

Circulation and Control:

Attempts to Copyright News and Information in Nineteenth-Century America

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Noah Webster, an early copyright champion and editor of the short-lived *American Magazine* (1787-88), attached this warning to his periodical: “The Printers throughout the United States are requested to observe, that this publication circulates as the Editor’s Property.” Practically speaking, however, it was far from obvious how such property could be enforced. Throughout the nineteenth century, the editors and publishers of newspapers and other periodicals struggled with the question of how to circulate texts in a way that increased visibility and attracted paying customers without allowing rivals to unfairly benefit from their work or undermine its integrity. The problem was particularly acute for those who specialized in the publication of news and commercial information. Postal policy allowed newspaper editors to exchange papers with each other for free, thereby encouraging copying, while growing fears of financial speculation underpinned calls for the rapid dissemination of information about the prices of goods and commodities. While advocating the economic and political benefits of circulation, editors and publishers also struggled with the problem of control.

Drawing on research for a forthcoming book on the history of intellectual property in news, my paper will explore some of these issues in relation to the earliest reported copyright case involving a serial news publication in nineteenth-century America: *Clayton v. Stone* (1829). The paper will place this case in its wider publishing context to show how the publishers of commercial information dealt with the problem of copying, why the judge ruled against the plaintiffs’ copyright claim, and the potential effects of this decision on the wider landscape of news publishing for the rest of the nineteenth century. Placing *Clayton v. Stone* in this wider

context reveals that the plaintiffs in this case were by no means the only publishers to complain about the unauthorized republication of market news. While some publishers asserted copyright in their price currents, others simply demanded credit for copied material. Still others attempted to solve the problem of newspaper copying by changing their time of publication and diversifying their content to compete more squarely with newspapers. Although the plaintiffs in *Clayton v. Stone* were unsuccessful in using copyright to protect their price current, out of court they advanced an argument that would ultimately prevail at the turn of the twentieth century: they claimed a property in their information based on the labor and investment required to collect it.

BIOGRAPHICAL STATEMENT

Will Slauter teaches at Université Paris Diderot – Paris 7 and is a member of the Institut universitaire de France (IUF). He studies the history of authorship and publishing, with a particular interest in newspapers, and is currently working on a book about the history of copyright in journalism. This research has been supported by residential fellowships at the New York Public Library, the Library Company of Philadelphia, the American Antiquarian Society (NEH Fellow 2015), and the Library of Congress (Kluge Fellow 2016).

SHORT CV

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Education

Ph.D in History, Princeton University, 2007
M.A. in History, Princeton University, 2004
B.A. in History, Northwestern University, 2000

Academic Positions:

Associate Professor, English Studies, Université Paris Diderot (2015-present)
Associate Professor, History/English Studies, Université Paris 8 (2010-2015)
Assistant Professor, History of Text Technologies, Florida State University (2009-2010)
Mellon Fellow in the Humanities, Columbia University (2007-2009)

Fellowships and Prizes:

Junior Fellow, Institut universitaire de France (2015-2020)
Kluge Fellowship, Library of Congress (8 months, 2016)
NEH—American Antiquarian Society Fellowship (5 months, 2015).
McLean Contributionship Fellowship, Library Company of Philadelphia (1 month, 2013).
New York Public Library Short-Term Fellowship (1 month, 2012).

Publications:

- “A Satirical News Aggregator in Eighteenth-Century London,” *Media History* (published online 20 July 2016).
- “The Rise of the Newspaper,” in Richard R. John and Jonathan Silberstein-Loeb, eds., *Making News: The Political Economy of Journalism in Britain and America from the Glorious Revolution to the Internet* (Oxford: Oxford University Press, 2015).
- “News,” in Trevor R. Burnard, ed., *Oxford Bibliographies: Atlantic History*, <http://www.oxfordbibliographies.com> (published online April 2015).
- “Toward a History of Copyright for Periodical Writings: Examples from Nineteenth-Century America,” in Nathalie Collé-Bak, Monica Latham, and David Ten Eyck, eds., *From Text(s) to Book(s): Studies in Production and Editorial Processes* (Nancy: Editions universitaires de Lorraine, 2014).
- “Upright Piracy: Understanding the Lack of Copyright for Journalism in Eighteenth-Century Britain,” *Book History* 16 (2013): 34-61.
- “The Paragraph as Information Technology: How News Traveled in the Eighteenth-Century Atlantic World,” *Annales: H.S.S.* [English edition], 2012, no. 2: 253-278.

“Constructive Misreadings: Adams, Turgot, and the American State Constitutions,” *Papers of the Bibliographical Society of America* 115, no. 1 (Mar. 2011): 33-67.

“A Trojan Horse in Parliament: International Publicity in the Age of the American Revolution,” in Charles Walton, ed., *Into Print: Limits and Legacies of the Enlightenment* (University Park: Penn State University Press, 2011).

“Write Up Your Dead: The Bills of Mortality and the London Plague of 1665,” *Media History* 17, no. 1 (Feb. 2011): 1-15.

“Forward-Looking Statements: News and Speculation in the Age of the American Revolution,” *Journal of Modern History* 81, no. 4 (Dec. 2009): 759-792.

Conference Organization:

“Copyright and the Circulation of Knowledge: Industry Practices and Public Interests in Great Britain from the Eighteenth Century to the Present,” Université Sorbonne Nouvelle, 7-8 October 2016. Co-organized with Emmanuelle Avril, Louisiane Ferlier, Bénédicte Miyamoto, and Sarah Pickard.

“Languages of the Book,” Annual conference of the Society for the History of Authorship, Reading, and Publishing (SHARP), Paris, 18-21 July 2016. Organizing and program committees.

“Cultural Economy and Intellectual Property,” 5th annual workshop of the International Society for the History and Theory of Intellectual Property, Paris, 26-28 June 2013. With Laurent Pfister.

“Histoire des sciences, histoire du livre, histoire intellectuelle: au carrefour de trois historiographies,” Université Paris 8, 31 March 2012.

“Intellectual Property and its Discontents,” weekly lecture series, Columbia Society of Fellows in the Humanities, January-April 2009.