrogating to itself the right to lay down rules as to the scale of remuneration, and to interfere between journalistic labour and journalistic capital, which are not in my mind conducive to the dignity of the profession or to the interests of its members.”



11. That *No Complaints* of any kind are made.
12. That *Editors Pass "Linage"* generally over to their reporters in certain districts.
13. That no objection is made to *Correspondence by Sub-Editors* who also do active reporting.
14. That *Improvement has followed Discussion* of the subject.

Lastly, the report offered 39 suggestions for how the IOJ and the journalistic profession as a whole might proceed to rectify the concerns over lineage, custom, and usage. These were not recommendations from the Linage Committee, but a compilation of what journalists themselves proposed as necessary for journalism to progress in a harmonious way. The replies were diverse and, like the registered complaints and statements, often in conflict. The list itself was disorganized, often unclear, and void of specifics. Moreover, there was no recommendation as to how the organization might enforce new regulations. The suggestions showcase the range of specific needs and disparate voices within the broader journalistic occupation. I provide the complete list of suggestions to demonstrate their scope as well as the internal conflicts over how the organization and journalism work more generally could improve:

(c) *Suggestions*

1. That *More Equal Division* amongst local reporters should be obtained.
2. That arrangements for fair and proportionate *Division in each Office* ("of work and earnings") be considered.
3. That *Each Staff should form a Corps*, sharing equally (excluding Proprs., Eds., and Sub-Eds. doing little or no reporting).
4. That *Equal Division between Senior Members* of staff, of work and proceeds, is the fairest system.
5. That a *Short and Simple Code* be adopted, based on custom, and directed against abuses.
6. That a *Statement of Practice* be formulated, based on custom and equity.
7. That the *Council issue Recommendations* to editors and subeditors.

8. That a *List of Accredited Correspondents* be issued for each District and Sub-District.
9. (a) That *Each Newspaper have a Register* of correspondents, and (b) that Sub-Editors be *Requested to Prefer* such correspondents.
10. That the *List of Members indicate Class or Department of Practice* followed by each member, for reference.
11. That members be *Encouraged to Report Acts and Practices* contrary to the duly expressed views and opinions of the Institute to their district committees.
12. That the council be empowered to deal, *under Bye-law 41 or otherwise* with breaches of an authorised Code.
13. That *no Universal Rule* can be applied.
14. That *Acceptance of Copy from Non-Professional Contributors* be discouraged—as a rule.
15. That Editors and Sub-Editors should *Decline Copy from Secretaries and Officials* refusing the news to local journalists—upon being informed.
16. That *no Person in H.M. Telegraph Department* should hold correspondence.
17. That *Proprietors and Editors should not Participate* in Linage.
18. That *Proprietors should not hold Correspondence*—unless acting Editors.
19. That Proprietors should not hold and delegate Correspondence, *Regarding Proceeds as part of the Reporter's Salary*.
20. That “*How far Correspondence affects Salaries?*” is a vital question.
21. That the *Reporter has the Right* to hold Correspondence.
22. That no Linage should be undertaken to *Prejudice of the Journal Permanently Employing*.
23. That Correspondence should not be held *Without knowledge of Editor* (in case of sub-editors and reporters), *or Proprietor* (in case of Editor).
24. That the advantage should be *Chiefly Conceded to Reporters*.
25. That care be taken *not to alienate Editorial support* from the Institute.
26. That *Delegation, without adequate Remuneration*, be declared inequitable and unprofessional.
27. That District Reporters should be *Remunerated for Summaries* supplied for lineage purposes.

28. That the principle of any Code should be that those *who actually do the work* should receive the benefit of the pay.
29. That the *Right of an Editor to Abstract Linage* from copy of Subordinates is incontestable.
30. That proper *Compensation for Abstraction* of News, for correspondence, from another's copy should be paid.
31. That *Encroachment upon Districts* should be discouraged:
  - (a) Generally;
  - (b) Except by agreed and sharing of remuneration, or by unsolicited instruction;
  - (c) Unless by special request;
  - (d) Except in special cases.
32. That *Encroachment upon Practice* secured by appointment or long tenure, be discouraged:
  - (a) Generally;
  - (b) Except by agreement and sharing of remuneration, or by unsolicited instruction;
  - (c) Except when information is quite surely exclusive;
  - (d) Unless specially requested.
33. That the Copy of *Their appointed Correspondents should be Preferred* by Editors and Sub-Editors as closely as consistent with the interests of their journals.
34. That *Restrictions to Place of Residence* cannot in all cases be justly prescribed.
35. That the services of *Local Journalists should be preferred*.
36. That "*Free Trade*" in *Linage* be not approved where there are recognised Correspondents.
37. That *Existing Connections be Respected* as regards present holders.
38. That the *Right to Sell or Transfer* a connection be not recognised.
39. By one District, a note is appended (for information only) of the adoption, by that district, of a *Standard Rate for Special Reporting*.

The suggestions effectively show the disharmony among the profession's members and the range of competing views for how the profession should (or should not) regulate itself. The list exemplifies the aggravation across the journalistic spectrum as the industry's disparate members positioned their specific needs to the committee. Proposals for ways to improve the profession ranged from eliminating favouritism within the newspaper office (for receiving correspondence) and establishing clear rules for who may conduct journalistic work (journalists, subeditors, editors, management, laymen) to determining which types of work should receive compensation. Other suggestions asked journalists to scrutinize their peers to ensure that rules were followed. Some outright rejected any formal policies. The Linage Committee's report was not absolute, but it reveals the wide range of expectations, and more completely, the complex task of regulating an industry that was without formal policies to oversee either its production methods or its labour standards. Newspaper proprietors had been absorbing great amounts of labour but had not established what their responsibility was to their workforce, nor the various responsibilities its diverse members had to each other.

To provide actionable recommendations for how the IOJ should proceed to resolve the issues arising from the incongruencies over lineage, custom, and usage, the Linage Committee also submitted a 'Code of Usage Relating to News Correspondence'. The set of rules to govern the work of reporters and journalism more generally was first shared in 1891 at the annual conference in Dublin. It was met with objection, especially from working journalists.<sup>135</sup> The chief complaint was that the rules did not extend far enough to explicitly protect texts from the iniquities of 'milking, sweating, and poaching'. Speaking before the Chester Sub-District, one of those critics, journalist Charles Cooper, argued that the recommendations were "full of loopholes

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<sup>135</sup> See, for example "Linage Report of the West Riding District," *The Journalist*, August 15, 1891, 15.

for unscrupulous practitioners.” He went on to claim, “There was no question that lineage was the natural property of reporters, and all editors, with few exceptions, considered it *infra dig* to interfere with the only perquisite which the working reporter enjoyed.”<sup>136</sup> The idea that a reporter had an intrinsic right of ownership over their newspaper correspondence which existed independently of any positive laws made by a society or government, was perhaps held in earnest but was not the case in law.<sup>137</sup> Dissenters soon took to *The Journalist* to reject Cooper’s outlook. One newspaper editor, who outright rejected the claim, forcefully reasoned that “a reporter has no inherent ownership in his news, that it is absurd for him to claim it, and that it will be folly for the Institute of Journalists to attempt to set up a claim illogical in itself and incapable of being enforced.”<sup>138</sup> In reply, Cooper reminded his peers that the code’s ambition was not to rob editors, “we only want restored to us our natural rights of which we have been plundered as reporters.”<sup>139</sup> The London District’s Linage Committee, picking up on the issues raised by Cooper, recommended that a clear provision was necessary to “safeguard against reporters falling into the hands of those ‘demon’ editors and sub-editors, who were never tired of posing as friends of the profession, while they were the most abominable sweaters.”<sup>140</sup> While the debate had moved away from the question of remuneration and towards asking who allowed for practices like ‘milking, sweating, and poaching’ to endure, responsibility was placed on the subeditors and editors who oversaw the work of newspaper production.

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<sup>136</sup> “The Linage Question: Protest from Working Reporters,” *The Journalist*, January 2, 1892, 3.

<sup>137</sup> For a wider discussion on reporters as authors and the ownership of news correspondence, see Chapter 5. See also Will Slauter, *Who Owns the News?* (Stanford: University of Stanford Press, 2019,) 183-89.

<sup>138</sup> A Daily Paper Editor for Twenty Years, “Reporters’ Claims to Linage,” *The Journalist*, February 6, 1892, 8-9.

<sup>139</sup> C. Cooper, “To the Editor of The Journalist,” *The Journalist*, March 5, 1892, 12.

<sup>140</sup> “The Linage Report,” *The Journalist*, January 16, 1892, 4-5.

As Lewis James of the Linage Committee explained, after further deliberations with the profession's assorted participants, the committee determined that their objective should not be to "lay down" a code that is "very rigid one way or another" so much as "to indicate as plainly as possible what the Committee thought was right as between journalist and journalist." Still, considerable resistance came from newspaper managers. They argued that restrictions which forced them to procure correspondence from particular reporters would "prevent newspapers from securing the best possible service of news." Moreover, subeditors and editors made it clear to the Linage Committee that they would simply disregard any rule that dictated who could submit newspaper correspondence. According to James, those journalists positioned this argument as the necessity for a "free trade in lineage."<sup>141</sup> As Catherine Feely has robustly demonstrated, such arguments about free trade and the popular diffusion of knowledge in newspapers had existed since at least the 1830s.<sup>142</sup> For the Linage Committee, their resolution was to find middle ground. The IOJ needed to show progress to the wider membership on this portfolio and "some specific statement as to what was desirable and what was not desirable" would provide a foundation upon which their organization might improve upon in the future. The code's purpose was to provide "a simple declaration that all journalists in a district has an equal professional right to send correspondence from that district to any journal, except in so far as they were bound by the conditions of the code." James emphasized, however, that no journalist

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<sup>141</sup> "Linage, ETC," *The Journalist*, April 16, 1892, 14. R. Lewis James was speaking at a meeting of the IOJ's executive committee in Leeds in March 1892. The revised Code of Usage would not be presented to IOJ until the annual conference held in Edinburgh in September 1892. While debate about the effect of the rules played out among correspondents to *The Journalist*, the code was presented to its members as it was accepted by the executive committee's meeting in Leeds.

<sup>142</sup> Catherine Feely, "'What say you to free trade in literature?' *The Thief* and the Politics of Piracy in the 1830s," *Journal of Victorian Culture*, 19.4 (2014): 497-506. This point is also discussed in more detail in Chapter 4.

had been “vested by Divine right” in ownership over the production of newspaper correspondence.<sup>143</sup>

At the 1892 annual conference in Edinburgh, the Linage Committee presented the newly revised ‘Code of Usage Relating to News Correspondence’:

*(a) Code of Usage Relating to News Correspondence*

*Common Right*

1. All journalists in a district have an equal professional right to send correspondence from that district to any journal or agency, excepting in so far as they are debarred by usage as defined by this Code.

*Prior or Special*

2. It is, as a rule, desirable that correspondents should be chosen from amongst journalists whose ordinary occupation is in the active collection of news or in the preparing of news for the Press.

*Abstraction*

3. It shall be deemed unprofessional for a journalist to use for correspondence, by lineage or otherwise, the copy of another journalist, except as provided by this Code.

*Encroachment Upon Practice*

4. A journalist (or journalists) who is (or are) recognised by a journal, or agency, as its correspondent (or correspondents) in a district, has (or have) an exclusive title to send all correspondence from such district to that journal or agency.

*Encroachment Upon District*

5. A journalist should not send speculative correspondence in ordinary general news to any journal or agency from a district outside his own district, if in such outside district there is in active practice a competent and accredited local correspondent (or correspondents).<sup>144</sup>

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<sup>143</sup> “Linage, ETC,” 14.

<sup>144</sup> The London District amended clause 5 to remove: “except (a) by arrangement with such local correspondent (or correspondents); or (b) in regard to any special and exclusive information.”

*Delegation*

6. In cases of delegation of duty in the supplying of correspondence, fair remuneration should be given to the journalist who does the work so delegated. Such remuneration should be at the rate of not less than 50 per cent. of the proceeds. It shall be deemed unprofessional for any correspondent to delegate his work, except for temporary and exceptional purposes.<sup>145</sup>

*Recognised Scale*

7. A journalist should not accept instructions to supply correspondence, nor should he send speculative correspondence, on terms below those recognised in his district, defined in case of doubt by meeting of the District of the Institute within which such (correspondence) district is situated.<sup>146</sup>

*Official Competition, &c.*

8. Newspaper proprietors and editors and news agencies should, as far as possible, give preference to the copy of accredited journalists.<sup>147</sup>

*Special and Exclusive Information*

9. Nothing in this Code shall be held to prevent any journalist from sending special and exclusive information to any quarter.

*(b) Administration*

1. That it is the duty of any District Committee of the Institute to investigate any reports or complaints properly brought before them of actions or practices contrary to professional usage, and to take such measures in regard thereto as may be found desirable and in accordance with the Charter and Bye-laws of the Institute; such action being, however, subject to revision, upon appeal or otherwise, by the Council or duly authorised Committee of the Institute. The District Committee may, if deeming it of

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<sup>145</sup> The London District amended clause 6 to strike out the words “an, in the case of salaried correspondents, at such rate as may be mutually agreed upon” from the end of the second sentence.

<sup>146</sup> London journalist C. Williams amended clause 7 to include “should he” before “send speculative correspondence, at such rates as may be mutually agreed upon.”

<sup>147</sup> The Manchester District amended clause 8 to strike out all the words after the word “proprietors,” and to substitute “and editors and news agencies should, as far as possible, give preference to the copy of accredited journalists.” This was then revised by London journalist S. Grogan to read, “Newspaper proprietors and editors and news agencies should, as far as possible, give preference to the copy of accredited journalists.”



sufficient importance, refer the matter to the Council to be dealt with as the Council may decide under the provision of Bye-law 41.<sup>148</sup>

2. That copies of the Code adopted by the Conference be sent, though the Districts and Sub-districts, to all newspaper offices throughout the United Kingdom.
3. That the Committees of Districts and Sub-districts of the Institute be requested to take such action as may be found desirable, by addressing editors, managers, or others responsible for arrangement of news service of newspapers, and by other means, for ensuring the observance of professional usage.
4. That the supplying of false or exaggerated reports, and all matters in connection with news correspondence which may in any degree involve or affect the credit of the profession, fall properly within the cognisance of the District Committees.

Speaking on behalf of the Linage Committee, James explained to the assembly that the code's spirit was "to prevent any person, whether editor, sub-editor, or reporter, from making use of the copy of another person for his own private correspondence without paying for it." In response, Belfast journalist J. S. Hamill asked if the code was meant to have a provision stating, "whether copy sent to a newspaper belonged to the reporter who sent it in or to the newspaper proprietor." In reply, James stated that this question of ownership should be argued before the courts. The Linage Committee's position was that "there was nothing which gave any proprietor, editor, or sub-editor the right to milk the brains of any reporter."<sup>149</sup> The consequence for violating the code, however, as stipulated under Clauses 3 and 6, was that infractions "shall be deemed unprofessional."<sup>150</sup> The code was little more than a professional agreement.

The most contentious debate surrounded the inclusion of Clause 9. As James put the issue to the assembly on the second day of deliberations, "One section of the members of the Institute

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<sup>148</sup> Byelaw 41 was the provision which granted the IOJ Council to have disciplinary powers to resolve conflicts between IOJ members.

<sup>149</sup> "The Linage Code," *The Journalist*, September 17, 1892, 14.

<sup>150</sup> See Clause 3 and Clause 6 of 'The Code of Usage Relating to Correspondence' for the IOJ, 1892.

wished to retain the clause as it stood, another desired to include in it a definition of what should be considered special and exclusive information, and a third section wished to strike out the clause altogether.” However, definitions and restrictions were precisely what the Linage Committee had attempted to avoid. James “thought it was wiser, in a code of this kind, to state principles and not to descend to details.” Picking up the language of those who wished for there to be no code whatsoever, he reminded his colleagues that “It was necessary, as much for the welfare of journalists as for the success of newspapers, that no shackles should be placed upon enterprise.”<sup>151</sup> The Linage Committee did not want to hinder journalists from carrying out their work. James reasoned:

It was as much to the interest of the working journalist as to the profit of the proprietor that the very smartest news should be sent in the very smartest way from all quarters [...] unless they had this clause in the code, they would render it impossible for any news, however important, to be sent to any newspaper unless the particular correspondent of that paper happened to be on that particular spot at that particular moment.<sup>152</sup>

However, as journalist Lloyd Evans from Warwick retorted, “the clause left an opening for a good deal of piracy.” Journalist A. W. Still from Birmingham agreed, specifically on account of it not explicitly stating what the clause meant by “special and exclusive information.”<sup>153</sup>

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<sup>151</sup> “Renewed Discussion on the Linage Code,” *The Journalist*, September 17, 1892, 15.

<sup>152</sup> “Renewed Discussion on the Linage Code,” 15.

<sup>153</sup> Journalist A. W. Still of Birmingham recommended that the clause include: “But the words ‘special and exclusive information’ shall be interpreted to mean only such information as the recognised correspondent of any paper could not obtain in the ordinary course of enquiry for news and within such time as would enable him to forward it for the next issue of his paper.” After debate and little progress, James Sykes revised the amendment to read: “Exclusive information for the purpose of this code may be defined as information of public interest and importance supplied as correspondence by a journalist in the reasonable belief that it could not be brought to the knowledge of any correspondent having a prior right – as defined by Clauses 4 and 5 – in time to enable such correspondent to supply information in the ordinary efficient performance of his duties.” Neither the amendment nor its revised version passed.

Representing the Bradford District, P. T. Maculay pressed the assembly to recognize that they “must not endeavour to too strictly define the undefinable.” It was his opinion that the code should leave journalists to deal with particular cases on their own terms, rather than establish an unenforceable universality. Member of the Linage Committee, A. Groser of Plymouth, called upon his peers not to ask that the code work as an unconditional law, but to “be read in the light of common sense and of the practice and experience of journalists.” Furthermore, he reminded the assembly of James’s earlier remarks, that the code was to act as a foundation which could be amended and improved upon in the future as necessary.<sup>154</sup> Above all else, James pressed the assembly to recall that the proposed code placed the responsibility to determine what was right and what was wrong by way of lineage, custom, and usage, with the individual districts. Members also had the option to appeal any ruling to the executive committee. With this in mind, and after considerable debate, the ‘Code of Usage Relating to News Correspondence’ was adopted by the IOJ. This was a major development for the IOJ as an honest attempt on the Linage Committee’s part to improve journalism’s status for all its participants. A member of that committee, T. MacDonald Rendle, expressed that “he hoped the District Committees would endeavour to make this code a real, active, moving entity in the constitution of the Institute.” With the resolution passed, James stated that he wished that this “reporter’s code” would serve to “put an end to the crying evil [...] the practice of editors and sub-editors doing correspondence from the copy of their reporters without giving the latter any remuneration. Under this code the sub-editor of that type would disappear for ever.”<sup>155</sup>

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<sup>154</sup> Renewed Discussion on the Linage Code,” 15.

<sup>155</sup> Renewed Discussion on the Linage Code,” 16. Most surprisingly, *The Journalist* reported that the Code of Usage passed unanimously.

It was a short-lived victory. Almost immediately, *The Journalist* was filled with complaints and criticisms about the code being either too vague, too forceful, or still entirely unnecessary.<sup>156</sup> The IOJ's Continental Branch, which persevered as the most vocal critic of any rules to oversee the journalistic profession, had passed a resolution leading up to the 1892 annual conference to state that it was unanimously held by their members "that such a Code is not conducive to the dignity of journalism or to the interests of journalists."<sup>157</sup> Stationed in Paris, the Continental Branch, which was only established in January that same year, was hailed for its gentlemen of "distinction" and "wide experience" which would "add strength and dignity" to the IOJ in its effort to "create a standard of professional honour".<sup>158</sup> Its members were the leading foreign correspondents for the United Kingdom's major newspapers. After the code's passage, the Continental Branch continued their protest, stating that the IOJ was alienating their district's members and more broadly, the code "interfered [...] with the individual liberty of journalists in their dealings with proprietors and vice versa." Henri de Blowitz, the famous foreign correspondent to *The Times*, tendered his resignation from the IOJ stating in reference to the newly established rules, "in the interest of my professional liberty, I cannot submit."<sup>159</sup> Perhaps predictably, the Code of Usage was divisive. It was too much for those journalists who identified

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<sup>156</sup> "Reported Disregard for the Linage Code," *The Journalist*, (December 17, 1892), 14; Robert Mitchell, "Defects in the Linage Code," *The Journalist*, January 7, 1893, 6.

<sup>157</sup> "News Correspondence Usages: The Special Report," *The Journalist*, August 6, 1892, 12.

<sup>158</sup> "The Institute of Journalists: Establishment of a Continental Branch," *The Journalist*, January 2, 1892, 12-13. Its members included Henri de Blowitz of *The Times*, Campbell Clarke of the *Daily Telegraph*, Hely Bowes of the *Evening Standard*, R. Crawford of the *Daily News*, Clifford Millage of the *Daily Chronicle*, Rowland Strong of the *Morning Post*, Wentworth Huyshe of the *Galignani Messenger*, Theodore Child of *World*, Huggons Blackith of the *Evening News and Post*, Arthur Wyles of the *Daily Telegraph*, Thomas Farman of the *Evening Standard*, Earle Fox of the *Galignani Messenger*, and representatives from the *American Register*, *Globe*, *Leeds Mercury*, *Boston Herald*, *Glasgow Herald*, among others.

<sup>159</sup> "Protest Against the Linage Code by the Continental Branch," *The Journalist*, November 5, 1892, 12-13.

as part of Britain's professional society and too little for those who identified their work as needing comprehensive regulations.

The problem of wages for working journalists, however, persisted. George Augustus Sala solemnly pointed out that even with the progress made by formal rules, "there is no getting away from the fact that in the provinces the rate of remuneration is far from satisfactory."<sup>160</sup> Picking up on this point, another commentator stated that he "should be ashamed to offer to a common labourer the salaries which are now unblushingly offered to competent reporters." He continued:

Those who talk of the Press as a "grand profession" while its rewards are so miserably inadequate, and positions on it so hard to obtain, must surely be indulging in a little pleasant satire at the expense of the "gentlemen of the Press," whose duties are so heavy and whose pockets are so very, very light.<sup>161</sup>

As Andrew Dunlop had pointed out much earlier, the crux of the lineage, custom, and usage issue was remuneration. The Code of Usage provided only a temporary respite for the journalists who called for more drastic reform measures. As before, when the IOJ was still organizing itself as the NAJ, working journalists argued that the solution was trade unionism.

### **Membership Decline and a Renewed Bid for Unionism**

By January 1895, *The Journalist* was filled with commentaries calling for a new departure in organizing the ranks of ordinary working journalists. Stanhope Sprigg, editor of *Windsor Magazine*, called into question the IOJ's usefulness. He referred to the organization as "one of the greatest jokes the wit of the pressman ever devised." In his view, the IOJ existed "mainly for

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<sup>160</sup> "The Recent Conference of the Institute of Journalists: A Few Criticisms," *The Journalist*, October 1, 1892, 5.

<sup>161</sup> An Old Journalist, "Press Salaries," *The Journalist*, September 29, 1894, 330.

the glorification of a small official clique (some five or six men) who promptly strangle every movement calculated to help the hard-driven provincial journalist.” He conceded that he and his fellow journalists could only blame their “own colossal stupidity in expecting that proprietors would, immediately after they became members, legislate higher salaries for their reporters, or that editors would cease to ‘milk’ their subordinates’ copy.”<sup>162</sup> Inspired by 1 Corinthians 13:11, Stanhope professed:

In its early days we set out to work with high ideals of future usefulness. Then we spoke like a child, we thought like a child, but now we are older, I pray you, Sir, help us – help us to put on one side these childish things. Let us form a proper professional Union of Working Journalists, wherein all *bona fide* pressmen, who are not employers, shall be welcome, whether they are high or low, rich or poor.<sup>163</sup>

With urgency, Sprigg recommended that a new Union of Working Journalists could operate as an adjunct to the IOJ to form “a strong professional brotherhood” which could work to reform the salaries which, in his view, the IOJ’s “smug official clique” would “never bring to pass.”<sup>164</sup>

Sprigg was not alone. He was promptly joined by other journalists who aimed to rouse support for organizing their profession into a national union. “Being a humble provincial journalist,” wrote Ayrshire journalist John M. Murdoch in February 1895, “my views may not possess much weight in the eyes of the leading officials of the Institute, yet, having as warm an interest in the profession as anyone, I desire to make a few observations.” Murdoch explained that it was his “desire to lift the working journalist out of the present unsatisfactory rut.” While

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<sup>162</sup> Stanhope Sprigg, “Why not found a national union of working journalists?” *The Journalist*, January 5, 1895, 5.

<sup>163</sup> Sprigg, “Why not found a national union of working journalists?” 5.

<sup>164</sup> Sprigg, “Why not found a national union of working journalists?” 5. See also J. Greenhalgh, “A Suggested Programme,” *The Journalist*, January 5, 1895, 6.

journalists had invested their faith in the IOJ for more than ten years, the organization's progress was insufficient. He accepted that journalists loved the work of writing, despite the "few holidays" and "unsatisfactory salaries", and that the profession was a "pilgrimage" that the vast majority of men take up "out of sheer necessity". While journalists had attempted to effectively organize themselves, he resolved that "The Institute has not come up to expectations." Murdoch accepted that the IOJ had been led by "versatile and influential" men including Sir Hugh Gilzean Reid, Sir Algernon Borthwick, and Sir Edward Lawson; however, he questioned whether these men were "the sort of people to legislate for the mass of the profession." He resolved that while the IOJ had the "power to do great things," its leadership had "displayed an apathy and cynicism" towards improving the status of ordinary members of the profession which he found "exceedingly regrettable." For Murdoch too, the time had come for a National Union of Working Journalists.<sup>165</sup>

The question of whether the IOJ had actually helped improve the quality of the profession was of serious concern. Journalist J. Henniker Heaton put the issue facing the profession quite plainly. He asked, "Are journalists 'workmen'?" His own view on the matter was skeptical, but he pressed members to seriously consider "the contention that journalists – men of education, in whom mental endowments are as essential as manual skill – are mere 'workmen,' in receipt of wages, whose services can be transferred by the signature of one capitalist employer to another."<sup>166</sup> On the other hand, some denied that proprietors should even be considered journalists at all. Writing to *The Journalist* in September 1895, George Herbert Little challenged the definition of 'journalist' and the ways it should pertain explicitly to who actually completed the 'work' of journalism. He advanced the view that "journalists are literary people, but

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<sup>165</sup> John M. Murdoch, "Sane, but Impecunious!" *The Journalist*, February 2, 1895, 45.

<sup>166</sup> J. Henniker Heaton, "Are journalists 'workmen'?" *The Journalist*, March 16, 1895, 83.

newspaper proprietors are rarely, if ever, educated and cultured persons.” He recommended that their professional organization should be “run by journalists for journalists” rather than placed into the hands of “men whose interests are necessarily more commercial than journalistic.”<sup>167</sup> As London journalist Thomas Reed put the question, writing in January 1900, “it was a mistake to have founded the Institute on a dual basis of employer and employee. Their interests, so far as remuneration is concerned, are not identical.”<sup>168</sup>

Working journalists were not the only ones who believed that the time had come for them to assert themselves as a cohesive group of workers. In July 1896, Frederick William Wilson, proprietor of the *East Anglian Daily Times*, submitted that “Journalism as a means of personal elevation in social, commercial, and political life has proved one of the greatest levers of the age.”<sup>169</sup> His essay in the *Westminster Review* outlined not only the progress that journalism had made over the course of the century and the achievement of literary and journalistic “giants” but also the unevenness that had developed within the field for the “budding journalist” and even the “humble” reporters who have long made their living in the press “but have not risen to eminence”.<sup>170</sup> That this was acknowledged so plainly by a man of Wilson’s stature and influence, is striking. He explained that many men had entered the profession at its lowest rung “armed only with the material implements of a reporter’s notebook and pencil,” and managed to use the journalistic profession to elevate themselves to “pedestals of public eminence” and an “enviable” social position.<sup>171</sup> The distinguished pressman could dine with or entertain statesmen and was “feasted by companies and lionised by the aristocracy.” According to Wilson, even the

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<sup>167</sup> George Herbert Little, “Daily Facts and Fictions,” *The Journalist*, September 28, 1895, 319. See also “The Institute – It’s Uses and Limitations,” *The Journalist*, October 12, 1895, 331.

<sup>168</sup> Thomas Reed, “The Usefulness and Efficiency of the Institute,” *The Journalist*, January 13, 1900, 13.

<sup>169</sup> Fred Wilson, “Journalism as a Profession,” *Westminster Review*, 146 July 1896, 427; 427-36.

<sup>170</sup> Wilson, “Journalism as a Profession,” 427, 433, 429.

<sup>171</sup> Wilson, “Journalism as a Profession,” 427-28.



“ordinarily shrewd man can turn such opportunities as these to good advantage” including a “profitable marriage”, sound financial investments, and “a veritable autocratic control over cliques and parties.” Perhaps most importantly, the celebrated journalist was “blessed with the consolation that should he fail” he had a network of well-connected people who would “pick him up and set him a-going again, either at private or public expense.”<sup>172</sup> Wilson supposed that so long as an intrepid editor supported “a position not too independent of either political party” they could “anticipate a knighthood or baronetcy at the hands of those he supports” and should that honour not be bestowed he could obtain “a comfortable seat in the House of Commons.”<sup>173</sup> He resolved that “To all intents and purposes, the successful and fortunate newspaperman in all parts of the kingdom is a person to be envied.”<sup>174</sup>

However, this was only one part of the broader picture. Wilson pointed out that while many young men had “plenty of ambition, a good supply of cheek, and an amount of genius,” he conceded that “all do not and cannot blossom into W. T. Steads and T. P. O’Connors, nor does a John Morley or Justin McCarthy rise to eminence many times in a century.”<sup>175</sup> Celebrity and influence through journalism were comparatively rare and obtained by only an elite few. The profession was deeply hierarchical. At the bottom of the ladder, journalists ranging from assistant editors and subeditors to freelancers and penny-a-liners were dispossessed from such advantages. Wilson went on to explain:

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<sup>172</sup> Wilson, “Journalism as a Profession,” 429.

<sup>173</sup> Fred Wilson was among those who gained power and influence after leaving the journalistic profession. He was elected as a Liberal Member of Parliament for Norfolk Mid in July 1895 and held that position until retiring from politics before the January 1906 General Election. In 1907 he became the President for the Institute of Journalists.

<sup>174</sup> Wilson, “Journalism as a Profession,” 429.

<sup>175</sup> Wilson, “Journalism as a Profession,” 433.

The larger body of journalists in the kingdom, of various species and in all departments, on whom the real work, honour, glory, and credit of the profession really rest, who are the instruments by which proprietors construct successful businesses; who not only perform merely mechanical duties, the drudgery of the work, but are responsible for the attractive original matter which gives a newspaper a superior claim on the public; who are, in fact, as much entitled to public recognition and reward as any knighted editor or peeraged proprietor.<sup>176</sup>

Wilson estimated that even if it became widely known that journalists were not always guaranteed compensation equal to the dockworker or miner, or even a living wage, “the British public could never work itself into a frenzy over the ill-treatment of people who wear top-hats and frock-coats.” Not only was the public generally unaware of the work that journalists conducted, Wilson mused, “brawny arms, seared faces, and dirty clothing have a wonderfully electrical effect on the public mind.”<sup>177</sup>

Towards the turn of the twentieth century, the British public was not concerned or even alerted to the challenges, grievances, and mistreatment of the labouring reporters, penny-a-liners, subeditors, and other newspaper personnel. Wilson referred to these workers as “the ill-used slaves of the profession” and “the inconspicuous labourers whose reward is lamentably out of proportion to the value of services rendered.”<sup>178</sup> While hyperbolic, Wilson’s writing captured a legitimate problem for an occupation whose leading members had worked to advance their status as a respectable profession. By evoking ‘slavery’ and emphasizing that it was ordinary workers

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<sup>176</sup> Wilson, “Journalism as a Profession,” 430.

<sup>177</sup> Wilson, “Journalism as a Profession,” 430. For clothing and the British proletariat, see Eric Hobsbawm, “The Making of the Working Class 1870-1914,” *Worlds of Labour: Further Studies in the History of Labour* (London: Weidenfeld and Nicolson, 1984), 194-213.

<sup>178</sup> Wilson, “Journalism as a Profession,” 430.

who became dispossessed through the absence of legitimate labour organization, Wilson was pointing out to readers of the *Westminster Review* that the success of the few, who could cultivate positions of power and personal wealth, relied on taking advantage of the labour of the many who filled the journalistic profession's rank and file.

Wilson's solution, like those of others, was that all journalists "from the leader-writer drawing in his golden guineas to the country reporter trampling rural roads at the cost of much shoe-leather," should form a union that could work to improve wages for the occupation's members and protect their interests through collective bargaining. It was a radical proposition which sounded in principle like industrial unionism (rather than craft unionism which would organize the occupation's personnel along work and skill levels) and idea the IOJ had debated since its inception.<sup>179</sup> For Wilson, given that the public press was "an integral part of the machinery of politics" by way of communicating news, information, and opinion, he held it was shameful that journalists were so "lamentably underpaid."<sup>180</sup> It had been more than 12 years since the NAJ was first established and the journalist still had "no union to look after his interests or protect his rights, no society to render him assistance in the event of sickness or old age, and no sympathetic public to air his wrongs and help redress his grievances."<sup>181</sup> The newspaper proprietor expressed dismay that the average rate of remuneration for journalists was within the range of £100 per annum, which he pointed out was less than commercial clerks or ordinary artisans. He commiserated with reporters, who still received "the vulgar stipend of 30s. a week".<sup>182</sup> Wilson concluded, "if the profession be judged by the salaries paid its members, it must take rank with the unskilled trades. Wages at the present time are alarmingly low and

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<sup>179</sup> Wilson, "Journalism as a Profession," 435.

<sup>180</sup> Wilson, "Journalism as a Profession," 431.

<sup>181</sup> Wilson, "Journalism as a Profession," 430.

<sup>182</sup> Wilson, "Journalism as a Profession," 434.

totally inadequate.” While journalists were perceived as an intelligent and accomplished portion of the British public relying on their mental faculties for wages, Wilson thought it disappointing that other classes of workers had managed to secure the benefits of mutual and protective societies while journalists remained “unenlightened as to the blessings of co-operation”.<sup>183</sup>

**Table 3.4** Institute of Journalists Reported Membership Numbers, 1884-1902

Year	Membership	Change	Notes
1884	221		National Association of Journalists established
1885			
1886	250	+29	
1887	614	+364	
1888	1,100	+736	
1889	1,542	+442	Institute of Journalists established Royal Charter granted
1890	2,348	+806	
1891	2,720	+372	
1892	3,118	+398	
1893	3,556	+438	
1894	3,861	+305	
1895	3,742	-119	~1,700 memberships reported in arrear 450 members reported under notice of removal 632 members reported under notice of removal
1896	3,241	-501	
1897	3,145	-96	
1898	3,051	-94	
1899	2,989	-62	
1900	2,871	-118	
1901	2,833	-38	
1902	2,785	-48	

The calls for working journalists to take a new direction for professional organization were effective – but at the IOJ’s expense. Since the organization’s inauguration in 1884 with 221 members, that number peaked in 1894 at 3,861. As shown in Table 3.4, beginning the following year in 1895, there was a slow but steady decrease in membership.<sup>184</sup> The actual number of

<sup>183</sup> Wilson, “Journalism as a Profession,” 436.

<sup>184</sup> The data collected in this table comes from the membership numbers communicated in the annual and other reports for the IOJ, published in *The Journalist*. There was no annual conference in 1885.

participants in the journalistic profession near the turn of the twentieth century is difficult to define; however, by the IOJ's own estimate in 1901, there were approximately 12,000 people who worked as journalists in the United Kingdom.<sup>185</sup> Whether journalists were persuaded by commentaries that asked what the IOJ had truly accomplished or simply of the opinion that their membership fees could be put to better use, participation in the IOJ diminished. In 1897, a disastrous exposé in the *Progressive Review* by a former IOJ member argued that the organization had in fact been inflating and obscuring its membership numbers so as to appear more successful and authoritative. Taking aim at the membership number reported at the 1895 annual conference in Plymouth, the unnamed whistleblower claimed that of the reported 3,742 members, "no fewer than 1,700 were in arrear with their subscriptions." What was more, within that group 989 were authorized for removal from the association for non-payment, 450 were under notice of removal, and 130 had actually ended their membership. In 1896, within the reported enrolment 450 were under notice of removal. In 1897, 632 members were reported for removal of which 414 terminated their affiliation with the IOJ. The critic affirmed that these figures were not reflected in the reported membership numbers. While he hoped the IOJ would serve as "an instrument by which the profession of journalism could improve," it was their experience that the organization provided little more than "frothy prating".<sup>186</sup>

The *Nottingham Journal* reported that in response to the decline in membership, the IOJ's president and editor of *The Speaker*, Sir Thomas Wemyss Reid, put the issue plainly:

Black sheep, unfortunately, were to be found in every flock whose presence served to blur the reputation of the flock as a whole, and he regarded it as one of the first duties of the

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<sup>185</sup> See "Annual Report of the Council," *The Journalist*, September 7, 1901, 9.

<sup>186</sup> "Institute of Journalists: A Vigorous Indictment," *Reynolds's Newspaper*, August 29, 1897, 1. The full-length report appeared in the September 1897 issue of the *Progressive Review*, which I have been unable to locate. However, *Reynolds's Newspaper* published extensive extracts.

Institute to clear black sheep out of journalism. They were striving to add power and dignity to an honourable profession, and while bearing in mind its privileges they ought not to forget that they must do all they could to maintain its status, and to see that no one enjoyed its membership who was not worthy of the profession.<sup>187</sup>

By 1903, the reports presented at the IOJ's annual conferences ceased to account for its membership numbers. Instead, the organization shifted towards extending honorary memberships, fellowships, and membership certificates for *bona fide* journalists. In 1904, the number of honorary members was 35 with 348 fellowships and 1,547 membership certificates granted, for a total of 1,930 members.<sup>188</sup> To the IOJ's benefit, while enrollment had declined, they remained a global organization with active members across the British world.<sup>189</sup>

### *Springfield v. Thame (1903)*

Into the twentieth century, the circulation of news and information using scissors-and-paste, as well as 'milking, sweating, and poaching' methods, persisted. The difficulty for ordinary working journalists of overcoming this ubiquity of textual circulation without permission, compensation, or acknowledgement is highlighted in the case of freelancer George Springfield.

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<sup>187</sup> "Institute of Journalists," *Nottingham Journal*, September 1, 1898, 6.

<sup>188</sup> "The Institute of Journalists: Annual Report," *The Journalist*, August 1904, 10-11.

<sup>189</sup> Membership in India, the Colonies, and foreign countries was as follows: Europe, 26; India, 22; Straits Settlements, 5; Siam, 4; Australia and New Zealand, 10; South Africa, 28; Far East, 16; Canada, 3; West Indies, 7; United States of America, 4; South America, 1; total, 125. The journalistic industry and profession continued to work at improving their conditions. In 1907, journalists J. H. Haslam, R. C. Spencer, T. K. Sledge, and W. N. Watts, formed a conference to establish a new organization, the National Union of Journalists (NUJ). The new organization was registered under the 1871 and 1876 Trade Unions Acts and by 1908 established a new trade journal, titled *Journal* (renamed *The Journalist* in 1917). The NUJ remains "the largest union for journalists in Britain and Ireland." See Laurel Brake, "National Union of Journalists (NUJ) (1907-)," *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 440.

In late July 1902, the journalist had an exclusive scoop about a well-known professor of ophthalmology who endured a near-death experience in the English Channel. The account had all the elements of a compelling piece of human-interest journalism: gale-force winds, a man thrown overboard, a harrowing rescue. The story was exclusive to Springfield. The freelancer knew it was a compelling account and, not being tied to any publication, he sent it around to various newspapers to see if they were interested in purchasing the news. Springfield claimed that a few publications compensated him for the article, including the *Daily Mail*. In that instance, the *Daily Mail's* subeditors went to work and substantially revised and cut down the submission. They paid Springfield 10s. 6d. and published it on 2 August. However, that same day, he noticed that the *Evening Standard* had also published a revised version of the story – without any acknowledgement. It was nearly identical to the version published in the *Daily Mail*. Springfield made an inquiry with the *Evening Standard*, but his report was returned indicating that they did not receive the story from Springfield but “another source”. As part of the usual cut-and-paste practice, the *Evening Standard* had lifted the text from the *Daily Mail*. Springfield pressed the issue and the *Evening Standard* eventually compensated him 2s. 6d. As it happened, the *Evening Standard's* sporting editor had heard that Springfield “was making agitations in the matter” at the London Press Club, and so the newspaper’s management issued him a half-a-crown in an attempt to put the issue to rest. For Springfield, who knew that the article was valued at a half-guinea by the *Daily Mail*, this was unacceptable. With what he believed was a case of copyright infringement, he brought the issue before the IOJ.<sup>190</sup>

George Springfield appealed to the IOJ to fund his litigation costs using the organization’s Defence Fund. The initiative was designed to provide assistance to members who

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<sup>190</sup> “Journalists and Copyright: The Springfield Case,” *The Journalist*, August 1903, 9. George Springfield’s case is also summarized in *Mitchell’s Newspaper Press Directory* for 1904.

could not independently fight legal battles relating to their professional work. Established in 1899, the account was primarily used to finance the court costs related to recouping unpaid salaries.<sup>191</sup> In Springfield's case, he requested that the IOJ use it to mount a robust legal defence to argue that he had a copyright in the article and that it could not freely circulate across the press. The IOJ agreed that the case could serve as a test to determine whether or not it was worthwhile to litigate similar cases of infringement.<sup>192</sup>

The attempt was a failure. Appearing before Justice Joyce of the Chancery Division, the *Evening Standard's* defence argued that the article was not appropriated from Springfield, but rather from the *Daily Mail*. On account of the *Daily Mail's* subeditors revising and rewriting the article in question, the defence recommended to the court that Springfield had no copyright claim whatsoever. They admitted that "if the defendants had published the article as written by the plaintiff there would be a serious question to be tried, but this they had not done." The plaintiffs argued, "Mere use of scissors was not authorship. The case was not one of costs, but of principle." Justice Joyce disagreed:

Comparing the original composition, he came to the conclusion that, if the original composition of the plaintiff had been accepted and published in the "Daily Mail" verbatim *et literatim*, bearing in mind that there was no copyright in news, although there might be copyright in the particular language and expressions in which that news was conveyed, the paragraph in the "Evening Standard" would be in infringement of the original slip printed in the "Daily Mail."<sup>193</sup>

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<sup>191</sup> "Aim of the Institute," *The Journalist*, March 10, 1900, 71.

<sup>192</sup> "The Springfield Case: Discussion at the Conference," *The Journalist*, September 1903, 16.

<sup>193</sup> "Journalists and Copyright: The Springfield Case," *The Journalist*, August 1903, 9.



In a perplexing result for the plaintiffs, Justice Joyce went so far as to conclude, that Springfield might be the author in a certain sense, “but he was not the author in the legal sense, or in the sense that the term ‘author’ would be used in the Copyright Act.” It was his opinion that the true authorship belonged to those who revised the text for publication. The action was dismissed, with costs.<sup>194</sup> To the IOJ’s membership, it was equally frustrating that the litigation had exhausted the entirety of the Defence Fund. As James Sykes put the result, they should have known that any attempt to establish a copyright in fact was “an absolutely futile enterprise.”<sup>195</sup>

While journalism had made considerable advances as an industry and respectable profession, the *Springfield v. Thame* case shows that regardless of the social advances that some journalists made, the reporters who lived on the profession’s fringes did not reap equal benefits. Moreover, no matter what action the IOJ took to establish codes or rules for fairness within the profession, the free circulation of news and information could not be stopped. Texts circulated without compensation. There was no copyright in news. Without a widespread and concerted coalition that could specifically advocate for this issue with substantial financial backing, the lowest members of the journalistic occupation had the least amount of power to make any significant changes to the custom of reprinting, its effect on journalistic wages, or the copyright law itself.

### *Conclusions*

The circulation tactics of scissors-and-paste journalism, along with ‘milking, sweating, and poaching’, were not isolated issues. These practices were connected to the entire journalism

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<sup>194</sup> “Journalists and Copyright: The Springfield Case,” 9. See also Hugh Fraser, “The Legal Year in its Relation to the Press,” *Mitchell’s Newspaper Press Directory* (London: C. Mitchell and Co., 1904), 9.

<sup>195</sup> James Sykes, “The ‘Standard’ Copyright Case,” *The Journalist*, August 1903, 16. See also George Springfield, “The ‘No Copyright in News’ Bogey,” *The Journalist*, December 1903, 9.

ecosystem. They existed on account of the longstanding ways that newspaper obtained news and endured as conventional practices in the absence of any enforceable laws or regulations to oversee journalistic labour. Understanding these newspaper publishing tactics helps historians understand the disorder of circulation networks. Identifying the ways that journalists circulated information outside the pages of their own publication shows a further complexity in nineteenth century communication networks. Scissors-and-paste journalism was not a rare or extreme practice that existed at the press's fringe. This circulation method was integral to newspaper production. It shaped the conversations around who could call themselves a journalist, what kind of work should qualify as 'journalism', and most importantly, how much members of the journalistic profession (or occupation, depending on one's view) should be compensated. Into twentieth century, journalists at the peak of the experience and compensation curve insisted that 'professional' designation should be reserved for an elite niche. As journalism diversified into a vast and varied industry, a class consciousness emerged among some journalists who challenged the status quo and advocated for reform and better organization to advance the rights and needs of workers who occupied the lowest rungs. Crucially, while unregulated circulation methods affected ordinary working journalists the most, they were not the only ones who confronted this persistent issue. In the following chapter, I pick up on the 'courtesy of the trade' in journalism and the effect this unregulated custom had across the newspaper and periodical press. There was a discernable friction between publications that hired experts and made investments in the people who produced original journalism and those who engaged in reprinting – especially reprinting without fair acknowledgement.

## Chapter 4

### **Controlling Creative Output: Reprinted Texts and the ‘Courtesy of the Trade’ in Journalism**

On 12 March 1890, Philip Howard Davis of the *Confectioners’ Union* (1887-1937) appeared at the High Court of Justice, Queen’s Bench Division, with Justice Baron Huddleston presiding. Davis and his printer, William Burgess of London’s Carlyle Press, were charged with publishing libel against Messrs. Maclaren and Sons of the competing confectionery trade journal, the *British Baker, Confectioner, and Purveyor*. Three months earlier, Davis had published in the *Confectioners’ Union* a lengthy rant that accused the *British Baker, Confectioner, and Purveyor* of using the scissors-and-paste journalism method on his articles.<sup>1</sup> The tirade leaned toward the boorish with its inflammatory accusations. The *British Baker’s* proprietor, William Frederick de Bois Maclaren, took issue with a number of phrases and much of the name-calling in the accusation. His main concern, however, was the charge of literary theft:

The unmitigated literary thieves who misconduct the printed rags which have the impudence to call themselves a Confectionery Trade paper have begun a new thing. They find that they would get into trouble if they reprinted our matter intact without acknowledgement, and they object to publicly show how much cleverer we are than they, so they barefacedly steal our articles, and then set to work and re-write them; and when they have cooked them up into a general mess and muddle, without either grammar, sense, or anything else, they have the downright insolence to publish this hash as original matter. We don’t object to find brains for these fellows, if they will give us credit for doing so; but we strongly object to become catspaws for any of them, and, Englishmen, Scotchmen, or

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<sup>1</sup> “Libel: £2,000 sued for in vain,” *Confectioners’ Union*, March 15, 1890, 147.

Americans alike, they're pretty much tarred with the same brush, and they shall find one of these fine days that they have met with a little more than their match.<sup>2</sup>

By the standards of late-nineteenth century journalism rivalry, these were strong words, and according to *Confectioners' Union's* version of events, they had been a long time coming. The journal's editor-in-chief, Philip Howard Davis, had first noticed *British Baker, Confectioner, and Purveyor's* use of his texts in October 1887 when they reworked one of his articles about "The Cutting of Cakes" which he had originally published in a short-lived journal edited by him, *Confectionery World*. Between October 1887 and January 1889, Davis claimed that *British Baker, Confectioner, and Purveyor* modified and reprinted no fewer than 33 of his original articles and recipes.<sup>3</sup> Seeing what he alleged was his reprinted intellectual property, Davis contacted the *British Baker, Confectioner, and Purveyor's* proprietor, Maclaren, stating that they had plagiarised matter from his own journal and, threatening legal recourse, demanded an immediate apology and a promise to discontinue such acts. Maclaren quickly responded by stating that he was not aware of a single line being copied from *Confectioners' Union* and that they would be glad to have proof of it.<sup>4</sup> It was then that Davis responded by publishing his accusation of 'unmitigated literary thieves'. Not willing to tolerate defamatory accusations, *British Baker, Confectioner, and Purveyor* responded swiftly with a lawsuit accusing the *Confectioners' Union's* editor-in-chief, Philip Howard Davis, and their printer, William Burgess of London's Carlyle Press, of committing libel against their proprietors. They demanded £2,000 in compensation for damages caused by the alleged libel. Branded as "Maclaren's twaddle,"

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<sup>2</sup> "Among Our Exchanges," *Confectioners' Union*, January 15, 1889, 53.

<sup>3</sup> "Libel: £2,000 sued for in vain," 147.

<sup>4</sup> "Libel: £2,000 sued for in vain," 153-55.

“that Glasgow noodle,” “Glasgow scissors-wielder,” “Scotch literary bandit,” and “unmitigated literary thieves,” Maclaren would have his day in court.<sup>5</sup>

The ensuing court case, *Maclaren & Sons v. Davis and another*, demonstrates the lengths that the *Confectioners' Union's* editor was prepared to go to, to protect his texts from unlicensed reprinting and, more broadly, the bitter question over intellectual property and professional status at play in the late nineteenth century. As the confrontation played out in the courts of law and public opinion, it was clear that this issue was less about the libel accusation and more about Davis's belief that he should have absolute control over his printed materials. His texts were ingredients and measurements with directions, Davis admitted, but they represented his intellectual property and he was willing to fight for his cause and draw attention to a competitor that he viewed as unfairly profiting from his labour and experience in the confectionery trade.<sup>6</sup> Davis likely knew that he had little recourse under the law for monetary compensation when his texts were appropriated by competing publications. He instead opted to use ridicule and shame to point out, to the confectionery community, what he believed was piracy. While the bombastic commentary landed him in court defending libel charges, the resourceful P. H. Davis used his court appearance as an opportunity to make a case for greater copyright protection for texts in the trade and professional press.

This chapter is about the friction that occurred between publications that produced original content and those whose editors engaged in reprinting without acknowledging their source material. The *Confectioners' Union's* pages show that the *British Baker*, *Confectioner*, and *Purveyor* was not alone in lifting their content. Faced with ongoing and unacknowledged reprinting, P. H. Davis turned to the one venue that had the potential to deliver some semblance

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<sup>5</sup> “Libel: £2,000 sued for in vain,” 153-55.

<sup>6</sup> “Libel: £2,000 sued for in vain,” 155.

of justice: the court of public opinion. While other editors from more notable newspapers and periodicals faced similar appropriations without acknowledgement, the *Confectioners' Union* case offers insight into how an editor who could not stop his competitors from reprinting his texts, took matters into his own hands to eliminate what he deemed a piracy (copying without credit) no matter how minor or seemingly insubstantial the appropriation. *Confectioners' Union*, and Davis's journalism more generally, have been completely untouched by scholars.<sup>7</sup> While the case itself was a matter of libel and the ruling had no influence on later copyright claims, it offers an unexplored example of a particular editor's behaviour and unorthodox tactics for protecting his journal's material from scissors-and-paste. Davis's commentary sought to entertain and inform his readership while cautioning the wider confectionery trade against lifting his texts without giving credit to the source. For Davis, to protect his texts was to protect his intellectual labour.

In this chapter, I rely heavily on the materials that appeared in *Confectioners' Union*. While Davis positioned himself in his periodical's pages as a prominent member of the press, he was, for all intents and purposes, a minor and relatively unnoted editor. There are no known personal papers associated with his confectionery or journalistic work. Likewise, there are no known materials associated with the publication of *Confectioners' Union*. Evidence for this case study rests entirely in the periodical press itself. This chapter gives an example of what transpired when no adequate legal recourse existed for the protection of 'inconsequential texts' –

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<sup>7</sup> While scholars of the Victorian period have placed much attention on the publication of recipes and cookbooks in the context of domestic production and dining and entertainment in high society, there has in fact been little attention towards the baking or confectionery trade. The main periodicals that this chapter engages with – including the *Confectioners' Union*, *British Baker*, *Confectioner and Purveyor*, and the *British and Foreign Confectioner and Restaurateur* – have received no substantial attention despite their expansive readerships and long-lasting presence in the press. See Andrew King, "British and Foreign Confectioner (1877-1972)," in *Dictionary of Nineteenth Century Journalism*, ed. Laurel Brake and Marysa Demoor (London: British Library, 2009), 74-75.

cases of reproduction that are not worth bringing to court in light of the considerable litigation costs which could never be recouped, even if the prosecution were successful in demonstrating an illegal act of reprinting.<sup>8</sup> For Davis, calling out scissors-and-paste work was about securing credit for intellectual labour and experience.

First, I establish Davis's ongoing efforts to protect the material he published in *Confectioners' Union*. In addition to headings and disclaimers throughout the periodical, he offered his readers a regular column titled "Among Our Exchanges", where he engaged in critical commentary towards all people and publications who dared to copy his texts without attribution. This column, which appeared throughout Davis's time at the *Confectioners' Union*, offers insight into how he viewed himself among the trade as well as the particular aspects of reprinting he tolerated and those he did not. Second, I engage another case on the reprinting of texts in the newspaper press. The 1892 case of *Walter v. Steinkopff* helps contextualize Davis's accusation of unlicensed reprinting and the ways that the people of the press responded to scissors-and-paste work. While Davis's case was a matter of libel for the *accusation* of literary theft and not an actual case of copyright infringement, *Walter v. Steinkopff* helps unpack a legitimate reuse in the late-nineteenth century periodical press and the complexities of copyright law. Lastly, I return to the case of the *Confectioners' Union* and scrutinize the larger scheme of copying and imitation that Davis alleged the *British Baker, Confectioner, and Purveyor* undertook. This went beyond reprinting texts to include adjusting the publication's appearance and design to look similar to another and better-established confectionery journal.

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<sup>8</sup> W. F. Finlason, "The Law of Copyright as to Newspapers," in *Mitchells Newspaper Press Directory* (London: C. Mitchell and Co., 1883), 5; 5-7.

Throughout the chapter, I engage the question of authorship and its relation to “the labour of the mind.”<sup>9</sup> Brad Sherman and Lionel Bently use this phrase to explain the tension that emerged in the nineteenth century between mental labour, “that which flows from the intellectual labour of the mind and the exertion of genius and thought,” and manual labour or “the mere exertion of bodily strength and corporal application.”<sup>10</sup> According to Michel Foucault, the ‘author’ came into existence when the text became ‘property’ enforced by the state with copyright laws which developed throughout the nineteenth century. It is this effort for legitimacy and acceptance “into the social order of property” through which Davis sought protection for his texts.<sup>11</sup>

It is striking that in a field as rich and diverse as periodical studies, professional and technical writing in trade journals has been neglected, with the confectionery trade being almost entirely untouched. Rosemary T. Van Arsdel and J. Donn Vann’s volume, *Victorian Periodicals and Victorian Society* notes “periodicals informed, instructed, and amused virtually all of the people in the many segments of Victorian life.”<sup>12</sup> While their study offered an account of periodicals associated with professions, arts, commerce, popular culture, universities, and working classes, the study did not account for the very real and often merciless competition between periodical publishers and editors within these categories. Instead, Van Arsdel and Vann sought to “illustrate the ubiquitous nature of Victorian periodical literature” and demonstrate the

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<sup>9</sup> Brad Sherman and Lionel Bently, *The Making of Modern Intellectual Property Law: The British Experience, 1760-1911* (Cambridge: Cambridge University Press, 1999), 11-18; 15.

<sup>10</sup> Sherman and Bentley, *Making of Modern Intellectual Property Law*, 15.

<sup>11</sup> Michel Foucault, “What Is an Author?” in *Language, Counter-Memory, Practice: Selected Essays and Interviews*, Donald F. Bouchard and Sherry Simon, trans. and Donald F. Bouchard, ed. (Oxford: Basil Blackwell, 1977), 125.

<sup>12</sup> Rosemary T. Van Arsdel and Donn Vann, “Introduction,” in *Victorian Periodicals and Victorian Society*, ed. Rosemary T. Van Arsdel and Donn Vann, (Toronto: University of Toronto Press, 1994), 3.



variety of content.<sup>13</sup> David McKitterick has similarly explained that with national collaboration, publications were in competition “claiming the widest coverage and greatest reliability.”<sup>14</sup>

Andrew King has most recently noted this dearth of research on the trade press. In his crucial study of the field, King suggests that one reason for this is that students of periodicals find this type of material difficult to approach for “their anonymity and subject matter can only with difficulty be incorporated into a discipline still (for all its changes and challenges) centered on sacralised authors, aesthetics and leisure-reading.”<sup>15</sup> While the subject matter in this chapter remains the issue of scissors-and-paste and the unlicensed reprinting of texts in a press without substantial copyright protection, I also demonstrate that the confectionery trade press (a genre which has not been adequately investigated for its extent and variety of publications) was rife with competition, imitation, clashing personalities of editors, and inventive commentary and reporting reminiscent of the New Journalism style. Editors of all stripes employed scissors-and-paste practices. It was not solely an issue for daily or weekly newspapers, but for all variety of publications – including trade journals – that worked to acquire the most interesting and desirable content for their readerships.

For Davis, value was in the instruction and resourcefulness of his recipes.

Communicating that value, however, involved what Mark Turner has described as the “binary distinction between the paid hack and the inspired man of letters.” Turner’s explanation that there was a “struggle to define exactly what constitutes professional writing and who represents the writer figure,” fits the case of Davis and his insistence that he receive due credit for his work

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<sup>13</sup> Van Arsel and Vann, “Introduction,” 3.

<sup>14</sup> David McKitterick, “Publishing for trades and professions” in *Cambridge History of the Book in Britain*, vol. 6, ed. David McKitterick (Cambridge: Cambridge University Press, 2009), 500-530; 504.

<sup>15</sup> Andrew King, “The Nineteenth Century Trade and Professional Press” in *Edinburgh Companion to the Periodical Press in Britain and Ireland 1800-1900*, ed. David Finkelstein (Edinburgh: Edinburgh University Press, 2019), 1-35; 6.

when it was used in other publications.<sup>16</sup> *Confectioners' Union* was a periodical launched with the intent to organize and help professionalize the confectionery trade. Its recipes and instructions dealt with commercial production, market fluctuations, labour issues, government intervention in the production and taxation of staple products, and new laws surrounding the adulteration of foods and the trade's industrialization. Davis was not shy about his self-professed 'genius' and, under his editorship, the *Confectioners' Union* attempted to provide a journal that was distinct from other periodicals already established for the professional confectioner or baker. When Davis spoke of recipes and instruction, he was engaging the problem of the work of writing. In order for others to value these particular sorts of texts and see their usefulness and importance to a particular trade and the wider British society, Davis took a stand to insist that his textual content was worth protecting and that he should have a say over the ways in which it was used and replicated.

### *Among Our Exchanges*

For P. H. Davis and the *Confectioners' Union*, complete copyright over the contents of their journal was not a trifling matter. *Confectioners' Union's* full title was "An Illustrated, Technical, and Perfectly Original Monthly News-Journal for the Sugar-Worker, Liquorice-Refiner, Chocolatier, Fruit-Preserver, Pastrycook, and Biscuit and Fancy-Baker". The publication was the official organ of the United Kingdom Confectioners' Association, which operated separately from the monthly sixpence publication. The targeted subscribers were professional confectioners. With offices in London and New York, and distribution to subscribers across the globe, the heavily illustrated journal had a guaranteed minimum circulation of 5,000 copies per month.

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<sup>16</sup> Mark Turner, *Trollope and the Magazines: Gendered issues in mid-Victorian Britain* (Basingstoke: Macmillan Press, 2000), 188.

Most impressive was the journal's international staff of confectionery experts from the United Kingdom, Europe, and the United States.<sup>17</sup> By the fourth month of publication, *Confectioners' Union* boasted their status as having “a larger paid-up Subscription List than any so-called Confectionery-Journal in [the] kingdom [...] without parallel in Trade Journalism.”<sup>18</sup>



**Figure 4.1** On the cover of each issue of *Confectioners' Union*, the trade publication boasted “the largest circulation of any confectionery trade paper on Earth,” and noted that all contents were copyrighted.

<sup>17</sup> “Salutatory,” *Confectioners' Union*, October 15, 1887, 13.

<sup>18</sup> “Plain Talk to All,” *Confectioners' Union*, January 15, 1888. *Confectioners' Union* claimed subscriptions in England, Ireland, Scotland, Wales, France, Germany, Holland, Belgium, United States, Canada, Australia, New Zealand, and India.

Emphasis on original content and copyright is front and centre in each issue. On the bright pink cover, the top-right corner noted that the full-page supplement included in each issue was copyrighted. Underneath, the cover of each issue announced that *Confectioners' Union* had “the largest circulation of any confectionery trade paper on Earth,” in effect alluding to the periodical’s legitimacy as a serious publication for established prestigious trades that spanned the empire. The cover duly noted, “All Contents hereafter are Copyright.” To ensure that there was no question of some articles being available for free circulation, each of the journal’s pages carried the header “All Contents Hereof are Copyright, and Infringements will be Prosecuted. Reproduction was only allowed by quoting ‘THE CONFECTIONERS’ UNION,’ LONDON.” The amount of space reserved to ensure that readers knew that the contents were copyrighted was consistent and considerable.



**Figure 4.2** Detail of “Among Our Exchanges” with scissors forming the “A” with the paste brush as the cross bar and the paste pot placed underneath.

Protecting what Davis viewed as original intellectual property and calling out piracy was a systematic habit in the *Confectioners' Union*. “Among Our Exchanges,” a recurring column in the monthly, complete with an engraving of a paste pot and two pairs of scissors forming the letter “A” (as shown in Figure 4.2), best captures Davis’s obsession with monitoring the confectionery trade press.<sup>19</sup> Here, the trade journal pointed out publications in the United Kingdom and abroad that replicated their content in any way. From the vantage point of Davis and the *Confectioners' Union*, however, it appears that their intention was to show that reliable and verifiable information could only be located in legitimate trade publications, although confectionery information and recipes were available in a range of different newspapers and magazines. Davis recommended that when the lay press did contain practical information, “such are usually our own work which has been filched and re-published without acknowledgement or permission”.<sup>20</sup> As a self-appointed overseer for the industry, if the editor thought that a periodical’s content was getting stodgy or stale, he would not hesitate to let his readers and the publication in question know.

For example, when the London evening *Echo* replicated the old as new in February 1891, *Confectioners' Union* had this to say:

When will the London evening *Echo* learn to be up to date? At the beginning of the present month, our Rip Van Winkle contemporary awoke from its sleep to print an article on the manufacture of butter from cocoanuts. This is smart news indeed! The same subject was fully treated in *The Fruit Trade Journal* a month ago, but this does not seem to weigh with the *Echo*, for it tells its readers about “the new and interesting product” with as much

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<sup>19</sup> For ornamentation, see Lorraine Janzen Kooistra, “Charting Rocks in the Golden Stream: Or, Why Textual Ornaments Matter to Victorian Periodical Studies,” *Victorian Periodicals Review* 49.3 (Fall 2016): 375-95.

<sup>20</sup> “Salutatory,” *Confectioners' Union*, October 15, 1887, 13.

delight as though it had really discovered something fresh. Poor *Echo*! The recent fogs must have dulled its editorial intellect.<sup>21</sup>

And, similarly, when the *Dairyman*, a “journal devoted to the interest of milk vendors, cow keepers, and dairy farmers” lifted a recipe for toffee, they responded with ridicule:

On glancing through its pages we notice that the young man who wields the scissors for the *Dairyman* Publishing Company has annexed a receipt for ‘Dairy Toffee’. We are much obliged to you, but for the life of us we fail to see what interest the receipt in question has for the average cow keeper, or any other member of the chalk-and-water brigade. Our contemporary has made a mistake. This sweetmeat has nothing in common with cow-sheds, and the editor will make more progress if he confines his attention to those salubrious erections, and not meddle with Dairy Toffee and other things in regard to the practical nature of which his mind must be perfectly blank.<sup>22</sup>

The editor took aim not only at the unacknowledged reprinting but the context where their recipe was reprinted. There is a sense from these criticisms that the *Confectioners’ Union* took special pride in their trade and saw it as their responsibility to safeguard its secrets, confirm that readers were receiving the correct information, and ensure that unscrupulous subeditors did not tarnish the trade’s reputation. There is a tone of insecurity and anxiety to the publication’s pages where the journal appears caught between defending their content and convincing their readers that these texts are worth defending for the sake of their profession and the wider confectionery trade.

In addition to voicing grievances over the venue of republishing their recipes, *Confectioners’ Union* also gave attention towards maintaining the integrity of their recipes from modifications. When New York’s *Supply Journal* reprinted a half-dozen of *Confectioners’*

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<sup>21</sup> “Among Our Exchanges,” *Confectioners’ Union*, February 15, 1891, 106.

<sup>22</sup> “Among Our Exchanges,” February 15, 1891, 107.

*Union*'s recipes for "Real Fruit Candies Suitable for the Season's Trade," the editor replied that the subeditor had "fallen into the foolish error of imagining that 'Dutch crushed' sugar and 'Confectioners' A' were synonymous." This was, probably, an error in Anglo-American translation as New York's *Supply Journal* attempted to adjust the recipe for their particular audience. The *Confectioners' Union*'s reaction was as colourful as ever:

Such a blunder is perhaps, only to be expected from a clerk in a Confectioner's machinery store – which *is* synonymous for the editor of the *Supply Journal* – who makes himself look stupid every time he attempts to Americanise our English trade terms. If this wiseacre had written us and confessed his ignorance of the grade of sugar we would gladly have put him right.<sup>23</sup>

Language modifications that amounted to an Americanization or Anglicization of the text was a common practice for transatlantic scissors-and-paste work which sometimes had the effect of giving an old text an entirely new interpretation.<sup>24</sup> In this case, the editor's lack of technical knowledge about granulated and powdered sugars resulted in a different recipe all together. This difficulty with the particularities of sugar was common. When the journal *Housewife* offered recipes on American candies, *Confectioners' Union* was quick to point out that they too had confused their sugars. They suggested that only a bona fide expert of the confectionery trade would know what these terms actually meant but the difference was so profound that *Housewife* might as well instruct its readers "to take some sea water and stir it about until it produces whipped cream!"<sup>25</sup> While the responses were amusing, there was a seriousness to the insults and

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<sup>23</sup> "Among Our Exchanges," *Confectioners' Union*, April 15, 1891, 250.

<sup>24</sup> Stephan Pigeon, "Steal it, Change it, Print it: Scissors-and-paste journalism in the *Ladies' Treasury*, 1857-95," *Journal of Victorian Culture* 22.1 (January 2017): 24-39.

<sup>25</sup> "Among Our Exchanges," *Confectioners' Union*, December 15, 1890, 773. Transatlantic reprinting was an ongoing issue for *Confectioners' Union*. In April 1888, the publication pointed out that the



criticism. For Davis, confectionery work was a professional and intellectual labour that had no room for novices or for those ignorant of the precision and subtle technique he believed was required throughout the trade.

However, incidental changes to the text, such as language modifications, were not the only information variables at play. Sugar was big business in the late nineteenth century and integral to British consumption patterns. As anthropologist Sidney Mintz has discussed, into the nineteenth century “the meanings of sugar in the life of British people changed radically.”<sup>26</sup> The slave trade to British colonies ended in 1807 and between 1834 and 1838 slavery itself was abolished. These changes in part contributed to competing sugar colonies within the British system. The expansion of sugar production elsewhere, often using slave labour, also competed with sugar from the British West Indies. In Europe, with the French loss of Saint-Domingue, methods for beet-sugar extraction improved and the cane-sugar alternative spread across the continent. As Mintz explains, the abolition of slavery led to extreme competition in the global market for sugar.<sup>27</sup> Technological improvements in grinding capacity and cane varieties led to “important and sweeping alterations” to the sugar industry.<sup>28</sup> For someone like Davis, the specificity of sugar mattered considerably as the marketplace diversified and there was greater differentiation between the commodity’s type and origin.

Davis consistently showed aggression toward incorrect information and original work reprinted without credit, through insults, name-calling, and sarcasm. In another example, *Confectioners’ Gazette* was referred to as “that wonderful New York oracle, which is possessed

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*Confectioners’ Journal* of Philadelphia and the *New York Confectioner* had reprinted their original images and articles. See *Confectioners’ Union*, April 15, 1888, 178.

<sup>26</sup> Sidney W. Mintz, *Sweetness and Power: The Place of Sugar in Modern History* (New York: Viking, 1985), 67.

<sup>27</sup> Sidney W. Mintz, “Slavery and the Rise of the Peasantry,” *Historical Reflections* 6.1 (1979): 215.

<sup>28</sup> Mintz, *Sweetness and Power*, 69.



of boundless knowledge in the shape of scissors and the CONFECTIONERS' UNION" on account of clipping and reprinting four recipes for Turkish delight published in the *Confectioners' Union's* April 1888 number. As a further humiliation, the editor gleefully suggested that the *Gazette* might suspend their business and sharpen their scissors on account of misspelling 'Eccles cake' as 'Ecels cake' and 'ratafia' as 'rataffie' – quite possibly an error on the part of the compositor and not the editor.<sup>29</sup>

Publications that printed what Davis interpreted as misinformation received equal scorn and ridicule to those that relied on scissors-and-paste. Relying on the work of an unnamed commercial traveller and subscriber in a January 1891 article entitled "Clipped from the Lay Press," *Confectioners' Union* took up scissors and paste for themselves and reprinted snippets of recipes which, Davis alleged, would have provided disastrous results. The article mocked the Glasgow *Weekly Mail* for offering instruction on cake icing that was vague and devoid of proper instruction. In the making of sweetmeats, the editor sarcastically congratulated the Manchester *Weekly Times* on recommending boiling vanilla with a pinch of salt as a novel approach. He scorned the Leeds *Weekly Mercury* for attempting to teach the uninitiated about pulled sugar and described *Pearson's Weekly's* recipe for Everton Toffee as "ridiculously absurd." The chastising editor included these extracts so as to show that "they let in a little sidelight upon the way in which nearly every scribbler in the universe thinks he or she is qualified to teach the practical art of *Confiserie*."<sup>30</sup> To the non-specialist the recipes appear as just that – recipes. However, Davis presented them as the misguided work of amateurs and ill-informed writers. These meanspirited comments situate the publication as aggressive towards non-professionals and attempting to position itself for confectionery 'insiders' only. When *Vegetarian* started to refer to its writers as

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<sup>29</sup> "Among Our Exchanges," *Confectioners' Union*, September 15, 1891, 553.

<sup>30</sup> "Clipped from the Lay Press," *Confectioners' Union*, January 15, 1891, 43-45.

“scientists” and offer information on fruit preserving, Davis quickly pointed out to his readers that these writers were “masculine old washerwomen who are teaching people to spoil good fruit” and cause mischief more generally.<sup>31</sup> Throughout, Davis attempted to assert confectionery work as a serious pursuit reserved for experts and professionals with professed knowledge in the art and science of confectionery beyond what the layman could manage independently.

Journalistic piracy, especially as it pertained to trade journalism, was a consistent theme throughout the publication. Davis argued in the premier issue that throughout the press there were men who undertook the writing of copy for the trade press “innocent of any practical trade knowledge, and whose experience is mainly confined to the business of securing advertising patronage.”<sup>32</sup> He went on to contend:

These people give a *quasi* technical flavour to their publications, by absorbing all the practical information that appears in the columns of their more worthy contemporaries, frequently without quotation, and usually with an amount of enterprise and brains they do not, never did, nor never will, possess. [...] We therefore beg to notify these sapient editors who habitually trade on the practical and literary ability of others, that we have taken the precaution to copyright our matter, and that we shall, if necessary, prosecute those who infringe our rights – as per notice at head of every literary page of this journal.<sup>33</sup>

The use of the term ‘literary page’ was likely calculated language. The 1842 Copyright Act specifically granted protections to “literary works of lasting benefit to the world”.<sup>34</sup> While it is dubious that material in *Confectioners’ Union* met the spirit of the original Act, Davis was

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<sup>31</sup> “Among Our Exchanges,” *Confectioners’ Union*, September 15, 1888, 463.

<sup>32</sup> “To Journalistic Pirates,” *Confectioners’ Union*, October 15, 1887, 5.

<sup>33</sup> “To Journalistic Pirates,” October 15, 1887, 5

<sup>34</sup> Hugh Fraser, “The Law of Copyright and Libel with Special Reference to Recent Decisions Affecting the Press,” in *Mitchell’s Newspaper Press Directory* (London: C. Mitchell and Co., 1897), 9; 9-12.

clearly working to legitimize his journal as an entity that was worthy of protection from unauthorized reprinting. Later in the opening issue, Davis reiterated this point about professionals with no confectionery experience publishing either antiquated processes and information or work that was “re-published without acknowledgement or permission.”<sup>35</sup> For Davis, the reward for intellectual labour included acknowledgement. Davis went on to point out a very particular contention with another confectionery trade paper:

These lines are more particularly intended for the guidance of a certain British contemporary, without compare as a literary burglar, and which, in one of its issues, deliberately stole and printed with but one acknowledgment, thirty-three articles of the present writer’s work – in some cases the indicated articles being a column and a half long.<sup>36</sup>

While Davis does not call out the *British Baker, Confectioner, and Purveyor* by name, the issue of thirty-three reprinted cake recipes is consistent with his later infringement claims towards Maclaren’s publication. With this comment published in 1887 and the charge of libel in 1890, Davis’s grievance against his competitor was years in the making. The column closed by making it clear that they “shall permit no piracy from *our* pages by anyone, although any or all of our contemporaries are perfectly at liberty to reprint any of our matter so long as they acknowledge the same as being taken from THE CONFECTIONS’ UNION, LONDON.”<sup>37</sup> When the *Edinburgh Evening News* reported *Confectioners’ Union’s* insistence on copyright, they replied with intimidation that “you know you daren’t touch a line of it.”<sup>38</sup> Calling out those publications

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<sup>35</sup> “Salutatory,” *Confectioners’ Union*, October 15, 1887, 13.

<sup>36</sup> “To Journalistic Pirates,” *Confectioners’ Union*, October 15, 1887, 5.

<sup>37</sup> “To Journalistic Pirates,” October 15, 1887, 5. Emphasis in original.

<sup>38</sup> “Among Our Exchanges,” *Confectioners’ Union*, October 15, 1889, 543.

that lifted their material without credit, *Confectioners' Union* speculated that their competitors wait “like hungry dogs for a bone” for their latest instalment before publishing their own.<sup>39</sup>

Davis was unrelenting in critiquing and commenting on the trade. In a column entitled “A Wiseacre,” he characterized one writer as a penny-a-liner who was as a “lunatic” for “padding” their lineage with improbable instructions for making lozenges.<sup>40</sup> The instructions were in fact written by Theodore Francis Garrett, a well-known confectionery writer and editor of the *British Journal of Catering*. Davis reveled in the mockery. Garrett later claimed that Davis published the criticism fully aware that they were his instructions – he alleged that Davis personally sent him a copy of the *Confectioners' Union's* January 1888 number with the jeering. Through his solicitor, Garrett claimed that Davis’s remarks were “an unwarrantable and malicious libel, written for the express object of holding him up to public ridicule and contempt.”<sup>41</sup> In response to the libel charge, Davis reiterated that the article in question was “nonsensical” but, perhaps wanting to avoid the libel charges being brought to court, withdrew the criticisms:

Mr. Garrett admits the authorship of the nonsensical article referred to; so just to humor him and to show there is no ill-feeling, we apologise at once. We withdraw the whole reflection. He is *not* “a wiseacre” at all. We frankly confess he never was, and have our doubts if ever he will be. We deeply deplore that we libelled him in that respect.<sup>42</sup>

Spreading it on thick, Davis closed his pretence by writing, “As Confectionery experts we say this quite seriously, and the conclusion is confirmed after wading through Mr. Garret’s [sic] highly instructive (?) articles on Confectionery-manufacture.”<sup>43</sup> While there is plausible

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<sup>39</sup> *Confectioners' Union*, April 15, 1888, 178.

<sup>40</sup> “A Wiseacre,” *Confectioners' Union*, January 15, 1888, 115.

<sup>41</sup> “A Wiseacre,” *Confectioners' Union*, February 15, 1888, 125.

<sup>42</sup> “A Wiseacre,” February 15, 1888, 125.

<sup>43</sup> “A Wiseacre,” February 15, 1888, 125.

deniability for the misspelling of Garrett's name, the inclusion of the question mark in reference to the instructive nature of Garrett's work rendered the apology wholly insincere.

Davis, however, did not desist in his own 'wiseacre' remarks. By the May 1888 issue, the editor published a targeted and colourful comment about Samuel Lowe (whom Davis referred to as Mr. Slowe), editor and proprietor of the *British and Foreign Confectioner, Baker and Restaurateur*, who spoke out against "the secrecy attending the formation of the United Kingdom Confectioners' Association" of which Davis was a vocal supporter. Complete with a silhouette of a donkey, the column was entitled "Another 'Wiseacre'!" Davis wrote:

The oracle who, by the permanent help of the paste-pot and scissors, and the occasional use of a pen dipped in gall, betrays his crass ignorance of his subjects, and misdirect the long-titled and verdant publication which emanates from a "sky-parlor" over a leather shop at the corner of the Strand, has opened his capacious mouth, and, as usual, put his foot – if not all four of his feet, hoofs included – into it.<sup>44</sup>

Lowe's complaint was that, despite his position as editor and proprietor of a prominent confectionery trade periodical, he had not been consulted for his thoughts on the formation of the new confectioners' association. Building up the *Confectioners' Union's* importance, Davis argued:

Mr. Slowe, not content with being as silly as usual, is therefore spiteful. [...] Well, when about to undertake any important enterprise, it is not usual for the head of a firm to consult his errand-boy, and therefore Mr. Slowe should *not* be "surprised" to find himself and his Journal severely left in the cold, for the simple reason that the Association would naturally seek to be represented by the Trade-journal with the greatest circulation and influence.<sup>45</sup>

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<sup>44</sup> "Another 'Wiseacre'!" *Confectioners' Union*, May 15, 1888, 277-79. Emphasis in the original.

<sup>45</sup> "Another 'Wiseacre'!" 277.

Mercilessly, Davis persisted in his criticisms:

What is he crying for? Does he expect that the “leading Manufacturing Confectioners” would be idiotic enough to climb up the crooked staircase into his half-empty cock-loft, and there be received by the paste-pot, which, besides his own solitary self, constitutes the whole working staff (save the mark!) of his wretched sheet?<sup>46</sup>

Still, his insults did not let up:

Mr. Slowe has never shown either any ingenuity or originality; enterprise is a word which is completely absent from his limited vocabulary; and, like an old owl, he sits on the dead limb of an old tree, hoots the old hoots of ages, and refuses to look at the beautiful daylight.<sup>47</sup>

Davis’s tone and conjecture suggest that he viewed Lowe’s remarks as more personally offensive than a threat to his publication’s status in the confectionery community. In one paragraph he challenged Lowe to show the size of his subscription and circulation rates over his twelve years of publication versus his own eight months – the loser having to pay £50 to the United Kingdom Confectioner’s Association – and in the next, he was calling on Lowe to “show as much *bona fide*-original, practical Confectionery-matter in the complete file of his twelve years’ numbers” as he had published in the *Confectioners’ Union*. The question of bigger subscriptions and wider distribution was not Davis’s only case for why his trade publication should reign over others.<sup>48</sup>

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<sup>46</sup> “Another ‘Wiseacre!’” 277.

<sup>47</sup> “Another ‘Wiseacre!’” 279.

<sup>48</sup> In the following number of June 1888, it became clear that Davis’s remarks were not simply on account of Lowe questioning his publication’s favour with the UKCA. The personal attack on Lowe was the result of an ongoing personal grudge. Two years earlier, Davis was beginning work on founding a confectionery trade journal of his own. He called on Samuel Lowe to see if he was keen to join efforts and reinvent the *British and Foreign Confectioner* (where Lowe was editor) rather than risk having to compete with each other. Lowe was not especially interested in the offer and they did not strike a deal with Lowe’s

The editor went on to argue quite forcibly that his prominence in the United Kingdom Confectioner's Association was the result of his inventiveness and clever investment in correspondents around the globe. As the newspaper and periodical press was diversifying and improving the reach of news and information, Davis had made a point of seeking out content from the far reach of the empire, and most importantly the United States. He explained that he alone had "the courage" to invest the upfront costs of wages for sending a representative to Australia, a special workman to the United States to learn the latest industry processes, and established agency offices in a number of European capitals. Davis's investment in people and news infrastructures for the confectionery trade, in his view, made him stand alone and above his peers. While his commentary was self-congratulatory, he unleashed a list of achievements which he alleged Lowe had not managed to think up in over a decade of publishing trade information. Aggressively, he argued:

Did his paper ever publish a word on Fruit-Preserving? No. Did Mr. Slowe ever publish a really practical and sensible article on Sugar work? No. Could he write one? No, a thousand times, No! Can Mr. Slowe point out a single firm in the whole wide world which employs 100 workpeople, and yet refers to his paper for guidance month by month? No – and we defy him to say "Yes."<sup>49</sup>

As I show in Chapter 5, this argument is similar to what C. F. Moberly Bell advanced on behalf of *The Times*. The investment in foreign correspondents or journalists to report on the latest and most pressing information and events was seen by these editors as an investment in the future of journalism in general as well as that of their publication. They held that their

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employer. Davis's persistent and domineering rants, in this case, were potentially motivated by personal conflict. See "That 'Wiseacre' Again!" *Confectioners' Union*, June 15, 1888, 319-21.

<sup>49</sup> "Another 'Wiseacre'!" *Confectioners' Union*, May 15, 1888, 279.

competitors, who merely replicated their content, were not of the same caliber because they did not make similar investments in the ways they acquired news and information.

While imitation drew Davis's ire, the publication followed through with the claim that they welcomed their peers to reproduce their work so long as they guaranteed attribution. In the "Among Our Exchanges" column, when *Confectioners' Union* took note of their texts being redistributed verbatim *with* full acknowledgement, they offered a note of thanks. For example, when *The Fruit Trade Journal* reprinted an article entitled, "How We Ran That Jam Factory," they told their readers that they were so happy to see it recirculated and that it gave them "universal satisfaction."<sup>50</sup> When the *Jewish Standard* referenced the *Confectioners' Union's* kosher pastry, the exchanges column thanked the publication by noting, "Compliments from such a source are compliments indeed."<sup>51</sup> Moreover, when *The American Carbonator and American Bottler* began publication in 1891, the exchanges column took space to congratulate its "enterprising conductor" and encouraged readers to consult the latest issue.<sup>52</sup> *Confectioners' Union* did not oppose their texts being reprinted. They opposed *how* some periodicals reprinted texts. *Confectioners' Union* was willing to participate in the free exchange of previously published items so long as they received credit where it was due.

Davis's editorial style was deeply personal. His temperament as an aggressive watchdog for the confectionery trade – barking at outsiders who might comment on the profession and nipping at those he believed erroneous in their commentary – jumps off the page. According to Davis, he maintained that his trade should be led by "trained practical men who have [...] earned our bread at the pan, slab, and table."<sup>53</sup> Davis explained to his readership that he was a self-made

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<sup>50</sup> "Among Our Exchanges," *Confectioners' Union*, February 15, 1890, 61.

<sup>51</sup> "Among Our Exchanges," *Confectioners' Union*, February 15, 1891, 106.

<sup>52</sup> "Among Our Exchanges," *Confectioners' Union*, June 15, 1891, 363.

<sup>53</sup> "Salutatory," *Confectioners' Union*, October 15, 1887, 13.



man from working-class beginnings who had worked for weekly wages at a sugar confectionery company in Birmingham while attending night school.<sup>54</sup> He presented himself as one among his readership – the labourers and professionals of his trade. Invoking a style that spoke directly to readers and competitors, Davis was no doubt breaking with the high-Victorian style that W. T. Stead challenged elsewhere in the periodical press.<sup>55</sup> Literary scholar Richard Salmon has shown that the shape of New Journalism and what it meant to different editors varied considerably.<sup>56</sup> While Davis spoke directly to his readers, he regularly used what Stead described as the “mystic ‘We’” to communicate what he believed to be resounding intelligence and experience of his entire editorial staff.<sup>57</sup> *Confectioners’ Union* enjoyed “nearly forty tested and proved operatives, who claim as their homes various countries in Europe and on the American continent.”<sup>58</sup> The only signed articles were those which were part of professionalising efforts to distinguish the publication as especially learned and set apart from lay publications. Davis managed to secure contributions from field experts including Thomas Huxley, Chief Analyst to the British Government James Bell, and Senior Physician to the Throat Hospital Sir Morell Mackenzie – which he boasted about in the premier issue.

Publications such as the *Confectioners’ Union* exemplify the rise of the expert in Victorian Britain. Davis’s tone and hostility towards outsiders and challengers throughout the publication capture what sociologist Magali Sarfatti Larson has referred to as the “monopoly of competence” with the rise of professionalism in the nineteenth century.<sup>59</sup> Richard Salmon has

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<sup>54</sup> “Another ‘Wiseacre!’” *Confectioners’ Union*, May 15, 1888, 279.

<sup>55</sup> W. T. Stead, “The Future of Journalism,” *The Contemporary Review*, November 1886, 663; 663-79

<sup>56</sup> Richard Salmon, “‘A Simulacrum of Power’: Intimacy and Abstraction in the Rhetoric of the New Journalism,” *Victorian Periodicals Review* 30.1 (Spring 1997): 41-52.

<sup>57</sup> Stead, “The Future of Journalism,” 663.

<sup>58</sup> “Salutatory,” *Confectioners’ Union*, October 15, 1887, 13.

<sup>59</sup> Magali Sarfatti Larson, *The Rise of Professionalism: A Sociological Analysis* (Berkeley: University of California Press, 1989), 42.

expanded on this point, arguing that professionalization opened up “previously guarded domains of knowledge.” Salmon goes on to suggest “modern professional ideology participates simultaneously in the disenchantment of inherited forms of vocational prestige (the mysteries of the priesthood or medicine) and the consecration of a new form of cultural authority.”<sup>60</sup> In the case of *Confectioners’ Union*, Davis’s commentary suggests that he viewed the trade press, and the proliferation of information in the periodical press more generally, as an erosion of his trade’s ability to maintain a certain standard. Those standards were in part scoured by the removal of free trade barriers in the later-nineteenth century, which opened up the British marketplace to a range of cheap sugars and other products from subtropical colonial regions.<sup>61</sup> The result was cheaper products made at a high-quantity level which people like Davis competed against with the promise of superior quality.<sup>62</sup> As such, his periodical presents itself as a kind of gatekeeper to professional access. The precise nature of the standard that Davis was attempting to keep up is nebulous, but he clearly interpreted commentary and contribution that was not from within the trade, or by members without the professional credentials he believed necessary, as an attrition of the trade’s reputation.

Furthermore, like some middle-class professionals, Davis made his possession of industrial knowledge and secrets part of his identity. His rhetoric embodies the entrepreneurial ideal of a self-made man who gained knowledge and influence by his own gumption achieved in open competition. The constant opposition to those within and outside his trade placed Davis in a class conflict. Davis struggled to assert control over the distribution of confectionery information

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<sup>60</sup> Richard Salmon, *The Formation of the Victorian Literary Profession* (Cambridge: Cambridge University Press, 2013), 13.

<sup>61</sup> Mintz, *Sweetness and Power*, 70.

<sup>62</sup> See, for example, the article at the centre of the *Maclaren v. Davis* scandal, which was part of an ongoing series in the *Confectioners’ Union*: “Cakes for the Times and to Compete with Grocers’ Competitive Prices,” *Confectioners’ Union*, August 15, 1888, 413-15.

throughout the press and resolved to provide comment on even the smallest inclusion by a rival publication. When other professions offered commentary on the confectionery trade, Davis swiftly pointed them out to his readership and worked to disprove their claims if they were disparaging or argued that their opinion was invalid as a non-expert.<sup>63</sup> He was an ambitious professional, but not necessarily seen as such by the larger confectionery industry on account of his antagonistic style. According to social historian Harold Perkin, “the professional class can only exist by persuading the rest of society to accept a distributive justice which recognizes and rewards expert service based on selection and merit and long, arduous training.”<sup>64</sup> Davis’s rhetoric in his journal expresses an anxiety about his specialized knowledge which did not necessarily provide a comparable high status in British society. The periodical press – and the trade press in particular – was the environment that gave a platform to professionals to espouse the merits of their work.

One explanation for Davis’s particular approach to the trade press lies in the nature of industrial society in Britain in the late nineteenth century. Building on the respective works of Max Weber and W. G. Runciman, Harold Perkin has argued that “Industrial society was based on the ownership of capital, but capital itself was based on the concept of absolute property, which was the product of law and politics.”<sup>65</sup> For Davis, and other ambitious editors of the periodical press, the path to class, power, and status rested in the ability to trade and maintain total ownership over property – the texts he published in the press that were the result of

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<sup>63</sup> In the September 1888 number of *Confectioners’ Union*, Davis pointed out that *The Vegetarian* had been “harmless enough” until “its staff of ‘scientists’” had begun to write about fruit preserving. In the “Among Our Exchanges” column, Davis recommended “These ‘scientists,’ to judge by their writings, are a set of masculine old washerwomen who are teaching people to spoil good fruit, and the mischief is that the editor seemingly objects to be taught better.” See “Among Our Exchanges,” *Confectioners’ Union*, September 15, 1888, 463.

<sup>64</sup> Harold Perkin, *The Rise of Professional Society: England Since 1880* (London: Routledge, 1989), 117.

<sup>65</sup> Perkin, *Rise of Professional Society*, 5.

dedicated study and practice. By keeping a vigilant eye over *who* was producing confectionery knowledge and *where* confectionery content appeared in the press, Davis was working towards controlling (or, at the very least, attempting to regulate) the market for this specialized information. Scissors-and-paste publishing methods without attribution worked against Davis's aim of maintaining a dominant presence throughout the press and identifying who was producing confectionery knowledge.

The trade press offered a particular service – dedicated and technical information about an industry, trade practices, production techniques, and market demands – to a readership with a shared professional interest. By mocking and intimidating non-confectionery experts and veteran confectioners alike for publishing material within the *Confectioners' Union's* realm of expertise, Davis was pressuring his fellow press editors into creating an artificial scarcity in the supply of confectionery information. All periodicals – in one way or another – were in competition for subscriptions and advertising revenue. His commentary was fuelled by his wanting to be *the* resource for the confectionery trade. It is not that he did not want information to circulate. Davis wanted *his* information to circulate and for him to receive credit and congratulations for it, each and every time.

The editor's professed intent for each issue was to “publish valuable matter which will interest, instruct, and occasionally amuse our readers, and always be useful for reference.” Davis's goal was that the trade publication might assert itself as “the vehicle of communication between employer and employé, the manufacturer and his workmen, and the wholesaler and retailer [...] the recognized ‘guide, philosopher, and friend’ of the Confectioners of the

Kingdom.”<sup>66</sup> The motivation for producing the journal was, at least in part, to serve as an example of high-quality confectionery journalism.

The inclusion of ‘useful for reference’ is especially revealing. As a trade publication, *Confectioners’ Union* did not consider their material as ephemeral. There was a clear effort to heighten the quality of the trade press but also to deliver a publication that would “deserve a place on the shop-counter, the work-table, the counting-house desk, the private-office secrétaire, and the traveller’s despatch-case.”<sup>67</sup> Each issue was meant to remain a lasting resource – a tool or bit of working capital.<sup>68</sup> While this is clear in the editorial direction’s tone and attitude, it is also apparent in the design invested in each number. The pages were heavily decorated with images and ornamentation throughout. As Davis explained it:

We fancy we show some novelty in our present number: in the paper upon which it is printed; its American type, its unusual style, its supplement, and the taste we have sought to make it a model production which shall be in accord with the Confectionery-trade itself – neat, but artistic.<sup>69</sup>

Following through with the claim that “no expense will be spared”, each instalment offered lithograph supplements with design ideas along with sections in French and German complete with recipes and commentary.<sup>70</sup>

The *Confectioners’ Union*’s outlook on the role of the trade press and the influence of journalistic piracy comes through fully in an April 1891 unsigned commentary that outlined,

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<sup>66</sup> “Salutatory,” *Confectioners’ Union*, October 15, 1887, 13.

<sup>67</sup> “Salutatory,” 13.

<sup>68</sup> For a critical discussion that challenges the notion that serial publications were part of the Victorian culture of ephemera, see Laurel Brake, “The Longevity of ‘Ephemera’,” *Media History* 18.1 (November 2011): 7-20.

<sup>69</sup> “Salutatory,” 13.

<sup>70</sup> “Salutatory,” 13-15.

according to the author (almost certainly Davis), the purpose and the state of the trade press in Britain. The commentary acknowledged that the trade journal was a product of the nineteenth century and perhaps the most important and indispensable part of any trade. Putting the trade journalist in his sights, Davis argued that this kind of writer was:

[...] supposed to be *au fait* on all matters related to the business he caters for. Yet, strange as it may appear to the uninitiated, there are men who undertake the conduct of the trade journals – particularly Confectionery Trade Journals – who are innocent of any practical Trade knowledge, and whose experience is mainly confined to the business of securing advertising patronage.<sup>71</sup>

Davis went on to argue, repeating many of the copyright claims he made in the premier issue, that his competitors had taken, too often, to relying on “a *quasi* technical flavor” with the most substantial contributions lifted from “the columns of their more worthy contemporaries, frequently without quotation, and usually without an acknowledgment so vague as to mislead the reader, who, in consequence, often credits them with an amount of enterprise and brains they do not, never did, nor never will, possess.”<sup>72</sup> Five years into the publication, Davis remained as annoyed and frustrated with the ongoing piracy of texts as ever. While Davis paid careful attention to the context and quality of the spaces where editors republished confectionery information, it was reprinting without acknowledgement that upset Davis the most.

### ***‘Courtesy of the Trade’ in Journalism***

To understand the persistent threat of infringement that editors like P. H. Davis sustained, it is useful to unpack *The Times*’s efforts to eliminate the practice of mechanical scissors-and-paste

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<sup>71</sup> “To Journalistic Pirates,” *Confectioners’ Union*, April 15, 1891, 250.

<sup>72</sup> “To Journalistic Pirates,” April 15, 1891, 250.

work where editors quickly recirculated recently published material. The issue of reprinting was ongoing throughout the nineteenth-century press and Davis was not alone in his efforts to retain control over his published materials. As also shown in Chapter 5, there were a number of legal cases brought to the Chancery Division to sort out the legality of copying previously published information in periodicals and newspapers, what constituted infringement, and the importance of demonstrating capital investment in securing information to signal the right to reimbursement in cases of infringement. The distinction between cases brought before the Queen's Bench (as was the case of *Maclaren v. Davis*) and the Chancery Division is critical. The Queen's Bench oversees civil and criminal trials, including libel charges, as was the case for Davis. The Chancery Division oversees business law, trusts law, issues of equity, and patents and registered designs. As the court of equity, copyright infringement was placed under the Chancery Division's purview. Plaintiffs could request an injunction with the payment of damages to stop a defendant from publishing and an unauthorized version of what they believed to be literary property.<sup>73</sup>

### **Walter v. Steinkopff (1892)**

The anxiety over reprinted news was not a new phenomenon to the late nineteenth century; it was the result of years of rapid growth without clear laws and effective regulations. The case of *Walter v. Steinkopff* (1892), which occupied journalists' attention across the press, was exemplary on this point of the legal challenge to reprinting where those who had their texts copied viewed the practice as piracy and those who copied text viewed the practice as a custom

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<sup>73</sup> For an explanation of this system in the eighteenth century, see Will Slauter, *Who Owns the News? A History of Copyright* (Stanford: University of Stanford Press, 2019), 54-55.

of the trade.<sup>74</sup> While the ruling occurred two years after the conclusion of *Maclaren v. Davis*, the defence argued for an informal courtesy of the trade in journalism – what today might be referred to as ‘fair use’.<sup>75</sup> This is similar to what Davis was attempting to establish through the *Confectioners’ Union* with a set of informal rules governing reprinting practices between publications. Davis wanted the satisfaction of seeing his publication acknowledged for its trade expertise and specialized knowledge. That credit was crucial for Davis, who wanted to see the recurrence of credit in print transform into influence and authority in the wider confectionery trade. *Walter v. Steinkopff* involved the proprietors of *The Times* suing for an injunction to restrain the *St. James’s Gazette* from publishing extracts from their previously published – and expensive to acquire – articles.<sup>76</sup> The case was framed as a question of legitimate quotation and the rules for the customs of journalism.

In *Walter v. Steinkopff*, the chief issue was that *The Times’s* long-time evening paper competitor, the *St. James’s Gazette*, had republished sections from an article about the American wilderness, “In Sight of Monadnock,” written by Rudyard Kipling.<sup>77</sup> *The Times* had commissioned the celebrity author to provide travel accounts of his exploration of the American wilderness. The article in question captured Kipling’s arrival in New Hampshire, taking in Mount Monadnock, which was a feature in the writings of Henry David Thoreau and Ralph Waldo Emerson.<sup>78</sup> *The Times* anticipated the potential for infringement before its publication and

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<sup>74</sup> For example, see “Important Copyright Action,” *The Journalist*, June 18, 1892, 7; 12-15.

<sup>75</sup> See the summary of *Walter v. Steinkopff* in Barbara Lauriat, “Walter v Lane (1900),” *Landmark Cases in Intellectual Property Law*, ed. Jose Bellido (Oxford: Hart Publishing, 2017), 163-65.

<sup>76</sup> Hugh Fraser, “The Law of Copyright and Libel with Special Reference to Recent Decisions Affecting the Press,” in *Mitchell’s Newspaper Press Directory*, (London: C. Mitchell & Co., 1892), 9.

<sup>77</sup> *Walter v. Steinkopff* (1892) 3 Ch 489. References cited from *Walter v. Steinkopff* (1892) LTR 64 ns. 184-190.

<sup>78</sup> See *Elevating Ourselves: Thoreau on Mountains*, ed. J. Parker Huber (Boston & New York: Mariner, 1999), 52-72; Ralph Waldo Emerson, *Ralph Waldo Emerson: The Major Poetry* (Harvard: Harvard University Press, 2015), 51-63.



made sure that the article in question was registered – thus ensuring copyright – at Stationers’ Hall. Issues with reprinting between *The Times* and the *St. James’s Gazette* had been ongoing, with the evening paper making daily extractions since 1880. In *Walter v. Steinkopff*, the article in question appeared in *The Times*’s morning edition and the *St. James’s Gazette* reprinted roughly two-fifths of the text, totalling six pages, at 12:30 in the afternoon before *The Times* published their own evening edition. That same afternoon, *The Times* filed an injunction (which the court granted) along with a claim for damages caused by the reprinting.<sup>79</sup>

It cannot be overlooked that, in this case, *The Times* also showed that the *St. James’s Gazette* had clipped and reprinted a total of 22 additional paragraphs from their publication that morning, only citing *The Times* as the original source in seven of the instances. Three of the paragraphs in question had been specifically copyrighted by *The Times* and the accusing newspaper’s solicitors emphasized that such extracts were taken “without the knowledge or consent of the plaintiffs.”<sup>80</sup> Mr. Justice North, who ruled on this case in the Chancery Division, remarked:

Mr. Kipling is understood to be writing these letters for a large and wealthy syndicate. The imagination of the ordinary literary person shrinks appalled at the thought of what he gets for the job. The fact, therefore, that those letters were written for a large body of wealthy persons who were becoming owners of a valuable literary composition at an appalling price was understood and appreciated. Who those owners were was probably understood also.<sup>81</sup>

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<sup>79</sup> Walter, LTR 64 ns. 184.

<sup>80</sup> Walter, LTR 64 ns. 184.

<sup>81</sup> Walter, LTR 64 ns. 186.

That Justice North brought the issue of payment for literary authors into his summary is revealing about his thinking and approach to the ways that news versus literature should be protected and compensated. Justice North's outlook on the infringement of copyright privileged the need for compensation to the text's author over that of the publisher.<sup>82</sup> The issue before the court was not Kipling's compensation. However, Justice North's summary suggested a sympathy for the authors of literary texts which circulated without payment, rather than for the newspaper proprietors who commissioned and sought to profit from the work and who were unable to demonstrate damages when their material was reprinted by a competitor.

Justice North ruled that the verbatim reprinting was not permissible. Had the *St. James's Gazette* instead offered criticism or taken a selection of Kipling's writings, the reprinting would have been lawful. Referencing *Wilkins v. Aikin* (1810), Justice North ruled that verbatim scissors-and-paste work without enhancing the text was an unlawful appropriation. Citing Lord Eldon's judgement in *Wilkins v. Atkin*, he reiterated his predecessor's conclusion: "The question upon the whole is, whether what the defendant has done is a legitimate use of the plaintiffs' publication in the fair exercise of a mental operation deserving the character of an original work."<sup>83</sup> As was the issue in *Wilkins v. Aikin*, editors who used scissors-and-paste to generate content were viewed as not relying on any mental faculties, and their labour was deemed insubstantial for not producing any original results. While the law had not yet established

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<sup>82</sup> Martha Woodmansee has explored the development of the modern idea of an author. Pointing towards William Wordsworth, she quotes his *Essay, Supplementary to the Preface*: "Genius is the introduction of a new element into the intellectual universe: or, if that be not allowed, it is the application of powers to objects on which they had not before been exercised, or the employment of them in such a manner as to produce effects hitherto unknown." The association is between genius and authorship rather than with the publisher who identified the genius and took on the financial risk of acquiring and publishing the author's message. See Martha Woodmansee, "The Author Effect I," in *The Construction of Authorship: Textual Appropriation in Law and Literature* ed. Martha Woodmansee and Peter Jaszi (Durham and London: Duke University Press, 1999), 16-17.

<sup>83</sup> Walter, LTR 64 ns. 187.

intellectual property as a distinct category, the bourgeois ideology that mental and manual labour were separate entities had been consistent since the early-nineteenth century.<sup>84</sup> As summarized by Justice North, this kind of production was “a mechanical operation with scissors and paste, without the slightest pretension to an original result of any kind; it is a mere production of ‘copy’ without trouble or cost.”<sup>85</sup>

The linchpin for this case is that *The Times* had anticipated that their competitor would quickly reproduce Kipling’s account after their initial publication. Having a celebrity author to lend credibility to the case and gain attention in the press was likely to secure an opportunity in the courts to establish clear rules as to the legality of reprinting in the newspaper press. However, Kipling’s status may have had an adverse effect. At the time of the trial, Justice North was under the impression that the action was in reference to one article alone – Kipling’s. When counsel explained that there were 22 additional texts brought forth as part of the action, Justice North replied that he had only heard about the one article.<sup>86</sup> As *The Times* had only secured an injunction against the reprinting of Kipling’s “In Search of Monadnock”, attention towards the larger argument concerning the reprinting of news collected from across the globe was dampened.

The three copyrighted paragraphs which did not receive an injunction were diverse. Together, they reinforce *The Times*’s ongoing complaint regarding the expense of collecting international news and foreign correspondence only to have it recirculated without payment by their competitors.<sup>87</sup> They demonstrate the scope and range of news reporting subjected to

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<sup>84</sup> Sherman and Bentley, *Making of Modern Intellectual Property Law*, 95. See also Stuart Blumin, *The Emergence of the Middle Class: Social Experience in the American City, 1760-1900* (Cambridge and New York: Cambridge University Press, 1989).

<sup>85</sup> Walter, LTR 64 ns. 187.

<sup>86</sup> “Newspaper Copyright,” *Leeds Mercury*, May 14, 1892, 10.

<sup>87</sup> See Chapter 5.

scissors-and-paste. First, “Rumours of International Legislation” detailed reports produced by the German Government to develop common rules for European action against anarchists. Second, “Desperate Encounter with Train Robbers” recounted a freight train heist in Falkville, Alabama, where four robbers exchanged gunfire with authorities. Third, “Reported Conspiracy at Zanzibar” outlined and commented on reports that residents dissatisfied with British rule would soon revolt unless drastic actions were taken. The diversity of these paragraphs – ranging from politics and legislation to crime and empire – show the breadth of places *The Times* was investing in reporting – the European continent, the United States, Eastern Africa – and demonstrate the range of *The Times*’s investment in news. That these three news items were formally copyrighted through registration at Stationers’ Hall was likely no coincidence.

Moreover, the plaintiffs took considerable time to showcase the ways that scissors-and-paste was applied to these three paragraphs. In the case of “Rumours of International Legislation,” *The Times*’s “Our Correspondent” was removed and six additional lines from a separate source were added onto the extract. *St. James’s Gazette* also added a new title. “Desperate Encounter with Train Robbers” was taken verbatim with exception to “On Monday” being substituted for “Yesterday” and where *The Times* gave credit to Dalziel’s Cable and News Agency at the end of the paragraph, *St. James’s Gazette* omitted this. “Reported Conspiracy at Zanzibar” was also taken verbatim with the exception of “Our Correspondent” being removed at the end of the paragraph. In none of the cases did the *St. James’s Gazette* give credit to *The Times* as the originator of these news items. These scissors-and-paste methods of clipping off the source, adding a new title, or stitching multiple stories together, were all common methods throughout the press that had long been observed by editors and readers alike. What is significant

to this case, however, is that at no point in the proceedings did the defendants attempt to deny the actions.

The *St. James's Gazette* pointed out that, in fact, of the three copyrighted paragraphs, one was a telegram from Dalziel's Cable and News Agency which appeared throughout the press in other morning newspapers and another was a translation from the German newspaper *Vossische Zeitung*. Furthermore, as part of the courtesy of the trade, they refrained from clipping articles signed as "Our Own Correspondent" or "The *Times* Special" which signaled an exclusive scoop.<sup>88</sup> Seemingly, they implied that they had refrained from taking more as an act of good will towards their competitor. In the *St. James's Gazette's* own words, they had taken the material "openly, frankly, and in absolute innocence."<sup>89</sup>

The defence used by the *St. James's Gazette* was that their scissors-and-paste work was a matter of convention and part of an unwritten agreement "between journalists by which one newspaper might copy news from another newspaper and the consent of the newspaper copied from might be presumed, in the absence of any notification to the contrary, provided that the source of information was acknowledged."<sup>90</sup> In support of this tacit agreement, the *St. James's Gazette* identified two instances where *The Times* had copied paragraphs from their own publication. One occasion was in 1890, shortly after the Parnell Commission, when *The Times* reproduced extracts from the leading papers which expressed support for *The Times* and the ensuing report. The second instance was in 1888 when *The Times* reprinted a report from German doctors on the health of the German Emperor.<sup>91</sup> Relying on *The Times's* participation in the scissors-and-paste custom, the defence noted that *The Times* "do not come to the court with

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<sup>88</sup> Walter, LTR 64 ns. 186.

<sup>89</sup> "Baiting a Trap," *St. James's Gazette*, June 3, 1892, 3.

<sup>90</sup> Walter, LTR 64 ns. 185.

<sup>91</sup> Walter, LTR 64 ns. 188.

clean hands, and their action should be dismissed on that ground.”<sup>92</sup> Though the *St. James's Gazette* had not secured copyright for those articles, from the vantage point of their solicitors, the two instances indicated *The Times's* willingness to participate in the ‘courtesy of the trade’ in journalism.<sup>93</sup> In their view, *The Times* was complicit in the culture of scissors-and-paste production:

The *Times* – like other papers – takes its goods where it can find them; “steals” from the *St. James's* one day, the *Globe* another, the provincial papers a third. But it wants to put an end to the practice; it thinks its circulation is injured by it, and no doubt of that it is the best judge; it would like to keep its plums for those who sit at its own tables.<sup>94</sup>

While the defence was sincere in their advocacy for the unwritten rules of journalism, the *St. James's Gazette's* editor, Sidney Low, further pointed towards the unsatisfactory state of copyright law as the reason for the confusion over what newspaper competitors might copy and what they may not. Frustrated, he argued: “The confusion created by conflicting legal decisions and ill-drawn statutes still remains, and the muddle produced by the chaotic and unscientific Act of 1842 has been rendered rather more complete by various decisions of the judges.”<sup>95</sup> Low

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<sup>92</sup> Walter, LTR 64 ns. 185.

<sup>93</sup> The term, ‘courtesy of the trade’ has been used in literary publishing in the United States, mainly by Robert Spoo, with respect to reprints of British books in the nineteenth century. In this case, the first publisher that announced an intent to issue an American edition of an unprotected foreign work gained an informal right to that work, what Spoo describes as a “makeshift copyright on tacit trade agreements and community-based norms.” Spoo demonstrates that trade courtesy was used by American book publishers as a way to regulate the press and develop respectability and fairness. I am using the term ‘courtesy of the trade in journalism’ to explain the informal rules advanced by periodical publishers to determine what could be fairly reprinted, and under what circumstances, without undercutting the initial publisher. See Robert Spoo, *Without Copyrights: Piracy, Publishing, and the Public Domain* (New York: Oxford University Press, 2013). See also Joseph Rezek, *London and the Making of Provincial Literature: Aesthetics and the Transatlantic Book Trade, 1800-1850* (Philadelphia: University of Pennsylvania Press, 2015); Mike Everton, *The Grand Chorus of Complaint: Authors and the Business Ethic of American Publishing* (New York: Oxford University Press, 2011).

<sup>94</sup> “Baiting a Trap,” 3.

<sup>95</sup> Sidney Low, “Newspaper Copyright,” *National Review*, July 13, 1892, 648-55; 648.

wanted a law that accommodated the real work and customs of newspaper production, not something that was reactionary and repeatedly amended through individual complaints and protests.

The plaintiffs denied the existence of any such unwritten rule of exchange. They showed the court that the defendants did not try to credit *The Times* as the source of the paragraphs in their publication. Likewise, in the case of Kipling's "In Search of Monadnock," *The Times* was acknowledged as the source, but the plaintiffs argued that such a large extract was presented in such a way so to have it appear that it was written or purchased by the defendants. For a newspaper publisher, this question of credit and acknowledgement was crucial. They wanted readers to know where the best pieces of information, news, and commentary were originating and have them reach for their paper at the newsstand rather than their competitor's. The inclusion of texts without acknowledgement or compensation by a competitor worked against the goal of expanding readerships and profits. *The Times's* solicitors emphasized that their competitor did not use the extracts to provide illustration or original criticism. The defence, however, argued plainly, "There is no copyright in news; and when events have once been publicly proclaimed, any person may repeat them."<sup>96</sup>

Crucially, the defence advanced a set of customary rules and procedures that determined what was considered fair play in the realm of scissors-and-paste practices. The defence insisted:

There is a custom of journalists that one paper may copy from another, taking for granted the consent of the proprietors of the latter on certain conditions – *e.g.*, if the source of the information is acknowledged; the two papers are not direct rivals; the paper copied from has at some time copied from the other; and the proprietors of the paper copied from have

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<sup>96</sup> Walter, LTR 64 ns. 186.

made no objections to the practice; and the *Times* has precluded itself from denying the existence of the custom by itself copying from the *St. James's Gazette* on the two occasions referred to.<sup>97</sup>

While the proposed trade courtesy offered a paradox for which one publication might begin to copy from another publication first and still be in the right, the commentary here offers a distinct interpretation for how London evening newspapers and the wider provincial press might have viewed the prevalence and necessity of reprinting. Pushing further, the *St. James's Gazette* reasoned that “you do not steal when the owner of the property allows you free access to it.”<sup>98</sup> Solicitors for *The Times* denied the allegations or that any such custom existed.<sup>99</sup>

Notwithstanding the arguments presented by the defence, Justice North agreed that the reproduction of Kipling's text was unlawful, citing *Wyatt v. Barnard* (1814), which determined that despite the common practice among periodical publishers to lift materials from other publications, custom was not equal to the law. Additionally, citing *Maxwell v. Somerton* (1874), which examined the custom of provincial papers to take extracts from metropolitan papers, Justice North reiterated that he must rule against the defendants “as they had done acts of which the plaintiff could legally complain.”<sup>100</sup> The implied courtesy of the trade – within or beyond the provisions suggested by the *St. James's Gazette* – existed throughout the press. Those who gathered publishable content in this way interpreted the practice as a courtesy; those that stood to lose from having their content recirculated without compensation interpreted it as what *The Times's* counsel referred to as “a custom to steal.”<sup>101</sup>

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<sup>97</sup> Walter, LTR 64 ns. 186.

<sup>98</sup> “The Important Copyright Action: The Times v. The St. James's Gazette Judgement,” *The Journalist*, June 18, 1892, 13.

<sup>99</sup> Walter, LTR 64 ns. 186.

<sup>100</sup> Walter, LTR 64 ns. 189.

<sup>101</sup> “Newspaper Copyright,” *Leeds Mercury*, May 14, 1892, 10.



Despite the favourable judgement, Justice North's ruling weighted the Kipling article more heavily than the other 22 clipped articles:

With respect to the Rudyard Kipling article, the interlocutory order must be continued.

With respect to the other paragraphs, I do not think any order necessary. Their interest has passed away, and they will not be repeated. It has not been shown than any damages resulted to the *Times* from the illegal appropriation of their articles, and I do not think it necessary to observe the form of giving nominal damages.<sup>102</sup>

The issue with reprinted news before the court was its ephemeral nature and the newspaper publisher's inability to quantify and demonstrate damages from the illegal appropriations. Justice North went on to state:

I do not, in the exercise of my discretion, intend to give any costs of that part of this action which does not relate to the Rudyard Kipling article. I do think that the defendants were very summarily dealt with by being pulled up all at once without notice for doing what they had done precisely in the same way and on the same scale without any objection or complaint for twelve years past.<sup>103</sup>

The longevity of the scissors-and-paste practice was tolerable in terms of appropriating news or texts of no clear literary value but was deemed unacceptable in the case of Kipling's account which was justifiably a work of literary originality.<sup>104</sup> Factual accounts were not equal to literary

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<sup>102</sup> Walter, LTR 64 ns. 189.

<sup>103</sup> Walter, LTR 64 ns. 189.

<sup>104</sup> For Kipling, the issue of copyright was ongoing for his submissions to *The Times*. His correspondence to Moberly Bell after the *Walter v. Steinkopff* case indicates specific direction in wanting clear copyright disclaimers included with his contributions. Moreover, Kipling also secured copyright for his contributions to *The Times* in the United States so as to prevent American newspapers from copying his work published in the British press. SxMs64/2/7 University of Sussex Library, Dunscombe Colt Papers, Letters of Rudyard Kipling to other addressees, Bell, Moberly 62 letters, c. 1894 – c. 1906. See Item 9, Rudyard Kipling to Moberly Bell, July 7, 1896; Item 27, Rudyard Kipling to Moberly Bell, October 2,

meditations. This hierarchy of texts is not necessarily surprising but shows that it was not the materiality of the text (that it appeared in a periodical or newspaper) that deterred the publisher's right against infringement; it was the news content. Justice North concluded:

As to the other three matters, they seem to me trivial in themselves; no one suggests that any damage arose from them; they were not included in the original action, but were only introduced into it at a later stage; and I do not believe that these matters would have been the subject of complaint at all had it not been that the existence of an unquestionably good ground of action seemed to furnish the plaintiff with an opportunity for trying to throw their net more widely.<sup>105</sup>

In reality, the opposite was perhaps more likely. *The Times* was using Kipling's text to "throw their net more widely" in hopes of gaining a judgement against the ongoing practice of textual appropriation. While Justice North spoke out against what the *St. James's Gazette* argued was a courtesy of the trade and wide-spread custom of reprinting, he effectively condoned one kind of textual reuse – that which he deemed "trivial".<sup>106</sup>

## **The Press Responds**

Justice North, in commenting on how widespread the practice of scissors-and-paste was throughout the newspaper and periodical press, criticized editors who engaged in the practice. He recommended:

But even if all the alleged conditions had been complied with, what the defendants have done with respect to articles or paragraphs in which *The Times* has copyright is wholly

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1899; Item 34, Rudyard Kipling to Moberly Bell September 9, 1900; Item 38, Rudyard Kipling to Moberly Bell, October 22, 1900.

<sup>105</sup> Walter, LTR 64 ns. 189.

<sup>106</sup> Walter, LTR 64 ns. 189.

incapable of justification in point of law. The plea of the existence of such custom, or habit, or practice of copying as is set up can no more be supported when challenged than the highwayman's plea of the custom of Hounslow Heath.<sup>107</sup>

The comic periodical *Punch*, finding humour in such strong and colourful words to describe the age-old scissors-and-paste practice as “the custom of Hounslow Heath,” swiftly lampooned the ruling in their subsequent issue:

A Blizzard from the North

So “Stand and deliver!” will not *quite* do  
 In the year eighteen hundred and ninety-two;  
 And if you are caught on the Queen's highway,  
 With a something for which you've omitted to pay,  
 No use to try putting in – under your breath –  
 The plea of the custom of Hounslow-Heath!

Thanks to the *Times* and to Justice NORTH!  
 The highway – of News – may be clearer henceforth  
 Of robber daring and footpad sly,  
 To stop a coach, or to fake a cly,  
 Boldly to life or astutely sneak,  
 Will expose a prig to the bobby's tweak.  
 And he shall not shelter himself beneath  
 The plea of the custom of Hounslow Heath.

*Autolycus* now must but his wares,  
 And not with high neighbours go (*gratis*) shares.  
 “Thou shalt not steal – not even brains,”  
 Says Justice NORTH, and his rule remains.

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<sup>107</sup> Walter, LTR 64 ns. 189.

Thanks to the Justice, thanks to the *Times*!  
 Plain new definitions of ancient crimes  
 Are needful now when robbers unsheathe  
 The old plea of the custom of Hounslow Heath!<sup>108</sup>

As Hounslow Heath was crossed by the main routes to London and southwest Britain, it is certain that his inventive expression was meant to reference the highwaymen and footpads of the seventeenth and eighteenth centuries that gave the region a reputation for crime. While the playful poem pointed out that *Walter v. Steinkopff* merely offered “new definitions of ancient crimes,” the satirical poet drew attention towards the absurdity of comparing the thievery and homicide of Hounslow Heath’s past to the issue of reprinted texts in newspapers.<sup>109</sup>

Other periodicals chimed in on Justice North’s ruling.<sup>110</sup> The *Daily Telegraph* disputed the assertion that reprinted texts were the custom or courtesy of the trade as it was “incompatible with honest and fair dealing.” They reasoned that the “pilfering to which respectable newspapers object” was “an infraction of their right to their own property.”<sup>111</sup> The *Daily Chronicle* claimed that they too had suffered from piracy at the hands of provincial and London evening papers. Much like *The Times*’s ongoing complaint, they explained that those London papers clipped their “most costly news and reproduce it without even giving us credit for collecting it.” Moreover, the *Daily Chronicle*, picking up the same outlook championed by *The Times*, argued that a copyright in news was necessary and justified:

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<sup>108</sup> “A Blizzard from the North,” *Punch*, June 11, 1892, 11.

<sup>109</sup> See Gordon Stanley Maxwell, *Highwayman’s Heath: The Story in Fact and Fiction of Hounslow Heath in Middlesex* (Middlesex Chronicle, 1949).

<sup>110</sup> For another satirical poem on the results of Justice North’s ruling, see “The Pressman’s Sorrow,” *Judy: The London Serio-Comic Journal*, June 15, 1892, 287.

<sup>111</sup> “Other Opinions,” *The Journalist*, June 18, 1892, 13.

The same arguments that justify copyright in an article like that written by Mr. Kipling justify copyright in specially telegraphed despatches and specially collected reports. Yet, according to Mr. Justice North, we can have no effective copyright of this kind! Why should we not have a twenty-four hours' copyright in matter which it costs so much to obtain?<sup>112</sup>

The *Globe*, offering cautious support of *The Times*, recommended:

The *Times* may, of course, be trusted to know its own business, and no doubt when a system springs up under which other papers without acknowledgement help themselves to the fruits of its work, and pass its wares as original and their own, it is compelled to make a stand; a stand which is, besides, beneficial to all the leading journals, for in this matter the *Times* is far from being the only sufferer.<sup>113</sup>

The *Globe* feared, however, that while *The Times* was justified in pursuing this case of unlicensed appropriation, they cautioned that they might “strain the judgement to its utmost, and thereby risk carrying it farther than it was presumably intended to go.”<sup>114</sup> Also picking up this thread, the newspaper *Morning* considered that the issue was in fact “a misunderstanding as to the limits of unlicensed reproduction.” *The Times*, in their view, was “like a long-slumbering volcano” on account of an absence of clarity in the law.<sup>115</sup> Calling for a revision of the copyright law, *Morning* offered perhaps the most perceptive and concise commentary on the matter:

If some such simple provision could be made in England it would save annoyance and injustice both to the cribbers and the cribbed. The action of *The Times* was somewhat precipitate; that of the *St. James's*, perhaps, unduly acquisitive. A clear legal rule would be

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<sup>112</sup> “Other Opinions,” 13.

<sup>113</sup> “Other Opinions,” 13.

<sup>114</sup> “Other Opinions,” 13.

<sup>115</sup> “Other Opinions,” 14.

a boon of which every paper could, at times, be glad, though on the whole there is very little friction, and obligation is very fairly balanced as things go. Until there is some such law the editors will be liable to sudden pains and penalties, or bound to the exercise of an unnecessary discretion, which will gratify their finer feelings at the expense of circulation. As long as there is an uncertainty as to the legal limits, enterprise is likely to be a little indiscriminate in annexation.<sup>116</sup>

The press was generally in agreement that the law was ineffective and so long as the legal circumstances persisted, legal disputes would continue. The *Birmingham Daily Post* shared part of this view, recommending that regardless of the judgement appropriation would go on and so would the newspaper publishers' complaints.<sup>117</sup> The *Middlesex County Times* chimed in to suggest that reporters and contributors in fact liked to see their productions reproduced throughout the press in publications that they were not connected with and recognized it as a great compliment. However, from their view as a provincial paper, credit in the form of recognition was absolutely necessary:

Such conduct is subversive of the first principles of honourable journalism, and is not a shade less immoral than would be the larceny of goods from any business house in the Ealing Broadway. [...] While disposed to allow local knights of the scissors and paste pot every latitude that can reasonably be expected, it must be clearly understood that we are determined to safeguard our rights in regard to all special matter published in the *Middlesex County Times*.<sup>118</sup>

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<sup>116</sup> "Other Opinions," 14.

<sup>117</sup> "Other Opinions," 14.

<sup>118</sup> "Copyright in News," *The Journalist*, July 2, 1892, 3.

The *Speaker*, likewise, contemplating the morality of scissors-and-paste, recommended that despite the commentary and debate that *Walter v. Steinkopff* spurred in the press, “a certain degree of interchange [was] indispensable to their business” and would persist. However, they hoped that some members might be more judicious with their scissors and not assume that wholesale replication was welcomed as a kind of advertising for the author or publication: “Of all the pleas for encroachment on copyright, that of gratuitously advertising the plundered wares is the least tolerable. To take a watch from a shop-window, and then proclaim the maker’s name at Charing Cross, would scarcely be helping to sanctify the larceny.”<sup>119</sup> These particular press opinions were selected and reproduced in *The Journalist* as part of their reporting on the case. While scissors-and-paste, this kind of reproduction reinforces an outlook that likely reflected the sentiment of their membership: the reproduction of news and reports should come with acknowledgement and measurable compensation for the journalist and publisher. Furthermore, these texts were reproduced well-after the articles’ immediate value as the latest news and commentary on the reprinting issue.

The *Sheffield Independent* surmised that “‘Scissors and paste’ have been upon their trial and have come off second best.”<sup>120</sup> Reiterating the key questions advanced by *The Times*, the Yorkshire daily asked their readers, “Has a newspaper, which spends considerable sums of money in procuring articles, reports, and interviews of an eminently readable character, any remedy against those who reproduce the matter without payment, and oft times without acknowledgement?” Admitting the provincial press’s participation in propagating the custom of the trade, the *Independent* explained the current status of the profession from their vantage point:

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<sup>119</sup> “The Morality of Scissors and Paste,” *The Journalist*, July 2, 1892, 15.

<sup>120</sup> “Summary of News,” *Sheffield Independent*, June 4, 1892, 5.

It is quite true that in the days when shorthand was not much in vogue and the telegraph was undreamt of, considerable difficulty was often experienced in “filling up,” and whole columns had to be sliced out of the papers which came by the post from London. To-day all this is changed. Our large provincial dailies are flooded with “copy” from various sources, and condensation is the art to which sub-editors have to direct their attention. Still, despite all this, it remains a fact that appropriation from the columns of one journal to another is practice which extensively prevails.<sup>121</sup>

While the author recommended that *The Times* “had fair grounds for complaint regarding some of the piracies,” the paper’s arguments for exclusive rights was, in their view, too much to ask. They explained the informal system as a kind of *quid pro quo*: “We copy to-day from a Scottish or Irish paper a paragraph which seems of interest, in Monday a Sheffield paragraph is quoted in Edinburgh or Dublin. Neither newspaper suffers, the public is distinctly advantaged.” While the commentator was ignoring the substantial investment *The Times* made in acquiring its foreign correspondence, they explained that the London paper should simply adopt the practice employed by the *New York Herald* whereby they include the word “exclusive” in the headline for each article they wished to keep from circulating across the press. The observer concluded that as a result of Justice North’s ruling, “henceforth ‘scissors and paste’ will be dangerous implements, though actual news may be copied if it is not given in the same language.”<sup>122</sup>

Stemming from this case and the continued appropriation of their news items without permission or compensation, *The Times* would go on to argue for the necessity of a copyright in news.<sup>123</sup> The *Manchester Guardian* captured the complexity of this issue from the start. They

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<sup>121</sup> “Summary of News,” 5.

<sup>122</sup> “Summary of News,” 5.

<sup>123</sup> See Chapter 5.



interpreted the issue of extending a copyright in news as pushing beyond “common sense” and “that to give a man a copyright in the news of a bare fact would be inexpedient, if not practically impossible.”<sup>124</sup> They elaborated on the matter:

It is one thing when a newspaper obtains, often at great expense in money and trouble, connected information in the form of long telegrams from its correspondents. Such telegrams may fairly be protected, but the basis of their claim to protection is the very fact that they are not, in the strictest sense, bare news. In the form in which they are received and published they are usually the result of sustained mental activity in observing, selecting, arranging, relating, and describing facts.<sup>125</sup>

The *Manchester Guardian*'s opinion was not entirely dissimilar to what C. F. Moberly Bell would argue on this issue – that news was neither a “spontaneous product” nor “found ready made” – in response to the ruling in *Walter v. Steinkopff*.<sup>126</sup> It was his opinion that just as industry transformed raw material into a product, journalists used their experience and intellect to transform events into news. The *Manchester Guardian* continued, parsing the terminology and the language used to separate reported facts from news:

As they stand they are not mere announcements of occurrences, but a literary fabric, built up perhaps on that basis, but still genuine results of personal power. Therein they differ entirely from the rudimentary unit, as we may call it, of news, and it is just that the law should view them with a different eye.<sup>127</sup>

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<sup>124</sup> “Other Opinions,” 14.

<sup>125</sup> “Other Opinions,” 14.

<sup>126</sup> [Moberly Bell,] “The judgement of Mr. Justice North, delivered,” *The Times*, June 3, 1892, 9.

<sup>127</sup> “Other Opinions,” 14.

The commentator acknowledged “the practical impossibility of copyright” for non-news items but the factors that would distinguish news from what they described as “simple announcements of events of public interest” was not entirely clear.<sup>128</sup>

For *The Times*, the affair was proclaimed a victory. While some newspapers had pinpointed Justice North’s comment that “It is said there is no copyright in news,” *The Times*’s solicitor, Joseph Soames, explained that this extract was surreptitiously taken without context. The full passage from the ruling recommended: “It is said there is no copyright in news, but there is, or may be, in the particular form of language or modes of expression by which information is conveyed, and not the less so because the information may be with respect to the current events of the day.” Soames went on to argue that the spirit of Justice North’s ruling was firstly that the defendants were wrong in their appropriation. *The Times* gained an interlocutory order against the reproduction of Kipling’s article, but the judge considered that in his view the interest in the remaining paragraphs had passed away and, as such, no action was necessary, as *The Times* had not demonstrated damages caused by the reprinting.<sup>129</sup> Both sides of the debate were working the argument to serve their side of the cause and it was more clear than ever that the law on this matter was vague and inconsistent.

One writer, using the name ‘Common Sense,’ submitted to *The Times* their firsthand experience in this affair, as an editor who had witnessed the reports of one contributor at an unnamed paper have their labours reiterated throughout the press hundreds of times over, ranging from 20 to upwards of 60 lines a piece and not having received any compensation for the material. ‘Common Sense’ personally traced the reprinted reports to 20 newspapers that reaped the benefits of the work and suggested that, from their experience, at least 100 newspapers in the

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<sup>128</sup> “Other Opinions,” 14.

<sup>129</sup> “Other Opinions,” 14.

United Kingdom alone likely lifted and reprinted the journalism.<sup>130</sup> Speaking against the custom of reprinting, ‘Common Sense’ reasoned:

It has been stated that ‘the law of England has given no man licence to steal the fruits of another man’s labour and brains;’ but many of the newspapers in this country seem to have been trying for some time to acquire by custom a license which the law has not given them, and, it is to be hoped, will not give them.<sup>131</sup>

The revelation was that, while this contributor had been subjected to having their work reprinted, ‘Common Sense’ claimed that in this instance, at no time did the reprinted paragraphs offer an acknowledgment of the original source. The journalist in question provided news throughout the country but did not gain credit or notoriety for their labours. Moreover, they observed that this experience had “doubtless been that of most other contributors of anything which can be regarded as news.”<sup>132</sup>

One voice of opposition was the *Pall Mall Gazette*. Referring to Justice North’s judgement as “perilously near nonsense,” the commentator suggested “no society would dream of carrying the protection of private property to the extent of giving the first retailer of an item of news an exclusive right in it.”<sup>133</sup> Signalling towards the Berne Convention, the international copyright agreement ratified by the United Kingdom in 1887, the *Pall Mall Gazette* suggested that the solution to the matter was already available, if only the members of the press practiced due diligence in notifying their peers as to what was and was not fair play for circulation. The Berne Convention stipulated:

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<sup>130</sup> “Why not in news?” *The Journalist*, June 18, 1892, 15.

<sup>131</sup> “Why not in news?” 15.

<sup>132</sup> “Why not in news?” 15.

<sup>133</sup> “A Way Out of the Difficulty,” *The Journalist*, June 18, 1892, 15.

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation in the other countries of the Union, unless the authors or publishers have expressly forbidden it. For periodicals it is sufficient if the prohibition is made in a general manner at the beginning of each number of the periodical.<sup>134</sup>

The *Pall Mall Gazette* reasoned that if only publications would clearly indicate what was exclusive content and what other publications could freely circulate, misunderstandings might be avoided entirely. The commentator dutifully pointed out that the custom of giving notice was a common practice in the provincial press. Justice Ford North had focused on this particular point in his judgement, claiming “the defendants should have had notice given or protest made to them before proceedings on these grounds were commenced against them.”<sup>135</sup> The *Pall Mall Gazette* considered that in the absence of a clarity in the law, the publishers themselves should make clear the kinds of reproductions that were welcomed with credit and those that they would find unacceptable. The commentator reasoned, “The existing state of the law, then, on this subject is absurd, and any stricter protection of copyright in news would be equally absurd.”<sup>136</sup>

*Walter v. Steinkopff* triggered a variety of commentary from the press on the customs of their trade and the practices of courtesy. What became obvious among the differing opinions and interpretations of the matter was that the law was unclear, which made sorting out disputes all the more difficult. Further, there was agreement in the press that some texts were fair game for extraction and republication while others were not. However, the precise nature of texts that

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<sup>134</sup> “A Way Out of the Difficulty,” 15.

<sup>135</sup> *Walter*, LTR 64 ns. 189.

<sup>136</sup> “A Way Out of the Difficulty,” *The Journalist*, June 18, 1892, 15.

should be viewed as exclusive, short of an explicit statement on the part of the publisher, was wholly unclear.

### **A Newspaper is a Book**

It was as late as 1881 in the case of *Walter v. Howe* that the presiding judge, the Master of the Rolls Sir George Jessel, concluded that a newspaper was a periodical work within the meaning of the 1842 Copyright Act.<sup>137</sup> This was a turning point in the earlier interpretation of the law that a newspaper should be subjected to the same advantages in protection and regulation as books. The case involved *The Times* requesting an injunction to prevent the defendants Howe and Peddie from publishing and selling the pamphlet, “The Life and Works of Benjamin Disraeli (Earl of Beaconsfield)” which was a scissors-and-paste publication of unsigned material clipped from *The Times*, including their biography of Disraeli. While the clippings were not registered at Stationers’ Hall under the Copyright Act of 1842, the plaintiffs argued that having paid the author for their literary talents and service, they were entitled to protection from piracy for the published memoir. There was legal precedent for newspapers not needing to be registered to make a claim against piracy.<sup>138</sup> The Master of Rolls, however, found that under Section 19 of the 1842 Copyright Act, without registration, *The Times* was not in a position to sue for infringement. He recommended that only the author of the Disraeli memoir could sue for copyright but without registration there was no protection for the text in question.<sup>139</sup> The judge ruled: “There may be copyright in the particular language of modes of expression in which news

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<sup>137</sup> *Walter v. Howe* (1881) 17 Ch D 708-710. References cited from *Walter v. Howe* (1881) LTR 44 ns. 727-28.

<sup>138</sup> Precedent was cited in *Cox v. Land and Water Journal Company* (1869) LR 9 Eq. 321-333. See Chapter 5.

<sup>139</sup> *Walter*, LTR 44 ns. 727.

is conveyed, and therefore one newspaper proprietor can prevent another from copying special telegrams or articles from his paper, provided that he can prove his copyright in each telegram or article.”<sup>140</sup> In this instance *The Times* was unable to maintain control over their material or prevent others from republishing and profiting from the timely publication.

What was perhaps more important and valuable to *The Times* was in Sir George Jessel’s ruling. In summarizing the aspects of the 1842 Copyright Act relevant to *The Times*’s copyright claim, he wrote:

Now, the words of the section are of the most comprehensive kind: “any periodical work” – a term which certainly includes a newspaper – “or any book whatsoever;” under the 2nd section of the word book includes every “sheet of letterpress.” In my opinion, therefore, to entitle the plaintiff to sue, his newspaper must have been registered under the Act.<sup>141</sup>

This interpretation of the law was central to his ruling to deny the plaintiff the right to copyright. The result, however, situated newspapers as periodicals and subjected them to the same protections as books. The judgement offered an unprecedented interpretation of the law that extended copyright to the newspaper press and a legal path to secure that copyright.

Taking note of this legal shift, the editor of the *St. James’s Gazette*, Sidney Low, argued in response to the *Walter v. Steinkopff* ruling that the ongoing issue in the newspaper press and the reason for continued copyright controversies was that the law did not consider newspapers as a separate class of publication. Writing for the *National Review*, he showed that the law, through the 1842 Copyright Act, dealt specifically with books, musical compositions, plays, lectures, engravings, paintings, drawings, photographs, and sculpture. Newspapers, despite their

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<sup>140</sup> Thomas Edward Scrutton, *The Law of Copyright* (London: William Clowes and Sons, Ltd., 1896), 105-6.

<sup>141</sup> Walter, LTR 44 ns. 727

enormous importance to print culture, daily reading experiences, and the peoples' access to news and information, did not have laws to regulate them as distinct publications.<sup>142</sup> Sir George Jessel's ruling in *Walter v. Howe*, in his view, "practically created a new Act of Parliament." Low recommended that no reasonable person would refer to a newspaper as a book and that the ruling in *Walter v. Howe* was a misreading of the Copyright Act.<sup>143</sup>

The disproportionate importance of the newspapers to the rest of nineteenth-century print culture is well-established among historians of the press. Aileen Fyfe has shown that the periodical press was far more important and accessible in the daily lives of Victorian readers than books or other printed media.<sup>144</sup> Andrew Hobbs, narrowing his focus specifically to the provincial press, reinforces this position on the prominence of the local newspaper press as one of the most common reading experiences in nineteenth century United Kingdom.<sup>145</sup> While the newspaper press was substantial to the lives of the Victorian people, the law surrounding their regulation remained, in Sidney Low's view, "unsatisfactory and confused."<sup>146</sup>

The oversight in the law might best be explained by timing as well as the restraints on newspaper publishing imposed by the 'Taxes on Knowledge' until their repeal in 1855. Martin Hewitt points out that in anticipation of the changes to come with the repeal, statesman Richard Cobden was assured that "a complete revolution in newspapers" was imminent.<sup>147</sup> The shape of newspapers as well as the market for readers had changed considerably since 1842. While

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<sup>142</sup> Low, "Newspaper Copyright," 648.

<sup>143</sup> Low, "Newspaper Copyright," 650.

<sup>144</sup> Aileen Fyfe, *Steam-Powered Knowledge: William Chambers and the Business of Publishing, 1820-1860* (Chicago: University of Chicago Press, 2012), 4-8.

<sup>145</sup> Andrew Hobbs, *A Fleet Street in Every Town: The Provincial Press in England, 1855-1900* (Open Book Publishers, 2018), 40-41.

<sup>146</sup> Low, "Newspaper Copyright," 648.

<sup>147</sup> Martin Hewitt, *The Dawn of the Cheap Press in Victorian Britain: The End of the 'Taxes on Knowledge', 1849-1869* (London: Bloomsbury, 2014), 97. In Hewitt, this quotation is cited as Cobden to Catherine Cobden, 3 March 1856, CP 81, West Sussex Records Office.

newspaper taxes were first imposed in 1712 to curb the circulation of radical thought through cheap periodicals, the taxes were raised in 1797 in reaction to the French Revolution, and most importantly in 1815 with duties placed on advertisements and the paper itself. The ‘Six Acts’ of 1819 extended the tax to virtually all periodicals published more frequently than a monthly and selling for less than 6d. The imposed duties made it challenging for newspapers, especially those with limited resources, to operate. However, by the early 1830s, the repeal of the newspaper taxes would slowly reshape the newspaper landscape. The advertising tax was reduced by half in 1833 and abolished in 1853. The paper tax was reduced by half in 1836 and abolished in 1861. The stamp duty was reduced from 4d. to 1d. in 1836 and abolished in 1855 creating a ‘free trade in newspapers.’<sup>148</sup> The repeal of the newspaper taxes was indicative of the larger free trade trend in British politics moving into the second half of the nineteenth century.<sup>149</sup>

The complete repeal of the newspaper taxes caused a considerable expansion of the daily press. Orchestrated by “Liberal industrialist MPs who saw the repeal of press taxation as a means of propagating the principles of free trade and capitalism”, the result was a diversified and more widely developed media.<sup>150</sup> In 1855, in anticipation of the tax repeal, 17 regional daily newspapers launched publications and leading weeklies including the *Manchester Guardian* and the *Scotsman* changed their publication schedule, becoming daily papers.<sup>151</sup> Aled Jones has shown that 126 newspapers were established in the United Kingdom between 1800 and 1830, 415 new newspapers were established between 1830 and 1855, and 492 between 1855 and 1861,

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<sup>148</sup> See, for example, “Penny Testimonial to Kossuth” *Times*, May 7, 1853, 8.

<sup>149</sup> Anthony Howe, *Free Trade and Liberal England, 1846-1946* (Oxford Scholarship Online, 2011), 191.

<sup>150</sup> James Curran, *Power Without Responsibility: The Press and Broadcasting in Britain 5<sup>th</sup> edition* (London: Routledge, 1997), 19-20.

<sup>151</sup> Joel H. Wiener, “Newspaper Taxes, Taxes on Knowledge, Stamp Taxes,” *Dictionary of Nineteenth Century Journalism*, ed. Laurel Brake and Marysa Demoor (London: British Library, 2009), 454. See also Joel H. Wiener, *The War of the Unstamped: The Movement to Repeal the British Newspaper Tax, 1830-1836* (Ithaca: Cornell University Press, 1969).



including 130 in the first year after the repeal.<sup>152</sup> Likewise, Martin Hewitt has shown that 33 towns had newspapers where there were previously none by the end of 1855.<sup>153</sup> One commentator in the *Scottish Review* understood the effect of these repeals as the common person gaining “the taste for information.”<sup>154</sup>

Even in the discussions leading up to the repeal of the stamp duty, there was an anxiety around what an unstamped newspaper press would mean for the recirculation of news and information. As early as 1832, commentary in the press connected the repeal of the newspaper taxes with the increased use of scissors-and-paste. One commentator in *Atlas* estimated that the repeal of the newspaper duty “would increase the number of newspapers, deteriorate their character, and diminish their utility.” They went on to suggest that although information would be more widely available and for a far cheaper price, the public would “not get so much, nor of the same kind, nor such versatility” on account of the inevitable use of scissors-and-paste that would “degenerate” the press.<sup>155</sup> In 1853, the report from the Select Committee on Newspaper Stamps commented:

There is no doubt that some papers are made up, to a very great extent, of materials provided and paid for by other papers (the provincial of course borrowing largely from the metropolitan); that this practice has of late become more of a hardship, owing to the electric telegraph enabling the provincial papers to issue the news obtained by the London papers several hours before the London papers themselves can reach the spot; and, especially, that the proposed change, tending greatly to limit the reading of each district to

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<sup>152</sup> Aled Jones, *Powers of the Press: Newspapers, Power and Public in Nineteenth Century England*, (Aldershot: Scholar Press, 1996), 23.

<sup>153</sup> Hewitt, *Dawn of the Cheap Press*, 100.

<sup>154</sup> “What will be the effect of the abolition of the newspaper stamp?” *The Scottish Review*, July 1855, 203; 193-205.

<sup>155</sup> “The Newspaper Duties,” *The Atlas*, March 11, 1832, 11.

the paper of that district, would immensely aggravate the injustice, which to the present amount is unavoidable.<sup>156</sup>

The questions posed by the 1853 Select Committee on Newspaper Stamps about how the newspaper press would operate without taxes that helped regulate the industry's growth were strikingly similar to the questions posed by the 1898 Select Committee on Copyright 45 years later: How a copyright in news might be enforced; How one publisher might prove that they produced the original text and not a copy; How the same news expressed in different words might be determined; How a newspaper might make a piece of intelligence an exclusive property.<sup>157</sup>

After the complete repeal of the advertising duty in 1853, the newspaper stamp duty in 1855, and the paper duty in 1861, the newspaper press had not only expanded in size, but the nature of newspaper publishing had evolved considerably.<sup>158</sup> Jon Lawrence has described the final repeal of the newspaper taxes as “amongst the most important legislative initiatives” and Joel Wiener has argued that the repeal of the paper tax was “a landmark in the history of journalism.”<sup>159</sup> Despite the significance of this shift and the seismic changes it contributed to the production and distribution of news and information, however, the law to regulate protection for news-matter in newspapers was neither enforced nor revised. For such an important change in the production and distribution of news and information, the newspaper industry remained largely unregulated in terms of the ownership of the contents appearing in its pages.

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<sup>156</sup> “ART. VII.-1. Report from the Select Committee on Newspaper Stamps,” *Edinburgh Review*, October 1853, 506; 488-518.

<sup>157</sup> “Select Committee on Newspaper Stamps,” 506. See also Chapter 5.

<sup>158</sup> See especially Hewitt, *Dawn of the Cheap Press*, 165-78.

<sup>159</sup> Jon Lawrence, “Popular Radicalism and the Socialist Revival in Britain,” *Journal of British Studies* 31.2 (1992): 168; Joel Wiener, *The War of the Unstamped: The Movement to Repeal the British newspaper Tax, 1830-1836* (Ithaca, New York: Cornell University Press, 1969), xi.

For Sidney Low, among the most muddled aspects of the law was the axiom that a newspaper was a book.<sup>160</sup> Low's contention was that the law was confusing and inconsistent in this particular interpretation:

So a very learned judge has said; and if the awe with which the unlearned student confronts this remarkable generalization is somewhat diminished by the fact that another learned judge has said that a newspaper is not a book, it will probably return upon him with redoubled intensity when he recollects that the learned judge who said that a newspaper is not a book said it several years earlier than the learned judge who said that a newspaper is a book, and that, therefore, until some other learned judge again says that a newspaper is not a book, a newspaper is and will remain a book for legal purposes.<sup>161</sup>

For Low, the problem with equating newspapers with books was that it created the premise that the 1842 Copyright Act was the correct set of rules to evaluate infringement complaints. The Act, however, made no such specific claims with regard to newspapers, notwithstanding Sir George Jessel's interpretation of what constituted "periodical works". Low further argued that because of this ongoing inefficiency in the law and newspapers not being explicitly mentioned as a protected property, there was likely no copyright in newspapers whatsoever.<sup>162</sup>

The terminology of 'newspaper' versus 'periodical' was not necessarily unambiguous. While newspapers were certainly produced periodically, there was a distinction between newspapers and other periodicals with longer publication intervals. For example, the Newspaper Libel and Registration Act of 1881 defined a newspaper as: "Any paper containing public news, intelligence, or occurrences, or any remarks or observations thereon printed for sale, and

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<sup>160</sup> Low, "Newspaper Copyright," 649.

<sup>161</sup> Low, "Newspaper Copyright," 649.

<sup>162</sup> Low, "Newspaper Copyright," 649.

published periodically, or in parts or numbers at intervals not exceeding twenty-six days between the publication of any such parts or numbers.”<sup>163</sup> Prior to the 1881 Act, a newspaper’s definition, according to the rule of registration, was that it was a periodical publication produced in intervals of less than twenty-six days and contained news.<sup>164</sup> Within this definition, what exactly constituted news was unclear. Still, the expectation of ‘news content’ in a newspaper was the most distinguishing feature after its periodicity. Additionally, the anticipation of the limited lifespan for news in the marketplace confirmed that the law perceived individual units of news as generally of little value. As to the value of newspapers, the whole was greater than the sum of its parts. Low remarked that it was not that newspapers should necessarily be without copyright, but rather that the efforts by some to shape the law using “an awkward and incomplete adaptation of a statute designed with an entirely distinct object” was simply absurd.<sup>165</sup>

W. F. Finlason, legal commentator in *Mitchell’s Newspaper Press Directory*, highlights this attitude. In his annual summary of the legal challenges in the newspaper and periodical press, he suggested that regarding newspapers, “a piracy is, of course, of little consequence, and indeed, as to daily papers, hardly practicable, at all events as to news.”<sup>166</sup> While he conceded that the evening papers were notorious for taking the contents of morning papers and altering or condensing the material, he went on to explain:

And if a morning paper were to wait for the appearance of a contemporary and pirate any part of its news, or bring out a later edition with such a piracy, the priority of the original

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<sup>163</sup> An Act to Amend the Law of Newspaper Libel and to Provide for the Registration of Newspaper Proprietors, 1881, 44 & 45 Vict., c. 60, sec. 1.

<sup>164</sup> Finlason, “The Law of Copyright as to Newspapers,” 5; 5-7.

<sup>165</sup> Low, “Newspaper Copyright,” 653.

<sup>166</sup> Finlason, “The Law of Copyright as to Newspapers,” 5.

publication would prevent the piracy from being very profitable and it would hardly be worthwhile to resort to an action for damages except for the purpose of exposure.<sup>167</sup>

Finlason advised that fair quotation or wholesale insertion with acknowledgement was regarded as a form of compliment but when that acknowledgement was not included, the action was “probably in law piracy.” However, crucially, he stipulated that allegations of piracy were only practical for original articles or serials. Again, the meaning of ‘originality’ was not necessarily clear. Finlason further argued that because of the ephemeral quality of newspapers, republication without acknowledgement “is a matter of good feeling or a sense of honour than of mere strict law.”<sup>168</sup> He continued:

There is something shabby in taking advantage without acknowledgement of the ability or industry of others, even although it be for so ephemeral a publication as a newspaper, and in the long run it will be found out that a paper has little in it that is original, and will decline in character accordingly.<sup>169</sup>

According to Finlason, readers could be trusted to select and support the superior publication. He insisted that enforcing copyright was essentially unmanageable for individual articles.<sup>170</sup>

By 1897, legal commentator Hugh Fraser, returning to the language appearing in the 1842 Copyright Act, recommended that not everything in a newspaper or periodical *could* be copyrighted. The purpose of the existing copyright law was not property protection per se, but “to afford greater encouragement to the production of literary works of lasting benefit to the world” and a work needed some literary value in order to be subject to protection. However, he

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<sup>167</sup> Finlason, “The Law of Copyright as to Newspapers,” 5.

<sup>168</sup> Finlason, “The Law of Copyright as to Newspapers,” 5.

<sup>169</sup> Finlason, “The Law of Copyright as to Newspapers,” 5.

<sup>170</sup> W. F. Finlason, “Notes of Recent Cases as to the Law Relating to the Press,” in *Mitchell’s Newspaper Press Directory* (London: C. Mitchell and Co., 1891): 9; 9-11. See also *Sweet v. Benning* (1855) 16 C. B. 459.

conceded that it was “exceedingly difficult, if not absolutely impossible, to define in general terms what is a literary composition within the meaning of the Copyright Act.”<sup>171</sup>

The difficulty of defending a text from damages on account of its ephemeral quality signals Victorian attitudes towards texts that were meant to inform or be useful for a limited period. News matter may have been the variety of text that most readers encountered and relied upon on a daily basis, but special literary articles were prized as having a greater value. Shorter texts – especially news – could not necessarily distinguish themselves as worthy of protection on account of plain language or straightforward modes of expression. The value placed on a text was determined by the nature of its contents – including the personage of the original authorship – in conjunction with the text’s usefulness and the accumulated effort and time in its creation and the necessary intellect or expertise. Together, these subjective categories created a perception of usefulness which helped appoint a value to the text and its worthiness for protection from infringement and likeliness for the owner to receive damages in the event of an infraction.

In evaluating the inequality of the existing rules of reprinting, Sidney Low insisted that *The Times*’s efforts to suppress his publication from reprinting extracts from their pages was more than a desire to maintain control. He suggested that the actions brought against competing publications were in fact about the distinguished paper coming to the realization that they were no longer the dominant publication as they had been decades earlier:

When you have tried to be very clever and only turned out to be very foolish, when you are growing old and see yourself left behind in the race of younger, and abler, and more successful rivals, when you have a general consciousness that all is not well with you – then you are naturally cross. [...] They look round them and they see that, while their

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<sup>171</sup> Fraser, “The Law of Copyright and Libel,” 9.

younger and cheaper daily rivals are expanding week by week, their own journal is standing still.<sup>172</sup>

Airing grievances to his readers, Low suggested that *The Times* was not forthcoming about its own reprinting practices.

Digging up old infractions, Low reminded his readers that as early as early as 1866 *The Times* had reprinted the celebrated description of “A Night in a Workhouse” by James Greenwood.<sup>173</sup> While full credit had been given to the *Pall Mall Gazette* (the paper from which the *St. James’s Gazette* emerged), Low argued that the enormously expensive articles in question had been paid for by the proprietors. As for *The Times*, in his view they “‘stole’ it bodily” and neither they nor the author had gained payment for its reprinting.<sup>174</sup> From the vantage point of the *St. James’s Gazette*, *The Times* was overturning the long-established norms of scissors-and-paste so as to suit their present needs as a daily newspaper with desirable content that readers across the press relied upon but which did not necessarily translate into sales. While *The Times’s* actions can be interpreted as reforming the industry to meet their needs in the present, Low took their efforts as an unnecessary stunt for attention from a daily paper that was waning in its cultural importance.

This outlook has been confirmed by historians of the press. Andrew Hobbs notes that the abolition of the stamp duty in 1855 marked an end to *The Times’s* golden age.<sup>175</sup> The repeal

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<sup>172</sup> “Baiting a Trap,” 3.

<sup>173</sup> See, for example, “A Night in a Workhouse,” *The Times*, January 13, 1886, 5. See also, Seth Koven, “Workhouse Night: Homelessness, Homosexuality, and Cross-Class Masquerades,” in *Slumming: Sexual and Social Politics in Victorian London* (Princeton: Princeton University Press, 2004), 25-87.

<sup>174</sup> “Baiting a Trap,” 3.

<sup>175</sup> Andrew Hobbs, “The Deleterious Dominance of *The Times* in Nineteenth Century Scholarship,” *Journal of Victorian Culture* 18.4 (December 2013): 747; 472-97; James Curran and Jean Seaton, “Janus face of reform,” in *Power Without Responsibility: Press, Broadcasting and the Internet in Britain* (London: Routledge, 2018), 20-27. See also Stanley Morison, *The History of the Times*, vol. 2: *The Tradition Established, 1841-1884* (London: Times, 1939).

measures changed the newspaper media landscape, making it ever more difficult for *The Times*'s high editorial costs to compete with the provincial dailies in terms of cover price. Hobbs goes on to note that the elimination of the stamp duty brought an end to cheap postal distribution which rendered *The Times* "less a 'national' paper and more a metropolitan one."<sup>176</sup> James Curran has also picked up on the correlation between the repeal of the stamp duty and the curbing of *The Times*'s influence. According to Curran, "The driving force behind the campaign was a group of liberal industrialist MPs who saw in the repeal of press taxation a means of propagating the principles of free trade and competitive capitalism." The intended result was to grant greater power to "the growth of the local commercial press" and "undermine the dominant position of the 'unreliable' *Times* by exposing it to increased competition."<sup>177</sup> Controlling who had access to their articles and which newspapers could reprint their news items and commentary was an effort to expand their circulation numbers and regain the glory of their past. While the reprinting and circulation of news from *The Times* signaled that they were producing a valuable public good, the legal arrangements did not necessarily provide favourable conditions for their organization to thrive, especially not at the levels they enjoyed prior to the repeal of the 'Taxes on Knowledge'.

In response to the confusion and to what he believed was a misinterpretation of the law to meet the immediate needs of a newspaper publisher claiming infringement, Sidney Low advanced new provisions that might be incorporated into a Newspaper Copyright Act, should one ever be advanced: (1) Low recommended that the proprietors or publishers (not the authors) should be the owners of copyright; (2) Irrespective of any agreements made with contributors, only proper registration of a newspaper could give the publisher or proprietor the right to sue for

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<sup>176</sup> Hobbs, "The Deleterious Dominance of *The Times*," 474.

<sup>177</sup> James Curran, *Power Without Responsibility: The Press and Broadcasting in Britain 5<sup>th</sup> edition*, (London: Routledge, 1997), 24; 23-26.



infringement; (3) A claim for infringement could not be made unless the plaintiff could demonstrate that they had made a concerted effort to inform other publications that they did not wish for their content to be replicated. Underscoring this point, Low described the necessary actions as “hoisting the red flag”; (4) Literary articles, if the necessary registration and warning were established, should be protected by the law as if they were submitted to a monthly magazine; (5) News should have no copyright. On this last point Low offered an explanation:

This is not because news matter is less valuable and important than other parts of a newspaper (it is often much more so), but because, owing to its peculiar character, it seems impracticable to recognize an exclusive right in its substance as well as in its form, while to protect the bare literary form and expression alone, as the Courts are disposed to do at present, is futile and in fact ridiculous.<sup>178</sup>

Regardless of where and how news was acquired, Low’s view was that news and information should be widely available, and newspapers should have licence to circulate it freely.

*Walter v. Steinkopff* did not provide a copyright in news. While it may have forced some scissors-and-paste editors to reconsider what they clipped from their competitors – namely literary articles – the ruling did not stamp out the practice. What it did provide was a test of the inefficiencies in the law and how the courts might respond to *The Times*’s efforts to acquire support for their interest in news copyright. It tested how the courts approached news-matter and the arguments that those with opposing views would use to protest against its implementation into the law. Its purpose for *The Times*, beyond drawing attention towards the free use of their texts throughout the press, was to help establish ways for the law to pivot towards more

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<sup>178</sup> Low, “Newspaper Copyright,” 666.

restrictive rules of reprinting and in turn create better circumstances that would help *The Times* regain the newspaper's cultural prominence.<sup>179</sup>

### ***Imitation and the Confectionery Trade Press***

While not a member of the daily newspaper press, P. H. Davis was just as protective of his texts from any form of reprinting without acknowledgment. What is unique to *Maclaren v. Davis* is that while it dealt with issues of reprinting and copying in the press, the charge before the court was libel. The commentary in the press and the court proceedings, however, surrounded Davis's accusation of reprinting (being the source of the alleged libel) and the nature of that reprinting was central to the line of inquiry, and ultimately, the judge's ruling. While it is unclear if the libel suit was by design or a happy coincidence, it is possible that Davis knew the existing copyright laws could offer him at most an injunction to suppress further reprinting. With a flair for the dramatic, Davis purposefully lured his competitor into reprinting his articles to reveal to his audience that the other journal had compromised their credibility as originators of legitimate contributions to the confectionery trade. The ruse provoked reaction and generated attention for his publication, which may have been Davis's intent all along.

After the alleged libel was published in January 1889, the proceedings for *Maclaren and Sons v. Davis and another* began on 12 March 1890 with Baron Huddleston presiding and a special jury for the Queen's Bench Division of the High Court of Justice. The plaintiffs requested £2,000 in damages. Under the terms of the 1881 Newspaper Libel and Registration Act, both the

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<sup>179</sup> See Chapter 5.

*Confectioners' Union's* editor, P. H. Davis, and their printer, William Burgess of Carlyle Press, London, were responsible for producing the text that Maclaren claimed was libelous.<sup>180</sup>

William Maclaren's representative, Mr. Wheeler, opened the case by reading the libelous paragraphs from January 1889 and claimed that they were, in his opinion, "not only felonious and libellous, but surpassingly vulgar."<sup>181</sup> Wheeler argued that Maclaren was perfectly willing that his newspaper should be criticized in a decent way, but appealed to the jury to protect him from an attack on his private character. Wheeler questioned the printer, William Burgess, who claimed that while he had printed the *Confectioners' Union*, he could not say whether he printed the issue in question. Conveniently, his personal records had been burnt in a fire.<sup>182</sup> Without evidence of William Burgess printing the libelous paragraphs, the responsibility was placed on Davis.

Wheeler took considerable time to lay out the entirety of the contentions between his client's publication and Davis's. In 1885, Maclaren had established a periodical under the name *Northern Miller and Baker*. In 1886, that periodical changed its name to *British Miller and Baker*. In 1887, Maclaren's periodical changed name once again to *British Baker, Confectioner, and Purveyor*. Wheeler explained to the court that it was at this time, in October 1887, that Davis claimed that his article on "The Cutting of Cakes" had been clipped from a failed periodical which Davis edited, *Confectionery World*, and reprinted in Maclaren's *British Baker, Confectioner, and Purveyor*.<sup>183</sup> By October 1887, Davis had begun publishing *Confectioners'*

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<sup>180</sup> "Libel: £2,000 sued for in vain," 147. An identical account of the court proceedings appeared in *The British and Foreign Confectioner, Baker and Restaurateur* in April 1890. See "Two Thousand Pounds Claimed," *The British and Foreign Confectioner, Baker and Restaurateur*, April 1, 1890, 210-12.

<sup>181</sup> "Libel: £2,000 sued for in vain," 149.

<sup>182</sup> "Libel: £2,000 sued for in vain," 149-50.

<sup>183</sup> *Confectionery World* was edited and owned by a Mr. Caton. The publication existed for three issues between January and March 1887.

*Union* and the editor claimed Maclaren had reprinted his article on cakes without his permission. In August 1888, *Confectioners' Union* printed the article "Cakes for the Times, and to meet Grocers' Competitive Prices," and Wheeler alleged that it was at this time that Davis began more overt slanders and libels against his client.

On 2 January 1889, Maclaren received notice from Davis's solicitor that he had plagiarised material from *Confectioners' Union*. In the notice, Davis, threatening legal recourse, demanded an immediate apology, and a promise to not engage in such acts in the future. Wheeler explained that Maclaren replied that he was not aware of any such plagiarism and asked that Davis send proof of the offence. On 15 January 1889, *Confectioners' Union* published the paragraph in question with the accusation of "unmitigated literary thieves".<sup>184</sup> While Maclaren could not demonstrate to the court that he had suffered damages in the form of lost advertising revenue or other pecuniary losses, he appealed to the jury "to protect him from onslaughts on his private character."<sup>185</sup>

The judge, Baron Huddleston, did not immediately understand what was in fact libelous about the paragraphs in question. Wheeler, spelling out the problematic phrases, listed "unmitigated literary thieves," "scissors-wielder," "pirate," "literary bandit," "Maclaren's twaddle," and the last sentence of Davis's commentary which included, "it is tolerably easy to produce such a disgrace to the Trade as that which Maclaren appends his name to."<sup>186</sup> The judge, not seeing the weight of the accusations, replied, "Well, there are plenty of that class of people about."<sup>187</sup> With minimal evidence beyond the paragraphs in question, Wheeler closed his case for the plaintiffs without calling witnesses to verify his statements.

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<sup>184</sup> "Libel: £2,000 sued for in vain," 147.

<sup>185</sup> "Libel: £2,000 sued for in vain," 149.

<sup>186</sup> "Libel: £2,000 sued for in vain," 149.

<sup>187</sup> "Libel: £2,000 sued for in vain," 149.

The defence, represented by the appropriately named Mr. Candy, opened their arguments by reminding the jury that the plaintiffs did not pretend to have suffered any monetary loss and that Maclaren only wanted to protect his private character. However, using the defence that the words were a fair comment, Candy suggested that there was nothing in the libel about character or respectability. The defence argued that this was a trade dispute and his client had not done anything inconsistent with his profession as a trade journalist.<sup>188</sup> The defence went on to characterize Davis as a confectionery trade expert and a gentleman who had been apprenticed in the confectionery trade and knew all the secrets. Building up his client's character, he commented that he thought it understandable that a paper such as Maclaren's might reach for inspiration and assistance from the columns of a journal conducted by a gentleman who was known as a trade expert. What was unacceptable to the defence, however, was Maclaren's ongoing imitation of other confectionery periodicals.

While Davis accused Maclaren's publication of stealing his recipes and articles, there was a secondary accusation of imitation so as to mislead consumers as to which trade periodical they were purchasing. Through the pages of the *Confectioners' Union*, Davis contended that in response to Maclaren's trade publication's poor performance, he purposefully altered the size, shape, cover colour, and general appearance of his publication, *British Baker, Confectioner, and Purveyor*, so that it resembled another confectioner trade periodical, Samuel Lowe's *British and Foreign Confectioner, Baker and Restaurateur*.<sup>189</sup> Candy explained, "When a man did this it was just possible that a trade competitor might think it was not altogether disconnected with a desire that advertisers should mistake the one for the other."<sup>190</sup> Davis's comments had the dual

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<sup>188</sup> "Libel: £2,000 sued for in vain," 150.

<sup>189</sup> "Among Our Exchanges," 53.

<sup>190</sup> "Libel: £2,000 sued for in vain," 150.

motivation of protecting his intellectual property and safeguarding the quality and honesty of confectionery trade publications more generally.

Samuel Lowe, the proprietor of the imitated competitor in question, had issued his own statement on the matter in January 1889. With more tact than Davis had offered, Lowe proselytized on the nature of imitation in the periodical press:

Imitation, is, we know, the most sincere form of flattery; but flattery, sincere or otherwise, is not always pleasant. No doubt we ought to feel grateful to the conductors of the journal known as the *British Baker, Confectioner, and Purveyor*, to give it its present title, by reason of their flattery of ourselves, shown in their imitation of our title, size, and colour of cover; but somehow we are not. The fact is that the imitation is just a trifle too close.<sup>191</sup>

Lowe went on to explain that no doubt his advertisers and readers would be confused by the imitation and that some advertisers had already admitted to being duped. While he argued that the contents of his publication were no doubt superior, people judge at the newsstand in haste and would surely mistake his competitor as his own. He also thought it curious that a periodical from the North for millers and bakers would suddenly take a completely different direction with no mention of millers in the revised publication. Before reassuring readers and advertisers of his exclusive business address in London, he held, “All is fair in love, war, and commerce, and we wish our opponent joy of the ultimate results of these errors.”<sup>192</sup> As the litigation for *Maclaren v. Davis* moved forward, Lowe’s *British and Foreign Confectioner, Baker and Restaurateur* ran a disclaimer at the beginning of each issue that they were in no way connected with the *British Baker, Confectioner, and Purveyor* in an effort to avoid confusion.<sup>193</sup> When called as a witness

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<sup>191</sup> “Notice,” *British and Foreign Confectioner, Baker and Restaurateur*, January 1, 1889, 150.

<sup>192</sup> “Notice,” 150.

<sup>193</sup> “Important Notice,” *British and Foreign Confectioner, Baker and Restaurateur*, April 1, 1890, 205.

for the defence, Lowe would reiterate this position before the court.<sup>194</sup> After the trial's completion, Maclaren's publication extended complimentary words towards Samuel Lowe's. In reply, expressing frustration with the imitation, Lowe explained that he "cannot honestly return the compliment."<sup>195</sup>

Reading the entirety of Lowe's published comment before the court, Candy argued that while Lowe's comment "might be superior in style" to the comment issued in Davis's journal, "it contained just the same charge, although conveyed in much more dulcet tones." Moreover, he claimed that the paragraph with the alleged libelous content before the court was in fact not written by Davis and he was not aware of its inclusion in the publication but took full responsibility. However, considering Davis's reputation for, and history of, personal insults and cutting commentary about his competitors or those he disagreed with, this defence seem wholly implausible and more likely an effort at self-preservation. Candy argued that *Confectioners' Union* was fully within their rights to defend their publication against piracy as they had given full notice through disclaimers and direct notices to would-be journalistic pirates in the opening issue that their contents were copyrighted and could only be reproduced with full acknowledgement.<sup>196</sup>

Davis's contention with Maclaren's journal crossed between publications. In 1887, before *Confectioners' Union* was in existence, Davis was writing for the journal *Confectionery World* when he found that Maclaren's publication reprinted 33 of his articles, assigning credit to him in only a *single* instance.<sup>197</sup> To confirm his suspicion that Maclaren's publication was taking his

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<sup>194</sup> "Libel: £2,000 sued for in vain," 157.

<sup>195</sup> "A Modest Contemporary," *British and Foreign Confectioner, Baker and Restaurateur*, June 1, 1890, 23.

<sup>196</sup> "Libel: £2,000 sued for in vain," 153.

<sup>197</sup> "Libel: £2,000 sued for in vain," 154.

material without credit and not acquiring his texts by some other means, Davis laid a trap.<sup>198</sup> In February 1887, the *Confectionery World* published an article on the topic of “Artificial Fruit Flavours” which was attributed to a fictive publication, *Zymotechnic Magazine*.<sup>199</sup> When Maclaren’s publication reprinted that article verbatim the same month, with attribution to the non-existent *Zymotechnic Magazine*, Davis believed he had evidence that Maclaren was reprinting articles directly from his publication.<sup>200</sup> Presenting all the manuscripts and printed matter as evidence to court, the judge and jury erupted in laughter. Baron Huddleston remarked, “I can’t help smiling at the success of the trick you played.”<sup>201</sup> However, at the time of the discovery in February 1887, Davis had done nothing with his evidence of the cut-and-paste methods in Maclaren’s journal; the calculating editor carried his resentment with him.

Davis explained to the court that he had also written an article titled “Cakes for the Times” in April 1888, which was entirely original material, with a second instalment in October 1888.<sup>202</sup> Both articles were published in *Confectioners’ Union*. In January 1889, Maclaren’s *British Baker, Confectioner, and Purveyor* reprinted the articles without attribution to the *Confectioners’ Union*. This was the boiling point. The articles themselves were a technical explanation of recipes that would yield profits for specialized confectioners but still compete

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<sup>198</sup> Such traps were sometimes used to foil contemporaries who chose to reprint articles without permission, rather than pay for the information independently. In one such case, the *Yorkshire Evening Post*, who had seen its cricket scores lifted, prepared small editions of their paper with accurate scores “but a romantic series of quite imaginary figures ludicrously incorrect” in addition to noting a fictitious injury for one of the players, Lord Hawke. The *Yorkshire Evening Post*’s news boys were directed to only sell the fictitious copies to the news boys who work for their competitors. The result was that their competitors circulated the fictitious information, much to the confusion of their readers. See “A Lesson in Honest Journalism,” *The Journalist*, August 13, 1898, 268.

<sup>199</sup> “Libel: £2,000 sued for in vain,” 153-54.

<sup>200</sup> “Libel: £2,000 sued for in vain,” 154. The article appeared twice in Maclaren’s *British Baker, Confectioner, and Purveyor*. One in February 1887 and again with the title, “Flavouring Extracts” in October 1887. See “Are Fruit Flavour Injurious to Health,” *British Baker, Confectioner, and Purveyor*, February 1, 1887, 22.

<sup>201</sup> “Libel: £2,000 sued for in vain,” 155.

<sup>202</sup> “Libel: £2,000 sued for in vain,” 155.



with the cheap prices for cakes offered by grocers. Part of the article explained how bakers might go about sourcing the right quality of ingredients at a favourable price, and the recipes were presented so that a smaller operation could carry out the instructions without the aid of machinery. As Maclaren's version of the instructions put it, these recipes were the "goose that lays the golden egg" and could successfully recuperate the losses bakers were facing against the cheaper commercial products.<sup>203</sup> Wheeler, for the plaintiffs, argued that the material concerning the articles "Cakes for the Times" had in fact been a collaboration with a second writer, a man who was identified as Vine. While Davis acknowledged that Vine was hired and paid by him to produce some copy, he denied that any of it was used in the articles reprinted by Maclaren.<sup>204</sup> It was Wheeler's contention that the material Davis claimed was taken from his publication came from a common source and was not in fact a plagiarism.<sup>205</sup>

The court proceedings focused on the issue of libel and Davis's explanation for his words as a fair comment on Maclaren's publication. It did not investigate whether the contents produced by Davis were in fact proprietary or who might have ownership over the text or had the right to sell or publish it if it was, in fact, a collaboration. Denying the plaintiff's accusation of collaboration and showing the repeated reprinting of articles which first appeared in *Confectioners' Union*, Davis's actions show that he believed that his work was worthy of protection. That another publisher should not be entitled to profit from his intellectual labour that was only possible from experience and the skills he developed through years of practice in the trade.<sup>206</sup>

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<sup>203</sup> "Cheap Cakes: How they are made and the profit they pay," *British Baker, Confectioner, and Purveyor*, January 1, 1889, 31-32.

<sup>204</sup> "Libel: £2,000 sued for in vain," 155.

<sup>205</sup> "Libel: £2,000 sued for in vain," 157-58.

<sup>206</sup> "Libel: £2,000 sued for in vain," 158.

THE BRITISH  
**Miller and Baker**  
 Circulating throughout Great Britain and Ireland, and every country in the world.

Vol. II., No. 13. GLASGOW, OCTOBER 1, 1886. Annual Subscription, 3/6. Post Free or Delivered, 4d. Single Copy.

**CARTER,** LONDON AND PARIS.

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 THIS MACHINE HAS SOLVED THE DUST-COLLECTING QUESTION.  
 I SIMPLY ASK MILLERS TO SEE IT AT WORK.

**Figure 4.3** Maclaren's periodical, *The British Miller and Baker* (1886). Originally titled British Miller.



London  
172

Registered for Transmission Abroad.

# The BRITISH BAKER, CONFECTIONER and Purveyor.

Circulating throughout Great Britain and Ireland, and every country in the world.

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No. 1, Vol. III. (New Series).      GLASGOW, FEBRUARY 1, 1887.      Annual Subscription, { 3/6.  
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# C O C C O A

GUARANTEED PURE AND SOLUBLE.

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The **BRITISH MEDICAL JOURNAL** (March 27th, 1869) says:—"VAN HOUTEN'S COCOA is admirable. In flavour it is perfect, and it is so pure, well prepared, and rich in alcaloid that it may with great advantage be largely used in public institutions, as well as in private families."

**THE LANCET** remarks:—" . . . it goes a long way, and is really cheaper to use in the end."

On account of the great strength of **THIS** cocoa, a cup costs no more than a cup of tea, but being not only a **MOST DELICIOUS**, but also **A HIGHLY NUTRITIVE** beverage, **THIS** cocoa is really much cheaper than tea.

---

*Digested with marvellous facility by the most delicate Invalids and Children.*  
**MADE INSTANTLY WITH BOILING WATER.**

---


INVALUABLE IN RAILWAY STATIONS, HOSPITALS, ON BOARD, IN THE CAMP,  
FOR WORKMEN (at Home and to take to their Work), etc., etc.

---

**TRY IT ONCE, AND YOU WILL USE IT ALWAYS.**

**Figure 4.4** Maclaren's periodical, *The British Baker, Confectioner, and Purveyor* (1887). Previously titled *The British Miller and Baker*.





**The BRITISH Baker. Confectioner. Purveyor.**

AND Circulating Throughout Great Britain and Ireland, and every country in the world.

No. 5, Vol. VII. (New Series). LONDON and GLASGOW, JANUARY 1, 1891. Annual Subscription: 5s. Post Free or Delivered. Single Copy: 6d.

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PRICES AND TERMS ON APPLICATION.

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**FIFTEEN GOLD MEDALS.**

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SPECIAL LINES FOR CONFECTIONERS

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FINEST IMPORTED IN 10 & 25<sup>LB</sup> COPPERS

SPECIAL QUOTATIONS FOR QUANTITIES

**ESS: VANILLA GINGERINE**

SUPERIOR QUALITY PREPARED FROM THE  
HIGHLY CONCENTRATED FINEST JAMAICA GINGER

WRITE FOR SAMPLES AND PRICES.

**W. HAY. MANUFACTURING CHEMIST**

**ENCORE YEAST**

See next Page

**Figure 4.5** Maclaren's periodical, *The British Baker, Confectioner, and Purveyor* (1891). This cover launched in January 1891 with the image of Ceres, the Roman goddess of agriculture, holding a sheaf of wheat.



PUBLISHED AT 188 STRAND, LONDON, W.C.



THE BRITISH & FOREIGN CONFECTIONER  
BAKER AND RESTAURATEUR

No. 165.—VOL. XVI.  
ENTERED AT STATIONERS' HALL.

JANUARY 1, 1891.

PRICE SIXPENCE.  
POST FREE EIGHTPENCE.

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HIGHEST AWARD



Paris, 1878.



Sydney, 1879.



Melbourne, 1880.



Adelaide, 1881, Gold Medal.

BRILLIANTLY POLISHED. **TINFOIL** UNTARNISHABLE IN ANY CLIMATE.

CHEMICALLY PURE ALL TIN

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AND BEING

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IT YIELDS from 50 to 100 per cent. MORE SHEETS or PIECES THAN FOIL MIXED WITH LEAD.

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SUPPLIED FROM OUR LONDON WORKS

IN DIFFERENT THICKNESSES  
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SQUARE INCHES  
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AT ONE HOUR'S NOTICE.

CUT TO SIZE

Or in SHEETS in ONE POUND Rolls, put up on WOODEN ROLLERS.

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AGENTS FOR HORN'S SACCHAROMETER.

**Figure 4.6** Samuel Lowe's *The British and Foreign Confectioner, Baker and Restaurateur* (1891) with reclining Ceres, Roman goddess of agriculture, and sheaves of wheat gathered in the field behind her. Also note the cherubs examining packages marked "bonbons".

Mary Poovey's comment that "the work involved in writing is explicitly effaced," while used in the context of comparing manual labour to the practice of writing, is especially relevant.<sup>207</sup> The trade press was a genre of technical writing that was highly desirable to a niche group of subscribers and demanding on its authors to deliver consistently effective and guaranteed results. For Davis, his writing was an embodiment of experience in the trade and accumulated knowledge. With his identity as a confectioner being so closely tied to the production of his texts, Davis wanted to have a say over the ways by which his labours were consumed, and how others might profit from them. In his cross-examination, on the count of libel, Davis admitted that he was not justified to make such strong claims. He explained:

It was perhaps rather too strong, and the reason was that I got tired of this continual cribbing from my paper; I got tired of these continual attempts to crib my knowledge, my words, my ideas for his own purposes.<sup>208</sup>

Davis admitted to the libel. Finding sympathy, Barron Huddleston remarked, "It is just as well that persons should not write angry letters, but here are not all masters of ourselves, and flesh and blood will make allowance for flesh and blood."<sup>209</sup> In their closing remarks, Davis's defence argued that the plaintiff had demonstrated no damages and their client was only protecting himself and his property. With the evidence before the court, the defence contended that the claim of literary theft was demonstrated to be "perfectly true".<sup>210</sup> Upon considering their verdict, the jury inquired whether Davis's admission of the libel could be overlooked. Baron Huddleston instructed the jury that they must decide in their own view whether or not the text in question

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<sup>207</sup> Mary Poovey, *Uneven Developments: The Ideological Work of Gender in Mid-Victorian England*, (Chicago: University of Chicago Press, 1988), 100.

<sup>208</sup> "Libel: £2,000 sued for in vain," 159.

<sup>209</sup> "Libel: £2,000 sued for in vain," 160.

<sup>210</sup> "Libel: £2,000 sued for in vain," 157.

was libelous. After two days of testimony, it took the jury only two minutes to reach a verdict. They found for both the defendants with costs.<sup>211</sup>

Maclaren appealed the decision and on 16 June 1890, Justices A. L. Smith and Vaughan Williams of the Queen's Bench Division agreed that a new trial should be granted on account of the previous judge, Baron Huddleston, misleading the jury in disregarding Davis's admission of libel.<sup>212</sup> However, before the retrial would occur, Maclaren and Davis met in November 1890 to smooth over their differences and resolve the matter amicably. Davis inserted a complete withdrawal of his accusations in his December 1890 instalment and Maclaren in turn withdrew his charges.<sup>213</sup> To show sincerity, Davis made two donations of £5 each to a Masonic charity and the Glasgow Royal Infirmary. The two parties printed an agreed upon statement summarizing the issue and expressing that they wished to put the matter behind them. While Maclaren printed the statement on the front page of his issue, Davis included his at the very back. Until the end, Davis maintained that it was not he who had written the comments in the first place.<sup>214</sup>

Technical and trade writers like Davis were not necessarily aspiring to posthumous acclaim. The temporal nature of Victorian print culture had editors and contributors alike live and die by each new number – and each competitor's instalment – that arrived on newsstands. Richard Salmon has explained these material circumstances of the press as “conducive not to a culture of posterity, or deferred gratification, but one characterized by an accelerating rhythm of demands and rewards.”<sup>215</sup> Davis welcomed competitors to his technical and trade expertise but

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<sup>211</sup> “Libel: £2,000 sued for in vain,” 161.

<sup>212</sup> *Maclaren and Sons v. Davis and Another* (1890) LTR 6 ns. 327-73; “*Maclaren & Sons v. Davis and Others*,” *British Baker, Confectioner, and Purveyor*, April 1, 1890, 407.

<sup>213</sup> “*Maclaren v. Davis*,” *British Baker, Confectioner, and Purveyor*, January 1, 1891, 267.

<sup>214</sup> “*White Flag*,” *British Baker, Confectioner, and Purveyor*, January 1, 1891, 267; “*White Flag*,” *Confectioners' Union*, December 15, 1889, 766.

<sup>215</sup> Salmon, *Formation of the Victorian Literary Profession*, 7.

insisted on the satisfaction and industry capital granted by full acknowledgement. That credit signaled his professional achievement. The trade press was no different than other venues in Victorian periodical culture in that contributors required a popular status to propel their influence and authority. Scissors-and-paste journalism could either secure that fame or undercut it entirely.

Davis's insistence that he did not characterize Maclaren as a literary thief is suspect. Despite his success in avoiding libel charges and making it clear to the confectionery trade that he would go to great lengths to protect the texts printed in the *Confectioners' Union* from uncredited reprinting, the journal's manager and publisher, Thomas Heywood, viewed Davis as more of a liability than a clever copyright champion. In September 1891, shortly after the ordeal with Maclaren had finally been put to rest, Heywood informed Davis that his services as editor-in-chief for the trade journal he founded were no longer needed. Davis did not take the news well. Though he had sold the periodical to Thomas Heywood, opting to earn a salary as editor while letting Heywood run the day-to-day and financial matters, he still very much thought of the journal and its contents as his personal property. In March 1888 Davis wrote of the *Confectioners' Union*:

*We conceived it; we started it; we have worked on it; we have sunk our money in it; and we do not propose to allow any outsider to have a dictatorial voice (or even a breath) in what we shall or shall not do – such people as those may go to Jericho!*<sup>216</sup>

Upon learning of his dismissal, Davis, in front of the journal's staff, shouted in an "excited and passionate manner" that he intended to attack Thomas Heywood in retribution. Heywood in turn charged Davis with uttering threats and on 21 September 1891, the editor found himself again in court defending his words.

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<sup>216</sup> "Not For Sale," *Confectioners' Union*, March 15, 1888, 165.



Heywood testified that Davis, upon learning of his dismissal, shouted to the effect, “I will show you something, my lads, this week. I’ll make Tommy Heywood go down on his knees to you, for I’ll bring a six chambered revolver and put a hole through him.” Davis must have developed a reputation in the offices of the *Confectioners’ Union*; his own subeditor testified against him that he was a “very violent man.” In the cross examination, Davis’s lawyer, Mr. Gill, argued that he was a generally “excitable and passionate person” and that his anger was completely justified. Testifying before the court, Davis explained “that he was annoyed at an impertinent message he received from the complainant, and in an ebullition of temper he let off steam a little; but that he did not say he would shoot him.” Davis clarified that what he actually said was “if such things occurred in America Mr. Heywood might be shot.”<sup>217</sup> The Lord Mayor bound the defendant to keep the peace for three months. During the hearing Davis relayed that he intended to register a suit against Thomas Heywood and Co. (Limited) Publishers for unlawful dismissal and breach of agreement. The suit, however, was never brought to trial.

By September 1891, *Confectioners’ Union* had notified their readers about the change in editorship and removed P. H. Davis’s name from its pages entirely. The proprietors assured their readers that there would be no change in the high quality of the articles, recipes, and information, and they insisted “the elimination of much of the personal element will, it is confidently believed, be found to be a change not for the worse.” At the time of Davis’s dismissal, no other members of staff were removed from the publications and the “Among Our Exchanges” column was discontinued. The proprietors insisted that *Confectioners’ Union* would continue towards becoming “the most brilliant, best informed, and trustworthy confectionery paper in the world.”<sup>218</sup> The following month, *Confectioners’ Union* reiterated

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<sup>217</sup> “Charge Against a Journalist,” *St. James’s Gazette*, September 22, 1891, 9.

<sup>218</sup> “Important Notice,” *Confectioners’ Union*, September 15, 1891, 543.

Davis's dismissal and explained that "The former personality will be thoroughly eliminated" from the publication. Shedding Davis's aggressive rhetoric towards competitors and non-experts alike in the confectionery trade, the publication explained that their intention was to "be bright without being vulgar; newsy without being prosy; interesting without being monotonous; and go-ahead without being sensational."<sup>219</sup> Four years after launching *Confectioners' Union*, P. H. Davis had been removed entirely from the publication.

Davis's work as an enterprising editor, however, did not end there. In January 1892, shortly after his departure from the confectionery world, he took up a new venture with *The Smoker: A 'Bacca-nalian Journal for the Wise and Other-wise*. The 16-page weekly was extensively illustrated, offered weekly prize competitions, and was generally devoted to celebrating smoking and tobacco culture. Still preoccupied with copyright over his original texts, a header noted "All contents hereof are Copyrighted, and Infringements will be Prosecuted. Reproduction cheerfully Allowed by Quoting 'THE SMOKER, London'."<sup>220</sup> *The Smoker* quickly failed, leaving Davis bankrupt.<sup>221</sup> By the end of 1894, Davis was in Bankruptcy Court to return £1,200 and £900 in assets.<sup>222</sup> The years ahead would provide him no better fortune.

On 30 March 1899, Davis left London's Waterloo Station for Southampton. There, he boarded the *Stella*, the South-Western Railway Company's steamer, along with 146 other passengers and 43 crew members setting a course for Guernsey and Jersey. Tickets for the passage were offered at a low fare promotion of 24s. 6d. for the Easter weekend. Perhaps seeking a holiday from London, Davis set sail. The sea was calm, but a thick, damp fog obscured the

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<sup>219</sup> "Entre Nous," *Confectioners' Union*, October 15, 1891, 559; 561.

<sup>220</sup> *The Smoker: A 'Bacca-nalian Journal for the Wise and Other-wise* lasted for 18 issues from January 9, 1892 until May 7, 1892.

<sup>221</sup> *South Wales Echo*, October 2, 1894, 3.

<sup>222</sup> *York Herald*, October 3, 1894, 2.

Casquets Rocks, an underwater sandstone ridge in the English Channel. With low visibility, the *Stella* passed over the jagged rocks at full speed, ripping the side of the ship wide open. As the crew loaded passengers into lifeboats, the ship's boilers burst and tore the vessel in half. One survivor remarked seeing "cinders, beams, and bodies flying in every direction."<sup>223</sup> At the time, the event was the English Channel's worst recorded shipwreck. When news of the disaster broke, media coverage in *Reynolds's Newspaper* noted Davis in its headlines as "one of the best-known men whose life is feared lost" aboard the ill-fated ship.<sup>224</sup> Davis did not survive. Philip Howard Davis, at the age of 48, was one of 86 passengers and 19 crew on-board the *Stella* whose lives were claimed by the sea.<sup>225</sup>

### *Conclusions*

What makes the case of Davis and the *Confectioners' Union* extraordinary is not the existence of unacknowledged reprinting but rather the extremes Davis pursued to ensure that he gained attribution for what he held were the results of his experience and intellectual labour. *Maclaren and Sons v. Davis and another* highlights the friction between editors who relied on the method of scissors-and-paste journalism in assembling content for publication and those who produced original articles. The case also provides an example of how the law's inefficiencies caused difficulty for resolving disputes between publishers when there was an allegation of deliberate and uncredited reprinting. By demanding a courtesy of acknowledgement, Davis had a clear sense of the necessity for rules that outlined fair dealing and accountability in the periodical press. It also shows that he held a clear notion of property rights, specifically that specialized

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<sup>223</sup> "Terrible Channel Disaster," *Reynolds's Newspaper*, April 2, 1899, 1.

<sup>224</sup> "Terrible Channel Disaster," 1.

<sup>225</sup> See "The Stella Disaster," *Manchester Evening News*, May 15, 1899, 2; "The Channel Disaster," *Morning Post*, May 16, 1899, 5; "The Stella Disaster," *Hampshire Advertiser*, May 17, 1899, 1.

knowledge published in the periodical press was an intellectual property deserving of protection from damages caused by infringement without credit. Most importantly, Davis and the *Confectioners' Union* underscores the problem of scissors-and-paste being glaringly obvious to people who were wronged by it but invisible to others.

In the next chapter, I pick up this question of obvious infringement as it pertains to copyright in news. To demonstrate ownership over knowledge of a fact or event was an especially contentious issue for publications that regularly reprinted extracts from competing publications. As newspapers relied on access to the latest information, clipping articles that would help increase distribution was an attractive and often legally ambiguous editorial strategy. To the publications that invested in the people and infrastructures to produce high-quality journalism, revision to the law of copyright was greatly required.

## Chapter 5

### **No Legal Remedy: *The Times* and C. F. Moberly Bell's Advocacy for a Copyright in News**

On 20 June 1898, Charles Frederic Moberly Bell, the assistant manager for *The Times*, appeared before the Select Committee of the House of Lords on the Copyright Bill [H. L.] and the Copyright (Amendment) Bill [H. L.]. With attention to *The Times*'s growing investment and expenses in telegraphy and foreign correspondence, Bell attempted to convince the committee of the necessity of a law that provided a 24 hour copyright for news independently obtained.<sup>1</sup> He appealed to the committee's sensibilities for the importance of an accurate and fair British newspaper press and described how *The Times*'s competitors regularly filled their pages with a verbatim reprinting of their articles, especially reports from foreign correspondents that had been expensive to acquire. Bell was frustrated with competing editors who relied on scissors-and-paste journalism methods. His testimony before the Select Committee offers crucial evidence for understanding how the press responded to, and attempted to curtail, the practice of reprinting journalism, especially as it pertained to more expensive news items. For Bell, copyright in the periodical press was a debate about whether or not the state should defend journalism and protect newspapers whose proprietors incurred considerable expense in collecting, editing, and distributing news from around the globe for the benefit of British readers. He upheld the position that a copyright in news should be established to protect the public's ability to access reliable and verifiable information.<sup>2</sup>

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<sup>1</sup> The length of time Moberly Bell proposed for a copyright in news varied over time. In 1897 he recommended 28 days. In 1898 he recommended 48 hours, which he later reduced to 24 hours. Before the Select Committee in 1898, he requests 24 hours protection for news specially and independently obtained.

<sup>2</sup> Isabella Alexander also makes this point about "the notion of public interest" in copyright history versus "the authorship side of the equation" with attention towards literary copyright in books. See *Copyright Law and the Public Interest in the Nineteenth Century* (Oxford and Portland: Hart Publishing, 2010).

The 1898 Select Committee of the House of Lords was part of the government's ongoing effort throughout the late nineteenth century to engage the unanswered questions and difficulties that lingered after the 1842 Copyright Act.<sup>3</sup> The report, which the House of Lords submitted in July 1898, was one of many committees and commissions formed in an attempt to produce resolutions for the ongoing and vexing issues of copyright, patents for inventions, merchandise marks, trademarks, and artistic copyright. As it pertains to copyright in books and periodicals, the 1878 Report of the Royal Commissioners on Copyright, the 1898 Report from the Select Committee of the House of Lords on the Copyright Bill [H. L.] and the Copyright Amendment Bill [H. L.], and the 1899 Report from the Select Committee of the House of Lords on the Copyright Bill [H. L.] and the Copyright (Artistic) Bill [H. L.], and again in 1900, are the most relevant access points for government debate with the industry itself on the terms and justification for copyright. These commissions culminated with the 1910 Report of the Committee on the Law of Copyright and, ultimately, the 1911 Copyright Act.<sup>4</sup> The 1898 report, however, is an exceptional instance where a member of the newspaper press was asked to give testimony and inform the government as to how they should revise the law.

The questions that troubled the periodical press over whether or not there should be a copyright in news are unique to this particular type of materiality – the daily newspaper – as are the ways and means by which it procured and mediated information. As early as the 1830s, the owners of London newspapers lobbied for a copyright in news. Their concern was over a

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<sup>3</sup> For explanation of the Copyright Act of 1842, see Catherine Seville, *Literary Copyright Report in Early Victorian England: The Framing of the 1842 Copyright Act* (Cambridge and New York: Cambridge University Press, 1999).

<sup>4</sup> For analysis of these reports, see Brad Sherman and Lionel Bently, *The Making of Modern Intellectual Property Law: The British Experience, 1760-1911* (Cambridge and New York: Cambridge University Press, 1999). For the influence of the 1911 Copyright Act on copyright law more generally, see *A Shifting Empire: 100 Years of the Copyright Act 1911*, ed. Uma Suthersanen and Ysolde Gendreau (Cheltenham and Northampton: Edward Elgar, 2013).

proposed reduction to the stamp duty which they feared would lead to a rise in cheap newspapers published in the provincial press which would rely in the scissors-and-paste news gathering method. In the 1850s, Frederick Knight Hunt, editor of the *Daily News*, argued that on account of the expense of telegraphic dispatches and of paying skilled reporters to observe the happenings in Parliament and the courts, the law should consider these special reports as property with a time-limited copyright. The provincial press responded that news should not be subjected to copyright as it would restrict the flow of information.<sup>5</sup> As the periodical press effectively underwent a globalization throughout the nineteenth century with expanding colonial networks, growing continental exchanges, and closer ties with the English-speaking world, newspapers were largely unprotected texts despite the enormous importance they held in informing the British public and government with the news of the day.<sup>6</sup> While Bell's testimony was a small part of the Select Committee's inquiry, it offers a critical interpretation of the problems faced by the journalistic class and possible remedies that would help improve and guarantee a high quality of journalism throughout the United Kingdom.

This chapter is about copyright in news during a time when journalism was increasingly connected with greater speed and scope in the exchange of ideas and information from across the globe but had very few substantive protections. Scholars who have investigated the nineteenth-century British copyright question tend to focus on literature, the Anglo-American agreement,

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<sup>5</sup> Will Slauter, *Who Owns the News? A History of Copyright* (Stanford: Stanford University Press, 2019), 143-60.

<sup>6</sup> See Mary L. Shannon, "Colonial Networks and the Periodical Marketplace," in *Journalism and the Periodical Press in Nineteenth-Century Britain*, ed. Joanne Shattock (Cambridge: Cambridge University Press, 2017), 203-33; Simon J. Potter, "Journalism and Empire in an English-Reading World: The *Review of Reviews*," in *Journalism and the Periodical Press in Nineteenth-Century Britain*, ed. Joanne Shattock (Cambridge: Cambridge University Press, 2017), 281-98.

and *droit du l'auteur*.<sup>7</sup> Barbara Lauriat, Jose Bellido, and Kathy Bowrey have discussed Moberly Bell and copyright cases associated with *The Times* in the context of the landmark case *Walter v. Lane* (1900) which granted a reporter the rights to their literary works.<sup>8</sup> More recently, Will Slauter has investigated Bell's failed "crusade" to obtain a copyright in news.<sup>9</sup> Nevertheless, Bell's motivations for a copyright in news and his vision for a press that worked for the public good, including crucial correspondence that details his particular outlook, as well as the scope of *The Times*'s investment in procuring foreign correspondence, have not been fully explored. It is not only that Bell wanted to restrain the custom of reprinting news that was valuable and expensive to obtain. He argued that by the state placing limits on the free circulation of news, newspaper publishers would be forced to invest in better reporting and more efficient communication technologies, which in turn would better serve the British public.

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<sup>7</sup> Elena Cooper, "Copyright in Periodicals during the Nineteenth Century: Balancing the Rights of Contributors and Publishers," *Victorian Periodicals Review* 51.4 (Winter 2018): 661-78; Lionel Bently, "The Confusion, Uncertainty, and Dissatisfaction of Newspaper and Periodical Titles in Nineteenth-Century England," *Victorian Periodicals Review* 51.4 (Winter 2018): 692-715. One exception is Martin Conboy who critiques Adrian Johns' oversight of journalism in his celebrated book, *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (Chicago: University of Chicago Press, 2009), in "Roundtable on Piracy: The Intellectual Property Wars from Gutenberg to Gates" in *Media History* 20.4 (2014): 445-48. See also Adrian Johns, "Roundtable on Piracy: The Intellectual Property Wars from Gutenberg to Gates," *Media History* 20.4 (2014): 456-62. For author's rights, see Clare Pettitt *Patent Inventions-Intellectual Property and the Victorian Novel* (Oxford: Oxford University Press, 2004); Jeff Nunokawa, *The Afterlife of Property: Domestic Security and the Victorian Novel* (Princeton: Princeton University Press, 2001).

<sup>8</sup> Barbara Lauriat, "Walter v. Lane (1900)," in *Landmark Cases in Intellectual Property Law*, ed. Jose Bellido (London: Hart Publishing, 2017), 149-80; Jose Bellido and Kathy Bowrey, "From the Author to the Proprietor: Newspaper Copyright and The Times (1842-1956)," *Journal of Media Law* 6.2 (2014): 206-33.

<sup>9</sup> Will Slauter has also pursued these matters in *Who Owns the News? Journalism and Copyright in Britain, 1710-1911* (University of Stanford Press, 2018), 178-83. Will Slauter has also written about the reprinting of news and the question of copyright in the eighteenth century. See for example, Will Slauter, "The Paragraph as Information Technology: How News Traveled in the Eighteenth-Century Atlantic World," *Annales HSS* 67.2 (2012): 253-78. See especially, "Upright Piracy: Understanding the Lack of Copyright for Journalism in Eighteenth-century Britain," *Book History* 16 (2013): 34-61.



In this chapter, I use Bell's testimony and his private correspondence to Lord Welby of the Select Committee to show his vision for a newspaper press that was encouraged and supported by the state to promote fairmindedness in journalism.<sup>10</sup> Here, Bell outlined *The Times*'s commercial investments in procuring and editing news. Furthermore, he offered anecdotal evidence for how he believed the newspaper press was unfairly exposed by the law and how *The Times* was mistreated by their competitors in the absence of an effective copyright law. Bell did not engage in cut-and-paste practices himself, but he dealt with the effects of other editors who did. I also rely on testimony from the Select Committee of the House of Lords on the Copyright Bill [H. L.] and the Copyright (Amendment) Bill [H. L.], 1898 and 1899. While the debate over copyright in news also played out in the press, these select committee reports offer explanation for why certain members of the press believed protection for news was necessary and details their recommendations for how the state might implement and enforce new laws. Whether a detailed news story in a leading daily newspaper or a seemingly minor list published for special interest, these texts were created for a purpose which included monetary gain. Regardless of the information communicated in reprinted texts, scissors-and-paste journalism had the potential to cause pecuniary loss. As the *Spectator* put the issue, "when the same news is to be had in half a dozen papers, the customary preference for cheapness regains its hold."<sup>11</sup>

First, I situate Bell as a journalist and manager and explain his vision for a foreign news department to re-establish *The Times*'s prominence as a London daily newspaper in the 1890s.

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<sup>10</sup> The letters in question do not appear to have been referenced by any scholars working on the history of copyright law or the life and letters of Charles Frederick Moberly Bell. The likely reason is that these letters are part of a bound volume of Lord Welby's personal papers found in Lincolnshire County Archives (hereafter LCA), Lindsey Deposit (hereafter LD) 24/3/2/1, Official and personal papers of R.R. late Lord Welby, A volume lettered Copyright with printed reports, etc. All references to the Report from the Select Committee of the House of Lords on the Copyright Bill [H. L.] and the Copyright Amendment Bill [H. L.], 1898 and 1899 are cited from this volume.

<sup>11</sup> "The Spectator and Copyright in News," *The Journalist*, July 16, 1898, 229.

While his dedication to copyright in news at times appears altruistic in his correspondence and before the Select Committee, it is important to establish that his tenure at *The Times* was the result of a concerted effort to expand readership by emphasizing news that competing papers had not invested in to collect independently. Next, I recount and explain key copyright cases in the newspaper and periodical press that helped inform and build a copyright for news and shaped Bell's outlook on the state of reprinted news in the newspaper press. Last, I detail Bell's position for a copyright in news as told to the Select Committee. I consider the concepts of periodical time, the financial investment of collecting and editing news, and Bell's dismay at the replication of news through the domination of press agencies. I also examine the remedies he proposed, remedies that would have been facilitated through a copyright law that considered the newspaper press on its own terms. This chapter shows how Bell navigated and lobbied against a copyright law that was unsuitable for the ways in which news was collected and circulated.

My approach is guided by giving attention to what I am calling the 'in-between' of copyright law. The reports and commissions that occurred between the more celebrated moments in copyright history offer an opportunity to gauge the difficulties that the people of the press encountered in remaining profitable and protecting their intellectual and other intangible labour. By focusing on *The Times* in the history of copyright in news, I do not mean to contribute towards what Andrew Hobbs has called the distortion and "over-generalized conclusions in political, social and cultural historiography" by ignoring the provincial press.<sup>12</sup> While Bell ultimately failed in his attempt to revise the law of copyright, I intend to build on *The Times*'s exceptionalism to show the assistant manager's vision and ambitions for news procurement. *The Times* offers an access point to consider how one influential journalist worked to overcome a

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<sup>12</sup> Andrew Hobbs, "The Deleterious Dominance of *The Times* in Nineteenth-Century Scholarship," *Journal of Victorian Culture* 18.4 (2013): 472-97; 472.

serious problem that overwhelmed his profession and the business of newspapers. Bell's testimony and correspondence offers an important and candid commentary on the troubles that *The Times* was facing in collecting the news and protecting the results of the labour they employed. It also evidences his vision: to assign copyright to news based not on the knowledge of a fact, but on an intangible property – the way that it was collected. This chapter is less about the copyright law itself and more about how one prominent member of the newspaper press advocated for legal protection in gathering news.

### *Managing the News*

In 1890, *The Times* faced financial collapse under the proprietorship of John Walter III and the management of his eldest son, Arthur Fraser Walter. The patriarchal father-son relationship had been a fixture at Printing House Square since its founding in 1785.<sup>13</sup> When the newspaper's assistant-manager John Cameron MacDonald died in 1890, Arthur Walter, who never had any substantial authority in the publication, was determined to take on the real responsibilities of managing the paper. With little experience, he recruited Bell, *The Times*'s foreign correspondent in Egypt whom he had met there on holiday with his parents in the winter of 1885-86. Writing on 2 February 1890, he asked Bell if he might assist him for a few months in becoming familiar with the labour and business of newspaper management.<sup>14</sup> Within a month of his arrival, Arthur Walter recognized Bell's indispensable role and appointed him as assistant manager.<sup>15</sup> His position at *The Times* would last until the end of his life twenty-one years later.

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<sup>13</sup> E. H. C. Moberly Bell, *The Life and Letters of C. F. Moberly Bell* (London: The Richmond Press Ltd., 1927), 130.

<sup>14</sup> Bell, *Life and Letters*, 129-30.

<sup>15</sup> Bell, *Life and Letters*, 142.

Having become *The Times*'s official correspondent in Egypt in 1875, Bell had considerable newspaper experience. He also had some commercial and administrative practice as one of the five founding members of Alexandria's *Egyptian Gazette* in 1880. In 1882, he gained considerable notoriety while reporting the Urabi Uprising and for his telegraphic reports on the bombardment of Alexandria and the British occupation that followed for which *The Times* recognized him as 'Our Own Correspondent'.<sup>16</sup> His new endeavour in London, however, was to put right the newspaper's finances. When he first arrived at Printing House Square, *The Times* was still recovering financially from the embarrassing Pigott forgeries and the ensuing Parnell Commission.<sup>17</sup> The case took a significant toll on both John MacDonald and John Walter. As a result of the judicial inquiry and ruling, Bell found an office in confusion and accounts in disarray.<sup>18</sup> In a statement to the partners of *The Times* in 1908, he recalled that upon his arrival "*The Times* was insolvent."<sup>19</sup> He elaborated that "while the revenue was falling, and had for fifteen years been falling at the rate of £9,000 a year, there was a growing tendency to increase the size of the paper and to increase the relative expenditure, and there was no capital whatever from which we could pay our debts or expend in developing the resources of the business."<sup>20</sup> Provincial papers such as the *Manchester Guardian* and *Liverpool Daily Post* were regularly outselling *The Times* from the 1880s onwards.<sup>21</sup> Cutting into the newspaper's margins further

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<sup>16</sup> For reporting on Ahmed Urabi, see Shauna Huffaker, "Representations of Ahmed Urabi: Hegemony, Imperialism, and the British Press, 1881-1882," *Victorian Periodicals Review* 45, no. 4 (2012): 375-405.

<sup>17</sup> In 1887, *The Times* purchased and published letters from Irish journalist Richard Pigott for £1,780 which demonstrated that the Irish Land League president, Charles Stewart Parnell, had been involved in the Phoenix Park murders of 1882. The 1889 Parnell Commission showed that Pigott forged the letters. Parnell successfully sued *The Times* for libel and was awarded £5,000 plus costs. See *A verbatim copy of the Parnell Commission report: with complete index and notes* (Irish Loyal and Patriotic Union: London, 1890).

<sup>18</sup> Bell, *Life and Letters*, 135.

<sup>19</sup> Bell, *Life and Letters*, 135.

<sup>20</sup> Bell, *Life and Letters*, 135.

<sup>21</sup> Hobbs, "The Deleterious Dominance of *The Times*," 474.

was the reality that they were a threepence paper in competition with a growing number of newspapers selling at only one penny including London's *Daily Telegraph*, *Standard*, and *Morning Post*. While the price was necessary in order to fund the foreign correspondence network, management also believed it communicated the paper's higher tone and character.<sup>22</sup>

Bell, in cooperation with George Earle Buckle who became *The Times*'s editor after Thomas Chenerly's death in 1884, sought to implement a new strategy to serve the public interest and expand circulation. The assistant manager turned to the area of journalism he knew best: foreign correspondence.<sup>23</sup>

Bell was convinced that Printing House Square should develop a Foreign Correspondence Department that would acquire and deal entirely with international news to inform the public and advise the editor on matters of foreign policy.<sup>24</sup> Under Bell, *The Times* would boast a list of wide-reaching journalists in its foreign service. Across the Channel in Paris was the Bohemian and veteran journalist Henri de Blowitz who, in 1878, acquired and published a copy of the Treaty of Berlin as the state representatives signed it at the Congress of Berlin.<sup>25</sup> In the Balkans, there was the Irish-born journalist James David Bouchier who would go on to play a considerable role in the region as advisor to Tsar Ferdinand of Bulgaria and would intermediate

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<sup>22</sup> "The 'Times'," *The Journalist*, July 1, 1887, 188. Monica F. Cohen points out that the practice of cut-and-paste underselling competitors was a long-running problem for the periodical press. For example, Cohen shows that when Charles Dickens published his sketch, "A Dinner at Poplar Walk," on December 1, 1833 in *Monthly Magazine*, the next week, *The Thief*, whose publishing tactic was to only reprint material from other periodicals, reprinted the sketch in question. Where *Monthly Magazine* sold for two shillings sixpence, Dickens's work could be bought for a mere two shillings in *The Thief*. See Cohen, *Pirating Fiction*, 5-6.

<sup>23</sup> Bell, *Life and Letters*, 152. See also John Feather, *A History of the British Publishing Industry* (New York: Routledge, 1991), 183-84.

<sup>24</sup> Bell, *Life and Letters*, 154.

<sup>25</sup> See Adolphe Oppen de Blowitz, *Memories of M. de Blowitz* (New York: Doubleday Page and Co., 1903); Frank T. R. Giles, *A prince of journalists; the life and times of Henri Stefan Oppen de Blowitz* (London: Faber and Faber, 1962).

the conclusion of the Balkan Wars of 1912-13.<sup>26</sup> In Berlin was James Brinsley Richards who, since 1882, had sent *The Times* voluntary contributions before gaining a permanent role in Vienna in 1885.<sup>27</sup> Ignatius Valentine Chirol, whom Bell knew in Egypt as a freelance and correspondent for the *Standard*, succeeded Richards after his death in 1892.<sup>28</sup> The Foreign Department in Printing House Square also included several roving reporters.<sup>29</sup> Flora Louise Shaw, whom Bell met in Egypt in 1888 when she was a journalist for the *Pall Mall Gazette* and the *Manchester Guardian*, also joined *The Times* in 1892. She travelled extensively to Australia, South Africa, New Zealand, Canada, and the Klondike during the gold rush. Shaw was *The Times*'s first female foreign correspondent and eventually earned the Colonial Editor position.<sup>30</sup> In Peking was the Australian medical officer and adventurer, George Ernest Morrison, also known as 'Morrison of Peking.' Bell appointed him as the region's first permanent correspondent in 1897. He most notably reported on Russian activity in Manchuria, the Boxer Uprising, and the Russo-Japanese War.<sup>31</sup> As world events unfolded, Bell also relied on journalists for hire. George Nathaniel Curzon registered accounts of his travels in Central Asia

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<sup>26</sup> See Frederick C. Giffin, "James David Bourchier," *The Historian* 21.1 (November 1964): 1-20.

<sup>27</sup> See James Brinsley Richards, *Seven years at Eton, 1857-1864* (London: R. Bentley, 1883).

<sup>28</sup> See Linda B. Fritzing, *Diplomat Without Portfolio: Valentine Chirol* (London and New York: I. B. Tauris, 2006).

<sup>29</sup> Catherine Waters unpacks the important distinction between the types of correspondents that newspapers employed. Building on the work of Lucy Brown in *Victorian News and Newspapers* (Oxford: Oxford University Press, 1985), Waters explains that the attribution of 'special' or 'own' was not precise and often relied on editorial preference. See Catherine Waters, "'Doing the Graphic': Victorian Special Correspondence" in *Journalism and the Periodical Press in Nineteenth-Century Britain*, ed. Joanne Shattock (Cambridge: Cambridge University Press, 2017), 165-81. See especially, Catherine Waters, *Special Correspondence and the Newspaper Press in Victorian Print Culture, 1850-1886* (London: Palgrave Macmillan, 2019).

<sup>30</sup> See E. Moberly Bell, *Flora Shaw, Lady Lugard, D.B.E.* (London: Constable, 1947). See especially Dorothy Helly, "Flora Shaw and the *Times*: Becoming a Journalist, Advocating Empire," in *Women in Journalism at the Fin de Siècle*, ed. F. Elizabeth Gray (London: Palgrave Macmillan, 2012), 110-28.

<sup>31</sup> See Eiko Woodhouse, *The Chinese Hsinhai Revolution: G. E. Morrison and Anglo-Japanese Relations, 1897-1920* (London: Routledge, 2003); Dorothy Helly and Helen Callaway, "Journalism as Active Politics: Flora Shaw, *The Times* and South Africa," in *The South African War Reappraised*, ed. Donal Lowry (Manchester: Manchester University Press, 2000), 50-66.

and Persia before becoming the Viceroy and Governor General of India.<sup>32</sup> During the Chitral Expedition in India, the British Army Officer Lieutenant Colonel Sir Frank Younghusband acted as a special correspondent for *The Times*.<sup>33</sup> To lead the new Foreign Department, he called on Sir Donald Mackenzie Wallace. He worked as a foreign correspondent in St. Petersburg in 1877 and also covered the Congress of Berlin in the summer of 1878. He had served as Private Secretary to Lords Dufferin and Lansdowne in India and Bell believed his comprehensive Asiatic knowledge would best serve the new office's demands.<sup>34</sup> Bell's ambition was that an investment in foreign correspondence would help build *The Times*'s reputation as having an imperial character, serve Britain's interests, and inform the empire's politics through its influential leading articles. Bell envisioned foreign correspondence as bringing the empire to the masses through *The Times*'s pages.<sup>35</sup>

Writing to his correspondents, Bell outlined three chief expectations. First, he asked that "all authentic news of importance" should be transmitted without regard for any particular view that the correspondent might hold or believe to be held by the paper. Second, correspondents should transmit an explanation or rectification of news which could be obtained from any person of authority. Bell added that this was especially important if the person of authority was willing to express an opinion that differed from the correspondent or *The Times*. Third, correspondents should transmit their own interpretation and "appreciation of the situation, well-founded and without any personal prejudice."<sup>36</sup> Bell followed up:

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<sup>32</sup> See George Nathaniel Curzon of Kedleston Marquess of Curzon, *Russia in Central Asia in 1889: and the Anglo-Russian question* (London: Longmans, Green, and Co., 1889).

<sup>33</sup> Patrick French, *Younghusband: The Last Great Imperial Adventurer* (London: Harper Collins, 1994).

<sup>34</sup> Bell, *Life and Letters*, 154-55.

<sup>35</sup> For the national press, see Lucy Brown, "The Growth of a National Press," in *Investigating Victorian Journalism*, ed. Laurel Brake et al. (London: Palgrave Macmillan, 1990), 133-40.

<sup>36</sup> Bell, *Life and Letters*, 158-59.

In one word *The Times* desires to give equal publicity to every view of any important question, and in the public interest is glad to have any information or correction of information from any person in a position to give it, but it asks no favour, and its opinion, expressed only in its leading articles, is formed on the judgement of the editor alone, based on such information as he possesses from his correspondents and other sources without regard to any personal consideration.<sup>37</sup>

Advising a correspondent in October 1894, he impressed on them the importance of telegraphing information with speed:

Your duty is to do your utmost to get us early and trustworthy information. In reference to the word 'early' I will add, 'better twice late than once wrong,' but by this I do not mean to say that you should neglect telegraphing an event until you have positive proof of it, but that where there is doubt, you should guard your statement with reserve, giving, where you can, your authority.<sup>38</sup>

Bell ventured an investment in people and telegraphic communication to develop independently obtained news and expand his newspaper's circulation. Obtaining a copyright in news was critical if his effort to revitalize *The Times* was to succeed. A copyright in news would secure him protection in the market when publishing exclusive reports from beyond Britain's shores. He assumed that if other publications were no longer permitted to legally copy the work he oversaw, those competitors would be forced to make similar investments of their own, which in turn would develop the British newspaper press's range and trustworthiness. For the stake to pay off, he needed the courts to grant protection that would prevent wandering editorial shears from undercutting and underselling his newspaper. If his competitors could continue to slice their

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<sup>37</sup> Bell, *Life and Letters*, 159.

<sup>38</sup> Bell, *Life and Letters*, 159.



pages and copy their expensive reports freely, the daily cost of procuring so much international news would be prohibitive. There is no doubt that Bell wanted to change the way journalism was being done.

It was essential for Bell's foreign correspondents to curb telegraphic expenses while maintaining a high standard and regular submissions. Shortly after forming the Foreign Correspondence Department, Bell negotiated special rates for telegraph contracts and arranged for less urgent news to be sent to London by a combination of wire and post.<sup>39</sup> Keeping costs manageable also depended on his correspondents. He asked that his journalists recall "that telegrams are for facts; appreciation and political comment can come by post."<sup>40</sup> Nevertheless, the telegraphic expenditures remained extensive. In July 1898, shortly after his testimony to the Select Committee, Bell told Lord Welby about *The Times*'s ongoing investment in procuring foreign news and its relation to the public interest:

If *The Times* spends as it does £6,000 a year in procuring daily information as to the price of tea, copper, timber, butter, fur &c. it is certainly not because the proprietor or the conductor of the paper take the smallest interest in these commodities. It is because the information is found useful to the public and the newspapers hope to make a profit by collecting it.<sup>41</sup>

He went on to explain the value that this ongoing investment provided for the public good:

A man like Sir Donald Mackenzie Wallace takes, it is true, a large interest in foreign politics, but he could not afford to spend £50,000 a year in obtaining daily information from all parts of the world or to devote his time to controlling the sources of that

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<sup>39</sup> Bell, *Life and Letters*, 154.

<sup>40</sup> Bell, *Life and Letters*, 160.

<sup>41</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

information and to editing it for the public benefit. But this he does through *The Times* who do it because it is of public interest and in the hope of earning a profit after paying the cost.<sup>42</sup>

Bell wrote, stressing the confidential nature of these numbers, “To put it briefly (and confidently) the Times is spending in the collection and editing of news (not printing not paper) £400 per day or £125,000 a year in obtaining news for the public information, instruction or amusement.”<sup>43</sup> He implored Lord Welby and the Select Committee of the House of Lords to establish reasonable legal protections so that his newspaper’s investment might not be “appropriated without labour and without money” by competitors to advance their own business while simultaneously devastating the *Times*.<sup>44</sup> Bell insisted:

News is not a spontaneous product; it does not make itself; it is not found ready made. It is a creation of man’s industry, and bears the same relation to facts and events that a manufactured article does to raw material. Facts by themselves are not news. They have to be converted into news by the process of speaking or writing.<sup>45</sup>

For Bell, the journalistic trade was a profession rooted in experience and expertise that the law should fully preserve.

Reuters was another source of anxiety and opponent to *The Times*’s investment in foreign correspondence.<sup>46</sup> Founded in 1851 as Reuters Telegram Company in London by Paul Julius

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<sup>42</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>43</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898. Emphasis in original.

<sup>44</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>45</sup> [Moberly Bell,] “The judgement of Mr. Justice North, delivered,” *The Times*, June 3, 1892, 9.

<sup>46</sup> For Reuters, see Donald Read, *The Power of News: The History of Reuters* (Oxford: Oxford University Press, 1999); Donald Read, “Reuters: News Agency of the British Empire,” *Contemporary Record* 8 (1994): 195-212. See especially, Jonathan Silberstein-Loeb, “Reluctant Imperialist? Reuters in the British Empire, 1851-1847,” in *The International Distribution of News: The Associated Press, Press Association, and Reuters, 1848-1947* (New York: Cambridge University Press, 2014), 163-95.

Reuter, the news agency became what historian of modern Britain Simon J. Potter describes as “one of the world’s first truly global corporations” through an extensive network of overland telegraphs and undersea cables that made it “the key information broker of the British empire.”<sup>47</sup> Bell was troubled by the press agency’s scope and the way, in his view, it negatively influenced the quality and variety of news in Britain. It was Bell’s position that while the press as a whole had advanced since the advent of telegraphy, the press’s main function of collecting news – the area where Reuters had excelled – had in fact regressed in the last quarter century.<sup>48</sup>

Bell lamented the erosion of each newspaper’s unique character brought on by agency news. He wrote to Lord Welby:

In England, each paper had its own reporters in every important town and each paper had its own character – its own special qualities. If any important speech were made in the provinces there were several reports. The speaker may have dealt with ten different subjects. One paper gave prominence to one, another to another and so on.<sup>49</sup>

Bell saw journalism to be a collective endeavour where papers would rely on the expertise of their peers to develop quality writing. In his view, Reuter “has one business, to pick up facts, not to bother his head about anything but bare facts, and to wire them at the earliest moment he can acquire them.”<sup>50</sup> Press agencies gave the news, but *The Times* provided the additional service of commenting on and making sense of it. He explained the system he remembered to Welby:

One paper had a good correspondent in Scotland, another in Ireland a third in Manchester.

On the continent hardly any paper had its permanent correspondent but each paper had an

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<sup>47</sup> Simon J. Potter, *News and the British World: The Emergence of an Imperial Press System, 1876-1922* (New York: Oxford University Press, 2003), 87-88.

<sup>48</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>49</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>50</sup> Bell, *Life and Letters*, 166.

occasional letter from an occasional correspondent at different places – it was some days old because it came by post but it was the latest news there was, it cost little, it was literary form, it was to a certain extent protected. From Vienna or from India you might get in a week two or three summaries of news in different paper written by different people from different points of view. Telegraphy changed all that.<sup>51</sup>

Where those papers might previously have relied on a correspondent, they now subscribed to an agency which resulted in news being reported in identical ways across the press. While a few papers had invested in having a correspondent in Paris and Berlin, it was his view that “every paper publishes the same foreign news getting it from an agency which is a combination of subsidized agencies: Havas from Paris, Wolff in Berlin, Stefani in Rome &c &c.”<sup>52</sup> His point was that this system was prone to have matters of significance overlooked and left unreported. Making reference to the Milan riots in May of 1898 (what came to be known as the Bava-Beccaris massacre), Bell explained that the British public would have never known about the events had not his correspondent in Rome filed a report. As Donald Read has shown, the main European news agencies – Reuters, Havas, and Wolff – carried a domineering power (Reuters having the greatest) in dividing and controlling the reporting of news – effectively “a cartel which restricted competition.”<sup>53</sup> Bell summarized his position quite plainly:

To put it briefly you have, since the introduction of telegraphy, got – as regards news – two papers (1) The Times and (2) the rest of the press served by news agencies and which with various titles and with various comments give identical and verbatim accounts of every event both in the UK and abroad.<sup>54</sup>

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<sup>51</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>52</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>53</sup> Donald Read, *The Power of News*, 54.

<sup>54</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898. Emphasis in original.

Bell saw the world and empire as expanding, and with it, the British public's interest in all its regions. As he put it, "It is not that we have less space, but that we have more to put into it."<sup>55</sup> Meanwhile, Bell remained frustrated that *The Times* was spending £400 a day in telegraphy and that this investment and labour "was available to anyone who chose to pay another paper one penny for it" because there was no copyright in news.<sup>56</sup>

Bell also cautioned that telegraphic expenses weakened the quality of journalism. Telegraphy charges could vary between one and ten shillings per word and journalists relied on creative means to communicate the most information in as few words as possible. As more places were connected to London by telegraphic wire and undersea cables, he saw a reading public that demanded more information at greater speeds. Bell explained the results to Lord Welby:

This large expense of telegraphy tends to the creation of News Agencies who telegraph an important event in a few disconnected words, who, with more or less imagination, expand these few words into long sentences. There, so called, telegrams are distributed to all papers who share the contents thus reduced to a minimum.<sup>57</sup>

For Bell, "the same news in the same words" was a dangerous news model as the information "may be correct or it may be wholly incorrect."<sup>58</sup> This position was also taken up by the Irish journalist Andrew Dunlop who described the reliance on the agency system as having "done much to lower the standard of journalism, and that, unless a change is made, the deterioration will progress steadily." He echoed Bell's sentiment that "If a substantial portion of the money

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<sup>55</sup> Bell, *Life and Letters*, 175.

<sup>56</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>57</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897. This point is explained in terms of the work carried out by subeditors in Chapter 1.

<sup>58</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

now wasted by the Press Agencies in telegraphing worthless news were devoted by the proprietors of newspapers to the payment of efficient correspondents in important districts the gain to journalism would be immense.”<sup>59</sup> To have one source inform the entire press and in turn the entire British public was simply inadequate.

**Table 5.1** Cost of Foreign Correspondence at *The Times* not Including Cost of Foreign Department in Printing House Square

Year	Expense
1897	£ 49,854. 16. 11.
1898	£ 49, 978. 12. 7.
1899	£ 50,293. 3. 2.
1900	£ 61,516. 16. 4.
1901	£ 45,831. 13. 4.
1902	£ 37,920. 11. 7.
1903	£ 40,413. 3. 4.
1904	£ 59,483. 2. 10.
1905	£ 40,881. 18. 3.
1906	£ 40,465. 1. 11.
1907	£ 37,346. 2. 5.
1908	£ 47,413. 12. 4 ½.
1909	£ 53,643. 8. 6 ½.
1910	£ 43,542. 17 10 ½. * Possibly subject to a small correction

This table is reproduced from British Library, Manuscript Collection, 1906-11: C. F. Moberly Bell correspondence with Lord Northcliffe, n.d. ca. late 1910 or early 1911, Add. MS. 62258, ff. 196/202. Annotation regarding possible correction included in the correspondence.

This is not to say that Bell was entirely against the role of press agencies to collect and sell news. *The Times* participated in the proliferation of news across the globe and the dominance of a single press agency in the United States through direct cooperation with the Associated Press. Under Bell’s management, the Associated Press paid *The Times* £1,260 per year so that they might view the London newspaper one hour before other newspapers – and their chief

<sup>59</sup> Andrew Dunlop, “Journalism and News Agencies,” *The Journalist*, October 3, 1891, 8-10.

competitor the United Press – at 4 o'clock in the morning before distribution. Bell explained that the head start “practically gave them 24 hours start in America” because it was sufficient for their editors to get the news into the morning papers. As shown in Table 5.1, Bell recounted to Lord Welby that “They are therefore able to buy for £1,260 the privilege we are for ourselves who spend £50,000.”<sup>60</sup> It was not simply the circulation of news that necessarily bothered Bell. He wanted *The Times* to receive due credit in the form of acknowledgement of where the information was taken from and payment for relying on his organization's investment, not unlike the labouring journalists who produced the news in question.<sup>61</sup>

Bell impressed on his journalists his view that “A *Times* correspondent's duty [was] to comment on the news rather than to give it.”<sup>62</sup> While *The Times* subscribed to Reuters's service, Bell asked that his foreign correspondents not bother to send information (and incur the expense) that was available through the agency. He instructed his correspondents that “For ordinary events of small importance trust to Reuter – in times of crisis or importance ignore Reuter.”<sup>63</sup> The commentary and interpretation of world events for the public good was central to Bell's vision for information circulation. He described *The Times* and their commitment to collecting foreign news independently as the final opposition against the complete rule of press agencies. By way of comparison, Bell pointed to the situation in the United States where, as a result of no copyright in news, the Associated Press exercised a “despotic authority” in forbidding smaller newspapers from collecting news by their own means. He speculated that, should *The Times's* efforts to collect foreign news fail as a result of no copyright protection, the press agencies

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<sup>60</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>61</sup> See Chapter 3.

<sup>62</sup> Bell, *Life and Letters*, 167.

<sup>63</sup> Bell, *Life and Letters*, 165.

would “economise more and more, the service would become again as worthless as it was 15 years ago!”<sup>64</sup> Bell reasoned to Lord Welby:

Unless we can obtain some protection for that news, unless we can get some guarantee that either news for which we charge 3d. shall not be at the disposal of any person who pays 1d., I foresee that we may at no distant time be compelled to abolish the attempt to procure that news at that extra expense. In other words that we should have to charge 1d. and content ourselves as other papers do with the ordinary news agency supply of news.<sup>65</sup>

Bell held deep convictions that the role of the newspaper press was to serve a public interest. The free circulation of news without an even investment in obtaining the information newspapers sold to the public, according to Bell, compromised the journalistic profession. He stressed the need for foreign correspondents to get the news ‘right’ and not mislead the public as to the course of world events. In order to facilitate their service, however, he urged the state to offer legal protections to avoid the deterioration of the newspaper press and the British government’s relationship with its public and empire.<sup>66</sup>

### *Amending Copyright Law*

The problems Bell faced were also about the law of copyright in newspapers. As I explained in the introduction to this dissertation, confusion regarding copyright in news was longstanding. In 1878, the Royal Commission on Copyright found that copyright protection for newspapers was “arbitrary in some points” and “incomplete and obscure in others.”<sup>67</sup> As to what protections the

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<sup>64</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>65</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>66</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 12, 1898.

<sup>67</sup> LCA/LD 24/3/2/1, Royal Commission on Copyright Report: Minutes of Evidence, London (1878), viii. See especially Barbara Lauriat, “The 1878 Royal Commission on copyright: understanding an attempt at Victorian copyright reform” (PhD diss., University of Oxford, 2013).



1842 Copyright Act actually provided, the commission could not say. It explained the state of protection as follows:

Some sort of copyright has been recognized in newspapers, but it is impossible to say what it is. It has been decided on the one hand that a newspaper is not a “book,” within the meaning of the Copyright Act of 1842, and on the other hand that there is some sort of copyright in newspapers, yet the courts have always leant to the opinion that there is no copyright independent of statute; – at all events they have never positively decided that there is.<sup>68</sup>

Crucially, the seemingly minor issue of newspaper copyright was dwarfed by the commission’s larger aims of outlining how to reform the entirety of copyright law at home, in the colonies, and internationally. The report, however, did question which parts of a newspaper might be governable by copyright law and highlighted the importance of texts that carried a literary quality:

Much doubt appears to exist in consequence of several conflicting legal decisions whether there is any copyright in newspapers. We think it right to draw Your Majesty’s attention to the defect, and to suggest that in any future legislation, it may be remedied by defining what parts of a newspaper may be considered copyright, but distinguishing between announcements of facts and communications of a literary character.<sup>69</sup>

The problem of confusion and uncertainty persisted. As W. F. Finlason explained writing for *Mitchell’s Newspaper Press Directory* in 1891, it was “practically impossible” to enforce the law of copyright on a single newspaper article “because the publication would be practically over

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<sup>68</sup> LCA/LD 24/3/2/1, Royal Commission on Copyright Report: Minutes of Evidence, London (1878), viii.

<sup>69</sup> LCA/LD 24/3/2/1, Royal Commission on Copyright Report: Minutes of Evidence, London (1878), xvii.

before an application for an injunction could be obtained.”<sup>70</sup> As Bell and *The Times* knew too well, it was the immediate reprinting of valuable news items that was most damaging. By all accounts, for those who argued that texts published in newspapers should have protections from reprinting, the 1878 Royal Commission on Copyright was a failure. It did not advance an argument for a copyright in news nor a proposal to improve this particular copyright issue.

In gesturing towards the possibility of a copyright in the newspapers, the Royal Commission’s report cited precedent in *Cox v. Land and Water Journal Company* (1869) to support the view that newspaper articles were protected as common law property under the 1842 Copyright Act. The case determined that a newspaper was a distinctive materiality that was separate from books (which were explicitly protected) and periodical works. In this instance of reprinting, the Land and Water Journal Company had applied the scissors-and-paste journalism method to a list of hunting hounds in what the plaintiffs described as “the most servile manner.” The plaintiff, Irwin E. B. Cox, proprietor of the journal *Field*, had compiled the detailed list at considerable cost. The text accounted for the various packs of hounds in the United Kingdom and an assortment of related information pertaining to the location of hunts. *Field* published the original list on 6 November 1869, with *Land and Water* providing an exact reprint the very next week.<sup>71</sup>

The crucial question that shaped the case was whether or not it was necessary for a publisher to register a newspaper at Stationers’ Hall to be eligible for a copyright claim as was the case for books. While there was no means of registering a newspaper for the purposes of copyright, the court determined that in this instance, the provision was not necessary. In

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<sup>70</sup> W. F. Finlason, “Notes on Recent Cases as to the Law Relating to the Press,” in *Mitchell’s Newspaper Press Directory* (London: C. Mitchell and Co., 1891), 9.

<sup>71</sup> *Cox v. Land and Water Journal Company* (1869) LR 9 Eq. 321-33. References cited from *Cox v. Land and Water Journal Company* (1869) LTR 21 ns. 548-53.

explaining his determination, Vice Chancellor Malins rhetorically asked the defendants, “Would it be lawful for any newspaper to copy the leading articles of the *Times*? I should think not.” The comment, perhaps ill-informed as to the state of reprinting in the newspaper press, led to a heated exchange between counsel. Mr. Pearson, for the defence, retorted, “All the country papers do it, and the London evening papers also.” However, pointing out an essential difference, Mr. Glasse, for the plaintiffs, retorted, “But they always put at the end where it comes from.”<sup>72</sup> While this was hardly a universal truth, many journalists held that there was a courtesy of the trade for sharing texts within the newspaper press under particular conditions.<sup>73</sup> The Vice Chancellor joined in, “They are supposed to be quoted as a compliment.” Pearson, pressing his client’s right to publish an identical list without attribution, reasoned, “We went through the same labour that they did.”<sup>74</sup> For the plaintiffs, this claim was most welcome. They proceeded to present evidence that it was downright impossible for the defence to have collected this particular list as it appeared in their publication.

The plaintiffs went on to demonstrate that *Land and Water* not only copied the text in question, but they included abbreviations and errors made on the part of the compositor that the defendants could have only obtained from the version published in *Field*. For the plaintiffs, Glasse commented, “It is very remarkable if that be true, for in every instance of error in the *Field*, precisely the same error has been reprinted in the defendants’ journal.” In nearly every instance in *Field* where errors, omissions, alterations, or abbreviations appeared, *Land and Water* proceeded to include an identical version. For example, ‘Marquis’ was printed in *Field* as ‘Marqs.,’ to accommodate space and *Land and Water* followed suit despite ample space in their

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<sup>72</sup> Cox, LTR 21 ns. 548.

<sup>73</sup> See Chapter 4.

<sup>74</sup> Cox, LTR 21 ns. 548.

own column. In another instance, the name ‘Captain Trench Nugent’ was delivered to the printer as ‘Capt. ‘T.’ Trench Nugent’ so as to indicate that the name should be printed as ‘Trench’ and not ‘French’. The printer for *Field* included the unnecessary initial as did the printer for *Land and Water*.<sup>75</sup> Glasse concluded:

It is miraculous that the printer’s devil, unless he were a devil indeed, could have committed the same mistakes. One does not understand it. And to say that it is the result of information obtained honestly and fairly from the same sources is to say that which I am utterly unable to credit.<sup>76</sup>

However, Pearson, for the defence, pressed his point that nevertheless, there was no copyright in a newspaper if the newspaper was not registered at Stationers’ Hall.

It appears that the Vice Chancellor had not been briefed on the complexities of copyright in newspapers. Working out Pearson’s claim aloud, “If that is so, you may take a copy of the whole of the contents of the *Times* of to-day and reprint it, calling it by some other name; and there would be nothing to prevent your doing so if there is no copyright.” The Vice Chancellor went on to ask in abstract terms “whether there is an absolute right to reprint any article from a newspaper without the proprietor’s consent.” Pearson clarified his point in stating, “it was never intended [by the legislature] to have a copyright in a newspaper; and if it was, it must include the whole of the paper; but when they considered how ephemeral were the contents of a newspaper, it would be clear that there could be no copyright.” In reply, the Vice Chancellor affirmed, “if that is the law, it is a monstrous state of law, repugnant to the common sense and common honesty, because that there is a property in those articles there can be no shadow of doubt

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<sup>75</sup> Cox, LTR 21 ns. 548.

<sup>76</sup> Cox, LTR 21 ns. 549.

whatever.”<sup>77</sup> He went on to state that since newspapers clearly did not fall under the terms of the 1842 Copyright Act, the defence could not rely on the fact that the newspaper in question was unregistered to give them the right to freely reprint material that they did not obtain independently.

I say – that, whether it be the letters of a correspondent abroad, or the publication of a tale, or a treatise, or the review of a book, which the proprietor of a newspaper thinks proper to treat, I will not say as copyright, but as property (a property which the proprietor of a newspaper has in every article in the newspaper, and every line for which he pays), under the 18<sup>th</sup> section, or by the general rules of property – he acquires such a property in that article as entitles him, *if he think it worthwhile*, to prohibit other persons from publishing the same thing in another newspaper or in any other forum.<sup>78</sup>

In an unexpected decision, the Vice Chancellor pointed towards the general rules of property to terminate the unsanctioned reprinting.

The Vice Chancellor’s comment, “if he thinks it worthwhile,” is a critical point of consideration. For newspapers like *The Times*, these cases of reprinting were not worthwhile to pursue in court. The Vice Chancellor was clearly sympathetic to the plaintiffs in noting that if a competing newspaper or periodical wanted to circulate identical material, this was information that they must acquire at their own expense and labour.<sup>79</sup> However, in conclusion, he stated, “It is scarcely worth the while of the proprietors of this respectable paper the *Field* [...] to come into court with such an insignificant matter.”<sup>80</sup> In the case of the *Field*, the Vice Chancellor pointed out that their competitors might in the future go to the effort of making minor corrections and

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<sup>77</sup> Cox, LTR 21 ns. 550.

<sup>78</sup> Cox, LTR 21 ns. 551. Emphasis added.

<sup>79</sup> Cox, LTR 21 ns. 552.

<sup>80</sup> Cox, LTR 21 ns. 553.

updates to their list and if they were careful enough a court would not be able to make a determination as to whether an updated list was the work of a pirate or in fact independently collected and would have to assume the latter.<sup>81</sup>

For a large daily newspaper like *The Times*, the costs associated with litigation made the time spent pursuing damages ultimately futile. They might demonstrate that a particular news item had been reprinted from their own paper but the damage of reprinting a single text in a large publication was difficult to calculate and impossible to prove. Furthermore, an injunction to suppress the circulation of any unsanctioned texts was effectively useless in light of the fundamentally ephemeral nature of newspapers and of the news more generally. If a newspaper eventually acquired an injunction, by the time of the ruling the damage to the newspaper's circulation would have already been done. As late as 1891, lawyer and legal expert John M. Lely offered the view that "The extent of newspaper copyright is doubtful" even if "the proprietor has copyright in all that the newspaper contains, news and advertisements included."<sup>82</sup> While the law was ambiguous, what was clear was that guarantees as to the rights of journalists and newspaper proprietors in publishing news had not been firmly established as a matter of law.

Taking aim at improving the law of copyright, Lord Monkswell presented to the House of Lords "A Bill to Amend the Law Relating to Copyright in Periodical Works, Lectures, Abridgements, and otherwise" in May 1897.<sup>83</sup> While the bill sought to accommodate the

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<sup>81</sup> As Isabella Alexander shows, some protection for newspapers was granted in *Walter v. Howe* (1881) 17 Ch D 708. However, the newspaper needed to be registered to work. See Alexander, *Copyright Law and the Public Interest*, 206. See also Thomas Edward Scrutton, *The Law of Copyright*, (London: William Clowes and Sons, 1903), 110-11.

<sup>82</sup> J. M. Lely, *Copyright Law Reform: An Exposition of Lord Monkswell's Copyright Bill* (London: Eyre and Spottiswoode, 1891), 8.

<sup>83</sup> Lord Monkswell was part of the 1897 Select Committee on Copyright and was closely tied to the Society for Authors. The Society of Authors promoted the bill in 1897 and Lord Monkswell brought it forward to the House of Lords. Lord Monkswell would go on to introduce the Literary Copyright Bill and the Artistic Copyright Bill in 1900.

shortcomings in the existing law, at its second reading Lord Monkswell's peers offered resistance. Lord Dudley pointed out that with ongoing negotiations between the United Kingdom, its colonies, and other states on the subject of copyright at the Copyright Conference in Paris, this issue should be dealt with as a whole rather than this proposal to "legislate piecemeal."<sup>84</sup> Replying to the criticism, Lord Monkswell explained that the committee "did not attempt to grapple with the whole question of copyright, but it aimed at amending some of the most serious defects in the working of the present law." While the bill had support from Lord Thring, it was referred to a Select Committee for further consideration.<sup>85</sup>

As an attempt to sort out the need for a copyright in the periodical press for non-literary works, the bill had many faults as far as a copyright in newspapers was concerned. The title "and otherwise" was nebulous and the language offered confusion as to whether it actually intended to abolish the existing law or amend it with new provisions. It was entirely unclear what "and otherwise" actually meant and if it included the specific contents in newspapers. Further, the subjects of periodical works, lectures, and abridgements were not defined in any substantial way which would inevitably lead to confusion as to *what* this bill actually intended to protect under the law. Periodical works were usually defined by the interval of their publishing but here this was left open to speculation. Lectures suggested that the person who delivered information orally maintained ownership over their text, but whether or not this also included the verbatim reports of political speeches and sermons completed by journalists was not explained.<sup>86</sup> Abridgements

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<sup>84</sup> "In the House of Lords," *The Times*, June 1, 1897, 11. See also LCA/LD 24/3/2/1, *Correspondence Respecting the Copyright Conference at Paris Presented to both Houses of Parliament by Command of Her Majesty August 1897*.

<sup>85</sup> "In the House of Lords," 11.

<sup>86</sup> The question of reporters maintaining control over their verbatim reports of lectures was taken to issue in the case *Walter v. Lane* (1900). See Will Slauter, *Who Owns the News?* 183-86. See especially Barbara Lauriat, "Walter v Lane (1900)," *Landmark Cases in Intellectual Property Law*, ed. Jose Bellido (Oxford: Hart Publishing, 2017), 163-65.

might include reviews, though again, this was not made clear. Details about terminology were essential to a new or amended copyright law. Fundamental questions concerning who could claim ownership over a text and what qualified for protection under the law preoccupied proprietors, editors, and journalists in the newspaper and periodical press.<sup>87</sup>

In the summer of 1897, with Lord Monkswell's "Bill to Amend the Law Relating to Copyright in Periodical Works, Lectures, Abridgements, and otherwise" before the Select Committee, Lord Welby contacted Moberly Bell to inquire whether he might give his opinion on the bill in question.<sup>88</sup> In reply, Bell observed stringently that "The proposed Bill would practically amend all newspaper copyright and, so far as it is intelligible, would legalise piracy."<sup>89</sup> It was his view that the proposed bill did not secure adequate copyright for newspapers and that the public interest for access to reliable news and information was not sufficiently considered. Bell relayed to Lord Welby his opinion that the existing law and the proposed amendments made by Lord Monkswell did nothing to protect *The Times*'s work in cultivating reliable news and information. He picked through the proposed bill and pointed out ill-defined terminology as to what constituted a 'periodical work' and questioned why the government would resist extending copyright protection to a service with considerable public benefits. *The Times*'s assistant manager explained that the request for protection, in his view, was not a tremendous request:

Newspaper proprietors ask no more protection than that which is accorded to the rest of the public. They ask that this law should protect them against infringements of the eighth

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<sup>87</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

<sup>88</sup> For a summary of the developments and inquiries after the 1842 Copyright Act, see this dissertation's introduction.

<sup>89</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.



commandment. They sow plentiful in labour in money and in intelligence, they ask that they alone may be allowed to reap where they have sown.<sup>90</sup>

Complicating matters was the lack of recourse for journalists and newspaper proprietors to enforce the protections that the law did offer.

The problem of time had been a cause of friction between the newspaper press and the courts in seeking reparations for news acquired by scissors-and-paste. Bell explained to Lord Welby that whenever *The Times* gained access to exclusive news, often delivered from a correspondent in a distant part of the globe at considerable expense, competitors would reprint the news and *The Times*'s newspaper sales would drop off accordingly. According to Bell, there was no clear resolution to this kind of scissors-and-paste work:

No sale can of course directly compensate for a large outlay like this, but the increased sale of a paper means a great deal more than the mere profit from sales and any contention is thus that newspapers can only afford to take trouble and incur great expense in getting full and accurate information if they are protected against any pirate who may confiscate their intelligence and get the full benefit of it without a penny con[tributed].<sup>91</sup>

The lack of recourse was a problem for *The Times*. Should they apply to the courts for an injunction (as they had done on a number of occasions), the damage was already done. News was fleeting and was only 'news' until it had been relayed to the reading public. Its value was in the initial exclusive transmission before anyone else knew of the event having taken place. Once new information was widely dispersed it quickly became stale and of little value. Securing a correspondent, paying telegraph charges, and maintaining a staff to edit, print, and distribute the news were considerable investments that were quickly undermined by widespread reprinting.

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<sup>90</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

<sup>91</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

The value of news only lasted so long as it was *new*.<sup>92</sup> To succeed in an injunction offered moral comfort but no monetary support to compensate for the substantial stock behind even the smallest text communicated across the wires or trans-oceanic cables. Bell pointed out that pirate editors who were especially clever would not simply copy the news verbatim but instead transform the sentence in their own words and simply add “from our correspondent” at the end of the item. It was enough plausible deniability that any legal recourse was futile. Bell reasoned that as soon as penny papers replicated their news, sales for *The Times* declined as readers opted for the same material offered at a third of the price.<sup>93</sup>

In the newspaper marketplace, this kind of access to early reports was extremely valuable – especially to the struggling daily newspaper or the jobbing journalist. In 1892, *The Times* had taken note of certain provincial newspapers reprinting their news and foreign intelligence items at an unreasonably early hour after they had released their edition. The work of taking from one source and reprinting in another (which in addition to the usual scissors-and-paste method, included page arrangement, typesetting, printing, and delivery) all took considerable time to complete. To get to the bottom of the matter, *The Times* solicited Detective Holmes of the City Police to set forth an investigation as to how their news content was reprinted so quickly by their competitors. The scheme, as it turned out, was simple. Detective Holmes discovered that John Sawyer, who was employed as a delivery man by Messrs. Farington, newsagents at Fetter Lane, London, was responsible for collecting 100 early copies of *The Times* each morning. Those 100 copies were meant to be sent to newsagents and railway stations for the early morning mail to communities outside London. However, from that bundle, each day he delivered a single copy to

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<sup>92</sup> For periodical time, see Margaret Beetham, “Time: Periodicals and the Time of the Now,” *Victorian Periodicals Review* 48:3 (Fall 2015): 323-42; Mark W. Turner, “Periodical Time in the Nineteenth Century,” *Media History* 8:2 (2002): 183-96.

<sup>93</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

his accomplice, a young journalist named Henry Hawkins, who in turn made a business of supplying other London papers with the most special and exclusive news items. Upon his arrest in October 1892, Sawyer immediately turned on his partner as witness for the prosecution at the Old Bailey, explaining the ruse to the authorities with Hawkins as the mastermind.<sup>94</sup>

According to Sawyer, Henry Hawkins had solicited him twelve months earlier to secure each morning an early copy of *The Times* and leave it for him to collect at his office in Shoe Lane – the offices of the *Northern Express* – promising that he would “make it worth his while.”<sup>95</sup> The job was lucrative for Sawyer, who earned 8s. a week for the unlawful delivery or nearly six-and-a-half times the sale price for five copies of *The Times* at 3d. each. Sometimes, Hawkins requested that Sawyer acquire two copies of *The Times* and so as to not raise suspicions with his employer, he bought a copy from one of his fellow carmen for 1s. as necessary. This lasted for seven months until Hawkins feared that the authorities were monitoring his activities and the duo halted their routine robbery. Two months later, they resumed their activities, but moved the delivery to a new location a few blocks away at 57 Fleet Street. The theft was very much a crime in plain sight. If Hawkins was not present for the delivery, Sawyer simply left the paper on the window ledge or in the doorway for anyone to see. In their investigation, the City Police observed that after receiving the paper, Sawyer separated away the foreign intelligence section and passed it to a boy who then ran the paper down the street to Dalziel’s Cable and News Agency on the Strand. The boy was not charged in the matter, but the implication of Dalziel’s agency was significant.

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<sup>94</sup> “Important Journalistic Prosecution: Alleged Theft of Early Copies of ‘The Times,’” *The Journalist*, November 5, 1892, 4-5. For the arrest, see “Prosecution of the ‘Times’,” *The Illustrated Police News etc.* October 22, 1892, 2; “Prosecution by the ‘Times’ Newspaper,” *St. James’s Gazette*, October 22, 1892, 10.

<sup>95</sup> “Important Journalistic Prosecution: Alleged Theft of Early Copies of ‘The Times,’” *The Journalist*, November 5, 1892, 4.

This was not Davison Dalziel's first encounter with the law. Born in Camden Town, London, Dalziel moved to Australia in his youth and worked as a journalist at the Sydney *Echo*.<sup>96</sup> Later, he moved to Chicago, Illinois, to pursue newspaper management and founded the Dalziel National Printing Company. Setting up an elaborately furnished office on Dearborn Street across from the post office, by August 1881 Dalziel was in court for outstanding bills to contractors.<sup>97</sup> By 1886 he was unable to remain solvent and was again in court for refusing to sell the business to creditors.<sup>98</sup> In 1887, the American courts prohibited him from leaving the State of Illinois for unpaid bills to contractors and, while the travel ban was eventually quashed, his creditors continued to follow him in court through to 1890.<sup>99</sup> During that time, Dalziel managed to secure financing to establish a monthly literary magazine, *Truth*, which was sold to Blakey Hall in February 1891 as a result of unpaid loans.<sup>100</sup> Despite his failures and financial troubles, he returned to London in 1890 with American financing to establish Dalziel's Cable and News Agency.

Dalziel testified that in June 1892, Hawkins approached him with a proposal to supply an early copy of *The Times's* foreign intelligence for 15s. per week. He agreed to the offer. However, four months into the agreement, Hawkins decided that the price of 15s. per week was not sufficient and doubled it to 30s.<sup>101</sup> Dalziel agreed to the price change but, perhaps wanting a

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<sup>96</sup> A. E. Watkin, "Dalziel, Davison Alexander, Baron Dalziel of Wooler (1852-1928)," *Oxford Dictionary of National Biography*, accessed March 14, 2018, <https://doi-org.proxy3.library.mcgill.ca/10.1093/ref:odnb/32699>. Davison Alexander Dalziel would become the 1<sup>st</sup> Baron Dalziel of Wooler in 1919. He gained a controlling interest in the *Evening Standard* in 1910 and briefly controlled the *Pall Mall Gazette* between 1915 and 1917.

<sup>97</sup> *Daily Inter Ocean*, August 2, 1881, 7.

<sup>98</sup> "Dalziel Printing Company Sold," *Daily Inter Ocean*, November 14, 1886, 5.

<sup>99</sup> "Dalziel Released," *Daily Inter Ocean*, February 26, 1887, 7; "The Dalziel Capias Quashed," *Daily Inter Ocean*, March 9, 1887, 7; "Davison Dalziel Heard From," *Chicago Herald*, December 24, 1890, 1.

<sup>100</sup> "Judgement Against 'Truth'," *New York Herald*, November 19, 1892, 11.

<sup>101</sup> "The 'times' and Foreign Intelligence," *Citizen*, November 16, 1892, 4.

fresh start or simply aggravated with the sudden price change, contacted *The Times* about the matter. This became the major break in the newspaper's investigation. Under examination, Dalziel professed that his agency had received early copies of *The Times* supplied by Hawkins and paid for them but, when he testified under oath, he stated that he was unsure of how many were supplied and that he did not know they were acquired improperly. His motivation, he explained, was to wire the foreign intelligence to his agents in America.<sup>102</sup>

Henry Hawkins's lawyer, Mr. Geoghegan, claimed that while his client's conduct was not entirely proper, "as in love and war, so he believed, all was fair in journalism."<sup>103</sup> He explained to the jury that it was common knowledge that early copies of newspapers could be obtained in London and *The Times* was just one of many that circulated on the market. The solicitor for *The Times*, Mr. C. F. Gill, in an attempt to counteract the normalization of illicit newspaper circulation, explained to the jury the enormous expense *The Times* invested in collecting reliable news and information. Further, he pointed out that his client should be entitled to a sum for damages. In rebuttal, the defendant's lawyer argued, "the telegrams sent to the provincial papers of the telegraphic news in *The Times* simply gave an outline of that news and did not give details. Of course, anyone who desired to see the details would go to *The Times* for themselves."<sup>104</sup> That those outlines were based entirely on information that the papers in question had no right to possess was immaterial. The jury convicted Hawkins but recommended him to the mercy of the court on account of the fact that he was not the one who physically stole the newspaper.<sup>105</sup> He received the minimum sentence of six weeks' imprisonment without hard

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<sup>102</sup> "Prosecution by the 'Times'," *Freeman's Journal and Daily Commercial Advertiser*, October 22, 1892, 9.

<sup>103</sup> "Early Copies of The Times," *Glasgow Herald*, November 17, 1892, 8; "Central Criminal Court," *London Daily News*, November 17, 1892, 2.

<sup>104</sup> "The Theft of Early Copies of the 'Times'," *The Journalist*, December 3, 1892, 3.

<sup>105</sup> "Early Copies of The Times," *Glasgow Herald*, November 17, 1892, 8.

labour.<sup>106</sup> Later, Moberly Bell recounted the story to Lord Welby and explained that the jury attached a comment to their verdict stating that “it was scandalous that such temptation should be within the reach of such men.”<sup>107</sup> According to Bell, the only way to remove that temptation was to secure a copyright for news.

Bell offered Lord Welby a solution to this problem of copyright in news. Where the law provided a term of copyright of 28 years for literary works, he recommended that periodical works should be extended a copyright of 28 days or one month. He explained that if *The Times* or another newspaper or periodical published an article, telegram, or letter, their ownership should be absolute for one month. While he admitted that this solution was “purely theoretical” and that objections would naturally arise from the public and the press, his solution was rooted in the understanding that “There is no place within telegraphic communication to which a telegram cannot be sent and a reply received within 24 hours.” He recommended that publications that are enterprising enough to have correspondents around the globe should be entitled protection. If other newspapers wished to report the news, Bell suggested that they should seek out the information independently or simply insert a notice stating that a given paper reports that a particular event has transpired.<sup>108</sup> As one commentator captured this point:

No paper objects to have its work quoted within reasonable limits by its neighbours in the public interest, provided the quotation is acknowledged. No paper objects to its neighbour

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<sup>106</sup> “Early Copies of the Times – Inciting to Steal,” *Reynolds’s Newspaper*, November 20, 1892, 6. In March 1890, the Lowestoft Borough Police Court charged the newsvendor John Everett with having stolen 113 copies of the *Colchester Mercury* from the printing works of Messrs. E. and F. Wright. Caught in the act of stealing, Everett was sentenced to three weeks’ hard labour, see “Stealing Newspapers,” *The Newsagent*, March 1890, 31.

<sup>107</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 2, 1898.

<sup>108</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

using its published information to correct, or even within fair limits amplify its own – also in the public interest. But in these degenerate days such limitations are scorned.<sup>109</sup>

In instances where it is necessary to verify that a publication acquired the information independently, Bell suggested that the editor in question would need only to show the independent and original telegram to have the matter resolved.<sup>110</sup>

This proposed method of producing documents in court to validate originality had legal precedent. The 1888 case of *Trade Auxiliary Company and Others v. Middlesbrough and District Tradesmen's Protection Association* was a copyright case under the 1842 Copyright Act that the press came to point towards for legal precedent in protecting independently obtained news.<sup>111</sup> The three plaintiffs, the Trade Auxiliary Company, W. Cate, and W. R. Perry, were the proprietors of three weekly trade periodicals, *Stubbs' Weekly Gazette*, *Perry's Weekly*, and the *Commercial Compendium*, which published lists of bankruptcies, registered bills of sale, and deeds of arrangement. *Stubbs' Weekly Gazette* was owned under the Trade Auxiliary Company, W. Cate owned *Commercial Compendium*, and W. R. Perry owned *Perry's Weekly*. In cooperation, the three parties jointly paid two employees, W. T. May and E. Brookes, to meticulously collect the details for these lists and prepare the information for their subscribers. The defendants, the District Tradesmen's Protection Association, had published and distributed among their members in Middlesbrough a weekly list of registered bills of sale and deeds of arrangement related to their town and the adjoining localities copied entirely from *Stubbs' Weekly Gazette* – the same lists which appeared in *Perry's Weekly* and the *Commercial*

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<sup>109</sup> "Literary Theft," *The Journalist*, May 21, 1892, 8.

<sup>110</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

<sup>111</sup> Copyright Law Amendment Act, 1842, 5 & 6 Vict., c. 45, s. 18, 19.

*Compendium*. The plaintiffs sued for copyright infringement as their individual papers were registered under the 1842 Copyright Act.<sup>112</sup>

The defence argued that, as a subscriber to *Stubbs' Weekly Gazette*, they believed it was within their rights to select the “purely local details” for a single sheet of paper which they marked ‘private’ and circulated to their members. In their view, this was not a publication but a private memorandum that they offered with no charge to their membership and was therefore a legitimate use of a published list. They also suggested to the court that collecting this information from the public office required no real skill. The plaintiffs, suspicious that the District Tradesmen’s Protection Association was gleaning their information and circulating it in Middlesbrough, wanted there to be no question before the courts that this material had been obtained from their own publication and not some other source. As such, they inserted fictitious entries into their lists by inventing names and bills of sale and included it alongside the authentic information. In due course, the plaintiffs saw that the defendants had distributed their phoney intelligence.

The seemingly innocuous information of bills of sale and deeds of arrangements had in fact been expensive to obtain. Before Justice Chitty of the Chancery Division, the plaintiffs explained that this information was extracted from registered bills of sale and registered deeds of arrangement, which cost them 1s. and 2s. 6d., respectively, for each item they obtained. They testified that, since 1882, they had invested £600 per year on average for the bills of sale and paid £8 per week for the deeds of arrangement. They underscored that this was in addition to the salaries they paid their two employees who were entirely dedicated to extracting this

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<sup>112</sup> Trade Auxiliary Company v. Middlesbrough and District Tradesmen’s Protection Association (1889) 40 Ch Div. 425. References cited from Trade Auxiliary Company v. Middlesbrough and District Tradesmen’s Protection Association (1889) LTR 60 ns. 681-84.



information. From the documents obtained from the government, the two employees extracted the date of sale, amount, the parties involved along with their name and occupation, names of the trustees, the amounts of liabilities and assets disclosed, and the amount of proposed compensation. Under examination, May and Brookes emphasized the skill required to locate and extract the information effectively and that this labour could only be done by experienced people such as themselves.

In the case of *Trade Auxiliary Company and Others v. Middlesbrough and District Tradesmen's Protection Association*, the judge did not take a sympathetic view to the trade organization's free-use of the information. He applauded the plaintiffs' clever tactic to insert invented news so as to confirm the defendant's work was "a slavish copy" and indeed an act of piracy. The Court of Appeal affirmed the judgement.<sup>113</sup> An injunction was granted to the plaintiffs. However, the courts did not entitle them to damages. Writing for *The Journalist*, legal commentator J. A. Strahan explained that in this case, the courts acted to protect "the labour and money spent in collecting the news." He went on to clarify that "Taking [news] in however small quantities, whether literally or substantially, merely for the purpose of obtaining the benefit of it without paying for it, would unquestionably be held dishonest and unfair, and therefore piracy."<sup>114</sup> The judgements, as far as Bell was concerned, showed that the newspaper press should also have control over the materials they published.<sup>115</sup>

In a similar case from 1889, *Cate v. The Devon and Exeter Constitutional Newspaper Company Limited* before Justice Ford North, the three plaintiffs (the Trade Auxiliary Company, W. Cate, and W. R. Perry) also successfully argued that a version of their lists which they had

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<sup>113</sup> Trade Auxiliary Company, LTR 60 ns. 684.

<sup>114</sup> "Literary Theft," *The Journalist*, May 21, 1892, 5.

<sup>115</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

provided to the London Association for the Protection of Trade as a “Commercial, Private, and Confidential List,” separate from a periodical publication, could not be copied and circulated. The plaintiffs found that the *Devon and Exeter Daily Gazette*, a newspaper published by the defendants, contained weekly list of registered deeds of arrangement with information copied from their own list. To prove that the material was copied, the plaintiffs published fictitious information which the defendants’ newspaper reproduced. The defence claimed that since the list was a supplement to the periodical subscription and not registered under the 1881 Newspaper Libel and Registration Act, it was not subject to protection. However, Justice North’s judgement showed that if a plaintiff could demonstrate the provenance for an iteration of illicit reprinting, they still had a right to prevent the continued unlicensed distribution of their material. In this case, non-registration did not deprive the owners of their copyright. In his summary, Justice North emphasized the point made by the defence that the amount of material they lifted each week from the plaintiff’s publication was small. From the four papers put into evidence, the *Devon and Exeter Daily Gazette* only reprinted between one and four lines of information. However, according to Justice North, “For the press, this offered an important precedent to discourage the verbatim and formulaic reprinting of another’s work in the newspaper press.”<sup>116</sup>

In both cases, the plaintiffs relied on the legal precedent of *Kelly v. Morris* from 1866 and *Morris v. Ashbee* from 1868. While these cases had been an early test of intellectual property and the copying of information that was independently obtained, journalists and newspaper proprietors pointed towards these cases to demonstrate the longevity of their particular copyright problem. In both cases, the plaintiffs proved that a publisher had relied on a previously published

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<sup>116</sup> Cate v. The Devon and Exeter Constitutional Newspaper Company Limited (1889) LR 40 Eq. 500-8. References cited from Cate v. The Devon and Exeter Constitutional Newspaper Company Limited (1889) LTR 60 ns. 672-75.

version of a directory in assembling their own. The courts concluded that, despite the existence of businesses on a given street being common knowledge, in both cases the compilers of the original directory had taken considerable time and investment to create the respective lists and this warranted protection. Should another publisher wish to compete with the same information, the courts ruled that they should have to compile it independently.<sup>117</sup> In *Morris v. Ashbee*, Vice Chancellor Giffard, ruled, “no one has a right to take the results of the labour and expense incurred by another for the purpose of a rival publication, and thereby save himself the expense and the labour of working out and arriving at these results by some independent road.”<sup>118</sup> While not the periodical press or part of the news genre, members of the journalistic trade referenced the case as a victory for improving the protection of their labour. In summarizing *Kelly v. Morris*, Moberly Bell expounded to Lord Welby that the courts had guaranteed legal protection for information published in some forms but not in newspapers:

In this case of a direction, map, guidebook, or directory when there are certain common objects of information which must, if described correctly, be described in the same words, a subsequent compiler is bound to set about doing for himself that which the first compiler has done. [...] [A person] is not entitled to take one word of the information previously published without independently working out the matter for himself.<sup>119</sup>

Bell went on to contextualize the ruling in comparison to the newspaper press and the difficulties *The Times* faced with their competitors:

Now contrast this with the protection of a newspaper. Mr. Kelly sends a man down a street and gets a line of names. A rival sends another man down with that line, he professes to

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<sup>117</sup> *Kelly v. Morris* (1866) LR 1 Eq. 697; *Morris v. Ashbee* (1868) LR 7 Eq. 34.

<sup>118</sup> *The Law Reports Equity Cases before the Master of the Rolls and Vice-Chancellors Vol. VII*, ed. G.W. Hemming (London: William Clowes and Sons, 1869), 40-41.

<sup>119</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

check it but because he fails to do so in certain cases he is convicted of piracy, and Mr. Kelly is protected. *The Times* sends a correspondent to S. America or to China, it keeps him there for years at a high salary, it receives telegrams costing £1000 or £2000 a year. A rival paper does not send any man there, does not profess to check the information, but boldly copies it without the smallest expense and sells for 1d. what *The Times* incurring all the expense, sells 3d. each.<sup>120</sup>

The law was uneven and discriminated against texts that were considered news. The trouble, for *The Times* and Bell, was that what actually constituted ‘news’ was left for interpretation.

While the legislative process made a clear effort to define the various materials that were subject to copyright, the types of texts that filled the pages in question were not equally interrogated and organized under the law. Literature, sermons, and lectures, for example, which British copyright law had extended protection, were hailed for the mental labour, intellectual capability, and authorial genius associated with their creation. There was no genius in a factual account of news – no matter how distant from London. What is more, the value of information was relative to its readership. Where a few people might take an interest in a particular list (to which the law had definitively made protections for), in the minds of those readers that list was a kind of news. If news was a report of recent events, the law did not determine any parameters for ‘recent’. The lists in question were not definitive but changed over time. If news was previously unknown information, the law did not make it clear to whom it was necessary that the information in question was unknown. If news was something that offered a specified influence or effect, that could very well have reasonably referred to *any* text printed in the newspaper and

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<sup>120</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 1, 1897.

periodical press.<sup>121</sup> Without effective parameters for what actually constituted the news, it would remain susceptible to a competitor's editorial shears and subsequent reprinting.

Furthermore, especially towards the end of the nineteenth century, the journalistic profession was shaped by a growing cohort from the aspiring middle classes. And as such, the recording of events and facts as they happened became associated with the separation of mental and manual labour. As Brad Sherman and Lionel Bently have shown, the division between 'mental' and 'manual' was essentially a division between creative and non-creative labour.<sup>122</sup> As news is a recording and not the invention of events, people both inside and outside the journalistic world associated it with the latter and valued it accordingly. By the late nineteenth century, journalism was an access point for potential socio-economic respectability that did not necessarily carry the same educational requirements of other professions.<sup>123</sup> However, as there was no shortage of aspiring journalists and the educational requirements were not especially as rigorous (or at times non-existent beyond literacy), these variables likely shaped the value associated with the outcomes of journalistic labour.

As Bell put it, "any event of importance would be telegraphed sooner or later." He added, "It is at all events open to any paper to ascertain whether the news is correct." Bell's lengthy response to Lord Welby, with regard to Lord Monkswell's proposed copyright amendment bill, must have left an impression. In reply to Bell, Lord Welby offered to circulate the letter to the Select Committee on Copyright, which included Lord Monkswell, and incorporate it in the appendix to the committee's report.<sup>124</sup> While the Select Committee did not intend to make

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<sup>121</sup> Laurel Brake, "Clocking In: 'News' and the Periodical Press" (lecture, Midwest Victorian Studies Association, University of Missouri – Columbia, Columbia, Missouri, April 9, 2016).

<sup>122</sup> Brad Sherman and Lionel Bently, *The Making of Modern Intellectual Property Law: The British Experience, 1760-1911* (Cambridge: Cambridge University Press, 1999), 15.

<sup>123</sup> See Chapter 3.

<sup>124</sup> LCA/LD 24/3/2/1, Charles Frederic Moberly Bell to Lord Welby, July 20, 1897.

specific revisions to the law of copyright for newspapers, the following year, in June 1898, Bell was asked to give testimony on the ongoing copyright debate as it pertained to the newspaper press.

***Testimony Before the Select Committee of the House of Lords on the Copyright Bill [H.L.] and the Copyright (Amendment) Bill [H.L.]***

Between 14 June and 13 July 1898, the Select Committee of the House of Lords convened to discuss two copyright bills drafted by Lord Herschell and evaluate the needs of authors, publishers, and their allied professions to reorganize the law.<sup>125</sup> The report, produced by the 13 member committee, procured testimony from 15 witnesses. The range of voices included such disparate witnesses as Frederic Richard Daldy, Honorary Secretary of the Copyright Association; George Herbert Thring, Secretary for the Society for Authors; Charles Rivington, Clerk at the Stationers' Company and Registering Officer; Edward Maunde Thompson, Director and Principal Librarian of the British Museum; Edward Williams Byron Nicholson, Librarian at the Bodleian Library; Blumer Howell, legal adviser to the Photographic Copyright Union; and Henry Tanworth Wells, member of the Royal Academy, among others. Charles Frederic Moberly Bell was the only person directly associated with the newspaper press to give testimony on the copyright bills before the House of Lords in 1898.<sup>126</sup>

Prior to Bell's testimony, the committee had heard evidence from the well-known publisher John Murray. As he explained it, the copyright bill under consideration was the result of a committee which he chaired including representatives from "the Copyright Association, the

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<sup>125</sup> See Herbert G. Thring, "Recent Attempts at Copyright Legislation," *Fortnightly Review*, March 1, 1898, 461-67.

<sup>126</sup> Report on the Copyright Bill [H. L.] and the Copyright Amendment Bill [H. L.] (hereafter RCB/CAB), 1898, v-ix. For clarity and specificity, I cite the person under questioning, followed by the page number and the question number. The version cited here comes from LCA/LD 24/3/2/1.

Society of Authors, the Publishers' Association, and representatives of the Music Sellers, the Engravers, the Photographers, the Artists, the Authors, and the Journalists.”<sup>127</sup> The sub-committee, including Bell, met at John Murray's residence and collectively drafted the bill between October and December 1897 with the purpose of bringing the proposed bill into alignment with each of their special interests. When asked if there was general agreement on the bill as it stood before the House of Lords, Murray reasoned:

[...] there were points which were not finally settled, upon which they either did not quite agree or they felt that they could not find themselves on behalf of their fellow workers; but on the whole I think I may say that it was received with a unanimity quite equal to what had been expected.<sup>128</sup>

Murray went on to explain how the proposed bill defined more clearly the persons and contexts to whom and to which copyright should be granted. The committee was largely concerned with definitions of ‘originality’ and copyright in books, essays, abridgements, reviews, and music; however, the originality of *news* was a point of contention.

Lord Monkswell, concerned with Clause 11 of the proposed bill, which dealt specifically with news, pointed out to John Murray that this inclusion went against the copyright provisions outlined in the Berne Convention of 1886 which noted that news was not to be copyrighted.

Article 7 of the Berne Convention stated:

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation in the other countries of the Union, unless the authors or publishers have expressly forbidden it. For periodicals it shall be sufficient if the prohibition is indicated in general terms at the beginning of each number of the periodical.

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<sup>127</sup> RCB/CAB, 1898, John Murray, 3, q. 2.

<sup>128</sup> RCB/CAB, 1898, John Murray, 3, q. 3.

This prohibition cannot in any case apply to articles of political discussion, or to the reproduction of the news of the day or miscellaneous information.<sup>129</sup>

The proposed bill, however, did just the opposite. Clause 11 stipulated: “Copyright in respect of a newspaper shall apply only to such parts of the newspaper as are compositions of an original literary character, to original illustrations therein, and to such news and information as have been specially and independently obtained.”<sup>130</sup> Lord Herschell, perhaps recognizing the complexities of this particular type of copyright and the new departure in the law offered in the proposed clause, asked Murray, “Is there not great difficulty about this question of copyright?” to which Murray simply replied, “Very great.”<sup>131</sup>

Lord Herschell commented that he understood the reasons why newspaper proprietors were advocating for protection and went so far as to even say that they were just in their effort to seek protection from “the evil” which deprived certain proprietors “of the advantage of the large sum of money which they have invested in obtaining the news.”<sup>132</sup> However, Lord Herschell urged Murray to agree that if the law granted a copyright to news there would be “considerable difficulty in defining the news to which you give copyright.”<sup>133</sup>

The parameter of “news specially and independently obtained” was puzzling to the committee. Lord Thring interjected that he thought “specially” to be an especially awkward word. He remarked that a correspondent’s work must be protected because they are in the form

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<sup>129</sup> The Berne Convention, 1886, Article 7. The Paris Additional Act, 1896, included a provision that serial novels (*romans-feuilletons*), including short stories, published in newspapers or magazines could not be reproduced, in original or in translation, without permission of the author or a lawful representative.

<sup>130</sup> LCA/LD 24/3/2/1, A Bill Intituled An Act to consolidate and amend the Law relating to Copyright, 1898, 61 Vict., c. 11.

<sup>131</sup> RCB/CAB, 1898, John Murray, 17, q. 231.

<sup>132</sup> RCB/CAB, 1898, John Murray, 17, q. 232.

<sup>133</sup> RCB/CAB, 1898, John Murray, 17, q. 235.



of articles; however, Murray explained that this was simply not the case. Making an effort to explain the importance of that particular phrase, he noted that this was one feature of the English newspaper which should “be regarded as pre-eminent among newspapers, that is, in having highly-paid correspondents living abroad, who move in official and influential circles, who obtain news for the newspapers.”<sup>134</sup> He also noted that the type of news that correspondents telegraph to their newspapers was “quite different from Reuter’s telegrams” in that the information was often investigatory and dependent on the correspondent being embedded in the locality for an extended period of time – often without procuring any news whatsoever for the benefit of their employer.<sup>135</sup> Lord Herschell gave lip service to the potential hardship but repeated his earlier question, “is there not considerable difficulty in giving copyright in news” to which Murray replied, “I admit the great difficulty.”<sup>136</sup> Challenged with more questions on the implications for this clause, Murray admitted that the committee was presenting him with questions that were beyond his depth and repeated for the third time that he was “fully conscious of the great difficulty of this.”<sup>137</sup> The publisher recommended that, as he was not a newspaper man, this particular clause might be better explained and defended by someone of the press.

The following week, on 20 June, Moberly Bell took his seat before the committee. Almost immediately, the committee’s chairman, Lord Herschell, zeroed in on Clause 11 of the proposed bill. Lord Herschell, as he had done with John Murray, explained that the portion of the clause that granted protection “to such news and information as have been specially and independently obtained” was confusing if not concerning to the committee.<sup>138</sup> At this stage in the

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<sup>134</sup> RCB/CAB, 1898, John Murray, 17, q. 235.

<sup>135</sup> RCB/CAB, 1898, John Murray, 17, q. 235.

<sup>136</sup> RCB/CAB, 1898, John Murray, 17, q. 236.

<sup>137</sup> RCB/CAB, 1898, John Murray, 18, q. 246.

<sup>138</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 53, q. 865.

inquiry, Lord Herschell and the committee were now informed by legal writer Thomas Edward Scrutton's testimony and report on the bill, which expressed doubt whether Clause 11 could "be usefully done."<sup>139</sup> Bell was in a challenging position to effectively defend an entirely new head of copyright. He explained that the proposed language enshrined what had already "been admitted practically by the judgements of different courts," however, Lord Herschell retorted that the judgements in question were "with regard to the mode in which the news was conveyed, not the mere fact apart from the mode of its conveyance."<sup>140</sup> The chairman was pointing out the division between knowledge of a fact and the literary form in which a newspaper might convey the fact. The literary quality might be protected but the knowledge of facts could not be held to copyright. Bell's position was that "the circumstances of the publication of newspapers are so totally different from the publication of books that they require special penalties and separate protection."<sup>141</sup> As he explained, "I consider that there is a very gross injury which the press sustains, for which there is nominally a legal remedy." He proceeded to clarify his position that the mere fact that a given text appears in a newspaper disqualified it from protection was an incongruity in the law.<sup>142</sup>

While the law offered some protection for the literary expression of news, he explained that this protection was "illusory" at best. By way of example, he pointed towards a recent case where *The Times* published a telegram on a Monday that cost £1,200 in reference to the revolution in Argentina. The news in question was of interest to the government and the public more generally and there was an immediate demand for the newspaper. As Bell explained it, the demand was so much that *The Times* could not print the papers fast enough to supply the sale.

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<sup>139</sup> RCB/CAB, 1898, Appendix F, 267-86; 273.

<sup>140</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 53, q. 867.

<sup>141</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 64, q. 1070.

<sup>142</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 53, q. 869.

However, at 10 o'clock, the demand suddenly stopped, and papers sent to newsagents were sent back. As it happened, the *Piccadilly Gazette* had made a verbatim reprint of the expensive telegram and was selling the news at a third of the price asked for by *The Times*. The remedy, according to Bell, was extremely convoluted and generally unhelpful:

What is our remedy, you say we have one? We can go to a judge in chambers. After a great deal of formality to prove that we have the copyright we have an audience fixed for Wednesday; the matter is discussed for two days, and then lastly there comes out the result. What is it? An injunction that the "Piccadilly Gazette" of Monday is no longer to be sold. But they never wanted to sell it after Monday. The wrong has been done, and we have no remedy. We have an injunction which is valueless, and have spent 600*l.* perhaps in getting it.<sup>143</sup>

In reply, Lord Herschell suggested "giving a copyright in news would make no difference in that respect, because the remedies against infringement would remain the same as they are at present."<sup>144</sup> While the inclusion of Clause 11 would be helpful for Bell and *The Times*, Bell's motivation was to revise how the law discouraged publishers from litigating copyright infringements over news.

Seizing the opportunity, Bell advanced his outlook for a complete copyright for news that was in similarity to what was conferred in Australia.<sup>145</sup> As early as 1869, the colonies that became Australia granted protection to telegraphic news on account of the expense of procurement. Periods ranging from 24 to 78 hours copyright was granted in Victoria in 1871,

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<sup>143</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 53, q. 870.

<sup>144</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 53, q. 871.

<sup>145</sup> Lionel Bently, "Copyright and the Victorian Internet: Telegraphic Property Laws in Colonial Australia," *Loyola of Los Angeles Law Review* 38 (2004): 71-176.

South Australia in 1872, Tasmania in 1891, and Western Australia in 1895.<sup>146</sup> The limited copyright in news was granted on account of the exceptionally costly nature of receiving news. As telegraphy had since expanded (as had *The Times's* investment) he viewed Australia as a model that the United Kingdom might follow to protect the investment in news and the infrastructures for obtaining it. As he put it to the committee, if there was a copyright in news, “then there would be a certain danger in infringing it.”<sup>147</sup> If the law was to uphold these new provisions for a copyright in news, the question of the period of copyright was of concern to the committee. The bill as it was before the Select Committee read that copyright would be granted for 30 years. When asked by Lord Herschell if this was prudent, Bell immediately retreated to a timespan similar to Australia, stating, “If you will give us 24 hours we will be content.”<sup>148</sup>

While the Select Committee found it difficult to fathom how the law might give property to a fact, Bell explained that this was not entirely what he intended. He wished for any person to state a fact as it appears in a newspaper or as they know it more generally, but “that no newspaper may publish it unless they can show that they have got it at their own expense; they may not copy it from those who have it.”<sup>149</sup> For Bell, there was a distinction between news of a fact and possession of a fact. When an event occurs, anyone who witnesses it might telegraph it

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<sup>146</sup> Perhaps the most drastic law, Section 3 of The Newspaper Copyright Act, 1891, passed in Tasmania, stipulated “Every person who shall republish in any newspaper any portion of any message received by electric telegraph from any place outside or within the Colony of Tasmania, and publish in any other newspaper within Forty-eight hours after the first publication thereof in the newspaper in which it first appeared, without consent of the proprietor of such last-mentioned newspaper to so republish such matter, and not having previous copyright in such matter before its publication in the newspaper in which it first appeared, shall, for every such offence, upon conviction thereof upon the information of the proprietor of the newspaper in which such matter was first published, or his attorney or agent, forfeit and pay a penalty not less than Twenty Pounds nor more than One hundred Pounds.” The law also outlined that disputes must be heard by at least two or more justices and that half of every penalty must be paid to the informant and the other half to the Treasurer of Tasmania. See especially, Sara Bannerman, *International Copyright and Access to Knowledge* (Cambridge: Cambridge University Press, 2016), 93.

<sup>147</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 53, q. 871.

<sup>148</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 55, q. 911.

<sup>149</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 54, q. 874.

for publication. *The Times* did not believe that only one person or only the first person should be able to have the right to publish news of the event. However, if their agent happens to be the *only* person who telegraphs it, they should have protection in its publication from competing editors who might reach for the editorial shears to also include the news in their publication. Bell explained, “The first conveyance and publication of the fact” should be entitled to protection unless another person obtains it independently.<sup>150</sup>

This was not to say, however, that Bell believed that the fact itself could not be used at all. As he put it, “you can quote it, you can criticize it, but you cannot take it out bodily.”<sup>151</sup> In another example, he referred to a telegram from Peking that *The Times* had recently printed and contrasted the ways that two competing newspapers had used the telegram for themselves. The *Westminster Gazette* acknowledged that *The Times* had a correspondent in Peking and that it was they who received the telegram. The article then proceeded to quote certain portions of the telegram and gave comments that agreed and disagreed with the information that had been conveyed. Bell put it plainly, “We have no objection to that.” However, another paper (which he did not name) provided the simple addition that “The Press has been informed” before reprinting the entire telegram verbatim.<sup>152</sup> As Bell explained, there was no procedure except an injunction, which was entirely unhelpful. Pulling Bell back towards the bill before the Select Committee, Lord Herschell pointed out that Clause 11 did not offer any penalty or remedy beyond injunction. Bell, however, disagreed. He argued, “a newspaper is a book.”<sup>153</sup> As such, Bell argued that an infringement on copyright should be dealt with by the same rules.<sup>154</sup> The question of equating a

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<sup>150</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 54, q. 877.

<sup>151</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 54, q. 884.

<sup>152</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 54, q. 884.

<sup>153</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 54, q. 888.

<sup>154</sup> LCA/LD 24/3/2/1, A Bill Intituled An Act to consolidate and amend the Law relating to Copyright, 1898, 61 Vict., c. 27. Clause 27 stated, “The owner of copyright in any book shall also be entitled to the

newspaper with a book had long been questioned.<sup>155</sup> While the 1842 Copyright Act and the 1878 Royal Commission on Copyright offered conflicting evidence, this was Bell's attempt to put the question to rest and guarantee real protection for news, with genuine consequences for infringement.

It is crucial to note in Bell's testimony the examples he made to substantiate his arguments. The news he spoke of was never a trifle. It was always concerning knowledge of an assassination, revolution, or great discovery. He compared the journalist to a chemist detecting a new element or an astronomer locating a new planet and having the right to communicate their findings to the world and not fret over a competitor reprinting the information verbatim and turning a profit in it. In doing this, he elevated the stakes of the debate. He insisted that a bill containing the words "and to such news and information, as have been specially and independently obtained" was crucial to the success and protection of news procurement and distribution.<sup>156</sup>

For Bell, this debate was less about the logistics of preventing news from being copied and more about the state offering protections for news while encouraging newspaper proprietors to expand their resource network. This was about expanding the infrastructures for procuring

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remedies prescribed by clauses twenty-four and twenty-five of this Act in any of the following cases: (i.) The importation from or exportation to parts beyond sea for sale of any such book printed without the consent in writing of such owner. (ii.) The sale or publication or exposure for sale or hire, or the having in possession for sale or hire, any such book with knowledge that the same was so unlawfully printed. [...]" The reference to Clause 24 was an error, as this section dealt with 'Delivery to Libraries'. Clause 27 meant to reference Clause 25 and 26 under 'Legal Proceedings and Penalties'. Clause 25 provided "The owner of copyright in a literary or artistic work, or performing right in a dramatic work or musical composition, shall without prejudice to any other remedy, be entitled to damages for and to an injunction restraining infringement." Clause 26 noted "If any person infringes copyright in a literary or artistic work, or performing right in a dramatic piece or musical composition, he shall, without prejudice to any other remedy, be liable to a penalty not exceeding ten pounds for each offence, or if such infringement is by representation, the whole proceeds of such representation, and the penalty shall be paid to the person aggrieved."

<sup>155</sup> For example, see Chapter 4.

<sup>156</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 54, q. 891.

news and information supported by the state through serious laws that would curtail the free and widespread reprinting. When Lord Herschell suggested that the complete prevention of anyone copying news was an impossibility, Bell leapt at the opportunity to explain:

But, of course, it [the news] would immediately be obtained by others. If you encourage them to get information, there will be no limitation in one person. The existing Copyright Act does the public enormous harm, because, as an instance, in Peking we have been very much criticised for the correspondent we have there, the news he has sent cannot be contradicted, simply because he is alone and there is nobody else to do it. Why; because there is no protection. The absurdities that you draw attention to, and the possibility of its really coming to copyright of the fact, would be done away with at once if you had proper protection of it.<sup>157</sup>

For Bell, the cure was protecting capital investment to stimulate competition. The copying of expensive news reports from his correspondents was the result of his competitors not needing to send journalists to distant places because they could easily lift material from *The Times* with very little penalty. A copyright in news with a dependable remedy for infringement would instill a new kind of rivalry where, in Bell's view, every place would have "proper correspondents; the press would not be, as now, starved in news and thrown into the hands of either one news agency or one newspaper."<sup>158</sup> He did not want to limit the public's access to news. He wanted to enhance the scope and variety of news that publishers collected and made available to newspaper readers.

As Bell explained to the committee, he wanted strong copyright laws in place but for them to be effectively irrelevant on account of real competition and variety in the news obtained

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<sup>157</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 55, q. 913.

<sup>158</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 56, q. 914.

by proprietors from across the globe. If five journalists acquired the same news, he reasoned by way of example, a copyright provision would protect each of them for whatever specific information they acquired independently. However, Bell noted that “the copyright would have no value whatsoever [...] it would be practically common property.”<sup>159</sup> When the committee protested, he pressed on, maintaining that once five papers had word of the news in question “it would not be worth the while of any other newspaper to take it.”<sup>160</sup> Bell, unlike the members of the committee, had extensive insider knowledge of how the press functioned and what sort of texts were desirable to a newspaper editor for distribution.

When the committee protested that facts and news items circulate across 200 or 300 provincial papers, Bell explained that “nearly every provincial paper would get it in the ordinary course through a news agency.” He continued, “That is what we are practically driven to now; we are driven to Reuter’s service and things of that kind.”<sup>161</sup> Lord Welby, concerned about suppressing important information, asked if it would “be possible to keep the whole world in ignorance of a most important fact for 24 hours except a certain number of people who read the one newspaper.” Bell reiterated that such a situation would be extremely unlikely. Lord Welby had difficulty comprehending Bell’s scheme. He asked:

I cannot get over one great difficulty in the matter. It is possible to conceive that the very large public of the United Kingdom will be content to wait, say, in Edinburgh, for a particular bit of news until the “Times” has arrived there by train at about 6 o’clock in the evening, leaving London at eight o’clock in the morning?<sup>162</sup>

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<sup>159</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 56, q. 918.

<sup>160</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 56, q. 920.

<sup>161</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 56, q. 921.

<sup>162</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 62, q. 1031.



And also in Manchester and Liverpool, and all over the kingdom. It seems to me that the public would rise against such a limitation as that, which would keep them in darkness as to an important piece of news for several hours?<sup>163</sup>

Bell answered, “They would not be kept in darkness, because immediately as the Act was passed the ‘Scotsman’ in Glasgow and Edinburgh, and the ‘Manchester Guardian,’ and all the rest would take care to have their correspondents in those places.”<sup>164</sup> If an efficient copyright in news was put in place, Bell averred, “there would be keen competition to provide news, and it would come from half a dozen different sources.”<sup>165</sup> Bell’s challenge in convincing the committee was that they could not conceptualize news circulation apart from *The Times*.

While Bell preserved his vision of a newspaper press that was rife with competition and stronger and better informed on account of it, the Select Committee had doubts about whether or not the judiciary could enforce a copyright in news. They grilled Bell with various scenarios and circumstances whereby someone might get word of a piece of news and inadvertently reprint it, not knowing there was an embargo in effect. In some cases, it was clear that members of the committee did not completely understand the sort of news that Bell wished to see protected or how the newspaper press went about verifying legitimate news.<sup>166</sup> Taking each of the hypothetical questions in turn, Bell continued to stress that the world of news and journalism was

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<sup>163</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 62, q. 1032.

<sup>164</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 62, q. 1032.

<sup>165</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 57, q. 945

<sup>166</sup> For example, Lord Thring queried, “I should like to ask you one or two questions; I will take the plainest possible case so as to ascertain your opinion of the law. I will take the shortest possible sentence: ‘Spanish war ended’; supposing that is telegraphed from Cuba, do you think that at the present time those words, ‘Spanish war ended,’ would be protected under Mr. Justice North’s decision. I purposely take the barest possible announcement, which has no literary form really and truly?” Bell replied, “No, I do not think frankly that one could expect protection for words like that. As a matter of fact, it would be telegraphed by six or seven people before it became true, and would have no value.” See RCB/CAB, 1898, Charles Frederick Moberly Bell, 58, q. 960.

not as rigid as the book trade where authors wanted “absolute copyright in every line.” Bell underscored that there was “a great deal of latitude” in the press and “the newspaper is allowed to take reasonable extracts for review.” Giving example of his own scruples, “In our own case I frequently lay it down, ‘as long as you do not take more than half I do not mind’; at the same time I feel it is a matter of courtesy in a man asking me.”<sup>167</sup> Bell wanted his newspaper to have *credit* for acquiring the news and the power of recourse to punish those who took and reprinted his paper’s words but did not contribute anything new or original to the dialogue. He insisted:

I perfectly agree that if a newspaper, an evening paper, say, mentions it, and says “‘The Times’ has a telegram from so-and-so,” and gives three lines of it, and the telegram has 50 lines, that does do us good; it certainly does us no harm; we do not object. That is like the review of a book.<sup>168</sup>

He was not concerned with snippets and the reprinting of inconsequential information. He wanted expensive telegrams of considerable investment protected from editors who clipped from *The Times* and passed the material off as original by “putting the first sentence last and the last sentence first.”<sup>169</sup> And, he wanted newspaper proprietors to empower the press with their own ventures in foreign correspondence.

Bell’s concept, while idealistic, was a British newspaper press that cooperated to produce wide-reaching and well-informed news. Bell’s outlook was that should the law grant new powers in copyright, the press would rarely have to exercise those powers at all. As he put it, “no difficulties would arise, evening papers, for instance, would arrange with the morning papers to reproduce it.”<sup>170</sup> With real consequences for infringement, publications that did not invest in

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<sup>167</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 58, q. 959.

<sup>168</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61-62, q. 1023.

<sup>169</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 59, q. 982.

<sup>170</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 50, q. 998.

correspondents of their own would seek out agreements with papers that did for the right to reproduce their news. Lord Welby inquired, “persons would not run the risk of having an action against them, or being put to great inconvenience in the matter, but they would soon avoid that, by getting the news from you for a moderate payment?”<sup>171</sup> This was precisely Bell’s point. If a newspaper’s management were not willing or able to send correspondents abroad, *The Times* would sell the news to newspaper publishers who could not, or would not, invest in obtaining it independently.

The practice of selling news was already in effect for *The Times* and Bell explained to the committee that they were already vending their newspapers before the usual distribution time to agents in America for “as much as 5*l.* or 6*l.* a copy.”<sup>172</sup> With the protection of the law, Bell estimated that *The Times* would be more inclined to enter such engagements with the domestic newspaper press as well. *The Times* spent £50,000 a year in foreign intelligence alone and the assistant manager acknowledged, “I do not suppose that, as it is, the whole united press of England spends as much as we do; and it is a question of how long it can continue.”<sup>173</sup> In response to Lord Herschell’s question as to whether the value of foreign correspondence would diminish, Bell reiterated the stakes:

It would be of importance then, because each paper would try and get good correspondents, and would try to obtain its own news from all parts, which they do not do at present. At present a news agency starts a correspondent, who sends perhaps 20 words, and, as we have in a notorious case, two or three years ago, a telegram of 3,000 words was made of 37 words and published, and we and all the other newspapers were honestly taken

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<sup>171</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 60, q. 999.

<sup>172</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 56, q. 934.

<sup>173</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 60, q. 1004.

in by it; we published that news and the public discussed it all round, when it was purely imaginary and made in Fleet Street. That is the sort of thing to which one is liable.<sup>174</sup>

If the law was not revised and improved, Bell made it clear to the committee that *The Times* would be discouraged from continuing their investment. They would, however, be encouraged to spend more if granted protection against the piracy of descriptive telegrams.<sup>175</sup> Putting his position as plainly as he possibly could, he affirmed “The more protection we have the more we shall improve, and the more every other paper will improve.”<sup>176</sup> He persisted, “the press would be so much improved that each paper would be an independent paper instead of most of them being replicas of one.”<sup>177</sup> Bell projects *The Times*’s problems not as their organization’s ability to adapt to a changing marketplace or the intrusion of other highly competitive newspapers, but as those publications reprinting their journalism for a profit – directly at *The Times*’s expense.

Bell believed that a new law within the boundaries he described would create a new system of journalism. Some newspapers might have a dozen journalists verifying news and investigating different queries in one city while other newspapers would invest in sending an agent to a far-off place for an exclusive scoop. It would also greatly increase *The Times*’s circulation numbers. Lord Monkswell, however, did not believe Bell’s vision would ever come to fruition. He argued, “That is certainly a matter rather for prophecy than for dogmatising about, for expressing an opinion rather than saying anything more than opinion about it.” He went on to suggest that newspaper proprietors would undoubtedly pool their resources and agree to send one person to a particular place and share in the telegram.<sup>178</sup> Lord Monkswell pressed the issue:

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<sup>174</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 60, q. 1005.

<sup>175</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61, q. 1009.

<sup>176</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61, q. 1011.

<sup>177</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61, q. 1018.

<sup>178</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61, q. 1012.

You think you would have half a dozen people all getting the same emolument probably as your man does now. That is to say, that the newspaper would spend half a dozen times as much in getting foreign news as they do at present?<sup>179</sup>

It seems to me that it would be really a waste of power that you should have half a dozen people where certainly two would be enough, one to check the other?<sup>180</sup>

Bell dismissed the suggestions and asked the Lord Justice to consider the case of any war. He asked, “Did you ever know any papers that combined, three or four together, to have one correspondent?” Lord Monkswell offered no reply. Bell, however, reasoned that “at present every London paper has its correspondent at Paris. Why? Because telegraphy from Paris is cheap. It has not at Pekin. Why? Because telegraphy from Pekin is dear, and you get no protection [...] [two correspondents are] not enough for Paris. Why should it be for Pekin?”<sup>181</sup>

Bell continued with this line of argument to say that the law in its present form discouraged proper competition and enterprise in the press. He explained:

I rather think that it was at the time when your Lordship [Viscount Kuntsford] was at the Colonial Office that I was trying to get up a new service from Australia, and I offered to spend 3,000*l.*, provided that 10 other papers in the provinces would pay 100*l.* towards the news. I did not get one single paper who would undertake to spend 100*l.* in getting the Australian news. They said, practically, “We can all get it from the ‘Times.’ What is the good of our paying 100*l.* each for it?”<sup>182</sup>

The questions offered by some members of the Select Committee suggests a general misunderstanding of news production. Where the Lords Justice had a command of the law, the

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<sup>179</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61, q. 1013.

<sup>180</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61, q. 1014.

<sup>181</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 61, q. 1015-16.

<sup>182</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 62, q. 1034.

ways it could be enforced, and the phraseologies that would be sufficient to ensure compliance with the spirit in which the law was created, there was a clear disconnect with knowing how the newspaper press industry went about their business. It is worth reiterating, however, that in the system for which Bell advocated, his newspaper, *The Times*, was one of the very few publications with the necessary correspondents and journalistic infrastructure already in place – and certainly the most developed network. Bell was a capitalist and, while concerned with the quality of journalism, his business at *The Times* centered around their solvency and profits. *The Times*, like Reuters, the Press Association, and other news agencies, was motivated to sell their news while maintaining maximum profits and control.

The report submitted by the Select Committee of the House of Lords on 29 July 1898 noted that the committee was unable to complete the inquiry or reach a conclusion regarding how to proceed with a law of copyright.<sup>183</sup> The following year, in April 1899, the House of Lords formed a new Select Committee comprised mostly of the same members as the previous one, to continue work on a new report on the Copyright Bill and the Copyright Amendment Bill.<sup>184</sup> Before the Select Committee restarted, Lord Thring submitted a revised version of the copyright bill listed as ‘confidential’ and only to be used by members of the Select Committee. While not entirely what Bell would have hoped for, this draft did protect ‘news specially and independently obtained’ though for half the time that the manager advocated. *The Times* commented “The protection conferred by this clause is in more than one respect very inadequate, as practical journalists will at once perceive.”<sup>185</sup> Nevertheless, despite this deviation in the length of

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<sup>183</sup> RCB/CAB, 1898, iii.

<sup>184</sup> Lord Herschell died in March 1899 while in the United States negotiating the Anglo-American Copyright Commission. Lord Thring continued his work as chair of the Select Committee of the House of Lords on the Copyright Bill and the Copyright Amendment Bill. “Death of Lord Herschell,” *The Times*, March 2, 1899, 6.

<sup>185</sup> “Mr. Henry Whorlow,” *The Times*, July 10, 1899, 11.

protection, Clause 12 under ‘Special Provisions as to Certain Works’ generally supported Bell’s vision for a copyright in news:

The proprietor of any newspaper, or news agency, who has obtained specially and independently news of any fact or event which has taken place beyond the limits of the United Kingdom shall be entitled for the space of 12 hours immediately succeeding its publication to the exclusive right of publishing such news, and any person who publishes the same without the assent of the proprietor who has obtained the news shall be liable to a penalty, to be recovered summarily, or by action, not exceeding in amount two pounds for every copy in which he publishes the same.

Where two or more such proprietors have obtained news of the same fact or event specially and independently they shall all have equal rights as against all persons who have not obtained the news, but all rights shall cease 12 hours after the first publication of such news.<sup>186</sup>

That the proposed bill would enforce damages was significant. Bell contended in his testimony that the ability to show measurable damages for infringement was nearly impossible. He explained, “I may show that instead of buying a paper at threepence they bought a paper at a penny, and that, consequently, I have suffered the damage of twopence.”<sup>187</sup> This general form of recovering damages up to £2 for each copy with the infringement left considerable room for negotiation. A newspaper with a circulation of 50,000 copies, for example, would be subject to a maximum – and devastating – fine of £100,000. As Bell situated it to the committee, “our object is certainly not to get damages for the sake of damages; it is to be able to put a stop to the

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<sup>186</sup> LCA/LD 24/3/2/1, Confidential – For use of Select Committee, Copyright Bill [H. L.], Appendix A, 1-7; 3.

<sup>187</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 63, q. 1051.

practice.”<sup>188</sup> Bell went further to suggest that, with a law of copyright in news firmly in place, newspaper editors and proprietors would not be fearful of being fined, but rather of the dishonour of being associated with the breaking the law and reprinting news that was not lawfully theirs to publish.<sup>189</sup> He recommended that the snipping and reprinting of telegrams and news items specially obtained would simply fade away.<sup>190</sup>

While Bell may have advocated for what he believed to be a common good for the press and its readers, there was no common interest across the whole of the British newspaper press. The needs of the provincial press were not the same as metropolitan centers just as the interests of morning papers were not entirely the same as the evening post. Furthermore, *The Times*’s reach and ability to invest in news was comparable to very few British newspapers, London’s *Standard* and *Daily News* being chief competitors in terms of their ability to collect foreign intelligence. Provincial papers such as the *Manchester Guardian*, the *Scotsman*, the *Glasgow Herald*, the *Birmingham Daily Post*, and Liverpool’s *Daily Post* and *Mercury*, for example, were enterprising and commercially driven but could in no way compete with *The Times* in their capacity to collect and distribute news from abroad. Martin Hewitt, in discussing “the consequences of the law” in the nineteenth century British press, has reached a similar conclusion, stating “at no point was there a monolithic ‘press’ interest, any more than there was a one-dimensional relationship between newspapers and the law.”<sup>191</sup>

The Select Committee of the House of Lords continued their work into the summer of 1899. On 12 June and again on 7 July, Henry Whorlow, as secretary of the Newspaper Society

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<sup>188</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 64, q. 1063.

<sup>189</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 64, q. 1067.

<sup>190</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 64, q. 1068.

<sup>191</sup> Martin Hewitt, “The Press and the Law,” in *Journalism and the Periodical Press in Nineteenth-Century Britain* (Cambridge: Cambridge University Press, 2017), 147; 164.



(an organization that advocated for the interests of local and regional newspapers) appeared before the committee to give testimony.<sup>192</sup> Whorlow took a decidedly different view to his contemporary, Moberly Bell. According to Whorlow, the framework Bell provided to the committee “would practically revolutionize the practice of journalism.”<sup>193</sup> He agreed, “that journalistic enterprise ought to be protected, and that any proprietor or news agency that goes to great expense, as they do, for procuring important news from foreign countries, or for supplying home news by telegraph to newspapers, all over the kingdom, ought to receive the fullest possible protection.”<sup>194</sup> Nevertheless, Whorlow argued that most members of the Newspaper Society did not believe that the editors of large papers would not be sanguine over small appropriations within fair and reasonable limits as Bell had testified but rather that this bill would “embarrass the Press,” cause “endless friction” and ultimately give way to “vexatious” litigation.<sup>195</sup> Whorlow did not wish to see a copyright in news go beyond its written form. He commented, “the moral effect of the present law is sufficient for our purpose, coupled with the general honesty which prevails throughout the Press.”<sup>196</sup> When Viscount Knutsford presented him with Bell’s testimony, which explained that the copying of telegrams was illegal as a matter of law but recourse was wholly impractical, Whorlow simply stated, “Mr. Moberly Bell was

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<sup>192</sup> London papers joined the Provincial Newspaper Society in 1886 whereby the organization changed its name to simply, the Newspaper Society. London papers left the organization in 1916. In 1899 over 300 provincial papers belonged to the society and just over 50 London papers. See Matthew Taunton, “Provincial Newspaper Society (1836- ),” in *Dictionary of Nineteenth Century Journalism in Great Britain and Northern Ireland*, ed. Laurel Brake and Marysa Demoor, (London: British Library, 2009), 513-14. At the time of his testimony, Henry Whorlow was also the Press Association’s secretary, a position he held until 1909. He remained the Newspaper Society’s secretary until 1916. See RCB/CAB, 1898, Henry Whorlow, 181-82, q. 2613.

<sup>193</sup> RCB/CAB, 1898, Henry Whorlow, 110, q. 1643.

<sup>194</sup> RCB/CAB, 1898, Henry Whorlow, 110, q. 1645.

<sup>195</sup> RCB/CAB, 1898, Henry Whorlow, 181, q. 2605.

<sup>196</sup> RCB/CAB, 1898, Henry Whorlow, 111, q. 1653.

speaking, naturally, as manager of the ‘Times,’ from a different standpoint.”<sup>197</sup> He conceded that *The Times* was “looked on all over the world as the original fountain of information” and that acquiring that information was indeed expensive, but refused to agree that more protection for news was necessary.<sup>198</sup>

Whorlow implored the committee to acquire further evidence. In explaining his own position, he argued, “I would distinguish between copying and copying. I believe the whole journalistic system of this country is based upon copying, to a large extent, upon a legitimate and proper copying, if we could probe into every newspaper office.”<sup>199</sup> The report offers no indication of Whorlow’s inflection on the word ‘copying’. However, this statement was likely meant to convey that there were different degrees of copying that the bill did not take into account, variations that would influence the practices and business of members associated with the Newspaper Society. Whorlow was correct that scissors-and-paste journalism practices were commonplace throughout the press and, as Bell made clear, a copyright in news would redirect investment and the ways that news was procured. Whorlow, however, believed this new direction through a copyright in news was futile. With the rise of telegraphic communication, news procurement had become increasingly centralized around agencies and, whether or not the bill was enacted as law, he foresaw that the concentration of news around accredited agencies would continue.<sup>200</sup> *The Times* with their foreign correspondents was one of the few exceptions to the rule. While Viscount Knutsford argued that it “would be a great blow to the public” if news

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<sup>197</sup> RCB/CAB, 1898, Henry Whorlow, 111, q. 1654.

<sup>198</sup> RCB/CAB, 1898, Henry Whorlow, 182, q. 2620.

<sup>199</sup> RCB/CAB, 1898, Henry Whorlow, 110, q. 1655.

<sup>200</sup> The Select Committee was generally dissatisfied with the Newspaper Society for having only obtained the opinions of 105 of their 369 members (only 50 of which came from daily papers, eight of which were from London). Upon questioning the evidence supplied by Henry Whorlow to show that a copyright in news was not wanted, the committee determined that his survey was incomplete.

was reduced to a “uniform system,” Whorlow replied, “It is practically what they do at the present time.”<sup>201</sup>

*The Times* responded to Henry Whorlow’s testimony and took direct issue with the evidence and arguments he put forth to the committee. The newspaper commented, “Mr. Whorlow has the strongest possible dislike to this proposal for restricting the practice of purloining a very valuable form of private property, the reasons he alleged in support of his views are confused and unconvincing.” For *The Times*, the Newspaper Society was “unconnected” with the subject of the copyright bill and “the chief sufferers from the misappropriation of their news” were not represented by the society. London papers, the article argued, were not fully represented by the society. The author (likely Bell) argued that as provincial papers were generally produced through “the appropriators of news,” the members of the provincial press would no doubt reject a bill that penalized their operation.<sup>202</sup>

They declared themselves quite satisfied with the law under which the “morning express edition” of the provincial journals is supplied free of cost with the cream of the special intelligence paid for by the London proprietors, and they “especially disapproved” of the clause which is aimed at this pleasant and profitable custom.<sup>203</sup>

For *The Times*, Whorlow’s admission that the Newspaper Society wished for a system in which news circulated without restriction and without payment to continue was evidence enough of the need for serious reform. Perplexed and frustrated by the contradiction, *The Times* concluded, “They say that the present law gives proprietors ample protection, and in the same breath they are forced to confess that a great class of journals in this country systematically indulge in a

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<sup>201</sup> RCB/CAB, 1898, Henry Whorlow, 113, q. 1680.

<sup>202</sup> “Mr. Henry Whorlow,” *The Times*, July 10, 1899, 11.

<sup>203</sup> “Mr. Henry Whorlow,” 11.

practice only possible because in fact no effective protection of copyright in news exists.”<sup>204</sup>

Whorlow’s divergent and conflicting testimony was his defeat.<sup>205</sup> When Lord Thring asked him if the provincial press received expensive intelligence from London papers and reprinted it on account that it was not generally objected to, he denied it.<sup>206</sup> However, in the next breath, he suggested that the clause would make reprinting “illegal and render newspapers liable to penalties for doing that which they do at the present time, and which nobody objects to.”<sup>207</sup> The organizations Whorlow represented had a vested interest in seeing that a copyright in news was not included in the bill.

The Select Committee’s report submitted 24 July 1899 shows that Henry Whorlow’s testimony had little influence. Lord Thring explained in a memorandum the motivation for Clause 12 which the committee extended to 18 hours protection:

This clause adds to the law by making ‘news,’ independently of the form in which it is conveyed, the subject of copyright and imposing an efficient penalty for its infringement. [...] There seems no reason why news acquired by the exercise of great ability on the part of special correspondents and at great expense should not be protected by copyright as much as a letter or article commenting on the news so required.<sup>208</sup>

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<sup>204</sup> “Mr. Henry Whorlow,” 11.

<sup>205</sup> Further supporting Henry Whorlow’s inconsistency (and that perhaps his testimony was compromised by his affiliation with the Press Association and Reuters) is an 1897 commentary he submitted to *The Journalist* in response to the case, *Trade Auxiliary Company and Others v. Middlesbrough and District Tradesmen’s Protection Association*. In part, he wrote, “Surely if the law protects the author of a mere compilation, possessing no literary merit, it equally protects a costly telegram graphically describing, say, a battle, and written by a specially-qualified and highly paid expert.” See “Literary Theft,” *The Journalist*, May 21, 1892, 5.

<sup>206</sup> RCB/CAB, 1898, Henry Whorlow, 183, q. 2643.

<sup>207</sup> RCB/CAB, 1898, Henry Whorlow, 182-83, q. 2633; 2652.

<sup>208</sup> LCA/LD 24/3/2/1, Lord Thring, Copyright Bill, Memorandum on the Copyright Bill as Reported by the Select Committee, 1-9; 4.

Lord Thring explained that the committee's intent with extending the copyright to 18 hours but not granting the full 24 was to foster cooperation and collaboration within the press for distributing news throughout the United Kingdom:

The effect of this provision, if carried, will be to oblige the evening newspapers to combine with the *Times* and other newspapers, which procure foreign news at a great price, in contributing to the expense thus incurred, and it is anticipated that the public will be benefited by the consequent enlargement of the organization set on foot for securing foreign correspondence.<sup>209</sup>

Writing for the *Fortnightly Review* in March 1900, Herbert G. Thring, secretary for the Society of Authors, commented that Clause 12 was approved by “*The Times* and other great daily papers” but acknowledged that it would “cause considerable disturbance amongst those papers whose existence depends upon taking cuttings from other papers.” Despite the dramatic changes it would enact on the journalistic landscape and the challenge to the well-established and deep-rooted borrowing practices, Thring thought it satisfactory “that individual effort entailing an enormous expenditure should be adequately protected.”<sup>210</sup>

The bill, however, would never pass into law. Lord Salisbury's Parliament was dissolved on 25 September 1900 for the last general election of the Victorian era. For reasons that are not entirely clear, the bill was not carried over to the following parliamentary session. However, efforts to reform the copyright law persisted.

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<sup>209</sup> Lord Thring, “The Copyright Bills, 1900,” *Nineteenth Century*, June 1900, 1017; 1009-19.

<sup>210</sup> Herbert G. Thring, “Lord Monkswell's Copyright Bill,” *Fortnightly Review*, March 1, 1900, 462; 453-63.

Bell remained *The Times*'s assistant manager until 1908 when he became managing director.<sup>211</sup> He continued his copyright crusade until his dying breath. At 2 o'clock in the afternoon of 5 April 1911, as sleet and snow came down outside Printing House Square, Charles Frederick Moberly Bell died while sitting at his desk, three days after his sixty-fourth birthday. He was in the midst of penning a letter to Sydney Buxton, one of the backers of the 1911 Copyright Bill that would pass on 16 December 1911.<sup>212</sup> Bell believed the bill was inadequate and effectively legalized "burglary and larceny" in the newspaper press.<sup>213</sup> While Bell's position on a copyright in news remained unchanged, his rhetoric reduced the issue to pilfering. Bell's final letter communicated how exasperated and discouraged he had become:

There is something to be said for [the 1911 Copyright Bill] I admit and the next time I have the pleasure of calling on Mrs. Buxton I shall try to pick up some unconsidered trifle and on my way home shall call at a Police Office explain that it is the property of Mrs. Buxton show that it had not certificate of property attached to it and treat it as my own until someone else manages to abstract it from me in the same manner. Of course, I must wait till your Bill passes with I hope an amendment to be provided that it applies to all other kinds of property not specially guarded by a certificate of ownership.<sup>214</sup>

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<sup>211</sup> F. Harcourt Kitchin, *The London 'Times' Under the Managership of Moberly Bell*, (New York and London: G. P. Putnam's Sons, 1925), 9.

<sup>212</sup> Debate on the need for comprehensive revision to the law of copyright continued well into the twentieth century, culminating with the 1911 Copyright Act which offered none of the protections for news advanced in the 1898-1899 Select Committee reports. The only provision extended to newspapers was the right to publish public lectures and political speeches as had been outlined in the judgement for *Walter v. Lane* [1900] AC 539. See also Bell, *Life and Letters*, 313.

<sup>213</sup> TT/MGR/CMB/2, Moberly Bell Papers, Correspondence from C. F. Bell and Sydney Buxton, April 5, 1911.

<sup>214</sup> TT/MGR/CMB/2, Moberly Bell Papers, Correspondence from C. F. Bell and Sydney Buxton, April 5, 1911. See also *The History of the Times Vol. III: The Twentieth Century Test, 1884-1912*, (New York: Macmillan Co., 1947), 753-54.

The letter was unfinished, but its contents reiterated his unfulfilled position for the necessity of a copyright in news specially and independently obtained. In Bell's view, when his competitors took news that *The Times* had gathered independently at their own expense and reprinted it for a profit, this was piracy and theft.

### *Conclusions*

Bell did not realize his vision for a copyright in news. While the newspaper press gained judgements that assisted in ensuring the protection of news in particular circumstances, the all-encompassing time-limited prohibition on news for which Bell advocated never passed into law. While access to the latest news and information was valuable to the British public and government, newspaper content remained unprotected from damages in the form of reprinting. This chapter demonstrates the effort of one man, Moberly Bell, who was perhaps more in tune with the investment in news, and the costs of reprinted texts to newspaper publishing, than any other manager, editor, or journalist in the United Kingdom. In terms of output, *The Times* was no doubt an outlier. Their ability to invest in news and procure it at great expense was unmatched by most other London papers and nearly all of the provincial press. Bell argued consistently and intensely for the need for legal protection, not only for the form news took, but also its substance. The clause that angered Bell as he wrote his dying letter was eventually removed from the bill and the 1911 Copyright Act did recognize a copyright in newspapers. However, the relief that Bell advocated for, protection over the factual details of news, was not granted. Under a "fair dealing" clause, the law permitted the reproduction of texts for the purpose of criticism, review, or "newspaper summary." There was no protection for news specially and independently

obtained.<sup>215</sup> No doubt, the newspaper editors who relied on a steady stream of news content which they clipped from other publications were pleased with this provision. The work of scissors-and-paste persisted.

In the following chapter, I explore an unusual example of a newspaper that relied entirely on the practice of scissors-and-paste to compile its content. The case, situated in Ireland's revolutionary newspaper press, shows that newspapers engaged in scissors-and-paste journalism with varying motivations for lifting both new and old texts with and without attribution. The journalist Arthur Griffith harnessed the tools of scissors-and-paste in an effort to challenge censorship law and obstruct British authority in controlling the Irish press. While Moberly Bell and *The Times* were concerned with the reprinting of the latest news immediately after publication, the authorities at Dublin Castle were concerned with the reprinting of old news collected from across the British and international press. Griffith collected and published reprinted news items to inform his readers, but his broader aim was to demonstrate a hypocrisy of censorship.

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<sup>215</sup> Copyright Act, 1911, 1 & 2 Geo. 5, c. 46, s. 2 (1) (ii).



## Chapter 6

### **Circumventing Censorship: Arthur Griffith's *Scissors and Paste* in the Irish Newspaper Press, 1914-1915**

Textual snippets of all sorts that were collected and recycled back into the periodical press are significant cultural fragments. Reprinted texts were read, evaluated, and redeployed into the periodical press by *someone*. They were intentional. The process of selecting old texts for redistribution may not in every case have occupied substantial time and serious thought but where reprinting is substantive (especially if it concentrates on news and politics) it can indicate something about an editor's motivations and outlooks. The usefulness of identifying scissors-and-paste journalism and exploring the circumstances and cultural spaces that allowed for its use is that this aspect of print culture captures a reading experience. Journalists who engaged in scissors-and-paste journalism practices were active readers who harnessed someone else's words to supplement their own voice. While cutting from one and pasting into another, these journalists were 'doing' subeditorial work and 'making' the news. Examining scissors-and-paste journalism in these terms affords an opportunity to evaluate the people who read newspapers and the ways those readers *used* newspapers.

To consider the history of reading and the motivations of editors who engaged in reprinting texts, this chapter examines the work of journalist and editor Arthur Griffith.<sup>1</sup> His

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<sup>1</sup> While I was preparing this dissertation, Colum Kenny (Dublin City University) published an article on Arthur Griffith's *Scissors and Paste* in *Media History*, using similar quantitative methods. There are some differences in our account of the contents in the newspaper (which I explain in this chapter). Furthermore, I engage different points of entry into the importance of Arthur Griffith's newspaper and the usefulness of scissors-and-paste journalism to study newspaper publishing. Moreover, Kenny does not use the Dublin Castle reports in his analysis. See Colum Kenny, "Scissors and Paste: Arthur Griffith's use of British and other media to circumvent censorship in Ireland, 1914-15," *Media History* 24.3-4 (2018): 223-49. Also see Colum Kenny, "'An extraordinarily clever journalist': Arthur Griffith's editorships, 1899-1919," in *Periodicals and Journalism in Twentieth Century Ireland: Writing Against the Grain*, ed. Mark O'Brien et al. (Dublin: Four Corners Press, 2014), 16-30.

newspaper, *Scissors and Paste*, was a four-page halfpenny Irish nationalist twice-weekly, published in Dublin from 12 December 1914 until its suppression on 27 February 1915. Unique to Griffith's aptly named paper was that its content was made entirely from previously published sources. No doubt, the title was a direct reference to the scissors-and-paste journalism news gathering technique. *Scissors and Paste* included extracts from sermons, history texts, poetry, legislation, news, and essays from print markets in Ireland, Britain, the United States and beyond. Keeping the body text of articles intact, Griffith regularly rewrote the headings, which was a typical part of the scissors-and-paste journalism method. All the journalism that appeared in this publication had been previously widely dispersed and available to readers.

Griffith's little-known newspaper offers an important vantage point for understanding the relationship between reading and editing in the context of scissors-and-paste and the people behind the texts (in this case a calculating editor) who recirculated ideas and information for public benefit. This contrasts with scissors-and-paste research that focuses on dissemination networks.<sup>2</sup> In Griffith's case, it was a politically motivated action. As I have argued throughout this dissertation, the value of studying reprinted texts and scissors-and-paste is attaining a closer understanding of the labour of reading and recirculation.<sup>3</sup> Considering that Arthur Griffith was almost certainly carrying out this editorial work single-handedly, a close inspection of the reprinting practices and print networks reveal Griffith's own reading, the variety of print media

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<sup>2</sup> David A. Smith, Ryan Cordell, and Elizabeth Maddock Dillon, "Infectious Texts: Modelling Text Reuse in Nineteenth-Century Newspapers," *Proceedings of the Workshop on Big Humanities* (IEEE Computer Society Press, 2013) accompanied by the online platform <http://viraltxts.org/>. For a more recent and global model for newspaper dissemination networks, see M. H. Beals and Emily Bell, *The Atlas of Digitised Newspapers and Metadata: Reports from Oceanic Exchanges* (Loughborough: 2020), DOI: 10.6084/m9.gifshare.11560059.

<sup>3</sup> See Chapters 2 and 3.

he consumed, and the type of news and information he considered essential for citizens who were committed to a free Ireland.<sup>4</sup>

This chapter presents a history of scissors-and-paste that goes beyond the well-observed phenomenon of reprints – and reprints of reprints – now visible in digital databases. Arthur Griffith's case shows an editor who used scissors-and-paste as a deliberate tool to build a political argument, to demonstrate what he believed was the uneven application of censorship law and the unjust targeting of newspapers that engaged in a very particular kind of nationalist protest. In editing *Scissors and Paste* he was not creating a network, reworking texts to appear original, filling in space, or lifting the latest news and underselling his competitors. He leveraged an existing print network to help him make a statement that – as he rightly held – he could not say in his own words as an opponent of Britain's participation in the war in Europe, adamant against recruitment in Ireland, and an advocate for Ireland's self-rule. While Griffith's is an exceptional use of the editor's shears and paste pot, it underlines the diversity of motivations and causes for which an editor might clip from one and paste into another.

This chapter has five sections. First, I provide an account of the political circumstances in Ireland where Griffith's *Scissors and Paste* emerged. Second, I argue that Griffith's subversive newspaper was an important moment for scissors-and-paste journalism as a news gathering technique that challenged censorship law and temporarily thwarted British authority in regulating the Irish press. I contextualize the controversial newspaper as an expression of New Journalism, and examine the ways that Griffith's work as a journalist, and his larger political imprint, capture

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<sup>4</sup> There are no other names associated with *Scissors and Paste* either in scholarship or in Arthur Griffith's personal papers. While it is possible that he was working in cooperation with someone in locating and selecting texts for republication, it is most likely that the work of selecting texts was completed independently.

what W. T. Stead described as “government by journalism.”<sup>5</sup> Third, I lay out how an in-depth analysis of scissors-and-paste journalism in a single newspaper offers an opportunity to survey the history of reading.<sup>6</sup> I provide a quantitative analysis of the specific topics, periodicals, and geographies of the clipped texts in an effort to capture Griffith’s reading experience in creating the newspaper. Moreover, I examine Griffith and his critics at Dublin Castle as crucial readers and show how a history of reading can help clarify the interpretability of reprinted texts. While Griffith and his critics read the clipped material in very different ways (especially reprinted texts that account for Britain’s early participation in the war and the German Empire’s initial successes), these reading experiences indicate what distinct groups of readers thought about the reprinted texts. In the final section, I return to Griffith’s work as a journalist in the wake of newspaper suppression and the Irish Revolution, as well as his work to combat censorship, uproot British influence in the Irish press, and his rise to political influence.

Griffith’s *Scissors and Paste*, as a snide and sharply critical comment on the state of Ireland’s press shows a clear defiance towards British authority. Analysis of Griffith’s wider outlook on the Irish press reinforces that *Scissors and Paste* was not a simple political stunt or ingenuous comment on the press. Rather, it illustrates his artful dedication to viewpoints and news that challenged state narratives and state projects like recruitment. For Griffith, scissors-and-paste journalism offered an effective tool to communicate his particular viewpoint. This chapter places scissors-and-paste journalism alongside the political history of revolutionary Ireland and Arthur Griffith’s intellectual life.

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<sup>5</sup> W. T. Stead, “Government by Journalism,” *The Contemporary Review* 49, (May 1886): 653-74.

<sup>6</sup> For more on scissors-and-paste and the history of reading, see Chapter 1.

*Arthur Griffith's Scissors and Paste*

On 3 December 1914, Dublin Metropolitan Police visited the offices of Mahon's Printing Works and handed the proprietor, Patrick Mahon, the following statement:

In the opinion of the military authorities, there is matter in the issue of 'Ireland' which comes under the terms of Section 27 of the Regulations made under the 'Defence of the Realm Act,' and if any future issue appears with matter of the same character the Military Authorities will proceed under the Regulations.<sup>7</sup>

The next day, *Éire-Ireland*, a nationalist daily newspaper printed by Mahon at 3 Yarnhall Street in Dublin, appeared in its final issue accompanied by a statement from its editor, Arthur Griffith, about an admission printed in the *Irish Worker*, another paper printed by Mahon:

Yesterday the 'Irish Worker' appeared with its leading columns blank and an explanation that the editorial had been declined by the printer 'on the very reasonable grounds that it was against the Government, and he had been notified by the military authorities that if he printed any criticism of the Government, or against recruiting, he would be held responsible, that his place would be closed – and himself arrested'.<sup>8</sup>

Despite Patrick Mahon's attempted compliance, at 4 o'clock in the afternoon on 4 December, British military and Dublin Metropolitan police entered his office and seized his manuscripts and printing machinery.<sup>9</sup> Throughout Dublin, uniformed policemen accompanied by soldiers

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<sup>7</sup> [Arthur Griffith], "British Government and the Irish Press," *Éire-Ireland*, December 4, 1914, 1.

<sup>8</sup> [Griffith], "British Government and the Irish Press," 1. Griffith omitted the text that followed, "We will now rejoice, because: Home Rule is now on the Statue Book. Martial Law is now in force, and Free Expression of Opinion is forbidden." See "To Our Readers," *Irish Worker*, December 4, 1914, 4.

<sup>9</sup> British military and Dublin Metropolitan police were empowered by DORA, which passed the House of Commons without debate on August 7, 1914 three days after the United Kingdom entered the war in Europe. The act, written and moved by the Secretary of State for the Home Department, Reginald McKenna, granted the government executive powers to suppress published criticism in the name of "securing public safety" and, in effect, functioned as an authoritarian mechanism for social control and censorship. See Defence of the Realm Act, 1914, 4 & 5 Geo. 5, c. 29.

conducted simultaneous raids on newsagents to collect unsold copies of Irish-nationalist and labour newspapers, including the *Irish Worker*, *Irish Volunteer*, *Sinn Féin*, and *Irish Freedom*. Cork-based publications *Fianna Fail* and *Cork Celt*, were also confiscated. Postal authorities were instructed to prevent the circulation of the American newspapers *Gaelic American* and *Irish World* which offered aid for the recent Home Rule movement and the Irish Volunteers.<sup>10</sup> Within hours, the authorities had effectively restricted the Irish public's access to ideas that opposed recruiting, information about the Irish Volunteers, and perspectives that challenged Ireland's participation in the war in Europe. The coordinated police and military action effectively silenced newspapers that promoted Ireland's right to independence. The silence would not last. New York's *Evening Post* remarked that prohibiting Irish newspapers was "part of the English game, not merely to keep Ireland quiet, but to pretend that Ireland is quiet."<sup>11</sup> *The Daily News and Leader* commented, "It is a dangerous thing to suppress a newspaper; indeed, you can only suppress the cold print – the living spirit remains."<sup>12</sup>

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<sup>10</sup> *Defence of the Realm Act in Ireland*, (Dublin: Committee of Public Safety, 1915), 24. For Ireland's diaspora, the Home Rule movement, and the *Irish Worker*, see Una Ni Bhroimeil, "Political Cartoons as Visual Opinion Discourse: The Rise and Fall of John Redmond in the *Irish World*," in *Ireland and the New Journalism*, ed. Karen Steele and Michael de Nie (United States: Palgrave MacMillan, 2014), 119-40.

<sup>11</sup> Francis Sheehy Skeffington, "Ireland Held Under Rigid Military Rule," *New York Evening Post*, September 15, 1915, 5.

<sup>12</sup> Robert Lynd, "The Suppression of Irish Newspapers," *Daily News and Leader*, December 26, 1914, 1. For comparison, action was also taken against the *Labour Leader* in Manchester. The *New York Evening Post* reported on September 15, 1915 that the editor and manager were summoned before an inquiry of the stipendiary magistrate. Pamphlets produced by the *Labour Leader* were destroyed and copies of the newspaper itself were returned. The *Evening Post* noted, "No Irish case under the Defence of the Realm act has yet been tried in camera. But that is because in Ireland they have mostly dispensed with the formality of trial altogether! Where trials do take place, the Dublin Castle officials write to the Dublin press – now intimidated by the suppression of other papers, or heavily subsidized by big recruiting advertisements – and ask them to 'arrange reports to be merely a bare outline of the proceedings,' as Dublin Castle considers it 'against the public interest that details of the evidence or the speeches of the counsel in this case should be given to the public press.'" In the case of *Éire-Ireland* and *Scissors and Paste*, there is no known trial or record of the paper's disbandment.

For Griffith, the government's use of the Defence of the Realm Act (DORA) for the suppression of newspapers and of the Irish peoples' access to an alternative to the national press confirmed the expectations he outlined in *Éire-Ireland's* premier issues.<sup>13</sup> The newspaper's introduction on 26 October 1914 communicated that *Éire-Ireland* was founded with the intent "to report the proceedings of the Irish Volunteers Convention" from the previous day.<sup>14</sup> The convention, chaired by Eoin MacNeill in Dublin's Abbey Theatre and attended by some 160 uniformed delegates, was the defence force's first national meeting. The participants spoke about how to arm the Irish Volunteers, in the face of the government's proclamation against the importation of arms and munitions to which the Unionist Volunteers were not subjected.<sup>15</sup> Griffith anticipated that the national press, which he described unapologetically as "the prostitute daily Press of Ireland", would suppress the truth of the convention or "misrepresent and distort" the facts.<sup>16</sup> This suspicion of Ireland's national press manifests itself throughout its print run, with Griffith pointing to the unavailability of "reliable news of any National importance".<sup>17</sup> *Éire-Ireland* was Griffith's "daily bulletin of national truth" that he hoped would overcome the "ignorance, cowardice, [and] corruption" of the daily papers. In an effort to showcase an honesty and accuracy in journalism to his readers, Griffith explained that journalists connected with *Éire-Ireland* would receive no payment for their labour; as this work was "a duty of national urgency he is called on by his blood, his tradition, his manhood, and his loyalty to the land that bore him"

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<sup>13</sup> Charles Townshend explains that DORA makes "only fleeting appearances in standard histories of the war." For a comprehensive overview of the Act in English history, see Charles Townshend, *Making the Peace: Public Order and Public Security in Modern Britain* (Oxford: Oxford University Press, 1993), 56-79, especially 56-7.

<sup>14</sup> [Arthur Griffith], "Ireland," *Éire-Ireland*, October 26, 1914, 2.

<sup>15</sup> [Arthur Griffith], "Irish Volunteers First Convention," *Éire-Ireland*, October 26, 1914, 1.

<sup>16</sup> [Arthur Griffith], "Ireland," *Éire-Ireland*, October 26, 1914, 2.

<sup>17</sup> [Arthur Griffith], "Ourselves," *Éire-Ireland*, November 2, 1914, 2.

to combat the “corruption and treachery” that he submitted was spread throughout the newspaper press.<sup>18</sup>

It was with this outlook that Griffith summarized the need for Ireland to have a voice in the daily press that represented the needs of the Irish people. Thus, his position and this newspaper’s creation contravened the rubrics for social control outlined in DORA. In reference to the recruiting of Irish soldiers for the war effort, the paper’s introduction argued:

For three months past the daily Press of this island has lent itself to the conspiracy to emigrate her young men to a foreign country to find death in a foreigner’s quarrel. In the promotion of that conspiracy the daily Press of Ireland is publishing day by day falsified news of Irish activities, Irish opinion, and Irish feeling, with rigid suppression of every protest or letter of contradiction that reached the hands of its editor.<sup>19</sup>

*Éire-Ireland* was a direct response to the recruiting of Irish soldiers in Britain’s war effort. Griffith’s purpose was to educate and embolden the Irish people, to assert “that the bodies of Irishmen are not for sale or barter to any other nation, and that Ireland belongs to the Irish people to have and to hold from generation unto generation.”<sup>20</sup> The newspaper provided a provocative commentary on current affairs in addition to a reprinting of texts clipped from the international press. The clippings challenged Ireland’s participation in the war, demonstrated support for the German Empire, and provided commentary on British press censorship. Griffith was vocal in his criticism and viewpoint and the short-lived *Éire-Ireland* lasted for 30 issues over barely a six-week period.

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<sup>18</sup> [Arthur Griffith], “Ourselves,” *Éire-Ireland*, November 2, 1914, 2.

<sup>19</sup> [Arthur Griffith], “Ireland,” *Éire-Ireland*, October 26, 1914, 2.

<sup>20</sup> [Arthur Griffith], “Ireland,” *Éire-Ireland*, October 26, 1914, 2.



On 12 December 1914, in response to the abrupt silencing of this alternative Irish press, Griffith, supported by his printer Patrick Mahon, launched a new four-page halfpenny twice-weekly newspaper entitled *Scissors and Paste*. For its subscribers, *Scissors and Paste* offered a community resource that continued *Éire-Ireland's* work by providing information about British repression and the ongoing war, and stridently denounced recruiting. For Griffith's opponents, *Scissors and Paste* was an act of disobedience, which offered sympathy to the German enemy and censured the British war effort. Under the headline "Ourselves," the opening issue made the editor's intentions for *Scissors and Paste* clear:

It is high treason for an Irishman to argue with the sword the right of his small nationality to equal political freedom with Belgium, or Servia, or Hungary. It is destruction to the property of his printer now when he argues it with the pen. Hence while England is fighting the battle of the Small Nationalities, **Ireland** is reduced to **Scissors and Paste**. Up to the present the sale and use of these instruments have not been prohibited by the British Government in Ireland.<sup>21</sup>

Griffith never appended his name to *Scissors and Paste*, although this reference to the struggle of small nationalities is characteristic of his political writings at the turn of the century.<sup>22</sup> No doubt, the title was a direct reference to the scissors-and-paste journalism news gathering technique.

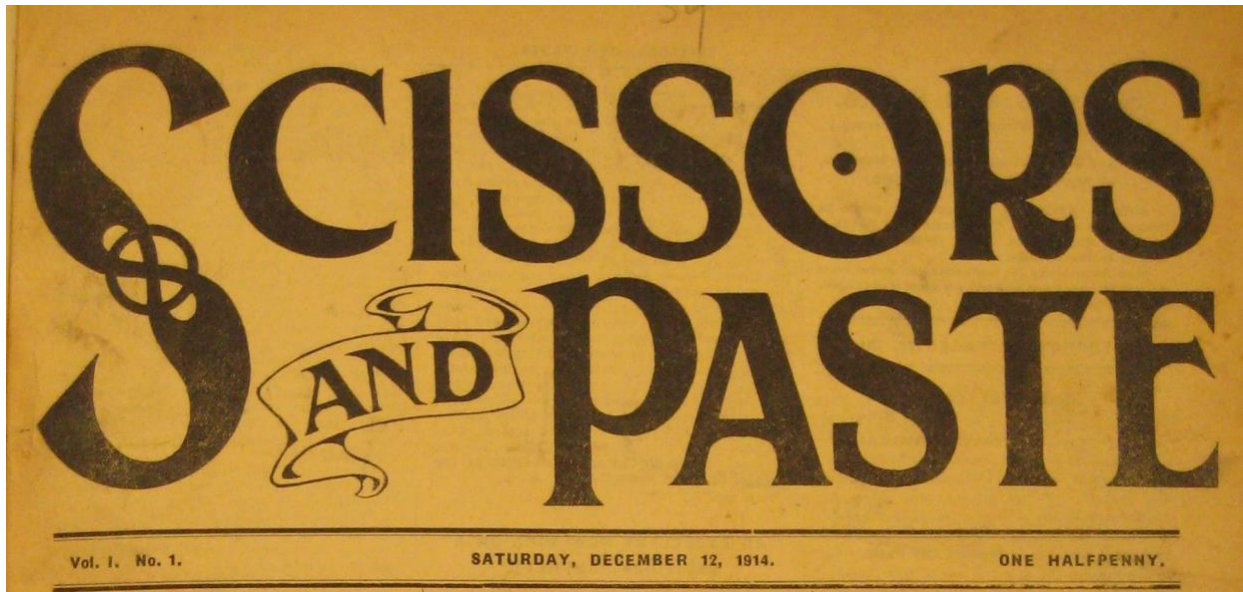
Furthermore, where scissors-and-paste had traditionally been a pejorative term to describe inferior journalism, Griffith celebrated it with a remarkable masthead that informed

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<sup>21</sup> [Arthur Griffith], "Ourselves," *Scissors and Paste*, December 12, 1914, 2. Emphasis in the original.

<sup>22</sup> For Arthur Griffith's political writings, see *The "Sinn Féin" Policy*, (Dublin: J. Duffy; M.H. Gill & Son, 1906); *The Resurrection of Hungary: A Parallel for Ireland*, (Dublin: James Duffy & Co.; M.H. Gill & Son, Sealy, Byers & Walker, 1904); *How Ireland is Taxed* (Dublin: James Duffy & C. Ltd; M.H. Gill & Son Ltd.; The National Council, 1907); *How Ireland has "Prospered" Under English Rule and The Slave Mind* (New York: The Connelly Press, [1912?]); *Arguments for the Treaty* (Dublin: Martin Lester, 1922).

readers as to the nature of the newspaper's contents. The hooks that form the "S" were joined by an *icovellavna*, or Celtic knot, signalling Irish identity and unity. The "O" had an interpunct placed inside, reminiscent of the Gothic letter hwair  $\text{\textcircled{O}}$  and was perhaps a nod to Griffith's Germanic sympathies. While this subtle symbolism appears to have gone unnoticed by Dublin Castle or Griffith's critics, the masthead communicated how he viewed both nationalities – Irish and German – as joined in a common struggle. He used the news-gathering tactic as a form of criticism, to convince readers of his eligibility as a leader and advocate for the Irish people.



**Figure 6.1** Masthead for *Scissors and Paste*, 1914-15.

With an eye towards the language provided by the recent DORA, Griffith's aim was to demonstrate the variety of critical texts from across the periodical press that had been historically available to the public. Across 22 issues over roughly a three-month period, Griffith clipped material from at least 97 sources he listed as periodicals and 61 non-periodical items from at least 51 unique sources. With the exception of eight clippings (from a total of 870) each item in

*Scissors and Paste* included attribution or identifying features as to where the editor had lifted the material.<sup>23</sup> It is not surprising how widely he cast his net; demonstrating a variety of material was critical to Griffith's intention. Keeping the body text intact, he regularly rewrote the headings, which was still a typical scissors-and-paste journalism practice into the early twentieth century.

In the opening issue of *Scissors and Paste*, Griffith confronted the erosion of a free press in Ireland, decried the necessity for Irish resistance to recruiting, and made efforts to align Irish interests with Germany. Page three of the first issue offers a good example of the type of content Griffith clipped and the way he positioned it on the page. A list titled "Who are the Belgians' Allies?", drawn from post boxes in Brussels and reprinted by London's *Daily News*, invoked the trope of Britain being 'uncivilized' because they rely on 'uncivilized' soldiers while reinforcing cultural ties between Germany and Ireland. In response to the heading's question, the clipping (which was filled with racist descriptions) read:

1. Russia: An Orthodox nation which persecutes Catholics. (Poland; Siberia; knout.) 2.

France: An Atheistic nation occupied in expelling religious bodies until within a week of

the outbreak of war; a nation devoid of principles or morals. 3. England: Sectarian heretics,

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<sup>23</sup> My counting method accounts for individual clippings, which is not identical to the number of headlines as Griffith would sometimes group two or more clippings together. For example, on 27 February 1915 in issue twenty-two, under the headline "The Right to Strike" Griffith included clippings from Dublin's *Evening Herald*, London's *Daily News*, and London's *Morning Post*. In the same issue, under the headline 'Russia and Constantinople,' Griffith included clippings from London's *Morning Post* and two clippings attributed to London's *Daily News*. I count each of the clippings – including the two from the *Daily News* – individually. While it is possible that those clippings appear in the same issue or part of the same article in the *Daily News*, I use this counting method to best reflect the amount of individual clippings Griffith drew attention to in publishing his newspaper. I include literary and historical sources in addition to the news items as my purpose is to show the range and variety of material Griffith referenced and clipped when publishing his newspaper. Colum Kenny's counting method focuses exclusively on news items. What is more, his count of the sources is consistently lower than my own when our numbers are not in agreement. It is possible that Kenny's numbers do not account for multiple clippings under a single headline.

occupied in persecuting the Catholic Irish right up to the declaration of war. Birds of Prey: Transvaal. Ideal: Time is money. Punic faith. 4. Hindus: Religion of Brahma. 5. Dravidians: Negro race worshipping Buddha. 6. Savages of Assan: People of idolaters. 7. Japanese: Shintoists and Buddhists. 8. Turcos: Wild gunmen of Africa. 9. Senegalese: Pagan negroes tribe. 10. Moors: Mahometans. 11. Servians: Anarchists, makers of trouble and revolution.<sup>24</sup>

The clipping went on to ask, “Who are the Nations Belgium is Fighting?” and answered:

Austria-Hungary: Roman Catholics and Catholics of the Greek Rite. Eucharistic Congress of Vienna. Germany: Roman Catholics, about 40 per cent of the population. Respect for discipline, order, and authority. Nation of savants and learned investigators; worthy of esteem in all respects. Soldiers showing in Antwerp churches an example of devotion and piety such as may serve as a model to the Belgian army. [...] Poor Belgium, who expected aid and support. How have they abused your good sense to make you sacrifice yourself so pitilessly for such Allies?<sup>25</sup>

Surrounding the reprinted details of where Ireland might find an ally suitable to their religious and cultural sensibilities was early reporting on Germany’s progress in the war. Clippings such as these had a dual purpose: to counterpoint the reports circulating in the press of atrocities committed by German soldiers and to promote an understanding of England that was apart from a ‘civilized’ Irish nation. In his selection of clippings, Griffith used a currency of exclusion that associated England with barbarity and promoted a version of Irish nationalism that relied on religious and racial connections.

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<sup>24</sup> “Germany and the Allies,” *Scissors and Paste*, December 12, 1914, 3.

<sup>25</sup> “Germany and the Allies,” 3.

Other articles on the same page detailed German successes at the Battle of Lodz against the Russian Army and the “small gains” on the Western Front “bought at a terrific cost.”<sup>26</sup> With the German victory in Poland, a clipping from the *Daily Mail* suggested “that the German east frontier will be quite safe until the spring” and they will manage to transfer ten army corps to the Western Front, the objective being an “energetic attempt” to reach the Channel. The snippet noted, “they believe that this time they will succeed.”<sup>27</sup> Dismissing the English “million army” and the suspected plans to reconquer Belgium and France, the news clippings suggested an impending German triumph that would come with “a long peace in the future” as the German Kaiser promised in a speech reprinted from the *Daily News*.<sup>28</sup> Situating all this information in the page’s first column was a small nine-line passage titled “England’s Press Policy” that was in fact an extract from Young Ireland organizer Thomas Davis:

England is a pedagogue as well as a jailer to us. Her prison discipline requires the helotism of mind. She shuts us up, like another Caspar Hauser, in a dark dungeon and tells us what she likes of herself and of the rest of the world. She has defamed all other countries in order to make us and her other slaves content in our fetters.<sup>29</sup>

Griffith selected material and constructed the page of clippings with purpose so that the reader might interpret the material in a way that reflected his own outlooks on the war and on Irish repression without advancing any original thought.

The use of scissors-and-paste to compile and present selections of formerly published material in this way demonstrates a creative navigating of DORA’s language. Section 27 made

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<sup>26</sup> “The Battle of Lodz,” *Scissors and Paste*, December 12, 1914, 3.

<sup>27</sup> “German War Plans,” *Scissors and Paste*, December 12, 1914, 3.

<sup>28</sup> ““A Long Peace in the Future,”” *Scissors and Paste*, December 12, 1914, 3.

<sup>29</sup> “England’s Press Policy,” *Scissors and Paste*, December 12, 1914, 3.

no provision for critics who might compile and reprint texts that together communicated an unfavourable commentary on His Majesty's government. Section 27 stated:

No person shall by word of mouth, or in writing, or in any newspaper, periodical, book, circular, or other printed publication, spread false reports, or make false statements, or reports, or statements, likely to cause disaffection to His Majesty, or to interfere with the success of His Majesty's Forces by land or sea, or to prejudice His Majesty's relations with foreign powers, or spread reports, or make statements likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's Forces.<sup>30</sup>

The decision to use previously published material to circumvent censorship quickly caught the press's attention. The London-based *Daily Herald*, which was part of the anti-war left, remarked, "in Dublin they have developed the ingenious idea of fighting for freedom of the Press by means of quotations." As to the newspaper's content, the commentator went on to suggest that good patriots should immediately recognize the extracts from books and speeches. The results, according to the *Daily Herald*, were "exceedingly expressive."<sup>31</sup> *Wells Journal* posed the question, "Who is running 'Scissors and Paste'?" and without mentioning Arthur Griffith by name suggested that readers would recognize the well-known Dublin journalist's style.<sup>32</sup> Readers who were familiar with Sinn Féin would recognize the header "Ourselves" at the paper's introduction as the English translation for the movement.<sup>33</sup> Furthermore, the similarity in

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<sup>30</sup> Defence of the Realm (Consolidation) Act, 1914, 5 Geo. 5, c. 8. See also Defence of the Realm (no. 2) Act, 1914, 4 & 5 Geo. c. 63. Charles Townshend explains in *Making the Peace* on page 58 that the phrase "reports likely to cause disaffection" was especially vague and in no way explained the ways such an offence might aid the enemy. See also Alexander Pulling, *Defence of the Realm Act and Regulations* (London: Darling & Sons, Ltd., July 1915), 25. The passage was also reproduced in the final issue of *Éire-Ireland*, see "British Government and the Irish Press," *Éire-Ireland*, December 4, 1914, 1.

<sup>31</sup> "Irish Journalists," *Daily Herald*, December 19, 1914, 1.

<sup>32</sup> "Two Irish Bulls," *Wells Journal*, March 5, 1915, 3.

<sup>33</sup> The most common English translations for "Sinn Féin" are "Ourselves Alone", "We Ourselves", or "By Our Own Effort".

presentation, style, type, and paper to the recently suppressed *Éire-Ireland* signalled to readers that this was more of Arthur Griffith and Patrick Mahon's work.<sup>34</sup>

Despite Arthur Griffith's longstanding and prolific career as a journalist, he is most remembered as the founder of the Sinn Féin movement.<sup>35</sup> Although Sinn Féin had only a minor role in the 1916 Easter Rising, British media and politicians framed it as a Sinn Féin rebellion, and this contributed to his legacy and memory as a political revolutionary. In this way, scholarship has been preoccupied with the division between Griffith's initial allies (who supported an Anglo-Irish dual monarchy) versus the latecomers after the rebellion (who advocated for Eamon de Valera's vision of an independent republic).<sup>36</sup> Most Irish histories recall

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<sup>34</sup> Material analysis did not escape the authorities at Dublin Castle. Investigation reports after the Easter Rising show that authorities investigated the paper, type, and printing equipment to ascertain from where printers were receiving their materials and to determine if certain printers were producing a number of seditious materials. For example, see The National Archives (Kew), Public Record Office (hereafter TNA/PRO), CO 904/161, Seditious Literature, Censorship, Etc.: Seizure of Articles in Various Journals and Other Publications: 10, "Scene in General Post Office, 1916," Metropolitan Police Office Confidential Report, October 31, 1918, ff. 570/589. Unless otherwise noted, all references to this source are from this collection, provided by Gale Primary Sources, Archives Unbound, The Dublin Castle Records, 1798-1926. See also TNA/PRO, CO 904/161, Metropolitan Police Criminal Investigation Department, October 28, 1918, ff. 571-74/589; TNA/PRO, CO 904/161, Dublin Metropolitan Police Detective Department Seditious Literature, November 13, 1918, ff. 575/589.

<sup>35</sup> Padraic Colum, *Arthur Griffith* (Dublin: Browne and Nolan Limited, 1959); Calton Younger, *A State of Disunion: Arthur Griffith, Michael Collins, James Craig, Eamon de Valera* (London: Frederick Muller Ltd., 1972); Richard P. Davis, *Arthur Griffith and Non-Violent Sinn Féin* (Dublin: Anvil Books, 1974); Virginia E. Glandon, *Arthur Griffith and the Advanced-Nationalist Press Ireland, 1900-1922* (New York: Peter Lang Publishing, Inc., 1985); Brian Maye, *Arthur Griffith* (Dublin: Griffith College Publications, 1997); For the memory of Arthur Griffith by his contemporaries following his death, see James Stephens, *Arthur Griffith: Journalist and Statesman* (Dublin: Wilson, Hartnell & Co., [1921?]); *Arthur Griffith: A Study of the Founder of Sinn Féin* (Dublin: Cahill & Co., [1917?]). One notable exception is Colum Kenny's scholarship. For the nationalist press in Ireland, see Ann Andrews, *Newspapers and Newsmakers: The Dublin Nationalist Press in the Mid-Nineteenth Century* (Liverpool: Liverpool University Press, 2014); *Irish journalism before independence: More a disease than a profession*, ed. Kevin Rafter (Manchester: University of Manchester Press, 2011).

<sup>36</sup> For an overview of Sinn Féin see Brian Feeney, *Sinn Féin: A Hundred Turbulent Years* (Madison, WI: University of Wisconsin Press, 2003). For Arthur Griffith, Eamon de Valera, and the peace process, see Michael Hopkins, *The Irish War of Independence* (Montreal & Kingston: McGill-Queen's University Press, 2002), 177-91; 192-97. For Arthur Griffith and the dual monarchy see Dorothy Macardle, *The Irish Republic: A Documented Chronicle of the Anglo-Irish Conflict and the Partitioning of Ireland, with a Detailed Account of the Period, 1916-1923* (New York: Farrar, Straus and Grioux, 1965), 65-6, 68, 73. For Eamon de Valera and Arthur Griffith and the negotiations of the Anglo-Irish Treaty, see Charles

that Griffith negotiated the 1921 Anglo-Irish Treaty and served as president of the Revolutionary Irish Republic before his untimely death in August 1922. However, before his imprisonment in the repercussions of the Easter Rising and his more complete move into politics, Griffith was first and foremost a journalist.<sup>37</sup>

### *Arthur Griffith and New Journalism*

For Arthur Griffith, newspaper work ran in the family. His grandfather had worked as a jobbing printer in Dublin and his father as a compositor with *The Nation*, an Irish-nationalist weekly edited by Thomas Davis and later John Mitchel. As a youth, Griffith worked as a “printer’s reader” before his father trained him as a compositor.<sup>38</sup> After the breakup of the Parnell force, he travelled to South Africa and in the years leading up to the Boer War he worked as a journalist and, for a time, edited the South African *Middelburg Chronicle*.<sup>39</sup> In 1899, upon his return to Dublin, he founded the *United Irishman* along with William Rooney where he espoused his initial ideas to unite Ireland’s disparate nationalist groups.<sup>40</sup> In addition to writing many of the

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Townshend, *The Republic: The Fight for Irish Independence, 1918-1923* (London: Allen Lane, 2013), 339-44.

<sup>37</sup> Colum Kenny’s recent biography of Arthur Griffith examines the importance of his political career as well as his work as a journalist. Colum Kenny, *The Enigma of Arthur Griffith: ‘Father of Us All’* (Dublin: Merrion Press, 2020).

<sup>38</sup> For Griffith’s grandfather, see “Arthur Griffith,” *Morning Post*, September 16, 1921, 3. For printing and compositing experience, see TNA/PRO, CO 994/203/9, “Arthur Griffith, Sinn Féin activities,” Ireland, Intelligence Profiles, 1914, 1922 for Arthur Griffith, August 1921.

<sup>39</sup> National Library of Ireland (hereafter NLI), Arthur Griffith Papers, 1894-1966, James Moran to Maude Sheehan, n.d. ca. 1922, Add. MS. 49,530/13. In the letter from James Moran to Griffith’s wife, Maude Sheehan, Moran recalls “While in Africa he worked for a while in the Assay Office of one of the gold Mines, and later became a member of the staff of the ‘Middelburg Chronicle’ and subsequently its editor.” Griffith supported the Afrikaners in the South African War which might explain his Germanic sympathies. I have been unable to locate any materials related to Griffith journalistic work while in South Africa that might explain his position and outlook on the conflict. See [Arthur Griffith], “A Call to Arms: To Irishmen in South Africa,” *United Irishman*, October 28, 1899, 5.

<sup>40</sup> See, for example, [Arthur Griffith], “All Ireland,” *United Irishman*, March 4, 1899, 1. The opening column attempted to persuade readers towards the importance of unity and solidarity against British rule. “We are too provincial in many ways. Ulster knows less about the South than about Scotland; Leinster concerns herself little with either; and the West – despite light railways and tourist schemes – is still an



articles under various pen names in the early issues and handling the editorship, he also managed the compositing.<sup>41</sup> Within a week of the *United Irishman*'s collapse in 1906 as the result of a libel suit, Griffith went on to found the *Sinn Féin* newspaper, which the state terminated shortly thereafter on accusations of sedition. After *Éire-Ireland* and *Scissors and Paste* were shut down by the British authorities in Ireland under the power of DORA in 1914 and 1915, respectively, Griffith became the editor for the weekly *Nationality*, financed by the Irish Republican Brotherhood, in 1915. Though the *United Irishman* is remembered best, likely as a result of its longevity, Griffith's later and smaller publications form an important example of political protest through journalism between the Irish Party's fight for Home Rule and the Irish Civil War.

Griffith's journalistic work is eclipsed only by his politics. As the originator of Sinn Féin and advocate for Irish national self-reliance rooted in Thomas Davis's Young Ireland doctrine of an inclusive Irish identity, the core of Griffith's politics offered a social and economic program of tax reform, education, and Irish-American investment to harness Ireland's own prosperity.<sup>42</sup> In *Scissors and Paste*, Davis's work appeared alongside Wolfe Tone, Charles Stewart Parnell, and 29 clippings from the *Freeman's Journal*. In promoting these ideas, it was through the periodical press that, in historian Richard Davis's words, "Griffith disseminated an ideology of Irish nationalism which trained and inspired an entire revolutionary generation."<sup>43</sup> The rhetoric in his newspapers and the various Sinn Féin and other political pamphlets encouraged Ireland's self-determination. This resolve did not escape Ireland's military intelligence officers, who in a 1921

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unknown land to all. We shall endeavour to note weekly the happenings of interest in the homes of our race, so that each by knowing that the rest are doing shall strive to work the better for the common land dear to us all."

<sup>41</sup> Glandon, *Advanced-Nationalist Press Ireland*, 13.

<sup>42</sup> Arthur Griffith, *How Ireland Has "Prospered" Under English Rule* (New York: The Irish Progressive League, 1911); Arthur Griffith, *The Home Rule Bill Examined* (Dublin: The National Council, 1912), 41.

<sup>43</sup> Richard Davis, *Arthur Griffith: Irish History Series No. 10* (Dundalk: Dundalgan Press, 1976), 43.

profile described him as “ambitious, but too clever to be an open rebel, and no doubt aims at being the political leader in Ireland.”<sup>44</sup> At a time of social change and political uncertainty, Griffith used journalism to challenge Ireland’s political leadership and argue for an alternative to the politics of personality that came and went with the life and death of leaders.

The New Journalism tactics in *Scissors and Paste* also tested the ways in which Griffith’s near-contemporaries characterized the sensational news-generating style. New Journalism promoted newspapers as tools of the ‘new democracy’. This journalism offered the distribution of political ideas as well as deliberate content changes that presented readers with a selection of human drama in the form of arresting headlines, gossip columns, interviews, and sensational news reporting, among other characteristics. Media historians, including Laurel Brake, Joel Wiener, and B. I. Diamond, have noted that these practices associated with New Journalism were not radically new or separate from “Old Journalism” forms.<sup>45</sup> Likewise, the use of scissors-and-paste and verbatim reprinting was itself a common journalistic element from the Georgian and Victorian periods before. However, the use of this method to serve a political function beyond reprinting ordinary news and entertainment, was innovative. If journalism, as Laurel Brake puts it, is “the commercial and ideological exploitation of the transient and the topical,” then the ‘new’, at least in Griffith’s case, was how he brought together carefully selected texts from across the press’s dissimilar voices to capture the reader’s attention.<sup>46</sup>

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<sup>44</sup> TNA/PRO, CO 994/203/9, “Arthur Griffith, Sinn Féin activities,” Ireland, Intelligence Profiles, 1914, 1922 for Arthur Griffith, August 1921.

<sup>45</sup> For example, see Laurel Brake, “The Old Journalism and the New: Forms of Cultural Production in London in the 1880s,” in *Papers for the Millions: The New Journalism in Britain, 1850s to 1914*, ed. Joel H. Wiener (New York: Greenwood Press, 1988), 1-24. In this same collection, B. I. Diamond situates precursors to W. T. Stead’s investigative journalism in “A Precursor of the New Journalism: Frederick Greenwood of the *Paull Mall Gazette*,” 26-46. Joel H. Wiener approaches this question of ‘new’ directly in his chapter, “How New War the New Journalism?” 47-72.

<sup>46</sup> Brake, “The Old Journalism and the New,” 3.

In *Scissors and Paste*, Griffith exemplified one of the key attributes of New Journalism: the digestible paragraph. Moreover, although *Scissors and Paste* emphasized news content, features like poetry and historic clippings from history books and sermons bridged the divide between entertaining and informative matter. Griffith used the scissors-and-paste method to negotiate the power imbalance between journalism and government. The power of newspapers in Ireland, and the United Kingdom more widely, especially in the transformative stage of the late-Victorian into the Edwardian, was assigned according to their ability to provide more than news and entertainment.<sup>47</sup> In the context of New Journalism, this is perhaps best evidenced by the work of W. T. Stead.<sup>48</sup> Where Stead was motivated “to use the press to remove the injustices which exist beneath the fair foundations of [...] wealth and commerce in Britain”, Griffith likewise saw the potential for the press to provide Ireland with progressive social change.<sup>49</sup> From the outset with the *United Irishman*, Griffith’s journalism offered readers “an Ireland leading the world against the bloody, rapacious, and soul-shivering imperialism of England – an Ireland gaining in strength and growing more Irish in the struggle”.<sup>50</sup> Both journalists worked to shape public opinion, influenced the legislative process, made conversions for the social good, and used the periodical press as the venue to advocate their causes.<sup>51</sup>

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<sup>47</sup> Aled Jones, *Powers of the Press: Newspapers, Power and the Public in Nineteenth-Century England*, (Aldershot: Scholar Press, 1996), 49.

<sup>48</sup> Stead, “Government by Journalism,” 653-74; W. T. Stead, “The Future of Journalism,” *The Contemporary Review* 50, (November 1886): 663-79. See also Kate Campbell, “W. E. Gladstone, W. T. Stead, Matthew Arnold and a New Journalism: Cultural Politics in the 1880s,” *Victorian Periodicals Review*, 36.1 (Spring 2003): 20-40.

<sup>49</sup> Cited in Ray Boston, “The Flowering of New Journalism” in *Papers for the Millions: The New Journalism in Britain, 1850s to 1950*, ed. Joel Wiener (New York: Greenwood Press, 1988), 93.

<sup>50</sup> [Arthur Griffith], *United Irishman*, July 1, 1899, 4.

<sup>51</sup> Laurel Brake, “Government by Journalism and the Silence of the *Star*: Victorian Encounters 1885-90,” in *Papers for the Millions: The New Journalism in Britain, 1850s to 1914* ed. Joel H. Wiener (Westport: Greenwood Press, 1988), 213-35. For Stead’s use of journalism for reform, see Judith Walkowitz’s “‘The Maiden Tribute of Modern Babylon’,” in *City of Dreadful Delight* (Chicago: University of Chicago Press, 1992), 81-120.

While not really investigative, Griffith's journalistic labour in *Scissors and Paste* still offered cultural criticism. The 'news' element was doubly present as the newspaper provided fresh clippings that reported on the Irish Volunteers and Britain's participation in the war while demonstrating an uneven enforcement of censorship laws across the United Kingdom. Likewise, there is a clear affiliation with sensation as Griffith's newspaper was aggressive and unrelenting in its claims while pressing against threats of state suppression. The very presence of *Scissors and Paste* in the marketplace in spite of accusations of sedition and immediately after the suppression of *Éire-Ireland* and other Irish-nationalist newspapers, was newsworthy. In similarity to Stead's work, the necessity for this particular publication to exist was framed as a political conflict – Griffith's contention with what he viewed as England's ongoing battle with small nationalities.<sup>52</sup> With Griffith's attention towards social and governmental reform, he situated his newspaper work as a reliable alternative to the existing government and what he considered a compromised domestic newspaper press. Where in 1887 Matthew Arnold voiced his concern over New Journalism as the voice of "the new voters, the *democracy*, as people are fond of calling them," Griffith demonstrates, in contrast to Arnold's expectation, the press's ability to harness New Journalism "to think fairly and seriously" about the issues citizens faced.<sup>53</sup>

Griffith's use of New Journalism as a tool to assert his political agenda is best understood alongside what Stead described as "government by journalism."<sup>54</sup> Writing for the *Contemporary*

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<sup>52</sup> [Arthur Griffith], "Ourselves," *Scissors and Paste*, December 12, 1914, 2. His previous newspapers were perceived as seditious on account of his advocacy for the right of an independent Ireland to exist. At the most general level, it was this political framework that motivated Griffith's newspaper work.

<sup>53</sup> Matthew Arnold, "Up to Easter," *The Nineteenth Century* 123, (May 1887): 638. Emphasis in the original. For changing interpretations of New Journalism see especially Kate Campbell, "W. E. Gladstone, W. T. Stead, Matthew Arnold and a New Journalism: Cultural Politics in the 1880s," in *Victorian Periodicals Review* 36.1 (Spring 2003): 20-40.

<sup>54</sup> Stead, "Government by Journalism," 653-74.

*Review* in 1886, Stead suggested, “The very conception of journalism as an instrument of government is foreign to the mind of most journalists. Yet, if they could but think of it, the editorial pen is a sceptre of power, compared with which the sceptre of many a monarch is but a gilded lath.” It was Stead’s claim that journalism, rather than Parliament, could best advocate on behalf of and represent Britain’s people. Where Stead argued that for journalists, “Their direct and living contact with the people [was] the course of their strength,” Griffith’s presswork personified the editor as agent who lived among the people “whose opinions he essays to express.”<sup>55</sup> Griffith’s advocacy for a free Irish press echoes Stead’s own advocacy for an “inspiring ideal” that gave the people a voice in democratic culture. Though Griffith resorted to what Stead called “paragraph-quilting” (a euphemism for scissors-and-paste) rather the “true journalism of the governing and guiding order,” Griffith nevertheless embodied “the distinct personality of a competent editor,” which Stead advised was essential.<sup>56</sup> Griffith used the scissors-and-paste method in a unique and purposeful way so as to make available “the true journalism of the governing and guiding order” that offered readers a legitimate and influential voice in making sense of newspaper suppression and the wider nationalist cause. He did not merely cut and paste old texts to make them appear new; he reprinted essential news and information which he was restricted from communicating in his own words. In reaction to DORA’s Section 27 and the wider suppression of news in Ireland, Griffith’s journalism captures Stead’s recommendation that the newspaper should be a “mirror reflecting all the ever-varying phases of life in the locality” while giving its editor a pathway to governmental reform and power.<sup>57</sup>

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<sup>55</sup> Stead, “Government by Journalism,” 654.

<sup>56</sup> Stead, “The Future of Journalism,” 663-79.

<sup>57</sup> Stead, “Government by Journalism,” 654.

The negotiation of power between journalism and government is at the crux of this shift in the periodical press. Much of Stead's claim for the superiority of the press rested on the routine quality of the editor's relationship with readers versus an elected member of government and their constituencies. Stead positioned the editor in close proximity to the citizenry acting "at once as the eye and the ear and the tongue of the people."<sup>58</sup> It was this particular relationship that Stead cited as facilitating the press's ability to govern through responding to the reader's concerns and acting as a court of grievance. In the case of *Scissors and Paste*, the editor publicized his own grievances over the imposed censorship and its public disservice. In response to an act to silence in the nationalist press, Griffith emphasized his determination to inform, educate, and advance the nationalist cause. This content reinforces how Griffith saw his newspapers as empowering readers, politically and socially, with attention towards what Stead referred to as the "national mind".<sup>59</sup> Similarly, a parallel might be drawn with the way Griffith invoked the concept of "All Ireland". Where the opening issue of the *United Irishman* Griffith proclaimed:

Yes; every fraction of it here, and wherever our people have gone the world over. To them we look for our audience [...] We are too provincial in many ways. Ulster knows less about the South than about Scotland; Leinster concerns itself little with either; and the West – despite light railways and tourist schemes – is still an unknown land to all. We shall [...] strive to work the better for the common land dear to us all.<sup>60</sup>

Griffith used the press as an instrument to unite Ireland around his cause. In personally selecting the texts he deemed necessary for his readers to consider while challenging state-suppression

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<sup>58</sup> Stead, "Government by Journalism," 654.

<sup>59</sup> Stead, "Government by Journalism," 654.

<sup>60</sup> [Arthur Griffith], "All Ireland," *United Irishman*, March 4, 1899, 1.

efforts, Griffith effectively engaged Stead's vision of editor as the "uncrowned king of democracy."<sup>61</sup>

Critics of the New Journalism style, like Matthew Arnold, argued that it catered to sensation and emotion rather than providing cogent and credible political comment as a form of high criticism. Griffith's *Scissors and Paste*, however, is an expression of New Journalism that effectively provided both, the journalism drawing the reader's attention to the hypocrisy of censorship while the newspaper itself functioned as a form of protest. Though hardly what his contemporaries would describe as 'good journalism' in its scissors-and-paste form, the texts he selected certainly would have been considered, in their original iteration, to be accurate and comprehensive 'good journalism'. As a verbatim reprinting, Griffith's newspaper embraced the sensational to provide a spectacle of press censorship. Matthew Arnold famously argued that the new style "throws out assertions at a venture because it wishes them true; does not correct either them or itself, if they are false; and to get at the state of things as they truly are seems to feel no concern whatever."<sup>62</sup> In Griffith's case, however, he actively publicized the extent of censorship to inform and unify his readership. Throughout his journalistic career, Griffith alerted readers to the issues he believed to be pertinent to the advanced-nationalist cause in Ireland. This process of text selection might better be described as curatorial, rather than editorial, as Griffith carefully selected texts – news, literature, poetry, history, and otherwise – that would resonate with his readers and captured his own political outlook.

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<sup>61</sup> Stead, "Government by Journalism," 661-2.

<sup>62</sup> Arnold argued that New Journalism was "full of ability, novelty, variety, sensation, sympathy, generous instincts; its one fault is that it is feather-brained. It throws out assertions at a venture because it wishes them true; does not correct either them or itself, if they are false; and to get at the state of things as they truly are seems to feel no concern whatever." See Arnold, "Up to Easter," 638-39.

Griffith's contention with the journalism in Ireland and state-sponsored obstruction in the relation of news is a crucial point as to why he created *Scissors and Paste*. New Journalism tactics, combined with the press's rising power throughout the nineteenth century, afforded the possibility for papers like *Éire-Ireland* and *Scissors and Paste* to exist. However, it is unlikely that Griffith, being a productive writer and communicator of what he considered the best course for Ireland's shedding of British rule, considered his *Scissors and Paste* venture as any more than a political statement to his audience of ordinary readers, and in particular, the Press Censor and authorities at Dublin Castle. This is best evidenced in that the final issue of *Éire-Ireland* on 4 December 1914 told readers, through an advert to "Look out for 'Nationality.' Edited by Arthur Griffith."<sup>63</sup> While this paper would not come to fruition until 19 June 1915, there was clear intent to create a new periodical. In the interim, the publication of *Scissors and Paste* suggests that Griffith expected the state to suppress this newspaper but not before he managed to demonstrate the hypocrisy over seditious print.

In making this blatant and unapologetic political commentary, Griffith used the moment to his political advantage and heightened his profile. His resolve to continue to inform his public and openly challenge his state-critics on the motivations of their newspaper suppression shows Griffith as not only a journalist and entrepreneurial publisher but as a self-fashioned leader in Ireland's nationalist struggle.<sup>64</sup> Griffith's journalism did not so much tell readers what they should think about a given issue as inform them as to how some press agents were

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<sup>63</sup> *Éire-Ireland*, December 4, 1914, 3.

<sup>64</sup> Laurel Brake discusses W.T. Stead as a 'self-fashioned' editor in "'Who is 'We' The 'Daily Paper' Projects and the Journalism Manifestos of W.T. Stead,'" in *Marketing the Author: Authorial Personae, Narrative Selves and Self-Fashioning, 1880-1930*, ed. Marysa Demoor (Basingstoke: Palgrave Macmillan, 2004), 54-72.



misrepresenting facts and distorting truths in Ireland's conflict over self-rule.<sup>65</sup> This point as to the purpose of *Scissors and Paste*, firstly as a form of protest and secondly as a tool to encourage a cohesive national spirit, informs how the contemporary reader should approach and interpret the newspaper as a text. It is a passionate and pointed commentary that was intended to simultaneously aggravate and inform.

### *Reading and Critiquing Scissors and Paste*

Reading as a practice is shaped by the reader's and the text's "physical, cultural and historical context."<sup>66</sup> In addition, the purpose for reading shapes the reading experience. Its circumstances shape the intellectual results. It is what Roger Chartier describes as "a creative practice, which invents singular meanings and significations that are not reducible to the intentions of authors of texts or producers of books."<sup>67</sup> This question of interpretability has occupied much of the interest in the history of reading with questions about the relationship between the page and the reader's mind, reading places, how knowledge is mediated, and the intersection of class and literary taste. As I explained in Chapter 2, it is a subject matter that is especially difficult to capture as only extraordinary readers left marks or testimony to help give an indication as to how they might have read or what they thought about the text.<sup>68</sup> Furthermore, the kind of source material that

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<sup>65</sup> Mark Hampton describes the period from 1890 to 1950 as "focused on questions of press accessibility and ownership and the relationships between the press and public opinion – that is, whether the press influenced or reflected public opinion" in *Visions of the Press* (Urbana and Chicago: University of Illinois Press, 2004), 9. See also "The Education Ideal of the Press in the Era of New Journalism, 1880-1914," 75-102.

<sup>66</sup> Mary Hammond, "Book History in the Reading Experience," in *The Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 243.

<sup>67</sup> Roger Chartier, "Texts, Printings, Readings," in *The New Cultural History*, ed. L. Hunt (Berkeley and Los Angeles: University of California Press, 1989), 154.

<sup>68</sup> See for example, Ann Blair, "Reading Strategies for Coping with Information Overload, ca. 1550-1700," *Journal of the History of Ideas* 64, (2003): 11-28; Ann Moss, *Printed commonplace-books and the structuring of Renaissance thought* (Oxford: Oxford University Press, 1996), 101-33; H. J. Jackson, *Marginalia: Readers Writing in Books* (New Haven and London: Yale University Press, 2001); William

scholars typically rely on in developing the history of reading, including bookseller lists, library catalogues and registers, literary reviews, reception, and criticism, provides from the start a methodological limitation that lends the field to the bound book rather than the far more prevalent periodical and newspaper.<sup>69</sup>

Scissors-and-paste work comprises a reading practice.<sup>70</sup> While the recirculation of print has been routinely noted by scholars of the periodical press, these texts did not move by themselves. Texts were read, clipped, sometimes modified, and reread by an editor before reprinting. Reprinted texts were not selected blindly or at random; they were chosen to serve various editorial needs including a paper's politics and space restrictions. In Griffith's case, he effectively employed the journalistic imagination to assemble an engaging assortment of reprinted texts, while capitalizing on his news instinct as a journalist who read across the periodical marketplace in search of the right articles and extracts. Like other scissors-and-paste editors, Griffith was using this technique to relay what he deemed as useful knowledge to his readers. What sets Griffith's journalistic work apart is the highly political nature of the reprinted texts and how this work was completed under such combative conditions.

In this instance, it is useful to consider Griffith's scissors-and-paste as a form of *bricolage*. Claude Lévi-Strauss has explained that the French word, '*bricoler*' was historically "always used with reference to some extraneous movement."<sup>71</sup> The physicality of cutting and

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H. Sherman, *Used Books: Marking Readers in Renaissance England* (Philadelphia: University of Pennsylvania Press, 2008); Lisa Jardine and Anthony Grafton, "'Studied for Action': How Gabriel Harvey read his Livy," *Past and Present* 129, (1990): 30-78.

<sup>69</sup> For example, see Jonathan Rose, *The Intellectual Life of the British Working Classes* (New Haven: Yale University Press, 2001); Janice Radway, *A Feeling for Books: The Book-of-the-Month-Club, Literary Taste, and Middle-Class Desire* (Chapel Hill: University of North Carolina Press, 1997).

<sup>70</sup> See Chapter 2.

<sup>71</sup> Claude Lévi-Strauss, *The Savage Mind* (Chicago: University of Chicago Press, 1966), 16. Lévi-Strauss used the term '*bricolage*' to explain the ways myths are invented by 'primitive' civilizations. Genette used this foundation to apply '*bricolage*' to literary criticism.

pasting or copying texts for reuse captures this expression. Further, where Lévi-Strauss positioned the use of '*bricoler*' in the present as "someone who works with his hands and uses devious means compared to those of a craftsman" this description seizes the tension between journalists who create texts and the editor who employs scissors-and-paste to lift and redeploy the words of another.<sup>72</sup> Expanding on this work, Gérard Genette asserted that "The nature of *bricolage* is to make use of materials and tools that [...] were not intended for the task in hand."<sup>73</sup> Building on Lévi-Strauss' view that *bricolage* is directed by the ability to "always make do with whatever is available," Genette went on to argue that within this practice there is a "double operation" of synthesis where "heterogeneous elements [are formed] into a new whole in which none of the reused elements will necessarily be used as originally intended."<sup>74</sup> The editorial work carried out by scissors-and-paste demonstrates print's fragility and instability as a temporal medium but also its durability beyond the original context. Approaching Griffith's scissors-and-paste work in this way is useful to underscore the new meaning that emerges from the reconstituted texts used as a form of political protest. The editorial process, in Griffith's case, is a form of discourse on the existing discourse in the periodical press. His selection of texts was with purpose. His editorial work had the dual determination to inform his readers as to the news and inform his critics as to the hypocrisy of their suppression of the press in Ireland.

As a result of the periodical's scissors-and-paste nature and the political context of its production, there is a preoccupation with interpretation. The editor was forced to consider various sources of meaning, including his disparate readers, the text itself, and the sheer

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<sup>72</sup> Lévi-Strauss, *Savage Mind*, 16-7.

<sup>73</sup> Gérard Genette, "Structuralism and literary criticism," in *Modern Criticism and Theory* ed. David Lodge (London: Longman, 1988), 63.

<sup>74</sup> Claude Lévi-Strauss, *La Pensée sauvage* (Paris: Plon, 1962), 26; *Savage Mind*, 17; Genette, "Structuralism and literary criticism," 63.

materiality of his newspaper as a subversive example of Ireland's nationalist press. While Griffith likely did not consider this work to be seditious, since the material was available in previously circulated sources, he knowingly published this periodical in disobedience to the British administration in Ireland's efforts to suppress nationalist literature. He was reprinting what had already been circulated and not producing the ideas himself. Asserting the virtues of a free press, Griffith relied on the words of the Irish politician and orator, John Philpot Curran, "Beware how you rival the venal ferocity of those miscreants, who rob a printer from the means of bread, and claim from deluded royalty the reward of integrity and allegiance."<sup>75</sup> *Scissors and Paste* was noncompliant with state efforts to silence the advanced-nationalist press and in effect exacerbated the issue, by calling attention to Ireland's disempowered position in the United Kingdom. Irish resistance to English rule was a common inclusion. For example, the words of the Marquis of Dufferin were included in the opening issue:

From Queen Elizabeth's reign until the Union, the various commercial confraternities of Great Britain never for a moment relaxed their relentless grip of the trades of Ireland. One by one each of our nascent industries was either strangled in its birth, or handed over, gagged and bound, to the jealous custody of the rival interest in England, until at last every fountain of wealth was hermetically sealed, and even the traditions of commercial enterprise have perished through desuetude.<sup>76</sup>

Likewise, Griffith's work was attentive towards his particular readerships: the press censors and state officials at Dublin Castle who would discuss and attempt to suppress his work and the common Irish readers whom he felt compelled to inform. Griffith used his reading to bring a new and pointed interpretation to the texts he reused. Though he did not 'write' anything in the

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<sup>75</sup> "Freedom of the Press," *Scissors and Paste*, December 12, 1914, 2.

<sup>76</sup> "English Policy in Ireland," *Scissors and Paste*, December 12, 1914, 2.

traditional sense, scissors-and-paste offers an opportunity to consider how his reuse, powered by his own careful reading, brought a new meaning to the fragmented texts beyond the assumed intentionality of the texts' initial authors.

Sympathy for the German army and the war for "small nationalities" were two of Griffith's preferred causes and he consistently referred to them throughout *Scissors and Paste*. As Russia suppressed Finland in 1914, Griffith reprinted letters to the *Manchester Guardian* that situated Finland's relationship with Russia in similarity to Ireland and England:

At a moment when England, France, and Russia are waging a war unprecedented in history by its magnitude and with the avowed object of securing to the small nationalities the right of free development, and when Germany, by flourishing before the eyes of the Scandinavian nations the legend of Russian tyranny, is doing its utmost for the alienation of the sympathies of those neutral nations from the cause of the Allies, it seems almost unthinkable that any Government could conceive the idea of crushing the last liberties of the Finnish people, so closely connected in religion, culture, and economic interests.<sup>77</sup>

Relaying that since the beginning of the war the Finnish newspaper press had also been restricted, a second letter elaborated on Ireland's political situation in relation to Finland's dissention with Russia:

Is our country so gagged and bound by the ties of an alliance dictated by necessity that she cannot raise a voice against such a shameless act of tyranny as this final Russification of Finland? There are those who have hinted that our solicitude on behalf of small nationalities exists only when the violation of these touches our own interest. If no protest

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<sup>77</sup> "The War for the 'Small Nationalities'," *Scissors and Paste*, December 16, 1914, 1.

is made now on behalf of Finland, let us henceforth be forever silent on the subject of protecting small nations!<sup>78</sup>

Likewise, Griffith reprinted news of England annexing Egypt and imposing a protectorate, Norway's refusal to allow England use of its naval base and harbour at Christiania, and Swedish support for the German military.<sup>79</sup> Accounts of German support for Ireland's resistance to English rule were also common inclusions that fostered sympathy for Germany:

The British Government, we are further told, is treating the Irish not as white men but as negro slaves. Martial law reigns throughout Ireland, the coasts of Ireland are thickly strewn with mines, and every harbour is closed. There is no longer either imports or exports, and no foreigners are permitted to land in the country.<sup>80</sup>

The racist commentary would have been striking to readers about their treatment and status. Similarly, Griffith reprinted poetry by German poet Ferdinand Freiligrath translated by Irish poet James Clarence Mangan. Titles included "Ireland (1847)" and "Freedom and Right" which called for "the Oak-leaf of Deutschland, the Olive of Greece, and the Shamrock of Ireland [...] blended in one!"<sup>81</sup> Griffith interwove content that reinforced the view that Ireland was neither alone in their political condition nor without supporters of their own.

In considering the layout of *Scissors and Paste*, there was a coherent structure to how Griffith arranged the recycled material. The front page typically gave a variety of news items about or in relation to the war in Europe. The second page carried Irish nationalist material in the

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<sup>78</sup> "The War for the 'Small Nationalities'," 1.

<sup>79</sup> "'The Small Nationalities' Egypt Annexed by England," *Scissors and Paste*, December 19, 1914, 1; "England and Norway," *Scissors and Paste*, December 16, 1914, 1; "A Swedish View," *Scissors and Paste*, December 19, 1914, 3; "Germany and Ireland," *Scissors and Paste*, December 30, 1914, 1.

<sup>80</sup> "Germany and Ireland," *Scissors and Paste*, December 30, 1914, 1.

<sup>81</sup> "Ireland (1847)," *Scissors and Paste*, December 23, 1914, 2; "Freedom and Right," *Scissors and Paste*, December 19, 1914, 2.

form of poems and extracts from speeches, sermons, and histories. Texts from non-newspaper sources are most common on this page. On the third page, beginning with the second number, Griffith reprinted a selection of news items under the title “New from Berlin German Wireless, per the London ‘Times,’ ‘Morning Post,’ and ‘Daily Mail’.” This emphasis on London papers was crucial to his aim to demonstrate that the so-called seditious print in Dublin’s press was just as readily located in London’s papers. In total, Griffith retrieved 64 per cent of the clipped content from the London press. The newspaper’s fourth (back) page and reverse side offered the occasional social news and a variety of advertisements for Dublin businesses.

While the advertisements were original and not the product of scissors-and-paste, they reinforce the expected readership of Irish people sympathetic to Sinn Féin, the Irish Republican Brotherhood, or Irish nationalism more generally and at the very least identify some of Griffith’s patrons and supporters. It is useful to consider their inclusion on the page as an indicator of what sorts of readers may have engaged with this publication or at the very least supported its production. Many advertisers followed Griffith from his previous newspaper ventures in *Sinn Féin* and *Éire-Ireland* in addition to a few longstanding advertisers from the *United Irishman*. Ads encouraged readers to buy Irish goods or support Irish businesses. T. J. Loughlin, an Irish Outfitter located on Parliament Street in Dublin, situated the ‘buy Irish’ practice as a form of “practical patriotism”. Gleeson & Co., tailors and drapers located at 11 Upper O’Connell Street in Dublin, exclaimed, “Keep this before your mind: Everything that is not Irish must be Foreign”. Whelan & Sons, the department store located at 17 Upper Ormond Quay in Dublin, advertised under the headline “Gold – German or English?” specifically listed jewellery as Irish with ornamentations of the wolf dog, shamrock, round tower, harp, ‘Erin’ in gold lettering, or emerald details. Advertised books included Catholic prayer, Irish verse and song, or Arthur

Griffith's edited volumes of John Mitchel's *Jail Journal*, Thomas Davis's essays, or Michael Doheny's *Felon's Track*. While Griffith occasionally included Irish-language (*Gaeilge*) texts in *Éire-Ireland* and *Sinn Féin*, he did not clip any for *Scissors and Paste*. Advertisers, however, often carried both English and Irish text.

This is an important distinction about the perceived audience. Advertisers were selling Irish nationalism and used language as a tool to attract business. Griffith, on the contrary, was arguing that the sorts of texts and criticisms he was reprinting in his newspaper were widely available, especially from outside Dublin, and that the British administration in Ireland was engaging in an uneven application of the law. The absence of any Irish texts in the clipped material indicate that an important part of his audience – perhaps even his intended audience – were the authorities at Dublin Castle.

While the range of newspapers and the variety of locations from which Griffith acquired content is noteworthy, the actual content in *Scissors and Paste* is conceivably of greater importance. Reading through the print run, I calculated the number of lines for each clipping as an indication of space occupied on the page and assigned each clipping a topic. Where some clippings may concern two topics, I looked to the clipping's headline to help determine how the text in question was positioned by the editor. The purpose of this categorization is to better understand what kinds of ideas and information Griffith held as being of value to his readers. The purpose of assigning topics is to understand the newspaper in terms of the space and attention that Griffith provided to various subjects over the course of the newspaper's print run. Each text represents a deliberate process of the intellectual and the physical, where Griffith read through a variety of newspapers and other print materials, identified texts that he considered worthy of reprinting, cut them from the existing papers, and assembled the texts to form a new



page. Quantifying what was included in the issues reveals the specific topics that Griffith felt compelled to relay to his readers.<sup>82</sup>

The assortment of periodicals Griffith clipped material from is considerable. Table 6.1 lists the 18 most-clipped named newspapers; this represents titles with five clippings or more across the publication. It is critical to note that Griffith did not clip from papers that constituted in any way the Irish National Press or the Irish Volunteers. Some of the newspapers Griffith clipped from, including titles like the *Northern Whig*, *Daily Express*, and *Irish Times*, simultaneously campaigned for the suppression of these structures throughout 1914.<sup>83</sup> In selecting texts for reproduction, Griffith turned to the papers that were decidedly averse to his cause. Overwhelmingly, the content in *Scissors and Paste* was the “News from Berlin” on the progress of the war from the German wireless that also appeared in *The Times*, *Morning Post*, and *Daily Mail*. “News from Berlin German Wireless” reflects 25 per cent of the total content Griffith reprinted. Griffith relied heavily on *The Times*, *Morning Post*, and *Daily Mail* for additional content, representing 22 per cent of the clipped material, or, with the “News from Berlin” – 48 per cent of the total reprinted texts. Balancing this overwhelming share of the content, 61 newspaper sources were cited only once or twice, and ten newspaper sources were used three to four times. In this way, Griffith effectively demonstrates the wide range of content

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<sup>82</sup> M. H. Beals offers a similar type of analysis in considering the “Anatomy of a Newspaper”. Where she uses word count to determine how long a ‘normal’ newspaper article was in the mid-nineteenth century periodical press, I contend that line count is a more appropriate metric in this instance as it indicates the space on the page that a particular clipping occupied. While Beals does not assign articles a topic to categorize the content, she does use a close reading of the text to identify the type of texts, such as parliamentary debate, advertisements, letters to the editor, and local news. See M. H. Beals, “Anatomy of a Newspaper,” *M. H. Beals* (research post), March 28, 2017, <http://mhbeals.com/anatomy-of-a-newspaper-the-caledonian-mercury-20-june-1825/>.

<sup>83</sup> Griffith provided a commentary on this in “The ‘Seditious’ Press,” *Nationality*, April 29, 1916, 1.

that Irish readers had access to in the respectable press but that certain Irish newspaper proprietors faced threat of suppression for printing.

The global reach of Griffith's reading is considerable in that *Scissors and Paste* listed 32 cities as the origin of clipped newspaper content as outlined in Table 6.2.<sup>84</sup> That a majority of the content came from newspapers based in London, Dublin, New York, and Manchester is not especially surprising considering these metropolises had a diverse newspaper press production and were information centres more generally. More impressive is the 26 cities from where the editor lifted four or fewer clippings. While Griffith was reading local news from across Ireland, it is clear that he was paying attention to the global press. The inclusion in each issue of material that went beyond the London, Dublin, and New York presses signalled to readers that Ireland was not entirely isolated in their nationalist struggle. Further, this range of localities effectively relayed Griffith's position that texts which could be interpreted as challenging British authority could originate from anywhere – not exclusively in Dublin. To achieve this breadth of material, Griffith must have been an avid reader of the daily newspaper and periodical press with attention to all variety of publications. With clippings from London's *Tit-Bits*, Liverpool's *Catholic Times*, Belfast's *Northern Whig*, Westport's *Mayo News*, Boston's *Christian Science Monitor*, and New York's *Evening News*, *Sun*, and *World*, Griffith's editorial shears were clipping through the United Kingdom and across the Atlantic.

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<sup>84</sup> This table includes news items in addition to literary and historical sources that Griffith used in assembling his newspaper. The place of publication for clippings from newspapers and periodicals is easily identifiable (Griffith often included the city of origin in his citation); however, the place of publication for clippings from non-periodical items is more difficult to identify. Where Griffith cited a particular book or specific historical source, if enough information was included in the citation, I have located the place of publication and included that information in my tally. The 22 unlisted clippings are from texts that did not include enough information to know what publication Griffith was using. These are quotations, extracts from speeches or sermons, obscure literary extracts, and the eight newspaper clippings that were not attributed to a source.

**Table 6.1** Periodical Frequency\* in *Scissors and Paste*

<b>Periodical</b>	<b>City</b>	<b>Clippings</b>	<b>Lines</b>
News from Berlin, German Wireless	London	220	2205
<i>Times</i>	London	82	2471
<i>Morning Post</i>	London	59	2048
<i>Daily Mail</i>	London	54	1260
<i>Daily News</i>	London	50	1293
<i>New York American</i>	New York	36	841
<i>Freeman's Journal</i>	Dublin	29	453
<i>Daily Chronicle</i>	London	25	847
<i>Irish Times</i>	Dublin	18	423
<i>Evening Herald</i>	Dublin	18	392
<i>Daily Independent</i>	Dublin	16	146
<i>Evening Mail</i>	Dublin	16	257
<i>Labour Leader</i>	Manchester	16	702
<i>Forward</i>	Glasgow	15	413
<i>Sunday Chronicle</i>	Manchester	10	260
Untitled		8	86
<i>Sydney Bulletin</i>	Sydney	6	343
<i>Daily Citizen</i>	Dublin	5	146
<i>Daily Express</i>	London	5	164
<i>Manchester Guardian</i>	Manchester	5	162

\*18 most frequently cited titles. (2 titles clipped 4 times; 8 titles clipped 3 times; 17 titles clipped twice; 44 titles clipped once.) 63 clippings cited from non-newspaper sources, 51 unique titles. Total clippings: 870; Average lines per issue: 900; Median lines per issue: 904; Average lines per article: 23; Median lines per article: 15.

**Table 6.2** Origin of Clippings in *Scissors and Paste*

<b>Country</b>	<b>City</b>	<b>Clippings</b>
England	London	559*
Ireland	Dublin	130
USA	New York	51
England	Manchester	34
	Unlisted	22
Scotland	Glasgow	15
Australia	Sydney	11
Ireland	Belfast	4
Ireland	Clonmel	1
Ireland	Cork	1
Ireland	Derry	1
Ireland	Enniscorthy	2
Ireland	Galway	1
Ireland	Mullingar	2
Ireland	Navan	3
Ireland	Offaly	1
Ireland	Tipperary	1
Ireland	Westport	1
USA	Boston	2
USA	Indianapolis	1
USA	Pittsburgh	1
USA	Salt Lake City	2
USA	San Francisco	4
England	Birmingham	3
England	Crawley	1
England	Liverpool	1
England	Oxford	1
Argentina	Buenos Aires	1
Australia	Adelaide	2
France	Paris	1
Germany	Berlin	1
Norway	Oslo	1
Scotland	Edinburgh	2

\*220 clippings listed as News from Berlin (German Wireless, per the London “Times,” “Morning Post,” “Daily News,” and “Daily Mail”.)

There is the distinct possibility, however, that the variety of news clippings represents the work of other scissors-and-paste editors and that some of the texts Griffith reprinted were in fact already on their second iteration (or more) throughout the periodical press. Many of the newspaper titles Griffith cited readily engaged in scissors-and-paste work of their own and Griffith may have opted to cite not the materiality from where he clipped the texts as he read them but rather the newspaper titles to which the reprinted texts were attributed. For example, it is possible that the two clippings from London's *Ironmonger* were taken from Manchester's *Labour Leader*. Or, that the handful of clippings from religious periodicals like Adelaide's *Southern Cross*, Salt Lake City's *Interocean Catholic*, or Indianapolis's *Indiana Catholic* came from a Dublin-based periodical like the *Catholic Bulletin*. With the widespread use of scissors-and-paste throughout the periodical press, the true origin of these clippings is overwhelmingly difficult to tell. However, if it was indeed the case that Griffith decided to cite the 'original' publication for the text in question, this reinforces the proposition that he intended to demonstrate a scope of material from across the United Kingdom and the wider globe that was allowed to circulate freely under DORA.<sup>85</sup>

The clippings from small Irish weekly publications like the *Enniscorthy Echo*, *Midland Tribune*, or *Tipperary Star* were almost certainly read directly by Griffith. While jailed in Gloucester in 1918 along with other Sinn Féin leaders on charges of participation in a "German

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<sup>85</sup> In some cases, it is clear that Griffith was citing a reprint from the newspaper press that had previously been published elsewhere. For example, on 23 December 1914 in issue four, Griffith reprinted an article he titled "Germany's Super Submarine". The clipping reads, "The special correspondent of the 'New York Tribune,' under date Kiel, November 24, sends a long account of 'a day with the Kaiser's Navy.'" While Griffith attributes the clipping to London's *Times*, it is clear that this material was not original to that publication but lifted and reformatted for the London publication. In my account of Griffith's clippings, I count the publications that he gives accreditation to, in this case, London's *Times*.

plot,” Griffith wrote to Charles Murphy repeatedly with newspaper requests.<sup>86</sup> Murphy was an advisor to Eamon de Valera during the Easter Rising and later, manager of *Nationality*. Writing to Murphy, Griffith expressed frustration over the restriction of newspapers to prisoners and asked that the Irish press be informed that *Nationality*, *Irishman*, *Young Ireland*, *New Ireland*, and *Catholic Bulletin* were prevented from reaching the prisoners.<sup>87</sup> Griffith informed Murphy “No Irish weekly paper comes. They are sent, but they do not appear to get beyond the common’s office. [...] We get each of the English newspapers that support the war and we had an amusing morning reading them today.”<sup>88</sup> By July 1918, visits with the prisoners at Gloucester Prison were prohibited and, lacking reliable news and information as to the state of Ireland’s nationalist movement, Griffith requested a stack of local newspapers be sent to him:

We should be glad to get a number of the Irish provincial papers – Dundalk ‘Examiner,’ ‘Meath Chronicle,’ ‘Enniscorthy Echo,’ ‘Westport Weekly News,’ ‘Roscommon Herald,’ ‘Galway Express,’ ‘Kerryman,’ and so forth. The ‘Independent’ now reaches me from the office. All the papers sent except the five forbidden ones may be sent direct to us here at the jail.<sup>89</sup>

The following month, the provincial papers began to arrive.<sup>90</sup> However, Griffith expressed dismay over the fact that officers at the prison continued to restrict the newspaper he truly

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<sup>86</sup> For the accusation of a “German plot” see Padraic Colum, *Arthur Griffith* (Dublin: Browne and Nolan Limited, 1959), 183.

<sup>87</sup> NLI, Arthur Griffith Papers, 1894-1966, Arthur Griffith to Charles Murphy, June 28, 1918, Add. MS. 46,060/6.

<sup>88</sup> NLI, Arthur Griffith Papers, 1894-1966, Arthur Griffith to Charles Murphy, June 26, 1918, Add. MS. 46,060/5.

<sup>89</sup> NLI, Arthur Griffith Papers, 1894-1966, Arthur Griffith to Charles Murphy, July 1, 1918, Add. MS. 46,060/7.

<sup>90</sup> NLI, Arthur Griffith Papers, 1894-1966, Arthur Griffith to Charles Murphy, August 1, 1918, Add. MS. 46,060/9.

desired, his own *Nationality*.<sup>91</sup> While it is nearly impossible to capture the entirety of Griffith's newspaper reading experience in constructing *Scissors and Paste*, it is clear that he did engage with the local press.

**Table 6.3** Topic Frequency\* in *Scissors and Paste*

Topic	Clippings	Lines	Variety	Non-Periodical	Per Cent of Total Clippings
War	366	6937	49	4	42.07
German Sympathy	77	2571	37	6	8.85
Anti-British	75	2368	33	11	8.62
Irish Resistance	71	1868	44	15	8.16
Economy	68	1196	19	2	7.82
Politics	63	1681	25	6	7.24
Freedom of the Press	23	561	13	5	2.53
Misinformation in the Press	21	472	11	0	2.41
Law	17	300	11	0	1.95
Labour	13	273	12	0	1.49
Transport	11	66	7	0	1.26
Event	9	135	4	1	1.03
Catholicism	8	313	7	3	0.92
Biography	7	132	5	2	0.80
Freedom	4	228	3	2	0.46
Jewish Question	3	104	3	1	0.35
Other (24 topics)	35				

\*Topics more than 100 lines of text; 40 total topics.

As outlined in Table 6.3, I identified 40 topics in *Scissors and Paste*, 16 of which carried more than 100 lines of total text. Topic assignment confirms that *Scissors and Paste* predominantly reprinted texts about the war in Europe. As the largest topic, it accounted for 366 clippings or 42 per cent of the newspaper. This reporting also came from the largest variety of individual newspapers with 49 distinct titles and 4 non-periodical sources. Additionally, key

<sup>91</sup> NLI, Arthur Griffith Papers, 1894-1966, Arthur Griffith to Charles Murphy, August 28, 1918, Add. MS. 46,060/11.

topics included texts offering a sympathetic outlook on Germany, anti-British sentiment, and Irish resistance to the war effort and English rule more generally. Topics, “German Sympathy”, “Anti-British”, and “Irish Resistance” account for 77, 75, and 71 clippings, respectively, or generally 8 per cent of the total content for each topic. Collectively, as the topics that hold the greatest potential for being identified as sedition, they account for more than 25 per cent of the total content. These topics also carried a similar variety of periodicals with 37 for “German Sympathy”, 23 for “Anti-British”, and 44 for “Irish Resistance”. The remaining topics organize what Griffith imparted to his readers from the daily periodical press. Following the more prevalent topics, texts on the economy and political news were common as were texts advocating for a free press and pointing out misinformation in the press. Texts about the law, most notably commentary on DORA, labour issues, local events, and a few pointed texts on particular people round out the substantive topics in *Scissors and Paste*. Clippings were overwhelmingly news items, though occasional quotations, jokes, poems, and songs filled the newspaper along with frequent extracts from essays including history books and sermons.

While the editorial and publishing aspects of this story are remarkable, this quantitative work also constitutes evidence of Arthur Griffith’s reading experience. This record of reading provides a vantage point to understand the types of news materials the editor consumed himself and believed was important to communicate for the nationalist cause. While the nature of reading is “internal, private, and unremarked”, scissors-and-paste work effectively brings Griffith’s reading experience in the Irish periodical press into focus.<sup>92</sup> The reading experience in *Scissors and Paste* is not merely implied or inscribed; it is the editor’s real and politically directed process of selecting texts for his audience. From this perspective, the value is not the newspaper’s

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<sup>92</sup> Katie Halsey and W. R. Owens, “Introduction,” *The History of Reading, Volume 2: Evidence from the British Isles, c. 1750-1950*, ed. Katie Halsey and W. R. Owens (New York: Palgrave Macmillan, 2011), 1.



circulation and subscription but rather the editor's own reading and selection of what he considered to be important and necessary to pass on to Irish readers. This record does not provide a commentary on any of the particular texts Griffith clipped but it shows the range of periodicals and newspapers with which he engaged. By passing these particular clippings along to his readers, Griffith demonstrated the government's hypocrisy with respect to seditious print. These texts capture what he assumed to be opinions and evidence he could not express directly.

There is a second reading experience offered by a scrutiny of scissors-and-paste. The officials at Dublin Castle who partook in the *Scissors and Paste* investigation left a record of annotations on the newspaper itself, highlighting clippings they found particularly troublesome. Of the 22 issues that Griffith produced, 20 annotated copies survive (16 January 1915 and 24 February 1915 are not included in the Dublin Castle records). While this does not account for the mass reading public that Griffith worked to cultivate, it does account for a small but powerful readership: Griffith's critics. The men in Dublin Castle at Ireland's Chief Secretary's Office and the Dublin Metropolitan Police read, annotated, and discussed amongst themselves by internally circulated memoranda the clipped content that Griffith was reproducing with the aid of his printer, Patrick Mahon. These were, arguably, Griffith's most important readers. They held the power to silence his voice and they represented the establishment that Griffith believed was failing to follow their own expressed rules and principles.

The most prevalent readers from Dublin Castle included Under Secretary Matthew Nathan and Attorney General Jonathan Pim who respectively led the investigation representing the Chief Secretary's office and the Lord Justices; both acknowledged their reading of each number. Other voices also weighed in on the investigation and the state of the newspaper's contents, including Chief Secretary Augustine Birrell and officers at Dublin's Metropolitan

Police. As for the annotations that point out particular clippings in the investigation, this was likely the work of either Nathan or Pim as most discussion and debate took place between the two of them. It is possible, however, that a third person annotated the newspapers in preparation for their assessment. Table 6.4 shows that the prevalence of markings on the paper increased over time and followed the pace and urgency of the investigation. As the discussion appears on stationery for the “Chief Secretary’s Office, Ireland – Judicial Division” it is most likely that either Under Secretary Matthew Nathan or someone in his office was responsible for reading and marking the papers. In addition to controlling law and order in Ireland, the Judicial Division was responsible for maintaining contact with the Dublin Metropolitan Police and the Attorney General. It is unlikely that any of these officials marked the copies before internal circulation. With each issue, the papers were “read and marked” and a new series of interdepartmental comments and questions ensued. The identification of who marked the papers for the investigation is of less importance than what was marked and that this record of a reading experience evidences the opinion of officials at Dublin Castle. In the 20 issues preserved in the archive, 267 clippings were marked by the reader (or readers) at Dublin Castle. A quantitative account of the marked texts illuminates what sorts of reprinted texts the authorities found especially troubling.

**Table 6.4** Annotation Frequency in *Scissors and Paste*\*

Issue	1	2	3	4	5	6	7	8	9	10	11
Annotations	0	0	17	2	9	3	4	2	9	NA	8

Issue	12	13	14	15	16	17	18	19	20	21	22
Annotations	20	28	20	22	22	16	14	24	23	NA	31

\*Numbers 10 (16 January 1915) and 21 (24 February 1915) not included in Dublin Castle Records, 1798-1926.

**Table 6.5** Origin of Clippings in *Scissors and Paste* Annotated by Dublin Castle Investigation

Country	City	Clippings
England	London	166*
Ireland	Dublin	48
USA	New York	16
England	Manchester	13
Scotland	Glasgow	6
	Unlisted	4
Ireland	Belfast	3
USA	San Francisco	2
Australia	Sydney	2
Australia	Adelaide	1
Germany	Berlin	1
USA	Boston	1
Argentina	Buenos Aires	1
Scotland	Edinburgh	1
Ireland	Mullingar	1
Ireland	Westport	1

\*56 clippings listed as News from Berlin (German Wireless, per the London “Times,” “Morning Post,” and “Daily Mail”).

**Table 6.6** Publication Frequency\* for Texts in *Scissors and Paste* Annotated by Dublin Castle Investigation

Periodical	City	Clippings	Lines
News from Berlin, German Wireless	London	59	543
<i>Times</i>	London	22	835
<i>Morning Post</i>	London	20	823
Non-Newspaper <sup>‡</sup>		18	398
<i>Daily News</i>	London	17	422
<i>Daily Chronicle</i>	London	14	496
<i>Daily Mail</i>	London	13	317
<i>Freeman's Journal</i>	Dublin	11	154
<i>New York American</i>	New York	10	224
<i>Labour Leader</i>	Manchester	9	266
<i>Evening Herald</i>	Dublin	9	207
<i>Irish Times</i>	Dublin	8	161
<i>Daily Independent</i>	Dublin	8	82
<i>Forward</i>	Glasgow	6	200
<i>Daily Express</i>	London	4	158
<i>Sunday Chronicle</i>	Manchester	3	87
<i>Evening Mail</i>	Dublin	3	52

Numbers 10 (16 January 1915) and 21 (24 February 1915) not included in Dublin Castle Records, 1798-1926. \*Titles annotated more than twice; 44 individual periodical titles (5 titles annotated twice; 24 titles annotated once.)

As a reader-annotated text, these markings in effect amount to a kind of marginalia.

There are difficulties with using an added physical feature to the page to build a history of reading. The consistency in the marking across the issues suggest that it was the same reader making the inscriptions, though this is impossible to verify. The annotations were responsive and suggest a self-conscious reader who brought their own calculated interpretation to the texts in question. While marginalia can indicate that “one longs to say something,” in this case, the reader used no words.<sup>93</sup> They were not in conversation with themselves or with the author but with their colleagues at Dublin Castle and drew attention to particular texts for the benefit of

<sup>93</sup> Quoted from Hester Piozzi in H. J. Jackson, *Marginalia* (New Haven: University of Princeton Press, 2001), 82.

their colleagues. These annotations were not private or unguarded reactions, as the annotator knew that this work would be read by their peers as part of the censorship of seditious literature. It is known that this reader wanted to point out to their colleagues the texts that undermined – or potentially undermined – the British administration’s authority in Ireland. The annotations were for the benefit of their peers to evaluate the newspaper.

An analysis of the annotations suggests that the authorities at Dublin Castle ignored Griffith’s chief complaint, that Irish printers were unfairly punished for printing the same texts that London or other English printers could freely circulate freely.<sup>94</sup> For example, James O’Donnell Bennett’s journalism from the *New York Times* circulated in Britain but his reporting that contradicted accounts of German war atrocities became problematic, and highlighted by the censor, when reprinted in the Irish nationalist press.<sup>95</sup> Table 6.5 shows that of the 267 clippings that the annotator drew attention towards, 166 or 62 per cent of the texts came from newspapers published in London. It is important to note that a substantial 59 of those clippings came from the section “News from Berlin” that had been printed in *The Times*, *Morning Post*, and *Daily Mail*. Furthermore, the top five named newspapers with highlighted texts were *The Times*, *Morning Post*, *Daily News*, *Daily Chronicle*, and *Daily Mail*, all of which were popular and wide-spread dailies across Britain. Comparatively, less than 25 per cent of the questionable texts were published in Ireland, the majority of which came from Dublin. Further supporting Griffith’s position is that a selection of texts published across the United Kingdom and the United States were highlighted by the annotator. So-called seditious print was not only emerging from Dublin but from within London and across the globe as shown in Table 6.6.

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<sup>94</sup> [Arthur Griffith], “English Tories Denounce Press Censorship,” *Éire-Ireland*, December 4, 1914, 1.

<sup>95</sup> James O’Donnell Bennett, “American War Correspondent Replies to Conan Doyle,” *Scissors and Paste*, February 6, 1915, 3-4; “Atrocity Mongering,” *Scissors and Paste*, February 6, 1915, 2.

In opposition to what authorities at Dublin Castle claimed was their objection to *Scissors and Paste*, that it appeared pro-German, Table 6.7 shows that the annotator was more interested in texts about Britain and the war in Europe. Nevertheless, Griffith did clip substantial material that challenged the reports of German war atrocities and how the reported “brilliant British success” on the Western Front was in fact “useful advances [...] made from time to time at various points by the Allies” at a terrific cost of 150,000 men killed or injured.<sup>96</sup> German success at the First Battle of Champagne emphasized heavy French losses and the “German booty” of prisoners and weaponry.<sup>97</sup> Recounting the Battle of Festubert, Griffith reprinted details that suggested when the British Minister for War had addressed the House of Lords to say “the line has been maintained” in the trenches of Givenchy, this was inaccurate information. Griffith reprinted a report which wrote that English attempt to recapture the land were in vain and that the German army had maintained their possession.<sup>98</sup> The unsuccessful attempt by the British Indian Expeditionary Force to capture German East Africa at the Battle of Tanga was highlighted, noting that the British defeat was “the greatest battle which has hitherto taken place in any of our colonies, and it was a veritable feat of arms.”<sup>99</sup> These reports, combined with domestic news of English food shortages, rising wheat prices, and a rejection of Irish recruiting, demonstrated Griffith’s decidedly anti-war and anti-English viewpoints.<sup>100</sup>

115 of the texts highlighted by the annotator (or 43 per cent) were about the war and widely available throughout the periodical press. Where 27 texts expressed “German

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<sup>96</sup> “German Pressure Increasing,” *Scissors and Paste*, January 20, 1915, 2; “The General Advance,” *Scissors and Paste*, January 20, 1915, 3.

<sup>97</sup> “The Battle of Soissons,” *Scissors and Paste*, January 20, 1915, 3.

<sup>98</sup> “The Battle of Festubert,” *Scissors and Paste*, January 20, 1915, 3.

<sup>99</sup> “The British Defeat at Tanga,” *Scissors and Paste*, January 20, 1914, 3.

<sup>100</sup> “The English Ship Owners and the Poor,” *Scissors and Paste*, January 20, 1914, 3; “Food Prices in England,” *Scissors and Paste*, January 20, 1914, 3; “German Press and English Conscription,” *Scissors and Paste*, January 20, 1914, 1.

Sympathy”, 34 texts were “Anti-British” and 28 texts demonstrated “Irish Resistance”. Taken together as the most obviously seditious or vexing items, this accounted for only 89 texts or 33 per cent of the annotated clippings. Further, this data shows that 31 per cent of the total texts about the war in Europe were highlighted by the reader and, if the texts identified as “Anti-British”, “Irish Resistance”, and “German Sympathy” are grouped as potentially troubling topics, 40 per cent of these texts drew the annotator’s attention. The annotations are irregular and inconsistent with what the internal reports described as to the issue with *Scissors and Paste*.

**Table 6.7** Topic Frequency for Texts in *Scissors and Paste* Annotated by Dublin Castle Investigation

Topic	Clippings	Lines	Variety	Non-Periodical	Per Cent of Total
War	115	2512	24	0	43.07
Anti-British	34	1151	21	8	12.73
Irish Resistance	28	521	19	6	10.49
German Sympathy	27	849	17	1	10.11
Politics	11	350	8	0	4.12
Law	9	181	6	0	3.37
Economy	7	122	5	1	2.62
Freedom of the Press	6	151	3	0	2.25
Labour	5	111	5	0	1.87
Misinformation in the Press	5	80	4	0	1.87
Biography	3	91	2	1	1.12
Transport	3	25	2	0	1.12
Event	2	9	1	0	0.75
Freedom	2	214	2	1	0.75
Health	2	20	2	0	0.75
Jewish Question	2	76	2	0	0.75
Anti-German	1	5	1	1	0.37
Army Protocol	1	12	1	0	0.37
Communication	1	15	1	0	0.37
The Press	1	9	1	0	0.37

Reader-response theory would explain this inconsistency in the annotations by arguing that the reader at Dublin Castle approached *Scissors and Paste* with an implied meaning embedded in the texts. The reader's response was not a neutral commentary on the individual article but tainted by the presumption that the newspaper's content was seditious. As the degree of concern increased in the internal correspondence, so did the number of annotations on the newspaper. When the first two numbers of *Scissors and Paste* circulated internally, no annotations were made. As this point the authorities were working out whether or not they believed the newspaper made of clipped texts was problematic. Once they determined that the paper was indeed seditious, numerous texts were highlighted and marked for attention.

Table 6.4 shows a sharp rise in annotations with eight in Issue 11 and twenty in Issue 12. Not coincidentally, this is at the same time that Attorney General Jonathan Pim made the declaration that "the time has come to deal with this mischievous paper."<sup>101</sup> In Issue 11, in an extreme case of support for the German army, Griffith reprinted a notice that had appeared in Louth and Meath counties, as reported by the *Irish Times*. The notice was in response to a state request, printed in London's *Daily News* that should there be a German attack, people should "leave at once for the interior of the country with cattle, horses and moveable good, motor-cars, or anything serviceable to the enemy."<sup>102</sup> In juxtaposition, the clipping that was initially posted around Catholic Churches in Wexford encouraged a decidedly pro-German stance:

Take no notice of the police order to destroy your own property, and leave your homes if a German army lands in Ireland. When the Germans come they will come as friends, and to

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<sup>101</sup> TNA/PRO CO 904/160, Seditious Literature, Censorship, Etc.: Publication of Offensive Articles: 2, "Scissors and Paste," The Chief Secretary's Office, Ireland Correspondence, January 23, 1915, ff. 66/138. Unless otherwise noted, all references to CO 904/160 are from this collection, provided by Gale Primary Sources, Archives Unbound, The Dublin Castle Records, 1798-1926.

<sup>102</sup> "Warnings from the R.I.C.," *Scissors and Paste*, January 20, 1915, 1.



put an end to English rule in Ireland. Therefore, stay in your homes, and assist as far as possible the German troops. Any stores, hay, corn, or forage taken by the Germans will be paid for by them.<sup>103</sup>

Issue 12 continued this line of reprinting, emphasizing a sympathetic view of the German army and their cause. Clipped from Adelaide's *Southern Cross*, Griffith reprinted an account of atrocities committed by Franco-British Allies and the reported "conspicuous generosity" of German soldiers. The report's characterization of Turkish soldiers was discriminatory and racist:

The employment of semi-civilised Asiatic soldiers by the Franco-British Allies has added new horrors to the conflict. A young English officer who returned wounded from the front was asked about the German atrocities, but he had seen none of them. [...] What I did see was a crowd of Turcos each with a German head on the end of his bayonet, and I believe they were the heads of German wounded. Another Turco was noticed with a large lump in his knapsack. It turned out to be the head of a German, which he was taking home to his wife. Another paraded a French town with a necklace made of German ears.<sup>104</sup>

The newspaper took on its problematic character when the readers at Dublin Castle determined that it should be considered seditious. This response was informed by the debates and commentary that the authorities generated themselves. Attorney General Pim was steadfast in his decision that the authorities should suppress *Scissors and Paste*, as the number of annotations continued to climb reaching 31 in the final published issue. In considering the newspaper, the annotator employed a response to the text that was informed by the Dublin Castle investigation. From their perspective, *Scissors and Paste* was more than a collection of clippings.

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<sup>103</sup> "'People of Wexford,'" *Scissors and Paste*, January 20, 1915, 1.

<sup>104</sup> "Atrocities," *Scissors and Paste*, January 23, 1915, 2.

Griffith's newspaper venture demonstrates his news instinct and political calculation. Other nationalist and republican newspapers of wider distribution and greater readership continued to publish in Dublin and across Ireland during the months when Dublin Castle took aim at *Scissors and Paste*. That Griffith's newspaper was shut down indicates that he was, at the very least, successful in using this editorial tactic to draw attention to the hypocrisy of legislation. His purpose with *Scissors and Paste* was to demonstrate a point that could only be made with this innovative journalistic technique: the clippings he selected were merely informative when printed in the popular and respectable daily newspaper press, but when reprinted in the nationalist or republican press they came to be perceived by the authorities as dangerous. The text itself has not changed – only its materiality, context, and readership.

### *Suppressing Scissors and Paste*

The Office of Ireland's Chief Secretary took immediate notice of Arthur Griffith's *Scissors and Paste*, barely one week after *Éire-Ireland*'s suppression. In an internal memorandum dated 12 December 1914, Chief Secretary Augustine Birrell asked, "Is this paper in lieu of "Ireland?" The next day, Under Secretary Matthew Nathan replied simply stating, "It appears to be so."<sup>105</sup> Ireland's Attorney General, Jonathan Pim, who would take a rigid policy towards sedition in Ireland, replied to his associate and confirmed he had read the paper in question:

We have read the enclosed issue of "Scissors and Paste". There is no paragraph or quotation in the paper which any journal might not legitimately publish but the cumulative effect of the various quotations is considerable and undoubtedly the only object of said

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<sup>105</sup> TNA/PRO CO 904/160, Dublin Castle Internal Correspondence, December 12, 1914, ff. 134/138.

editing was to assist the pro-German propaganda in this country. To this end it is very mischievous. We do not think that any proceedings are advisable in respect of this issue.<sup>106</sup>

The authorities at Dublin Castle, however, remained cautious. Monitoring the ensuing numbers, Attorney General Pim wrote in response, “The object of this experiment in journalism is quite clear. It is an endeavour to do indirectly what the editor is not allowed to do directly; viz. to put forward a pro-German propaganda. [...] I think the paper is mischievous.” After his colleagues asked if he had any recommendations for the military authorities, the Attorney General added that he wanted to see how *Scissors and Paste* would play out. On 19 December, he discouraged Under Secretary Nathan from alerting the military. He insisted, “It would be better to give the editor some more rope. The paper has practically very little influence. The propaganda is too subtle for the man in the street.” The Under Secretary replied the same day that “the 3<sup>rd</sup> number which just appeared gives this editor enough rope.”<sup>107</sup> Without consensus as to how to respond, authorities at Dublin Castle continued to monitor the troublesome newspaper.

By 21 December 1914, there was growing doubt from Under Secretary Nathan whether military authorities should act against the newspaper.<sup>108</sup> On 29 December, Dublin Metropolitan Police submitted a report to the Under Secretary that 10,000 copies of the recent *Scissors and Paste* issue of 23 December had circulated throughout Ireland. The report relayed that 2,000 copies were distributed in Dublin while the remaining 8,000 were sent out in small parcels to newsagents in various provincial towns. As a warning, the report cautioned that “The circulation of the next issue, on tomorrow, will be about the same.” Perhaps to quell the alarm that was sure to occur at Dublin Castle upon receiving this news, the statement followed up, “The number of

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<sup>106</sup> TNA/PRO CO 904/160, Dublin Castle Internal Correspondence, December 12, 1914, ff. 134/138.

<sup>107</sup> TNA/PRO CO 904/160, Dublin Castle Internal Correspondence, December 16-19, 1914, ff. 128/138.

<sup>108</sup> TNA/PRO CO 904/160, Dublin Castle Internal Correspondence, December 21-28, ff. 119/138.

unsold copies has not yet been ascertained, it is doubtful if it can be learned with any degree of accuracy.” It added, “It is however doubtful if more than about two-thirds of the copies have been sold.”<sup>109</sup> On 30 December, Attorney General Jonathan Pim pivoted. He followed up to the report and wrote, “The matter is more serious than I thought. A distribution of 10,000 copies cannot be disregarded. [...] I think if next week’s issue is at all as bad as this week’s issue, the paper should be seized, the type destroyed. No further notice need be given.”<sup>110</sup> Hitherto the inquiry at Dublin Castle had considered the clipped content in *Scissors and Paste* to be relatively unprovocative. Of nearly 200 clipped texts in the first five issues, the inquiry had marked fewer than 30 as troublesome. Upon learning of the paper’s distribution, however, the level of alarm was significantly heightened. The circulation report, however, was in error. Dublin Castle’s Crime Department submitted a new report on 7 January 1915 informing the Under Secretary, “the circulation of this paper appears to have been about 800 copies in the provinces. No copies were sold in 19 counties and the largest circulation was as follows: Cork 156; Belfast 150; Limerick 132; Kerry 60; Dublin 60; Wexford 62; Roscommon 48; and Mayo 24.”<sup>111</sup> Authorities had grossly overestimated the success of Griffith’s small newspaper and the spread of his reprinted texts. Despite this miscalculation, their interest in Griffith’s scissors-and-paste work remained.

For the Lords Justice and the British administration in Ireland, that the newspaper was made entirely of clippings was secondary to its allegedly seditious nature as a whole. While the fact these news reports could be accumulated and read by virtually any dedicated reader was

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<sup>109</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Detective Department Internal Correspondence, December 29, 1914, ff. 111-112/138

<sup>110</sup> TNA/PRO CO 904/160, The Chief Secretary’s Office Ireland Internal Correspondence, December 30, 1914, ff. 109-110/138.

<sup>111</sup> TNA/PRO CO 904/160, Royal Irish Constabulary Office Dublin Castle Crime Department Internal Correspondence, January 7-8, 1915, ff. 94/138. Emphasis in the original.

acknowledged, the reproduction of so many pro-German and anti-British texts in a single newspaper – in addition to Irish verse and song – was unacceptable. The nuance of Griffith's protest was largely lost on his critics. Chief Secretary Augustine Birrell weighed in on the investigation and noted, "As I read the paper it has no independent voice." While he agreed that the cumulative effect was decidedly pro-German, Birrell noted that the ends were achieved "by an underhanded method".<sup>112</sup> As expected, the authorities at Dublin Castle stressed Griffith's intent repeatedly noting, "The objects of the paper are clear."<sup>113</sup> What is more, Attorney General Pim fixated on an interpretation that Griffith was reprinting old news so to have it appear new. While *Scissors and Paste* indicated where Griffith had found nearly all of the texts, the date of publication for the original news clipping was not always apparent.

It took the Attorney General a while to catch on to the age-old scissors-and-paste journalism technique. Recognizing the missing dates of initial publication, Attorney General Pim pointed out, "these quotations are all one sided and sometimes contain false news. Quotation (a) on the first page appeared weeks ago, but the date is suppressed, thus making it appear as new on the 10<sup>th</sup> inst."<sup>114</sup> It appears in this case that his attention was towards Section 27 of DORA which stipulated that no person was permitted to "spread false reports or make false statements".<sup>115</sup> Considering the wide-use of scissors-and-paste journalism, it is unlikely that prosecuting editors who reprinted the old as new was an appropriate application of the law in this particular instance. The authorities clearly found Griffith's work to be frustrating, as they were forced to confront his

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<sup>112</sup> TNA/PRO CO 904/160, The Chief Secretary's Office Ireland Internal Correspondence, December 30, 1914, ff. 110/138. Emphasis in the original.

<sup>113</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Dublin Castel Internal Correspondence, December 19-29, 1914, ff. 118/138.

<sup>114</sup> TNA/PRO CO 904/160, Internal Correspondence, December 16-19, 1914, ff. 128/138.

<sup>115</sup> Defence of the Realm (Consolidation) Act, 1914, 5 Geo. 5, c. 8.

cunning use of scissors-and-paste and evaluate the interpretive changes that the reprinting process imposed on the texts in question.

The monitoring of the clipped content in *Scissors and Paste* continued and, on 11 January 1915, the Chief Secretary's Office discussed their concern – not over the individual texts but rather over the collection of reprinted articles as a whole. Of the seventh number published on 9 January Attorney General Pim noted:

This issue is no worse and no better than any of the previous issues. There is nothing in it sufficiently noxious to warrant suppression. The cumulative effect, however, of all the issues is considerable and, as the paper has a respectable circulation, such an effect must be mischievous. I think the time has come when the Government should seriously consider whether it would be wise to suppress such a propaganda which the object of which is so clear.<sup>116</sup>

It appears that Griffith had successfully exasperated the British administration in Ireland. Over the ensuing three issues, the authorities rarely discussed Griffith's newspaper. The annotations and markings on copies of *Scissors and Paste* that circulated internally, however, would slowly intensify.

Under Secretary Nathan, relieved that the circulation was much lower than initially reported, informed his colleagues that he would prefer that suppression efforts be placed on *The Worker*, a reincarnation of the *Irish Worker*, a much more successful newspaper founded by James Larkin and edited by James Connolly, which focused on working class issues and labour

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<sup>116</sup> TNA/PRO CO 904/160, The Chief Secretary's Office Ireland Judicial Division Internal Correspondence, January 11-13, 1915, ff. 88/138.

conditions.<sup>117</sup> The *Irish Worker* had been suppressed alongside *Éire-Ireland* in the 3 December raids and the editor had also regrouped and provided new issues to newsstands by late-December 1914. In an attempt to avoid suppression, the editorship moved the publication to Glasgow and shipped the printed newspapers into Ireland in 50 lb boxes by steamer and train. The complexities of communicating with authorities in Scotland while attempting to intercept the newspapers in transit to Ireland was a logistical nightmare for Under Secretary Nathan.<sup>118</sup> He insisted to his colleagues that they could return to *Scissors and Paste* at a later time.<sup>119</sup>

During those weeks, the Dublin Metropolitan Police became involved in the investigation. Chief Inspector Oliver Brien recommended that the issue dated 20 January “does not appear to contain anything deserving particular attention.” However, that same day, Attorney General Pim decided that he had had enough. He replied the next day in the internal memo’s margins, “I think it should be suppressed. It can’t but be mischievous.”<sup>120</sup> This characterization was not used to describe *The Worker* which was now under scrutiny alongside *Scissors and Paste* or any other papers leading up to the 3 December blitz on printers and purveyors of nationalist and labour newspapers.<sup>121</sup> Under Secretary Matthew Nathan, in prompt reply to the Attorney General’s decision to finally silence *Scissors and Paste*, answered that action was not

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<sup>117</sup> Glandon, *Advanced-Nationalist Press Ireland*, 98. Glandon notes that in the first months of publication, the *Irish Worker* reached a circulation of 26,000 in June 1911 which grew to 94,994 by September 1911.

<sup>118</sup> TNA/PRO CO904/161, Seditious Literature, Censorship, Etc.: Seizure of Articles in Various Journals and Other Publications: 7, “The Worker,” ff. 1-91/91. For observation of shipments, see ff. 82/91; For seizure of *The Worker* see ff. 55-56/91; For explanation of logistics see ff. 45, 38/91. All references to this source provided by Gale Primary Sources, Archives Unbound, The Dublin Castle Records, 1798-1926.

<sup>119</sup> TNA/PRO CO 904/160, The Chief Secretary’s Office Ireland Judicial Division Internal Correspondence, January 11-13, 1915, ff. 88/138.

<sup>120</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Detective Department Internal Correspondence on Movements of Dublin Extremists, January 20-22, 1915, ff. 78/138.

<sup>121</sup> TNA/PRO CO904/161, Seditious Literature, Censorship, Etc.: Seizure of Articles in Various Journals and Other Publications: 7, “The Worker,” ff. 1-91/91.

necessary. In response on 23 January, Attorney General Pim again insisted, “I think the time has come to deal with this mischievous paper.” The Under Secretary, still not convinced, informed his colleague, “I should like to have a talk with you about this.”<sup>122</sup> The details of that meeting are uncertain but there was concern among the leadership at Dublin Castle that the suppression of the nationalist press would likely aggravate separatist activities.

In the weeks leading up to the earlier December 1914 descent on nationalist papers, it was the position of Home Rule supporter and later leader of the Irish Parliamentary Party, John Dillon, that too much attention to the pro-German arguments and anti-recruiting outlooks would only intensify the issues and make them more difficult to eradicate. While the newspapers were anti-British, they were small in number, with minimal influence and, in his view, not worth suppressing. Writing to Under Secretary Nathan in November 1914, who was only completing his second month in office, Dillon reasoned:

My strong feeling is – and I speak only for myself in this matter – that so far from helping us, or promoting recruiting, the suppression of these wretched, scurrilous rags will only increase our difficulties and raise fresh obstacles in the path of recruiting from the ranks of Irish Nationalists. [...] But I greatly fear that the suppression of the papers, with the consequences wh. will probably follow, may have a very evil influence on the whole situation.<sup>123</sup>

Likewise, the Chief Secretary for Ireland, Augustine Birrell, took little interest in suppressing *Scissors and Paste*, which he described as “a ridiculous little paper.”<sup>124</sup> Birrell was familiar with

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<sup>122</sup> TNA/PRO CO 904/160, The Chief Secretary’s Office Ireland Judicial Division Internal Correspondence, January 23-28, 1915, ff. 66/138.

<sup>123</sup> F.S.L. Lyons, *John Dillon: A Biography* (London: Routledge & Kegan Paul, 1968), 361-2. In Lyons, this quotation is cited as Dillon to Sir M. Nathan, November 28, 1914, (Nathan Papers, 450-1, ff. 218-23).

<sup>124</sup> Leon O’Broin, *The Chief Secretary: Augustine Birrell in Ireland* (Hamden, Connecticut: Archon Books, 1970), 122. In O’Broin, this quotation is cited as MS. Nathan 449, 28.2.1915.



Griffith and described him as “an extraordinarily clever journalist” leading up to the December 1914 newspaper and newsagent raids.<sup>125</sup> Historian Leon O’Brion has argued that, at the time of the December raids, Birrell was more concerned with the importation of firearms than with sedition. According to his account, Birrell’s concern with English public opinion, which called for the suppression of seditious periodicals, persuaded him to “open fire” on the press.<sup>126</sup> Though Under Secretary Nathan had ignored John Dillon’s advice in the earlier offensive against seditious newspapers, now that *he* sought to avoid the potential of escalating nationalist activities, he could not convince his colleagues to ignore *Scissors and Paste*.

On 25 January 1915, Augustine Birrell informed Colonel G. Cockerill of the War Office that the Irish Government was prepared “to deal with this mischievous paper” in the same way the military authorities had suppressed *Irish Freedom*, *Sinn Féin* and *Éire-Ireland* under DORA.<sup>127</sup> The next day, the Commander of Troops in Ireland, Major General Lovick Friend, informed the Under Secretary, “I consider that action should be taken and I am writing to the War Office today recommending that this paper be stopped and the printing press seized and rendered useless.”<sup>128</sup> Under Secretary Nathan replied, “Action in this matter will not be taken until we are specifically asked by the Military Authorities but I send the papers to you as you will like to acquaint yourself with the steps taken when the newspaper ‘Irish Freedom’ was dealt with.”<sup>129</sup> This attempt to stall any action against the press would ultimately be in vain.

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<sup>125</sup> O’Broin, *The Chief Secretary*, 120. In O’Broin, this quotation is cited as J. C. Medley Deposit, Cabinet Papers, Nov. 1914.

<sup>126</sup> O’Broin, *The Chief Secretary*, 121.

<sup>127</sup> TNA/PRO CO 904/160, Copy of Correspondence from Augustine Birrell to Colonel G. Cockerill, January 28, 1915, ff. 65/138.

<sup>128</sup> TNA/PRO CO 904/160, The Chief Secretary’s Office Ireland Judicial Division Internal Correspondence, January 23-28, 1915, ff. 67/138.

<sup>129</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Internal Correspondence, January 29 – February 11, 1915, ff. 64/138.

On 24 February, with 21 issues published, Attorney General Pim was growing anxious to suppress Griffith's *Scissors and Paste* and confirmed to his peers that it was his opinion that the newspaper in question was in violation of DORA's Section 27. He wrote, "No one can doubt it is meant to be prejudicial."<sup>130</sup> This conclusion, however, was not necessarily supported by the Treasury Solicitor, whose report put the matter of sedition into question but sidestepped the problem of whether or not the law should be enforced:

Speaking generally, I do not think that a mere compilation of extracts from other papers, although those selected are such as together to give an unfavourable impression as to the administration of this country, can in the ordinary way constitute an offence under the Defence of the Realm Regulations.<sup>131</sup>

The Treasury Solicitor expressed the need to consider the newspaper series as a whole and to consider the associated circumstances. In closing, however, he added that his opinion was "of little value in a case of this kind" and deferred to the Irish legal advisers. In a final moment of condemnation, Attorney General Pim wrote to his colleagues again that day stating, "no one can doubt... it is in fact prejudicial."<sup>132</sup> Taking this lead from the Attorney General, on 27 February Major General Lovick Friend informed the parties that he would prepare the warrant that day.

The warrant, signed by Brigadier General Felix F. Hill, Commanding the Troops in Dublin, under the power of DORA, cited Mahon's printing offices and Arthur Griffith's personal residence as having been used for purposes that jeopardized public safety. Officers were instructed "to examine, search and inspect the said premises respectively, and to seize, take, and

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<sup>130</sup> TNA/PRO CO 904/160, The Chief Secretary's Office Ireland Judicial Division Internal Correspondence, February 24, 1915, ff. 24/138.

<sup>131</sup> TNA/PRO CO 904/160, Copy of Treasury Solicitor's Opinion, February 15, 1915, ff. 28/138.

<sup>132</sup> TNA/PRO CO 904/160, The Chief Secretary's Office Ireland Judicial Division Internal Correspondence, February 24, 1915, ff. 24/138. Emphasis in the original.

remove from the said premises respectively all copies or parts of copies of the newspaper called ‘Scissors and Paste’, of whatever date, and also all said printed, typewritten, or written matter relating to the printing or publication of the said newspaper or otherwise”.<sup>133</sup>

At ten minutes to three o’clock in the afternoon on Tuesday 2 March 1915, Dublin Metropolitan Police, led by Lieutenant Colonel Walter Edgeworth Johnstone, arrived at the printing office of Patrick Mahon accompanied by Staff Captain Atkinson of the 31<sup>st</sup> Infantry Brigade, Sergeant Wilcox of the Military Police, another Sergeant and five constables to face off with the printer and accomplice of Dublin’s dreaded scissors wielder.<sup>134</sup> At the time, Mahon was at work setting the type for the next number of *Scissors and Paste*, which was due Wednesday morning. Mahon and his assistant, Robert Hamilton, offered no resistance.<sup>135</sup> With a warrant in hand issued by the military, the authorities seized 250 copies of *Scissors and Paste*, a linotype machine, brass letters, fittings, wheels, cranks, connecting rods, a large bundle of letters referencing orders from newsagents including requests for back issues of *Scissors and Paste*, and newspaper cuttings forming what was to become the upcoming issue. The officers took particular umbrage with an article titled “British Imperialism” from the *Freeman’s Journal* dated 26 December 1889 that was to be included in the 3 March issue of *Scissors and Paste* that would never reach newsstands.<sup>136</sup> The most difficult and essential task, however, would have been confiscating Mahon’s Payne & Sons’ Wharfedale printing press, which had the capacity to print over a thousand sheets per hour, and transporting it over the River Liffey to Dublin Castle for

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<sup>133</sup> TNA/PRO CO 904/160, Warrant Issued by Felix H. Hill, February 27, 1915, ff. 17-18/138.

<sup>134</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Superintendent’s Office Internal Correspondence, March 3-4, 1915, ff. 8-9/138.

<sup>135</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Superintendent’s Office Internal Correspondence, March 2-3, 1915, ff. 12/138.

<sup>136</sup> TNA/PRO CO 904/160, Newspaper Extract “British Imperialism” from the *Freeman’s Journal* of December 26, 1888, n.d., ff. 15-16/138.

storage. The officers left Mahon's hand printing press behind, but one of the constables dismantled and carried away the tympan.<sup>137</sup> It was enough to render the balance of what remained inoperable.

As a provision of the warrant, officers were authorized to enter any premises in which copies of *Scissors and Paste* were known to have been kept or sold and take all notices or placards advertising the newspaper or its contents and remove any copies of the paper in question. In a moment that was surely upsetting to Under Secretary Matthew Nathan, the officers informed him that their county inspectors found that the weekly circulation of *Scissors and Paste* "had risen to about 1,750 copies."<sup>138</sup> In less than two months the circulation in the provinces had more than doubled. Nevertheless, *Scissors and Paste* was suppressed, and those dangerous clippings could not reach the eyes of Irish readers. For Dublin Castle, the ordeal was over.

Patrick Mahon's troubles were not. Prior to the raid, no previous warning had been given (as was the case with the suppression of *Éire-Ireland* where he immediately complied and ceased publication). The Dublin Castle records indicate that no warning or request for Mahon to cease and desist the printing was issued during the 11-week investigation. As a result of the incursion, Mahon was left in a difficult position as a husband and father of seven children entirely dependent upon his income as a jobbing printer. Writing to Under Secretary Matthew Nathan at Dublin Castle with the aid of his solicitor, a little more than a week after the raid, Mahon appealed to have his printing press and equipment returned so that he might continue to earn an

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<sup>137</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Superintendent's Office Internal Correspondence, March 3-4, 1915, ff. 8-9/138; TNA/PRO CO 904/160, Dublin Metropolitan Police Superintendent's Office Internal Correspondence, March 2-3, 1915, ff. 11, 13, 14/138. A tympan is part of a letterpress that is placed between the platen (the plate which presses the paper against the type) and the paper. It equalizes pressure over the whole form to allow for effective printing.

<sup>138</sup> TNA/PRO CO 904/160, Royal Irish Constabulary Office Dublin Castle Crime Department Internal Correspondence, March 4-8, 1915, ff. 7/138.

income and provide for his family. According to Mahon, he viewed the printing work as perfectly innocent:

He [Patrick Mahon] regrets very much that the printing of the journal in question should have been considered such a serious matter by the Authorities as he was absolutely unaware that he was in any way committing an offence by publishing a paper which consisted of extracts from others, he has always been a law abiding Citizen and has never been desirous of in any way doing anything which could be considered subversive to the proper maintenance of law and order. Until the arrival of the Authorities Mr. Mahon was absolutely unaware that the publication of “Scissors & Paste” was in any way objected to and he never received any warning as to the publication of same.<sup>139</sup>

Mahon offered assurances that should his property be returned, he would “not again transgress by printing or being connected with any journal to which objection could be taken by the Authorities.”<sup>140</sup> Where *Scissors and Paste* had helped solidify Arthur Griffith as an advocate and potentially capable leader of the Irish people, it had left his printer without the tools to conduct his livelihood. The following week, Mahon was informed that the question of the disposal of his equipment was for the military authorities and that the administration would not interfere.

Section 51 of DORA stipulated that the seizure of property and contraband was the responsibility of the competent military authority and endowed them with the power to destroy or dispose of

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<sup>139</sup> TNA/PRO CO 904/160, Solicitors Corrigan and Corrigan corresponding on behalf of Patrick Mahon to Mathew Nathan, March 13, 1915, ff. 5/138.

<sup>140</sup> TNA/PRO CO 904/160, Solicitors Corrigan and Corrigan corresponding on behalf of Patrick Mahon to Mathew Nathan, March 13, 1915, ff. 5/138.

anything they acquired as a result of their searches.<sup>141</sup> Mahon's equipment and means of livelihood would remain unreturned in Dublin Castle's Lower Castle Yard.<sup>142</sup>

Mahon, however, did not disappear. He recovered, and possibly made use of the hand press the authorities left behind, to continue to publish seditious pamphlets. He sustained more raids on his printing offices at 3 Yarnhall Street throughout the revolutionary period. Though he was not identified as a participant in the Easter Rising, in June 1916 Mahon was sentenced by court-martial to three years' penal servitude specifically for his work printing *The Irish Volunteer*. His sentence was commuted to six months, of which he served five.<sup>143</sup> As Mahon was a Councillor for the Dublin Corporation in the Mountjoy Ward, John J. Farrell, who served as Lord Mayor between 1911 to 1912 and later became alderman of Mountjoy, petitioned the Lord Lieutenant to grant Mahon a free pardon on account of his civic position. The request was denied.<sup>144</sup> Patrick Mahon continued to serve as Councillor as a Sinn Féin member and later served his community as Chairman of the Dublin Technical Education Committee.<sup>145</sup> His relationship with Arthur Griffith did not end either. Mahon printed the second series of Griffith's last newspaper, *Nationality*, beginning in February 1917 – three months after his release from Mountjoy Gaol – until the paper was suppressed in 1918 along with *Young Ireland* and *Fainne an Lae*, the official organs of Sinn Féin and the Gaelic League.<sup>146</sup>

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<sup>141</sup> Defence of the Realm (Consolidation) Act, 1914, 5 Geo. 5, c. 8.

<sup>142</sup> TNA/PRO CO 904/160, Dublin Metropolitan Police Superintendent's Office Internal Correspondence, March 3-4, 1915, ff. 9/138.

<sup>143</sup> For Patrick Mahon's arrest, see *Daily Mail*, June 1, 1916, 7. For release and time served see *Irish Times*, November 1, 1916, 7.

<sup>144</sup> "Dublin Corporation and Rebellion Prisoners," *Irish Times*, September 28, 1916, 6.

<sup>145</sup> Sinn Féin, *Strike a Blow for Irish Independence*, n.d. ca. 1920, ink, letterpress election poster, NLI Ephemera Collection. The election poster describes Patrick Mahon's credentials as "Printer, 71 Summerhill (Chairman City of Dublin Technical Education Committee)." See also "Dublin and District," *Irish Times*, January 7, 1921, 7.

<sup>146</sup> Glandon, *Advanced-Nationalist Press Ireland*, 151-52. Glandon notes that the first series of *Nationality* began circulation on June 15, 1915. This was sponsored by the Irish Republican Brotherhood

By 14 January 1921, Mahon was back in court, having been charged on 6 November 1920 with being in possession of *Cumann na mBan* and *Dail Éireann* materials, two metal discs for printing documents related to the Irish Volunteers, and 18 proof sheets for publications “likely to cause disaffection to His Majesty.”<sup>147</sup> Standing before the court, Mahon took the opportunity to express his frustration over the past years at the difficulty for a jobbing printer to conduct business and make a living in Ireland. Airing his grievances Mahon pointed out, “During the war there was a Press Censor, who either passed or refused to pass, as he chose, what was submitted to him, but now printers [do] not know what they should print and what they should not print.” He explained that he had not seen the materials which were alleged to have been found at his printing works and that they could have been placed there by anyone.<sup>148</sup> The court did not take a sympathetic view. Mahon was sentenced to five years’ penal servitude for printing works, and being in possession of documents, relating to an unlawful association.<sup>149</sup>

With Patrick Mahon in custody, and his two sons, Patrick and Ross also in custody (serving six-month sentences in an English prison and Ballykinlar Camp, respectively) the British administration in Ireland moved in on Mahon’s Printing Works. On the night of 19 January 1921, a hundred soldiers and twenty-five members of the Dublin Metropolitan Police arrived at 3 Yarnhall Street to dismantle the print shop. In the years since the 1914 and 1915 raids, Mahon’s operation had grown considerably. Men removed two linotype machines, five motor engines, three Wharfedale printing machines, and a folding machine. The work continued

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and Arthur Griffith was a salaried editor. This paper ran until April 22, 1916. It was printed by Northgate Printing Works in Belfast and published in Dublin at 12 D’Olier Street. Glandon does not account, however, that the second series, beginning February 17, 1917 was printed by Patrick Mahon at 3 Yarnhall Street in Dublin. See also TNA/PRO CO904/161, Dublin Metropolitan Police Detective Department Internal Correspondence, November 2, 1918, ff. 567/589.

<sup>147</sup> “Cases Heard in Dublin,” *Irish Times*, January 14, 1921, 6.

<sup>148</sup> “Cases Heard in Dublin,” *Irish Times*, January 14, 1921, 6.

<sup>149</sup> “Sentence of a Dublin Printer,” *Irish Times*, January 18, 1921, 5.

until 2 o'clock in the morning. The *Irish Times* reported that, as a result of this action, thirty men employed by Mahon found themselves jobless. While officers worked into the night, Patrick Mahon's wife and his daughter looked on.<sup>150</sup>

By 1923, in the midst of the Irish Civil War, Patrick Mahon had resumed his work as a printer. The final blow came on 10 February when five men arrived at his offices with revolvers drawn while Mahon and his sons were busy in the composing room. While these men's identities are uncertain, it is likely that they represented Anti-Treaty forces. Mahon was expected to print a revived version of *The United Irishman*, the newspaper founded by Arthur Griffith in 1889 and best associated with the late leader's ideas and politics. The men showed Mahon a box of landmines they carried and informed him that they did not want to cause him physical harm but intended to detonate the explosives inside his offices. The *Weekly Irish Times* reported that Mahon offered no resistance but appealed to the men's decency that he might collect his hat and coat before leaving the premises. They obliged and shortly thereafter, an explosion rang out throughout Dublin. A portion of the building collapsed, and a fire erupted inside destroying much of its contents. As a result of the blast, various parts of printing machinery, type, and cases were reportedly "blown about in fragments [...] and other articles were wrecked and strewn about."<sup>151</sup> Patrick Mahon estimated £20,000 in damages.<sup>152</sup>

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Supporters reacted to the suppression of *Scissors and Paste* in March 1915. Standing before Parliament on 11 March, Independent Irish Nationalist and outspoken critic of Britain's

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<sup>150</sup> "Military Activity in Dublin," *Irish Times*, January 20, 1921, 5.

<sup>151</sup> "Wrecked by Mine: Dublin Printing Works Destroyed Saturday Afternoon Raid," *Irish Times*, February 12, 1923, 6.

<sup>152</sup> "Dublin Compensation Claims," *Weekly Irish Times*, February 24, 1923, 5.



participation in the war, Laurence Ginnell, protested against this further state censorship. He pointed out to Parliament that the paper had been suppressed without warning, whereas in other cases of suppression or restriction of the press in Ireland, the military authorities had given notice. Furthermore, he questioned Harold Tennant, Under Secretary for the State for War, as to why, if the offence was committed under DORA, had the accused not been given the benefit of a trial as the Act provides. He pressed the Under Secretary as to whether he could specify the exact matter that resulted in the paper being suppressed and what action would be taken against the papers from which the content was extracted.<sup>153</sup> Again, the State was confronted with the question of hypocrisy in censorship brought on by the complexities of Griffith's scissors-and-paste work. In response, the Under Secretary for the State for War claimed that *Scissors and Paste* was "a sheet consisting from papers selected for their derogatory references to the cause of the military operations of the Allies, and for their praise of the methods and success of the enemy."<sup>154</sup> While that was not necessarily untrue, it ignored Tennant and Griffith's point that this content was widely available and reproduced overwhelmingly from the London press.

The *Irish Volunteer*, a militant newspaper and official organ of the Irish Volunteers, was also printed by Patrick Mahon at 3 Yarnhall Street. But as a result of the March 1915 raid, it did not appear for the week in question. Laurence Ginnell asked the Under Secretary whether the military authorities in Dublin had informed the editor of the *Irish Volunteer* that their actions had effectively resulted in its suppression. This detail of Mahon printing both *Scissors and Paste* and *Irish Volunteer* had escaped the Dublin Castle investigation and the Under Secretary, perhaps ignorant of this information, sidestepped the question and replied, "the editor may have

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<sup>153</sup> Laurence Ginnell, Question to House of Commons, Hansard, March 10, 1915. *Written Answers, Commons*, 5<sup>th</sup> ser., vol. 70 (1914-1916), cols. 1423-1425.

<sup>154</sup> Defence of the Realm (Consolidation) Act, 1914, 5 Geo. 5, c. 8.

considered it wiser to suspend its issue.”<sup>155</sup> This was inaccurate. On 27 March 1915, editor of *Irish Volunteer*, Eion Mac Neill, considered that the suppression of *Scissors and Paste* was one and the same with the *Irish Volunteer*. He argued that “the attempted suppression of this paper had not the remotest connection with the regulations under the Defence of the Realm Act” and confirmed that he also did not receive any warning that his newspaper was in contravention of the act in question.<sup>156</sup> He pressed:

It is now evident that, whatever the military authorities had in mind, the political side of the Government, while they ostensibly stopped Mr. Mahon’s printing works in order to prevent the publication of ‘Scissors and Paste,’ hoped at the same time to silence the political criticism of the ‘Irish Volunteer.’ They made no complaint against the ‘Irish Volunteer,’ but when they found that his paper was being printed by another printer they immediately endeavoured to stop its publication. It can be proved to the hilt that this attempt was set on foot as a purely political measure and not as a military measure.<sup>157</sup>

Despite these claims, there is no indication from the files associated with the Suppression of Seditious Literature that the administrative and legal authorities were unaware of this detail. It appears that this was simply a convenient result for Dublin Castle. Laurence Ginnell continued to press Under Secretary Tennant for clarity on this matter into April 1915, asking repeatedly how editors might know whether they were in breach of DORA and if they would be offered fair trial for any alleged offence. The Under Secretary offered Ginnell no satisfactory response.<sup>158</sup>

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<sup>155</sup> Laurence Ginnell, Question to House of Commons, Hansard, March 10, 1915. *Written Answers, Commons*, 5<sup>th</sup> ser., vol. 70 (1914-1916), cols. 1423-1425.

<sup>156</sup> [Eion Mac Neill], “Notes,” *Irish Volunteer*, March 27, 1915, 1.

<sup>157</sup> [Mac Neill], “Notes,” 1.

<sup>158</sup> Laurence Ginnell, Question to House of Commons, Hansard, April 27, 1915. *Written Answers, Commons*, 5<sup>th</sup> ser., vol. 70 (1914-1916), cols. 546-548.

### *Conclusions*

While *Scissors and Paste* was small in circulation, its impact was substantial. The newspaper brought new questions of authorship and intentionality to the attention of the Press Censor and the authorities at Dublin Castle. Advocates for a free press, like Laurence Ginnell, tried to have his opposition confront the hypocrisy of sedition in Ireland. Prior to DORA, the person responsible for a treasonable text was the author, or in the case of newspapers and periodicals, the editor, who assumed responsibility for the publication's content. While printers were sometimes tried and held accountable, this was in cases of anonymous authorship. Griffith effectively demonstrated that leading London newspapers, and indeed papers from across the United Kingdom and the globe, were allowed to circulate freely and without hindrance despite containing what the Chief Secretary's Office deemed to be unacceptable texts. It was when a text came to be recirculated in the same medium, but under the banner of a different periodical, that its interpretive quality was altered. Where *The Times*, for example, was responsible for the most clippings, its editors had never been cautioned, fined, or court-martialled under DORA. Griffith's careful text-selection was a critical editorial comment on the state and unevenness of Ireland's laws and journalism.

Taking account of the Press Censor, *Mitchell's Newspaper Press Directory* recommended, "The only reason one can think of as likely to induce a Court to question the Censor's discretion would be proof of actual perverseness on his part; as, for instance, if he should have passed substantially the same item of news against the publication of which complaint is made for some other newspaper."<sup>159</sup> The nominal value of Griffith's work in *Scissors and Paste*, at least for his contemporaries, was that it illuminated the long-standing

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<sup>159</sup> George E. Leach, "The Press Censor and His Powers: The Legal Aspect," in *Mitchell's Newspaper Press Directory* (London: C. Mitchell & Co., 1915), 27.

practice of administering the same laws one way in Ireland and another in England. In using this journalism method, Griffith attempted to focus public attention on the hypocrisy of a liberal government that claimed to promote liberty but readily adopted constitutional changes in DORA which conferred unprecedented authority over the lives and rights of the people.

Beyond this uneven application of law, it is essential to note the absence of a trial for Arthur Griffith or his printer, Patrick Mahon, in the case of suppressing *Scissors and Paste*. Conveniently, authorities were not compelled to explain in any detail which articles were intolerable to them and they were not burdened with the necessity to give evidence as to how these texts infringed upon the law. Had such a trial transpired, the authorities would have had to establish the principle that a given text, or the ideas or information it communicated, was harmless for the London or English reader but transmuted into a public threat when reprinted in Dublin and read throughout Ireland.

In the case of *Scissors and Paste*, the authorities at Dublin Castle anticipated the meaning that readers would derive from the text. They reasoned that the initial author's intentionality was unavailable – readers could only access the editor's motivations. In fact, meaning was not embedded in the individual texts, but in the synergy of the reprinted texts as a whole. As Griffith's newspaper was identified by state authorities as contentious, all textual material printed therein was interpreted in relation to this certainty. The administrators anticipated that Irish readers could only actualize the text in a single way. That Irish readers might also notice the missing dates of initial publication or identify Griffith's clear partisanship, for example, was not a possibility. *Scissors and Paste* was perceived as seditious not for the texts themselves but for the anticipated reader's interpretation of the texts.

*Scissors and Paste* was by no means Arthur Griffith's last comment on the state of Ireland's newspaper press. He continued this line of criticism in his next newspaper, *Nationality*, with a series of articles titled "The Reptile Press". Here, he argued the newspaper press in Ireland was "a press *in* Ireland, and not *the press of Ireland*."<sup>160</sup> Through a pointed commentary on Ireland's national journalism – ranging from the *Dublin Journal* to the *Evening Post*, *Freeman's Journal*, and *World* – he explained how these newspapers had cooperated with the British authorities in Ireland to discredit and misrepresent the nationalist movement.<sup>161</sup> Later, in the second series of *Nationality*, Griffith pointed out that these papers, referring to the third Home Rule crisis, "advocated for armed resistance to the forces of the British Crown in Ireland if those forces attempted to sustain an Act passed by the British Parliament." In an effort to demonstrate his long-worn position over the hypocrisy of legislation to control seditious print, Griffith pointed out that the editors received no indictment and the newspapers received no threats of suppression for this seditious call to arms.<sup>162</sup> This double standard was Griffith's unending aggravation.

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<sup>160</sup> Arthur Griffith, "The Reptile Press," *Nationality*, June 19, 1915, 7. Emphasis in the original.

<sup>161</sup> Arthur Griffith, "The Reptile Press," *Nationality*, July 3, 1915, 7-8.

<sup>162</sup> For detailed discussion of the Government of Ireland Act 1914, see James McConnell *The Irish Parliamentary Party and the Third Home Rule Crisis* (Dublin: Four Courts Press, 2013), especially 222-41. For Griffith's commentary see "The 'Seditious' Press," *Nationality*, April 29, 1916, 1.

## **Conclusion**

### **Scissors-and-Paste Journalism as Situated Knowledge**

Leslie Howsam has observed that in regard to book history's interdisciplinary nature, "The reason why definition and modelling are so difficult is that there are several histories of the book." Howsam has specified some of those disparate approaches, including studies that focus on analytical or critical bibliography, time and place, nationalist frameworks, intellectual cultures, genre, and publishing formats. Another methodology she has identified is "an abstract history of the book" where scholars investigate "themes of materiality, mediation, and mutability."<sup>1</sup> This dissertation, about how texts travel across readerships through textual copying and circulation in newspapers and periodicals, has utilized that particular approach.

In this study, I have asked why texts comprised in the medium of newspapers and periodicals were susceptible to manipulation and without considerable impediments to replication. I have centred this investigation on subeditors (with attention to other parts of journalism) who mediated texts through the practice of scissors-and-paste journalism which included the complex mental processes of reading, evaluating, and revising texts for circulation. I have shown how texts contained in newspapers and periodicals were not only ephemeral but changeable and inconstant. It is not sufficient to recognize that texts move and change between publications. To fully grasp how texts change when copied into new publications, and how this fits into the wider socio-economic conjuncture of producing bibliographic documents, I have offered a comprehensive analysis focused on the labour of subediting and the nature of scissors-and-paste journalism – including the reading practices that shaped this specialized labour.

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<sup>1</sup> Leslie Howsam, "Thinking Through the History of the Book/Réfléchir par l'histoire du livre," *Mémoires du livre/Studies in Book Culture* 7.2 (Printemps 2016), DOI: 10.7202/1036851.

There is a kinesis to the ideas and information that appear in newspapers and periodicals. This is evidenced in how texts (inclusive of journalism, literature, and criticism) permeate and influence readers and society more broadly. That notion may seem axiomatic, but the agency inherent in these publications cannot exist without ample and inclusive structures that facilitate the flow of information. An essential part of the press's dominance in the nineteenth and early twentieth century was powered by subeditors who routinely copied texts using scissors-and-paste and repurposed them with varying degrees of deviation from the original. The resulting versions are what I call a 'separplex': separate documents published in the newspaper and periodical press that are similar in textual content but bibliographically different. When these individual texts are taken together, they constitute a comprehensive feature of a text's lifespan. Subeditors could appropriate a text's useful qualities and reprint it verbatim, enhance it with the addition of new information, curtail it by cutting down its length and detail – or not reprint it at all. As I have demonstrated, a text repurposed by a subeditor may not even have been the 'original' text, but a version amended and republished by another subeditor, and so forth. There is a limit to what scholars can determine about how texts circulated in newspapers and periodicals, but this dissertation establishes that subeditors were part of and helped create reading patterns that shaped the shifting attitudes of British readers in the nineteenth and early twentieth century.

The subeditor's practice of cut, revise, and paste is deceptively simple. Scissors-and-paste journalism, while ubiquitous across the press, was in fact a complex exercise that facilitated the exchange of texts – as well as the ideas and information they conveyed – across diverse sites of production, dissemination, and reception. Scissors-and-paste journalism was driven by labour. It was the technical practice of subediting and the consistent, steady work of reading, followed by evaluation and revisions, that propelled texts throughout the press. That propulsion was sustained

by laws that permitted copying between publications. No copyright in news was enacted. The practice of taking from one source and reusing in another persisted. Journalists, editors, and publishers attempted to implement reforms; however, business, government, and the courts tolerated legal inefficiencies that allowed copyright and broader journalistic customs to work to the advantage of some, but not others. It is arguable that these laws served the many over the few, by maintaining a flow of information throughout the newspaper and periodical press and thus keeping essential news available to all people. However, that happened at a price. This dissertation shows that different members of the journalistic profession viewed aspects of this publishing scheme as an injustice. Ordinary journalists, well established writers and editors, as well as managers and proprietors were affected. There is no doubt that journalism should serve the public good. However, the cases of textual circulation explored throughout this dissertation show that in many instances the law abandoned those who were most vulnerable as well as those who had invested most in developing original writing and independent reporting. It did not provide distributive justice. The norms and outcomes may have followed the laws and publishing customs – but were not necessarily socially just.

In this conclusion, I review the different protagonists and problematics I have examined throughout this dissertation. To accomplish this, I overlay my research on Sydney Shep's model for situated knowledges in book history.<sup>2</sup> As I explained in the introduction to this dissertation, my approach to the history of the book and culture of the printed word branches from Shep's model, which focuses on the relationships between people, places, and objects. More specifically, it is Shep's attention towards the "complex and often fluid networks between authors and readers, producers and consumers" that informs my approach to scissors-and-paste

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<sup>2</sup> Sydney Shep, "Books in global perspectives," *Cambridge Companion to the History of the Book*, ed. Leslie Howsam (Cambridge: Cambridge University Press, 2015), 53-70.



journalism and the labour of subediting. This model is especially helpful to position the mutability of newspapers and periodicals as well as the relationship between the people, places, and objects which this dissertation investigates. I provide a step-by-step analysis of how this dissertation explores the intersections between life histories (including the people of the press; law makers; readers at various levels), a sense of place and space (ranging from provincial and metropolitan markets; correspondents abroad or in place; texts originating in England or elsewhere), and bibliographical methods that stress the material record of scissors-and-paste journalism. At the close, I reflect on the question, ‘What happened to scissors-and-paste journalism?’ While this dissertation explains how this textual practice rose to prominence and became a point of contention, there remains more to be said about this journalism practice’s long-term consequences.

Following Shep’s model for situated knowledge, the dominant sphere of knowledge is **prosopography** or life histories. I characterize the press, law and government, and readers as groups of investigation; I also provide a kind of individual biography by focusing on specific individuals and their agency. As I explained in the introduction, my approach is attentive to the experiences of people within the newspaper and periodical press to drive not only the narrative arc of each chapter, but also to help focus the research on how scissors-and-paste journalism was used and understood by individuals in the past. Historian of imperial Britain, Tony Ballantyne, has noted that “thinking through life histories is a powerful way of reconstructing imperial webs or networks and recovering the role of these connections in the making and remaking of imperial culture.”<sup>3</sup> Although this dissertation focuses overwhelmingly on domestic Britain, recovering the

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<sup>3</sup> Tony Ballantyne, “The Changing Shape of the Modern British Empire and its Historiography,” *The Historical Journal* 53:2 (2010): 445; 429-52. Ballantyne was referring specifically to David Lambert and Alan Lester, eds., *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth*

connections between people and production in the development and distribution of texts in the newspaper and periodical press helps reveal the multidimensional systems that facilitated the spread of ideas and information to various readerships. I use life histories to enhance and inform analysis about the journalistic, legal, and political structures that facilitated the existence and persistence of scissors-and-paste journalism.<sup>4</sup>

Three interrelating groups of people shape the life histories in this dissertation. The first, and largest group, are the people of the press. These include proprietors, editors, newspaper managers, subeditors, and journalists of all ranks. I have also shown how people who are not part of journalism but work in adjacent occupations are also connected to the events surrounding textual circulation. John Sawyer, the newspaper delivery man, was swept up in the high-stake world of seizing early newspaper editions filled with desirable news and commercial information. Likewise, the printer Patrick Mahon was entangled not in the practice of scissors-and-paste but by the results of the transformation that occurred when Arthur Griffith repurposed old texts for a new readership. Although scissors-and-paste journalism was primarily associated with subeditors, it was not exclusively within their purview. It was a journalistic practice that had considerable presence and was connected to people throughout the newspaper and periodical press.

Proprietors strove for market dominance. People like John Walter III of *The Times* or Edward Steinkopff of the *St. James's Gazette* have only a minor or passing presence in this dissertation but represent a force of considerable influence. Newspaper and periodical proprietors had little to do with the practice of scissors-and-paste but much to do with allowing a system that

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*Century* (Cambridge: Cambridge University Press, 2006). This quote is also cited in Shep, "Books in global perspectives," 64.

<sup>4</sup> Peter Burke, "History of Events and the Revival of Narrative," *New Perspectives on Historical Writing*, 2<sup>nd</sup> ed., (University Park, Pennsylvania: The Pennsylvania State University Press, 2001), 283; 283-300.

relied on textual copying to accommodate publishing methods. As Will Slauter has observed, “Cultural and political attitudes towards news thus helped to determine the acceptable boundaries of copyright.”<sup>5</sup> Those attitudes were characteristically promoted by proprietors across the London and provincial press who profited from a system that permitted wide-spread copying. Proprietors in this study are a power that aimed to improve circulation. The quality of the content mattered, but its origins less so in a system that relied on the normalcy of copying.

Editors were often at the centre of debates over copying. Some, like Sidney Low of the *St. James's Gazette*, viewed the practice of scissors-and-paste journalism as part of the custom and courtesy of the journalistic trade. Like many other journalists, Low's experiences with copyright litigation show how he thought clear rules existed for what may be fairly copied and what texts were out of bounds. Others like Phillip Howards Davis of the *Confectioners' Union* accepted the norms of copying but wanted acknowledgement when his original texts were copied and reprinted by another publication. Davis was also a trade journalist and so he was also preoccupied with gaining influence not necessarily through payment but what he viewed as the immaterial benefits of a presence throughout the trade press. I have also shown how Arthur Griffith used this longstanding journalistic practice as an ingenious way to make a political point about the censorship of news. Augustine Birrell referred to the complications over copyright in the late nineteenth century as part of “the wrangle of contending interests and rival greedinesses.”<sup>6</sup> The disagreements over copyright in newspapers and periodicals were driven by commercial interests but they were also shaped by a failure in the law. While the absence of law

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<sup>5</sup> Will Slauter, *Who Owns the News? A History of Copyright* (Stanford: University of Stanford Press, 2019), 188.

<sup>6</sup> Augustine Birrell, *Seven Lectures on the Law and History of Copyright in Books* (London: Cassell & Company Ltd., 1899), 195. This quote is also cited in Isabella Alexander, *Copyright Law and the Public Interest in the Nineteenth Century* (Oxford and Portland: Hart Publishing, 2010), 291.

was beneficial for some, like readers throughout the provincial press who benefited from the steady flow of news and information (the lifeblood of liberal society) reprinted from large, metropolitan publications, it left room for opportunistic behaviour that aimed to profit from a system that was void of effective regulation. When governments fail to provide effective laws, it is often the most vulnerable members of society (in this case, freelancers and penny-a-liners) who are left disadvantaged. In response to this failure, editors like Stanhope Sprigg of *Windsor Magazine* argued for the importance of a union of working journalists that could lobby for agreeable labour terms for those who actually produced the texts that circulated across the press.

Newspaper managers were influential over copyright law and the rules for fair dealing regarding textual circulation. Charles Frederick Moberly Bell, manager, and later director, of *The Times*, argued passionately and consistently for the necessity of a copyright in news. There is no doubt that this position was motivated by commercial interests. He was interested in *The Times*'s dominance throughout the newspaper marketplace, just as other newspaper and periodical proprietors and managers were interested in the success of their respective ventures. However, it is also clear that his motivation for a time-limited copyright in news was also in response to opportunistic actors who did not equally invest in news procurement. He argued not only for copyright but for laws that would encourage publications to develop networks and channels of information to ensure that the matters they reported on were wholly reliable and verifiable. To achieve a high standard of verifiability, Bell argued that many correspondents from many publications were needed in the same locations to provide broad access and to ensure accuracy in reporting. However, if the law permitted widespread copying – or the same news reprinted with different words – commercial interests would take precedence over high-quality and wide-ranging reporting. Newspapers may have been thought of as a service for people, business, and

government alike, but they were first and foremost a commercial venture. The result was a tragedy of the commons where newspaper proprietors acted independently in self-interest, appropriated what others produced, and under-invested in their own contributions to the common stock of news and information. The weight of this argument was lost on a system that depended on and was wholly accustomed to copying.

Subeditors were the chief agents of scissors-and-paste. Their labour focused on the reading, evaluation, revision, and reprinting of texts collected from across the press in developing their publication. They held an immense influence over the textual content that appeared in newspapers. As a commentator in *Chambers's Journal* explained:

There are sub-editors, and sub-editors. Some are merely the tools in the hand of the managing editor, and of little more account than the scissors which they use; others, on the other hand, have more to do with the success of the papers they are connected with than the most brilliant of leader writers. Indeed, when we remember that the subeditor, as a rule, has entire control over all that portion of the paper which is not occupied by the contributions of the leader-writers, we must acknowledge the importance of his duties, and of the position which he holds.<sup>7</sup>

In making the case of the subeditor's centrality to journalism production, I have drawn upon accounts found in journalism handbooks, literature, and the descriptive explanations from the press itself to explain and describe the nature of this work. Although subediting is most readily associated with scissors-and-paste journalism, their work was more than this single journalistic practice. This dissertation provides a comprehensive picture about subediting through diverse accounts; however, it does not detail the experiences of any one subeditor in particular. One

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<sup>7</sup> "Scissors and Paste," *Chambers's Journal*, December 14, 1867, 787; 785-88.

reason for this is the fact of silences within the archival record. Another is that many types of journalists took up scissors-and-paste journalism. Participants ranged from beginner journalists, emboldened by texts like Oliver McEwan's lessons in the *Modern Journalist and Literary Aspirant* to established editors and journalists who practiced 'sweating, milking, and poaching' to improve their personal incomes. I have argued for the diversity and complexity of scissors-and-paste journalism by showing how this practice was implemented across journalism's ranks.

Journalists comprise the largest collection of disparate experiences in this dissertation. This ranges from Thomas Frost in Yorkshire, who argued for improved wages and regulations to oversee the hiring and training of journalists, to James Sykes of the *Derby Mercury* and Lewis James of the Birmingham Press Club, who worked with their fellow journalist to find a more equitable path forward that would give space for journalists to thrive. George Springfield may have been motivated by self-interest in seeking greater compensation for his journalistic contributions, but his argument was one that many journalists could identify with in seeing others profit from their labour while their wages remained comparatively low. A number of nameless journalists also appear in this research through correspondence preserved in *The Journalist*. Their choice to withhold their names is an important point, as many of them spoke out against their emerging profession's unjust practices and rebuked trends that eroded their independence and control over the results of their labour. Perhaps they feared that an inferior status would minimize the reception of their ideas or that it would jeopardize their chances of gaining employment in the future. It is also possible that these nameless correspondents could have been well-established editors or journalists who sought to protect their identity in siding with the need for a union of working journalists. Although this evidence is unconventional, it documents lives that only appear in this kind of record – even fleetingly. I have pieced together

these experiences and placed them together alongside others of similar professional circumstances. My purpose is to restore to the record ordinary journalists who challenged the norms of copying and were negatively affected by the prevalence of scissors-and-paste journalism as well as by the general devaluation of journalistic labour in the production of news.

The second group of people are those affiliated with government and the law. For elite judges and lawmakers, the intricacies and consequences of scissors-and-paste journalism were often difficult to understand. Judges in the copyright cases I investigate had an interpretive responsibility over the law, but often lacked an understanding about how newspaper and periodical production actually worked in terms of the significant investment in seemingly minor articles or pieces of information. In *Springfield v. Thame*, Justice Joyce upheld that the authorship of texts that were subedited by means of scissors-and-paste belonged to “the nameless gentleman who touched up the composition with a blue pencil” rather than the writer who witnessed events and devised the original article.<sup>8</sup> Joyce enforced the view that journalists were not authors in any legal sense and that the texts they produced were not worthy of protection. A rigid interpretation around the value of labour also came through in *Cate v. Devon and Exeter Constitutional Newspaper Company Limited* when Justice Ford North valued the small amount of appropriated material as a minor infraction while overlooking the considerable amount of labour and financial investment required to procure the data in question. In *Walter v. Steinkopff*, Justice North initially approached the issue as one of fair compensation for the celebrity author – not of *The Times*’s ability to recoup their investment in procuring correspondence in question. When faced with the realities of scissors-and-paste journalism, his response that “the existence of such custom, or habit, or practice of copying as is set up can no more be supported when

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<sup>8</sup> “Journalists and Copyright: The Springfield Case,” 9. See also Hugh Fraser, “The Legal Year in its Relation to the Press,” *Mitchell’s Newspaper Press Directory* (London: C. Mitchell and Co., 1904), 9.

challenged than the highwayman's plea of the custom of Hounslow Heath" revealed that he was wholly unaware as to the norms of newspaper publishing.<sup>9</sup> As I have shown, the press mocked the response accordingly. This question about how familiar the courts were with the customs of newspaper production is significant. It asks the extent to which judges understood the scope and consequences of scissors-and-paste journalism – an apparently inconsequential practice that in fact had wide-reaching implications across the newspaper and periodical press. These infractions may have appeared minor in the larger scheme of newspaper publishing, but the individual who developed the text in question saw the copying as an erasure of their ability to control the results of their labour.

Included in this group are members of the House of Lords who sat on various select committees that shaped the law of copyright. Throughout Moberly Bell's testimony in 1898, the chief obstacle he faced in his lobbying efforts was having to explain the true nature of news production. He routinely corrected the committee's misunderstandings and impractical assumptions about how news was collected, edited, and published. Questions from the committee show a misunderstanding about the kind of news that Bell sought to gain protection over and the extent to which he requested protection from infringement. As I have argued, Bell was not interested in protecting inconsequential information or preventing other publications from reprinting extracts and providing commentary on published reports. He advocated for a stop to the wholesale reprinting of news that was specially and independently obtained. This comes through best when the nuance of Bell's argument was lost on Lord Thring, who queried if *The Times* would stop the phrase "Spanish war ended" from being circulated across the press if *The Times* acquired this information first. Bell replied, seemingly frustrated, "No, I do not think

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<sup>9</sup> *Walter v. Steinkopff* (1892) LTR 64 ns. 189.



frankly that one could expect protection for words like that. As a matter of fact, it would be telegraphed by six or seven people before it became true, and would have no value.”<sup>10</sup> At the time of Bell’s testimony, he had been active in the world of journalism for over thirty years. He understood how news publications were made and what was necessary for a major piece of information to be verifiable and publishable. The committee, which held enormous sway over the development of the copyright law, were not equally informed. This disparity between the people who make or interpret laws and the people who actually work in the production of newspapers and periodicals is a critical aspect to the story of scissors-and-paste journalism. Bell argued with conviction and zeal for reforms that would improve *The Times*’s commercial standing in addition to the scope and quality of news reporting in the British press. The complexities of this debate were lost on an audience that did not fully grasp the nature of newspaper and periodical publishing.

The third, and final group of people, are readers at various levels throughout the newspaper and periodical press. The content that filled these publications was read by several types of readers across its numerous stages of production and distribution. In this dissertation, I specifically recover subeditors as readers. When using the scissors-and-paste journalism practice to revise and reprint texts, these specialized readers were engaging complex mental practices which transformed them into vectors of influence that facilitated the spread of ideas and information. As I have argued, subediting represents a reading experience that is knowable and recoverable. Moreover, the texts that subeditors read, revised, and circulated are important cultural fragments that help explain the transmission of ideas across reading networks.

Identifying these texts can be challenging (especially without the aid of digital search tools) but

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<sup>10</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 58, q. 960.

they occur throughout the press. The nature of the subeditor's work is that they helped create a material artifact that conveyed meaning. That process formed a reading experience that reveals specific thoughts and impressions about the texts that comprised these publications. As Karin Littau has argued, "By bringing together these distinct lines of enquiry, one into the technical apparatus of the written text, the other into processes of textual signification, it is possible to see how material production impinges on meaning production."<sup>11</sup> The subeditor's reading experience can be located throughout the newspaper and periodical press and this study advances a methodological and theoretical approach to capture and analyze this inescapable but unnoticed group of readers.

Another group of readers that is made visible through this study of scissors-and-paste journalism are the press censors at Dublin Castle who monitored the Irish press for material that challenged the British authority in Ireland. Where I examine Arthur Griffith's newspaper, *Scissors and Paste*, I show that British authorities, including Under Secretary Matthew Nathan, Attorney General Jonathan Pim, and Chief Secretary Augustine Birrell had a distinctive reading experience with the newspaper that was markedly different from Griffith's or that of his subscribers. I used quantitative methods to account for each of the texts Griffith reprinted and compared those data points with what the authorities at Dublin Castle argued was subversive about the newspaper. This research reveals categorically different reading experiences based around the same collection of texts. This line of investigation with attention to the text, its production, and its diverse readerships shows the full potential for all-encompassing study of scissors-and-paste journalism.

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<sup>11</sup> Karin Littau, *Theories of Reading: Books, Bodies and Bibliomania* (Cambridge: Polity Press, 2006), 2.

Shep's second sphere of knowledge is **placeography** or the study of space and place. This dissertation's temporal and geographic scope is within the nineteenth and early-twentieth centuries when "print capitalism in Britain reached a pinnacle of sophistication." The newspaper and periodical press worked as a "transnational connector" that facilitated the flow of news, ideas, and information.<sup>12</sup> Within Shep's model for situated knowledges, she approaches texts as facilitators of the "translocal" which "rematerialize not just the ideological and structural work of local and regional people and space" but connect and influence different peoples and localities simultaneously.<sup>13</sup> Texts of all variety are a force that can focus "the fact that the interactions and connections between places, institutions, actors and concepts have far more diverse, and often even contradictory effects than is commonly assumed."<sup>14</sup> Scissors-and-paste journalism does not move texts instantaneously but this dissertation shows how it connected distinct spaces within and beyond Britain.

Scissors-and-paste journalism moved texts between the provincial and metropolitan press, which particularly helped facilitate the spread of news. Policy makers cited the flow of information to the provincial press as reason for the repeal of the newspaper taxes in the mid-nineteenth century and likewise to maintain the status quo and not impose a copyright in news. Scissors-and-paste journalism helped move essential ideas and information across spaces within

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<sup>12</sup> Simon J. Potter, "Journalism and Empire in an English-reading World: The *Review of Reviews*," in *Journalism and the Periodical Press in Nineteenth-Century Britain*, ed. Joanne Shattock (Cambridge: Cambridge University Press, 2017), 281. For 'transnational connector' see also Pierre-Yves Saunier, *Transnational History* (Basingstoke: Palgrave Macmillan, 2013), 57.

<sup>13</sup> Shep, "Books in global perspectives," 63-64. See also Arjun Appadurai, "Sovereignty without Territoriality: Notes for a Postnational geography," in *The Geography of Identity*, ed. Patricia Yaeger (Ann Arbor: University of Michigan Press, 1996), 40-58; Tony Ballantyne and Antoinette Burton, eds., *Moving Subjects: Gender Mobility, and Intimacy in an age of Global Empire* (Urbana and Chicago: University of Illinois Press, 2009), 337.

<sup>14</sup> Ulrike Frietag and Achim von Oppen, eds., *The Study of Globalising Process from a Southern Perspective* (Leiden and Boston: Brill, 2010), 3, 5. This quote is also cited in Shep, "Books in global perspectives," 63.

Britain. For the ordinary working journalists who wrote the texts which the press transmitted across spaces and into different publications, connectivity came at the cost of control over the results of their labour.

The textual gathering method also focused the question of correspondents abroad versus correspondents in place. Scissors-and-paste journalism captures the problem of where people are when they report on the news. Moberly Bell argued for laws that would encourage an improved standard for news collection where special correspondents would establish a presence around the globe to witness and report on events as they occurred. This is in contrast to journalists who received intelligence by wire or reworked news stories that were already published into an ‘original’ article. Bell advocated for a system where “proper correspondents” occupied localities across the globe.<sup>15</sup> Technological innovations and the legality of copying may have made the circulation of news and information faster and more widespread, but they added an additional level of mediation and promoted homogenous reporting. Scissors-and-paste journalism moved texts across spaces, but that process could also alter meaning and lead to reporting inaccuracies. Bell argued that having correspondents abroad meant having people who not only witnessed events but were connected to the political and social structures in those places which would help inform how they interpreted those events. Correspondents at home could only speculate or rely on second-hand accounts to incorporate into their reports.

The circulation of texts in newspapers and periodicals also linked England with other states. This dissertation offers an example from Ireland but also makes reference to the transatlantic movement of texts from the United States and the use of language modifications to accommodate a new readership’s sensibilities. What is critical to this transnational contact zone

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<sup>15</sup> RCB/CAB, 1898, Charles Frederick Moberly Bell, 56, q. 914.

is how textual interpretation can change when texts move between borders. In the case of Ireland, news articles clipped from across the London and global press had appeared innocuous when they appeared in England but transformed into sedition when reprinted in Ireland. Scissors-and-paste journalism can bring spaces and places together, but it can also create tension when the nature of a particular text is not interpreted by readers with the anticipated presumptions, attitudes, or experiences. For example, when Arthur Griffith argued that the British authorities in Ireland had systematically eroded Irish trade, commerce, and population within the previous century, he made his argument using the 1911 census data. His purpose was to show that the state perceived this argument as seditious despite him using this widely available data collected and published by the British government. Griffith reasoned, “It is idle – British Imperially speaking – to think of ending sedition and treason in Ireland by suppressing newspapers and imprisoning or shooting their editors, while such pernicious bluebooks and returns are freely sold by Mr. Ponsonby in Grafton Street, Dublin, at a price which places them within the reach of many.”<sup>16</sup> As was the case in Griffith’s *Scissors and Paste*, the British authorities in Ireland were less concerned about *who* was reading what than *how* publications presented widely available information to readers – especially those whom the state views as dissident.

Lastly, this study shows how texts can be found in ‘right’ and ‘wrong’ places. The practice of scissors-and-paste journalism recontextualized texts and some people challenged where reprinted texts appeared. For example, this was evident in the case of Philip Howard Davis who made it his business to oversee the replication of confectionery content throughout the trade press and give comment when he believed that a piece of information or a recipe appeared in the wrong sort of publication. Likewise, when the right kind of trade publication

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<sup>16</sup> Arthur Griffith, *When the Government Publishes Seditious* (Dublin: Irish Publicity League, [1917?]), 1.

reprinted one of his texts with full acknowledgement, he provided an enthusiastic note of gratitude. This was also the case with evening and morning papers. Newspaper proprietors and editors were often frustrated by the custom of reprinted news – especially when it was done verbatim, in full, and without proper acknowledgement of where the information originated. However, it was generally accepted that evening papers could copy from morning papers and vice versa as they were perceived as not being in competition with each other. Some people disagreed, as Moberly Bell did in *Walter v. Steinkopff*, when the news in question was especially expensive to acquire. The places where texts originated as well as the spaces in which they appeared and reappeared shaped their meaning as well as their value.

The third sphere of knowledge is **bibliography** – the material record – which shapes my distinct methodology. I approach scissors-and-paste journalism as a concept that explains the practice of textual reuse and circulation in newspapers and periodicals. In building a framework for this research, I developed a line of inquiry that identifies specific examples of reprinting with legal and social importance. To accomplish this, I investigated three successive types of material evidence: (1) Legal commentary inside *Mitchell's Newspaper Press Directory*; (2) The actual evidence of scissors-and-paste journalism as discovered by searching the newspaper and periodical press itself; (3) Supplementary archival evidence and records. In conducting this study, there was no pre-existing historical framework nor any substantial patterns of scholarship about the practice of scissors-and-paste journalism to build upon. As such, in this instance, the gathering of material records is central to the interpretation of the material evidence.

Although the field of Victorian periodical research as a whole is rich and diverse, scissors-and-paste has hitherto been viewed as a minor and inconsequential part of Victorian journalism. The methodology I developed, which pays particular attention to material records

deriving from the press itself, corrects this misunderstanding and lays new groundwork for future scholarship. At the outset, I relied on legal commentary to identify and establish the importance of particular instances of copying and reprinting. This first area of investigation was about locating authoritative sources that pulled scissors-and-paste journalism completely into the world of nineteenth-century newspaper and periodical publishing. My purpose with this starting point was to ensure that I did not place a contemporary status on instances of reprinting (in addition to the labour, law, and practice of textual circulation) that the Victorians themselves did not consider noteworthy or substantial. Although I relied on legal commentary published in *Mitchell's Newspaper Press Directory* for this material evidence, other scholars might turn to alternative authoritative accounts. As the first study to provide a comprehensive account of scissors-and-paste journalism in the nineteenth century British press, it was crucial to rely on an initial source that was dependable and influential in its own time as well as for contemporary scholars.

The second body of material evidence is the press itself – where these instances of copying appear on the page. This process began with locating a particular example of reprinting referenced in *Mitchell's Newspaper Press Directory* and then finding the duplication (or duplications), either on the printed page or by searching full-text databases of newspapers and periodicals. Through this process, further material evidence from the press presented itself in the form of debates and commentary about the particular instance of reprinting as well as other examples of infractions. In some instances, digital search methods enhanced this process in detecting examples of reprinting. By reading extensively in the publications where these instances of noteworthy copying took place – not merely the examples of scissors-and-paste journalism – I gained a better sense of the publication's motivations for reprinting, how they

valued the text in question, and how this particular case of reprinting fit inside a larger custom of copying throughout the newspaper and periodical press. Through investigating material evidence in the press, I argue that this line of investigation can reveal what ideas and information these subeditors meant for readers to observe. I show how even though the labour of subediting is not directly present in publishing archives or manuscript evidence relating to the press, the practice of scissors-and-paste journalism can nevertheless be observed within historical newspapers and periodicals. The materials studied in the press itself – which are effectively socio-historical texts – is paramount. This material provides the actual evidence of textual copying, including the revisions and modifications to a particular text. The physical act of cutting and pasting disappears but the results of that custom – including evidence that can inform the subeditor's reading experience – is preserved in the material record.

The third type of material evidence is archival matter. This dissertation relies on a range of materials including correspondence, government documents, court records, and business registers. These materials are diverse and essential evidence to support my analysis and interpretation of how scissors-and-paste journalism fits into broader issues concerning the labour, law, and practice of circulating journalism in Britain. However, although this material is critical to the analysis, it remains secondary to the evidence of scissors-and-paste journalism in the press itself. These materials may inform the agency of historical actors, their experience in confronting the practice of copying in journalism, or the power of business, government, and the law in shaping responses to this journalistic custom. However, it is ancillary to the evidence of reprinting itself. This dissertation argues that scissors-and-paste journalism is not a minor or inconsequential aspect of newspaper and periodical publishing but one that was pervasive and an integral part of the system of journalism publishing in Britain. I harness material evidence that



allows the press to speak for itself and show instances of copying and reprinting that commentators and journalists alike identified as worthy of questioning scissors-and-paste journalism's status as a routine function of the newspaper and periodical press.

Finally, prosopography, placeography, and bibliography – people, places, and periodicals – converge to form the **event horizon**. In the case of this dissertation, the event horizon is the idea that the circulation of texts by means of scissors-and-paste journalism is a difficult concept to grasp but is in fact everywhere throughout the newspaper and periodical press. This argument engages the inherent mobility and mutability of texts through the practice of scissors-and-paste journalism. It explores the people involved in the production, distribution, reception, and survival of the texts that subeditors manipulated with scissors-and-paste. This contention also accounts for the political and legal influences, the commercial pressures of periodical publishing, the social behaviours of journalists across the press, and the influence of reader demands and interests in the survival of texts. Scissors-and-paste journalism occurred throughout the periodical press. The overwhelming majority of the texts that subeditors clipped and circulated may have been minor in their own right, but collectively they represent an essential part of how ideas and information circulated between peoples and across space and time. This study relies on exceptional cases to highlight and explain that, although this practice was commonplace and generally accepted as a normal part of newspaper and periodical production, that did not mean that all people involved agreed that it should persist without regulation or reform.

The circulation of texts in British newspaper and periodicals was shaped by a number of different factors, including the stamp tax and paper duties, postal and telegraph regulations, and the advent of cheap publications along with a rising number of titles. In addition, a fundamental component to textual circulation in the press was the labour of subeditors whose responsibility it

was to read through the mass of print and select the most essential and compelling texts for redistribution into the marketplace. Enabling this practice was the law, which did not provide effective rules to govern the reprinting of texts in newspapers and periodicals – especially in the case of news. This labour of reading and revision, combined with the absence of regulation which put profits over principle and widespread access over reliability and verifiability, created a custom of copying and reprinting within the ecology of British newspapers and periodicals. Scissors-and-paste journalism was a central means by which ideas and information travelled between platforms and spread across readerships. It was conducted by essential journalistic labour, shaped by legal paradigms, and persisted as a customary practice. Scissors-and-paste journalism was a fundamental component of journalistic production.

### **What Happened to Scissors-and-Paste Journalism?**

Scissors-and-paste journalism is a seemingly innocuous practice but its presence and longevity in the press reinforces its importance to newspaper and periodical production stretching well into the twentieth and beyond. The full answer to the question, ‘What happened to scissors-and-paste journalism?’ is beyond the scope of this dissertation. Scissors-and-paste journalism in the twentieth century newspaper and periodical press has not been considered by historians of journalism or media. Nevertheless, this question is worthy of speculation based on the entirety of the reading and research I have undertaken while completing this study.

Into the twentieth century, it is clear that subediting professionalized along with journalism and other facets of newspaper work. Much like subeditors of the present, the occupation’s basic responsibilities remained rooted in ensuring that texts have proper spelling,

are grammatically correct, adhere to style conventions, and have factual accuracy.<sup>17</sup> In terms of scholarship, media studies examines the subeditor for their contemporary role in newspaper production – not for any relationship to the practice of textual circulation and what this means for making news accessible to large and expanding audiences.<sup>18</sup> Recently, subediting has made headlines for its declining presence within newsrooms as cost cutting measures have sidelined this specialized labour – despite its professed importance to journalistic production by the subeditors themselves. This paradigm is familiar to the nineteenth-century experience. As I have shown, subeditors in this earlier period insisted on their value to producing a high-quality publication. They cited the comprehensive scope of their responsibilities and the range of textual material they were responsible for in terms of selection, revision, and presentation. The outlook that subeditors are a superfluous part of the editorial process is a continuous thread that pulls to the present.<sup>19</sup>

Despite immense changes to the ways and means by which journalism is conducted and disseminated, the circulation of ideas and information, along with its challenges to the value of journalistic labour, persist. In the digital age, the spread of news occurs with tremendous speed and agility on the web. Whether in a Tweet linking to a news article in the *Guardian* or a Facebook post giving commentary about an opinion piece from the *Daily Mail*, for most people, textual circulation – especially on social media – is a requisite part of life. As users position a shared post with a leading commentary or reaction, this routine is strikingly similar to verbatim

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<sup>17</sup> “Sub-Editing,” *Open School of Journalism*, accessed July 30, 2020, <http://www.openschoolofjournalism.com/resources/encyclopedia/sub-editing>.

<sup>18</sup> Tim Holmes, *Subediting and Production for Journalists: Print, Digital, Social 2<sup>nd</sup> edition* (Abingdon: Routledge, 2016).

<sup>19</sup> Roy Greenslade, “Subeditors: another attempt to explain why they are becoming redundant,” *Guardian*, February 13, 2009, <https://www.theguardian.com/media/greenslade/2009/feb/13/national-newspapers-local-newspapers?commentpage=2>. See also, Simon Hattenstone, “Goodbye to all this?” *Guardian*, February 23, 2009, <https://www.theguardian.com/media/2009/feb/23/subeditors-cost-cutting-newspapers>.

scissors-and-paste work where subeditors rewrote headlines and gave a short introduction to a reprinted item. On these platforms, users engage with shared content gleaned from other sources inserted into personalized media streams. Some of that content is original. An enormous amount of it, however, is taken from across the web using hyperlinks or replicated by screenshots, downloading and reuploading, or simple cut-and-paste tools. With a similar result to scissors-and-paste journalism work from the nineteenth century, the replication of content can give the impression that original news appearing alongside matter that is largely for entertainment or commentary purposes is also a spontaneous product and of equal value. Nevertheless, digital news feeds are a resource that provides users with a mosaic of the latest news and information (broadly considered) as provided by the sources (ranging from friends to venerable journalists and newspaper institutions) that hold their attention. This process of circulating content is not entirely unlike the labour of nineteenth-century subeditors. Both parties think quickly about what their audience should engage with, or at the very least might be interested in reading, and they recirculate the text into the social milieu.

The practice of textual circulation is embedded into journalism. There is no copyright in news. The custom of gathering what has already been published and making the old new again through revisions or rewrites, fixed itself to the journalistic profession. While readers may question the reliability or partisanship of a text, the novelty of the information and whether or not the article is a rehashed version of what someone else has produced is not a typical part of contemporary debates about news media. Where a story originates is less of consideration than which source readers turn to for a version of the news. The practice of textual circulation in this way remains largely invisible except to the people doing it. In the nineteenth century, this practice was marked by journalists, editors, and proprietors who were struck by seeing their

original texts reprinted. As the journalistic profession normalized this practice, the kind of material evidence that reveals this custom becomes rarer, more inaccessible, and generally more difficult to detect.

It is vital to recall that ‘scissors-and-paste’ journalism is a pejorative terminology that describes the practice of taking text from one publication and reusing it in another. Texts have always circulated and will continue to circulate. In the long nineteenth century, subeditors in Britain facilitated the production of digestible and intelligible news from across the wider world which served a global empire. They expedited the spread of ideas and information to readers in places and spaces which would otherwise not have access. Their work was largely unseen, but it was essential to the press’s development and power. Into the twentieth century and beyond, the nature and materiality of the texts that circulate may change, as will motivations to carry out this longstanding practice. What is worth investigating is the agency of the individuals who conduct this work, the power of the law to determine what is permissible, and the experiences of the people this practice serves, those it disadvantages, and how the public responds.

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