

R E P O R T

FROM THE SELECT COMMITTEE ON

THE

COPYRIGHT ACTS

OF

8 ANNE, C. 19 ; 15 GEO. III, C. 53 ; 41 GEO. III, C. 107 ;
and 54 GEO. III, C. 116.

Ordered, by The House of Commons, to be Printed,
5 June 1818.

THE REPORT - - - - - p. 3.

THE APPENDIX : *VIZ.*

No. 1.—Books and Music entered at Stationers Hall, from the passing of the
Act 8th Anne, 1710 to 1718 - - - - - p. 6.

No. 2.—Report from Committee on Acts of 8 Anne, and 15 & 41 Geo. II.,
dated 17 June 1813 - - - - - p. 7.

R E P O R T.

THE SELECT COMMITTEE appointed to examine the Acts 8 Anne, C. 19; .15 Geo. III, C. 53; 41 Geo. III, C. 107; and 54 Geo. III, C. 116, respecting Copyright of Books; and to report any or what Alterations are requisite to be made therein, together with their Observations thereupon, to The House; and to whom the Petitions regarding the Copyright Bill, and all Returns from Public Libraries, and from Stationers Hall, presented in the present Session, were referred; and who were empowered to report their Opinion thereupon to The House;—HAVE examined the matters to them referred, and have agreed upon the following REPORT and RESOLUTIONS, together with an APPENDIX.

THE earliest foundation for a claim from any public Library, to the gratuitous delivery of new publications, is to be found in a deed of the year 1610, by which the Company of Stationers of London, at the request of Sir *Thomas Bodley*, engages to deliver a copy of every book printed in the Company (and not having been before printed) to the University of Oxford. This however seems to be confined to the publications of the Company in its corporate capacity, and could in no case extend to those which might proceed from individuals unconnected with it.

Soon after the Restoration in the year 1662, was passed the “Act for preventing Abuses in printing seditious, treasonable, and unlicensed books and pamphlets, and for regulating of printing and printing presses;” by which, for the first time, it was enacted, That every printer should reserve three copies of the best and largest paper of every book new printed, or reprinted by him with additions, and shall, before any public vending of the said book, bring them to the Master of the Company of Stationers, and deliver them to him; one whereof shall be delivered to the Keeper of His Majesty’s Library, and the other two to be sent to the Vice Chancellor of the two Universities respectively, to the use of the public libraries of the said Universities. This Act was originally introduced for two years, but was continued by two Acts of the same Parliament till 1679, when it expired.

Upon reference to the continuing Act of 17 Ch. II, c. 4 the clauses respecting the delivery of the three copies appear to be perpetual yet it should seem that they were not so considered, not being adverted to in the Act of Anne.

It was, however, revived in the 1st year of James II, and finally expired in 1695.

It has been stated by Mr. Gaisford, one of the curators of the Bodleian Library, “that there are several books entered in its register, as sent from the Stationers Company subsequent to the expiration of that Act;” but it is probable that this delivery was by no means general, as there are no traces of it at Stationers Hall, and as Hearne, in the preface to the “*Reliquæ Bodleianæ*,” printed in 1703, presses for benefactions to that library as peculiarly desirable, “since the Act of Parliament for sending copies of books, printed by the London booksellers, is expired, and there are divers wanting for several years past.”

Birch, in his Life of Archbishop Tillotson, states, that his widow, after his death in 1695, sold the copyright of his unpublished sermons for 2,500 guineas.

During this period, the claim of authors and publishers to the perpetual Copyright of their publications, rested upon what was afterwards determined to have been the common law, by a majority of nine to three of the Judges, on the cases of *Millar* and *Taylor* in 1769, and *Donaldson* and *Becket* in 1774. Large estates had been vested in Copyrights; these Copyrights had been assigned from hand to hand, had been the subject of family settlements, and in some instances larger prices had been given for the purchase of them (relation being had to the comparative value of money) than at any time subsequent to the Act of the 8th of Queen Anne. By this Act, which in the last of these two cases, has since been determined to have destroyed the former perpetual Copyright, and to have substituted one for a more limited period, but protected by additional penalties on those who should infringe it, it is directed, that nine copies of each book that shall be printed or published, or reprinted and published with additions, shall, by the printer, be delivered to the warehouse-keeper of the Company of Stationers, 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 of Scotland, the library of Sion College in London, and the library belonging to the Faculty of Advocates at Edinburgh.

The whole number of entries during the 70 years, from 1710 to 1780, does not equal that which has taken place in the last four years. See Appendix N^o 1.

From the passing of this Act until the decision of the cases of *Beckford* and *Hood* in 1798, and of the University of *Cambridge* and *Bryer*, in 1813, it was universally understood, that neither the protection of copyright, nor the obligation to deliver the eleven copies attached to the publication of any book, unless it was registered at Stationers Hall, an act which was considered as purely optional and unnecessary, where it was intended to abandon the claim for copyright; and in conformity to this construction, the Act of 41 Geo. III, expressly entitled the libraries of Trinity College, and the King's Inn, Dublin, to copies of such books only as should be entered at Stationers Hall.

In *Beckford* versus *Hood*, the Court of King's Bench decided, that the omission of the entry only prevented a prosecution for the penalties inflicted by the statutes, but it did not in any degree impede the recovery of a satisfaction for the violation of the copyright. The same Court further determined, in the case of the University of *Cambridge* against *Bryer* in 1812, that the eleven copies were equally claimable by the public libraries, where books had not been entered at Stationers Hall as where they had.

Appendix
N^o 2.

The burthen of the delivery, which by the latter decision was for the first time established to be obligatory upon publishers, produced in the following year a great variety of petitions to the House of Commons for redress, which were referred to a Committee, whose Report will be found in the Appendix; and in 1814 the last Act on this subject was passed, which directed the indiscriminate delivery of one large paper copy of every book which should be published (at the time of its being entered at Stationers Hall) to the *British Museum*, but limited the claim of the other ten libraries to such books as they should demand in writing within twelve months after publication; and directed that a copy of the list of books entered at Stationers Hall should be transmitted to the librarians once in three months, if not required oftener.

It appears, so far as Your Committee have been enabled to procure information, that there is no other country in which a demand of this nature is carried to a similar extent. In America, Prussia, Saxony and Bavaria, one copy only is required to be deposited; in France and Austria two,

two, and in the Netherlands three; but in several of these countries this is not necessary, unless copyright is intended to be claimed.

The Committee having directed a Statement to be prepared by one of the witnesses, an experienced bookseller, of the retail price of one copy of every book entered at Stationers Hall between the 30th July 1814 and the 1st of April 1817, find that it amounts in the whole to £.1,419. 3s. 11d. which will give an average of £. 532. 4s. per annum; but the price of the books received into the Cambridge University Library from July 1814 to June 1817, amounts to £.1,145. 10s. the average of which is £.381. 16s. 8d. per annum.

In the course of the inquiry committed to them, the Committee have proceeded to examine a variety of evidence, which, as it is already laid before the House, they think it unnecessary here to recapitulate; but upon a full consideration of the subject, they have come to the following Resolutions:

1. *Resolved,*

THAT it is the opinion of this Committee, That it is desirable that so much of the Copyright Act as requires the gratuitous delivery of eleven copies should be repealed, except in so far as relates to *The British Museum*, and that it is desirable that a fixed allowance should be granted, in lieu thereof, to such of the other public libraries, as may be thought expedient.

2. *Resolved,*

THAT it is the opinion of this Committee, That if it should not be thought expedient by the House to comply with the above recommendation, it is desirable that the number of libraries entitled to claim such delivery should be restricted to the *British Museum*, and the Libraries of *Oxford, Cambridge, Edinburgh* and *Dublin* Universities.

3. *Resolved,*

THAT it is the opinion of this Committee, That all books of prints, wherein the letter-press shall not exceed a certain very small proportion to each plate, shall be exempted from delivery, except to *The Museum*, with an exception of all books of mathematics.

4. *Resolved,*

THAT it is the opinion of this Committee, That all Books in respect of which claim to Copyright shall be expressly and effectually abandoned, be also exempted.

5. *Resolved,*

THAT it is the opinion of this Committee, That the obligation imposed on Printers to retain one Copy of each Work printed by them, shall cease, and the Copy of *The Museum* be made evidence in lieu of it.

5 June 1818.

APPENDIX.

Appendix, N^o 1.

BOOKS AND MUSIC

Entered at Stationers Hall from the passing of the Act
8th Anne, 1710 to 1818.

April 1710 to April 1720	-	-	(10 years)	-	-	-	-	-	872
— — — 1730	-	-	(d ^o)	-	-	-	-	-	492
— — — 1740	-	-	(d ^o)	-	-	-	-	-	343
— — — 1750	-	-	(d ^o)	-	-	-	-	-	618
— — — 1760	-	-	(d ^o)	-	-	-	-	-	417
— — — 1770	-	-	(d ^o)	-	-	-	-	-	433
— — — 1780	-	-	(d ^o)	-	-	-	-	-	1,033
— — — 1790	-	-	(d ^o)	-	-	-	-	-	2,606
— — — 1800	-	-	(d ^o)	-	-	-	-	-	5,386
— — — 1810	-	-	(d ^o)	-	-	-	-	-	3,076
— — — 1814	-	-	(4 d ^o)	-	-	-	-	-	1,235
— — — 1818	-	-	(d ^o)	-	-	-	-	-	4,353

Very little, if any Music was entered at Stationers Hall till 1776-7, when some legal dispute arose respecting the Copyright of Music; and single Songs do not appear to have been entered till April 1783: since that period, Music, particularly single Songs, has formed a considerable portion of the articles entered.

Geo. Greenhill,

Warehouse-keeper of the Company
of Stationers.

Stationers Hall, }
June 3d, 1818. }

Appendix, N^o 2.

REPORT from the Committee (in June 1813) on the Copyright of Printed Books.

THE Committee appointed to examine several Acts passed in the 8th year of Queen Anne, and in the 15th and 41st years of His present MAJESTY, for the encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies, and for other purposes therein mentioned; and to report, whether any and what Alterations are requisite to be made therein, together with their Observations thereon, to The House;—Have, pursuant to the Order of the House, proceeded to consider the said Acts; and have received various statements, and examined several persons connected with the printing, the publishing, or with the sale of Books; and, after much attention bestowed on the subject, they beg leave to observe,—

That although great changes have taken place in the literary systems of this Country, since the first of the Laws referred to them was enacted, on which the others depend; yet they conceive that the substance of those laws is proper to be retained; and in particular that, continuing the delivery of all new works, and in certain cases of subsequent editions, to the Libraries now entitled to receive them, will tend to the advancement of learning, and to the diffusion of knowledge, without imposing any considerable burthen on the Authors, Printers, or Publishers of such works. But that it will be expedient to modify some of the existing provisions,—As to the quality of the paper, which may fairly be reduced from the finest sort and largest size, to that used in the greater part of an edition;—By substituting a delivery on demand, after due and proper notice has been given of the publication, to a distribution in the first instance:—And by affording an alternative with respect to subsequent editions in certain cases.

Your Committee would however suggest one exception to these rules, in favour of *The British Museum*; this National establishment, augmenting every day in utility and importance, ought, in the opinion of Your Committee, to be furnished with every publication that issues from the press, in its most splendid form.

Having presumed to advise certain regulations with the view of lightening as much as possible the pressure, whatever may be its amount, on all those connected with the publication of Books, Your Committee would be wanting in the discharge of their duty, were they not to recommend a strict enforcement of such obligations, as for useful purposes remains to be discharged: By annexing suitable penalties to the neglect of performing them; and perhaps in some cases by adding the forfeiture of Copyright.

The attention of Your Committee has naturally been directed to the late decision in the Court of King's Bench, ascertaining the true interpretation of the Statute of Queen Anne; and they find, that, previously to that decision, an universal misapprehension existed as to the real state of the law; and that works were undertaken, and contracts made on the faith of long established usage. Your Committee are fully aware, that, in expounding the law, no attention can be paid by Courts of Justice to the hardships that may incidentally be produced; but it will deserve the serious deliberation of Parliament, whether all retrospective effect should not be taken away from a construction, which might be thought to bear hardly on those who have acted on a different understanding of the law.

Lastly; Your Committee have taken into their consideration, the subject of Copy Right; which extends at present to fourteen years certain, and then to a second period of equal duration, provided the Author happens to survive the first. They are inclined to think, that no adequate reason can be given for this contingent reversion, and that a fixed term should be assigned beyond the existing period of fourteen years.

17 June 1813.

R E P O R T
FROM THE SELECT COMMITTEE ON
THE
COPYRIGHT ACTS
OF
8 Anne, C. 19; 15 Geo. III, C. 53; 41 Geo. III,
C. 107; and 54 Geo. III, C. 116.

*Ordered, by The House of Commons, to be Printed,
5 June 1818.*
