



157 Broadway - New York
5th June 1852

Mr. Thomas Nelson

My Dear Sir

When acknowledging the receipt of your Daguerrotype, I had intended to say something in regard to the expense of engraving your plate, but I was then so much pressed for time as to render it inconvenient for me to write at length. Nothing would afford me more pleasure, than to have your likeness executed in that superior style essential to the character of the work at my own expense, were it possible for me to do so without pecuniary loss. But, from that sound knowledge gained by experience, I can positively assure you, that no matter how well the publication might sell, it could not be issued by any person who should undertake to pay the cost of its numerous engravings without a considerable

loss of money. In justice to ourselves, therefore, we cannot avoid adhering to the rule which I suppose you are aware is followed in most cases by those who publish similar books, and this is, that the cost of every likeness appearing in the work shall be paid by its original.

With but two exceptions, I have never printed an engraving, the expense of which was not borne by the party it represented; and we have as you are probably aware, published in the Law Magazine, likenesses of some of the highest dignitaries of the Country. To show that it would not be possible for me to bear the expense of this enterprise even were I disposed to do so, we have only to make an estimate of the cost of the plates. The expense of each engraving with 5000 impressions, (that being the number of copies we intend to publish) is one hundred and ten dollars, made up of the following items:-

Cost of steel plate engraving	\$ 60
" Printing 5000 impressions of	} 40
Same, at \$8 a 1000	
" Plate paper	10

Total cost of plate with 5000 impressions \$ 110.

This is a small sum, but when multiplied by one hundred, about the number of likenesses we have to pay for, it amounts to \$11,000. an aggregate which it is not probable the entire profits of the publication will cover. Hence, however anxious we may be to extend the fame and perpetuate the memory of distinguished American Lawyers, by giving to the world such a work as we hope will do honor both to themselves and to us, yet, we feel unwilling to bear an expense, that, saying nothing of our time and labor would leave us greatly the loser, an expense moreover, which custom, with propriety it seems to me, has assigned to those who are always most benefited by such enterprises.

I would say in conclusion, if you shall forward to me your draft for one hundred and ten dollars, we will at once instruct our ^{Engraver} ~~artist~~ to go on with your plate and have it finished by an artist, who, as he is reckoned one of the best in this country, will be able to get up

the picture, in such a manner as to do its original
no discredit. In consideration of this payment, we
are willing also to furnish you, for circulation among
acquaintances, with 50 Copies of the number
containing your memoir and portrait. You
will be out of pocket for the engraving only
about \$60.

I would add, it is my design after
having printed from the plate for the Biog. Book,
also to use it in one of the future numbers of
the Law Magazine; and as the plate will give
40,000 impressions, the same may be of some
value to you after we shall have done with it,
if so it will of course be subject to your order.

Should you decline responding to this
request, please say whether we shall return
the lithography or hand it over by your order;
but I sincerely hope your compliance will afford
us the pleasure of giving your likeness not only
to the 25000 lawyers of this country whose names
you will find enrolled in the Law Register we
we have sent to your address, but also to those

distinguished jurists "across the water" who so ably expounded the eternal principles of the common law on its native soil.

It must seem apparent this sum could not be appropriated by you to any other purpose that would conduce to so elegant and enduring a testimonial of honor to yourself, or give more lasting gratification to your numerous friends and relations, by furnishing them with a memento, by which they may have the melancholy pleasure of bringing to remembrance its origin long after he ^{shall} have been called to the grave.

Hoping to hear from you at your earliest convenience,

I am very truly Yours
John Livingston



John B. Smith
9th June 1852