

of this Court.
Catherine Baller Widow Surviving Adm^r of John Gay Esq. } This Cause coming this 1st of
Dec^r by Bill of Rev^d J^{ts} James Watton Tho^s Rowland Francis } Day to be heard and debated
J^{ts} Jeffries Tho^s Astley and Rob^t Walker Deft^s }
beforey^r Ath honorable y^e Lrd Highsham^r &c in y^e presence of Co: learned on both sides y^e substance
of y^e Orig^l Bill Ex^{pl}ated by y^e d^o John Gay ag^t y^e Deft^s appeared to be that y^e d^o John Gay -
having composed and wrote a book intitled Polly an Opera being y^e 1st part of y^e Beggar
Opera of w^{ch} he was sole author & Proprietor caused y^e same to be printed & published at his

own Express for his sole benefit by John Wright that by an Act of Parliament made in y^e 8th year of
 the reign of her late Majesty Queen Anne y^e right of books published after y^e year was vested in y^e
 authors of them that y^e sole right to y^e Book and of printing and publishing y^e same was in y^e
 Gay and y^e never sold or disposed thereof that y^e Gay for establishing his right before the said Book
 was published caused the Title to y^e Copy to be entered in y^e Book of y^e Stationers Company that
 he was sole author and proprietor thereof according to y^e Statute and in y^e usual manner &
 caused before said the said Title to be left at y^e hall of y^e Company for y^e purpose in y^e
 Statute intended that y^e Defe had caused to be printed published & sold great Numbers of y^e Book
 or Copies not printed for y^e Gay or by y^e Wright and had printed three Editions of y^e Book
 and some of them in y^e Title Page was mentioned to be printed by J Thompson another by Thomas
 by y^e Gay and printed by y^e Wright was entirely stopped that y^e Gay having in all respects
 conform'd to y^e Act of Parliament as aforesaid he waiv'd y^e benefit thereof thereby given that y^e Defe to
 suppress y^e Sale of y^e Book printed for y^e Gay of w^{ch} the price w^{as} y^e Musick was formerly
 3^l and afterwards 2^l 6^s each caused y^e Book of other Editions w^{ch} were printed in y^e Indies of
 y^e Gay to be sold for 2^l one shilling and six pence and ordered such some w^{ch} Musick & others
 printed for themselves in their Custody w^{ch} they intended to sell that y^e Defe Watson about y^e 15th
 of April 1729 caused an Advertisement to be published and y^e there was just published in Octavo
 a correct Edition of y^e Book printed by J Thompson and y^e same was a correct and
 boasted 4th Edition that y^e Defe Watson or some person on his behalf w^{as} printer or
 caused advertisements to be printed that there was an Edition of y^e Book in Octavo written by
 y^e Gay and printed for y^e Defe Walker and in y^e advertisement of y^e 21st of April 1729
 that y^e Edition was sold y^e then last week for one shilling six pence but y^e Gay & Author
 of y^e 4th Edition having fallen his price y^e proprietors of y^e Octavo Edition thought fit
 to fall his price to one shilling that y^e Defe notwithstanding they had full knowledge
 of y^e right of y^e Gay to y^e Book they sold and published many books of y^e Octavo Edition
 therefore that y^e Defe might answer y^e process and might come to an account w^{ch} the
 Gay for such of y^e Books as were sold by them and for an Injunction to stay the printing
 publishing and vending of any Copies of y^e Book other than y^e Grays Editions
 and to be observed in y^e process was the scope of y^e Bill to w^{ch} Bill y^e Defe put in
 their answers but before any further proceedings were had y^e John Gay dyed where by y^e
 Defe abated that his dying Intestate administration of his personal Estate was granted to y^e full
 Catherine Baller and one Joanna Fortson (since dead) who obtained their Bill of Reviv'd
 in this Court ag^t y^e Defe and y^e proceedings by an Ord^r of y^e 31st of May 1733 stands duly revived
 therefore that y^e proceedings may stand revived and to be observed in y^e process is y^e scope of y^e
 Bill ^{of Reviv'd} w^{ch} is ag^t for y^e Defe James Watson late that y^e Defe by his answer to y^e
 Ord^r Bill said y^e Gay did compose and write y^e Book in y^e Bill mentioned & y^e
 he was sole author & proprietor thereof and had caused the said Book to be printed & published
 for his sole benefit and y^e Defe had full notice of y^e Grays right thereto & y^e Defe did
 print part of two Editions thereof in Octavo w^{ch} y^e Musick mentioned in y^e Bill to
 be printed by J Thomson and y^e name J Thomson was only made use of by him y^e
 Defe tho' the same was not printed by any such person that Samuel Lewis (since dead) did
 print y^e other pt of y^e two Editions and y^e Number of y^e first Impression was 2000 -
 Copies and y^e second 1000 Copies w^{ch} were printed at y^e Joint Expence of himself Defe
 the Defe w^{ch} out of Consent of y^e Gay or Wright that y^e same were not printed
 for y^e benefit of y^e author that himself Defe and y^e Defe published & exposed to Sale
 all y^e Edition and y^e Defe sold his share to Bookellers at 5^l per hundred &
 had sold y^e whole except 30 Copies in his Custody that y^e Defe had made did not

Amount to more than 20 and if his Defe did about 4th of April 1729
Such a vertigout to be published as in y^e Orig^l Bill mentioned That 1000 Copies
of the first of y^e 2^d two Editions and 500 of y^e last Edition (except thirty) be
Sold for one shilling a piece to booksellers and one shilling and six pence to others and if y^e Defe
was four pence for every book sold to others and if y^e Copy of Defe Read alledge that y^e Defe
Defe by his answer to y^e Orig^l Bill sayd y^e about 4th of April 1729 he did buy a book intituled
Colligan Opera being y^e second part of y^e Loggers Opera written by y^e D^r Gay mentioned to be
Printed by T^r Thomson for one shilling six pence wth book y^e Defe believed to be y^e Edition in y^e Bill
Bill mentioned from w^{ch} book he y^e Defe printed 500 Copies wth out y^e Consent of y^e D^r Gay or
Wright 350 of w^{ch} books he y^e Defe exposed to sale and y^e 500 Copies if sold would have
been worth 18^l some he sold for 1^l others for Nine pence & Eight pence and at last remaining
150 he had made was y^e part of them that deducting y^e Expens^e he was put to he believed
was a loss by w^{ch} he sold that he y^e Defe knew not of any Edition of y^e 2^d Book whereof
Title Page supposed to have been printed by T^r Read or J^rffry Walker or y^e D^r Watson
and Walker did print any of y^e additional to y^e three Editions of y^e 2^d Book mentioned to be
printed by T^r Thomson T^r Read and J^rffry Walker and that he y^e Defe never had any right to
print y^e 2^d Book and y^e Copy of Defe Francis J^rffry of all y^e y^e Defe by his answer to y^e
Original Bill sayd y^e he admitted y^e D^r Gays right to y^e 2^d Book and y^e he bought of y^e Defe
Watson 60 Copies printed by T^r Thomson at 1^l a book and sold y^e same at one penny half
penny a book & y^e w^{ch} books were not printed for y^e benefit of y^e author and y^e Copy of
Defe Tho^s Astley all y^e y^e Defe by his answer to y^e Orig^l Bill sayd y^e he was jointly concerned
wth y^e D^r Watson in printing 3000 Copies of y^e 2^d Book and y^e he sold 1263 Copies at 1^l
a hundred to booksellers and about 12 to others at one shilling and six pence a Copy and y^e the
remaining 213 were in his hands and his y^e bill did not amount to more than 18^l and
admitted y^e he never had any right to print y^e 2^d Book and y^e Copy of Defe Rob^t Walker
alledge that y^e 2^d Defe by his answer sayd y^e he sold some of y^e 2^d Books wth the name
J^rffry Walker wth the name of his bro^r y^e D^r J^rffry Walker having undertaken y^e printing
publishing a book of y^e same name in y^e Bill mentioned he y^e Defe was security for his
paying y^e printer and y^e two or three Editions of y^e 2^d Book were printed off and y^e he y^e Defe
had no right to y^e 2^d Book whereupon and upon long Debate of y^e M^r and hearing
of y^e answer of y^e Defe J^rffry the answer of y^e Defe Walker and an advertisement in y^e daily
Journal dated y^e 14th of April 1729 and y^e proofs taken in y^e Cause and could be alledge
by y^e Co: on both sides His L^ops doth think fit and so Ord^r and Decree That y^e M^r formerly
granted in this Cause to stay y^e Defe from printing publishing and vending y^e 2^d Book be
opposal and His further Ord^r and Decree That It be referred to our Eld^r our Co: to take an
acc^t of y^e w^{ch} Defe J^rffry Defe Walker after hearing y^e p^{ts} how Waives any acc^t
of y^e bill of y^e Books mentioned in y^e Bill printed published or sold by y^e 2^d Defe or any of
them wth out y^e Consent of y^e p^{ts} Interest or of some person claiming under him for
Discovery whereof y^e 2^d Defe accounting as upon Oath to produce before y^e D^r M^r all Books
Copies and writings w^{ch} they have in their Custody or power relating thereto and as to be
said on Interrog^s as y^e D^r M^r shall direct in y^e taking of w^{ch} acc^t y^e D^r M^r is to make
y^e D^r Defe all just allowances and w^{ch} upon y^e D^r acc^t shall be found due from y^e w^{ch} Defe
after all just allowances deducted His Ord^r and Decree That y^e D^r Defe James Watson
Tho^s Read Francis J^rffry and Tho^s Astley do respectively pay y^e same to y^e D^r M^r
D^r M^r shall direct and His further Ord^r That y^e D^r M^r do pay y^e p^{ts} y^e Costs of y^e Suit
hitherto w^{ch} is to be pd to her by y^e D^r Defe J^rffry Defe Walker and his L^ops doth
D^r M^r Costs of y^e acc^t until after y^e D^r M^r shall have made his Rep^t
W^{ch} Fullerton and Phillip Fullerton by J^r Fullerton Friday 24th Feby
y^e D^r Francis Bernard Doctor in Divinity their next friends L^o Sarah Fullerton
wid^e Phillip Fullerton
D^r M^r Raymond & John Blackmore Es^{rs} Defe
The M^r in the p^{ns} of Co: heard on both sides The Substance of y^e p^{ts} Bill