

STATUTE II.

May 31, 1790.

Repealed.

Act of April 29, 1802, ch. 36.
Act of Feb. 15, 1819, ch. 19. Act of Feb. 3, 1831, ch. 16. June 30, 1834, ch. 157.
Authors of maps, charts and books; and purchasers from them, to have the sole right of publication &c. for 14 years;

recording the title, &c.

Also, if living at the end of that term, to have the further term of 14 years; recording the title, &c.

Other persons printing, &c. without consent of the author, how to be proceeded against and punished.

CHAP. XV.—*An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book or books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is herein after directed: And that the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

SEC. 2. *And be it further enacted,* That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or

(a) *Wheaton and Donaldson v. Peters et al.*, 8 Peters, 591. *Binns v. Woodruff*, 4 Wash. C. C. R. 48. *Ewer v. Coxe et al.*, 4 Wash. C. C. R. 487.

Congress, by the act of 1790, instead of sanctioning an existing, perpetual copyright in an author in his works, created the right, secured for a limited time by the provisions of the law. *Wheaton et al. v. Peters et al.*, 8 Peters, 591.

The acts required by the laws of the United States to be done by an author to secure his copyright, are in the order in which they must naturally transpire. First, the title of the book must be deposited with the clerk, and the record he makes must be inserted on the first or second page; then public notice in the newspapers must be given; and within six months after the publication of the book, a copy must be deposited in the department of state. These are acts which the law requires to be done. Every requisite under both acts of Congress is essential to the title. *Ibid.*

In the 8th section of the 1st article of the constitution of the United States, it is declared that Congress shall have power "to promote the progress of the useful arts by securing for a limited time to authors and inventors, the exclusive right to their writings and inventions." The word "secure," as used in the constitution, could not mean the protection of an acknowledged legal right. It refers to inventors as well as authors, and it has never been pretended by any one, either in this country or in England, that an inventor has a perpetual right at common law, to sell the thing invented. *Ibid.*

Every requisite under both acts of Congress relative to copyrights, is essential to the title. *Ibid.*