

**Launch of Isabella Alexander,
“Copyright and Cartography –
History, Law and the Circulation of Geographical Knowledge”
(Hart Publishing 2023)**

State Library of New South Wales

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It is a delight to be invited to launch a delightful book – except in one respect. I have precisely 5 minutes to do so, lest the celebrations be unduly interrupted. Since one theme of the book is the ever-increasing precision of cartographers – both as to their work and also their engagement with copyright law – I had best adhere to the terms of the invitation.

Christopher Marlowe put these words into the mouth of Tamburlaine 435 years ago: “Give me a map; then let me see how much is left for me to conquer all the world”. That was a very early linking of maps and power. Early on this book recognises that just as Foucault identified knowledge as a form of power, so too cartography is a form of knowledge and also a form of power. A key influence is JB Hartley and the History of Cartography project associated with him. Following that approach, this book is much more interested in where charts and maps fitted into social and economic history, rather than merely as representations of reality.¹ The result is a book which is very rich – the chapters integrate technological innovations, larger than life personalities as well as economic history and

¹ See, generally, P Laxton (ed), *The New Nature of Maps: Essays in the History of Cartography* (Baltimore, John Hopkins University Press 2001).

modern political philosophy, with a core based on the legal records (often obscure and quite probably unexplored by any researcher). Anyone who has conducted primary research will be impressed at the results of Isabella's nuanced readings of records which must have taken many, many hours to uncover. Even so, the book wears its deep learning lightly.

One recurring motif is the links between the imperial and commercial practicalities of map making, and the parallel legal developments. Each chapter is quite self-contained, but the whole is immensely readable. It is said to be written for those interested in the history of maps and those interested in the history of copyright law.² I am both of those. Many walls and bookcases at home are adorned with old maps. But I think in her typically self-deprecating manner, this is an example of the author underselling her work. If you are interested in social history, or intellectual history, or just interested in the details of how things came to be how they are, this is a very readable book. For example, you will look at the recently rehung Hogarth gallery at the Art Gallery of New South Wales with new eyes appreciating the connection between his work and the enactment of *Hogarth's Engraving Act 1734* – and appreciate that it is no accident that the Rake's Progress was reduced to print in 1735. (You will also appreciate glitches in the curator's notes.³) The book also explains, simply and effectively, the technological challenges and innovations over three or four centuries, including reference to the Australian John Osborne at the Victorian Crown Lands Office, who co-discovered photozincography which saved hours and hours of copying plans on stone slabs. Like Joshua Getzler's *A History of Water Rights at Common Law*,⁴ or Robert Merkin's *Marine Insurance – A Legal History*,⁵ much can be understood of the history of the United Kingdom in the industrial age through a contextual account of the

2 I Alexander, *Copyright and Cartography – History, Law and the Circulation of Geographical Knowledge* (Hart Publishing 2023), p 2.

3 “The engravings were published ... in 1735, immediately after the passing in parliament of the Copyright Act (also known as Hogarth's Act) which protected the prints from piracy”.

4 Oxford University Press, 2006.

5 Edward Elgar Publishing Ltd, 2021.

law. Legal records are a rich source of evidence, and historical accounts which neglect them are much poorer for it, for they will miss some of the most important social and commercial developments. Conversely, legal history divorced from its social and political context misses a dimension. In short, this work is a stellar example of law in context.

It is not all serious. The book is not without whimsy. I particularly like the description of the Ordnance Survey “from its birth in the misty (and mystifying) Scottish Highlands”.⁶ Some characters recur in a number of chapters, notably Colonel Mudge (who sounds like he stepped out of a Trollope novel), although until reading the work I had not appreciated he had been captured by Wordsworth.⁷ Mudge fought in the American Revolutionary War, in the Royal Artillery (naturally), but returned to London, studied mathematics, was swiftly elected to the Royal Society and was a key promoter of the Ordnance Survey and the triangulation of the British Isles. But where this work excels is explaining the way in which these government initiatives engaged with the immense private market for maps, and the intricate interaction between commercial endeavours and copyright protection. As I have said, the work reflects the fruits of original research from primary records.

Separate chapters address the approaches taken by the Ordnance Survey and the Hydrographic Office throughout the nineteenth century. I found particularly interesting the curious public/private partnership with the latter. The Hydrographic Office was concerned that accurate information be made available widely, and employed agents to sell (and profit from) the ever increasing supply of accurate maps. An alarming fact was that less accurate private naval charts were sold in greater numbers than the cheaper, up-to-date Hydrographic Office charts, were sold – principally so it seems because the former were *more* expensive, and with a greater profit margin, so that agents were motivated to sell an

⁶ See p 177.

⁷ W Wordsworth, “Written with a Slate Pencil, on a Stone, on the Die of the Mountain in Black Comb”; see pp 225-226.

inferior product. This was all explained in an 1882 departmental memorandum, which showed that “ships are still lost through the use of antiquated and insufficient charts, or the absence of charts”. The book cites the unpublished memorandum, and where to find it in the Hydrographic Office Archives (which, by the way, after reading this book, I think I would like very much to visit).⁸ Shipping losses were at the time an enormous problem. Plimsoll famously struggled to enact his modest bills seeking to make vessel inspection compulsory, and to introduce the regulations about maximum cargo (hence the plimsoll line) without success in 1870 and 1871 but was thwarted by the shipping interest – so in 1873 he published *Our Seamen: An Appeal* and gave a copy to every MP, which reported that there were, in 1868 alone, no fewer than 2,000 wrecks.⁹ The lighthouse power is famously an example in Australian constitutional law about which no one greatly cares except when it arises in contrived law exam problems involving questions of characterisation. It was very different in 1891 and in 1900. Readers of this work may never think about the lighthouse power in the same way again.

There is one large paradox in the book. It is about copyright, but has been published under a creative commons licence, and so the entirety is freely available in downloadable pdfs. The maps (which are as numerous as you would hope) can be examined more carefully on a screen than in the physical book. For example, the charts of Adelaide and Victor Harbour which are about 8 mm square on p 199 come to life when blown up on a screen. It is a great pity that this book had not been published prior to the surveyor's licensing case in the High Court in 2008,¹⁰ which is long on statutory schemes, but a little short on the vitally interesting and influential history of cartography and copyright.

⁸ See p 206; it is Memorandum relating to supply and correction of charts, Departmental Paper 79, August 1882, MLP Folder 2 I, 3 (UKHO).

⁹ See R Merkin, *Marine Insurance – A Legal History* (Edward Elgar Publishing, 2021), vol 1 p 549.

¹⁰ *Copyright Agency Ltd v New South Wales* (2008) 233 CLR 279; [2008] HCA 35.

Finally, mention should be made at this occasion, in this building, of Matthew Flinders' famous published charts following his circumnavigation of Australia and the myth that he died immediately upon their long delayed return from the publisher. We have a statue of Flinders outside this building, and the collection of Flinders' papers was given to this institution, because his grandson, Sir Flinders Petrie, offered to donate them to the first institution which erected a statute in his grandfather's honour.¹¹ A little controversially, it is said that Flinders' long confinement on Mauritius was contributed to, or even caused by, a French desire to obtaining earlier publication,¹² as opposed to his ability to antagonise everyone on Mauritius who might have helped him, not to mention fears of the danger to French interests if a skilled cartographer was released.¹³ I had not previously heard of this, and it is possible that the Flinders specialists may be arguing about that point for years to come. But like so much in this book, it is thought-provoking and enriching and beautifully written and presented. And all of that can be yours for free! It is a delight to participate in the launching of this immensely readable work. It is a triumph.

11 See "Flinders Statue Unveiled", Sydney Morning Herald, 23 October 1925, p 10. Melbourne missed out, but only by a fortnight.

12 See at p 191.

13 For military concerns, see the entry by H Cooper in the entry for Flinders in the *Australian Dictionary of Biography*.