

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Repealed.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.*

exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable. *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

1802, ch. 36,
sec. 3.

SEC. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same.) "District of

Conditions on
which the bene-
fit of this act
shall be obtain-
ed.

day of _____ in the _____ year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books, (as the case may be) the right whereof he claims as author or proprietor, (as the case may be) in the words following, to wit: [here insert the title] in conformity to the act of the Congress of the United States, intitled '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.' C. D. clerk of the district of _____." For which the said clerk shall be entitled to receive sixty cents from the said author or proprietor, and sixty cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

1802, ch. 36,
sec. 1, 2.

SEC. 4. *And be it further enacted*, That the author or proprietor of any such map, chart, book or books, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

Authors to de-
liver a copy of
their work to
the Secretary
of State.

SEC. 5. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

No prohibition
against import-
ing, reprinting,
&c. of foreign
writings or pub-
lications.

SEC. 6. *And be it further enacted*, That any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen of or resident in these United States) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a

Penalty for
publishing man-
uscripts without
consent of the
authors.

Persons sued for any thing done under this act may give special matter in evidence.

special action on the case founded upon this act, in any court having cognizance thereof.

SEC. 7. *And be it further enacted*, That if any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

APPROVED, May 31, 1790.

STATUTE II.

June 4, 1790.

1789, ch. 20.

Act of April 13, 1792 ch. 21. Judicial act declared in force as to N. Carolina.

1790, ch. 1. District court, its sessions, and

where held.

Annexed to southern circuit. Circuit courts, their sessions.

Where held.

Salary of the judge.

CHAP. XVII.—*An Act for giving effect to an Act entitled "An Act to establish the Judicial Courts of the United States," within the State of North Carolina.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act intituled "An act to establish the judicial courts of the United States," shall have the like force and effect within the State of North Carolina, as elsewhere within the United States.

SEC. 2. *And be it further enacted*, That the said state shall be one district, to be called North Carolina district; and there shall be a district court therein to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in July next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held at the town of Newbern.

SEC. 3. *And be it further enacted*, That the said district shall be, and the same is hereby annexed to the southern circuit. And there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the eighteenth day of June next, the second session on the eighth day of November next, and the subsequent sessions on the like days of every June and November afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit courts shall be held at Newbern.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of fifteen hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States in quarterly payments.

APPROVED, June 4, 1790.

STATUTE II.

June 4, 1790.

Act of Sept. 11, 1789, ch. 13. Act of March 2, 1790, ch. 23.

Secretary of State to appoint an additional clerk; with what salary.

CHAP. XVIII.—*An Act supplemental to the Act for establishing the Salaries of the Executive Officers of Government, with their assistants and Clerks.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the more effectually to do and perform the duties in the Department of State, the Secretary of the said department be, and is hereby authorized to appoint an additional clerk in his office, who shall be allowed an equal salary, to be paid in the same manner as is allowed by law to the chief clerk.

APPROVED, June 4, 1790.

STATUTE II.

June 14, 1790.

[Obsolete.] Acts of import and tonnage, declared in force as to

CHAP. XIX.—*An Act for giving effect to the several Acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the several and respective duties specified, and laid in and by the act, intituled "An act for laying a duty on goods, wares and merchandises im-