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 Slauder 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)
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Fellowships and Prizes:
Junior Fellow, Institut universitaire de France (2015-2020)
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Publications:


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