A N

A C T

F O R

Relief of Booksellers and others, by vesting the Copies of Printed Books in the Purchasers of such Copies from Authors, or their Assigns, for a limited Time.

WHEREAS by an Act made and passed in the Eighth Year of the Reign of Her late Majesty Queen *Anne*, intituled, "An Act for the Encou- "ragement of Learning, by vesting the Copies of "Printed Books in the Authors or Purchasers of "such Copies during the Times therein mentioned," it was (amongst other Things) enacted, that from and after the Tenth Day of *April*, One thousand seven hundred and ten, the Authors of any Book or Books then printed, who had not transferred to any other the Copy or Copies of such Books, Preamble.

Books, Share or Shares thereof, or the Bookſeller or Bookſellers, Printer or Printers, or other Perſon or Perſons, who had purchaſed or acquired the Copy or Copies of any Book or Books in order to print or reprint the ſame, ſhould have the ſole Liberty of printing ſuch Book and Books for the Term of Twenty-one Years, to commence from the Tenth Day of *April*, One thouſand ſeven hundred and ten, and no longer:

And whereas it hath been a prevailing Opinion with Bookſellers and others, that Authors and their Aſſigns had by the Common Law, independantly of the ſaid Act of Queen *Anne*, the ſole Right of printing and reprinting Copies of their Works; and that the ſaid Act was not intended to take away or abridge any ſuch Right; and in conſequence of this Opinion, many of them have from time to time inveſted the Whole, or the greateſt Part, of their Fortunes in the Purchaſe of ſuch Copy Rights, on which the Support of them and their Families at this Time doth in a great Meaſure depend:

And whereas it hath lately been adjudged in the Houſe of Lords, that no ſuch Copy Right in Authors or their Aſſigns doth exiſt at Common Law; in conſequence whereof Purchaſers of ſuch Copy Rights muſt be great Sufferers by their Miſapprehenſion of the Law in reſpect thereof, and many of them likely to be involved in Ruin, unleſs they ſhall obtain the Aid and Aſſiſtance of Parliament:

May it therefore pleaſe Your moſt Excellent MAJESTY,

That it may be **Enacted, and be it Enacted** by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Fourth Day of *June* One thouſand ſeven hundred and ſeventy-four, every Author of any Book or Books already printed and publiſhed, who hath not transferred to any other the Copy Right of ſuch Book or Books, or Share or Shares thereof, and his Executors, Adminiſtrators, and Aſſigns, or the Perſon or Perſons, Bodies Politic or Corporate, who hath or have purchaſed, or otherwiſe acquired the Whole Intereſt of the Author in the Copy Right of any ſuch Book or Books, or any Share or Shares thereof, from the Author or Authors

Property of Books veſted in the Authors, their Executors, Adminiſtrators and Aſſigns, for 14 Years from the 4th of June 1774.

Authors of the ſame, or his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, in order to print or reprint the ſame, and the Executors, Adminiſtrators, and Aſſigns of ſuch Purchaſer or Purchaſers reſpectively, ſhall have the ſole and excluſive Right and Liberty of printing ſuch Book or Books for the Term of Fourteen Years to commence from the ſaid Fourth Day of *June*, and no longer; and that if any other Bookſeller, Printer, or Perſon whatſoever, from and after the ſaid Fourth Day of *June*, within the Time granted and limited by this Act as aforeſaid, ſhall print, reprint, or import, or cauſe to be printed, reprinted, or imported any ſuch Book or Books, without the Conſent of the Proprietor or Proprietors thereof reſpectively firſt had and obtained in Writing, ſigned in the Preſence of Two or more credible Witneſſes, or, knowing the ſame to be ſo printed or reprinted without the Conſent of the Proprietor or Proprietors thereof reſpectively, ſhall ſell, publiſh, or expoſe to Sale, or cauſe to be ſold, publiſhed, or expoſed to Sale any ſuch Book or Books without ſuch Conſent firſt had and obtained as aforeſaid, then ſuch Offender or Offenders ſhall forfeit ſuch Book or Books, and all and every Sheet and Sheets being Part of ſuch Book or Books, to the Proprietor or Proprietors of the Copy Right thereof reſpectively, who ſhall forthwith damaſk and make Waſte Paper of the ſame; and further, that all and every ſuch Offender and Offenders as aforeſaid, ſhall forfeit Ten Pounds for every Book which ſhall be found in his, her, or their Cuſtody, either printed or printing, publiſhed, or expoſed to Sale contrary to the true Intent and Meaning of this Act; One Moiety thereof to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to any Perſon or Perſons that ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, in which no Wager of Law, Eſſoign, Privilege, or Protection, or more than One Imparlance ſhall be allowed.

Penalty on Perſons publiſhing any Books, not having the Property veſted in them.

And whereas many Perſons may through Ignorance offend againſt this Act, unleſs ſome Proviſion be made, whereby the Property in every ſuch Book as is intended by this Act to be ſecured to the Proprietor or Proprietors thereof may be aſcertained and known, **be it therefore further Enacted** by the Authority aforeſaid, That nothing in this Act contained ſhall be conſtrued to extend to ſubject any Bookſeller, Printer, or other Perſon whatſoever to the Forfeitures or Penalties herein mentioned, for or by reaſon of the Printing or Reprinting any Book or Books without ſuch Conſent as aforeſaid, unleſs the Title

No Perſon liable to the Penalty unleſs the Title of the Book be entered with the Company of Stationers, *before* the 29th of September 1774.

Title to the Copy of ſuch Book or Books ſhall, on or before the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-four, be entered into the Regiſter-Book of the Company of *Stationers* kept for that Purpoſe, in ſuch Manner as hath been uſual; for every of which ſeveral Entries ſo to be made as aforeſaid, the Sum of Two Shillings and Sixpence ſhall be paid, and no more; which ſaid Regiſter-Book may at all ſeaſonable and convenient Times be referred to and inſpected by any Bookſeller, Printer, or other Perſons for the Purpoſes before mentioned, without any Fee or Reward; and the Clerk of the ſaid Company of *Stationers* ſhall, when and as often as thereunto required, give a Certificate under his Hand of ſuch Entry or Entries, and for every ſuch Certificate may take a Fee, not exceeding Sixpence.

If the Clerk to the ſaid Company refuſe or neglect to make ſuch Entry, and Notice thereof given in the London Gazette, then the Proprietors to have the like Benefit as if the Entries had been made, and the Clerk to forfeit 20l.

And be it further Enacted, That if the Clerk of the ſaid Company of *Stationers* for the time being ſhall refuſe or neglect to regiſter or make ſuch Entry or Entries, or to give ſuch Certificate, being thereunto required by the Proprietor of ſuch Copy or Copies in the Preſence of Two or more credible Witneſſes; then ſuch Proprietor (Notice being firſt duly given of ſuch Refuſal by an Avertiſement in the *Gazette*) ſhall have the like Benefit as if ſuch Entry or Entries, Certificate or Certificates had been duly made and given; and the Clerk ſo refuſing ſhall for every ſuch Offence forfeit to the Proprietor or Proprietors of ſuch Copy or Copies the Sum of Twenty Pounds, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, in which no Wager of Law, Eſſoign, Privilege, Protection, or more than One Imparlance ſhall be allowed.

Ten Copies of every Book that after the 4th Day of June ſhall be publiſhed, to be delivered to Warehouſe Keeper of the Company of Stationers, for the Uſe of certain Libraries.

Provided always, and it is hereby Enacted, That Ten Copies, upon the beſt Paper, of every Book, Volume or Volumes that, from and after the Fourth Day of *June*, One thouſand ſeven hundred and ſeventy-four, ſhall be reprinted and publiſhed under this Act, and which ſhall not have been entered, and of which a Copy or Copies ſhall not have been given before, ſhall, by the Proprietor, Bookſeller, or Printer or Printers thereof, be delivered to the Warehouſe Keeper of the ſaid Company of *Stationers* for the time being, at the Hall of the ſaid Company, before ſuch Publication made, for the Uſe of the Royal Library, the Libraries of the Univerſities of *Oxford* and *Cambridge*, the Library of the *Britiſh Muſæum*, the Libraries of the Four Univerſities of *Scotland*, the Library of *Sion College* in *London*, and the Library commonly called, *The Library belonging to the Faculty*

Faculty of Advocates at Edinburgh, reſpectively; which ſaid Warehouſe Keeper is hereby required, to receive the ſame into the Warehouſe of the ſaid Company, and within Seven Days after ſuch Delivery to give Notice in Writing of the Title, and Delivery of ſuch Book, Volume or Volumes, to the ſeveral Agents of the Keepers of the ſaid ſeveral Libraries reſpectively, in caſe there ſhall be any ſuch Agents reſident within the Bills of Mortality, whoſe Appointment and Place of Abode hath been notified to the ſaid Warehouſe Keeper; and alſo within Ten Days after Demand by the Keepers of the ſaid reſpective Libraries, or any Perſon or Perſons by them or any of them authorized to demand ſuch Copies, to deliver the ſame for the Uſe of the aforeſaid Libraries reſpectively; and if any Proprietor, Bookſeller, or Printer, or the Warehouſe Keeper of the ſaid Company of *Stationers* for the time being, ſhall not obſerve the Direction of this Act therein, that then he or they ſo making Default in delivering the ſaid printed Copies as aforeſaid, ſhall forfeit the Sum of Five Pounds for every Copy not ſo delivered, and alſo the Value of the ſaid Printed Copies not ſo delivered; the ſame to be recovered by the King's Majeſty, His Heirs and Succeſſors, and by the Chancellor, Maſters, and Scholars of any of the ſaid Univerſities, and by the Principal of the *Britiſh Muſæum*, and by the Preſident and Fellows of *Sion College*, and the ſaid Faculty of Advocates at *Edinburgh*, with their Full Coſts reſpectively.

The Act not to prevent Perſons from ſelling Books already printed, and which might have been lawfully ſold by ſuch Perſons if the Act had not paſſed; nor to deprive Authors of the Right they had before paſſing the Act.

Provided alſo, and be it further Enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prevent any Perſon or Perſons from ſelling ſuch Impreſſions or Copies of any Book or Books as ſhall have been actually printed and publiſhed before the Paſſing of this Act, and might have been lawfully ſold by ſuch Perſon or Perſons in caſe this Act had not been made; and alſo, that nothing herein contained ſhall extend or be conſtrued to deprive any Author or Authors, who ſhall not before the Paſſing of this Act have ſold, or for a valuable Conſideration diſpoſed of, or by Writing ſhall have given his, her, or their whole Right or Intereſt in or to the Copy or Copies of any Book or Books ſo printed and publiſhed as aforeſaid, to the Printers or Publiſhers thereof reſpectively, of any Right or Intereſt in or to ſuch Copy or Copies, or the ſole and excluſive Power of reprinting and publiſhing the ſame, which he, ſhe, or they had or was or were intitled to before the Paſſing of this Act, or might or ought to have had and enjoyed in caſe this Act had not been made.

And

Limitation of Actions.

And be it further Enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons whatſoever for doing or cauſing to be done any Thing in purſuance of this Act, the Defendants in ſuch Action may plead the General Iſſue, and give the Special Matter in Evidence; and if upon ſuch Action a Verdict be given for the Defendant, or the Plaintiff become Nonſuited, and diſcontinue his Action, then the Defendant ſhall have and recover his Full Coſts, for which he ſhall have the ſame Remedy as a Defendant in any Caſe by Law hath.

Saving the Right of the Engliſh and Scotch Univerſities.

Provided always, and be it further Enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend to prejudice any Right, that the Univerſities of *Oxford* and *Cambridge* in that Part of *Great Britain* called *England*, or the Four Univerſities in that Part of *Great Britain* called *Scotland*, or any of them, have or claim to have to the Printing or Reprinting of any Book or Books already printed, or hereafter to be printed.

Penalties incurred in Scotland, to be recovered there.

Provided always, and be it further Enacted, That if any Perſon or Perſons ſhall incur any of the Penalties contained in this Act in that Part of this Kingdom called *Scotland*, the Penalty or Penalties, in any ſuch Caſe, ſhall be recoverable by any Action before the Court of Seſſions in *Scotland*.

Publick Act.

And be it further Enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

AN

ACT

FOR

Relief of Bookſellers and others, by veſting the Copies of Printed Books in the Purchaſers of ſuch Copies from Authors, or their Aſſigns, for a limited Time.

[1774.]