

having cognizance of such suit, that the design has been registered in the name of a person not being the proprietor or lawfully entitled thereto, it shall be competent for such judge, in his discretion, by a decree or order in such suit, to direct either that such registration be cancelled (in which case the same shall thenceforth be wholly void), or that the name of the proprietor of such design, or other person lawfully entitled thereto, be substituted in the register for the name of such wrongful proprietor or claimant, in like manner as is hereinbefore directed in case of the transfer of a design, and to make such order respecting the costs of such cancellation or substitution, and of all proceedings to procure and effect the same, as he shall think fit; and the registrar is hereby authorised and required, upon being served with an official copy of such decree or order, and upon payment of the proper fee, to comply with the tenour of such decree or order, and either cancel such registration or substitute such new name, as the case may be."

* The same provisions are applicable in the case of designs provisionally registered. (a)

The Designs Act, 1850, (b) enables the proprietors of designs, whether of an ornamental or useful character, to have them provisionally registered for the period of a year, which the Board of Trade may further extend by a period not exceeding six months, during which time the same protection is to be given as in the case of designs registered under the former Designs Acts. Provisional registration.

Sect. 1 provides, "that the Registrar of Designs, upon application by or on behalf of the proprietor of any design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere, and which may be registered under the Designs Act, 1842, or under the Designs Act, 1843, for the provisional registration of such design, under this Act, and upon being furnished with such copy, drawing, print, or description in writing or in print as in the judgment of the said registrar shall be sufficient to identify the particular design in respect of which such registration is desired, and the name of the person claiming to be proprietor, together with his place of abode or business, or other place of address, or the style or title of the firm under which he may be trading, shall register such design in such manner and form as shall from time to time be prescribed or approved by the Board of Trade; and any design so registered shall be deemed 'provisionally registered,' and the registration thereof shall continue in force Mode of obtaining.

(a) See 13 & 14 Vict. c. 104, s. 15.

(b) 13 & 14 Vict. c. 104.

SUPPLEMENT TO
PART I.Certificate of
provisional
registration.Extension of
time by Board
of Trade.Protection given
by provisional
registration.Exhibition of
provisionally
registered
designs in
certain places
not to defeat
copyright, &c.

for the term of one year from the time of the same being registered as aforesaid."

The registrar is to certify, under his hand and seal of office, in such form as the Board of Trade shall direct or approve, that the design has been provisionally registered, the date of such registration, and the name of the registered proprietor, together with his place of abode or business, or other place of address.(a)

Sect. 5 provides, "that the Board of Trade may, by order in writing, with respect to any particular class of designs, or any particular design, extend the period for which any design may be provisionally registered under this Act, for such term, not exceeding the additional term of six months, as to the said Board may seem fit; and whenever any such order shall be made, the same shall be registered in the office for the registration of designs, and, during the extended term, the protection and benefits conferred by this Act in case of provisional registration shall continue as fully as if the original term of one year had not expired."

The proprietor of any design which shall have been provisionally registered is, during the continuance of such registration, to have the sole right and property in such design; and the penalties and provisions of the Designs Act, 1842, for preventing the piracy of designs, are to extend to—

1. The application of any provisionally registered design, or any fraudulent imitation thereof, to any article of manufacture or to any substance:
2. The publication, sale, or exposure for sale of any article of manufacture or any substance to which any provisionally registered design shall have been applied.(b)

During the continuance of such provisional registration neither such registration, nor the exhibition or exposure of any design provisionally registered, or of any article to which any such design may have been or be intended to be applied, in any place, whether public or private, in which articles are not sold or exposed or exhibited for sale, and to which the public are not admitted gratuitously, or in any place which shall have been previously certified by the Board of Trade to be a place of public exhibition within the meaning of the Act, nor the publication of any account or description of any provisionally registered design exhibited or exposed, or intended to be exhibited or exposed,

(a) 13 & 14 Vict. c. 104, s. 1.

(b) Sect. 2.

in any such place of exhibition or exposure in any catalogue, paper, newspaper, periodical, or otherwise, is to prevent the proprietor thereof from registering any such design under the Designs Acts of 1842 and 1843 at any time during the continuance of the provisional registration, in the same manner and as fully and effectually as if no such registration, exhibition, exposure, or publication had been made; provided that every article to which any such design shall be applied, and which shall be exhibited or exposed by or with the licence or consent of the proprietor of such design, has thereon or attached thereto the words "provisionally registered," with the date of registration.(a)

If, however, during the continuance of such provisional registration, the proprietor of any design provisionally registered shall sell, expose, or offer for sale any article, substance, or thing to which any such design has been applied, it is provided, by sect. 4, that the provisional registration shall be deemed to have been null and void immediately before any such sale, offer, or exposure shall have been first made.

Sale of articles to which provisionally registered designs, &c. have been applied, to defeat copyright, but design itself may be sold.

But this is not to hinder or prevent the proprietor from selling or transferring the right and property in any such design.(b)

All the provisions of the former Designs Acts, as to the transfer of copyright, piracy, remedies for piracy, penalties for wrongfully using marks, &c., are made applicable to the case of designs provisionally registered.(c)

In order to prevent the frequent and unnecessary removal of the public books and documents in the Office for the Registration of Designs, it is provided by 13 & 14 Vict. c. 104, s. 12, that no book or document in the said office shall be removed for the purpose of being produced in any court or before any justice of the peace, without a special order of a judge of the Court of Chancery, or of one of Her Majesty's superior courts of law, first had and obtained by the party who shall desire the production of the same.

Judge's order necessary to removal of public books, &c. in Designs Office for evidence.

If application be made to a judge of any of Her Majesty's courts of law at Westminster, by any person desiring to obtain a copy of any registration, entry, drawing, print, or document of which such person is not entitled as of right to have a copy, for the purpose of being used in evidence in any cause, or otherwise howsoever, and if such judge be satisfied that such copy is *bonâ fide* intended for that purpose, he is to order the Registrar of Designs to deliver such copy to the party applying, and the Registrar

Judges may order copies of documents to be furnished for evidence.

(a) 13 & 14 Vict. c. 104, s. 3.

(b) Sect. 4.

(c) Sect. 15.

SUPPLEMENT TO
PART I.

Copies of documents delivered by the registrar to be sealed, and to be evidence.

of Designs is, upon payment for the same of the fee or fees fixed according to the provisions of the Designs Act, to deliver such copy accordingly.(a)

Every copy of any registration, entry, drawing, print, or document delivered by the Registrar of Designs to any person requiring it, is to be signed by the registrar, and sealed with his seal of office.(b)

Every document so sealed, purporting to be a copy of any registration, entry, drawing, print, or document, is to be deemed to be a true copy of such registration, entry, drawing, print, or document, and without further proof, to be received in evidence before all courts in like manner, and to the same extent and effect as the original book, registration, entry, drawing, print, or document would or might be received if tendered in evidence, as well for the purpose of proving the contents, purport, and effect of such book, registration, entry, drawing, print, or document, as also proving the same to be a book, registration, entry, drawing, print, or document of or belonging to the said office, and in the custody of the Registrar of Designs.(c)

III. TRANSFER.

Copyright may be transferred by writing.

The copyright in designs, whether for purposes of ornament or utility, may be transferred by any writing purporting to be a transfer of the copyright, and signed by the proprietor thereof.(d)

Every person purchasing or otherwise acquiring the right to the entire or partial use of any design may enter his title in the register. The registrar is, on request, and the production of the written transfer, or, in case of the right being acquired by any other mode than that of purchase, on the production of any evidence to his satisfaction, to insert the name of the new proprietor in the register.(e)

The following forms are given in the statute as those which may be pursued. They are applicable in the case of designs for purposes of utility or of ornament.(f)

Form of Transfer, and Authority to Register.

I A. B., author [or proprietor] of design, No. having transferred my right thereto [or, if such transfer be partial], so far as regards the ornamenting of [describe the articles of manufacture or substances, or the locality, with respect to which the right is transferred], to B. C. of do hereby authorise you to insert his name on the register of designs accordingly.

(a) 13 & 14 Vict. c. 104, s. 13.

(b) Sect. 14.

(c) *Ib.*

(d) 5 & 6 Vict. c. 104, s. 6; 6 & 7 Vict. c. 65, s. 6.

(e) *Ib.*

(f) 6 & 7 Vict. c. 65, s. 6.

*Forms of Request to register.*SUPPLEMENT TO
PART I.

I *B. C.*, the person mentioned in the above transfer, do request you to register my name and property in the said design as entitled [*if to the entire use*] to the entire use of such design [*or, if to the partial use*], to the partial use of such design, so far as regards the application thereof [*describe the articles of manufacture, or the locality, in relation to which the right is transferred*].

If the request to register be made by any person to whom any design devolves otherwise than by transfer, the request may be in the following form :

I *C. D.*, in whom is vested by [*state bankruptcy or otherwise*] the design, No. [or, if such devolution be of a partial right, so far as regards the application thereof] to [*describe the articles of manufacture or substance, or the locality, in relation to which the right has devolved*].

The law is the same as to the transfer of designs “provisionally” registered. (*a*)

IV. PIRACY.

The copyright in a registered design, whether for purposes of ornament or utility, may be infringed (1) by the unauthorised application of the design, or any fraudulent imitation of it, for the purpose of sale, to any article ; or (2) by selling any article to which the design has been so applied, after knowledge of such application being unauthorised, or notice to the same effect from the proprietor or his agent. (*b*)

Modes in which
piracy may be
committed.

It is provided, by sect. 7 of 5 & 6 Vict. c. 100, that during the existence of the right to the entire or partial use of any design for purposes of ornament, “no person shall either do or cause to be done any of the following acts with regard to any articles of manufacture, or substances, in respect of which the copyright of such design shall be in force, without the licence or consent in writing of the registered proprietor thereof; (that is to say),

No person shall apply any such design, or any fraudulent imitation thereof, for the purpose of sale, to the ornamenting of any article of manufacture, or any substance, artificial or natural, or partly artificial and partly natural :

No person shall publish, sell, or expose for sale any article of manufacture, or any substance to which such design, or any fraudulent imitation thereof, shall have been so applied, after having received, either verbally or in writing, or otherwise, from any source other than

(*a*) See 13 & 14 Vict. c. 104, s. 15.

(*b*) 5 & 6 Vict. c. 100, s. 7; 6 & 7 Vict. c. 65, s. 6.

SUPPLEMENT TO
PART I.

the proprietor of such design, knowledge that his consent has not been given to such application, or after having been served with or had left at his premises a written notice signed by such proprietor or his agent to the same effect."

These provisions are extended to designs for purposes of utility by 6 & 7 Vict. c. 35, s. 6.

The manufacture, within the period of protection, of articles to which a registered design is applied without authority, although without the intention of selling them within that period, is piracy. (a)

Notice.

The following was held not to be a sufficient statement, within the above enactment, that the proprietor of the copyright had not given his consent to the application of his design to a particular manufactured article: "I hereby further give you notice that in case you apply such design, or any fraudulent imitation thereof, for any purpose whatsoever, or publish, sell, or expose for sale any article of manufacture, or any substance to which such design, or any fraudulent imitation thereof, shall have been so applied, contrary to the true intent and meaning of the said Act of Parliament, the said Joseph Norton(b) will institute such proceedings as he may be advised for the recovery of the penalties which you may thereby incur, and also for the recovery of the damages which he may thereby sustain, and likewise to restrain you from any further violation of the said Act of Parliament." (c)

"The notice," said Lord Campbell, C.J., delivering the judgment of the Court of Queen's Bench, "does say that if the defendants either apply the design to an article of manufacture, or sell or expose to sale an article of manufacture with the design applied to it, he will sue them; but we cannot think that this is tantamount to a notice that he had not given his consent to the application of his design to the manufactured article. Such notice is perfectly consistent with the fact of his having actually given his consent, and cannot, we think, be considered the performance of a condition introduced to save retail dealers from very serious liability. It is likewise worthy of observation that the notice gives no indication of the plaintiff's real claim, and that this remained a mystery till the trial began." (d)

(a) *McCrae v. Holdsworth* (2 De G. & S. 499; 12 Jur. 820).

(b) The notice was given "for and on behalf of Mr. Joseph Norton," by his solicitor and agent, and stated at its commencement that the design had been registered.

(c) *Norton v. Nicholls* (1 El. & El. 761; 5 Jur. N. S. 1205; 7 W. R. 420).

(d) *Ib.*

V. REMEDIES FOR PIRACY.

SUPPLEMENT TO
PART I.

The remedies at law for infringements of the copyright in designs, whether for ornamental or useful purposes, are (1) by action for damages; (2) by action to recover the statutory penalties; (3) by summary proceeding before justices for the recovery of penalties. Remedies at law.

It is provided, by sect. 9 of 5 & 6 Vict. c. 100 (and see 6 & 7 Vict. c. 65, s. 6), that, notwithstanding the remedies given by the Act for the recovery of penalties, it shall be lawful for the proprietor in respect of whose right such penalty shall have been incurred (if he shall elect to do so) to bring such action as he may be entitled to, for the recovery of any damages which he shall have sustained, either by the application of any such design or of a fraudulent imitation thereof, for the purpose of sale, to any articles of manufacture or substances, or by the publication, sale or exposure to sale, as aforesaid, by any person, of any article or substance to which such design or any fraudulent imitation thereof shall have been so applied, such person knowing that the proprietor of such design had not given his consent to such application. By action for damages.

The amount of the penalties to be recovered and the mode of recovering them are set out in sect. 8 of 5 & 6 Vict. c. 100 (and see 6 & 7 Vict. c. 65, s. 6). It enacts that if any person commits any of the Acts mentioned in sect. 7 of the same Act, cited *ante*, pp. 623, 624, he shall for every offence forfeit a sum not less than five pounds and not exceeding thirty pounds, to the proprietor of the design in respect of whose right such offence has been committed; and such proprietor may recover such penalty as follows: Recovery of penalties for piracy:

In England, either by an action of debt or on the case against the party offending, or by summary proceeding before two justices having jurisdiction where the party offending resides. In England.

If the proprietor proceed by summary proceeding, any justice of the peace acting for the county, riding, division, city, or borough where the party offending resides, and not being concerned either in the sale or manufacture of the article of manufacture, or in the design, to which such summary proceeding relates, may issue a summons requiring such party to appear on a day and at a time and place to be named in such summons, such time not being less than eight days from the date thereof; and every such summons shall be served on the party offending, either in person or at his usual place of abode; and either upon the appearance

SUPPLEMENT TO
PART I.

Aggregate
amount of
penalties.

or upon the default to appear of the party offending, any two or more of such justices may proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party offending, or upon the oath or affirmation of one or more credible witnesses, which such justices are by the Act authorised to administer, may convict the offender in a penalty of not less than five pounds or more than thirty pounds, as aforesaid, for each offence, as to such justices doth seem fit; but the aggregate amount of penalties for offences in respect of any one design committed by any one person, up to the time at which any of the proceedings herein mentioned shall be instituted, shall not exceed the sum of one hundred pounds; and if the amount of such penalty or of such penalties, and the costs attending the conviction so assessed by such justices, be not forthwith paid, the amount of the penalty or of the penalties and of the costs, together with the costs of the distress and sale, shall be levied by distress and sale of the goods and chattels of the offender, wherever the same happen to be in England; and the justices before whom the party has been convicted, or, on proof of the conviction, any two justices acting for any county, riding, division, city, or borough in England, where goods and chattels of the person offending happen to be, may grant a warrant for such distress and sale; and the overplus, if any, shall be returned to the owner of the goods and chattels on demand.

Every information and conviction which shall be respectively laid or made in such summary proceeding before two justices under this Act, may be drawn or made out in certain forms given in the Act, (a) or to the effect thereof, *mutatis mutandis*, as the case may require. (b)

In Scotland.

The proprietor may recover the penalty in Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending or by the oath or affirmation of one or more credible witnesses, shall convict the offender and find him liable in the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided

(a) See the forms in the appendix, *post*.

(b) Sect. 8.

always, that it shall be lawful to the sheriff, in the event of his dismissing the action, and assoilzieing the defender, to find the complainer liable in expenses; and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by advocacy, suspension, reduction, or otherwise. (a)

SUPPLEMENT TO
PART I.

In Ireland the penalty may be recovered, either by action in a superior court of law at Dublin, or by civil bill in the civil bill court of the county or place where the offence was committed. (b)

In Ireland.

No action or other proceeding for any offence or injury under the Acts is to be brought after the expiration of twelve calendar months from the commission of the offence. (c)

Limitation of
actions, &c.

In every such action or other proceeding the party who prevails is to recover his full costs of suit or of such other proceeding. (d)

Costs.

In case of any summary proceeding before justices in England, the justices may award payment of costs to the party prevailing, and grant a warrant for enforcing payment thereof against the summoning party, if unsuccessful, in like manner as before provided for recovering any penalty with costs against any offender under the Acts. (e)

Costs in cases
of summary
proceeding.

The above provisions as to actions for damages, the limitation of actions, the mode of recovering penalties, and the awarding and recovery of costs, are applicable in the case of designs provisionally registered. (f)

Designs
provisionally
registered.

The proprietor may also institute proceedings in the county court of the district within which the piracy is alleged to have been committed, for the recovery of damages which he may have sustained by reason of such piracy. (g)

Proceedings in
county court.

In any such proceedings in the county court the plaintiff must deliver, with his plaint, a statement of particulars as to the date and title, or other description of the registration whereof the copyright is alleged to be pirated, and as to the alleged piracy. (h)

The defendant, if he intends at the trial to rely as a defence on any objection to the copyright, or to the title of the proprietor therein, must give notice, in the manner

(a) Sect. 8.

(b) *Ib.*

(c) 5 & 6 Vict. c. 100, s. 12; 6 & 7 Vict. c. 65, s. 6. (d) *Ib.*

(e) See 5 & 6 Vict. c. 100, s. 13; and 6 & 7 Vict. c. 65, s. 6.

(f) See 13 & 14 Vict. c. 104, s. 15.

(g) 21 & 22 Vict. c. 70, s. 8.

(h) *Ib.*

SUPPLEMENT TO
PART I.
—

provided by the 76th section of 9 & 10 Vict. c. 95, (a) of his intention to rely on such special defence, and also state in such notice the date of publication and other particulars of any design whereof prior publication is alleged, or of any objection to such copyright. (b)

The judge of the county court, at the instance of the defendant or plaintiff respectively, may require any statement or notice delivered by either party to be amended in such manner as he may think fit. (c)

The provisions of 9 & 10 Vict. c. 95 (the County Courts Act, 1846), and of 12 & 13 Vict. c. 101, as to proceedings in a plaint, to appeal, and to writs of prohibition, are to be applicable to proceedings for piracy of designs. (d)

Remedy in
equity.

The equitable remedy by injunction, is also open to the person whose copyright is infringed.

(a) This notice is to be given to the registrar of the county court at least five clear days before the return, and he is to communicate it to the plaintiff. The defendant need not prove at the trial that the notice was so communicated to the plaintiff.

(b) 21 & 22 Vict. c. 70, s. 8.

(c) *Ib.*

(d) *Id.* sect. 9.

APPENDIX.

8 GEO. 2, CAP. 13.

An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers during the Time therein mentioned. 8 GEO. 2, c. 13

WHEREAS divers persons have, by their own genius, industry, pains, and expense, invented and engraved, or worked in mezzotinto, or chiaro oscuro, sets of historical and other prints, in hopes to have reaped the sole benefit of their labours: and whereas printsellers and other persons have of late, without the consent of the inventors, designers, and proprietors of such prints, frequently taken the liberty of copying, engraving, and publishing, or causing to be copied, engraved, and published, base copies of such works, designs, and prints, to the very great prejudice and detriment of the inventors, designers, and proprietors thereof: for remedy thereof, and for preventing such practices for the future, may it please your 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 twenty-fourth day of June, which shall be in the year of our Lord one thousand seven hundred and thirty-five, every person who shall invent and design, engrave, etch, or work, in mezzotinto or chiaro oscuro, or from his own works and invention shall cause to be designed and engraved, etched, or worked, in mezzotinto or chiaro oscuro, any historical or other print or prints, shall have the sole right and liberty of printing and reprinting the same for the term of fourteen years, to commence from the day of the first publishing thereof, which shall be truly engraved with the name of the proprietor on each plate, and printed on every such print or prints; and that if any printseller or other person whatsoever, from and after the said twenty-fourth day of June, one thousand seven hundred and thirty-five, within the time limited by this Act, shall engrave, etch, or work as aforesaid, or in any other manner copy and sell, or cause to be engraved, etched, or copied and sold, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, reprint, or import for sale, or cause to be printed, reprinted, or imported for sale, any such print or prints, or any parts thereof, without the consent of the proprietor or proprietors thereof first had and obtained in writing signed by him or them respectively 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, shall publish, sell, or expose to sale, or otherwise or in any other manner dispose of, or cause to be published, sold, or exposed to sale, or otherwise or

After 24th June, 1735, the property of historical and other prints vested in the inventor for fourteen years.

Proprietor's name to be affixed to each print.

Penalty on printsellers or others pirating the same.

8 GEO. 2, c. 13.

in any other manner disposed of, any such print or prints, without such consent first had and obtained as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such print or prints are or shall be copied, and all and every sheet or sheets (being part of or whereon such print or prints are or shall be so copied or printed), to the proprietor or proprietors of such original print or prints, who shall forthwith destroy and damask the same, and further, that every such offender or offenders shall forfeit five shillings for every print which shall be found in his, her, or their custody, either printed or published, and exposed to sale or otherwise disposed of, contrary to the true intent and meaning of this Act, the 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.

Not to extend to purchasers of plates from the original proprietors.

2. Provided nevertheless, that it shall and may be lawful for any person or persons who shall hereafter purchase any plate or plates for printing from the original proprietors thereof to print and reprint from the said plates without incurring any of the penalties in this Act mentioned.

Limitation of actions for anything done in pursuance of Act.

General Issue.

3. 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 anything in pursuance of this Act, the same shall be brought within the space of three months after so doing; and the defendant and defendants in such action or suit shall or may plead the general issue, and give the special matter in evidence; and if upon such action or suit a verdict shall be given for the defendant or defendants, or if the plaintiff or plaintiffs become nonsuited, or discontinue his, her, or their action or actions, then the defendant or defendants shall have and recover full costs, for the recovery whereof he shall have the same remedy as any other defendant or defendants in any other case hath or have by law.

Limitation of actions for offences against this Act.

4. Provided always, 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 for any offence committed against this Act, the same shall be brought within the space of three months after the discovery of every such offence, and not afterwards, anything in this Act contained to the contrary notwithstanding.

5. Clause relating to J. Pyne.

Public Act.

6. And be it further enacted by the authority aforesaid, that this Act shall be deemed, adjudged, and taken to be a public Act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

15 GEO. 3, CAP. 53.

15 GEO. 3, c. 53.

An Act for enabling the two Universities in England, the four Universities in Scotland, and the several colleges of Eton, Westminster, and Winchester, to hold in perpetuity their Copyright in Books, given or bequeathed to the said Universities and Colleges for the advancement of useful learning and other purposes of education; and for amending so much of an Act of the eighth year of the reign of Queen Anne, as relates to the delivery of books to the warehouse keeper of the Stationers' Company, for the use of the several libraries therein mentioned.

WHEREAS authors have heretofore bequeathed or given, and may hereafter bequeath or give, the copies of books composed by them, to or in trust for one of the two universities in that part of Great Britain called England, or to or in trust for some of the colleges or houses of learning within the same, or to or in trust for the four universities in Scotland, or to or in trust for the several colleges of Eton, Westminster, and Winchester, and in and by their several wills or other instruments of donation, have directed or may direct, that the profits arising from the printing and reprinting such books shall be applied or appropriated as a fund for the advancement of learning, and other beneficial purposes of education within the said universities and colleges aforesaid: and whereas such useful purposes will frequently be frustrated, unless the sole printing and reprinting of such books, the copies of which have been or shall be so bequeathed or given as aforesaid, be preserved and secured to the said universities, colleges, and houses of learning respectively in perpetuity; may it therefore please your 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 the said universities and colleges respectively shall, at their respective presses, have, for ever, the sole liberty of printing and reprinting all such books as shall at any time heretofore have been, or (having not been heretofore published or assigned) shall at any time hereafter be bequeathed, or otherwise given by the author or authors of the same respectively, or the representatives of such author or authors, to or in trust for the said universities, or to or in trust for any college or house of learning within the same, or to or in trust for the said four universities in Scotland, or to or in trust for the said colleges of Eton, Westminster, and Winchester, or any of them, for the purposes aforesaid, unless the same shall have been bequeathed or given, or shall hereafter be bequeathed or given, for any term of years, or other limited term; any law or usage to the contrary hereof in anywise notwithstanding.

15 Geo. 3, c. 53.
Preamble.

Universities, &c. in England and Scotland to have, for ever, the sole right of printing, &c. such books as have been, or shall be, bequeathed to them,

unless the same have been, or shall be, given for a limited time.

2. And it is hereby further enacted, that if any bookseller, printer, or other person whatsoever, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-five, shall print, reprint, or import, or cause to be printed, reprinted, or imported, any such book or books; or, knowing the same to be so printed or reprinted, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such book or books; then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets, being part of such book or books, to the university, college, or house of learning respectively, to whom the copy of such book or books shall have been bequeathed or given as aforesaid, who shall forthwith damask and make waste paper of them; and further, that every such offender or offenders shall forfeit one penny for every sheet 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; the one moiety thereof to the King's most excellent Majesty, his heirs and successors, and the other moiety thereof to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at Westminster, or in the Court of Session in Scotland, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

After June 24, 1775, persons printing or selling such books shall forfeit the same, and also 1d. for every sheet;

One moiety to his Majesty, and the other to the prosecutor.

15 Geo. 3, c. 52.

Nothing in this Act to extend to grant any exclusive right longer than such books are printed at the presses of the universities.

Universities may sell copy-rights in like manner as any author.

No person subject to penalties for printing, &c books already bequeathed, unless they be entered before June 24, 1775.

All books that may hereafter be bequeathed, must be entered within two months after such bequest shall be known.

6d. to be paid for each entry in the register-book,

which may be inspected without fee.

Clerk to give a certificate being paid 6d.

If clerk refuse or neglect to make entry, &c.

Proprietor of such copyright to have like benefit as if such entry had been made, and the clerk shall forfeit 20l.

3. Provided, nevertheless, that nothing in this Act shall extend to grant any exclusive right otherwise than so long as the books or copies belonging to the said universities or colleges are printed only at their own printing-presses within the said universities or colleges respectively, and for their sole benefit and advantage; and that if any university or college shall delegate, grant, lease, or sell their copyrights, or exclusive rights of printing the books hereby granted, or any part thereof, or shall allow, permit, or authorise any person or persons, or bodies corporate, to print or reprint the same, that then the privileges hereby granted are to become void and of no effect, in the same manner as if this Act had not been made; but the said universities and colleges, as aforesaid, shall nevertheless have a right to sell such copies so bequeathed or given as aforesaid, in like manner as any author or authors now may do under the provisions of the statute of the eighth year of her Majesty Queen Anne.

4. And whereas many persons may through ignorance offend against this Act, unless some provision be made whereby the property of every such book as is intended by this Act to be secured to the said universities, colleges, and houses of learning within the same, and to the said universities in Scotland, and to the respective colleges of Eton, Westminster, and Winchester, may be ascertained and known, be it therefore 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, importing, or exposing to sale, any book or books, unless the title to the copy of such book or books, which has or have been already bequeathed or given to any of the said universities or colleges aforesaid, be entered in the register-book of the Company of Stationers kept for that purpose, in such manner as hath been usual, on or before the twenty-fourth day of June. one thousand seven hundred and seventy-five; and of all and every such book or books as may or shall hereafter be bequeathed or given as aforesaid, be entered in such register within the space of two months after any such bequest or gift shall have come to the knowledge of the vice-chancellors of the said universities, or heads of houses and colleges of learning, or of the principals of any of the said four universities respectively; for every of which entries so to be made as aforesaid, the sum of sixpence shall be paid, and no more; which said register-book shall and may, at all seasonable and convenient times, be referred to and inspected by any bookseller, printer, or other person, 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.

5. 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 agent of either of the said universities or colleges aforesaid, lawfully authorised for that purpose, then either of the said universities or colleges aforesaid, being the proprietor of such copyright or copyrights as aforesaid (notice being first given of such refusal by an advertisement 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 twenty pounds to the proprietor or proprietors of every such copyright; to be recovered in any of his Majesty's courts of record

at Westminster, or in the Court of Session in Scotland, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, protection, or more than one imparlance, shall be allowed. 15 Geo. 3, c. 53.

6. And whereas in and by an Act of Parliament, made in the eighth year of the reign of her late Majesty Queen Anne, intituled, "An Act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies during the times therein mentioned," it is enacted, that nine copies of each book or books, upon the best paper, that, from and after the tenth day of April, one thousand seven hundred and ten, should be printed and published, as therein mentioned, or reprinted and published with additions, shall, by the printer and 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 libraries of the four Universities in Scotland, the Library of Sion College in London, and the library commonly called The Library belonging to the Faculty of Advocates in Edinburgh, respectively; which such warehouse-keeper was thereby required, within ten days after demand by the keepers of the respective libraries, or any person or persons by them, or any of them, authorised to demand the said copy, to deliver the same for the use of the aforesaid libraries; and if any proprietor, bookseller, or printer, or the said warehouse-keeper of the said Company of Stationers, should not observe the direction of the said Act therein, that then he and they so making default, in not delivering the said printed copies as aforesaid, should forfeit as therein mentioned: And whereas the said provision has not proved effectual, but the same hath been eluded by the entry only of the title to a single volume, or of some part of such book or books so printed and published, or reprinted and republished, as aforesaid; be it enacted by the authority aforesaid, that no person or persons whatsoever shall be subject to the penalties in the said Act mentioned, for or by reason of the printing or reprinting, importing or exposing to sale, any book or books, without the consent mentioned in the said Act, unless the title to the copy of the whole of such book, and every volume thereof, be entered, in manner directed by the said Act, in the register book of the Company of Stationers, and unless nine such copies of the whole of such book or books, and every volume thereof printed and published, or reprinted or republished, as therein mentioned, shall be actually delivered to the warehouse keeper of the said company, as therein directed, for the several uses of the several libraries in the said Act mentioned. Clause in Act 8 Anne recited. No person subject to penalties in the said Act for printing, &c. any book, unless the title to the copy of the whole be entered, &c.

7. 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, anything 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, or if the same shall be brought in the Court of Session in Scotland, a judgment 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. Limitation of actions. General issue.

8. And be it further enacted by the authority aforesaid, that this Act shall be adjudged, deemed, and taken to be a public Act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same. Public Act.

17 GEO. 3, CAP. 57.

17 GEO. 3, c. 57. *An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases.*

Recit. of Acts
Geo. 2, and
Geo. 3.

WHEREAS an Act of Parliament passed in the eighth year of the reign of his late Majesty King George the Second, intituled "An Act for the Encouragement of the Arts of designing, engraving, and etching Historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers, during the Time therein mentioned:" And whereas by an Act of Parliament passed in the seventh year of the reign of his present Majesty, for amending and rendering more effectual the aforesaid Act, and for other purposes therein mentioned, it was (among other things) enacted, that from and after the first day of January one thousand seven hundred and sixty-seven, all and every person or persons who should engrave, etch, or work in mezzotinto or chiaro oscuro, or cause to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, should have, and were thereby declared to have the benefit and protection of the said former Act and that Act, for the term thereafter mentioned, in like manner as if such print had been graven or drawn from the original design of such graver, etcher, or draughtsman: And whereas the said Acts have not effectually answered the purposes for which they were intended, and it is necessary, for the encouragement of artists, and for securing to them the property of and in their works, and for the advancement and improvement of the aforesaid arts, that such further provisions should be made as are hereinafter mentioned and contained: May it therefore please your 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 twenty-fourth day of June one thousand seven hundred and seventy-seven, if any engraver, etcher, printseller, or other person, shall, within the time limited by the aforesaid Acts, or either of them, engrave, etch, or work, or cause or procure to be engraved, etched, or worked, in mezzotinto or chiaro oscuro, or otherwise, or in any other manner copy in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, reprint, or import for sale, or cause or procure to be printed, reprinted, or imported for sale, or shall publish, sell, or otherwise dispose of, or cause or procure to be published, sold, or otherwise disposed of, any copy or copies of any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, which hath or have been, or shall be engraved, etched, drawn, or designed, in any part of Great Britain, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor or proprietors shall and may, by and in a special action upon the case, to be brought against the person or persons so offending, recover such damages as a jury on the trial of such action, or on the execution of a writ of inquiry thereon, shall give or assess, together with double costs of suit.

After June 24, 1777, if any engraver, &c. shall, within the time limited by the aforesaid Acts, engrave or etch, &c. any print, without the consent of the proprietor, he shall be liable to damages, and double costs.

32 GEO. 3, CAP. 60.

[Fox's Libel Act.]

An Act to remove Doubts respecting the Functions of Juries in Cases of Libel. 32 GEO. 3, c. 60.

WHEREAS doubts have arisen whether on the trial of an indictment or information for the making or publishing any libel, where an issue or issues are joined between the king and the defendant or defendants, on the plea of not guilty pleaded, it be competent to the jury impanelled to try the same to give their verdict upon the whole matter in issue: Be it therefore declared and 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, on every such trial, the jury sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information; and shall not be required or directed, by the court or judge before whom such indictment or information shall be tried, to find the defendant or defendants guilty, merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of the sense ascribed to the same in such indictment or information.

Preamble.
On trial of an indictment for a libel, jury may give a general verdict upon the whole matter put in issue, and shall not be required by the court to find the defendant guilty merely on proof of publication, and of the sense ascribed to it in the information.

2. Provided always, that, on every such trial, the court or judge before whom such indictment or information shall be tried, shall, according to their or his discretion, give their or his opinion and directions to the jury on the matter in issue between the king and the defendant or defendants, in like manner as in other criminal cases.

But court shall give their opinion and directions on matter in issue, as in other criminal cases.

3. Provided also, that nothing herein contained shall extend or be construed to extend, to prevent the jury from finding a special verdict, in their discretion, as in other criminal cases.

Jury may find a special verdict.

4. Provided also, that in case the jury shall find the defendant or defendants guilty, it shall and may be lawful for the said defendant or defendants to move in arrest of judgment, on such ground and in such manner as by law he or they might have done before the passing of this Act; anything herein contained to the contrary notwithstanding.

Defendants may move in arrest of judgment, as before passing this Act.

54 GEO. 3, CAP. 56.

An Act to amend and render more effectual an Act of His present Majesty, for encouraging the Art of making new Models and Casts of Busts, and other things therein mentioned; and for giving further Encouragement to such Arts.—[18th May, 1814.] 54 GEO. 3, c. 56.

WHEREAS by an Act, passed in the thirty-eighth year of the reign of his present Majesty, intituled "An Act for encouraging the Art of making new Models and Casts of Busts, and other things therein mentioned;" the sole right and property thereof were vested in the original proprietors, for a time therein specified: And whereas the provisions of the said Act having been found ineffectual for the purposes thereby intended, it is expedient to amend the same, and to make other provisions and regulations for the encouragement of artists, and to secure to them the profits of and in their works, and for the advancement of the said arts: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's

54 GEO. 3, c. 71.

54 Geo. 3, c. 56.

The sole right and property of all new and original sculpture, models, copies, and casts, vested in the proprietors for fourteen years.

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 passing of this Act, every person or persons who shall make or cause to be made any new and original sculpture, or model, or copy, or cast of the human figure or human figures, or of any bust or busts, or of any part or parts of the human figure, clothed in drapery or otherwise, or of any animal or animals, or of any part or parts of any animal combined with the human figure or otherwise, or of any subject being matter of invention in sculpture, or of any alto or basso relievo representing any of the matters or things hereinbefore mentioned, or any cast from nature of the human figure, or of any part or parts of the human figure, or of any cast from nature of any animal, or of any part or parts of any animal, or of any such subject containing or representing any of the matters and things hereinbefore mentioned, whether separate or combined, shall have the sole right and property of all and in every such new and original sculpture, model, copy and cast of the human figure or human figures, and of all and in every such bust or busts, and of all and in every such part or parts of the human figure, clothed in drapery or otherwise, and of all and in every such new and original sculpture, model, copy and cast, representing any animal or animals, and of all and in every such work representing any part or parts of any animal combined with the human figure or otherwise, and of all and in every such new and original sculpture, model, copy and cast of any subject, being matter of invention in sculpture, and of all and in every such new and original sculpture, model, copy and cast in alto or basso relievo, representing any of the matters or things hereinbefore mentioned, and of every such cast from nature, for the term of fourteen years from first putting forth or publishing the same; provided, in all and in every case, the proprietor or proprietors do cause his, her, or their name or names, with the date, to be put on all and every such new and original sculpture, model, copy or cast, and on every such cast from nature, before the same shall be put forth or published.

Works published under the recited Act, vested in the proprietors for fourteen years.

2. And be it further enacted, that the sole right and property of all works, which have been put forth or published under the protection of the said recited Act, shall be extended, continued to and vested in the respective proprietors thereof, for the term of fourteen years, to commence from the date when such last-mentioned works respectively were put forth or published.

Persons putting forth pirated copies or pirated casts, may be prosecuted.

3. And be it further enacted, that if any person or persons shall, within such term of fourteen years, make or import, or cause to be made or imported, or exposed to sale, or otherwise disposed of, any pirated copy or pirated cast of any such new and original sculpture, or model or copy, or cast of the human figure or human figures, or of any such bust or busts, or of any such part or parts of the human figure clothed in drapery or otherwise, or of any such work of any animal or animals, or of any such part or parts of any animal or animals combined with the human figure or otherwise, or of any such subject being matter of invention in sculpture, or of any such alto or basso relievo representing any of the matters or things hereinbefore mentioned, or of any such cast from nature as aforesaid, whether such pirated copy or pirated cast be produced by moulding or copying from, or imitating in any way, any of the matters or things put forth or published under the protection of this Act, or of any works which have been put forth or published under the pro-

tection of the said recited Act, the right and property whereof is and are secured, extended and protected by this Act, in any of the cases as aforesaid, to the detriment, damage, or loss of the original or respective proprietor or proprietors of any such works so pirated; then and in all such cases the said proprietor or proprietors, or their assignee or assignees, shall and may, by and in a special action upon the case to be brought against the person or persons so offending, receive such damages as a jury on a trial of such action shall give or assess, together with double costs of suit. 54 GEO. 3, c. 56.
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Damages and double costs.

4. Provided nevertheless, that no person or persons who shall or may hereafter purchase the right or property of any new and original sculpture or model, or copy or cast, or of any cast from nature, or of any of the matters and things published under or protected by virtue of this Act, of the proprietor or proprietors, expressed in a deed in writing signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, shall be subject to any action for copying or casting, or vending the same, anything contained in this Act to the contrary notwithstanding. Purchasers of copyright secured in the same.

5. Provided always, and be it further enacted, that all actions to be brought as aforesaid, against any person or persons for any offence committed against this Act shall be commenced within six calendar months next after the discovery of every such offence, and not afterwards. Limitation of actions.

6. Provided always, and be it further enacted, that from and immediately after the expiration of the said term of fourteen years, the sole right of making and disposing of such new and original sculpture, or model, or copy, or cast of any of the matters or things hereinbefore mentioned, shall return to the person or persons who originally made or caused to be made the same, if he or they shall be then living, for the further term of fourteen years, excepting in the case or cases where such person or persons shall by sale or otherwise have divested himself, herself or themselves, of such right of making or disposing of any new and original sculpture, or model, or copy, or cast of any of the matters or things hereinbefore mentioned, previous to the passing of this Act. An additional term of fourteen years, in case the maker of the original sculpture, &c. shall be living.

60 GEO. 3, CAP. 8.

An Act for the more effectual Prevention and Punishment of Blasphemous and Seditious Libels.—[30th December, 1819.] 60 GEO. 3, c. 8.
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WHEREAS it is expedient to make more effectual provision for the punishment of blasphemous and seditious libels; 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 passing of this Act, in every case in which any verdict or judgment by default shall be had against any person for composing, printing, or publishing any blasphemous libel, or any seditious libel, tending to bring into hatred or contempt the person of his Majesty, his heirs or successors, or the Regent, or the Government and Constitution of the United Kingdom as by law established, or either House of Parliament, or to excite his Majesty's subjects to attempt the alteration of any matter in Church or State as by law established, otherwise than by lawful means, it shall be lawful for the judge, or the court before whom or in which such verdict shall Court to make order for the seizure of copies of the libel in possession of the persons against whom verdicts shall have been had, &c.

60 GEO. 3, c. 8.

have been given, or the court in which such judgment by default shall be had, to make an order for the seizure and carrying away and detaining in safe custody, in such manner as shall be directed in such order, all copies of the libel which shall be in the possession of the person against whom such verdict or judgment shall have been had, or in the possession of any other person named in the order for his use; evidence upon oath having been previously given to the satisfaction of such court or judge, that a copy or copies of the said libel is or are in the possession of such other person for the use of the person against whom such verdict or judgment shall have been had as aforesaid; and in every such case it shall be lawful for any justice of the peace, or for any constable or other peace officer acting under any such order, or for any person or persons acting with or in aid of any such justice of the peace, constable, or other peace officer, to search for any copies of such libel in any house, building, or other place whatsoever belonging to the person against whom any such verdict or judgment shall have been had, or to any other person so named, in whose possession any copies of any such libel, belonging to the person against whom any such verdict or judgment shall have been had, shall be; and in case admission shall be refused or not obtained within a reasonable time after it shall have been first demanded, to enter by force by day into any such house, building, or place whatsoever, and to carry away all copies of the libel there found, and to detain the same in safe custody until the same shall be restored under the provisions of this Act, or disposed of according to any further order made in relation thereto.

Copies of libels so seized to be restored, if judgment for defendant; otherwise to be disposed of as the court shall direct.

2. And be it further enacted, that if in any such case as aforesaid judgment shall be arrested, or if, after judgment shall have been entered, the same shall be reversed upon any writ of error, all copies so seized shall be forthwith returned to the person or persons from whom the same shall have been so taken as aforesaid, free of all charge and expense, and without the payment of any fees whatever; and in every case in which final judgment shall be entered upon the verdict so found against the person or persons charged with having composed, printed, or published such libel, then all copies so seized shall be disposed of as the court in which such judgment shall be given shall order and direct.

Court of Justiciary in Scotland to make order for seizing copies of libels, &c.

3. Provided always, and be it enacted, That in Scotland, in every case in which any person or persons shall be found guilty before the court of justiciary, of composing, printing, or publishing any blasphemous or seditious libel, or where sentence of fugitation shall have been pronounced against any person or persons, in consequence of their failing to appear to answer to any indictment charging them with having composed, printed, or published any such libel, then and in either of such cases, it shall and may be lawful for the said court to make an order for the seizure, carrying away, and detaining in safe custody, all copies of the libel in the possession of any such person or persons, or in the possession of any other person or persons named in such order, for his or their use, evidence upon oath having been previously given to the satisfaction of such court or judge, that a copy or copies of the said libel is or are in the possession of such other person for the use of the person against whom such verdict or judgment shall have been had as aforesaid; and every such order so made shall and may be carried into effect, in such and the same manner as any order made by the Court of Justiciary, or any circuit Court of Justiciary, may be carried into effect according to the law and practice of Scotland: Provided always, that in the event of any

person or persons being reponed against any such sentence of fugitation, and being thereafter acquitted, all copies so seized shall be forthwith returned to the person or persons from whom the same shall have been so taken as aforesaid; and in all other cases, the copies so seized shall be disposed of in such manner as the said court may direct.

60 Geo. 3, c. 8.

4. And be it further enacted, that if any person shall, after the passing of this Act, be legally convicted of having after the passing of this Act composed, printed, or published any blasphemous libel or any such seditious libel as aforesaid, and shall, after being so convicted, offend a second time, and be thereof legally convicted before any commission of oyer and terminer or gaol delivery, or in his Majesty's Court of King's Bench, such person may, on such second conviction, be adjudged, at the discretion of the court, either to suffer such punishment as may now by law be inflicted in cases of high misdemeanors, or to be banished from the United Kingdom, and all other parts of his Majesty's dominions, for such term of years as the court in which such conviction shall take place shall order.

Punishment of persons convicted of second offence.

5. And be it further enacted, that in case any person so sentenced and ordered to be banished as aforesaid, shall not depart from this United Kingdom within thirty days after the pronouncing of such sentence and order as aforesaid, for the purpose of going into such banishment as aforesaid, it shall and may be lawful to and for his Majesty to convey such person to such parts out of the dominions of his said Majesty, as his Majesty by and with the advice of his privy council shall direct.

Persons not departing within thirty days after sentence of banishment, may be conveyed out of his Majesty's dominions.

6. And be it further enacted, that if any offender who shall be so ordered by any such court as aforesaid to be banished in manner aforesaid, shall after the end of forty days from the time such sentence and order had been pronounced, be at large within any part of the United Kingdom, or any other part of his Majesty's dominions, without some lawful cause, before the expiration of the term for which such offender shall have been so ordered to be banished as aforesaid, every such offender being so at large as aforesaid, being thereof lawfully convicted, shall be transported to such place as shall be appointed by his Majesty for any term not exceeding fourteen years; and such offender may be tried, either before any justices of assize, oyer and terminer, great sessions, or gaol delivery, for the county, city, liberty, borough, or place where such offender shall be apprehended and taken, or where he or she was sentenced to banishment; and the clerk of assize, clerk of the peace, or other clerk or officer of the court having the custody of the records where such order of banishment shall have been made, shall, when thereunto required on his Majesty's behalf, make out and give a certificate in writing, signed by him, containing the effect and substance only (omitting the formal part) of every indictment and conviction of such offender, and of the order for his or her banishment, to the justices of assize, oyer and terminer, great sessions, or gaol delivery, where such offender shall be indicted, for which certificate six shillings and eight pence, and no more, shall be paid, and which certificate shall be sufficient proof of the conviction and order for banishment of any such offender.

Persons banished found at large within his Majesty's dominions to suffer transportation.

7. And be it further enacted, that the clerk of assize, clerk of the peace, or other clerk or officer of the court having the custody of the records where any offender shall have been convicted of having composed, printed, or published any blasphemous or seditious libel, shall, upon request of the prosecutor on His Majesty's behalf, make out and

Certificate to be given of conviction of former libel.

60 GEO. 3, c. 8.

give a certificate in writing, signed by him, containing the effect and substance only (omitting the formal part) of every indictment and conviction of such offender, to the justices of assize, oyer and terminer, great sessions, or gaol delivery, where such offender or offenders shall be indicted for any second offence of composing, printing, or publishing any blasphemous or seditious libel, for which certificate six shillings and eightpence and no more shall be paid, and which certificate shall be sufficient proof of the conviction of such offender.

Limitation of
actions.

8. And be it further enacted, that any action and suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons, within that part of Great Britain called England, or in Ireland, for anything done or acted in pursuance of this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards;

General issue
may be pleaded.

and the venue in every such action or suit shall be laid in the proper county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if such action or suit shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their actions after appearance, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

Double costs.

Limitation of
actions, &c. in
Scotland.

9. And be it further enacted, that every action and suit which shall be brought or commenced against any person or persons in Scotland, for anything done or acted in pursuance of this Act, shall in like manner be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the Court of Session in Scotland; and the defender or defenders may plead that the matter complained of was done in pursuance of this Act, and may give this Act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assolized, or the pursuer or pursuers shall suffer the action or suit to fall asleep, or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have double costs, which he or they shall and may receive in such and the same manner as any defender can by law recover costs or expenses in other cases.

Double costs.

Not to alter the
law of Scotland
in respect to
punishment for
libels.

10. Provided always, and be it further enacted, that nothing in this Act contained shall be held or considered as in any respect altering the law or practice of Scotland regarding the punishment of persons convicted of composing, printing, publishing, or circulating any blasphemous or seditious libel.

Act may be
repealed or
altered this
session.

11. And be it further enacted that this Act may be repealed in the whole or in any part thereof, or in any manner altered or amended, during the present session of Parliament.

3 WILL. 4, CAP. 15.

An Act to amend the Laws relating to Dramatic Literary Property. 3 WILL. 4, c. 15.
[10th June, 1833.]

WHEREAS by an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns," it was amongst other things provided and enacted, that from and after the passing of the said Act the author of any book or books composed, and not printed or published, or which should thereafter be composed and printed and published, and his assignee or assigns, should have the sole liberty of printing and re-printing such book or books for the full term of twenty-eight years, to commence from the day of first publishing the same, and also, if the author should be living at the end of that period, for the residue of his natural life: and whereas it is expedient to extend the provisions of the said Act: be it therefore 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 passing of this Act the author of any tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment, composed, and not printed and published by the author thereof or his assignee, or which hereafter shall be composed, and not printed or published by the author thereof or his assignee, or the assignee of such author, shall have as his own property the sole liberty of representing, or causing to be represented, at any place or places of dramatic entertainment whatsoever, in any part of the United Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey, and Guernsey, or in any part of the British dominions, any such production as aforesaid, not printed and published by the author thereof or his assignee, and shall be deemed and taken to be the proprietor thereof; and that the author of any such production, printed and published within ten years before the passing of this Act by the author thereof or his assignee, or which shall hereafter be so printed and published, or the assignee of such author, shall, from the time of passing this Act, or from the time of such publication respectively, until the end of twenty-eight years from the day of such first publication of the same, and also, if the author or authors, or the survivor of the authors, shall be living at the end of that period, during the residue of his natural life, have as his own property the sole liberty of representing, or causing to be represented, the same at any such place of dramatic entertainment as aforesaid, and shall be deemed and taken to be the proprietor thereof: provided nevertheless, that nothing in this Act contained shall prejudice, alter, or affect the right or authority of any person to represent or cause to be represented, at any place or places of dramatic entertainment whatsoever, any such production as aforesaid, in all cases in which the author thereof or his assignee shall, previously to the passing of this Act, have given his consent to or authorised such representation, but that such sole liberty of the author or his assignee shall be subject to such right or authority.

The author of any dramatic piece shall have as his property the sole liberty of representing it or causing it to be represented at any place of dramatic entertainment.

Proviso as to cases where, previous to the passing of this Act, a consent has been given.

2. And be it further enacted, That if any person shall, during the continuance of such sole liberty as aforesaid, contrary to the intent of this Act, or right of the author or his assignee, represent, or cause to be represented, without the consent in writing of the author or other proprietor first had and obtained, at any place of dramatic entertain-

Penalty on persons performing pieces contrary to this Act.

3 WILL. 4, c. 15. ment within the limits aforesaid, any such production as aforesaid, or any part thereof, every such offender shall be liable for each and every such representation to the payment of an amount not less than forty shillings, or to the full amount of the benefit or advantage arising from such representation, or the injury or loss sustained by the plaintiff therefrom, whichever shall be the greater damages, to the author or other proprietor of such production so represented contrary to the true intent and meaning of this Act, to be recovered, together with double costs of suit, by such author or other proprietors, in any court having jurisdiction in such cases in that part of the said United Kingdom or of the British Dominions in which the offence shall be committed; and in every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid, it shall be sufficient for the plaintiff to state that he has such sole liberty, without stating the same to be subject to such right or authority, or otherwise mentioning the same.

Limitation of actions.

3. Provided nevertheless, and be it further enacted, That all actions or proceedings for any offence or injury that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of no effect.

Explanation of words.

4. And be it further enacted, That whenever authors, persons, offenders, or others are spoken of in this Act in the singular number or in the masculine gender, the same shall extend to any number of persons and to either sex.

5 & 6 WILL. 4, CAP. 65.

5 & 6 WILL. 4,
c. 65.

An Act for preventing the Publication of Lectures without Consent.
[9th September, 1835.]

Authors of lectures, or their assigns, to have the sole right of publishing them.

Penalty on other persons publishing, &c. lectures without leave.

WHEREAS printers, publishers, and other persons have frequently taken the liberty of printing and publishing lectures delivered upon divers subjects, without the consent of the authors of such lectures, or the persons delivering the same in public, to the great detriment of such authors and lecturers: 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 first day of September, one thousand eight hundred and thirty-five the author of any lecture or lectures, or the person to whom he hath sold or otherwise conveyed the copy thereof, in order to deliver the same in any school, seminary, institution, or other place, or for any other purpose, shall have the sole right and liberty of printing and publishing such lecture or lectures; and that if any person shall, by taking down the same in shorthand or otherwise in writing, or in any other way, obtain or make a copy of such lecture or lectures, and shall print or lithograph or otherwise copy and publish the same, or cause the same to be printed, lithographed, or otherwise copied and published, without leave of the author thereof, or of the person to whom the author thereof hath sold or otherwise conveyed the same, and every person who, knowing the same to have been printed or copied and published without such consent, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such lecture or lectures, shall forfeit such printed or otherwise copied lecture or lectures, or parts thereof, together with one penny for

every sheet thereof which shall be found in his custody, either printed, lithographed, or copied, or printing, lithographing, or copying, published or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to his Majesty, his heirs or successors, and the other moiety thereof to any person who shall sue for the same, to be recovered in any of his Majesty's Courts of Record in 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.

5 & 6 WILL. 4,
c. 65.

2. And be it further enacted, that any printer or publisher of any newspaper who shall, without such leave as aforesaid, print and publish in such newspaper any lecture or lectures, shall be deemed and taken to be a person printing and publishing without leave within the provisions of this Act, and liable to the aforesaid forfeitures and penalties in respect of such printing and publishing.

Penalty on
printers or pub-
lishers of news-
papers publish-
ing lectures
without leave.

3. And be it further enacted, That no person allowed for certain fee and reward, or otherwise, to attend and be present at any lecture delivered in any place, shall be deemed and taken to be licensed or to have leave to print, copy, and publish such lectures only because of having leave to attend such lecture or lectures.

Persons having
leave to attend
lectures not on
that account
licensed to
publish them.

4. Provided always, That nothing in this Act shall extend to prohibit any person from printing, copying, and publishing any lecture or lectures which have or shall have been printed and published with leave of the authors thereof or their assignees, and whereof the time hath or shall have expired within which the sole right to print and publish the same is given by an Act passed in the eighth year of the reign of Queen Anne, intituled "An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such copies during the times herein mentioned," and by another Act passed in the fifty-fourth year of the reign of King George the Third, intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns," or to any lectures which have been printed or published before the passing of this Act.

Act not to
prohibit the
publishing of
lectures after
expiration of
the copyright.

8 Ann. c. 19.

54 Geo. 3, c. 156.

5. Provided further, That nothing in this Act shall extend to any lecture or lectures, or the printing, copying, or publishing any lecture or lectures, or parts thereof, of the delivering of which notice in writing shall not have been given to two justices living within five miles from the place where such lecture or lectures shall be delivered two days at the least before delivering the same, or to any lecture or lectures delivered in any university or public school or college, or on any public foundation, or by any individual in virtue of or according to any gift, endowment, or foundation; and that the law relating thereto shall remain the same as if this Act had not been passed.

Act not to extend
to lectures
delivered in
unlicensed
places, &c.

6 & 7 WILL. 4, CAP. 59.

An Act to extend the Protection of Copyright in Prints and Engravings to Ireland.—[13th August, 1836.]

6 & 7 WILL. 4,
c. 59.

WHEREAS an Act was passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled "An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain cases:" and whereas it is desirable to extend the provisions

17 Geo. 3, c. 57.

6 & 7 WILL. 4,
c. 59.

Provisions of
recited Act
extended to
Ireland.

Penalty on
engraving or
publishing any
print without
consent of
proprietor.

of the said Act to Ireland; be it therefore 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 passing of this Act all the provisions contained in the said recited Act of the seventeenth year of the reign of his late Majesty King George the Third, and of all the other Acts therein recited, shall be and the same are hereby extended to the United Kingdom of Great Britain and Ireland.

2. And be it further enacted, That from and after the passing of this Act, if any engraver, etcher, printseller, or other person shall, within the time limited by the aforesaid recited Acts, engrave, etch, or publish, or cause to be engraved, etched, or published, any engraving or print of any description whatever, either in whole or in part, which may have been or which shall hereafter be published in any part of Great Britain or Ireland, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her, or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor shall and may, by and in a separate action upon the case, to be brought against the person so offending in any court of law in Great Britain or Ireland, recover such damages as a jury on the trial of such action or on the execution of a writ of inquiry thereon shall give or assess, together with double costs of suit.

6 & 7 WILL. 4, CAP. 76.

6 & 7 WILL. 4,
c. 76.

An Act to reduce the Duties on Newspapers, and to amend the Laws relating to the Duties on Newspapers and Advertisements.—[13th August, 1836.]

Reduced duties
granted on
newspapers in
lieu of duties
repealed.

Duties to com-
mence on the
15th day of Sep-
tember, 1836.

Powers and
provisions of
existing Stamp
Acts to extend
to the duties
granted by
this Act.

WHEREAS it is expedient to reduce the stamp duties now payable on newspapers in Great Britain and Ireland respectively, and to consolidate and amend the laws relating thereto and also to the duties on advertisements: Be it therefore 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 in lieu of the stamp duties on newspapers by this Act repealed as hereinafter mentioned there shall be granted, raised, levied, and paid unto and for the use of his Majesty, his heirs and successors, in and throughout the United Kingdom of Great Britain and Ireland, the several duties or sums of money set down in figures, or otherwise specified and set forth in the schedule marked (A.) to this Act annexed; which said schedule, and every clause, regulation, matter, and thing therein contained, shall be deemed and taken to be part of this Act; and the said duties hereby granted shall commence and take effect on the fifteenth day of September, one thousand eight hundred and thirty-six, and shall be denominated and deemed to be stamp duties, and shall be under the care and management of the Commissioners of Stamps and Taxes, who are hereby empowered and required to provide and use proper and sufficient dies for expressing and denoting the said duties; and all the powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties, contained in and imposed by the several Acts of Parliament in force relating to the stamp duties, and not repealed by this Act, shall be of full force and effect with respect

to the duties hereby granted, as far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said duties hereby granted and otherwise relating thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the said duties hereby granted.

6 & 7 WILL. 4,
c. 76.

2. And be it enacted, that a discount after the rate of twenty-five pounds per centum on the prompt payment of any sum amounting to ten pounds or upwards, for the duties on newspapers granted by this Act, shall be allowed to all proprietors of newspapers in Ireland on the purchase of stamps for the printing of newspapers in Ireland, which discount shall be denoted on the face of every stamp in respect of which the same shall be allowed: Provided always, that if any newspaper shall be printed in Great Britain upon paper stamped with a stamp denoting the allowance of any such discount, such stamp shall be of no avail, and such newspaper shall be deemed to be not duly stamped as required by this Act.

Discount of 25l. per cent. allowed on newspaper stamps in Ireland.

3. And be it enacted, that from and after the thirty-first day of December next after the passing of this Act in the stamp to be impressed on each and every newspaper under the provisions of this Act the title of such newspaper, or some part thereof, shall be expressed in such convenient manner and form as to the said commissioners of stamps and taxes shall seem expedient; and the said commissioners shall cause a proper die for stamping each such newspaper to be prepared under their directions, and a new or other die to be from time to time prepared, in like manner as they shall think necessary; and the reasonable costs and expenses of preparing such stamps or dies shall be from time to time defrayed by the proprietor of each such newspaper, and paid when and as required by the said commissioners to such person as the said commissioners shall appoint to receive the same, before any paper shall be stamped under the directions of such commissioners for each such newspaper; and that from and after the thirty-first day of December next after the passing of this Act no newspaper liable to duty under this Act shall be printed upon paper not stamped with such die, containing the title of such newspaper, or some part thereof as aforesaid; and if any newspaper shall be printed on paper stamped otherwise than as aforesaid the stamp thereon shall be of no avail, and such newspaper shall be deemed to be not duly stamped as required by this Act.

A separate stamp or die to be used for each newspaper.

After 31st December, 1836, no newspaper to be printed on paper not stamped with such appropriated die.

4. And be it enacted, that every paper declared by the schedule (A.) to this Act annexed to be chargeable with the duties by this Act granted on newspapers shall be deemed and taken to be a newspaper within the meaning of this Act and of every Act relating to the printing or publishing of newspapers, and shall be subject and liable to all the regulations by this Act imposed; and wheresoever in this Act or in any other Act or Acts relating to the printing or publishing of newspapers the word "newspaper" is or may be used, it shall be deemed and taken to mean and include any and every such paper as aforesaid; and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe by the word "newspaper" any paper by this Act declared to be a newspaper, without further or otherwise designating or describing the same.

Newspapers subject to the regulations of this Act.

19. And be it enacted, That if any person shall file any bill in any court for the discovery of the name of any person concerned as proprietors,

Discovery of proprietors,

6 & 7 WILL. 4,
c. 76.

printers, or publishers of newspapers, may be enforced by bill, &c.

printer, publisher, or proprietor of any newspaper, or of any matters relative to the printing or publishing of any newspaper, in order the more effectually to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such bill, but such defendant shall be compellable to make the discovery required: Provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant save only in that proceeding for which the discovery is made.

Stamps rendered useless by this Act may be cancelled and allowed.

34. And be it enacted, that it shall be lawful for any person having in his possession any paper stamped with any of the duties hereby repealed, and not made use of, or who may at any time hereafter have in his possession any paper stamped for denoting the duties by this Act granted, and which may be rendered useless by reason of any change of dies, or by the operation of any of the provisions of this Act, to bring the same to the head office for stamps in London, Edinburgh, or Dublin respectively at any time within six calendar months next after the said fifteenth day of September One thousand eight hundred and thirty-six, or within six calendar months next after the same shall be so rendered useless, in order that the stamps thereon may be cancelled and allowed; and it shall be lawful for the commissioners of stamps and taxes or their proper officers to cancel and allow such stamps accordingly, and to stamp such paper or any portion thereof, and any other paper which shall be brought for that purpose, with stamps denoting the duty by this Act granted to the amount or value of the stamps so to be cancelled and allowed as aforesaid, after deducting the amount of any discount allowed thereon.

Construction of the terms used in this Act.

35. And in order to avoid the frequent use of divers terms and expressions in this Act, and to prevent any misconstruction of the terms and expressions used therein; be it enacted, that wherever in this Act, with reference to any person, matter, or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood and construed to include several persons as well as one person, females as well as males, bodies politic or corporate as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

SCHEDULE REFERRED TO IN THIS ACT.

SCHEDULE (A.)

Containing the duties imposed by this Act on Newspapers; (that is to say,)	£	s.	d.
For every sheet or other piece of paper whereon any newspaper shall be printed	0	0	1
And where such sheet or piece of paper shall contain on one side thereof a superficies, exclusive of the margin of the letter-press, exceeding one thousand five hundred and thirty inches, and not exceeding two thousand two hundred and ninety-five inches, the additional duty of	0	0	0½
And where the same shall contain on one side thereof a superficies, exclusive of the margin of the letter-press, exceeding two thousand two hundred and ninety-five inches, the additional duty of	0	0	1

Provided always, that any sheet or piece of paper containing on one side thereof a superficies, exclusive of the margin of the letter-press, not exceeding seven hundred and sixty-five inches, which shall be published with and as a supplement to any newspaper chargeable with any of the duties aforesaid, shall be chargeable only with the duty of 0 0 0½

And the following shall be deemed and taken to be newspapers chargeable with the said duties; viz.

Any paper containing public news, intelligence, or occurrences printed in any part of the United Kingdom to be dispersed and made public:

Also any paper printed in any part of the United Kingdom weekly or oftener, or at intervals not exceeding twenty-six days, containing only or principally advertisements:

And also any paper containing any public news, intelligence, or occurrences, or any remarks or observations thereon, printed in any part of the United Kingdom for sale, and published periodically or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts, or numbers, where any of the said papers, parts, or numbers respectively shall not exceed two sheets of the dimensions hereinafter specified, (exclusive of any cover or blank leaf, or any other leaf upon which any advertisement or other notice shall be printed,) or shall be published for sale for a less sum than sixpence, exclusive of the duty by this Act imposed thereon: Provided always, that no quantity of paper less than a quantity equal to twenty-one inches in length and seventeen inches in breadth, in whatever way or form the same may be made or may be divided into leaves, or in whatever way the same may be printed, shall, with reference to any such paper, part, or number as aforesaid, be deemed or taken to be a sheet of paper:

And provided also, that any of the several papers hereinbefore described shall be liable to the duties by this Act imposed thereon, in whatever way or form the same may be printed or folded, or divided into leaves or stitched, and whether the same shall be folded, divided, or stitched, or not.

EXEMPTIONS.

Any paper called "Police Gazette, or Hue and Cry," published in Great Britain by authority of the Secretary of State, or in Ireland by the authority of the Lord Lieutenant.

Daily accounts or bills of goods imported and exported, or warrants or certificates for the delivery of goods, and the weekly bills of mortality, and also papers containing any lists of prices current, or of the state of the markets, or any account of the arrival, sailing, or other circumstances relating to merchant ships or vessels, or any other matter wholly of a commercial nature, provided such bills, lists, or accounts do not contain any other matter than what hath been usually comprised therein.

3 VICT. CAP. 9.

An Act to give summary Protection to Persons employed in the Publication of Parliamentary Papers.—[14th April, 1840.]

3 VICT. c. 9.

WHEREAS it is essential to the due and effectual exercise and discharge of the functions and duties of Parliament, and to the promotion of wise legislation, that no obstructions or impediments should exist to the publication of such of the reports, papers, votes, or proceedings of either House of Parliament as such House of Parliament may deem fit or necessary to be published: And whereas obstructions or impediments to such publication have arisen, and hereafter may arise, by means of civil or criminal proceedings being taken against

8 VICT. c. 9.

Proceedings, criminal or civil, against persons for publication of papers printed by order of Parliament, to be stayed, upon delivery of a certificate and affidavit to the effect that such publication is by order of either House of Parliament.

Proceedings to be stayed when commenced in respect of a copy of an authenticated report, &c.

In proceedings for printing any extract or abstract of a paper, it may be shown that such extract was *bonâ fide* made.

Act not to affect the privileges of Parliament.

persons employed by or acting under the authority of the Houses of Parliament, or one of them, in the publication of such reports, papers, votes, or proceedings; by reason and for remedy whereof it is expedient that more speedy protection should be afforded to all persons acting under the authority aforesaid, and that all such civil or criminal proceedings should be summarily put an end to and determined in manner hereinafter mentioned: Be it therefore enacted by the Queen'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 it shall and may be lawful for any person or persons who now is or are, or hereafter shall be, a defendant or defendants in any civil or criminal proceeding commenced or prosecuted in any manner soever, for or on account or in respect of the publication of any such report, paper, votes, or proceedings by such person or persons, or by his, her, or their servant or servants, by or under the authority of either House of Parliament, to bring before the court in which such proceeding shall have been or shall be so commenced or prosecuted, or before any judge of the same (if one of the superior courts at Westminster), first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding, a certificate under the hand of the Lord High Chancellor of Great Britain, or the Lord Keeper of the Great Seal, or of the Speaker of the House of Lords, for the time being, or of the Clerk of the Parliaments, or of the Speaker of the House of Commons, or of the Clerk of the same House, stating that the report, paper, votes, or proceedings, as the case may be, in respect whereof such civil or criminal proceeding shall have been commenced or prosecuted, was published by such person or persons, or by his, her, or their servant or servants, by order or under the authority of the House of Lords or of the House of Commons, as the case may be, together with an affidavit verifying such certificate; and such court or judge shall thereupon immediately stay such civil or criminal proceeding, and the same, and every writ or process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

2. And be it enacted, that in case of any civil or criminal proceeding hereafter to be commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes, or proceedings, it shall be lawful for the defendant or defendants at any stage of the proceedings to lay before the court or judge such report, paper, votes, or proceedings, and such copy, with an affidavit verifying such report, paper, votes, or proceedings, and the correctness of such copy, and the court or judge shall immediately stay such civil or criminal proceeding, and the same, and every writ or process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

3. And be enacted, that it shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of such report, paper, votes, or proceedings, to give in evidence under the general issue such report, paper, votes, or proceedings, and to show that such extract or abstract was published *bonâ fide* and without malice; and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for the defendant or defendants.

4. Provided always, and it is hereby expressly declared and enacted, that nothing herein contained shall be deemed or taken, or held or construed, directly or indirectly, by implication or otherwise, to affect the privileges of Parliament in any manner whatsoever.

5 & 6 VICT. CAP. 45.

An Act to amend the Law of Copyright.—[1st July, 1842.]

5 & 6 VICT. c. 45.

WHEREAS it is expedient to amend the law relating to copyright, and to afford greater encouragement to the production of literary works of lasting benefit to the world: Be it enacted by the Queen'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 the passing of this Act an Act passed in the eighth year of the reign of Her Majesty Queen Anne, intituled "An Act for the Encouragement of Learning, by vesting the Copies of Printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned;" and also an Act passed in the forty-first year of the reign of His Majesty King George the Third, intituled "An Act for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the Time therein mentioned;" and also an Act passed in the fifty-fourth year of the reign of His Majesty King George the Third, intituled "An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns," be and the same are hereby repealed, except so far as the continuance of either of them may be necessary for carrying on or giving effect to any proceedings at law or in equity pending at the time of passing this Act, or for enforcing any cause of action or suit, or any right or contract, then subsisting.

Repeal of former Acts;

8 Anne, c. 10.

41 Geo. 3, c. 107.

54 Geo. 3, c. 158.

2. And be it enacted, that in the construction of this Act the word "book" shall be construed to mean and include every volume, part or division of a volume, pamphlet, sheet of letterpress, sheet of music, map, chart, or plan separately published; that the words "dramatic piece" shall be construed to mean and include every tragedy, comedy, play, opera, farce, or other scenic, musical, or dramatic entertainment; that the word "copyright" shall be construed to mean the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied; that the words "personal representative" shall be construed to mean and include every executor, administrator, and next of kin entitled to administration; that the word "assigns" shall be construed to mean and include every person in whom the interest of an author in copyright shall be vested, whether derived from such author before or after the publication of any book, and whether acquired by sale, gift, bequest, or by operation of law, or otherwise; that the words "British Dominions" shall be construed to mean and include all parts of the United Kingdom of Great Britain and Ireland, the Islands of Jersey and Guernsey, all parts of the East and West Indies, and all the colonies, settlements, and possessions of the Crown which now are or hereafter may be acquired; and that whenever in this Act, in describing any person, matter, or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and to be applied to several persons as well as one person, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there shall be something in the subject or context repugnant to such construction.

Interpretation of Act.

3. And be it enacted, that the copyright in every book which shall after the passing of this Act be published in the lifetime of its author

Endurance of term of copy-

5 & 6 Vict. c. 45.

right in any book hereafter to be published in the lifetime of the author;

if published after the author's death.

In cases of subsisting copyright, the term to be extended, except when it shall belong to an assignee for other consideration than natural love and affection; in which case it shall cease at the expiration of the present term, unless its extension be agreed to between the proprietor and the author.

Judicial Committee of the Privy Council may license the republication of books which the proprietor refuses to republish after death of the author.

Copies of books published after the passing of this Act, and of all subsequent editions, to be delivered within certain times at the British Museum.

shall endure for the natural life of such author, and for the further time of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire before the end of forty-two years from the first publication of such book, the copyright shall in that case endure for such period of forty-two years; and that the copyright in every book which shall be published after the death of its author shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript from which such book shall be first published, and his assigns.

4. And whereas it is just to extend the benefits of this Act to authors of books published before the passing thereof, and in which copyright still subsists; Be it enacted, that the copyright which at the time of passing this Act shall subsist in any book theretofore published (except as hereinafter mentioned) shall be extended and endure for the full term provided by this Act in cases of books thereafter published, and shall be the property of the person who at the time of passing of this Act shall be the proprietor of such copyright: Provided always, that in all cases in which such copyright shall belong in whole or in part to a publisher or other person who shall have acquired it for other consideration than that of natural love and affection, such copyright shall not be extended by this Act, but shall endure for the term which shall subsist therein at the time of passing of this Act, and no longer, unless the author of such book, if he shall be living, or the personal representative of such author, if he shall be dead, and the proprietor of such copyright, shall, before the expiration of such term, consent and agree to accept the benefits of this Act in respect of such book, and shall cause a minute of such consent in the form in that behalf given in the schedule to this Act annexed to be entered in the book of registry hereinafter directed to be kept, in which case such copyright shall endure for the full term by this Act provided in cases of books to be published after the passing of this Act, and shall be the property of such person or persons as in such minute shall be expressed.

5. And whereas it is expedient to provide against the suppression of books of importance to the public; be it enacted, that it shall be lawful for the Judicial Committee of Her Majesty's Privy Council, on complaint made to them that the proprietor of the copyright in any book after the death of its author has refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a licence to such complainant to publish such book, in such manner and subject to such conditions as they may think fit, and that it shall be lawful for such complainant to publish such book according to such licence.

6. And be it enacted, that a printed copy of the whole of every book which shall be published after the passing of this Act, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be published, and also of any second or subsequent edition which shall be so published with any additions or alterations, whether the same shall be in letter-press, or in the maps, prints, or other engravings belonging thereto, and whether the first edition of such book shall have been published before or after the passing of this Act, and also of any second or subsequent edition of every book of which the first or some preceding edition shall not have been delivered for the use of the British Museum, bound, sewed, or stitched together, and

upon the best paper on which the same shall be printed, shall, within 5 & 6 Vict. c. 45.
 one calendar month after the day on which any such book shall first
 be sold, published, or offered for sale within the bills of mortality, or
 within three calendar months if the same shall first be sold, published,
 or offered for sale in any other part of the United Kingdom, or within
 twelve calendar months after the same shall first be sold, published,
 or offered for sale in any other part of the British dominions, be
 delivered, on behalf of the publisher thereof, at the British Museum.

7. And be it enacted, that every copy of any book which under the provisions of this Act ought to be delivered as aforesaid shall be delivered at the British Museum between the hours of ten in the forenoon and four in the afternoon on any day except Sunday, Ash Wednesday, Good Friday, and Christmas Day, to one of the officers of the said museum, or to some person authorised by the trustees of the said museum to receive the same, and such officer or other person receiving such copy is hereby required to give a receipt in writing for the same, and such delivery shall to all intents and purposes be deemed to be good and sufficient delivery under the provisions of this Act.

Mode of deliver-
 ing at the British
 Museum.

8. And be it enacted, that a copy of the whole of every book, and of any second or subsequent edition of every book containing additions and alterations, together with all maps and prints belonging thereto, which after the passing of this Act shall be published, shall, on demand thereof in writing, left at the place of abode of the publisher thereof, at any time within twelve months next after the publication thereof, under the hand of the officer of the Company of Stationers who shall from time to time be appointed by the said company for the purposes of this Act, or under the hand of any other person thereto authorised by the persons or bodies politic and corporate, proprietors and managers of the libraries following, (*videlicet*,) the Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, be delivered, upon the paper of which the largest number of copies of such book or edition shall be printed for sale, in the like condition as the copies prepared for sale by the publisher thereof respectively, within one month after demand made thereof in writing as aforesaid, to the said officer of the said Company of Stationers for the time being, which copies the said officer shall and he is hereby required to receive at the hall of the said company, for the use of the library for which such demand shall be made within such twelve months as aforesaid; and the said officer is hereby required to give a receipt in writing for the same, and within one month after any such Book shall be so delivered to him as aforesaid to deliver the same for the use of such library.

A copy of every
 book to be deli-
 vered within a
 month after
 demand to the
 officer of the
 Stationers
 Company, for
 the following
 libraries: the
 Bodleian at
 Oxford, the
 Public Library
 at Cambridge,
 the Faculty of
 Advocates at
 Edinburgh, and
 that of Trinity
 College, Dublin.

9. Provided also, and be it enacted, that if any publisher shall be desirous of delivering the copy of such book as shall be demanded on behalf of any of the said libraries at such library, it shall be lawful for him to deliver the same at such library, free of expense, to such librarian or other person authorised to receive the same (who is hereby required in such case to receive and give a receipt in writing for the same), and such delivery shall to all intents and purposes of this Act be held as equivalent to a delivery to the said officer of the Stationers Company.

Publishers may
 deliver the
 copies to the
 libraries, instead
 of at the
 Stationers
 Company.

10. And be it enacted, that if any publisher of any such book, or of any second or subsequent edition of any such book, shall neglect to deliver the same, pursuant to this Act, he shall for every such

Penalty for
 default in deli-
 vering copies for
 the use of the
 libraries.

5 & 6 VICT. c. 45. default forfeit besides the value of such copy of such book or edition which he ought to have delivered, a sum not exceeding five pounds, to be recovered by the librarian or other officer (properly authorised) of the library for the use whereof such copy should have been delivered, in a summary way, on conviction before two justices of the peace for the county or place where the publisher making default shall reside, or by action of debt or other proceeding of the like nature, at the suit of such librarian or other officer, in any court of record in the United Kingdom, in which action, if the plaintiff shall obtain a verdict, he shall recover his costs reasonably incurred, to be taxed as between attorney and client.

Book of registry
to be kept at
Stationers hall.

11. And be it enacted, that a book of registry, wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books, and assignments thereof, and in dramatic and musical pieces, whether in manuscript or otherwise, and licenses affecting such copyright, shall be kept at the hall of the Stationers Company, by the officer appointed by the said company for the purposes of this Act, and shall at all convenient times be open to the inspection of any person, on payment of One shilling for every entry which shall be searched for or inspected in the said book; and that such officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, and impressed with the stamp of the said company, to be provided by them for that purpose, and which they are hereby required to provide, to any person requiring the same, on payment to him of the sum of five shillings; and such copies so certified and impressed shall be received in evidence in all courts, and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of copyright or license as therein expressed, but subject to be rebutted by other evidence, and in the case of dramatic or musical pieces shall be *prima facie* proof of the right of representation or performance, subject to be rebutted as aforesaid.

Making a false
entry in the book
of registry a
misdemeanor.

12. And be it enacted, that if any person shall wilfully make or cause to be made any false entry in the registry book of the Stationers Company, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of any entry in the said book, he shall be guilty of an indictable misdemeanour, and shall be punished accordingly.

Entries of copy-
right may be
made in the book
of registry.

13. And be it enacted, that after the passing of this Act it shall be lawful for the proprietor of copyright in any book heretofore published, or in any book hereafter to be published, to make entry in the registry book of the Stationers Company of the title of such book, the time of the first publication thereof, the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the schedule to this Act annexed, upon payment of the sum of five shillings to the officer of the said company; and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of his interest therein, by making entry in the said book of registry of such assignment, and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed.

14. And be it enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Court of Queen's Bench, Court of Common Pleas, or Court of Exchequer, in term time, or to apply by summons to any judge of either of such courts in vacation, for an order that such entry may be expunged or varied; and that upon any such application by motion or summons to either of the said courts, or to a judge as aforesaid, such court or judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such court or judge shall seem just; and the officer appointed by the Stationers Company for the purposes of this Act shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisitions of such order.

5 & 6 Vict. c. 45.
Persons aggrieved by any entry in the book of registry may apply to a court of law in term, or judge in vacation, who may order such entry to be varied or expunged.

15. And be it enacted, that if any person shall, in any part of the British dominions, after the passing of this Act, print or cause to be printed, either for sale or exportation, any book in which there shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall import for sale or hire any such book so having been unlawfully printed from parts beyond the sea, or, knowing such book to have been so unlawfully printed or imported, shall sell, publish, or expose to sale or hire, or cause to be sold, published, or exposed to sale or hire, or shall have in his possession, for sale or hire, any such book so unlawfully printed or imported, without such consent as aforesaid, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought in any court of record in that part of the British dominions in which the offence shall be committed: Provided always, that in Scotland such offender shall be liable to an action in the Court of Session in Scotland, which shall and may be brought and prosecuted in the same manner in which any other action of damages to the like amount may be brought and prosecuted there.

Remedy for the piracy of books by action on the case.

16. And be it enacted, that after the passing of this Act, in any action brought within the British dominions against any person for printing any such book for sale, hire, or exportation, or for importing, selling, publishing, or exposing to sale or hire, or causing to be imported, sold, published, or exposed to sale or hire, any such book, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action; and if the nature of his defence be, that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book, or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein; and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objection stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copyright therein, than the person

In actions for piracy the defendant to give notice of the objections to the plaintiff's title on which he means to rely.

5 & 6 VICT. c. 45. specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time, and place of publication with the title, time, and place specified in such notice.

No person except the proprietor, &c. shall import into the British Dominions for sale or hire any book first composed, &c. within the United Kingdom, and reprinted elsewhere, under penalty of forfeiture thereof, and also of 10% and double the value.

Books may be seized by officers of customs or excise.

As to the copyright in encyclopædias, periodicals, and works published in a series, reviews, or magazines.

17. And be it enacted, that after the passing of this Act it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorised by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed and published in any part of the said United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions; and if any person, not being such proprietor or person authorised as aforesaid, shall import or bring, or cause to be imported or brought, for sale or hire, any such printed book, into any part of the British dominions, contrary to the true intent and meaning of this Act, or shall knowingly sell, publish, or expose to sale or let to hire, or have in his possession for sale or hire, any such book, then every such book shall be forfeited, and shall be seized by any officer of customs or excise, and the same shall be destroyed by such officer; and every person so offending, being duly convicted thereof before two justices of the peace for the county or place in which such book shall be found, shall also for every such offence forfeit the sum of ten pounds, and double the value of every copy of such book which he shall so import or cause to be imported into any part of the British dominions, or shall knowingly sell, publish, or expose to sale or let to hire, or shall cause to be sold, published, or exposed to sale or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act, five pounds to the use of such officer of customs or excise, and the remainder of the penalty to the use of the proprietor of the copyright in such book.

18. And be it enacted, that when any publisher or other person shall, before or at the time of the passing of this Act, have projected, conducted, and carried on, or shall hereafter project, conduct, and carry on, or be the proprietor of any encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any volumes, parts, essays, articles, or portions thereof, for publication in or as part of the same, and such work, volumes, parts, essays, articles, or portions shall have been or shall hereafter be composed under such employment, on the terms that the copyright therein shall belong to such proprietor, projector, publisher, or conductor, and paid for by such proprietor, projector, publisher, or conductor, the copyright in every such encyclopædia, review, magazine, periodical work, and work published in a series of books or parts, and in every volume, part, essay, article, and portion so composed and paid for, shall be the property of such proprietor, projector, publisher, or other conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copyright therein as is given to the authors of books by this Act; except only that in the case of essays, articles, or portions forming part of and first published in reviews, magazines, or other periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act: Provided always, that during the term of twenty-eight years the said proprietor, projector, publisher, or conductor shall not publish any such essay, article, or

portion separately or singly without the consent previously obtained of the author thereof, or his assigns: Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or who shall be so employed as aforesaid to publish any such his composition in a separate form, who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right shall be entitled to the copyright in such composition when published in a separate form, according to this Act, without prejudice to the right of such proprietor, projector, publisher, or conductor as aforesaid.

5 & 6 VICT. c. 45.
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 Proviso for authors who have reserved the right of publishing their articles in a separate form.

19. And be it enacted, that the proprietor of the copyright in any encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts, shall be entitled to all the benefits of the registration at Stationers Hall under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work, or other work published in a series of books or parts, the time of the first publication of the first volume, number, or part thereof, or of the first number or volume first published after the passing of this Act in any such work which shall have been published heretofore, and the name and place of abode of the proprietor thereof, and of the publisher thereof, when such publisher shall not also be the proprietor thereof.

Proprietors of encyclopædias, periodicals, and works published in a series, may enter at once at Stationers' Hall, and thereon have the benefit of the registration of the whole.

20. And whereas an Act was passed in the third year of the reign of his late Majesty, to amend the law relating to dramatic literary property, and it is expedient to extend the term of the sole liberty of representing dramatic pieces given by that Act to the full time by this Act provided for the continuance of copyright: And whereas it is expedient to extend to musical compositions the benefits of that Act, and also of this Act; be it therefore enacted, that the provisions of the said Act of his late Majesty, and of this Act, shall apply to musical compositions, and that the sole liberty of representing or performing, or causing or permitting to be represented or performed, any dramatic piece or musical composition, shall endure and be the property of the author thereof, and his assigns, for the term in this Act provided for the duration of copyright in books; and the provisions hereinbefore enacted in respect of the property of such copyright, and of registering the same, shall apply to the liberty of representing or performing any dramatic piece or musical composition, as if the same were herein expressly re-enacted and applied thereto, save and except that the first public representation or performance of any dramatic piece or musical composition shall be deemed equivalent, in the construction of this Act, to the first publication of any book: Provided always, that in case of any dramatic piece, or musical composition in manuscript, it shall be sufficient for the person having the sole liberty of representing or performing, or causing to be represented or performed the same, to register only the title thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor thereof, and the time and place of its first representation or performance.

The provisions of 3 & 4 Will. 4, c. 15, extended to musical compositions, and the term of copyright, as provided by this Act, applied to the liberty of representing dramatic pieces and musical compositions.

21. And be it enacted, that the person who shall at any time have the sole liberty of representing such dramatic piece or musical composition shall have and enjoy the remedies given and provided in the said Act of the third and fourth years of the reign of his late Majesty King William the Fourth, passed to amend the laws relating to dramatic literary property, during the whole of his interest therein, as fully as if the same were re-enacted in this Act.

Proprietors of right of dramatic representations shall have all the remedies given by 3 & 4 Will. 4, c. 15.

5 & 6 Vict. c. 45.

Assignment of copyright of a dramatic piece not to convey the right of representation.

Books pirated shall become the property of the proprietor of the copyright, and may be recovered by action.

No proprietor of copyright commencing after this Act shall sue or proceed for any infringement before making entry in the book of registry.

Proviso for dramatic pieces.

Copyright shall be personal property.

General issue.

Limitation of actions;

not to extend to actions, &c. in respect of the delivery of books.

22. And be it enacted, that no assignment of the copyright of any book consisting of or containing a dramatic piece or musical composition shall be holden to convey to the assignee the right of representing or performing such dramatic piece or musical composition, unless an entry in the said registry book shall be made of such assignment, wherein shall be expressed the intention of the parties that such right should pass by such assignment.

23. And be it enacted, that all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry book, and which shall have been unlawfully printed or imported without the consent of the registered proprietor of such copyright, in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such, and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof, in an action of detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover.

24. And be it enacted, that no proprietor of copyright in any book which shall be first published after the passing of this Act shall maintain any action or suit, at law or in equity, or any summary proceeding, in respect of any infringement of such copyright, unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made, in the book of registry of the Stationers Company, of such book, pursuant to this Act: Provided always, that the omission to make such entry shall not affect the copyright in any book, but only the right to sue or proceed in respect of the infringement thereof as aforesaid: Provided also, that nothing herein contained shall prejudice the remedies which the proprietor of the sole liberty of representing any dramatic piece shall have by virtue of the Act passed in the third year of the reign of his late Majesty King William the Fourth, to amend the laws relating to dramatic literary property, or of this Act, although no entry shall be made in the book of registry aforesaid.

25. And be it enacted, that all copyright shall be deemed personal property, and shall be transmissible by bequest, or, in case of intestacy, shall be subject to the same law of distribution as other personal property, and in Scotland shall be deemed to be personal and moveable estate.

26. And be it enacted, that if any action or suit shall be commenced or brought against any person or persons whomsoever for doing or causing to be done anything in pursuance of this Act, the defendant or defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited, or 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; and that all actions, suits, bills, indictments, or informations for any offence that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect; provided that such limitation of time shall not extend or be construed to extend to any actions, suits, or other proceedings which under the authority of this Act shall or may be brought, sued, or commenced for or in respect of any copies of books to be delivered for the use of the British Museum, or of any one of the four libraries hereinbefore mentioned.

5 & 6 Viet. c. 45.
Saving the
rights of the
Universities,
and the Colleges
of Eton, West-
minster, and
Winchester.

Saving all subsisting rights, contracts, and engagements.

Extent of the Act

Act may be amended this session.

No. 1.

We the undersigned, *A.B.* of the author of a certain book, intituled *Y.Z.* [or the personal representative of the author, *as the case may be*], and *C.D.* of do hereby certify, that we have consented and agreed to accept the benefits of the Act passed in the fifth year of the reign of Her Majesty Queen Victoria, cap. , for the extention of the term of copyright therein provided by the said Act, and hereby declare that such extended term of copyright therein is the property of the said *A.B.* or *C.D.*

(Signed) *A.B.*
C.D.

No. 2.

I A.B. of do hereby certify, that I am the proprietor of the copyright of a book, intituled Y.Z., and I hereby require you to make entry in the register book of the Stationers Company of my proprietorship of such copyright, according to the particulars underwritten.

Title of Book.	Name of Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
Y.Z.		A.B.	

(Signed) *A.B.*

5 & 6 VICT. c. 45.

No. 3.

ORIGINAL ENTRY OF PROPRIETORSHIP OF COPYRIGHT OF A BOOK.

Time of making the Entry.	Title of Book.	Name of the Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
	Y.Z.	A.B.	C.D.	

No. 4.

FORM OF CONCURRENCE OF THE PARTY ASSIGNING IN ANY BOOK PREVIOUSLY REGISTERED.

I *A.B.* of _____ being the assigner of the copyright of the book hereunder described, do hereby require you to make entry of the assignment of the copyright therein.

Title of Book.	Assigner of the Copyright.	Assignee of Copyright
Y.Z.	A.B.	C.D.

Dated this _____ day of _____ 18 . (Signed) *A.B.*

No. 5.

FORM OF ENTRY OF ASSIGNMENT OF COPYRIGHT IN ANY BOOK PREVIOUSLY REGISTERED.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
	[Set out the title of the book, and refer to the page of the registry book in which the original entry of the copyright thereof is made.]	A.B.	C.D.

5 & 6 VICT. CAP. 100.

5 & 6 VICT. c. 100. *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.*—[10th August, 1842.]

WHEREAS by the several Acts mentioned in the schedule (A.) to this Act annexed there was granted, in respect of the woven fabrics therein mentioned, the sole right to use any new and original pattern for printing the same during the period of three calendar months: And whereas by the Act mentioned in the schedule (B.) to this Act annexed there was granted, in respect of all articles except lace, and except the

articles within the meaning of the Acts hereinbefore referred to, the sole right of using any new and original design, for certain purposes, during the respective periods therein mentioned; but forasmuch as the protection afforded by the said Acts in respect of the application of designs to certain articles of manufacture is insufficient, it is expedient to extend the same, but upon the conditions hereinafter expressed: Now for that purpose, and for the purpose of consolidating the provisions of the said Acts, be it enacted by the Queen'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 this Act shall come into operation on the first day of September one thousand eight hundred and forty-two, and that thereupon all the said Acts mentioned in the said schedules (A.) and (B.) to this Act annexed shall be and they are hereby repealed.

5 & 6 Vict. c. 100.
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Commencement
of Act and
repeal of former
Acts.

2. Provided always, and be it enacted, that notwithstanding such repeal of the said Acts every copyright in force under the same shall continue in force till the expiration of such copyright; and with regard to all offences or injuries committed against any such copyright before this Act shall come into operation, every penalty imposed and every remedy given by the said Acts, in relation to any such offence or injury, shall be applicable as if such Acts had not been repealed; but with regard to such offences or injuries committed against any such copyright after this Act shall come into operation, every penalty imposed and every remedy given by this Act in relation to any such offence or injury shall be applicable as if such copyright had been conferred by this Act.

Proviso as to
existing copy-
rights.

3. And with regard to any new and original design (except for sculpture and other things within the provisions of the several Acts mentioned in the schedule (C.) to this Act annexed), whether such design be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial and partly natural, and that whether such design be so applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means such design may be so applicable, whether by printing, or by painting, or by embroidery, or by weaving, or by sewing, or by modelling, or by casting, or by embossing, or by engraving, or by staining, or by any other means whatsoever, manual, mechanical, or chemical, separate or combined: Be it enacted, that the proprietor of every such design, not previously published, either within the United Kingdom of Great Britain and Ireland or elsewhere, shall have the sole right to apply the same to any articles of manufacture, or to any such substances as aforesaid, provided the same be done within the United Kingdom of Great Britain and Ireland, for the respective terms hereinafter mentioned, such respective terms to be computed from the time of such design being registered according to this Act; (that is to say,)

Grant of copy-
right.

In respect of the application of any such design to ornamenting any article of manufacture contained in the first, second, third, fourth, fifth, sixth, eighth, or eleventh of the classes following, for the term of three years:

In respect of the application of any such design to ornamenting any article of manufacture contained in the seventh, ninth, or tenth of the classes following, for the term of nine calendar months:

In respect of the application of any such design to ornamenting

5 & 6 VICT c. 100.

any article of manufacture or substance contained in the twelfth or thirteenth of the classes following, for the term of twelve calendar months :

Class 1.—Articles of manufacture composed wholly or chiefly of any metal or mixed metals :

Class 2.—Articles of manufacture composed wholly or chiefly of wood :

Class 3.—Articles of manufacture composed wholly or chiefly of glass :

Class 4.—Articles of manufacture composed wholly or chiefly of earthenware :

Class 5.—Paper hangings :

Class 6.—Carpets :

Class 7.—Shawls, if the design be applied solely by printing, or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics :

Class 8.—Shawls not comprised in class 7 :

Class 9.—Yarn, thread, or warp, if the design be applied by printing, or by any other process by which colours are or may hereafter be produced :

Class 10.—Woven Fabrics composed of linen, cotton, wool, silk, or hair, or of any two or more of such materials, if the design be applied by printing, or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics ; excepting the articles included in class 11 :

Class 11.—Woven fabrics composed of linen, cotton, wool, silk, or hair, or of any two or more of such materials, if the design be applied by printing, or by any other process by which colours are or may hereafter be produced upon tissue or textile fabrics, such woven fabrics being or coming within the description technically called furnitures, and the repeat of the design whereof shall be more than twelve inches by eight inches :

Class 12.—Woven fabrics not comprised in any preceding class :

Class 13.—Lace, and any article of manufacture or substance not comprised in any preceding class.

Conditions of
copyright.

Registration.

Marks denoting
a registered
design.

4. Provided always, and be it enacted, that no person shall be entitled to the benefit of this Act, with regard to any design in respect of the application thereof to ornamenting any article of manufacture, or any such substance, unless such design have before publication thereof been registered according to this Act, and unless at the time of such registration such design have been registered in respect of the application thereof to some or one of the articles of manufacture or substances comprised in the above-mentioned classes, by specifying the number of the class in respect of which such registration is made, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless after publication of such design every such article of manufacture, or such substance to which the same shall be so applied, published by him, hath thereon, if the article of manufacture be a woven fabric for printing, at one end thereof, or if of any other kind or such substance as aforesaid, at the end or edge thereof, or other convenient place thereon, the letters "R^d," together with such number or letter, or number and letter, and in such form as shall correspond with the

5 & 6 Vict. c 100.

**The term
"proprietor"
explained.**

**Transfer of
copyright, and
register thereof.**

Form of Transfer, and Authority to register.

I *A.B.*, author [or proprietor] of design, No. _____ having transferred my right thereto, [or, if such transfer be partial,] so far as regards the ornamenting of _____ [describe the articles of manufacture or substances, or the locality, with respect to which the right is transferred,] to *B.C.* of _____ do hereby authorise you to insert his name on the register of designs accordingly.

Form of Request to register.

I B.C., the person mentioned in the above transfer, do request you to register my name and property in the said design as entitled [if to the entire use] to the entire use of such design, [or, if to the partial use,] to the partial use of such design, so far as regards the application thereof [describe the articles of manufacture, or the locality, in relation to which the right is transferred].

But if such request to register be made by any person to whom any such design shall devolve otherwise than by transfer, such request may be in the following form :

I C.D., in whom is vested by [state bankruptcy or otherwise] the design, No. [or, if such devolution be of a partial right, so far as regards the application thereof] to [describe the articles of manufacture or substance, or the locality, in relation to which the right has devolved].

5 & 6 VICT. C. 100.

Piracy of
designs.

7. And for preventing the piracy of registered designs, be it enacted, that during the existence of any such right to the entire or partial use of any such design no person shall either do or cause to be done any of the following acts with regard to any articles of manufacture, or substances, in respect of which the copyright of such design shall be in force, without the licence or consent in writing of the registered proprietor thereof; (that is to say,)

No person shall apply any such design, or any fraudulent imitation thereof, for the purpose of sale, to the ornamenting of any article of manufacture, or any substance, artificial or natural, or partly artificial and partly natural :

No person shall publish, sell, or expose for sale any article of manufacture, or any substance to which such design, or any fraudulent imitation thereof, shall have been so applied, after having received, either verbally or in writing, or otherwise, from any source other than the proprietor of such design, knowledge that his consent has not been given to such application, or after having been served with or had left at his premises a written notice signed by such proprietor or his agent to the same effect.

Recovery of
penalties for
piracy.

8. And be it enacted, that if any person commit any such act he shall for every offence forfeit a sum not less than five pounds and not exceeding thirty pounds to the proprietor of the design in respect of whose right such offence has been committed; and such proprietor may recover such penalty as follows :

In England, either by an action of debt or on the case against the party offending, or by summary proceeding before two justices having jurisdiction where the party offending resides; and if such proprietor proceed by such summary proceeding, any justice of the peace acting for the county, riding, division, city, or borough where the party offending resides, and not being concerned either in the sale or manufacture of the article of manufacture, or in the design, to which such summary proceeding relates, may issue a summons requiring such party to appear on a day and at a time and place to be named in such summons, such time not being less than eight days from the date thereof; and every such summons shall be served on the party offending, either in person or at his usual place of abode; and either upon the appearance or upon the default to appear of the party offending, any two or more of such justices may proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party offending, or upon the oath or affirmation of one or more credible witnesses, which such justices are hereby authorised to administer, may convict the offender in a penalty of not less than five pounds or more than thirty pounds, as aforesaid, for each offence, as to such justices doth seem fit; but the aggregate amount of penalties for offences in respect of any one design committed by any one person, up to the time at which any of the proceedings herein mentioned shall be instituted, shall not exceed the sum of one hundred pounds; and if the amount of such penalty or of such penalties, and the costs attending the conviction, so assessed by such justices, be not forthwith paid, the amount of the penalty or of the penalties, and of the costs, together with the costs of the distress and sale, shall be levied by distress and sale of the goods and chattels of the offender, wherever the same happen to be in England; and the justices before whom the party has been convicted, or, on proof of the

conviction, any two justices acting for any county, riding, division, city, or borough in England, where goods and chattels of the person offending happen to be, may grant a warrant for such distress and sale; and the overplus, if any, shall be returned to the owner of the goods and chattels, on demand; and every information and conviction which shall be respectively laid or made in such summary proceeding before two justices under this Act may be drawn or made out in the following forms respectively, or to the effect thereof, *mutatis mutandis*, as the case may require:

Form of Information.

Be it remembered, that on the at in the county of *A.B.* of in the county of [*or O.D.* of in the county of at the instance and on the behalf of *A.B.* of in the county of] cometh before us and two of Her Majesty's justices of the peace in and for the county of , and giveth us to understand that the said *A.B.* before and at the time when the offence hereinafter mentioned was committed, was the proprietor of a new and original design for [*here describe the design*], and that within twelve calendar months last past, to wit, on the at in the county of *E.F.* of in the county of did [*here describe the offence*], contrary to the form of the Act passed in the year of the reign of Her present Majesty, intituled "An Act to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture."

Form of Conviction.

Be it remembered, that on the day of in the year of our Lord at in the county of *E.F.* of in the county aforesaid is convicted before us and two of Her Majesty's justices of the peace for the said county, for that he the said *E.F.* on the day of in the year at in the county of did [*here describe the offence*] contrary to the form of the statute in that case made and provided; and we the said justices do adjudge that the said *E.F.* for his offence aforesaid hath forfeited the sum of to the said *A.B.*

In Scotland, by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending or by the oath or affirmation of one or more credible witnesses, shall convict the offender and find him liable in the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided always, that it shall be lawful to the sheriff, in the event of his dismissing the action, and assoilzieing the defender, to find the complainer liable in expenses; and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by advocacy, suspension, reduction, or otherwise:

5 & 6 Vict. c. 100.

Proviso as to
action for
damages.

Registration
may in some
cases be can-
celled or
amended.

Penalty for
wrongfully using
marks denoting
a registered
design.

Limitation of
actions.

Costs.

In Ireland, either by action in a superior court of law at Dublin, or by civil bill in the Civil Bill Court of the county or place where the offence was committed.

9. Provided always, and be it enacted, that, notwithstanding the remedies hereby given for the recovery of any such penalty as aforesaid, it shall be lawful for the proprietor in respect of whose right such penalty shall have been incurred (if he shall elect to do so) to bring such action as he may be entitled to for the recovery of any damages which he shall have sustained, either by the application of any such design or of a fraudulent imitation thereof, for the purpose of sale, to any articles of manufacture or substances, or by the publication, sale or exposure to sale, as aforesaid, by any person, of any article or substance to which such design or any fraudulent imitation thereof shall have been so applied, such person knowing that the proprietor of such design had not given his consent to such application.

10. And be it enacted, that in any suit in equity which may be instituted by the proprietor of any design or the person lawfully entitled thereto, relative to such design, if it shall appear to the satisfaction of the judge having cognizance of such suit that the design has been registered in the name of a person not being the proprietor or lawfully entitled thereto, it shall be competent for such judge, in his discretion, by a decree or order in such suit to direct either that such registration be cancelled (in which case the same shall thenceforth be wholly void), or that the name of the proprietor of such design, or other person lawfully entitled thereto, be substituted in the register for the name of such wrongful proprietor or claimant; in like manner as is hereinbefore directed in case of the transfer of a design, and to make such order respecting the costs of such cancellation or substitution, and of all proceedings to procure and effect the same, as he shall think fit; and the registrar is hereby authorised and required, upon being served with an official copy of such decree or order, and upon payment of the proper fee, to comply with the tenour of such decree or order, and either cancel such registration or substitute such new name, as the case may be.

11. And be it enacted that unless a design applied to ornamenting any article of manufacture or any such substance as aforesaid be so registered as aforesaid, and unless such design so registered shall have been applied to the ornamenting such article or substance within the United Kingdom of Great Britain and Ireland, and also after the copyright of such design in relation to such article or substance shall have expired, it shall be unlawful to put on any such article or such substance, in the manner hereinbefore required with respect to articles or substances whereto shall be applied a registered design, the marks hereinbefore required to be so applied, or any marks corresponding therewith or similar thereto; and if any person shall so unlawfully apply any such marks, or shall publish, sell, or expose for sale any article of manufacture, or any substance with any such marks so unlawfully applied, knowing that any such marks have been unlawfully applied, he shall forfeit for every such offence a sum not exceeding five pounds, which may be recovered by any person proceeding for the same by any of the ways hereinbefore directed with respect to penalties for pirating any such design.

12. And be it enacted, that no action or other proceeding for any offence or injury under this Act shall be brought after the expiration of twelve calendar months from the commission of the offence; and in every such action or other proceeding the party who shall prevail shall recover his full costs of suit or of such other proceeding.

13. And be it enacted, that in the case of any summary proceeding before any two justices in England such justices are hereby authorised to award payment of costs to the party prevailing, and to grant a warrant for enforcing payment thereof against the summoning party, if unsuccessful, in the like manner as is hereinbefore provided for recovering any penalty with costs against any offender under this Act.

5 & 6 Vict. c. 100.
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Justices may order payment of costs in cases of summary proceeding.

14. And for the purpose of registering designs for articles of manufacture, in order to obtain the protection of this Act, be it enacted, That the Lords of the Committee of Privy Council for the consideration of all matters of trade and plantations may appoint a person to be a registrar of designs for ornamenting articles of manufacture, and, if the Lords of the said Committee see fit, a deputy registrar, clerks, and other necessary officers and servants; and such registrar, deputy registrar, clerks, officers, and servants, shall hold their offices during the pleasure of the Lords of the said Committee; and the Commissioners of the Treasury may from time to time fix the salary or remuneration of such registrar, deputy registrar, clerks, officers, and servants; and, subject to the provisions of this Act, the Lords of the said Committee may make rules for regulating the execution of the duties of the office of the said registrar; and such registrar shall have a seal of office.

Registrar, &c. of Designs to be appointed.

15. And be it enacted, that the said registrar shall not register any design in respect of any application thereof to ornamenting any articles of manufacture or substances, unless he be furnished, in respect of each such application, with two copies, drawings, or prints of such design, accompanied with the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and the number of the class in respect of which such registration is made; and the registrar shall register all such copies, drawings, or prints, from time to time successively as they are received by him for that purpose; and on every such copy, drawing, or print he shall affix a number corresponding to such succession; and he shall retain one copy, drawing, or print, which he shall file in his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give ready access to the copies of designs so registered, he shall class such copies of designs, and keep a proper index of each class.

Registrar's duties.

16. And be it enacted, that upon every copy, drawing, or print of an original design so returned to the person registering as aforesaid, or attached thereto, and upon every copy, drawing, or print thereof received for the purpose of such registration, or of the transfer of such design being certified thereon or attached thereto, the registrar shall certify under his hand that the design has been so registered, the date of such registration, and the name of the registered proprietor, or the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and also the number of such design, together with such number or letter, or number and letter, and in such form as shall be employed by him to denote or correspond with the date of such registration; and such certificate made on every such original design, or on such copy thereof, and purporting to be signed by the registrar or deputy registrar, and purporting to have the seal of office of such registrar affixed thereto, shall, in the absence of evidence to the contrary, be sufficient proof, as follows,

Certificate of registration of design.

5 & 6 VICT. c. 100.

Of the design, and of the name of the proprietor therein mentioned, having been duly registered; and

Of the commencement of the period of registry; and

Of the person named therein as proprietor being the proprietor; and

Of the originality of the design; and

Of the provisions of this Act, and of any rule under which the certificate appears to be made, having been complied with:

and any such writing purporting to be such certificate shall, in the absence of evidence to the contrary, be received as evidence, without proof of the handwriting of the signature thereto, or of the seal of office affixed thereto, or of the person signing the same being the registrar or deputy registrar.

Inspection of
registered
designs.

17. And be it enacted, that every person shall be at liberty to inspect any design whereof the copyright shall have expired, paying only such fee as shall be appointed by virtue of this Act in that behalf; but with regard to designs whereof the copyright shall not have expired, no such design shall be open to inspection, except by a proprietor of such design, or by any person authorised by him in writing, or by any person specially authorised by the registrar, and then only in the presence of such registrar or in the presence of some person holding an appointment under this Act, and not so as to take a copy of any such design or of any part thereof, nor without paying for every such inspection such fee as aforesaid: Provided always, that it shall be lawful for the said registrar to give to any person applying to him, and producing a particular design, together with the registration mark thereof, or producing such registration mark only, a certificate stating whether of such design there be any copyright existing, and if there be, in respect to what particular article of manufacture or substance such copyright exists, and the term of such copyright, and the date of registration, and also the name and address of the registered proprietor thereof.

Application of
fees of registra-
tion.

18. And be it enacted, that the Commissioners of the Treasury shall from time to time fix fees to be paid for the services to be performed by the registrar, as they shall deem requisite, to defray the expenses of the said office, and the salaries or other remuneration of the said registrar, and of any other persons employed under him, with the sanction of the Commissioners of the Treasury, in the execution of this Act; and the balance, if any, shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the receipt of Her Majesty's Exchequer at Westminster; and the Commissioners of the Treasury may regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for, and they may also remit or dispense with the payment of such fees in any cases where they may think it expedient so to do: Provided always, that the fee for registering a design to be applied to any woven fabric mentioned or comprised in classes 7, 9, or 10, shall not exceed the sum of one shilling; that the fee for registering a design to be applied to a paper hanging shall not exceed the sum of ten shillings; and that the fee to be received by the registrar for giving a certificate relative to the existence or expiration of any copyright in any design printed on any woven fabric, yarn, thread, or warp, or printed, embossed, or worked on any paper hanging, to any person exhibiting a piece end of a registered pattern, with the registration mark thereon, shall not exceed the sum of two shillings and sixpence.

Penalty for
extortion.

19. And be it enacted, that if either the registrar or any person employed under him either demand or receive any gratuity or reward,

whether in money or otherwise, except the salary or remuneration authorised by the Commissioners of the Treasury, he shall forfeit for every such offence fifty pounds to any person suing for the same by action of debt in the Court of Exchequer at Westminster; and he shall also be liable to be either suspended or dismissed from his office, and rendered incapable of holding any situation in the said office, as the Commissioners of the Treasury see fit. 5 & 6 Vict. c. 100.

20. And for the interpretation of this Act, be it enacted, that the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows; (that is to say,) the expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number; and the masculine gender shall include the feminine gender as well as the masculine gender. Interpretation of Act.

21. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present session of Parliament. Alteration of Act.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

Date of Acts.	Title.
27 Geo. 3, c. 38. (1787.)	An Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors for a limited time.
29 Geo. 3, c. 19. (1789.)	An Act for continuing an Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors for a limited time.
34 Geo. 3, c. 23. (1794.)	An Act for amending and making perpetual an Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors for a limited time.
2 Vict. c. 13. (1839.)	An Act for extending the copyright of designs for calico printing to designs for printing other woven fabrics.

SCHEDULE (B.)

Date of Acts.	Title.
2 Vict. c. 17. (1839.)	An Act to secure to proprietors of designs for articles of manufacture the copyright of such designs for a limited time.

SCHEDULE (C.)

Date of Acts.	Title.
38 Geo. 3, c. 71. (1798.)	An Act for encouraging the art of making new models and casts of busts and other things therein mentioned.
54 Geo. 3, c. 56. (1814.)	An Act to amend and render more effectual an Act for encouraging the art of making new models and casts of busts and other things therein mentioned, and for giving further encouragement to such arts.

6 & 7 VICT. CAP. 65.

6 & 7 VICT. c. 65. *An Act to amend the Laws relating to the Copyright of Designs.*
[22nd August, 1843.]

5 & 6 VICT. c. 100. WHEREAS by an Act passed in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," there was granted to the proprietor of any new and original design, with the exceptions therein mentioned, the sole right to apply the same to the ornamenting of any article of manufacture or any such substance as therein described during the respective periods therein mentioned: And whereas it is expedient to extend the protection afforded by the said Act to such designs hereinafter mentioned, not being of an ornamental character, as are not included therein: Be it therefore enacted by the Queen'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 this Act shall come into operation on the first day of September one thousand eight hundred and forty-three.

Commencement
of Act.

Grant of copy-
right.

Proviso.

38 Geo. 3. c. 71.

54 Geo. 3. c. 56.

Conditions of
copyright.

Penalty for
wrongfully
using marks
denoting a
registered
design.

2. And with regard to any new or original design for any article of manufacture having reference to some purpose of utility, so far as such design shall be for the shape or configuration of such article, and that whether it be for the whole of such shape or configuration or only for a part thereof, be it enacted, that the proprietor of such design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere shall have the sole right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being registered according to this Act: Provided always, that this enactment shall not extend to such designs as are within the provisions of the said Act, or of two other Acts passed respectively in the thirty-eighth and fifty-fourth years of the reign of his late Majesty King George the Third, and intituled respectively "An Act for encouraging the Art of making new Models and Casts of Busts, and other things therein mentioned," and "An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other things therein mentioned."

3. Provided always, and be it enacted, that no person shall be entitled to the benefit of this Act unless such design have before publication thereof been registered according to this Act, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless after publication of such design every article of manufacture made by him according to such design, or on which such design is used, hath thereon the word "Registered," with the date of registration.

4. And be it enacted, that unless a design applied to any article of manufacture be registered either as aforesaid or according to the provisions of the said first-mentioned Act, and also after the copyright of such design shall have expired, it shall be unlawful to put on any such article the word "registered," or to advertise the same for sale as a registered article; and if any person shall so unlawfully publish, sell, or expose or advertise for sale any such article of manufacture, he shall forfeit for every such offence a sum not exceeding five pounds nor less than one pound, which may be recovered by any person proceeding for the same by any of the remedies hereby given for the recovery of penalties for pirating any such design.

5. And be it enacted, that all such articles of manufacture as are commonly known by the name of floor cloths or oil cloths shall henceforth be considered as included in class six in the said first-mentioned Act in that behalf mentioned, and be registered accordingly.

6 & 7 Vict. c. 65.
Floor or oil
cloths included
in class six.

6. And be it enacted, that all and every the clauses and provisions contained in the said first-mentioned Act, so far as they are not repugnant to the provisions contained in this Act, relating respectively to the explanation of the term proprietor, to the transfer of designs, to the piracy of designs, to the mode of recovering penalties, to actions for damages, to cancelling and amending registrations, to the limitation of actions, to the awarding of costs, to the certificate of registration, to the fixing and application of fees of registration, and to the penalty for extortion, shall be applied and extended to this present Act as fully and effectually, and to all intents and purposes, as if the said several clauses and provisions had been particularly repeated and re-enacted in the body of this Act.

Certain provi-
sions of 5 & 6
Vict. c. 100, to
apply to this
Act.

7. And be it enacted, that so much of the said first-mentioned Act as relates to the appointment of a registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be and the same is hereby repealed; and for the purpose of carrying into effect the provisions as well of this Act as of the said first-mentioned Act, the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations may appoint a person to be registrar of designs for articles of manufacture, and, if the Lords of the said committee see fit, an assistant registrar and other necessary officers and servants; and such registrar, assistant registrar, officers, and servants shall hold their offices during the pleasure of the Lords of the said committee; and such registrar shall have a seal of office; and the Commissioners of Her Majesty's Treasury may from time to time fix the salary or other remuneration of such registrar, assistant registrar, and other officers and servants; and all the provisions contained in the said first-mentioned Act, and not hereby repealed, relating to the registrar, deputy registrar, clerks, and other officers and servants thereby appointed and therein named, shall be construed and held to apply respectively to the registrar, assistant registrar, and other officers and servants to be appointed under this Act.

Appointment of
Registrar &c.

8. And be it enacted, that the said registrar shall not register any design for the shape or configuration of any article of manufacture as aforesaid unless he be furnished with two exactly similar drawings or prints of such design, with such description in writing as may be necessary to render the same intelligible according to the judgment of the said registrar, together with the title of the said design, and the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode, or place of carrying on business, or other place of address; and every such drawing or print, together with the title and description of such design, and the name and address of the proprietor aforesaid, shall be on one sheet of paper or parchment, and on the same side thereof; and the size of the said sheet shall not exceed twenty-four inches by fifteen inches; and there shall be left on one of the said sheets a blank space on the same side on which are the said drawings, title, description, name, and address, of the size of six inches by four inches, for the certificate herein mentioned; and the said drawings or prints shall be made on a proper geometric scale; and the said description shall set forth such part or parts of the said design (if any) as shall not be new or original; and the said registrar

Registrar's
duties.

Drawings

6 & 7 VICT. c. 65. shall register all such drawings or prints from time to time as they are received by him for that purpose; and on every such drawing or print he shall affix a number corresponding to the order of succession in the register, and he shall retain one drawing or print which he shall file at his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give a ready access to the designs so registered he shall keep a proper index of the titles thereof.

Discretionary power as to registry vested in the registrar.

Proviso.

Inspection of index of titles of designs, &c.

Interpretation of Act.

Alteration of Act.

9. And be it enacted, that if any design be brought to the said registrar to be registered under the said first-mentioned Act, and it shall appear to him that the same ought to be registered under this present Act, it shall be lawful for the said registrar to refuse to register such design otherwise than under the present Act and in the manner hereby provided; and if it shall appear to the said registrar that the design brought to be registered under the said first-mentioned Act or this Act is not intended to be applied to any article of manufacture, but only to some label, wrapper, or other covering in which such article might be exposed for sale, or that such design is contrary to public morality or order, it shall be lawful for the said registrar, in his discretion, wholly to refuse to register such design: Provided always, that the Lords of the said Committee of Privy Council may, on representation made to them by the proprietor of any design so wholly refused to be registered as aforesaid, if they shall see fit, direct the said registrar to register such design, whereupon and in such case the said registrar shall be and is hereby required to register the same accordingly.

10. And be it enacted, that every person shall be at liberty to inspect the index of the titles of the designs, not being ornamental designs, registered under this Act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this Act in that behalf; and every person shall be at liberty to inspect any such design, and to take copies thereof, paying such fee as aforesaid; but no design whereof the copyright shall not have expired shall be open to inspection, except in the presence of such registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of such design, nor without paying such fee as aforesaid.

11. And, for the interpretation of this Act, be it enacted, that the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows; (that is to say,) the expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number, and the masculine gender shall include the feminine gender as well as the masculine gender.

12. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

6 & 7 VICT. CAP. 96.

6 & 7 VICT. c. 96. *An Act to amend the Law respecting defamatory Words and Libel.*
[24th August, 1843.]

FOR the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing

abuses in exercising the said liberty: Be it enacted by the Queen'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 in any action for defamation it shall be lawful for the defendant (after notice in writing of his intention so to do, duly given to the plaintiff at the time of filing or delivering the plea in such action,) to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology.

6 & 7 Vict. c. 96.
—
Offer of an apology admissible in evidence in mitigation of damages.

2. And be it enacted, that in an action for a libel contained in any public newspaper or other periodical publication it shall be competent to the defendant to plead that such libel was inserted in such newspaper or other periodical publication without actual malice, and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical publication a full apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action; and that every such defendant shall upon filing such plea be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts hereinbefore required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under an Act passed in the session of Parliament held in the fourth year of his late Majesty, intituled "An Act for the further Amendment of the Law and the better Advancement of Justice;" and that to such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

In an action against a newspaper for libel, the defendant may plead that it was inserted without malice and without neglect, and may pay money into court as amends.

3. And be it enacted, that if any person shall publish or threaten to publish any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender, on being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding three years: provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings.

Publishing or threatening to publish a libel, or proposing to abstain from publishing any thing, with intent to extort money, punishable by imprisonment and hard labour.

4. And be it enacted, that if any person shall maliciously publish any defamatory libel knowing the same to be false, every such person, being convicted thereof, shall be liable to be imprisoned in the common gaol or house of correction for any term not exceeding two years, and to pay such fine as the court shall award.

False defamatory libel punishable by imprisonment and fine;

6 & 7 Vict. c. 96.

Malicious defamatory libel, by imprisonment or fine.

Proceedings upon the trial of an indictment or information for a defamatory libel.

Double plea.

Proviso as to plea of Not Guilty in civil and criminal proceedings.

Evidence to rebut *prima facie* case of publication by an agent.

On prosecution for private libel defendant entitled to costs on acquittal.

Interpretation of Act.

5. And be it enacted, that if any person shall maliciously publish any defamatory libel, every such person, being convicted thereof, shall be liable to fine or imprisonment or both, as the court may award, such imprisonment not to exceed the term of one year.

6. And be it enacted, that on the trial of any indictment or information for a defamatory libel, the defendant having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published; and that to entitle the defendant to give evidence of the truth of such matters charged as a defence to such indictment or information it shall be necessary for the defendant, in pleading to the said indictment or information, to allege the truth of the said matters charged in the manner now required in pleading a justification to an action for defamation, and further to allege that it was for the public benefit that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof; and that if after such plea the defendant shall be convicted on such indictment or information it shall be competent to the court, in pronouncing sentence, to consider whether the guilt of the defendant is aggravated or mitigated by the said plea, and by the evidence given to prove or to disprove the same: Provided always, that the truth of the matters charged in the alleged libel complained of by such indictment or information shall in no case be inquired into without such plea of justification: Provided also, that, in addition to such plea, it shall be competent to the defendant to plead a plea of not guilty: Provided also, that nothing in this Act contained shall take away or prejudice any defence under the plea of not guilty which it is now competent to the defendant to make under such plea to any action or indictment or information for defamatory words or libel.

7. And be it enacted, that whensoever, upon the trial of any indictment or information for the publication of a libel, under the plea of not guilty, evidence shall have been given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent, or knowledge, and that the said publication did not arise from want of due care or caution on his part.

8. And be it enacted, that in the case of any indictment or information by a private prosecutor for the publication of any defamatory libel, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the said defendant by reason of such indictment or information; and that upon a special plea of justification to such indictment or information, if the issue be found for the prosecutor, he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of such plea, such costs so to be recovered by the defendant or prosecutor respectively to be taxed by the proper officer of the court before which the said indictment or information is tried.

9. And be it enacted, that wherever throughout this Act, in describing the plaintiff or the defendant, or the party affected or intended to be affected by the offence, words are used importing the singular number or the masculine gender only, yet they shall be

understood to include several persons as well as one person, and females as well as males, unless when the nature of the provision or the context of the Act shall exclude such construction. 6 & 7 VICT. c. 96

10. And be it enacted, that this Act shall take effect from the first day of November next; and that nothing in this Act contained shall extend to Scotland. Commencement and extent of Act

7 VICT. CAP. 12.

An Act to amend the Law relating to International Copyright. 7 VICT. c. 12.
[10th May, 1844.]

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of Her present Majesty, intituled "An Act for securing to Authors in certain Cases the Benefit of international Copyright" (and which Act is hereinafter, for the sake of perspicuity, designated as "The International Copyright Act"), Her Majesty was empowered by Order in Council to direct that the authors of books which should after a future time, to be specified in such Order in Council, be published in any foreign country, to be specified in such Order in Council, and their executors, administrators, and assigns, should have the sole liberty of printing and reprinting such books within the British dominions for such term as Her Majesty should by such Order in Council direct, not exceeding the term which authors, being British subjects, were then, (that is to say) at the time of passing the said Act, entitled to in respect of books first published in the United Kingdom; and the said Act contains divers enactments securing to authors and their representatives the copyright in the books to which any such Order in Council should extend: And whereas an Act was passed in the Session of Parliament held in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act to amend the Law of Copyright" (and which Act is hereinafter, for the sake of perspicuity, designated as "The Copyright Amendment Act"), repealing various Acts therein mentioned relating to the copyright of printed books, and extending, defining, and securing to authors and their representatives the copyright of books: And whereas an Act was passed in the Session of Parliament held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend the Law relating to Dramatic Literary Property" (and which Act is hereinafter, for the sake of perspicuity, designated as "The Dramatic Literary Property Act"), whereby the sole liberty of representing or causing to be represented any dramatic piece in any place of dramatic entertainment in any part of the British dominions, which should be composed and not printed or published by the author thereof or his assignee, was secured to such author or his assignee; and by the said Act it was enacted, that the author of any such production which should thereafter be printed and published, or his assignee, should have the like sole liberty of representation until the end of twenty-eight years from the first publication thereof: And whereas by the said Copyright Amendment Act the provisions of the said Dramatic Literary Property Act and of the said Copyright Amendment Act were made applicable to musical compositions; and it was thereby also enacted, that the sole liberty of representing or performing, or causing or permitting to be represented or performed, in any part of the British dominions, any dramatic piece or musical composition, 1 & 2 VICT. c. 59. 5 & 6 VICT. c. 45. 3 & 4 WILL 4, c. 15.

- 7 VIOT. c. 12. — should endure and be the property of the author thereof and his assigns for the term in the said Copyright Amendment Act provided for the duration of the copyright in books, and that the provisions therein enacted in respect of the property of such copyright should apply to the liberty of representing or performing any dramatic piece or musical composition: And whereas under or by virtue of the four several Acts next hereinafter mentioned; (that is to say,) an Act passed in the eighth year of the reign of his late Majesty King George the Second, intituled "An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors or Engravers during the Time therein mentioned;" an Act passed in the seventh year of his late Majesty King George the Third, intituled "An Act to amend and render more effectual an Act made in the eighth year of the reign of King George the Second, for Encouragement of the Arts of designing, engraving, and etching historical and other Prints; and for vesting in and securing to Jane Hogarth, widow, the property in certain Prints;" an Act passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled "An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases;" and an Act passed in the session of Parliament held in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to extend the Protection of Copyright in Prints and Engravings to Ireland;" (and which said four several Acts are hereinafter, for the sake of perspicuity, designated as the Engraving Copyright Acts;) every person who invents or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or from his own work, design, or invention causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, notwithstanding such print shall not have been graven or drawn from the original design of such graver, etcher, or draftsman, is entitled to the copyright of such print for the term of twenty-eight years from the first publishing thereof; and by the said several Engraving Copyright Acts it is provided that the name of the proprietor shall be truly engraved on each plate, and printed on every such print, and remedies are provided for the infringement of such copyright: And whereas under and by virtue of an Act passed in the thirty-eighth year of the reign of his late Majesty King George the Third, intituled "An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned," and of an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled "An Act to amend and render more effectual an Act of his present Majesty, for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts," (and which said Acts are, for the sake of perspicuity, hereinafter designated as the Sculpture Copyright Acts,) every person who makes or causes to be made any new and original sculpture, or model or copy or cast of the human figure, any bust or part of the human figure clothed in drapery or otherwise, any animal or part of any animal combined with the human
- 8 Geo. 2, c. 13.
- 7 Geo. 3, c. 38.
- 17 Geo. 3, c. 57.
- 6 & 7 Will. 4, c. 59.
- 38 Geo. 3, c. 71.
- 54 Geo. 3, c. 56.

figure or otherwise, any subject, being matter of invention in sculpture, any alto or basso relievo, representing any of the matters aforesaid, or any cast from nature of the human figure or part thereof, or of any animal or part thereof, or of any such subject representing any of the matters aforesaid, whether separate or combined, is entitled to the copyright in such new and original sculpture, model, copy, and cast, for fourteen years from first putting forth and publishing the same, and for an additional period of fourteen years in case the original maker is living at the end of the first period; and by the said Acts it is provided that the name of the proprietor, with the date of the publication thereof, is to be put on all such sculptures, models, copies, and casts, and remedies are provided for the infringement of such copyright: And whereas the powers vested in Her Majesty by the said International Copyright Act are insufficient to enable Her Majesty to confer upon authors of books first published in foreign countries copyright of the like duration, and with the like remedies for the infringement thereof, which are conferred and provided by the said Copyright Amendment Act with respect to authors of books first published in the British dominions; and the said International Copyright Act does not empower Her Majesty to confer any exclusive right of representing or performing dramatic pieces or musical compositions first published in foreign countries upon the authors thereof, nor to extend the privilege of copyright to prints and sculpture first published abroad; and it is expedient to vest increased powers in Her Majesty in this respect, and for that purpose to repeal the said International Copyright Act, and to give such other powers to Her Majesty, and to make such further provisions, as are hereinafter contained: Be it therefore enacted by the Queen'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 the said recited Act, herein designated as the International Copyright Act shall be and the same is hereby repealed.

Repeal of International Copyright Act

2. And be it enacted, that it shall be lawful for Her Majesty, by any order of Her Majesty in Council, to direct that, as respects all or any particular class or classes of the following works, (namely,) books, prints, articles of sculpture, and other works of art, to be defined in such order, which shall after a future time, to be specified in such order, be first published in any foreign country to be named in such order, the authors, inventors, designers, engravers, and makers thereof respectively, their respective executors, administrators, and assigns, shall have the privilege of copyright therein during such period or respective periods as shall be defined in such order, not exceeding, however, as to any of the above-mentioned works, the term of copyright, which authors, inventors, designers, engravers, and makers of the like works respectively first published in the United Kingdom may be then entitled to under the hereinbefore recited Acts respectively, or under any Acts which may hereafter be passed in that behalf.

Her Majesty, by Order in Council, may direct that authors, &c. of works first published in foreign countries shall have copyright therein within Her Majesty's dominions.

3. And be it enacted, that in case any such order shall apply to books, all and singular the enactments of the said Copyright Amendment Act, and of any other Act for the time being in force with relation to the copyright in books first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained, apply to and be in force in respect of the books to which such order shall extend, and which shall have

If the order applies to books the copyright law as to books first published in this country shall apply to the books to which the order relates, with certain exceptions.

7 VICT. c. 12.

been registered as hereinafter is provided, in such and the same manner as if such books were first published in the United Kingdom, save and except such of the said enactments, or such parts thereof, as shall be excepted in such order, and save and except such of the said enactments as relate to the delivery of copies of books at the British Museum, and to or for the use of the other libraries mentioned in the said Copyright Amendment Act.

If the order applies to prints, sculptures, &c. the copyright law as to prints or sculptures first published in this country shall apply to the prints, sculptures, &c. to which such order relates.

4. And be it enacted, that in case any such order shall apply to prints, articles of sculpture, or to any such other works of art as aforesaid, all and singular the enactments of the said Engraving Copyright Acts and the said Sculpture Copyright Acts, or of any other Act for the time being in force with relation to the copyright in prints or articles of sculpture first published in this country, and of any Act for the time being in force with relation to the copyright in any similar works of art first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained respectively, apply to and be in force in respect of the prints, articles of sculpture, and other works of art to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such articles and other works of art were first published in the United Kingdom, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

Her Majesty may, by Order in Council, direct that authors and composers of dramatic pieces and musical compositions first publicly represented and performed in foreign countries shall have similar rights in the British dominions.

5. And be it enacted, that it shall be lawful for Her Majesty, by any order of Her Majesty in Council, to direct that the authors of dramatic pieces and musical compositions which shall after a future time, to be specified in such order, be first publicly represented or performed in any foreign country to be named in such order, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during such period as shall be defined in such order, not exceeding the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom may for the time be entitled by law to the sole liberty of representing and performing the same; and from and after the time so specified in any such last-mentioned order the enactments of the said dramatic Literary Property Act, and of the said Copyright Amendment Act, and of any other Act for the time being in force with relation to the liberty of publicly representing and performing dramatic pieces or musical compositions, shall, subject to such limitation as to the duration of the right conferred by any such order as shall be therein contained, apply to and be in force in respect of the dramatic pieces and musical compositions to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such dramatic pieces and musical compositions had been first publicly represented and performed in the British dominions, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

Particulars to be observed as to Registry and to delivery of copies.

6. Provided always, and be it enacted, that no author of any book, dramatic piece or musical composition, or his executors, administrators, or assigns, and no inventor, designer, or engraver of any print, or maker of any article of sculpture, or other work of art, his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any Order in Council to be issued in pursuance thereof, unless, within a time or times to be in that behalf prescribed in each

such Order in Council, such book, dramatic piece, musical composition, print, article of sculpture, or other work of art, shall have been so registered, and such copy thereof shall have been so delivered as hereinafter is mentioned; (that is to say,) as regards such book, and also such dramatic piece or musical composition, (in the event of the same having been printed,) the title to the copy thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the copyright thereof, the time and place of the first publication, representation, or performance thereof, as the case may be, in the foreign country named in the Order in Council under which the benefit of this Act shall be claimed, shall be entered in the register book of the Company of Stationers in London, and one printed copy of the whole of such book, and of such dramatic piece or musical composition, in the event of the same having been printed, and of every volume thereof, upon the best paper upon which the largest number or impression of the book, dramatic piece, or musical composition shall have been printed for sale, together with all maps and prints relating thereto, shall be delivered to the officer of the Company of Stationers at the Hall of the said Company; and as regards dramatic pieces and musical compositions in manuscript, the title to the same, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the right of representing or performing the same, and the time and place of the first representation or performance thereof in the country named in the Order in Council under which the benefit of the Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London; and as regards prints, the title thereof, the name and place of abode of the inventor, designer, or engraver thereof, the name of the proprietor of the copyright therein, and the time and place of the first publication thereof in the foreign country named in the Order in Council under which the benefits of the Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London, and a copy of such print, upon the best paper upon which the largest number or impressions of the print shall have been printed for sale, shall be delivered to the officer of the Company of Stationers at the hall of the said company; and as regards any such article of sculpture, or any such other work of art as aforesaid, a descriptive title thereof, the name and place of abode of the maker thereof, the name of the proprietor of the copyright therein, and the time and place of its first publication in the foreign country named in the Order in Council under which the benefit of this Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London; and the officer of the said Company of Stationers receiving such copies so to be delivered as aforesaid shall give a receipt in writing for the same, and such delivery shall to all intents and purposes be a sufficient delivery under the provisions of this Act.

7. Provided always, and be it enacted, that if a book be published anonymously it shall be sufficient to insert in the entry thereof in such register book the name and place of abode of the first publisher thereof, instead of the name and place of abode of the author thereof, together with a declaration that such entry is made either on behalf of the author or on behalf of such first publisher, as the case may require.

In case of books published anonymously, the name of the publisher to be sufficient.

8. And be it enacted, that the several enactments in the said Copyright Amendment Act contained with relation to keeping the said

The provisions of the Copyright Amendment Act

7 VICT. c. 12.

as regards
entries in the
register book of
the Company of
Stationers, &c.
to apply to
entries under
this Act.

register book, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the applications to the courts and judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the books, dramatic pieces, and musical compositions, prints, articles of sculpture, and other works of art, to which any Order in Council issued in pursuance of this Act shall extend, and to the entries and assignments of copyright and proprietorship therein, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said Copyright Amendment Act may be varied to meet the circumstances of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling only.

As to expunging
or varying entry
grounded in
wrongful first
publication.

9. And be it enacted, that every entry made in pursuance of this Act of a first publication shall be *prima facie* proof of a rightful first publication; but if there be a wrongful first publication, and any party have availed himself thereof to obtain an entry of a spurious work, no order for expunging or varying such entry shall be made unless it be proved to the satisfaction of the court or of the judge taking cognisance of the application for expunging or varying such entry, first, with respect to a wrongful publication in a country to which the author or first publisher does not belong, and in regard to which there does not subsist with this country any treaty of international copyright, that the party making the application was the author or first publisher, as the case requires; second, with respect to a wrongful first publication either in the country where a rightful first publication has taken place, or in regard to which there subsists with this country a treaty of international copyright, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher.

Copies of books
wherein copy-
right is subsist-
ing under this
Act printed in
foreign countries
other than those
wherein the
book was first
published pro-
hibited to be
imported.

10. And be it enacted, that all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any Order in Council made in pursuance thereof, printed or reprinted in any foreign country except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorised in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same

courts and in the same manner, and with the like restrictions upon the proceedings of the defendant, as are respectively prescribed in the said Copyright Amendment Act with relation to actions thereby authorised to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions. 7 VICT. c. 12.

11. And be it enacted, that the said officer of the said Company of Stationers shall receive at the hall of the said company every book, volume, or print so to be delivered as aforesaid, and within one calendar month after receiving such book, volume, or print shall deposit the same in the library of the British Museum. Officer of Stationers Company to deposit books, &c. in the British Museum.

12. Provided always, and be it enacted, that it shall not be requisite to deliver to the said officer of the said Stationers Company any printed copy of the second or of any subsequent edition of any book or books so delivered as aforesaid, unless the same shall contain additions or alterations. Second or subsequent editions

13. And be it enacted, that the respective terms to be specified by such Orders in Council respectively for the continuance of the privilege to be granted in respect of works to be first published in foreign countries may be different for works first published in different foreign countries and for different classes of such works; and that the times to be prescribed for the entries to be made in the register book of the Stationers Company, and for the deliveries of the books and other articles to the said officer of the Stationers Company, as hereinbefore is mentioned, may be different for different foreign countries and for different classes of books or other articles. Orders in Council may specify different periods for different foreign countries and for different classes of works.

14. Provided always, and be it enacted, that no such Order in Council shall have any effect unless it shall be therein stated, as the ground for issuing the same, that due protection has been secured by the foreign power so named in such Order in Council for the benefit of parties interested in works first published in the dominions of Her Majesty similar to those comprised in such order. No Order in Council to have any effect unless it states that reciprocal protection is secured.

15. And be it enacted, that every Order in Council to be made under the authority of this Act shall as soon as may be after the making thereof by Her Majesty in council be published in the *London Gazette*, and from the time of such publication shall have the same effect as if every part thereof were included in this Act. Orders in Council to be published in Gazette, and to have same effect as this Act.

16. And be it enacted, that a copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session of Parliament. Orders in Council to be laid before Parliament.

17. And be it enacted, that it shall be lawful for Her Majesty by an Order in Council from time to time to revoke or alter any Order in Council previously made under the authority of this Act, but nevertheless without prejudice to any rights acquired previously to such revocation or alteration. Orders in Council may be revoked.

18. Provided always, and be it enacted, that nothing in this Act contained shall be construed to prevent the printing, publication, or sale of any translation of any book the author whereof and his assigns may be entitled to the benefit of this Act. Translations.

19. And be it enacted, that neither the author of any book, nor the author or composer of any dramatic piece or musical composition, nor the inventor, designer, or engraver of any print, nor the maker of any article of sculpture, or of such other work of art as aforesaid, which shall after the passing of this Act be first published out of Her Majesty's dominions, shall have any copyright therein respectively, Authors of works first published in foreign countries not entitled to copyright except under this Act.

7 VICT. c. 12.

or any exclusive right to the public representation or performance thereof, otherwise than such (if any) as he may become entitled to under this Act.

Interpretation
clause.

20. And be it enacted, that in the construction of this Act the word "book" shall be construed to include "volume," "pamphlet," "sheet of letter-press," "sheet of music," "map," "chart," or "plan;" and the expression "articles of sculpture" shall mean all such sculptures, models, copies, and casts as are described in the said Sculpture Copyright Acts, and in respect of which the privileges of copyright are thereby conferred; and the words "printing" and "re-printing" shall include engraving and any other method of multiplying copies; and the expression "Her Majesty" shall include the heirs and successors of Her Majesty; and the expression "Order of Her Majesty in Council," "Order in Council," and "Order," shall respectively mean Order of Her Majesty acting by and with the advice of Her Majesty's most honourable Privy Council; and the expression "Officer of the Company of Stationers" shall mean the officer appointed by the said Company of Stationers for the purposes of the said Copyright Amendment Act; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

Act may be
repealed this
session.

21. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

8 & 9 VICT. CAP. 75.

8 & 9 VICT. c. 75. *An Act to amend an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act to amend the Law respecting defamatory Words and Libel."*
—[31st July, 1845.]

6 & 7 VICT. c. 96.

WHEREAS by an Act passed in the session of Parliament held in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act to amend the Law respecting defamatory Words and Libel," it is, amongst other things, enacted and provided, that the defendant in an action for a libel contained in any public newspaper or other periodical publication may plead certain matters therein mentioned, and may upon filing such plea be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel; and it is thereby further enacted, that such payment into court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts thereinbefore required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court, under an Act passed in the session of Parliament held in the fourth year of his late Majesty, intituled "An Act for the further Amendment of the Law, and the better Advancement of Justice:" And whereas the said Act of the fourth year of the reign of his late Majesty relates only to proceedings in the superior courts in England, but by an Act passed in the session of Parliament held in the third and fourth years of the reign of Her present Majesty, intituled "An Act

3 & 4 WILL. 4, c. 42.

3 & 4 VICT. c. 105.

for abolishing Arrest on Mesne Process in civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Advancement of Justice, in Ireland," a like provision is made for payment of money into court in all personal actions pending in any of the superior courts in Ireland as is contained in the said Act of the fourth year of the reign of his late Majesty in regard to actions pending in the superior courts in England, with a like exception of actions for libel; and it is expedient to prevent any doubts as to the application of the said recited Act of the sixth and seventh years of the reign of Her present Majesty to actions pending in the superior courts in Ireland, which may be created by reason of the omission of a reference in the last-mentioned Act to the said Act of the third and fourth years of the reign of Her present Majesty: Be it therefore enacted and declared by the Queen'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 when in any action pending in the superior courts in Ireland for a libel contained in any public newspaper or other periodical publication the defendant shall plead the matters allowed to be pleaded by the said first-mentioned Act, and shall on filing such plea pay money into court as provided by such Act, such payment into court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations now in force or hereafter to be made as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts so required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under the said recited Act of the third and fourth years of the reign of Her present Majesty.

In cases of action for libel in Ireland, where defendant shall plead matters allowed by 3 & 4 Will. 4, c. 42, and pay money into court, such payment to be of same effect as if required by said Act.

2. And be it declared and enacted, that it shall not be competent to any defendant in such action, whether in England or in Ireland, to file any such plea, without at the same time making a payment of money into court by way of amends as provided by said Act, but every such plea so filed without payment of money into court shall be deemed a nullity, and may be treated as such by the plaintiff in the action.

Defendant not to file such plea without paying money into court by way of amends.

10 & 11 VICT. CAP. 95.

An Act to amend the Law relating to the Protection in the Colonies of works entitled to Copyright in the United Kingdom.—[22nd July, 1847.] 10 & 11 VICT. c. 95.

WHEREAS by an Act passed in the session of Parliament holden in the fifth and sixth years of Her present Majesty, intituled "An Act to amend the Law of Copyright," it is amongst other things enacted, that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorised by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed or published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions: And whereas by an Act passed in the session of Parliament holden in the eighth and ninth years of the reign of Her present Majesty, intituled "An Act to regulate the Trade of the British Possessions abroad," books

5 & 6 VICT. c. 45.

8 & 9 VICT. c. 92.

10 & 11 VICT.
c. 95.

Her Majesty
may suspend in
certain cases the
prohibitions
against the
admission of
pirated books
into the colonies
in certain cases.

Orders in
council to be
published in
Gazette.

Orders in
Council and the
Colonial Acts or
ordinances to be
laid before
Parliament.

Act may be
amended, &c.

wherein the copyright is subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad: And whereas by the said last-recited Act it is enacted, that all laws, bye laws, usages, or customs in practice, or endeavoured or pretended to be in force or practice in any of the British possessions in America, which are in anywise repugnant to the said Act or to any Act of Parliament made or to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever: Now be it enacted, by the Queen'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 in case the Legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her royal approval of such Act or ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or ordinance continue in force within such colony the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such colony; and thereupon such Act or ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council, anything in the said last-recited Act or in any other Act to the contrary notwithstanding.

2. And be it enacted, that every such Order in Council shall, within one week after the issuing thereof, be published in the *London Gazette*, and that a copy thereof, and of every such Colonial Act or ordinance so approved as aforesaid by Her Majesty, shall be laid before both Houses of Parliament within six weeks after the issuing of such order, if Parliament be then sitting, or if Parliament be not then sitting, then within six weeks after the opening of the next Session of Parliament,

3. And be it enacted, this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

13 & 14 VICT. CAP. 104.

13 & 14 VICT.
c. 104.

An Act to extend and amend the Acts relating to the Copyright of Designs.—[14th August, 1850.]

WHEREAS it is expedient to extend and amend the Acts relating to the copyright of designs: Be it therefore enacted by the Queen'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:

1. That the registrar of designs, upon application by or on behalf of the proprietor of any design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere, and which may be registered under the Designs Act, 1842, or under the Designs Act, 1843, for the provisional registration of such design, under this Act, and upon being furnished with such copy, drawing, print, or description in writing or in print as in the judgment of the said registrar shall be sufficient to identify the particular design in respect of which such registration is desired, and the name of the person claiming to be proprietor, together with his place of abode or business, or other place of address, or the style or title of the firm under which he may be trading, shall register such design in such manner and form as shall from time to time be prescribed or approved by the Board of Trade; and any design so registered shall be deemed "provisionally registered," and the registration thereof shall continue in force for the term of one year from the time of the same being registered as aforesaid; and the said registrar shall certify, under his hand and seal of office, in such form as the said board shall direct or approve, that the design has been provisionally registered, the date of such registration, and the name of the registered proprietor, together with his place of abode or business, or other place of address.

18 & 14 VICT.
c. 104.

Certain designs
may be regis-
tered provision-
ally for one year.

2. That the proprietor of any design which shall have been provisionally registered shall, during the continuance of such registration, have the sole right and property in such design; and the penalties and provisions of the said Designs Act, 1842, for preventing the piracy of designs, shall extend to the acts, matters, and things next hereinafter enumerated, as fully as if those penalties and provisions had been re-enacted in this Act, and expressly extended to such acts, matters, and things respectively; that is to say,

Benefits
conferred by
provisional
registration.

1. To the application of any provisionally registered design, or any fraudulent imitation thereof, to any article of manufacture or to any substance:

2. To the publication, sale, or exposure for sale of any article of manufacture or any substance to which any provisionally registered design shall have been applied.

3. That during the continuance of such provisional registration neither such registration nor the exhibition or exposure of any design provisionally registered, or of any article to which any such design may have been or be intended to be applied, in any place, whether public or private, in which articles are not sold or exposed or exhibited for sale, and to which the public are not admitted gratuitously, or in any place which shall have been previously certified by the Board of Trade to be a place of public exhibition within the meaning of this Act, nor the publication of any account or description of any provisionally registered design exhibited or exposed or intended to be exhibited or exposed in any such place of exhibition or exposure in any catalogue, paper, newspaper, periodical, or otherwise, shall prevent the proprietor thereof from registering any such design under the said Designs Acts at any time during the continuance of the provisional registration, in the same manner and as fully and effectually as if no such registration, exhibition, exposure, or publication had been made; provided that every article to which any such design shall be applied, and which shall be exhibited or exposed by or with the licence or consent of the proprietor of such design, shall have thereon or attached thereto the words "provisionally registered," with the date of registration.

The exhibition
of provisionally
registered
designs in cer-
tain places not
to defeat copy-
right, &c.

13 & 14 VICT.
c. 104.

Sale of articles
to which pro-
visionally regis-
tered designs,
&c. have been
applied to defeat
copyright, but
design itself
may be sold.

Extension of
period of pro-
visional registra-
tion by Board
of Trade.

Registration of
sculpture,
models, &c.

Benefits con-
ferred by regis-
tration of
sculpture, &c.

4. That if during the continuance of such provisional registration the proprietor of any design provisionally registered shall sell, expose, or offer for sale any article, substance, or thing to which any such design has been applied, such provisional registration shall be deemed to have been null and void immediately before any such sale, offer, or exposure shall have been first made; but nothing herein contained shall be construed to hinder or prevent such proprietor from selling or transferring the right and property in any such design.

5. That the Board of Trade may by order in writing with respect to any particular class of designs, or any particular design, extend the period for which any design may be provisionally registered under this Act, for such term not exceeding the additional term of six months as to the said Board may seem fit; and whenever any such order shall be made, the same shall be registered in the office for the registration of designs, and during the extended term the protection and benefits conferred by this Act in case of provisional registration shall continue as fully as if the original term of one year had not expired.

6. That the registrar of designs, upon application by or on behalf of the proprietor of any sculpture, model, copy, or cast within the protection of the Sculpture Copyright Acts, and upon being furnished with such copy, drawing, print, or description, in writing or in print, as in the judgment of the said registrar shall be sufficient to identify the particular sculpture, model, copy, or cast in respect of which registration is desired, and the name of the person claiming to be proprietor, together with his place of abode or business or other place of address, or the name, style, or title of the firm under which he may be trading, shall register such sculpture, model, copy, or cast in such manner and form as shall from time to time be prescribed or approved by the Board of Trade for the whole or any part of the term during which copyright in such sculpture, model, copy, or cast may or shall exist under the Sculpture Copyright Acts; and whenever any such registration shall be made, the said registrar shall certify under his hand and seal of office, in such form as the said Board shall direct or approve, the fact of such registration, and the date of the same, and the name of the registered proprietor, or the style or title of the firm under which such proprietor may be trading, together with his place of abode or business or other place of address.

7. That if any person shall, during the continuance of the copyright in any sculpture, model, copy, or cast which shall have been so registered as aforesaid, make, import, or cause to be made, imported, exposed for sale, or otherwise disposed of, any pirated copy or pirated cast of any such sculpture, model, copy, or cast, in such manner and under such circumstances as would entitle the proprietor to a special action on the case under the Sculpture Copyright Acts, the person so offending shall forfeit for every such offence a sum not less than five pounds and not exceeding thirty pounds to the proprietor of the sculpture, model, copy, or cast whereof the copyright shall have been infringed; and for the recovery of any such penalty the proprietor of the sculpture, model, copy, or cast which shall have been so pirated shall have and be entitled to the same remedies as are provided for the recovery of penalties incurred under the Designs Act, 1842: Provided always, that the proprietor of any sculpture, model, copy, or cast which shall be registered under this Act shall not be entitled to the benefit of this Act, unless every copy or cast of such sculpture, model, copy, or cast which shall be published by him after such registration shall be marked with the word "registered," and with the date of registration.

8. That designs for the ornamenting of ivory, bone, papier maché, and other solid substances, not already comprised in the classes numbered 1, 2, or 3 in the Designs Act, 1842, shall be deemed and taken to be comprised within the class numbered 4 in that Act, and such designs shall be so registered accordingly.

13 & 14 Vict.
c. 104

Designs for ornamenting ivory, &c. may be registered under Designs Act, 1842, for three years.

9. That the Board of Trade may from time to time order that the copyright of any class of designs or any particular design registered or which may be registered under the Designs Act, 1842, may be extended for such term, not exceeding the additional term of three years, as the said Board may think fit, and the said Board shall have power to revoke or alter any such order as may from time to time appear necessary; and whenever any order shall be made by the said Board under this provision, the same shall be registered in the office for the registration of designs; and during the extended term the protection and benefits conferred by the said Designs Acts shall continue as fully as if the original term had not expired.

Board of Trade may extend copyright in ornamental designs.

10. That the Board of Trade may from time to time make, alter, and revoke rules and regulations with respect to the mode of registration, and the documents and other matters and particulars to be furnished by persons effecting registration and provisional registration under the said Acts and this Act: Provided always, that all such rules and regulations shall be published in the *London Gazette*, and shall forthwith upon the issuing thereof be laid before Parliament, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the then next session; and such rules and regulations, or any of them, shall be published or notified by the registrar of designs in such other manner as the Board of Trade shall think fit to direct.

Regulations for the registration of designs may be made by Board of Trade.

11. That if in any case in which the registration of a design is required to be made under either of the said Designs Acts it shall appear to the registrar that copies, drawings, or prints as required by those Acts cannot be furnished, or that it is unreasonable or unnecessary to require the same, the said registrar may dispense with such copies, drawings, or prints, and may allow in lieu thereof such specification or description in writing or in print as may be sufficient to identify and render intelligible the design in respect of which registration is desired; and whenever registration shall be so made in the absence of such copies, drawings, or prints, the registration shall be as valid and effectual to all intents and purposes as if such copies, drawings, or prints had been furnished.

Registrar of designs may dispense with drawings, &c. in certain cases.

12. That in order to prevent the frequent and unnecessary removal of the public books and documents in the office for the registration of designs, no book or document in the said office shall be removed for the purpose of being produced in any court or before any justice of the peace, without a special order of a judge of the Court of Chancery, or one of Her Majesty's superior courts of law, first had and obtained by the party who shall desire the production of the same.

Public books and documents in the Designs Office not to be removed without judge's order.

13. That if application shall be made to a judge of any of Her Majesty's courts of law at Westminster by any person desiring to obtain a copy of any registration, entry, drawing, print, or document, of which such person is not entitled as of right to have a copy, for the purpose of being used in evidence in any cause, or otherwise howsoever, and if such judge shall be satisfied that such copy is *bonâ fide* intended for such purpose as aforesaid, such judge shall order the Registrar of Designs to deliver such copy to the party applying, and the Registrar of Designs shall, upon payment for the same of such fee or fees as may

Judges may order copies of documents to be furnished to be given in evidence.

13 & 14 Vict.
c. 104.

Copies of documents delivered by the registrar to be sealed, and to be evidence.

Certain provisions of Designs Acts, 1842 and 1843, extended to this Act.

Interpretation of terms.

be fixed according to the provisions of the said Designs Act in this behalf, deliver such copy accordingly.

14. That every copy of any registration, entry, drawing, print, or document delivered by the Registrar of Designs to any person requiring the same shall be signed by the said registrar, and sealed with his seal of office; and every document sealed with the said seal purporting to be a copy of any registration, entry, drawing, print, or document shall be deemed to be a true copy of such registration, entry, drawing, print, or document, and shall, without further proof, be received in evidence before all courts in like manner and to the same extent and effect as the original book, registration, entry, drawing, print, or document would or might be received if tendered in evidence, as well for the purpose of proving the contents, purport, and effect of such book, registration, entry, drawing, print, or document, as also proving the same to be a book, registration, entry, drawing, print, or document of or belonging to the said office, and in the custody of the Registrar of Designs.

15. That the several provisions contained in the said Designs Acts (so far as they are not repugnant to the provisions of this Act) relating to the transfer of designs, to cancelling and amending registration, to the refusal of registration in certain cases, to the mode of recovering penalties, to the awarding and recovery of costs, to actions for damages, to the limitation of actions, to the certificate of registration, to penalties for wrongfully using marks, to the fixing and application of fees for registration, and to the penalty for extortion, shall apply to the registration, provisional registration, and transfer of designs, sculptures, models, copies, and casts, and to the designs, sculptures, models, copies, and casts entitled to protection under this Act, and to matters under this Act, as fully and effectually as if those provisions had been re-enacted in this Act with respect to designs, sculptures, models, copies, and casts registered and provisionally registered under this Act; and the forms contained in the Designs Act, 1842, may for the purposes of this Act be varied so as to meet the circumstances of the case.

16. That in the interpretation of this Act the following terms and expressions shall have the meanings hereinafter assigned to them, unless such meanings shall be repugnant to or inconsistent with the context or subject-matter; that is to say,

The expression "Designs Act, 1842," shall mean an Act passed in the sixth year of the reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws, relating to the Copyright of Designs for ornamenting Articles of Manufacture:"

The expression "Designs Act, 1843," shall mean an Act passed in the seventh year of Her present Majesty, intituled "An Act to amend the Laws relating to the Copyright of Designs:"

The expression "Sculpture Copyright Acts" shall mean two Acts passed respectively in the thirty-eighth and fifty-fourth years of the reign of King George the Third, and intituled respectively "An Act for encouraging the Art of making new Models and Casts of Busts and other Things herein mentioned," and "An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned:"

The expression the "Board of Trade," shall mean the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations:

The expression "Registrar of Designs" shall mean the Registrar or Assistant-Registrar of Designs for Articles of Manufacture:

The expression "proprietor" shall be construed according to the interpretation of that word in the said Designs Act, 1842: 18 & 14 Vict. c. 104.

And words in the singular number shall include the plural, and words applicable to males shall include females.

17. That in citing this Act in other Acts of Parliament, and in any instrument, document, or proceeding, it shall be sufficient to use the words and figures following, that is to say, "the Designs Act, 1850." Short title.

15 VICT. CAP. 12.

An Act to enable Her Majesty to carry into effect a Convention with France on the Subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings.—[28th May, 1852.] 15 Vict. c. 12.

WHEREAS an Act was passed in the seventh year of the reign of Her present Majesty, intituled "An Act to amend the Law relating to International Copyright," hereinafter called "The International Copyright Act:" and whereas a convention has lately been concluded between Her Majesty and the French Republic, for extending in each country the enjoyment of copyright in works of literature and the fine arts first published in the other, and for certain reductions of duties now levied on books, prints, and musical works published in France: and whereas certain of the stipulations on the part of Her Majesty contained in the said treaty require the authority of Parliament: and whereas it is expedient that such authority should be given, and that Her Majesty should be enabled to make similar stipulations in any treaty on the subject of copyright which may hereafter be concluded with any foreign power: Be it enacted by the Queen'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, as follows: 7 & 8 Vict. c. 12.

1. The eighteenth section of the said Act of the seventh year of Her present Majesty, chapter twelve, shall be repealed, so far as the same is inconsistent with the provisions hereinafter contained. Translations.
Partial repeal of
7 & 8 Vict. c. 12,
s. 18.

2. Her Majesty may, by Order in Council, direct that the authors of books which are, after a future time, to be specified in such order, published in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions hereinafter contained or referred to, be empowered to prevent the publication in the British Dominions of any translations of such books not authorised by them, for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorised translations of such books hereinafter mentioned are respectively first published, and in the case of books published in parts, not extending as to each part beyond the expiration of five years from the time at which the authorised translation of such part is first published. Her Majesty may by Order in Council direct that the authors of books published in foreign countries may for a limited time prevent unauthorised translations.

3. Subject to any provisions or qualifications contained in such order, and to the provisions herein contained or referred to, the laws and enactments for the time being in force for the purpose of preventing the infringement of copyright in books published in the British dominions shall be applied for the purpose of preventing the publication of translations of the books to which such order extends which are not sanctioned by the authors of such books, except only such parts of the said enactments as relate to the delivery of copies of Thereupon the law of copyright shall extend to prevent such translations.

15 Vict. c. 12.

Her Majesty may by Order in Council direct that the authors of dramatic works represented in foreign countries may for a limited time prevent unauthorised translations.

Thereupon the law for protecting the representation of such pieces shall extend to prevent unauthorised translations.

Adaptations, &c. of dramatic pieces to the English stage not prevented.

All articles in newspapers, &c. relating to politics may be republished or translated; and also all similar articles on any subject, unless the author has notified his intention to reserve the right.

No author to be entitled to benefit of this Act without complying with the requisitions herein specified.

books for the use of the British Museum, and for the use of the other libraries therein referred to.

4. Her Majesty may, by Order in Council, direct that authors of dramatic pieces which are, after a future time, to be specified in such order, first publicly represented in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions hereinafter mentioned or referred to, be empowered to prevent the representation in the British dominions of any translation of such dramatic pieces not authorised by them, for such time as may be specified in such order, not extending beyond the expiration of five years from the time at which the authorised translations of such dramatic pieces hereinafter mentioned are first published or publicly represented.

5. Subject to any provisions or qualifications contained in such last-mentioned order, and to the provisions hereinafter contained or referred to, the laws and enactments for the time being in force for ensuring to the author of any dramatic piece first publicly represented in the British dominions the sole liberty of representing the same shall be applied for the purpose of preventing the representation of any translations of the dramatic pieces to which such last-mentioned order extends, which are not sanctioned by the authors thereof.

6. Nothing herein contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country.

7. Notwithstanding anything in the said International Copyright Act or in this Act contained, any article of political discussion which has been published in any newspaper or periodical in a foreign country may, if the source from which the same is taken be acknowledged, be republished or translated in any newspaper or periodical in this country; and any article relating to any other subject which has been so published as aforesaid may, if the source from which the same is taken be acknowledged, be republished or translated in like manner, unless the author has signified his intention of preserving the copyright therein, and the right of translating the same, in some conspicuous part of the newspaper or periodical in which the same was first published, in which case the same shall, without the formalities required by the next following section, receive the same protection as is by virtue of the International Copyright Act or this Act extended to books.

8. No author, or his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any Order in Council issued in pursuance thereof, in respect of the translation of any book or dramatic piece, if the following requisitions are not complied with; (that is to say,)

1. The original work from which the translation is to be made must be registered and a copy thereof deposited in the United Kingdom in the manner required for original works by the said International Copyright Act, within three calendar months of its first publication in the foreign country:
2. The author must notify on the title page of the original work, or if it is published in parts, on the title page of the first part, or if there is no title page, on some conspicuous part of the work, that it is his intention to reserve the right of translating it:
3. The translation sanctioned by the author, or a part thereof, must be published either in the country mentioned in the Order in Council by virtue of which it is to be protected or in the British dominions, not later than one year after the registration and

deposit in the United Kingdom of the original work, and the whole of such translation must be published within three years of such registration and deposit: 15 VICT. c. 12.

4. Such translation must be registered and a copy thereof deposited in the United Kingdom within a time to be mentioned in that behalf in the order by which it is protected, and in the manner provided by the said International Copyright Act for the registration and deposit of original works:

5. In the case of books published in parts, each part of the original work must be registered and deposited in this country in the manner required by the said International Copyright within three months after the first publication thereof in the foreign country:

6. In the case of dramatic pieces the translation sanctioned by the author must be published within three calendar months of the registration of the original work:

7. The above requisitions shall apply to articles originally published in newspapers or periodicals if the same be afterwards published in a separate form, but shall not apply to such articles as originally published.

9. All copies of any works of literature or art wherein there is any subsisting copyright by virtue of the International Copyright Act and this Act, or of any Order in Council made in pursuance of such Acts or either of them, and which are printed, reprinted, or made in any foreign country except that in which such work shall be first published, and all unauthorised translations of any book or dramatic piece the publication or public representation in the British dominions of translations whereof not authorised as in this Act mentioned shall for the time being be prohibited under any Order in Council made in pursuance of this Act, are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright of such work or of such book or piece, or his agent authorised in writing; and the provision of the Act of the sixth year of Her Majesty "to amend the Law of Copyright," for the forfeiture, seizure, and destruction of any printed book first published in the United Kingdom wherein there shall be copyright, and reprinted in any country out of the British dominions, and imported into any part of the British dominions by any person not being the proprietor of the copyright, or a person authorised by such proprietor, shall extend and be applicable to all copies of any works of literature and art, and to all translations the importation whereof into any part of the British dominions is prohibited under this Act.

Pirated copies prohibited to be imported, except with consent of proprietor;

Provisions of 5 & 6 Vict. c. 45, as to forfeiture, &c. of pirated works, &c. to extend to works prohibited to be imported under this Act.

10. The provisions hereinbefore contained shall be incorporated with the International Copyright Act, and shall be read and construed therewith as one Act.

Foregoing provisions and 7 & 8 Vict. c. 12, to be read as one Act.

11. And whereas Her Majesty has already, by Order in Council under the said International Copyright Act, given effect to certain stipulations contained in the said convention with the French republic; and it is expedient that the remainder of the stipulations on the part of Her Majesty in the said convention contained should take effect from the passing of this Act without any further Order in Council: during the continuance of the said convention, and so long as the Order in Council already made under the said International Copyright Act remains in force, the provisions hereinbefore contained shall apply to the said convention, and to translations of books and dramatic pieces which are, after the passing of this Act, published or

French translations to be protected as hereinbefore mentioned, without further Order in Council.

15 VICT. c. 12.

represented in France, in the same manner as if Her Majesty had issued her Order in Council in pursuance of this Act for giving effect to such convention, and had therein directed that such translations should be protected as hereinbefore mentioned for a period of five years from the date of the first publication or public representation thereof respectively, and as if a period of three months from the publication of such translation were the time mentioned in such order as the time within which the same must be registered and a copy thereof deposited in the United Kingdom.

*Reduction of
Duties.*

Recital of 9 & 10
VICT. c. 58.

12. And whereas an Act was passed in the tenth year of Her present Majesty, intituled "An Act to amend an Act of the Seventh and Eighth Years of Her present Majesty, for reducing, under certain Circumstances, the Duties payable upon Books and Engravings:" and whereas by the said convention with the French Republic it was stipulated that the duties on books, prints, and drawings published in the territories of the French Republic should be reduced to the amounts specified in the schedule to the said Act of the tenth year of Her present Majesty, chapter fifty-eight: and whereas Her Majesty has, in pursuance of the said convention, and in exercise of the powers given by the said Act, by Order in Council declared that such duties shall be reduced accordingly: and whereas by the said convention it was further stipulated that the said rates of duty should not be raised during the continuance of the said convention; and that if during the continuance of the said convention any reduction of those rates should be made in favour of books, prints, or drawings published in any other country, such reduction shall be at the same time extended to similar articles published in France: and whereas doubts are entertained whether such lastmentioned stipulations can be carried into effect without the authority of Parliament: Be it enacted, that the said rates of duty so reduced as aforesaid shall not be raised during the continuance of the said convention; and that if during the continuance of the said convention any further reduction of such rates is made in favour of books, prints, or drawings published in any other foreign country, Her Majesty may, by Order in Council, declare that such reduction shall be extended to similar articles published in France, such order to be made and published in the same manner and to be subject to the same provisions as orders made in pursuance of the said Act of the tenth year of Her present Majesty, chapter fifty-eight.

Rates of duty
not to be raised
during continu-
ance of treaty,
and if further
reduction is
made for other
countries it may
be extended to
France.

13. And whereas doubts have arisen as to the construction of the schedule of the Act of the tenth year of Her present Majesty, chapter fifty-eight:

For removal of
doubts as to
construction of
schedule to
9 & 10 VICT. c. 58.

It is hereby declared, that for the purposes of the said Act every work published in the country of export, of which part has been originally produced in the United Kingdom, shall be deemed to be and be subject to the duty payable on "works originally produced in the United Kingdom, and republished in the country of export," although it contains also original matter not produced in the United Kingdom, unless it shall be proved to the satisfaction of the Commissioners of Her Majesty's Customs by the importer, consignee, or other person entering the same that such original matter is at least equal to the part of the work produced in the United Kingdom, in which case the work shall be subject only to the duty on "works not originally produced in the United Kingdom."

Lithographs, &c.

Recital of
8 GEO. 2, c. 13.
7 GEO. 3, c. 38.
17 GEO. 3, c. 57.

14. And whereas by the four several Acts of Parliament following; (that is to say,) an Act of the eighth year of the reign of King George the Second, chapter thirteen; an Act of the seventh year of the reign of King George the Third, chapter thirty-eight; an Act of

the seventeenth year of the reign of King George the Third, chapter fifty-seven; and an Act of the seventh year of King William the Fourth, chapter fifty-nine, provision is made for securing to every person who invents, or designs, engraves, etches, or works in mezzotinto or chiaro-oscuro, or, from his own work, design, or invention, causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro, any historical print or prints, or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and to every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked any print taken from any picture, drawing, model, or sculpture, notwithstanding such print has not been graven or drawn from his own original design, certain copyrights therein defined: And whereas doubts are entertained whether the provisions of the said Acts extend to lithographs and certain other impressions, and it is expedient to remove such doubts:

It is hereby declared, that the provisions of the said Acts are intended to include prints taken by lithography, or any other mechanical process by which prints or impressions of drawings or designs are capable of being multiplied indefinitely, and the said Acts shall be construed accordingly.

15 VICT. c. 12.
6 & 7 WILL. 4,
c. 59.

For removal of doubts as to the provisions of the said Acts including lithographs, prints, &c.

18 & 19 VICT, CAP. 41.

An Act for abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for Defamation.—[26th June, 1855.] 18 & 19 VICT. c. 41.

WHEREAS the jurisdiction of the Ecclesiastical Courts in suits for defamation has ceased to be the means of enforcing the spiritual discipline of the Church, and has become grievous and oppressive to the subjects of this realm: Be it therefore enacted by the Queen'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, as follows:

1. From and after the passing of this Act it shall not be lawful for any ecclesiastical court in England or Wales to entertain or adjudicate upon any suit for or cause of defamation, any statute, law, canon, custom, or usage to the contrary notwithstanding.

2. In the case of every person committed to gaol before the passing of this Act under any writ *de contumace capiendo*, issued in consequence of any proceedings before any ecclesiastical court, in any cause or suit for defamation of character, the judge of the ecclesiastical court before whom such proceedings shall have been had shall make an order upon the officer in whose custody such person is for discharging such person out of custody, and such officer shall, on the receipt of such order, forthwith discharge such person; and it shall not be necessary for such person to take any oath of future obedience to his or her ordinary: Provided always, that such order shall not be made unless the costs lawfully incurred in any such suit shall have been previously paid into the registry of such ecclesiastical court, or unless the person against whom such costs shall have been decreed shall have already suffered imprisonment for one month in consequence of nonpayment thereof.

Jurisdiction of ecclesiastical courts in England, &c. in suits for defamation abolished.

Persons in custody for defamation under order of ecclesiastical courts to be discharged, but such order not to be made until costs are paid.

20 & 21 VICT. CAP. 83.

20 & 21 VICT.
c. 83. *An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.*—[25th August, 1857.]

WHEREAS it is expedient to give additional powers for the suppression of the trade in obscene books, prints, drawings, and other obscene articles: Be it enacted by the Queen'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, as follows:

Justices, &c.
may authorise
search of sus-
pected premises.

1. It shall be lawful for any metropolitan police magistrate or other stipendiary magistrate, or for any two justices of the peace, upon complaint made before him or them upon oath that the complainant has reason to believe, and does believe, that any obscene books, papers, writings, prints, pictures, drawings, or other representations are kept in any house, shop, room, or other place within the limits of the jurisdiction of any such magistrate or justices, for the purpose of sale or distribution, exhibition for purposes of gain, lending upon hire, or being otherwise published for purposes of gain, which complainant shall also state upon oath that one or more articles of the like character have been sold, distributed, exhibited, lent, or otherwise published as aforesaid, at or in connection with such place, so as to satisfy such magistrate or justices that the belief of the said complainant is well founded, and upon such magistrate or justices being also satisfied that any of such articles so kept for any of the purposes aforesaid are of such a character and description that the publication of them would be a misdemeanour, and proper to be prosecuted as such, to give authority by special warrant to any constable or police officer into such house, shop, room, or other place, with such assistance as may be necessary, to enter in the daytime, and, if necessary, to use force, by breaking open doors or otherwise, and to search for and seize all such books, papers, writings, prints, pictures, drawings, or other representations as aforesaid found in such house, shop, room, or other place, and to carry all the articles so seized before the magistrate or justices issuing the said warrant, or some other magistrate or justices exercising the same jurisdiction; and such magistrate or justices shall thereupon issue a summons calling upon the occupier of the house or other place which may have been so entered by virtue of the said warrant to appear within seven days before such police stipendiary magistrate or any two justices in petty sessions for the district, to show cause why the articles so seized should not be destroyed; and if such occupier or some other person claiming to be the owner of the said articles shall not appear within the time aforesaid, or shall appear, and such magistrate or justices shall be satisfied that such articles or any of them are of the character stated in the warrant, and that such or any of them have been kept for any of the purposes aforesaid, it shall be lawful for the said magistrate or justices, and he or they are hereby required, to order the articles so seized, except such of them as he or they may consider necessary to be preserved as evidence in some further proceeding, to be destroyed at the expiration of the time hereinafter allowed for lodging an appeal, unless notice of appeal as hereinafter mentioned be given, and such articles shall be in the meantime impounded; and if such magistrate or justices shall be satisfied that the articles seized are not of the character stated in the warrant, or have not been kept for any of the purposes aforesaid, he or they shall forthwith direct them to be

restored to the occupier of the house or other place in which they were seized.

20 & 21 Vict.
c. 83.

2. No plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, or in, under, or by virtue of any authority hereby given, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding, before such action brought; and in case no tender shall have been made it shall be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall think fit, whereupon such proceeding, order, and adjudication shall be had and made in and by such court as in other actions where defendants are allowed to pay money into court.

Tender of
amends, &c.

3. No action, suit, or information, or any other proceeding, of what nature soever, shall be brought against any person for anything done or omitted to be done in pursuance of this Act, or in the execution of the authorities under this Act, unless notice in writing shall be given by the party intending to prosecute such action, suit, information, or other proceeding, to the intended defendant, one calendar month at least before prosecuting the same, nor unless such action, suit, information, or other proceeding shall be brought or commenced within three calendar months next after the act or omission complained of, or in case there shall be a continuation of damage, then within three calendar months next after the doing such damage shall have ceased.

Limitation of
actions.

4. Any person aggrieved by any act or determination of such magistrate or justices in or concerning the execution of this Act, may appeal to the next general or quarter sessions for the county, riding, division, city, borough, or place in and for which such magistrate or justices shall have so acted, giving to the magistrate or justices of the peace whose act or determination shall be appealed against notice in writing of such appeal, and of the grounds thereof, within seven days after such act or determination and before the next general or quarter sessions, and entering within such seven days into a recognizance, with sufficient surety, before a justice of the peace for the county, city, borough, or place in which such act or determination shall have taken place, personally to appear and prosecute such appeal, and to abide the order of and pay such costs as shall be awarded by such court of quarter sessions or any adjournment thereof, and the court at such general or quarter sessions shall hear and determine the matter of such appeal, and shall make such order therein as shall to the said court seem meet; and such court, upon hearing and finally determining such appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and if such appeal be dismissed or decided against the appellant or be not prosecuted, such court may order the articles seized forthwith to be destroyed: Provided always, that it shall not be lawful for the appellant on the hearing of any such appeal to go into or give evidence of any other grounds of appeal against any such order, act, or determination than those set forth in such notice of appeal.

Appeal.

5. This Act shall not extend to Scotland.

Act not to ex-
tend to Scotland.

21 & 22 VICT. CAP. 70.

21 & 22 VICT.
c. 70.

An Act to amend the Act of the fifth and sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.—[2nd August, 1858.]

5 & 6 VICT. c. 100.

WHEREAS by an Act passed in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," hereinafter called "The Copyright of Designs Act, 1842," there was granted to the proprietor of any new and original design in respect of the application of any such design to ornamenting any article of manufacture contained in the tenth class therein mentioned, with the exceptions therein mentioned, the sole right to apply the same to any articles of manufacture, or any such substances as therein mentioned, for the term of nine calendar months, to be computed from the time of such design being registered according to the said Act: And whereas it is expedient that the term of copyright, in respect of the application of designs to the ornamenting of articles of manufacture comprised in the said tenth class, should be extended, and that some of the provisions of the said Act should be altered, and that further provision should be made for the prevention of piracy, and for the protection of copyright in designs under the Acts in the schedule hereto annexed, and hereinafter called "The Copyright of Designs Acts:" Be it therefore enacted by the Queen'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, as follows; that is to say,

Short title.

1. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression "The Copyright of Designs Act, 1858."

Copyright of
Designs Acts
and this Act to
be as one.

2. The said Copyright of Designs Act and this Act shall be construed together as one Act.

Extension of
term of copy-
right as to the
tenth class men-
tioned in 5 & 6
VICT. c. 100.

3. In respect of the application of any new and original design for ornamenting any article of manufacture contained in the tenth class mentioned in the Copyright of Designs Act, 1842, the term of copyright shall be three years, to be computed from the time of such design being registered, in pursuance of the provisions of the Copyright of Designs Acts, and of this Act: Provided nevertheless, that the term of such copyright shall expire on the thirty-first of December in the second year after the year in which such design was registered, whatever may be the day of such registration.

Copyright not
to be prejudiced
if articles
marked.

4. Nothing in the fourth section of the Copyright of Designs Act, 1842, shall extend or be construed to extend to deprive the proprietor of any new and original design applied to ornamenting any article of manufacture contained in the said tenth class of the benefits of the Copyright of Designs Acts, or of this Act: Provided there shall have been printed on such articles at each end of the original piece thereof the name and address of such proprietor, and the word "registered," together with the years for which such design was registered.

Pattern may be
registered.

5. And be it declared, that the registration of any pattern or portion of an article of manufacture to which a design is applied, instead or in lieu of a copy, drawing, print, specification, or description in writing, shall be as valid and effectual to all intents and purposes as if such copy, drawing, print, specification, or description in writing had been furnished to the registrar under the Copyright of Designs Acts.

Proprietor to
give the number
and date of
registration.

6. The proprietor of such extended copyright shall, on application by or on behalf of any person producing or vending any article of

manufacture so marked, give the number and the date of the registration of any article of manufacture so marked; and any proprietor so applied to who shall not give the number and date of such registration shall be subject to a penalty of ten pounds, to be recovered by the applicant, with full costs of suit, in any court of competent jurisdiction.

21 & 22 Vict.
c. 70.

7. Any person who shall wilfully apply any mark of registration to any article of manufacture in respect whereof the application of the design thereto shall not have been registered, or after the term of copyright shall have expired, or who shall, during the term of copyright, without the authority of the proprietor of any registered design, wilfully apply the mark printed on the piece of any article of manufacture, or who shall knowingly sell or issue any article of manufacture to which such mark has been wilfully and without due authority applied, shall be subject to a penalty of ten pounds, to be recovered by the proprietor of such design, with full costs of suit, in any court of competent jurisdiction.

Penalty on
issuing articles
not so marked.

8. Notwithstanding anything in the Copyright of Designs Acts, it shall be lawful for the proprietor of copyright in any design under the Copyright of Designs Acts, or this Act, to institute proceedings in the county court of the district within which the piracy is alleged to have been committed, for the recovery of damages which he may have sustained by reason of such piracy: Provided always, that in any such proceedings the plaintiff shall deliver with his plaint a statement of particulars as to the date and title or other description of the registration whereof the copyright is alleged to be pirated, and as to the alleged piracy; and the defendant, if he intends at the trial to rely as a defence on any objection to such copyright, or to the title of the proprietor therein, shall give notice in the manner provided in the seventy-sixth section of the Act of the ninth and tenth Victoria, chapter ninety-five, of his intention to rely on such special defence, and shall state in such notice the date of publication and other particulars of any designs whereof prior publication is alleged, or of any objection to such copyright, or to the title of the proprietor to such copyright; and it shall be lawful for the judge of the county court, at the instance of the defendant or plaintiff respectively, to require any statement or notice so delivered by the plaintiff or of the defendant respectively to be amended in such manner as the said judge may think fit.

Proceedings for
prevention of
piracy may be
instituted in the
county courts.

9. The provisions of an Act of the ninth and tenth Victoria, chapter ninety-five, and of the twelfth and thirteenth Victoria, chapter one hundred, as to proceedings in any plaint, and as to appeal, and as to writs of prohibition, shall, so far as they are not inconsistent with or repugnant to the provisions of this Act, be applicable to any proceedings for piracy of copyright of designs under the said Copyright of Designs Acts or this Act.

The proceedings
of County Courts
Acts applicable
to proceedings
for piracy of
designs.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

5 & 6 Vict. c. 100. [10 Aug. 1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vict. c. 65. [22 Aug. 1843.]	An Act to amend the laws relating to the copyright of designs.
13 & 14 Vict. c. 104. [14 Aug. 1850.]	An Act to extend and amend the Acts relating to the copyright of designs.
14 Vict. c. 3. [11 April, 1851.]	An Act to extend the provisions of the Designs Act, 1850, and to give protection from piracy to persons exhibiting new inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.

24 & 25 VICT. CAP. 73.

24 & 25 VICT.
c. 73.*An Act to amend the Law relating to the Copyright of Designs.*
[6th August, 1861.]

5 & 6 Vict. c. 100.

WHEREAS by an Act passed in the session holden in the fifth and sixth years of the reign of Her present Majesty, chapter one hundred, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," it was enacted, that the proprietor of every such design as therein mentioned, not previously published either within the United Kingdom of Great Britain and Ireland or elsewhere, should have the sole right to apply the same to any articles of manufacture, or to any such substances as therein mentioned, provided the same were done within the United Kingdom of Great Britain and Ireland, for the respective terms therein mentioned, and should have such copyright in such designs as therein provided: And whereas divers Acts have since been passed extending or amending the said recited Acts: and whereas it is expedient that the provisions of the said recited Act, and of all Acts extending or amending the same, should apply to designs, and to the application of such designs, within the meaning of the said Acts, whether such application be effected within the United Kingdom or elsewhere: Be it enacted by the Queen'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, as follows:

5 & 6 Vict. c. 100,
and other Acts
relating to copy-
right of designs,
extended.

1. That the said recited Act, and all Acts extending or amending the same, shall be construed as if the words "provided the same be done within the United Kingdom of Great Britain and Ireland" had not been contained in the said recited Act; and the said recited Act, and all Acts extending or amending the same, shall apply to every such design as therein referred to, whether the application thereof be done within the United Kingdom or elsewhere, and whether the inventor or proprietor of such design be or be not a subject of Her Majesty.

Application of
Acts.

2. That the said several Acts shall not be construed to apply to the subjects of Her Majesty only.

25 & 26 VICT. CAP. 68.

25 & 26 VICT.
c. 68.*An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.*—[29th July, 1862.]

WHEREAS by law, as now established, the authors of paintings, drawings, and photographs have no copyright in such their works, and it is expedient that the law should in that respect be amended: Be it therefore enacted by the Queen'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 as follows:

Copyright in
works hereafter
made or sold to
vest in the
author for his
life and for
seven years
after his death.

1. The author, being a British subject or resident within the dominions of the Crown, of every original painting, drawing, and photograph which shall be or shall have been made either in the British dominions or elsewhere, and which shall not have been sold or disposed of before the commencement of this Act, and his assigns,

shall have the sole and exclusive right of copying, engraving, reproducing, and multiplying such painting or drawing, and the design thereof, or such photograph, and the negative thereof, by any means and of any size, for the term of the natural life of such author, and seven years after his death; provided that when any painting or drawing, or the negative of any photograph, shall for the first time after the passing of this Act be sold or disposed of, or shall be made or executed for or on behalf of any other person for a good or a valuable consideration, the person so selling or disposing of or making or executing the same shall not retain the copyright thereof, unless it be expressly reserved to him by agreement in writing, signed, at or before the time of such sale or disposition, by the vendee or assignee of such painting or drawing, or of such negative of a photograph, or by the person for or on whose behalf the same shall be so made or executed, but the copyright shall belong to the vendee or assignee of such painting or drawing, or of such negative of a photograph, or to the person for or on whose behalf the same shall have been made or executed; nor shall the vendee or assignee thereof be entitled to any such copyright, unless, at or before the time of such sale or disposition, an agreement in writing, signed by the person so selling or disposing of the same, or by his agent duly authorised, shall have been made to that effect.

25 & 26 VICT.
c. 68

2. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright, or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

Copyright not to prevent the representation of the same subjects in other works.

3. All copyright under this Act shall be deemed personal or moveable estate, and shall be assignable at law, and every assignment thereof, and every licence to use or copy by any means or process the design or work which shall be the subject of such copyright, shall be made by some note or memorandum in writing, to be signed by the proprietor of the copyright, or by his agent appointed for that purpose in writing.

Assignments, licences, &c. to be in writing.

4. There shall be kept at the Hall of the Stationers Company, by the officer appointed by the said company for the purposes of the Act passed in the sixth year of Her present Majesty, intituled "An Act to amend the Law of Copyright," a book or books, entitled "The Register of Proprietors of Copyright in Paintings, Drawings, and Photographs," wherein shall be entered a memorandum of every copyright to which any person shall be entitled under this Act, and also of every subsequent assignment of any such copyright; and such memorandum shall contain a statement of the date of such agreement or assignment, and of the names of the parties thereto, and of the name and place of abode of the person in whom such copyright shall be vested by virtue thereof, and of the name and place of abode of the author of the work in which there shall be such copyright, together with a short description of the nature and subject of such work, and in addition thereto, if the person registering shall so desire, a sketch, outline, or photograph of the said work, and no proprietor of any such copyright shall be entitled to the benefit of this Act until such registration, and no action shall be sustainable nor any penalty be recoverable in respect of anything done before registration.

Register of proprietors of copyright in paintings, drawings, and photographs to be kept at Stationers Hall as in 5 & 6 Vict. c. 45.

5. The several enactments in the said Act of the sixth year of Her present Majesty contained, with relation to keeping the register book thereby required, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in

Certain enactments of 5 & 6 Vict. c. 45, to apply to the books to be kept under this Act.

25 & 26 VICT.
c. 68.

the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the application to the courts and judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the book or books to be kept by virtue of this Act, and to the entries and assignments of copyright and proprietorship therein under this Act, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said Act of the sixth year of Her present Majesty may be varied to meet the circumstances of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be one shilling only.

Penalties on infringement of copyright.

6. If the author of any painting, drawing, or photograph in which there shall be subsisting copyright, after having sold or disposed of such copyright, or if any other person, not being the proprietor for the time being of copyright in any painting, drawing, or photograph, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply for sale, hire, exhibition, or distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, exhibition, or distribution, any such work or the design thereof, or, knowing that any such repetition, copy, or other imitation has been unlawfully made, shall import into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of the said work, or of the design thereof, made without such consent as aforesaid, such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding ten pounds; and all such repetitions, copies, and imitations made without such consent as aforesaid, and all negatives of photographs made for the purpose of obtaining such copies, shall be forfeited to the proprietor of the copyright.

Penalties on fraudulent productions and sales.

7. No person shall do or cause to be done any or either of the following acts; that is to say,

First, no person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any painting, drawing, or photograph, or the negative thereof, any name, initials, or monogram:

Secondly, no person shall fraudulently sell, publish, exhibit, or dispose of, or offer for sale, exhibition, or distribution, any painting, drawing, or photograph, or negative of a photograph, having thereon the name, initials, or monogram of a person who did not execute or make such work:

Thirdly, no person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any copy or colourable imitation of any painting, drawing, or photograph, or negative of a photograph, whether there shall be subsisting copyright therein or not, as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken:

Fourthly, where the author or maker of any painting, drawing, or photograph, or negative of a photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the possession of such work, if any alteration shall afterwards be made therein by any other person, by addition or other-

wise, no person shall be at liberty, during the life of the author or maker of such work, without his consent, to make or knowingly to sell or publish, or offer for sale, such work or any copies of such work so altered as aforesaid, or of any part thereof, as or for the unaltered work of such author or maker.

25 & 26 Vict.
c. 68.

Every offender under this section shall, upon conviction, forfeit to the person aggrieved a sum not exceeding ten pounds, or not exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works shall have been sold or offered for sale; and all such copies, engravings, imitations, or altered works shall be forfeited to the person, or the assigns or legal representatives of the person, whose name, initials, or monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the penalties imposed by this section shall not be incurred unless the person whose name, initials, or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within twenty years next before the time when the offence may have been committed. Penalties.

8. All pecuniary penalties which shall be incurred, and all such unlawful copies, imitations, and all other effects and things as shall have been forfeited by offenders, pursuant to this Act, and pursuant to any Act for the protection of copyright engravings, may be recovered by the person hereinbefore and in any such Act as aforesaid empowered to recover the same respectively, and hereinafter called the complainant or the complainer, as follows: Recovery of pecuniary penalties.

In England and Ireland, either by action against the party offending, or by summary proceeding before any two justices having jurisdiction where the party offending resides: In England and Ireland.

In Scotland by action before the Court of Session in ordinary form, or by summary action before the sheriff of the county where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending, or by the oath or affirmation of one or more credible witnesses, shall convict the offender, and find him liable to the penalty or penalties aforesaid, as also in expenses, and it shall be lawful for the sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided always, that it shall be lawful to the sheriff, in the event of his dismissing the action and assoilzieing the defender, to find the complainer liable in expenses, and any judgment so to be pronounced by the sheriff in such summary application shall be final and conclusive, and not subject to review by advocacy, suspension, reduction, or otherwise. In Scotland.

9. In any action in any of Her Majesty's superior courts of record at Westminster and in Dublin, for the infringement of any such copyright as aforesaid, it shall be lawful for the court in which such action is pending, if the court be then sitting, or if the court be not sitting, then for a judge of such court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, and account, and to give such directions respecting such action, injunction, inspection, and account and the proceedings therein respectively, as to such court or judge may seem fit. Superior courts of record in which any action is pending may make an order for an injunction, inspection, or account.

25 & 26 Vict.
c. 68.
—
Importation of
pirated works
prohibited.

Application in
such cases of
Customs Act.

Saving of right
to bring action
for damages.

10. All repetitions, copies, or imitations of paintings, drawings, or photographs, wherein or in the design whereof there shall be subsisting copyright under this Act, and all repetitions, copies, and imitations of the design of any such painting or drawing, or of the negative of any such photograph, which, contrary to the provisions of this Act, shall have been made in any foreign State, or in any part of the British dominions, are hereby absolutely prohibited to be imported into any part of the United Kingdom, except by or with the consent of the proprietor of the copyright thereof, or his agent authorised in writing; and if the proprietor of any such copyright, or his agent, shall declare that any goods imported are repetitions, copies, or imitations of any such painting, drawing, or photograph, or of the negative of any such photograph, and so prohibited as aforesaid, then such goods may be detained by the officers of Her Majesty's customs.

11. If the author of any painting, drawing, or photograph, in which there shall be subsisting copyright, after having sold or otherwise disposed of such copyright, or if any other person, not being the proprietor for the time being of such copyright, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied, for sale, hire, exhibition, or distribution, any such work or the design thereof, or the negative of any such photograph, or shall import or cause to be imported into any part of the United Kingdom, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be sold, published, let to hire, exhibited, or distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of such work, or the design thereof, or the negative of any such photograph, made without such consent as aforesaid, then every such proprietor, in addition to the remedies hereby given for the recovery of any such penalties, and forfeiture of any such things as aforesaid, may recover damages by and in a special action on the case, to be brought against the person so offending, and may in such action recover and enforce the delivery to him of all unlawful repetitions, copies, and imitations, and negatives of photographs, or may recover damages for the retention or conversion thereof: Provided that nothing herein contained, nor any proceeding, conviction, or judgment, for any act hereby forbidden, shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in equity.

Provisions of
7 & 8 Vict. c. 12,
to be considered
as included in
this Act.

12. This Act shall be considered as including the provisions of the Act passed in the session of Parliament held in the seventh and eighth years of Her present Majesty, intituled "An Act to amend the Law relating to international Copyright," in the same manner as if such provisions were part of this Act.

32 & 33 VICT. CAP. 24.

32 & 33 Vict.
c. 24.
—

An Act to repeal certain Enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typesetters, and Reading Rooms.—[12th July, 1869.]

BE it enacted by the Queen'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, as follows :

1. The Acts and parts of Acts described in the first schedule to this Act are hereby repealed, but the provisions of the said Acts which are set out in the second schedule to this Act shall continue in force in the same manner as if they were enacted in the body of this Act; and this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, and all such remedies and proceedings may be had and continued in the same manner as if this Act had not passed.

2. This Act may be cited as the Newspapers, Printers, and Reading Rooms Repeal Act, 1869.

32 & 33 Vict.
c. 24.

Acts and parts
of Acts in first
schedule re-
pealed except
as in second
schedule.

FIRST SCHEDULE.

Date of Act.	Title of Act, and part repealed.
36 Geo. 3, c. 8.	An Act for the more effectually preventing seditious meetings and assemblies.
39 Geo. 3, c. 79, in part.	An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices ... Sections fifteen to thirty-three, both inclusive, and so much of sections thirty-four to thirty-nine as relates to the above-mentioned sections.
51 Geo. 3, c. 65.	An Act to explain and amend an Act passed in the thirty-ninth year of his Majesty's reign, intituled—"An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices," so far as respects certain penalties on printers and publishers.
55 Geo. 3, c. 101, in part.	An Act to regulate the collection of stamp duties and matters in respect of which licences may be granted by the commissioner of stamps in Ireland } In part ; Section thirteen. } namely,—
60 Geo. 3 & 1 Geo. 4, c. 9.	An Act to subject certain publications to the duties of stamps upon newspapers, and to make other regulations for restraining the abuses arising from the publication of blasphemous and seditious libels.
11 Geo. 4 & 1 Will. 4, c. 73.	An Act to repeal so much of an Act of the sixtieth year of his late Majesty King George the Third, for the more effectual prevention and punishment of blasphemous and seditious libels, as relates to the sentence of banishment for the second offence, and to provide some further remedy against the abuse of publishing libels.
6 & 7 Will. 4, c. 76, in part.	An Act to reduce the duties on newspapers, and to amend the laws relating to the duties on newspapers and advertisements ... } In part ; Except sections one to four (both inclusive), sections thirty-four and thirty-five, and the schedule. } namely,—
2 & 3 Vict. c. 12.	An Act to amend an Act of the thirty-ninth year of King George the Third, for the more effectual suppression of societies established for seditious and treasonable purposes, and for preventing treasonable and seditious practices, and to put an end to certain proceedings now pending under the said Act.
5 & 6 Vict. c. 82, in part.	An Act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same until the tenth day of October one thousand eight hundred and forty-five ... } In part ; The following words in section twenty "and also licence to any person to keep any printing presses and types for printing in Ireland." } namely,—

32 & 33 Vict.
c. 24.

Date of Act.	Title of Act, and part repealed.
9 & 10 Vict. c. 33, in part.	An Act to amend the laws relating to corresponding societies and the licensing of lecture rooms. ... } In part; namely,— So far as it relates to any proceedings under the enactments repealed by this schedule.
16 & 17 Vict. c. 59, in part.	An Act to repeal certain stamp duties and to grant others in lieu thereof, to amend the laws relating to stamp duties, and to make perpetual certain stamp duties in Ireland ... } In part; namely,— So much of section twenty as makes perpetual the provisions of 5 & 6 Vict. c. 82, repealed by this Act.

SECOND SCHEDULE.

The enactments in this schedule, with the exception of sect. 19 of 6 & 7 Will. 4, c. 76, do not apply to Ireland.

89 Geo. 3, c. 79.

Section twenty-eight.

Not to extend to papers printed by authority of Parliament. Nothing in this Act contained shall extend or be construed to extend to any papers printed by the authority and for the use of either House of Parliament.

Section twenty-nine.

Printers to keep a copy of every paper they print, and write thereon the name and abode of their employer. Every person who shall print any paper for hire, reward, gain, or profit, shall carefully preserve and keep one copy (at least) of every paper so printed by him or her, on which he or she shall write, or cause to be written or printed, in fair and legible characters, the name and place of abode of the person or persons by whom he or she shall be employed to print the same; and every person printing any paper for hire, reward, gain, or profit who shall omit or neglect to write or cause to be written or printed as aforesaid, the name and place of his or her employer on one of such printed papers, or to keep or preserve the same for the space of six calendar months next after the printing thereof, or to produce and show the same to any justice of the peace who within the said space of six calendar months shall require to see the same, shall for every such omission, neglect, or refusal forfeit and lose the sum of twenty pounds.

Penalty of 20% for neglect or refusing to produce the copy within six months.

Section thirty-one.

Not to extend to impressions of engravings or the printing names and addresses. Nothing herein contained shall extend to the impression of any engraving, or to the printing by letterpress of the name, or the name and address, or business or profession, of any person, and the articles in which he deals, or to any papers for the sale of estates or goods by auction or otherwise.

Section thirty-four.

Prosecutions to be commenced within three months after penalty is incurred. No person shall be prosecuted or sued for any penalty imposed by this Act, unless such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Recovery of penalties.

Part of section thirty-five. And any pecuniary penalty imposed by this Act, and not exceeding the sum of twenty pounds, shall and may be recovered before any justice or justices of the peace for the county, stewardry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way.

Section thirty-six.

Application of penalties. All pecuniary penalties hereinbefore imposed by this Act shall, when recovered in a summary way before any justice, be applied and disposed of in manner hereinafter mentioned; that is to say, one moiety thereof to the informer before any justice, and the other moiety thereof to his Majesty, his heirs and successors.

51 Geo. 3, c. 65.

Section three.

Name and residence of printers not required to be put to bank. Nothing in the said Act of the thirty-ninth year of King George the Third, chapter seventy-nine, or in this Act contained shall extend or be construed to extend to require the name and residence of the printer to be printed upon any

bank note, or bank post bill of the governor and company of the Bank of England, upon any bill of exchange, or promissory note, or upon any bond or other security for payment of money, or upon any bill of lading, policy of insurance, letter of attorney, deed, or agreement, or upon any transfer or assignment of any public stocks, funds, or other securities, or upon any transfer or assignment of the stocks of any public corporation or company authorised or sanctioned by Act of Parliament, or upon any dividend warrant of or for any such public or other stocks, funds, or securities, or upon any receipt for money or goods, or upon any proceeding in any court of law or equity, or in any inferior court, warrant, order, or other papers printed by the authority of any public board or public officer in the execution of the duties of their respective offices, notwithstanding the whole or any part of the said several securities, instruments, proceedings, matters, and things aforesaid shall have been or shall be printed.

32 & 33 Vict.
c. 24.

notes, bills, &c.
or to any paper
printed by
authority of any
public board or
public office.

6 & 7 Will. 4, c. 76.

Section nineteen.

If any person shall file any bill in any court for the discovery of the name of any person concerned as printer, publisher, or proprietor of any newspaper, or of any matters relative to the printing or publishing of any newspaper, in order the more effectually to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such bill, but such defendant shall be compellable to make the discovery required; provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant, save only in that proceeding for which the discovery is made.

Discovery of
proprietors,
printers, or
publishers of
newspapers may
be enforced by
bill, &c.

2 & 3 Vict. c. 12.

Section two.

Every person who shall print any paper or book whatsoever which shall be meant to be published or dispersed, and who shall not print upon the front of every such paper, if the same shall be printed on one side only, or upon the first or last leaf of every paper or book which shall consist of more than one leaf, in legible characters, his or her name and usual place of abode or business, and every person who shall publish or disperse, or assist in publishing or dispersing, any printed paper or book on which the name and place of abode of the person printing the same shall not be printed as aforesaid, shall for every copy of such paper so printed by him or her forfeit a sum not more than five pounds: Provided always, that nothing herein contained shall be construed to impose any penalty upon any person for printing any paper excepted out of the operation of the said Act of the thirty-ninth year of King George the Third, chapter seventy-nine, either in the said Act or by any Act made for the amendment thereof.

Penalty upon
printers for not
printing their
name and resi-
dence on every
paper or book,
and on persons
publishing the
same.

Section three.

In the case of books or papers printed at the University Press of Oxford or the Pitt Press of Cambridge, the printer, instead of printing his name thereon, shall print the following words, "Printed at the University Press, Oxford," or "The Pitt Press, Cambridge," as the case may be.

As to books or
papers printed
at the University
presses.

Section four.

Provided always, that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of Her Majesty's courts, or before any justice or justices of the peace, against any person or persons for the recovery of any fine, penalty, or forfeiture made or incurred or which may hereafter be incurred under the provision of this Act, unless the same be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney-General or Solicitor-General in that part of Great Britain called England, or Her Majesty's Advocate for Scotland (as the case may be respectively); and if any action, bill, plaint, or information shall be commenced, prosecuted, or filed in the name or names of any other person or persons than is or are in that behalf before mentioned, the same and every proceeding thereupon had are hereby declared and the same shall be null and void to all intents and purposes.

No actions for
penalties to be
commenced
except in the
name of the
Attorney or
Solicitor
General in
England or the
Queen's Advo-
cate in Scotland.

32 & 33 Vict.
c. 24.

Proceedings
shall not be
commenced
unless in the
name of the law
officers of the
Crown.

9 & 10 Vict. c. 38.

Section one.

It shall not be lawful for any person or persons to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of Her Majesty's courts, or before any justice or justices of the peace, against any person or persons for the recovery of any fine which may hereafter be incurred under the provisions of the Act of the thirty-ninth year of King George the Third, chapter seventy-nine, set out in this Act unless the same be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney-General or Solicitor-General in England or Her Majesty's Advocate in Scotland, and every action, bill, plaint, or information which shall be commenced, prosecuted, entered or filed in the name or names of any other person or persons than is in that behalf before mentioned, and every proceeding thereupon had, shall be null and void to all intents and purposes.

33 & 34 VICT. CAP. 79.

33 & 34 Vict.
c. 79.

An Act for further Regulation of Duties of Postage, and for other Purposes relating to the Post Office.—[9th August, 1870.]

BE it enacted by the Queen'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, as follows:

Short title.
Interpretation
of terms.

1. This Act may be cited as "The Post Office Act, 1870."

2. In this Act—

"The Treasury" means the Commissioners of Her Majesty's Treasury or two of them:

"Treasury warrant" means a warrant under the hands of the Treasury:

"The Postmaster-General" means Her Majesty's Postmaster-General:

"Post Office regulations" means regulations made by the Postmaster-General.

Channel Islands
and Isle of Man.

3. For the purposes of this Act, the Channel Islands and the Isle of Man shall be deemed parts of the United Kingdom.

Repeal and
limitation of
enactments.

4. The enactments described in the first schedule to this Act shall, from and immediately after the thirtieth day of September one thousand eight hundred and seventy, be repealed; but that repeal shall not affect the past operation of any of those enactments, or the force or operation of any Treasury warrant or Post Office regulations made, or the validity or invalidity of anything done or suffered, or any right, title, obligation, or liability accrued, before that repeal takes effect; nor shall this Act interfere with the prosecution or institution of any proceeding in respect of any right, title, obligation, or liability accrued under, or any offence committed against, or any penalty or forfeiture incurred under, any of those enactments before that repeal takes effect; and section four of and schedule (A.) to the Act first described in the first schedule to this Act, or either of them, shall not be deemed to contain or affect the definition of a newspaper for the purposes of this Act or of any other enactment regulating the sending of newspapers by post.

Allowance for
newspaper
stamps on hand.

5. Where any person is possessed of any newspaper stamps made useless by this Act, the Commissioners of Inland Revenue, on application within six months after the thirtieth day of September one thousand eight hundred and seventy, may cancel and make allowance for the same as in case of spoiled stamps.

6. Any publication coming within the following description shall for the purposes of this Act be deemed a newspaper, (that is to say,) any publication consisting wholly or in great part of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements; subject to these conditions—

33 & 34 Vict.
c. 79.

Certain publica-
tions to be
deemed new-
papers.

That it be printed and published in the United Kingdom;

That it be published in numbers at intervals of not more than seven days;

That it be printed on a sheet or sheets unstitched;

That it have the full title and date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page.

And the following shall, for the purposes of this Act, be deemed a supplement to a newspaper, (that is to say,) a publication consisting wholly or in great part of matter like that of a newspaper, or of advertisements, printed on a sheet or sheets or a piece or pieces of paper, unstitched, or consisting wholly or in part of engravings, prints, or lithographs illustrative of articles in the newspaper; such publication in every case being published with the newspaper, and having the title and date of publication of the newspaper printed at the top of every page or at the top of every sheet or side on which any such engraving, print, or lithograph appears.

7. The proprietor or printer of any newspaper within the description aforesaid, and the proprietor or printer of any publication which, regard being had to the proportion of advertisements to other matter therein, is not within the description aforesaid, but which was stamped as a newspaper before the passing of the Act lastly mentioned in the first schedule to this Act, may register it at the General Post Office in London, at such time in each year and in such form and with such particulars as the Postmaster-General from time to time directs, paying on each registration such fee not exceeding five shillings as the Postmaster-General, with the approval of the Treasury, from time to time directs.

Registration of
newspapers at
Post Office.

The Postmaster-General may from time to time revise the register and remove therefrom any publication not being a newspaper.

The decision of the Postmaster-General on the admission to or removal from the register of a publication shall be final, save that the Treasury may, if they think fit, on the application of any person interested, reverse or modify the decision, and order accordingly.

Any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper.

8. From and after the thirtieth day of September one thousand eight hundred and seventy, registered newspapers, book packets, pattern or sample packets, and post cards, may be sent by post between places in the United Kingdom, at the following rates of postage:—

Postage on
newspapers,
book and
pattern or
sample packets
and cards.

On a registered newspaper, with or without a supplement or supplements ... One halfpenny.

On each registered newspaper in a packet of two or more, with or without a supplement or supplements ... One halfpenny.

On a book packet or pattern or sample packet:—

If not exceeding two ounces in weight ... One halfpenny.

If exceeding two ounces in weight, for the first

33 & 34 Vict.
c. 79.
—

two ounces and for every additional two
ounces or fractional part of two ounces ... One halfpenny.
On a post card One halfpenny.

Provided that a packet of two or more registered newspapers with or without a supplement or supplements shall not be liable under this section to a higher rate of postage than the rate chargeable on a book packet of the same weight.

Post Office
regulations.

9. The Postmaster-General may from time to time, with the approval of the Treasury, make, in relation respectively to registered newspapers, book packets, pattern or sample packets, and post cards, sent by post, such regulations as he thinks fit, for all or any of the following purposes:—

For prescribing and regulating the times and modes of posting and delivery:

For prescribing prepayment and regulating the mode thereof:

For regulating the affixing of postage stamps:

For prescribing and regulating the payment again of postage in case of re-direction:

For regulating dimensions and maximum weight of packets:

For regulating the nature and form of covers:

For prohibiting or restricting the printing or writing of marks or communications or words:

For prohibiting inclosures;

and such other regulations as from time to time seem expedient for the better execution of this Act.

Saving for
Parliamentary
proceedings.

10. Nothing in this Act or in any Treasury warrant or Post Office regulations shall repeal or alter any provision of section 13, 16, or 17 of the Act secondly described in the first schedule to this Act as far as those sections relate to printed votes or proceedings of Parliament addressed to places in the United Kingdom.

Newspapers
under arrange-
ment or
convention.

11. A registered newspaper shall be deemed a newspaper for the purposes of any arrangement or convention between Her Majesty's Government and any colonial or foreign government for securing advantages for newspapers sent by post.

Colonial and
foreign postage
of newspapers.

12. The Treasury may from time to time, by Treasury warrant, allow any newspapers, British, colonial, or foreign, to be sent by post between the United Kingdom and places out of the United Kingdom, or between places out of the United Kingdom, whether through the United Kingdom or not, at such rates of postage, not exceeding three-pence for each newspaper irrespectively of any colonial or foreign postage, and on such conditions, as they think fit, and according to Post Office regulations to be from time to time made in that behalf.

Any Treasury warrant and Post Office regulations made in that behalf before the passing of this Act are hereby confirmed; and the same shall continue in force unless and until altered by Treasury warrant or Post Office regulations (as the case may be).

Colonial and
foreign book,
&c. post.

13. The Treasury from time to time, by Treasury warrant, may regulate the sending of book packets and pattern or sample packets by post, between the United Kingdom and places out of the United Kingdom, or between places out of the United Kingdom, whether through the United Kingdom or not, and in relation thereto may prescribe rates of postage, weights, and other matters.

Any Treasury warrant and Post Office regulations made in that behalf before the passing of this Act are hereby confirmed; and the same shall continue in force unless and until altered by Treasury warrant or Post Office regulations (as the case may be).

14. If a question arises whether any publication, not being a registered newspaper, is a newspaper or a supplement, or whether any packet is a book packet or pattern or sample packet, within this Act or any Treasury warrant or Post Office regulations, the decision thereon of the Postmaster-General shall be final, save that the Treasury may, if they think fit, on the application of any person interested, reverse or modify the decision, and order accordingly.

38 & 34 Vict.
c. 79.

Decision as to
newspapers,
packets, &c.

15. If any registered or other newspaper, supplement, publication, book packet, pattern or sample packet, or post card, is sent by post otherwise than in conformity with this Act or any Treasury warrant or Post Office regulations, it shall be either returned to the sender thereof or forwarded to its destination, in either case charged with such rate of postage not exceeding the letter rate of postage, or without any additional charge, as the Postmaster-General, with the approval of the Treasury, from time to time directs, having been, if necessary, detained and opened in the Post Office.

Newspapers, &c.
sent not in con-
formity with
Act, &c.

16. A book packet, pattern or sample packet, or post card sent by post shall be deemed a post letter, within the Act described in the second schedule to this Act.

Application to
book packets,
&c. of enact-
ments as to post
letters.

17. Where the despatch or delivery from a post-office of letters would be delayed by the despatch or delivery therefrom at the same time of book packets, pattern or sample packets, and post cards, or any of them, the same or any of them may, subject and according to Post Office regulations, be detained in the Post Office until the despatch or delivery next following that by which they would ordinarily be despatched or delivered.

Despatch and
delivery of book
packets, &c.

18. The Commissioners of Inland Revenue shall from time to time provide proper dies and other implements for denoting by adhesive or embossed or impressed stamps or otherwise the duties of postage payable in the United Kingdom under this Act or any Treasury warrant thereunder.

Provision for
stamps, &c.

Those duties shall be deemed stamp duties, and shall be under the management of the Commissioners of Inland Revenue.

So much of the Act secondly described in the first schedule to this Act as relates to stamp duties under that Act shall apply to the stamp duties under this Act.

A newspaper or packet sent by post and the cover thereof (if any) shall be deemed a letter or cover (as the case may be) within section twenty-three of the Act secondly described in the first schedule to this Act; and a post card shall be deemed a letter within that section, and the duties under this Act shall be deemed to be comprised in the duties in that section referred to.

19. It shall not be lawful for any person to affix to a letter, newspaper, supplement, publication, packet, or card sent by post, or to the cover thereof (if any), by way of prepayment of postage thereon, an embossed or impressed stamp cut out or otherwise separated from the cover or other paper, card, or thing on which such stamp was embossed or impressed, although such stamp has not been before sent by post or used.

Prohibition of
user of embossed
or impressed
stamps removed
from paper, &c.

If any letter, newspaper, supplement, publication, packet, or card is sent by post with a stamp affixed thereto or to the cover thereof (if any) that has been so cut out or separated, the postage thereof as far as it purports to be prepaid by that stamp shall be deemed to be not prepaid.

20. The Postmaster-General may from time to time with the approval of the Treasury make such regulations as he thinks fit for preventing the sending or delivery by post of indecent or obscene

Prohibition of
sending indecent
articles, &c. by
post,

33 & 34 Vict.
c. 79.

Proof of Post
Office
regulations, &c.

prints, paintings, photographs, lithographs, engravings, books, or cards, or of other indecent or obscene articles, or of letters, newspapers, supplements, publications, packets, or post cards, having thereon, or on the covers thereof, any words, marks, or designs of an indecent, obscene, libellous, or grossly offensive character.

21. The Documentary Evidence Act, 1868, shall have effect as if the Postmaster-General were mentioned in the first column, and any secretary or assistant-secretary of the Post Office were mentioned in the second column, of the schedule to that Act; and any approval of the Treasury under this Act shall be deemed an order within that Act.

SCHEDULES.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

6 & 7 Will. 4, c. 76, in part.	An Act to reduce the duties on newspapers, and to amend the laws relating to the duties on newspapers and advertisements... Sections one to three (both inclusive), and sections thirty-four and thirty-five.	} in part; namely,—
3 & 4 Vict. c. 96, in part.	An Act for the regulation of the duties of postage Section eleven; sections thirteen, sixteen, and seventeen, as far as those three sections relate to printed votes or proceedings of Parliament, addressed to places out of the United Kingdom, or to newspapers; section forty-two; sections forty-four, forty-five, and forty-six, as far as those three sections relate to newspapers; and sections forty-seven to fifty-one (both inclusive).	} in part; namely,—
11 & 12 Vict. c. 117.	An Act for rendering certain newspapers published in the Channel Islands and the Isle of Man liable to postage.	
16 & 17 Vict. c. 63, in part.	An Act to repeal certain stamp duties, and to grant others in lieu thereof, to give relief with respect to the stamp duties on newspapers and supplements thereto, to repeal the duty on advertisements, and otherwise to amend the laws relating to stamp duties Sections three and four.	} in part; namely,—
18 & 19 Vict. c. 27.	An Act to amend the laws relating to the stamp duties on newspapers, and to provide for the transmission by post of printed periodical publications.	

THE SECOND SCHEDULE.

ACT REFERRED TO.

7 Will. 4, & 1 Vict. c. 36.—An Act for consolidating the laws relative to offences against the Post Office of the United Kingdom, and for regulating the judicial administration the Post Office laws, and for explaining certain terms and expressions employed in those laws.

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DIRECTIONS ISSUED BY THE BOARD OF TRADE.

ORNAMENTAL DESIGNS.

DIRECTIONS FOR REGISTERING AND SEARCHING.

PERSONS proposing to register a design for ornamenting an article of manufacture, must bring or send to the Designs Office :

1. Two exactly similar copies, drawings (or tracings), not in pencil, photographs, or prints thereof, with the proper fees.
2. The name and address of the proprietor or proprietors, or the title of the firm under which he or they may be trading, together with their place of abode, or place of carrying on business, distinctly written or printed.
3. The number of the class in respect of which such registration is intended to be made, except it be for sculpture.

The aforesaid copies may consist of portions of the manufactured articles (except carpets, oil-cloths, and woollen shawls), when such can conveniently be done (as in the case of paper hangings, calico prints, &c.), which, as well as the drawings or tracings (which must be fixed), or prints of the design, to be furnished when the article is of such a nature as not to admit of being pasted in a book, must, whether coloured or not, be facsimiles of each other.

Should paper hangings or furnitures exceed forty-two inches in length, by twenty-three inches in breadth, drawings will be required, but they must not exceed these dimensions.

Applications for registering may be made in the following form :

APPLICATION TO REGISTER.

(Blank Forms may be obtained at the Office.)

C. D. Works, , 187 .

You are hereby requested to register, provisionally*, the accompanying ornamental designs (in class 1, [2, 3, 4, &c.,]) (or for sculpture)† in the name of (A. B. of , of ,) or, (A. B. of , and C. D. of , &c., trading under the style or firm of B. D. & Co., of , of ,) who claim to be the proprietors thereof, and to return the same (if sent by post), directed to , (if brought by hand) to the bearer of the official acknowledgment for the same.

To the Registrar of Designs,
Designs Office, London.

(Signed) B. D. & Co.,
by J. F.

The person bringing a design must take an acknowledgment for it, which will be delivered to him on payment of the proper fees. This acknowledgment must be produced on application for the certified copy, which will be returned in exchange for the same.

* If not provisionally, strike out the word "provisionally."

† Here insert "for sculpture," if for sculpture, or the class or classes.

‡ Insert here the name and address of the proprietor, in the form in which it is to be entered on the certificate.

A design may be registered in respect of one or more of the above classes, according as it is intended to be employed in one or more species of manufacture, but a separate fee must be paid, and two exactly similar copies supplied, on account of each separate class, and all such registrations must be made at the same time.

After the design has been registered, one of the two copies, drawings (or tracings), or prints, will be filed at the office, and the other returned to the proprietor, with a certificate annexed, on which will appear the mark to be placed on each article of manufacture to which the design shall have been applied.

If the design is for an article registered under Class 10, no mark is required, but there must be printed on such article, at each end of the original piece thereof, the name and address of the proprietor, and the word "registered," together with the years for which the design is registered.

If the design is for sculpture, no mark is required to be placed thereon after registration, but merely the word "registered" and the date of registration.

If the design is for provisional registration, no mark is required to be placed thereon after registration, but merely the words "provisionally registered" and the date of registration.

Any person who shall put the registration mark on any design not registered, or after the copyright thereof has expired, is liable to *forfeit for every such offence 5l.*

TRANSFERS.

In case of the transfer of a design, registered, whether provisionally or completely, the certified copy thereof must be transmitted to the registrar, together with the fee and forms of application (which may be procured at the office), properly filled up and signed. The transfer will then be registered and the certified copy returned.

EXTENSION OF COPYRIGHT.

The copyright may be extended in certain cases in provisional registration, for a term not exceeding the additional term of six months, and in complete registration for a term not exceeding the additional term of three years, as the Board of Trade may think fit.

In case of extension, the certified copy, together with the proper fee, should be delivered at the Designs Office for registration, *prior to the expiration of the existing copyright.*

SEARCHES.

All designs of which the copyright has expired may be inspected at the Designs Office, on the payment of the proper fee; but no design, the copyright of which is existing, is in general open to inspection. Any person, however, may, by application at the office, and on production of the registration mark, except in Class 10, of any particular design, be furnished with a certificate of search, stating whether the copyright be in existence, and in respect to what particular article of manufacture it exists: also, the term of such copyright and the date of registration, and the name and address of the registered proprietor thereof.

Any party may also, on the production of a piece of the manufactured article with the pattern thereon, together with the registration mark, be informed whether such pattern, supposed to be registered, is really so or not.

As this mark is not applied to a provisionally registered design, or

to articles registered under Class 10, certificates of search for such designs will be given on production of the design, or a copy or drawing thereof, with the number and date of registration.

Persons bringing designs to be registered, on delivering them, must compare such designs together, count them, and see that the name and address and number of class is correctly given, and examine their certificates previous to leaving the office, to see that the name, &c., is correctly entered, as no error can afterwards be rectified.

An acknowledgment of its receipt will be delivered, on payment of the fees, to the person bringing a design, and no certified copy of a design will be returned, except to the bearer of this acknowledgment, which must be produced on application at the office for the certified copy, and given in exchange for the same.

All communications for the registration of designs may be made either through the General Post Office, directed to "The Registrar of Designs, Designs Office, London, S.W.," or by any other mode of conveyance; and provided the carriage be paid, and the proper fees, or a post-office order for the amount, payable at the post-office, Charing-cross, to J. H. Bowen, Esq., be inclosed, the designs will be duly registered, and the certified copies returned to the proprietors free of expense.

Postage stamps, orders upon bankers or other persons, country and Scotch bank notes, and light gold, cannot be received in payment of fees.

The Designs Office, No. 1, Whitehall, S.W., is open every day, between the hours of ten in the morning and four in the afternoon, during which time inquiries and searches may be made. Designs and transfers are registered from eleven until three.

Directions for registering designs for articles of utility may be procured at the office.

By order of the Registrar.

ORNAMENTAL.

COPYRIGHT OF DESIGNS FOR ORNAMENTING ARTICLES OF MANUFACTURE.

By provisional registration under the Designs Act, 1850 (13 & 14 Vict. c. 104), a copyright of one year (which may be further extended for six months by order of the Board of Trade) is given to the author or proprietor of original designs for ornamenting any article of manufacture or substance. During such terms the proprietor of the design may sell the right to apply the same to an article of manufacture, but must not, under the penalty of nullifying the copyright, sell any article with the design applied thereto until after complete registration, which must be effected prior to the expiration of the provisional registration.

By complete registration under the Designs Act, 1842 (5 & 6 Vict. c. 100), a copyright or property is given to the author or proprietor of any new or original design for ornamenting any article of manufacture or substance for the various terms specified in the following classes, which terms may be extended under special circumstances.

Under the Designs Act, 1858 (21 & 22 Vict. c. 79), a copyright is given for articles in Class 10, for a term of three years, subject to the proviso therein contained.

Class.	Article	Copyright.	Registration Fees.	
			£	s.
1. Articles composed wholly or chiefly of metal	...	5 years	...	1 0
2. Articles do. do. do. wood	...	3 "	...	1 0
3. Articles do. do. do. glass	...	3 "	...	1 0
4. Articles do. do. do. earthenware, bone, papier maché, or other solid substances not comprised in Classes 1, 2, & 3	...	3 "	...	1 0
5. Paper hangings	...	3 "	...	0 10
6. Carpets, floor cloths, and oil cloths	...	3 "	...	1 0
7. Shawls (patterns printed, &c., &c.)	...	9 months	...	0 1
Do. do. do. extended term of	...	9 "	...	0 6
Do. do. do. for the whole term of	...	18 "	...	0 7
8. Shawls (not comprised in Class 7)	...	3 years	...	1 0
9. Yarn, thread or warp (printed, &c., &c.)	...	9 months	...	0 1
10. Woven fabrics (patterns printed, &c., &c.), except those included in Class 11	...	3 years	...	0 1
11. Woven fabrics, technically called furnitures, (patterns printed, &c., &c.), the repeat of the pattern, exceeding 12 inches by 8 inches	...	3 "	...	0 5
12. Woven fabrics (not comprised in any preceding class)	...	12 months	...	0 5
Do. do. do. do. extended term of	...	1 year	...	0 8
Do. do. do. do. extended term of	...	2 years	...	0 16
Do. do. do. do. whole term of	...	3 "	...	1 0
13. Lace and other articles (not comprised in any preceding class)	...	12 months	...	0 5

TABLE OF FEES.

Provisional Registration.

Registration in all classes, one year	...	...	...	1s. each design.
Transfer	...	...	...	5 "
Certifying former registration (<i>to proprietor of design</i>)	...	...	...	1 "
Cancellation or substitution (<i>according to decree or Order in Chancery</i>)	...	...	...	5 "

Complete Registration.

Registering Designs.		Copyright.		Fees.	
				£	s.
Class 1	...	5 years each design	...	1	0
" 2	...	3 ditto	"	1	0
" 3	...	ditto	"	1	0
" 4	...	ditto	"	1	0
" 5	...	ditto	"	0	10
" 6	...	ditto	"	1	0
" 7	...	9 months	"	0	1
" " extended term of	...	ditto	"	0	6
" " whole term of	...	18 months	"	0	7
" 8	...	3 years	"	1	0
" 9	...	9 months	"	0	1
" 10	...	3 years	"	0	1
" 11	...	ditto	"	0	5
" 12	...	12 months	"	0	5
" " extended term of	...	1 year	"	0	8
" " do. do.	...	2 years	"	0	16
" " whole term of	...	3 years	"	1	0
" 13	...	12 months	"	0	5
In all the 13 Classes (Copyright not extended)				7	0
In Classes 1, 2, 3, and 4 inclusive, do.				5	0
In Classes 5 to 13, inclusive, do.				3	0

Registration of Sculpture.

Each design	..	...	...	...	5	0
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Complete Registration and Registration of Sculpture.

Transfer	$\left\{ \begin{array}{l} \text{Same as Registra-} \\ \text{tion Fee, but for} \\ \text{Sculpture, each} \\ \text{Design.} \end{array} \right\}$	Fee.	
Certifying former Registration (to Proprietor)		£	s
Cancellation or Substitution (according to decree, or order in Chancery)		1	0

Inspections, &c., of Provisional and Complete Registrations and Sculpture.

Search	0	2
Inspections of all the designs of which the copyright has expired, each quarter or part of quarter of an hour, each class...	1	0
Taking copies of expired designs, each hour or part of an hour each copy	0	1
Taking copies of unexpired designs (according to Judge's order) for each hour or part of an hour, each copy... ..	0	2

Office copies of a design will be charged for according to the nature of the design.

By the Designs Act of 1850, a protection of a nature similar to that granted for designs for ornamenting articles of manufacture by the Act of 1842, is granted to sculptures, models, copies, or casts of the whole or part of the human figure, or of animals, for the term or unexpired part of the term, during which copyright in such sculpture, models, copies, or casts may or shall exist under the Sculpture Copyright Acts, and the fee for registering the same is 5*l*.

To obtain this protection it is necessary:—

- 1st. That the design should not have been published, either within the United Kingdom of Great Britain and Ireland, or elsewhere, previous to its registration.
- 2nd. That after provisional registration, every copy of the design should have thereon, or attached thereto, the words "Provisionally Registered," and the date of registration.
- 3rd. That after complete registration, every article of manufacture published by the proprietor thereof, to which such design shall have been applied, should have thereon, or attached thereto, a particular mark, which will be exhibited on the certificate of registration.
- 4th. That after registration of sculpture every copy thereof should have thereon, or attached thereto, the word "Registered," and the date of registration.

These conditions being observed, the right of the proprietor is protected from piracy by a penalty of from 5*l*. to 30*l*. for each offence, each individual illegal publication or sale of a design constituting a separate offence. This penalty may be recovered by the aggrieved party either by action in the superior or county courts, or by a summary proceeding before two magistrates.

If a design be executed by the author on behalf of another person, for a valuable consideration, the latter is entitled to be registered as the proprietor thereof; and any person purchasing either the exclusive or partial right to use the design, is in the same way equally entitled to be registered; and for the purpose of facilitating the transfer thereof a short form (copies of which may be procured at the Designs Office) is given in the Act.

USEFUL.

COPYRIGHT OF DESIGNS FOR ARTICLES OF UTILITY.

By provisional registration under the Designs Act, 1850 (13 & 14 Vict. c. 104), a copyright for one year (which may be further extended for six months by order of the Board of Trade), is given to the author or proprietor of any new or original design for the shape or configuration either of the whole or of part of any article of manufacture, such shape or configuration having reference to some purpose of utility, whether such article be made in metal or any other substance. During such terms the proprietor of the design may sell the right to apply the same to an article of manufacture, but must not, under the penalty of nullifying the copyright, sell any article with the design applied thereto, until after complete registration, which must be effected prior to the expiration of the provisional registration.

By complete registration under the Designs Act, 1843 (6 & 7 Vict. c. 65), a copyright of three years is given to the author or proprietor of any new or original design for the shape or configuration either of the whole or of part of any article of manufacture, such shape or configuration having reference to some purpose of utility, whether such article be made in metal or any other substance.

To obtain this protection it is necessary—

- 1st. That the design should not have been published either within the United Kingdom of Great Britain and Ireland, or elsewhere, previous to its registration.
- 2nd. That after registration, or provisional registration, every article of manufacture made according to such design, or to which such design is applied, should have upon it the word “registered,” or “provisionally registered,” with the date of registration.

In case of piracy of a design so registered, the same remedies are given, and the same penalties imposed (from 5*l.* to 30*l.* for each offence), as under the Ornamental Designs Act, 1842 (5 & 6 Vict. c. 100), and all the provisions contained in the latter Act relating to the transfer of ornamental designs, in case of purchase or devolution of a copyright, are made applicable to those useful designs registered under these acts.

In addition to this, a penalty of not more than 5*l.* nor less than 1*l.* is imposed upon all persons marking, selling, or advertising for sale any article as “registered,” unless the design for such article has been registered under one of the above mentioned Acts.

DIRECTIONS FOR REGISTERING.

Persons proposing to register a design for purposes of utility, must bring or send to the Designs Office two exactly similar drawings or prints thereof, made on a proper geometric scale, marked with letters, figures or colours, to be referred to as hereinafter mentioned, together with the following

PARTICULARS.

- 1st. The title of the design.
- 2nd. The name and address of the proprietor or proprietors, or the title of the firm under which he or they may be trading,

together with their place of abode, or place of carrying on business, distinctly written or printed.

3rd. A statement in the following form, viz.: "The purpose of utility to which the shape or configuration of the new parts of) this design has reference is," &c., &c.

4th. A description to render the same intelligible, distinguishing the several parts of the design by reference to letters, figures, or colours.

NOTE.—No description of the parts of the drawings which are old will be admitted, except such as may be absolutely necessary to render the purpose of utility or the shape of the new parts intelligible.

5th. A short and distinct statement of such part or parts (if any) as shall not be new or original, as regards the shape or configuration thereof which must be in the following form, viz.: —(if the whole design is new state)—"The whole of this design is new in so far as regards the shape or configuration thereof." (If there are any old parts state)—"The parts of this design which are not new or original, as regards the shape or configuration thereof, are those marked (A B C, &c.), or coloured (blue, green, &c.)."

NOTE.—The above particulars must be given in the aforesaid order under their several heads, and in distinct and separate paragraphs, which must be strictly confined to what is here required to be contained in each.

Specimen Form.

(Title of the Design.) 	
(Name of the Proprietor.) 	
(Address of the Proprietor.) 	
(The Drawing to be inserted here.)	
(Statement of Utility.) <i>The purpose of Utility to which the Shape or Configuration of (the New Parts of) this Design has reference is.....</i>	
(Description.) (If the whole Design is New state —) <i>The whole of this Design is New in so far as regards the Shape or Configuration thereof.</i> (If there are any Old Parts state —) <i>The parts of this Design which are not New or Original as regards the Shape or Configuration thereof, are those marked, &c., &c.</i>	
6in. 4in.	6in. 4in.

15 inches.

24 inches.

Each drawing or print, together with the whole of the above particulars, must be drawn, written, or printed on one side of a sheet of paper or parchment, not exceeding in size 24 inches by 15 inches; and on one of the said sheets, on the same side on which are the said drawings and particulars there must be left two blank spaces, each of the size of 6 inches by 4 inches, for the certificates of registration.

The above regulations, which have been made by the Board of Trade, must be strictly complied with.

NOTICE.—Parties are strongly recommended to read the Act before determining to register their designs, in order that they may be satisfied as to the nature, extent, and comprehensiveness of the protection afforded by it; and further, that they come within the meaning and scope of the Acts, of which facts the registration will not constitute any guarantee.

TABLES OF FEES.

Provisional Registration.

	Fee.
Registering design	10s.
Certifying former registration (<i>to proprietor of design</i>)	5
Registering and certifying transfer	10
Cancellation or substitution (<i>according to decree or order in Chancery</i>)	5
Extension of copyright	10

Complete Registration.

	Stamp.	Fee.	Total.
Registering design	£5	£5	£10
Certifying former registration (<i>to proprietor of design</i>)	5	1	6
Registering and certifying transfer	5	1	6
Cancellation or substitution (<i>according to decree or order in Chancery</i>)		1	1

Inspections, &c., of Provisional and Complete Registrations.

Inspecting register, index of titles and names, for each quarter or part of quarter of an hour	1s.
Inspecting designs, unexpired copyright, each design, for each quarter or part of quarter of an hour	2
Inspecting designs, expired copyright, each volume, for each quarter or part of quarter of an hour	1
Inspecting the register of inventions, under the "Protection of Inventions Act, 1851," for each quarter or part of quarter of an hour	1
Taking copies of designs unexpired copyright (<i>according to judge's order</i>), for each hour or part of an hour, each copy	2
Taking copies of designs, expired copyright, for each hour or part of an hour, each copy	1

Office copies of a design will be charged for according to the nature of the design.

As the Designs Acts, 1843 (6 & 7 Vict. c. 65), and 1850 (13 & 14 Vict. c. 104), give protection only to the shape or configuration of articles of utility (and not to any mechanical action, principle, contrivance, application, or adaptation (except in so far as these may be dependent upon, and inseparable from, the shape or configuration), or to the material of which the article may be composed), no design will be registered, the description of, or statement respecting which, shall contain any wording suggestive of the registration being for any such mechanical action, principle, contrivance, application, or adaptation, or for the material of which the article may be composed.

With this exception and those mentioned in the Act, 1843, clause ix., all designs, the drawings and descriptions of which are properly prepared and made out, will, on payment of the proper fee, be registered, without reference to the nature or extent of the copyright

sought to be thereby acquired; as proprietors of designs must use their own discretion in judging whether or not the design proposed for registration be for the shape or configuration of an article of utility coming within the meaning and scope of the Acts above mentioned.

After the design has been registered, one of the drawings will be filed at the office, and the other returned to the proprietor duly stamped and certified.

Parties bringing designs to this office before half-past 12 o'clock, will be informed after 3 o'clock the same day, whether they are approved of; and if so, they will be registered the following day; and provided the fee has been paid before half-past 1 o'clock on such day, the certified copies will be ready for delivery after 3 o'clock on that subsequent.

An acknowledgment of its receipt will be delivered, on payment of the fees, to the person bringing a design, and no certified copy of a design will be returned, except to the bearer of this acknowledgment, which must be produced on application at the office for the certified copy, and given in exchange for the same.

TRANSFERS.

In case of the transfer of a completely registered design, a copy thereof [or the certified copy, provided there is space sufficient thereon for the certificate,] made on one sheet of paper, with a blank space left for the certificate, must be transmitted to the registrar, together with the forms of application (which may be procured at the office), properly filled up and signed; the transfer will then be registered, and a certified copy returned.

For the transfer of a design provisionally registered, a new copy will not be required, but the certified copy must be transmitted to the registrar with the above-mentioned forms.

EXTENSION OF COPYRIGHT.

The copyright may be extended in certain cases in provisional registration, for a term not exceeding the additional term of six months, as the Board of Trade may think fit.

In case of extension, the certified copy, together with the proper fee, should be transmitted to the Designs Office for registration, prior to the expiration of the existing copyright.

Persons bringing designs to be registered, on delivering their designs, and on examining their certificates, previous to leaving the office, must see that the titles, names, &c., are correct, as no error can afterwards be rectified.

SEARCHES.

An index of the titles and names of the proprietors of all the registered designs for articles of utility is kept at the Designs Office, and may be inspected by any person, and extracts made from it.

Designs, the copyright of which is expired, may be inspected, and copied at the office.

Designs, the copyright of which is unexpired, may also be inspected, but not copied, except according to a judge's order.

All communications for the registration of designs, either for ornamental or useful purposes, may be made either through the General Post, directed to "The Registrar of Designs, Designs Office, London, S.W.," or by any other mode of conveyance; and provided the carriage be paid, and the proper fees, or a post-office order for the amount, payable at the Post-Office, Charing-Cross, to J. H. Bowen, Esq., be inclosed, the designs will be duly registered, and the certified copies returned to the proprietor, free of expense.

Postage stamps, orders upon bankers or other persons, Scotch and country bank notes, and light gold, cannot be received in payment of fees.

The Designs Office, No. 1, Whitehall, S.W., is open every day, between the hours of ten in the morning and four in the afternoon, during which time inquiries and searches may be made. Designs and transfers are registered from eleven until three.

Directions for registering ornamental designs may also be procured at the office.

By order of the Registrar.

FORMS OF AGREEMENT BETWEEN AUTHORS, PUBLISHERS, &c.

Agreement for publishing on Terms of Division of Profits, Publisher undertaking all Expenses of Publication.

MEMORANDUM OF AGREEMENT between A. B., of _____, and C. D. and E. F., booksellers and publishers, of _____, dated _____.

The said A. B. agrees to prepare for publication and superintend through the press _____ It is hereby agreed between the said parties that the said C. D. and E. F. shall procure such work to be printed, and shall publish the _____ edition of the said work, to consist of not exceeding _____ copies, and shall defray the expenses of paper, printing, and advertising, and account to the said A. B. for all copies sold or delivered out of the same, giving credit only for the trade sale price they the said C. D. and E. F. shall charge to the booksellers, and being allowed a commission of _____ per cent. on the amount of all copies sold or delivered out of the said work, and a warehouse room charge of _____ per annum. The copies of the work sold or delivered out by the said C. D. and E. F. shall be accounted for to the said A. B., at the rate of [twenty-five copies as twenty-four]. In consideration of which the said C. D. and E. F. agree to take the risk arising from bad debts and otherwise attending the sales, upon themselves, and after the said charges are refunded by the sales of the said work, the profits shall be divided in equal moieties between the said A. B. and the said C. D. and E. F. The accounts shall be made up at the end of every year, and the moiety of profits, if any, that may be due to the said A. B. shall be paid to him by the said C. D. and E. F. in the month of _____ following. It is hereby also agreed between the said parties, that, should a further edition or editions of the said work be required, the said C. D. and E. F. shall have the option of agreeing with the said A. B. for the printing and publishing the same upon such terms as may be hereafter agreed upon. It is also further agreed between the said parties, that, in case all the copies of the abovesaid edition of the said work shall not be sold off at the end of _____ years after publication, the said C. D. and E. F. shall be at liberty, but shall not be compellable, to dispose of the remaining copies unsold by public or private sale, or in such manner as they the said C. D. and E. F. shall deem most advisable, and shall account for the said unsold copies at such price or prices only as they shall actually be sold for, so that the account with reference to the said work may be finally settled and closed. The said A. B. shall be entitled to _____ copies of the said work free of any charge. In witness whereof the said parties have subscribed their names the day and year above written.

Another Form.

MEMORANDUM OF AGREEMENT made this _____ day of _____ one thousand eight hundred and seventy _____, between A. B., of _____, of the one part, and C. D. and E. F., of _____, publishers, of the other part,

The said *A. B.* being the author of a certain book intituled _____, doth hereby agree with the said *C. D.* and *E. F.*, that they shall print, reprint, and publish the same on the following conditions, to which they also agree.

I. That the said *A. B.* shall fully prepare the whole of the said book for the press on or before the _____ day of _____, 18____, and that he will correct the proof sheets, and superintend the printing thereof.

II. That the said *C. D.* and *E. F.* shall direct the mode of printing the said book, and shall bear and pay all the charges thereof, and of publishing the same, and shall take all the risk of the publication on themselves.

III. That the said *C. D.* and *E. F.* shall, out of the produce of the sale of the said book in the first instance be refunded all the charges and expenses which they shall have incurred respecting the said book, after which the profits shall be divided in equal moieties between the said *A. B.* and the said *C. D.* and *E. F.*

IV. That the accounts shall be made up at the end of every year, and the profits, if any, be then divided.

V. That the said *C. D.* and *E. F.* shall account for all the copies which they shall sell of the said book at the wholesale bookseller's price, deducting therefrom a commission of _____ per cent., they taking the risk of all credits which they shall give on the same.

VI. That in case all the copies of the said book shall have been sold off, and a second or any subsequent edition of the said book be required by the public, the said *A. B.* shall make all necessary alterations and additions thereto, and the said *C. D.* and *E. F.* shall print and publish the said second and every subsequent edition of the said book on the above conditions.

VII. That in case all the copies of any edition of the said work shall not be sold off within five years after the time of publication, the said *C. D.* and *E. F.* shall be at full liberty to dispose of the remaining copies so unsold, either by public auction or private sale, or in such manner as they may deem most advisable, so that the account may be finally settled and closed.

Witness our hands,

License to Print one Edition of a Work.

MEMORANDUM OF AGREEMENT made the _____ day of _____ A.D. between *A. B.*, of _____, of the one part, and *C. D.*, of _____, of the other part.

The said *A. B.*, being the author of a certain book, entitled _____ doth hereby agree with the said *C. D.* that the said *C. D.*, for the consideration hereinafter expressed, shall print, publish, and sell one edition of _____ copies of the said work, the said *A. B.* reserving to himself the general copyright in the said work.

The said *A. B.*, in consideration of the payments hereinafter agreed to be made by the said *C. D.*, doth hereby agree with the said *C. D.* that he will furnish to the printer to be employed by him, fair copy of the said work, and will superintend the printing and correct the proofs thereof in the usual manner, and that he will duly register his title as proprietor of the copyright of the said work, and will not print, publish, or sell, and will not authorise any other person to print, publish, or sell, any and other copies until the whole of the said copies have been disposed of by the said *C. D.*, provided the said copies are sold within _____ years from the date hereof.

The said *C. D.*, in consideration of the aforesaid agreement on the part of the said *A. B.*, doth hereby agree with the said *A. B.* that he will pay him, the said *A. B.*, the sum of _____ for each and every copy of the said _____ copies, payable [quarterly, half-yearly, &c.], as fast as the said copies shall be sold or otherwise disposed of; he, the said *C. D.*, rendering to the said *A. B.* an account of sales of the said work, at the expiration of _____ months from the day of the first publication, until the whole shall be sold. The said *C. D.* also agrees to give to the said *A. B.* _____ copies of the said work, well bound and free of charge, as soon as conveniently may be done, after the manuscript copy has been furnished by the said *A. B.*

And the said *C. D.*, in consideration of the aforesaid agreement on the part of the said *A. B.*, doth hereby further agree with the said *A. B.* that he, the said *C. D.*, will not print, publish, or sell, any more than the said _____ copies, until authorised by the said *A. B.* or his legal representatives in writing; it being understood that the licence herein contained extends only to one edition of the number of copies above specified. In witness whereof, &c.

Agreement to enlarge a Second Edition of a Book, and correct Proof of the same.

MEMORANDUM OF AGREEMENT made the _____ day of _____ A.D.,
between *A. B.* of _____ of the one part, and *C. D.* of _____
of the other part.

The said *A. B.*, for and in consideration of _____ and other consideration herein named, hereby agrees with the said *C. D.* to examine, correct, and enlarge the work known as _____, to furnish additional manuscript matter for the _____ edition of the work, and to enlarge the index and make it full and complete.

It is understood and agreed that the new edition of the work shall be of the same sized page as the present work, and contain an equal amount of matter on each page, and that the additional matter furnished shall enlarge the work not less than _____ pages, and shall be furnished to the said *C. D.*, commencing on the _____.

The said *A. B.* is to examine and to correct the proof sheets as fast as they shall be furnished, and to complete the index as soon as may be after the whole signatures of the text shall be ready for him for that purpose.

The said *C. D.*, on his part, agrees to print the said work as the matter shall be furnished, to furnish the said *A. B.* with a copy of the work by signatures, as each signature shall be worked off, for the purpose of arranging the index; to furnish the said *A. B.* with _____ copies of the work, as soon as they can be conveniently finished, and to pay the said *A. B.* the sum of _____ on the day the last proof sheet is corrected for the press. In witness whereof, &c.

Reservation by Artist of Copyright in a Painting, Drawing, or Photograph, to be taken from Vendee, or Assignee, or Person for whom the Work is executed (under 25 & 26 Vict. c. 68, s. 1).

It is hereby agreed between *A. B.*, residing at _____ in the United Kingdom, and *C. D.*, of _____, that the copyright (Registered No. _____) of the [painting, &c.], entitled _____ representing _____

made by the said *A. B.*, and now [sold, assigned, and disposed of] for the first time, to me [or now executed on my behalf] is reserved to the said *A. B.*

Date

(Signed)

C. D.

Agreement to Assign Copyright to Vendee or Assignee of Painting, Drawing, or Photograph (under 25 & 26 Vict. c. 63, s. 1).

It is hereby agreed between *A. B.*, residing at _____ in the United Kingdom [artist, photographer, &c.], and *C. D.*, of _____, in consideration of the sum of _____ over and above the price of the work hereinafter described, paid by the said *C. D.* to the said *A. B.*, that the said *C. D.* is entitled to the copyright in the [painting, drawing, or photograph] made by the said *A. B.*, entitled _____ and representing _____, now first sold and disposed of to the said *C. D.*

Date.

(Signed)

A. B.

[or]

E. F., agent of the said *A. B.*

For forms of transfer of copyright in designs, and authority to register, *vide ante*, p. 622.

For forms of request to register copyright in designs, *vide ante*, p. 623.

FORMS OF PLEADINGS (COPYRIGHT).

DECLARATIONS.

For Infringement of Copyright in a Book by printing Copies.

In the Queen's Bench [or Common Pleas, or Exchequer of Pleas.]

The day of , A.D.

(*Venue*).—A. B. by C. D., his attorney [or in person, as the case may be,] sues E. F., for that the plaintiff was the proprietor of a subsisting copyright in a book entitled , and the defendant, after the passing of the Act of Parliament passed in the sixth year of the reign of Queen Victoria, to amend the law of copyright, did, without the consent in writing of the plaintiff, so then being such proprietor as aforesaid, and contrary to the said statute, print and cause to be printed for sale [and for exportation] divers copies of the said book; whereby the plaintiff has been prevented from selling divers copies of the said book, and his profits in the said copyright have been diminished; and the plaintiff claims £

(From Bullen and Leake's Precedents, p. 297).

For a similar count see *Boosey v. Davidson* (4 D. & L. 147) (an action for infringing the copyright in a song, by printing and selling copies).

If the plaintiff wishes also to get an injunction, add (after the words "and the plaintiff claims £ "),

"And the plaintiff also claims a writ of injunction to restrain the defendant from the continuance and repetition of the injuries above complained of, and the committal of other injuries of a like kind relating to the same right."

Count for Infringement of Copyright in a Periodical Work by printing Portions of it in another.

That the plaintiff was the proprietor of a periodical work called "The ," and of the copyright therein, and of and in all the articles therein, of which periodical work an entry had, before this suit, been by the plaintiff duly made in the registry-book of the Stationers Company, as required by the statute in that behalf; yet the defendant wrongfully, and without the consent in writing of the plaintiff, printed for sale, and sold in a periodical work called "The ," divers portions of the said articles contained in the plaintiff's said periodical, and in which the plaintiff had such copyright as aforesaid, and thereby pirated the said articles, and injured the plaintiff in his said copyright, and diminished his profits of and in the same; and the plaintiff claims £

See *Sweet v. Benning* (16 C. B. 159).

Count for Infringement of Copyright in a Musical Composition by Printing it for Sale.

That at the time of the committing by the defendant of the grievances hereinafter mentioned, and after the passing of a certain Act of Parliament made and passed in the sixth year of the reign of our Lady the now Queen, intituled, "An Act to Amend the Law of Copyright," the plaintiff was, and from thence has been and is, the proprietor of the copyright in a certain book, to wit, a musical composition called _____, under and according to the provisions of the said statute in such case made and provided, yet the defendant did, without the consent in writing of the plaintiff, so then being the proprietor of such copyright as aforesaid, print, and cause to be printed, for sale, divers copies of the said book, contrary to the form of the said statute in such case made, whereby the plaintiff was and is greatly damnified; and the plaintiff claims £ _____.

See *Jeffreys v. Boosey* (4 Ho. Lords Cas. 815; 24 L. J. 81, Ex.); *Cocks v. Purday* (5 C. B. 860); *Boosey v. Purday* (4 Ex. 145); *Clementi v. Walker* (2 B. & C. 861); *Novello v. Sudlow* (12 C. B. 177); *Chappell v. Davidson* (18 C. B. 197).

For examples of counts for infringement of copyright in a song, having the singer's likeness on the outside, by printing and selling imitations, see *Chappell v. Davidson* (18 C. B. 194; 25 L. J. 22, C. P.)

For Infringing the Copyright in a Book by selling Copies unlawfully printed.

That the plaintiff was the proprietor of a subsisting copyright in a book entitled _____, and after the passing of the Act of Parliament, passed in the sixth year of the reign of Queen Victoria, to amend the law of copyright, divers copies of the said book had, without the consent in writing of the plaintiff, so then being such proprietor as aforesaid, and contrary to the said statute, been printed by one A. B. for sale; and the defendant, well-knowing the premises, afterwards, without the consent in writing of the plaintiff, so being such proprietor as aforesaid, and contrary to the said statute, sold [and published and exposed to sale and hire] divers copies of the said book which had been so printed as aforesaid; whereby the plaintiff was prevented from selling divers copies of the said book, and his profits in the said copyright have been diminished.

(From Bullen and Leake's Precedents, p. 297.)

For Infringement of the Copyright in a Print by means of Photography.

That before and at the time of the committing by the defendants of the respective grievances hereinafter mentioned, the plaintiff was, and from thence hitherto has been and still is, the proprietor of a certain print called _____, which said print the plaintiff had, before the committing of the said grievances, caused to be engraved from a picture by _____, and which said print had been and was so engraved and taken from the said picture in that part of Great Britain called England, and such print had been and was printed and first published within that part of the United Kingdom of Great Britain and Ireland called England, and such print had been and was so first published on the _____ day of _____, A.D. _____ and within twenty-eight years before the committing of the said grievances, or any or either of them, and which said day of the said first publishing

of the said print, together with the name of the plaintiff (who then was, and from thence hitherto has been and still is the proprietor of the said print), was before and at the time the said print was so first published as aforesaid, and from thence continually hitherto, truly engraved upon each plate upon which the said engraving was made, and from which the said prints are printed, and which said day of the said first publishing of the said print, together with the name of the plaintiffs, was truly printed upon every print taken or printed from such plates, or any or either of them, and at the several times of the committing by the defendants of the respective grievances hereinafter mentioned, the plaintiff was entitled under the Acts of Parliament in that behalf to the sole right and liberty of printing and reprinting the said print, yet the defendants, well knowing the premises, but contriving, and wrongfully and fraudulently intending to injure the plaintiff, and to deprive him of the profits and advantages which he might and otherwise would have derived from the said print, and also to deprive him of his copyright therein, heretofore and after the passing of an Act of Parliament passed in the seventeenth year of the reign of his late Majesty King George the Third, intituled, "An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain cases," and within six calendar months next before the commencement of this suit, and within twenty-eight years from the said first publishing of the said print, wrongfully, and without the consent in writing of the plaintiff, signed by him, or any other consent of the plaintiff, did on divers days and times before the commencement of this suit in England aforesaid, copy *in the whole* the said print contrary to the form of the statute in such case made and provided. [*If the defendants have also copied the print in part add*] And the defendants, further contriving and intending as aforesaid, and within six calendar months next before the commencement of this suit, and within twenty-eight years from the said first publishing of the said print, wrongfully and fraudulently, and without the consent in writing of the plaintiff, signed by him, or any other consent of or from the plaintiff, and in England aforesaid, did on divers days and times unlawfully copy *in part* the said print contrary to the form of the statute in such case made and provided. [*If the defendants have sold copies add*] And the defendants further contriving and intending as aforesaid, and within six calendar months next before the commencement of this suit, and within twenty-eight years after the said first publishing of the said print, wrongfully and fraudulently, and without the consent in writing of the plaintiff signed by him, or any other consent of or from the plaintiff, and in England aforesaid, did on divers days and times unlawfully publish and sell, or otherwise dispose of, and procure to be published, sold, and otherwise disposed of, divers, to wit, copies of the said print, contrary to the statute in such case made and provided.

See *Graves v. Ashford* (16 L. T. N. S. 98; L. Rep. 2 C. P. 410; 36 L. J. 139, C. P.).

For Infringement of Copyright in a Print by selling Copies from a spurious Plate.

Copy preceding precedent down to the end of the word "plaintiff," on line 26 of p. 725; then proceed: Did unlawfully publish and sell, and cause and procure to be published and sold divers base copies of the said print whereof the plaintiff so was the proprietor as aforesaid, which copies were engraved and made without the consent of the

plaintiff, and against his will, and did expose to sale divers other copies of the same print without the consent in writing and against the will of the plaintiff, and did engrave, etch, and work, and copy, and sell, and caused to be engraved, etched, and worked, and copied, and sold, in part by varying from the main design, divers other copies of the same prints, without the consent in writing and against the will of the plaintiff, by means whereof the plaintiff has been and is greatly injured in his property in the said print, and has lost and been deprived of divers great gains and profits which he would otherwise have derived and acquired by the printing and selling of the said print.

See *Gambart v. Lee* (29 L. J. 98, Ex.; 5 H. & N. 5).

*For Penalties for Infringement of Right of Representing or Performing
a Dramatic Piece.*

That before and at the time of the committing of the grievances by the defendant hereinafter mentioned, and after the passing of a certain Act of Parliament made and passed in the third and fourth years of the reign of his late Majesty King William the Fourth, entitled an "Act to Amend the Laws relating to Dramatic Literary Property," the plaintiff was the proprietor of a certain dramatic piece [or of certain dramatic pieces] called _____, and had as such proprietor the sole liberty of representing or causing to be represented the said dramatic piece [or pieces] at any place or places of dramatic entertainment whatsoever in any part of the British dominions, and from thence hitherto has been and is the proprietor thereof and possessed of the sole right and liberty as aforesaid; yet, while the plaintiff was the proprietor thereof as aforesaid, and had the sole liberty of representing and causing to be represented the said dramatic piece [or pieces] as aforesaid, and after the passing of the said Act of Parliament, and within twelve calendar months next before the commencement of this suit, the defendant, without the consent in writing of the plaintiff first had and obtained, did represent and perform, and cause to be represented and performed, the said dramatic piece [or pieces, or divers parts of the said dramatic piece or pieces] at a certain place [or at divers places] of dramatic entertainment in Great Britain, to wit, at the _____ Theatre, in the county of _____, _____ times, contrary to the form of the statute in such case made and provided, and contrary to the right of the plaintiff as such proprietor as aforesaid, by reason whereof, and by force of the statute in such case made and provided, the defendant has become and is liable to pay to the plaintiff, so being such proprietor as aforesaid, and having such sole liberty as aforesaid, an amount not less than forty shillings in respect of each and every such representation of the said dramatic piece [or of each of the said dramatic pieces], or the full amount of the benefit or advantage arising from each and every of such representations, or the injury or loss sustained by the plaintiff therefrom, whichever shall be the greater damages; and the plaintiff says that the sum of forty shillings is the greatest damages recoverable by him according to the form of the said statute, in respect of each representation of the said piece [or of each and every of the said pieces] by the defendant as above-mentioned, whereof the defendant had notice; whereby, and by force of the statute in such case made and provided, an action has accrued to the plaintiff to demand and have from the defendant _____ several sums of forty shillings, yet the defendant has not paid the same or any part thereof.

See *Oumberland v. Copeland* (7 H. & N. 118; 31 L. J. 19, Ex.; 4 L. T. N. S. 803); *Reade v. Conquest* (9 C. B. N. S. 755; 30 L. J. 299, C. P.); *Shepherd v. Conquest* (17 C. B. 427; 25 L. J. 127, C. P.)

As the sole right of representing or performing may be enjoyed separately from the copyright in the dramatic or musical composition itself (*vide ante*, pp. 114, 116), it may sometimes be necessary to frame a count for the infringement of such separate right. The following is given as a precedent:—

That before and at, &c. [*as in preceding form*], the plaintiff had and from thence hitherto has had and has the sole liberty of representing or causing to be represented a certain dramatic piece called _____ at any place, &c., yet the defendant whilst the plaintiff had such sole liberty as aforesaid and after, &c. [*as in preceding*].

For Infringement of Right of Performing a Musical Composition.

That before and at the time of the committing of the grievances hereinafter mentioned, and after the passing of certain Acts of Parliament made and passed in the third and fourth years of the reign of his late Majesty King William the Fourth, and in the fifth and sixth years of the reign of Queen Victoria, entitled respectively "An Act to Amend the Laws relating to Dramatic Literary Property," and "An Act to amend the Law of Copyright," the plaintiff was the proprietor of a certain musical composition called _____, and had as such proprietor the sole liberty of performing [*or representing and performing*] or causing to be performed the said musical composition at any place [*&c., as in preceding form; describing the work as a musical composition, and changing Act of Parliament to Acts of Parliament, and statute to statutes*].

See the preceding note and form.

For Infringement of Copyright in a Model, Cast, Copy, or Sculpture, by selling pirated Copies.

That before and at the time of the committing by the defendant of the grievances hereinafter mentioned, the plaintiff was, and from thence hitherto has been and still is, the proprietor of a certain new and original model [*or cast, &c.*], to wit, a model [*or cast, &c.*] of _____ [*describe the model, &c.*], and such new and original model was first published by the plaintiff within fourteen [*or twenty-eight, see 54 Geo. 3, c. 56, s. 6*] years before the committing of the said grievances or any of them; and the plaintiff, before the said model, &c., was put forth or published, did cause his name to be put thereon, with the date of publication thereof, and was, at the time of the committing of the said grievances, and from thence hitherto has been and is entitled under the Act of Parliament in that behalf to the sole right and property in the said model; yet the defendant, well knowing the premises, but contriving, and wrongfully and fraudulently intending to injure the plaintiff, and to deprive him of the profits and advantages which he might and otherwise would have derived from the said model, &c., and also to deprive him of his copyright therein heretofore, and after the passing of an Act of Parliament passed in the fifty-fourth year of his late Majesty King George the Third, entitled "An Act to amend and render more effectual an Act of his

present Majesty, for encouraging the Art of making new Models and Casts of Busts, and other things therein mentioned, and for giving further Encouragement to such Arts," and within six calendar months next before the commencement of this suit, and within fourteen [or twenty-eight] years from the said first publishing of the said model, &c., wrongfully and injuriously did, on divers days and times before the commencement of this suit, expose to sale and dispose of, and cause to be exposed to sale and disposed of, divers pirated copies [or pirated casts] of the aforesaid model, &c., contrary to the form of the statute in such case made and provided, whereby the plaintiff was and is greatly damnified.

*For Infringement of Copyright in a Design registered under
5 & 6 Vict. c. 100.*

That before and at the time of the committing by the defendant of the grievance hereinafter mentioned, and after the passing of an Act of Parliament passed in the fifth and sixth years of the reign of Queen Victoria, intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," the plaintiff was, and from thence hitherto has been and is, the proprietor of a new and original design applicable to the ornamenting of _____ comprised in class _____ mentioned in the said Act, which said design had not before or at the time of the registration thereof, as hereinafter mentioned, been published within the United Kingdom of Great Britain and Ireland or elsewhere, and the plaintiff, so being such proprietor as aforesaid, caused the said design to be and the same was duly registered in respect of the application of such design to ornamenting articles of manufacture, that is to say, to _____ comprised in class _____ mentioned in the said Act, by specifying the number of the class in respect of which such registration was made, and also caused his name to be, and his name was then duly registered according to the said Act as proprietor of the said design, and after and ever since the publication of the said design, every article of manufacture which had been made by the plaintiff according to the said design, and every article of manufacture and substance on or to which the said design had been used or applied by the plaintiff, had thereon the letters "Rd.," and also numbers and letters in a form corresponding with the date of the registration of the said design, and according to the provisions of the said Act, and, by reason of the premises, the plaintiff, before and at the time of the committing of the said grievances, and from thence hitherto, has had and has the sole right to apply the said design to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, and all conditions, matters, and things had been performed, and had happened and existed which were necessary to entitle the plaintiff to, and the plaintiff was entitled to the benefit of the said Act with regard to the said design in respect of the application thereof to ornamenting _____ comprised in class _____ within the United Kingdom, for the term of [insert duration of copyright according to class] to be computed from the _____ day of _____ A.D. _____, the date on which the said design was registered according to the provisions of the said Act, and all conditions, matters and things had been performed, and had happened and existed which were necessary to entitle the plaintiff to sue the defendant in this action, yet the defendant [on each of divers several occasions] wrongfully and

injuriously, and without the leave or consent in writing of the plaintiff as such registered proprietor as aforesaid, and within twelve calendar months next before the commencement of this suit, applied the said design [and divers fraudulent imitations thereof] for the purpose of sale to and to the ornamenting of each of divers then being articles of manufacture comprised in class , to which the plaintiff had such sole right of applying the said design, and also made and caused to be made divers of such according to the said design, in breach of and against the sole right of the plaintiff, and contrary to the form of the said statute.

McCræ v. Holdsworth (5 B. & S. 495; 13 L. T., N.S., 80; 33 L. J. 329, Q.B.)

*For Infringement of Copyright in a Design registered under
6 & 7 Vict. c. 65.*

That before and at the time of the committing by the defendant of the grievances hereinafter mentioned, and after the passing of an Act of Parliament, passed in the seventh year of the reign of Queen Victoria, intituled, "An Act to amend the Laws relating to the Copyright of Designs," the plaintiff was, and from thence hitherto has been and is, the proprietor of a new and original design for an article of manufacture, having reference to a purpose of utility so far as the said design was and is for the shape or configuration of such article, that is to say, of a new and original design for the shape or configuration of a , which said design had not before or at the time of the registration thereof, as hereinafter mentioned, been published within the United Kingdom of Great Britain and Ireland or elsewhere, and the plaintiff so being such proprietor as aforesaid, caused the said design to be and the same was duly registered according to the said Act, and also caused his name to be and his name was then duly registered according to the said Act as proprietor of the said design, and after and ever since the publication of the said design every article of manufacture made by the plaintiff according to the said design, or on which the said design was used, had thereon the word "registered," with the date of registration, and by reason of the premises the plaintiff had before and at the time of the committing of the said grievances, and from thence hitherto has had and has the sole right to apply the said design to any article of manufacture, or to make or sell any article according to such design, and all conditions, matters, and things had been performed and had happened and existed which were necessary to entitle the plaintiff to, and the plaintiff was entitled to the benefit of the said Act with regard to the said design for the term of three years, to be computed from the day of , A.D. , the date on which the said design was registered according to the provisions of the said Act, and all conditions, matters, and things had been performed and had happened and existed which were necessary to entitle the plaintiff to sue the defendant in this action, yet the defendant [on each of several occasions] wrongfully and injuriously, and without the leave or consent in writing of the plaintiff as such registered proprietor as aforesaid, and within twelve calendar months next before the commencement of this suit, applied the said design [and divers fraudulent imitations thereof] for the purpose of sale to divers articles of manufacture to which the plaintiff had such sole right of applying the said design, and also made and caused to be made divers of such articles according to the said design, in breach of and against the sole right of the plaintiff and contrary to the form of the said Act.

PLEAS.

General Issue.

In the Queen's Bench [or Common Pleas, or Exchequer of Pleas].
 B. } The day of A.D.
 ats. } The defendant by O. D. his attorney [or in person, as the
 A. } case may be] says that he is not guilty.

Plea denying the Copyright.

That the plaintiff was not the proprietor of the said copyright as alleged.

Plea denying that the Copyright was existing.

That the said copyright was not a subsisting copyright as alleged.

Plea denying first Publication in England.

That the said book in the declaration mentioned was not first printed and published in that part of the United Kingdom of Great Britain and Ireland called England.

That Prints had not Date of first Publication or Proprietor's Name thereon.

That the day of the first publishing of the said print was not, together with the name of the plaintiff as proprietor thereof, printed upon such print as in the declaration mentioned.

See *Graves v. Ashford* (16 L. T. N. S. 98; L. Rep. 2 C. P. 412).

That Prints were published without Date of first Publication or Proprietor's Name.

That before the committing of the alleged grievances in the declaration mentioned [or any of them] the plaintiff printed and published and sold, and caused and knowingly permitted to be printed and published and sold divers, to wit prints printed and taken from the said engraving in the declaration mentioned, without having the day of the first publishing thereof or the name of the proprietor thereof printed thereon.

See *Graves v. Ashford* (16 L. T. N. S. 98; L. Rep. 2 C. P. 412).

Denying Plaintiff's sole Right of Representing or Performing Dramatic or Musical Piece.

That the plaintiff was not the proprietor of, nor had he the sole liberty of representing [and performing] or causing to be represented [and performed] the said dramatic piece [or musical composition] as alleged.

That a Musical Composition was composed by Plaintiff for Defendant as accessory to Representation of a Dramatic Piece.

That the alleged musical composition was part of a dramatic piece, to wit _____, adapted to the stage by the defendant, with the aid of scenery, dresses, the alleged composition, and other music and accompaniments, the general design of which representation was formed by the defendant: and that the defendant employed the plaintiff, for reward paid to him by the defendant in that behalf, to compose the said musical composition as part of the said representation and dramatic piece, and as a mere accessory to the said dramatic piece, on the terms that in consideration of such reward, the said musical composition should become part of such dramatic piece as designed and adapted for representation by the defendant, and that the defendant should have the sole liberty of representing and performing, and causing and permitting to be represented and performed, the said musical composition with the said dramatic piece, and as an accessory thereto and as part thereof, and the alleged musical composition was composed by the plaintiff under and by virtue of the said employment, and upon the terms and for the purpose aforesaid, and the alleged representations and performances were representations and performances by the defendant of the said dramatic piece so designed and adapted as aforesaid, with the aid of the said scenery, dresses, and the said musical composition and other music and accompaniments.

See *Hatton v. Kean*, 29 L. J. 20, C. P.; 7 O. B. N. S. 268.

Form of Notice of Objections to be given with the Pleas in an Action for Infringement of Copyright, in pursuance of 5 & 6 Vict. c. 45, s. 16.

In the

A. B., plaintiff,
against
E. F., defendant.

Take notice that the above named defendant means to rely, on the trial of this action, on the following objections:

1. That the defendant is not guilty of the alleged grievances.
2. That the plaintiff was not the proprietor of the said copyright.
3. That at the time of the alleged grievances there was no subsisting copyright in the said book.
4. That J. K., and not the plaintiff, was the author of the said book.
5. That L. M., and not the plaintiff, was the first publisher of the said book.
6. That N. O., and not the plaintiff, is the proprietor of the said copyright.

7. That the said book was first published with the title [specify the title of the book as first published] on the _____ day of _____, A.D. [specify the date of first publication] at [specify the place of the first publication].

[State any other objections in the same manner.]

Yours, &c.,

To Mr. C. D., plaintiff's attorney,
[or agent.]

G. H., defendant's attorney,
[or agent.]

(From Bullen and Leakes' Precedents, p. 719.)

See examples of notices in *Boosey v. Davidson* (4 D. & L. 147); *Sweet v. Benning* (16 C. B. 459); *Leader v. Purday* (7 O. B. 4); *Hatton v. Kean* (29 L. J. 20, C. P.; 7 O. B. N. S. 268).

FORMS OF PLEADINGS IN PROCEEDINGS FOR LIBEL (CRIMINAL).

Ex officio Information by Attorney-General for a Seditious Libel.

Michaelmas Term in the year of Queen Victoria.

MIDDLESEX.—Be it remembered that Sir , Knt., Attorney-General of our present Sovereign Lady the Queen, who for our said Lady the Queen in this behalf prosecuteth in his proper person, cometh here into the court of our said Lady the Queen, before the Queen herself, at Westminster, in the county of Middlesex, on Monday next after the morrow of All Souls', in this same term, and for our said Lady the Queen giveth the court to understand and be informed that *J. L.*, late of , in the county of Middlesex, being a seditious, malicious, and ill-disposed person, and being greatly disaffected to our said present Sovereign Lady Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and to her administration of the government of this kingdom, and most unlawfully, wickedly, and maliciously, devising, designing, and intending as much as in him lay to bring our said Lady the Queen, and her administration of the government of this kingdom, and the persons employed by her in the administration of the government of this kingdom, into great and public hatred and contempt among all her liege subjects, and to alienate and withdraw from our said Lady the Queen the cordial love and affection, true and due obedience, fidelity, and allegiance of the subjects of our said Lady the Queen, on the day of , in the year of our said present Sovereign Lady the Queen, at the parish of , in the county of Middlesex, did unlawfully, seditiously and maliciously print and publish, and cause and procure to be printed and published, a certain scandalous, malicious, and seditious libel of and concerning our said Lady the Queen, and her administration of the government of this kingdom, to the tenor and effect following, that is to say: [*here state the libel*] in contempt of our said Lady the Queen and her laws, to the evil example of all others, and against the peace of our said Lady the Queen, her crown and dignity.

Second Count.—And the said Attorney-General of our said Lady the Queen, who prosecutes as aforesaid, further gives the court here to understand and be informed that the said *J. L.*, of his further malice against our said Lady the now Queen, and again unlawfully, wickedly, and maliciously devising, designing and intending as aforesaid, afterwards, on the day of , in the year of our said present Lady the Queen at , aforesaid, did unlawfully, seditiously, and maliciously, print and publish, and cause and procure to be printed and published, a certain other scandalous, malicious, and seditious libel of and concerning our said Lady the Queen, and her administration of the government of this kingdom, to the tenor and effect following: [*Here state libel varying the innuendoes*]

in the first count.] Whereupon the said Attorney-General of our said Lady the Queen, who for our said Lady the Queen in this behalf prosecutes, for our said Lady the Queen, prays the consideration of the court here in the premises, and that due process of law may be awarded against the said *J. L.* in this behalf, to make him answer to our said Lady the Queen touching and concerning the premises aforesaid.

See *Rev v. Lambert and Perry* (31 St. Tr. 336, and 2 Chitty Crim. L. 6 & 90). In the case of *Lambert and Perry* the libel did not require any prefatory averment. *Vide ante*, pp. 522, 523.

Information by Master of Crown Office.

Of Term, in the year of the reign of Queen Victoria.

——, } Be it remembered that *A. B.*, Esq., coroner and attorney
to wit } of our Lady the now Queen, in the court of our said
Lady the Queen, before the Queen herself, who prosecutes for our
said Lady the Queen in this behalf in his proper person, comes here
into the court of our said Lady the Queen, before the Queen herself,
at Westminster, on the in this same term, and for our said
Lady the Queen gives the court here to understand and be informed
that, &c. [*State the facts and circumstances constituting the offence.*
See example in next form], to the great damage, scandal, and disgrace
of him the said , to the evil example of all others in the like
case offending, and against the peace of our said Lady the Queen, her
crown and dignity.

Commence the second and other counts thus :

And the said coroner and attorney of our said Lady the Queen,
who prosecutes as aforesaid, further gives the court here to under-
stand and be informed that, &c.

Conclude thus :

And therefore the said coroner and attorney of our said Lady the
Queen, prays the consideration of the court here in the premises, and
that due process of law may be awarded against him the said
in this behalf, to make him answer to our said Lady the Queen,
touching and concerning the premises aforesaid.

*Criminal Information by Master of Crown Office for a Libel charging
the Scuttling of a Vessel.*

(*Reg. v. Shimmmin*, not reported).

Of Michaelmas Term, in the thirty-third year of the reign of Queen
Victoria.

In the County of Lancaster, } Be it remembered that Thomas Norton,
West Derby Division, Esq., coroner and attorney of our
to wit. } present sovereign Lady the Queen,
in the court of our said Lady the Queen, before the Queen herself,
who for our said Lady the Queen in this behalf prosecuteth in his own
person, cometh here in the said court of our Lady the Queen, before
the Queen herself at Westminster, to wit, on the twenty-fourth day of
November, A.D. one thousand eight hundred and sixty-nine, and in
the said thirty-third year of the reign of our said Lady the Queen, and

for our said Lady the Queen giveth the court here to understand and be informed that, at and before the publishing of the libel hereinafter mentioned, a certain company called and duly registered as "The Merchants' Trading Company, Limited," carried on its business, to wit, at Liverpool, in the West Derby division of the county of Lancaster, and the said company owned and employed, in trading to divers places, divers ships and vessels, and amongst others, to wit, a certain steam ship or vessel called the "Golden Fleece," and at the time aforesaid one William James Fernie, of Liverpool aforesaid, was, and still is, and for some time previous to the publishing of the said libel had been, the managing director of the said company, and was and is otherwise largely interested therein; and at and before the time aforesaid it became and was and still is the duty of the said William James Fernie, as such managing director, to superintend generally the employment of the said ships or vessels of the said company, including the said steam ship or vessel the "Golden Fleece," and the effecting of insurances upon and in respect of such ships or vessels, and goods of the said company laden therein, and freight to become payable for the carriage by the said company of goods thereby; and before the printing and publishing of the said libel the said steam ship or vessel "Golden Fleece," then being a ship or vessel the property of the said company, had been altered and prepared for the carriage of a cargo of coal, and had been laden with such cargo of coals principally at Cardiff, in the United Kingdom, for a voyage to Alexandria, and the said vessel and her freight and cargo for the said voyage had been, by and under the direction of the said William James Fernie, as such managing director, insured in an amount not exceeding the fair value thereof respectively. And after the said "Golden Fleece" had been so laden with coals as aforesaid, and while the same was at anchor in the roads of the harbour at Cardiff aforesaid, the said "Golden Fleece" met with a disaster, to wit, by becoming filled with water through one of the coaling ports of the said "Golden Fleece;" and in order to prevent her sinking, the said "Golden Fleece" was necessarily driven towards the shore and stranded. And thereupon a certain inquiry was held by direction of the Board of Trade into the circumstances of the said disaster, which inquiry resulted in the exoneration of the master of the said vessel "Golden Fleece" from all blame in respect of the said disaster, and in the return to such master of his master's certificate. And thereupon the said Hugh Shimmin, of Liverpool aforesaid, being the printer and publisher of a certain newspaper called *The Porcupine*, unlawfully, wickedly, and maliciously wrote, printed, and published, and so caused and procured to be written, printed, and published, of and concerning the said William James Fernie a certain false, scandalous, malicious, and defamatory libel in the form of an article entitled "Marine Coal Scuttling," in the said newspaper, *The Porcupine*, published by the said Hugh Shimmin, to wit, on the twenty-third day of October, A.D. one thousand eight hundred and sixty-nine, and in the said thirty-third year of our said Lady the Queen, to wit, at number fifty-eight Cable-street in Liverpool aforesaid, the words following: [*Here follows in full the newspaper article.*] And the said Hugh Shimmin so unlawfully, wickedly, and maliciously wrote, printed, and published, and caused and procured to be written, printed, and published, the said libel, he, the said Hugh Shimmin, then well knowing the same to be false, thereby intending and contriving to injure, vilify, and prejudice the said William James Fernie and to lower him in the estimation of his fellows, to the great injury, scandal, and disgrace of

the said William James Fernie, to the evil example of all others in like case offending, and against the peace of our Lady the Queen, her crown and dignity.

And the said coroner and attorney of our said Lady the Queen, for our said Lady the Queen further giveth the court here to understand and be informed that, at and before the time of the publishing of the libel hereinafter mentioned, a certain company called and duly registered as "The Merchants' Trading Company, Limited," carried on its business, to wit, at Liverpool, in the West Derby division of the county of Lancaster, and the said company owned and employed, in trading to divers places, divers ships and vessels, and amongst others, to wit, a certain ship or vessel called the "Golden Fleece," and at the time aforesaid, one William James Fernie of Liverpool aforesaid, was, and still is, and for some time previous to the publishing of the said libel, had been the managing director of the said company, and was and is otherwise largely interested therein, and at and before the time aforesaid it became and was and still is the duty of the said William James Fernie, as such managing director, to superintend generally the employment of the said ships or vessels of the said company, including the said steam ship or vessel the "Golden Fleece," and the effecting of insurances upon and in respect of such ships or vessels, and goods of the said company laden therein and freight to become payable for the carriage by the said company of goods thereby. And before the printing and publishing of the said libel the said steam ship "Golden Fleece," then being a ship or vessel, the property of the said company, had been laden with a cargo of coals, principally at Cardiff, in the United Kingdom, for a voyage to Alexandria, and the said vessel and her freight and cargo for the said voyage had been by and under the direction of the said William James Fernie, as such managing director, insured in an amount not exceeding the fair value thereof, respectively; and after the said "Golden Fleece" had been so laden with coals as aforesaid, and while the same was at anchor in the roads of the harbour at Cardiff aforesaid, the said "Golden Fleece" met with a disaster, to wit, by becoming filled with water through one of the coaling ports of the said "Golden Fleece," and in order to prevent her sinking, the said "Golden Fleece" was necessarily driven towards the shore and stranded. And thereupon a certain inquiry was held by direction of the Board of Trade into the circumstances of the said disaster, which inquiry resulted in the exoneration of the master of the said vessel "Golden Fleece" from all blame in respect of the said disaster, and in the return to such master of his master's certificate. And thereupon the said Hugh Shimmin, of Liverpool aforesaid, being the printer and publisher of a certain newspaper called *The Porcupine*, unlawfully, wickedly, and maliciously wrote, printed, and published, and so caused and procured to be written, printed, and published of and concerning the said William James Fernie, a certain false, scandalous, malicious, and defamatory libel in the form of an article entitled "Marine Coal Scuttling," to wit, in the said newspaper, *The Porcupine*, published by the said Hugh Shimmin, to wit, in the twenty-third day of October, A.D. one thousand eight hundred and sixty-nine, and in the thirty-third year of our said Lady the Queen, to wit, at number fifty-eight Cable-street, in Liverpool aforesaid, the words following: "You need not wait till she (meaning the ship or vessel in the said sentence referred to) gets out to sea. If you wish to close your accounts promptly, you can load her with coals until her ports are below the water line, and by leaving one of the side coaling ports insecurely

fastened, you can at any time command a supply of water which will sink the vessel in a few minutes. All these are acts which are not individually deemed criminal, but the true colour of which is at once revealed when it is known that the vessel and her freight are insured for double their value;" the said Hugh Shimmin, thereby meaning, referring, and intending to be understood as meaning and referring to the said ship or vessel "Golden Fleece," and thereby meaning to impute that the said loss of and damage to the said "Golden Fleece" had been caused and occasioned by the wicked and corrupt contrivance, and for the profit of the said William James Fernie, and others. And the said Hugh Shimmin, so unlawfully, wickedly, and maliciously wrote, printed, and published, and caused and procured to be written, printed, and published, the said libel, he, the said Hugh Shimmin, then well knowing the same to be false, thereby intending and contriving to injure, vilify, and prejudice the said William James Fernie, and to lower him in the estimation of his fellows, to the great injury, scandal, and disgrace of the said William James Fernie, to the evil example of all others in like case offending, and against the peace of our Lady the Queen, her crown and dignity.

Whereupon the said coroner and attorney for our said Lady the Queen prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him, the said Hugh Shimmin, in this behalf, to make him answer to our said Lady the Queen, and touching and concerning the premises aforesaid.

Indictment for Publishing a Libel knowing the same to be false.

— } The jurors for our said Lady the Queen upon their oath
to wit. } present, that *O. D.*, contriving and unlawfully, wickedly,
and maliciously intending to injure, vilify, and prejudice one *A. B.*, and
to deprive him of his good name, fame, credit, and reputation, and to
bring him into public contempt, scandal, infamy, and disgrace, on
the day of in the year of our Lord , unlaw-
fully, wickedly, and maliciously did write and publish, and cause and
procure to be written and published, a false, scandalous, malicious,
and defamatory libel, containing divers false, scandalous, malicious,
and defamatory matters and things of and concerning the said *A. B.*,
according to the tenor and effect following, that is to say [*Here set
out the libel, together with such inuendoes as may be necessary to render
it intelligible. See example in next form*], he, the said *O. D.*, then well
knowing the said defamatory libel to be false, to the great damage,
scandal, and disgrace of the said *A. B.*, to the evil example of all
others in the like case offending, and against the peace of our Lady
the Queen, her crown and dignity.

Indictment of a Newspaper Proprietor for a Libel on the late Bishop of Exeter.

(*Reg. v. Latimer*, 3 Cox. Crim. Cas. Appx. xxxviii).

City and County of the } The jurors for our Lady the Queen upon
City of Exeter, } their oath present, that before and at the
to wit. } time of publishing the false, scandalous,
malicious, and defamatory libel hereinafter mentioned, Henry Phill-
potts had become, and was, and still is, by Divine permission, Lord
Bishop of Exeter, to wit, bishop of the diocese of Exeter, in that part
of the United Kingdom of Great Britain and Ireland called England,

and that before the time of the publishing of the said false, scandalous, malicious, and defamatory libel hereinafter mentioned, to wit, on the 1st day of May, in the year of our Lord, 1846, a certain petition of one James Shore, to the Lords spiritual and temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled, had been and was presented by a certain peer of the realm, to wit, by Henry, Lord Brougham and Vaux, to the said Lords spiritual and temporal in Parliament assembled, and that the said Henry, Lord Brougham and Vaux, did, to wit, on the day and year aforesaid, and on the occasion of the said presenting the said petition to the said Lords spiritual and temporal, address and make to the said Lords spiritual and temporal in Parliament assembled, certain observations with reference to and concerning the said petition and the several matters and things in the said petition contained; and that the said Henry, Bishop of Exeter, then being one of the said Lords spiritual, did, on the day and year aforesaid, and on the occasion aforesaid, address and make to the said Lords spiritual and temporal in Parliament assembled certain observations and statements, in answer and with reference to the said observations of the said Henry, Lord Brougham and Vaux, and with reference to the said matters and things contained in the said petition of the said James Shore. And the jurors aforesaid, on their oath aforesaid, do further present that Thomas Latimer, of the parish of St. John, in the city and county of the city aforesaid, labourer, (a) well knowing the premises, but contriving, and wickedly, and maliciously, and unlawfully intending to aggrieve and vilify the said Henry, Bishop of Exeter, and to injure him in his good name, fame, and credit, and to bring him into public scandal, infamy, and disgrace, in his diocese and among the clergy of his said diocese, and the other clergy of this realm, and also among his neighbours and other good and worthy subjects of this realm, afterwards, to wit, on the 24th day of July, in the year of our Lord 1846 [with force and arms], at the parish aforesaid, in the city and county of the city aforesaid, in a certain newspaper called, to wit, *The Western Times*, falsely, wickedly, and maliciously, did write and publish, and cause and procure to be written and published, a certain false, wicked, and malicious, scandalous, and defamatory libel of and concerning the said Henry, Bishop of Exeter, and of and concerning him as such bishop as aforesaid, and of and concerning the matters and things aforesaid, in the words and figures following, that is to say, [~~then~~ follows the libel, concluding thus] "unfortunately he (meaning thereby the said Henry, Bishop of Exeter) goes quite the other way, and his (meaning thereby the said Henry, Bishop of Exeter) reply is so directly the opposite of the truth that he (meaning thereby the said Henry, Bishop of Exeter) stands branded as a consecrated, careless perverter of facts, and one who does no credit to the mitre which he (meaning thereby the said Henry, Bishop of Exeter) is paid £200 a week or thereabouts, to wear," &c., knowing the same to be false, &c.

(a) The addition required by 1 Hen. 5, c. 5, of the "estate, degree, or mystery" of defendants in indictments may now be omitted altogether, as sect. 24 of 14 & 15 Vict. c. 100, enacts that no indictment for any offence shall be holden insufficient "for want of or imperfection in the addition of any defendant."

PLEAS.

Plea to Information or Indictment, that Matters Charged are True, and that Publication was for Public Benefit.

In the Central Criminal Court, or At the Assizes of our lady the Queen, holden at _____, in and for the county of _____, or (in case of Information) In the Queen's Bench.

The _____ day of _____, A.D. _____.

The Queen } And now the said A. B., by C. D., his attorney [or, in
v. } his own proper person], comes into court, and having
A. B. } heard the said indictment (or information) read, says that the alleged defamatory libel and matters charged against him, the said A. B., in and by the said indictment (or information) as written and published by him, the said A. B., of and concerning the said E. F., are true in this, that, &c., [stating concisely the facts relied on as justifying the libel on the ground of its truth]. And the said A. B. further saith that it was for the public benefit that the said alleged defamatory libel, and matters charged in and by the said indictment (or information), as written and published of and concerning the said E. F., should be written and published, because, &c. [stating the fact or facts relied on as excusing the publication on the ground of the benefit to the public], whereby and by reason whereof it was, and is, for the public benefit that all and every the said alleged defamatory libel and matters charged in and by the said indictment (or information), should be published.

Plea justifying Libel charged in Form next but one preceding (ante, pp. 736, 737).

And for a further plea in this behalf to so much of the first and fourth counts of the said indictment, as charged upon the said Thomas Latimer the writing and publishing, and causing and procuring to be written and published, so much of the said alleged libels in the said first and fourth counts respectively mentioned, as imputes to, or charges against Henry, Lord Bishop of Exeter, therein respectively also mentioned, that the reply of him, the said Henry, Lord Bishop of Exeter, to the observations of Henry, Lord Brougham and Vaux, in the said first and fourth counts respectively mentioned, in reference to the petition of James Shore therein also respectively mentioned, was so directly opposite to the truth that the said Henry, Lord Bishop of Exeter, stands branded as a careless perverter of facts, the said Thomas Latimer, by virtue of the statute in such case made and provided, says that before the writing and publishing of, and causing and procuring to be written and published, so much of the said alleged libels respectively, as is in the introductory part of this plea mentioned, to wit, on the 12th day of September, in the year of our Lord 1882, the most noble Edward Adolphus, Duke of Somerset, then and thenceforth, and until and at the time of the writing and publishing of, and causing and procuring to be written and published, so much of the said alleged libels as last aforesaid, and still being a peer of the realm of the United Kingdom of Great Britain and Ireland, to wit, Duke of Somerset and Baron Seymour, of Hacke, in the county of Somerset, had erected and built, at his own expense, a certain chapel, for the public worship of God, on certain lands of him, the said Edward Adolphus, Duke of Somerset, situate in the hamlet of Bridgetown, in the parish of Berry Pomeroy, in the county of

Devon, and in the said diocese of Exeter, in the said first and fourth counts respectively mentioned, to wit, at the said parish in the said first and fourth counts respectively mentioned. And the said Thomas Latimer further saith that afterwards, and before the writing and publishing of, and causing and procuring to be written and published, so much of the said alleged libels as aforesaid, to wit, on the day and year last aforesaid, the said Edward Adolphus, Duke of Somerset, with the consent of the Rev. John Edwards, clerk, then being vicar of the said vicarage and parish church, applied to, and requested the said Henry, Lord Bishop of Exeter, then being Lord Bishop of the said diocese of Exeter, and the ordinary of the said vicarage and parish church, to grant his licence that the said chapel might be opened and used for the celebration of Divine service according to the rites and ceremonies of the United Church of England and Ireland by public authority established, to wit, at the said parish in the said first and fourth counts respectively in that behalf mentioned. And the said Henry, Lord Bishop of Exeter, then on such request of the said Edward Adolphus, Duke of Somerset, being so made to him as aforesaid, stated to the said Edward Adolphus, Duke of Somerset, that he the said Henry, Lord Bishop of Exeter, was willing to grant such licence as aforesaid, provided the said Edward Adolphus, Duke of Somerset, would, previously to the granting thereof, engage and undertake with and to him, the said Henry, Lord Bishop of Exeter, that he the said Edward Adolphus, Duke of Somerset, would, to the satisfaction of him the said Henry, Lord Bishop of Exeter, endow the said chapel with a permanent provision for the maintenance of a minister in Holy Orders to celebrate such Divine service as aforesaid, and would convey and assure the said land whereon the said chapel was built as aforesaid, and also the said chapel so and in such manner that the said chapel might be for ever devoted and set apart to and for such Divine service as last aforesaid; and that the said chapel should, in the meantime and until such endowment and conveyance and assurance as aforesaid, only be used for purposes connected with the ministry of the said United Church of England and Ireland, to wit, at the parish aforesaid. And the said Thomas Latimer further saith that afterwards and before the granting of the licence to the said Edward Adolphus, Duke of Somerset, by the said Henry, Lord Bishop of Exeter, as hereinafter mentioned, to wit, on the 22nd day of September, in the year of our Lord One thousand eight hundred and thirty-two, and thenceforth always until the granting of such licence, the said Edward Adolphus, Duke of Somerset, declined to enter into or give any such engagement or undertaking with and to the said Henry, Lord Bishop of Exeter as aforesaid. And the said Henry, Lord Bishop of Exeter, thereupon, then, to wit, on the day and year last aforesaid, consented to grant such licence as aforesaid to the said Edward Adolphus, Duke of Somerset, without requiring him to enter into or give any such engagement or undertaking as aforesaid, to wit, at the parish last aforesaid. And the said Henry, Lord Bishop of Exeter, afterwards, and before the writing and publishing of, and causing and procuring to be written and published, so much of the said alleged libels as aforesaid, to wit, on the 9th day of November, in the year of our Lord one thousand eight hundred and thirty-two, in accordance with the consent so given by him as aforesaid, the said Edward Adolphus, Duke of Somerset, having declined and then declining to enter into and give, and not theretofore or then, or at any time since, having entered into or given any such

engagement or undertaking as aforesaid, did, by a certain licence there subscribed by him, the said Henry, Lord Bishop of Exeter, and sealed with his episcopal seal, bearing date a certain day and year in that behalf therein named, to wit, the day and year last aforesaid, give and grant his licence unto the said Edward Adolphus, Duke of Somerset, that the said chapel might be forthwith opened and used for the celebration of Divine service, according to the rites and ceremonies of the said United Church of England and Ireland by a priest or minister in Holy Orders, to be for that purpose licensed by the said Henry, Lord Bishop of Exeter, to wit, at the parish last aforesaid. And the said Thomas Latimer further saith, that afterwards and before the writing and publishing of, and causing and procuring to be written and published, so much of the said alleged libels as aforesaid, to wit, on the said first day of May, in the year of Our Lord one thousand eight hundred and forty-six, in the said first and fourth counts respectively mentioned, the said Henry, Lord Bishop of Exeter, did, in reply to the said observations of the said Henry, Lord Brougham and Vaux, in the said first and fourth counts respectively mentioned, in reference to the said petition of the said James Shore, and in the said observations and statements addressed and made by him the said Henry, Lord Bishop of Exeter, in answer to the said observations of the said Henry, Lord Brougham and Vaux, as therein respectively also mentioned, did speak and say to the said Lords spiritual and temporal in Parliament assembled, of and concerning the said observations and statements of the said Henry, Lord Brougham and Vaux, and of and concerning the said Edward Adolphus, to the said Henry, Lord Bishop of Exeter, for such licence to open and use the same as aforesaid, and of and concerning such licence as last aforesaid, and of and concerning such engagement and undertaking so required by him the said Henry, Lord Bishop of Exeter, and declined to be entered into and given by the said Edward Adolphus, Duke of Somerset, as aforesaid, and of and concerning the said petition of the said James Shore, and the matters therein contained, and of and concerning the premises, the words following, that is to say,—“I” (meaning the said Henry, Lord Bishop of Exeter) “should wish to have been excused from entering into the circumstances of the present case,” (meaning the said matters and things contained in the petition of the said James Shore, as aforesaid), “but my noble and learned friend” (meaning the said Henry, Lord Brougham and Vaux) “has stated several matters” (meaning the said matters stated by the said Henry, Lord Brougham and Vaux, in his said observations in reference to the said petition of the said James Shore) “which cannot be left unanswered. It is certainly true the noble duke alluded to” (meaning the said Edward Adolphus, Duke of Somerset) “built the chapel in question” (meaning the said chapel hereinbefore mentioned) “at Bridgetown” (meaning the said hamlet of Bridgetown, in the parish of Borry Pomeroy, aforesaid), “and some years ago the noble duke” (meaning the said Edward Adolphus, Duke of Somerset) “applied to me” (meaning himself, the said Henry, Lord Bishop of Exeter) “to consecrate it” (meaning the said chapel). “Several communications” (meaning the said request of the said Edward Adolphus, Duke of Somerset, for the said licence to open and use the said chapel, and the said requisitions of him, the said Henry, Lord Bishop of Exeter, that the said Edward Adolphus, Duke of Somerset, should enter into and give such undertaking and engagement as aforesaid) “had passed between myself” (meaning himself the said Henry, Lord Bishop of Exeter) “and the noble

duke" (meaning the said Edward Adolphus, Duke of Somerset), "and finally I" (meaning himself, the said Henry, Lord Bishop of Exeter) "consented to license the chapel" (meaning the chapel aforesaid), "the duke" (meaning the said Edward Adolphus, Duke of Somerset) "undertaking to endow it" (meaning the said chapel), "in order to its being consecrated" (meaning in order to the said chapel being consecrated), "and that meanwhile it should only be used for purposes connected with the ministry of the Protestant Established Church" (meaning the said United Church of England and Ireland, by public authority established), "both of which engagements I" (meaning himself the said Henry, Lord Bishop of Exeter) "regret to state have been violated by the noble duke" (meaning the said Edward Adolphus, Duke of Somerset) "for reasons which, doubtless, are satisfactory to his own mind" (meaning the mind of the said Edward Adolphus, Duke of Somerset), "though I" (meaning himself the said Henry, Lord Bishop of Exeter) "cannot even guess what they are," to wit, at the parish last aforesaid.

And the said Thomas Latimer further saith, that it was for the public benefit that so much of the said alleged libels in the said first and fourth counts respectively mentioned, as in the introductory part of this plea mentioned, should be published, by reason that it is for the public benefit that when statements opposite of the truth and perverse of facts are made by a person filling a high public office, to wit, a bishop of the said United Church of England and Ireland, of and concerning the character and conduct, and to the prejudice and discredit of another person standing in a high and important public position, to wit, a peer of the realm of the said United Kingdom of Great Britain and Ireland, that the truth in respect of the matters stated should be published and made to appear, so that the liege subjects of our Lady the Queen may not thereby be misled, or be induced to form an erroneous or ill-founded opinion respecting the character and conduct of such person as last aforesaid, to wit, at the parish last aforesaid.

Wherefore he, the said Thomas Latimer, at the several times, &c., in the said first and fourth counts in that behalf respectively mentioned, at the said parish therein also in that behalf respectively mentioned, wrote and published, and caused and procured to be written and published so much of the said alleged libels in the said first and fourth counts respectively mentioned, as imputes to, or charges against the said Henry, Lord Bishop of Exeter, that the said reply of him the said Henry, Lord Bishop of Exeter, to the said observations of the said Henry, Lord Brougham and Vaux, in reference to the said petition of the said James Shore, was so directly opposite of the truth, that the said Henry, Lord Bishop of Exeter, stands branded as a careless perverter of facts, as he the said Thomas Latimer lawfully might, for the cause aforesaid, which are the same writing and publishing as are in the said first and fourth counts respectively, and in the introductory part of this plea mentioned. And this the said Thomas Latimer is ready to verify, &c. Wherefore he prays judgment if our said Lady the Queen will or ought further to impeach him of and concerning the premises in the introductory part of this plea mentioned, and that he the said Thomas Latimer may be dismissed and discharged of the court hereof and concerning the premises last aforesaid.

Replication to preceding Plea.

And as to the plea of the said Thomas Latimer, by him secondly above pleaded, the said coroner and attorney of our said Lady the Queen, in the court of our said Lady the Queen, before the Queen herself, who prosecuteth for our said Lady the Queen, in this behalf, being present here in court, having here the said plea of the said Thomas Latimer, by him secondly above pleaded in bar, for our said Lady the Queen, saith that for anything by the said Thomas Latimer, in his said second plea alleged, our said Lady the Queen ought not to be barred from prosecuting the said indictment against the said Thomas Latimer of and concerning the premises in the introductory part of the said second plea mentioned, because he says that the said Thomas Latimer, of his own wrong, and without the cause and matter of defence in his said second plea alleged, falsely, wickedly, and maliciously, wrote and published, and caused to be written and published, so much of the said alleged libels in the said first and fourth counts respectively mentioned, as is in the introductory part of the second plea mentioned, in manner and form as in the said first and fourth counts of the said indictment is alleged. And this the said coroner and attorney prays may be inquired of by the county, &c. And the said Thomas Latimer doth the like.

FORMS OF PLEADINGS IN PROCEEDINGS FOR LIBEL (CIVIL).

DECLARATIONS.

In the Queen's Bench [or Common Pleas, or Exchequer of Pleas].
The day of , A.D.

Middlesex). A. B., by C. D., his attorney [or in person, if the plaintiff to wit, (a)] does not appear by attorney] sues E. F., for that the defendant falsely and maliciously printed and published of the plaintiff in a newspaper called " ," the words following; that is to say, "he is a regular prover under bankruptcies," the defendant meaning thereby that the plaintiff had proved, and was in the habit of proving fictitious debts against the estates of bankrupts, with the knowledge that such debts were fictitious, and the plaintiff claims £ .(b)

Count for a Newspaper Libel on a Shipowner.

(Inman v. Jenkins, not reported.)(c)

For that at the time of the committing of the grievances hereinafter mentioned, the plaintiffs were, and still are the owners of a fleet of steamers, trading and plying as carriers of mails, of cargo, and of passengers, between, amongst other places, Liverpool and Halifax; and of the said then fleet of steamers one, to wit, the screw steamer "City of Boston," on the 28th of January, 1870, sailed from Halifax aforesaid, with mails, passengers, and cargo, bound for Liverpool, and thereupon the defendant, to wit, on the 12th of March, 1870, falsely and maliciously caused to be printed and published of the plaintiffs, and of the plaintiffs in the way of their trade and business of carriers by sea and shipowners then owning (amongst others) the said screw steamer, the "City of Washington," to wit, in a certain newspaper called the *Times*, and in the form of a letter to the editor of the said newspaper, and of an extract from a certain other letter, which letter and extract were in the words and figures following: "The City of Boston. To the editor of the *Times*. Sir, I beg to send to you an extract from a letter dated the 25th ult., just received from a Halifax merchant. I am, sir, your obedient servant, Z. March," and which said extract was printed and published next after the said letter, and was in the words and figures following: "The City of Boston (meaning thereby the plaintiff's said screw steamer, City of Boston), which sailed hence on the 28th January last, has not yet arrived in Liverpool. There is great anxiety felt here for her safety, more especially as there so many of our merchants on board, as you will see by the *Chronicle* of the 24th ult. She was deeply laden with wheat in bags, being eighteen inches or twenty inches deeper than the insurance

(a) As to the venue, *vide ante*, p. 540.

(b) Common Law Procedure Act, 1852, Schedule B., 88.

(c) This declaration was, after verdict for plaintiff, held good by the Court of Common Pleas.

*Plea of Justification to Part of the Libel.**(Inman v. Jenkins : see Declaration, ante, p. 743.)*

And for a second plea as to so much of the declaration as relates to the publishing by the defendant of the words that the defendants vessel was deeply laden with wheat in bags, being eighteen inches or twenty inches deeper than the insurance allows, the defendant says that the defamatory matter in that part of the declaration alleged is true in substance and fact.

As to pleas of justification generally, *vide ante*, pp. 558-565.

Plea denying that the Plaintiff carried on the Trade alleged.

That the plaintiff did not carry on the trade or business of a . . . as alleged.

Vide ante, p. 584.

Plea of an Apology and Payment into Court under 6 & 7 Vict. c. 96, s. 2.

That the alleged libel was contained in a public weekly newspaper [or periodical publication] ordinarily published at intervals not exceeding [or exceeding] one week, called the " . . . ," and was inserted in such newspaper [or periodical publication] without actual malice and without gross negligence; and before [or at the earliest opportunity after] the commencement of this action the defendant inserted in such newspaper [or periodical publication] a full apology for the said libel [or offered to publish a full apology for the said libel in any newspaper or periodical publication to be selected by the plaintiff] according to the statute in such case made and provided; and the defendant brings into court the sum of £ . . . by way of amends for the injury sustained by the plaintiff by the publication of the said libel, and says that the said sum is enough to satisfy the claim of the plaintiff in respect thereof.

(Bullen and Leake's Precedents, p. 726.)

See *Jones v. Mackie* (L. Rep. 3 Ex. 1). *Vide ante*, pp. 566-568 and 590.

Notice of Intention to give Evidence of an Apology in Mitigation of Damages under 6 & 7 Vict. c. 96., s. 1.

In the

Between A. B., plaintiff, and E. F., defendant.

Take notice that the defendant intends, on the trial of this cause, to give in evidence, in mitigation of damages, that he made [or offered] an apology to the plaintiff for the defamation complained of in the declaration herein, before the commencement of this action [or, as soon after the commencement of this action as there was an opportunity of making or offering such apology, the action having been commenced before there was an opportunity of making or offering such apology].

Yours, &c.

G. H., defendant's attorney,
[or agent.]

To Mr. C. D., plaintiff's attorney,
[or agent.]

(Bullen and Leake's Precedents, p. 726.)

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