

LIBRARY OF CONGRESS

REPORT OF THE
LIBRARIAN OF CONGRESS

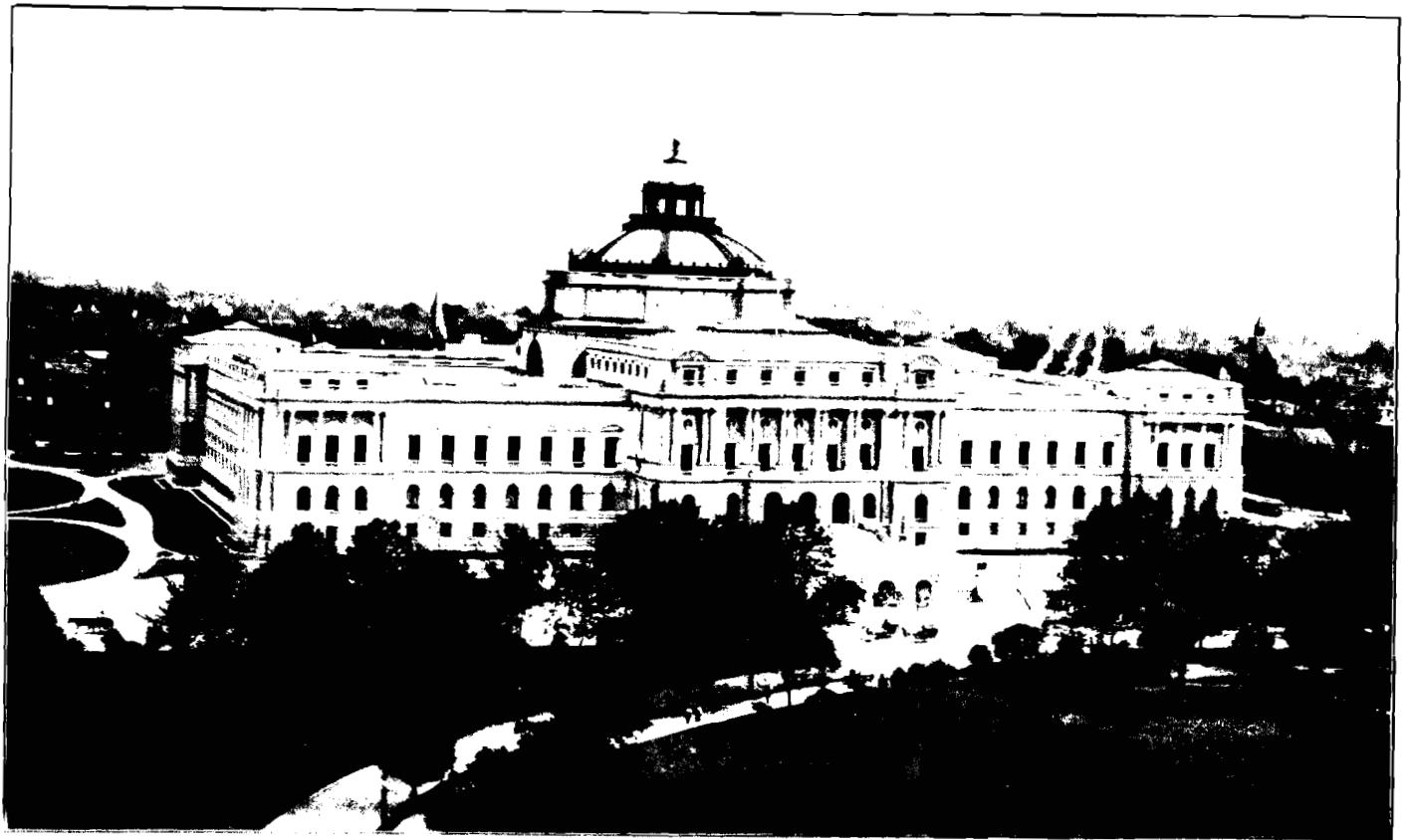
AND

REPORT OF THE
SUPERINTENDENT OF THE LIBRARY
BUILDING AND GROUNDS

FOR THE FISCAL YEAR
ENDING JUNE 30
1910



WASHINGTON
GOVERNMENT PRINTING OFFICE
1910



THE U.S. CAPITOL

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LIST OF OFFICERS

LIBRARIANS SINCE THE INCEPTION OF THE LIBRARY

1802-1807 John Beckley, Clerk of the House of Representatives and Librarian
1807-1815 Patrick Magruder, Clerk of the House of Representatives and Librarian
1815-1829 George Watterston
1829-1861 John Silva Meehan
1861-1864 John G. Stephenson
1864-1897 (*June 30*) Ainsworth Rand Spofford
1897 (*July 1*)-*January 17, 1899* John Russell Young
1899 (*April 5*) - Herbert Putnam

LIBRARY STAFF

GENERAL ADMINISTRATION

HERBERT PUTNAM Librarian of Congress
APPLETON PRENTISS CLARK GRIFFIN Chief Assistant Librarian
Allen Richards Boyd Chief Clerk
Jessica Louise Farnum Secretary

DIVISIONS

Reading Rooms William Warner Bishop, Superintendent; Hugh Alexander Morrison, John Graham Morrison, chief assistants.
Reading Room for the Blind - Etta Josselyn Giffin, assistant in charge
Division of Bibliography - Hermann Henry Bernard Meyer, Chief
Catalogue Division - Charles Harris Hastings, Chief; Clarence W. Perley, in charge of Classification
Division of Documents - James David Thompson, Chief
Division of Manuscripts - Gaillard Hunt, Chief
Division of Maps and Charts - Philip Lee Phillips, Chief
Division of Music - Oscar George Theodore Sonneck, Chief
Order Division - Frederick William Ashley, Chief
Division of Periodicals - Charles Martel, in charge
Division of Prints - Arthur Jeffrey Parsons, Chief
Smithsonian Deposit - Paul Brockett, Custodian (office at Smithsonian Institution); Francis Henry Parsons, assistant in charge
Law Library - Middleton Goldsmith Beaman, Law Librarian

6 *Report of the Librarian of Congress*

COPYRIGHT OFFICE

THORVALD SOLBERG, Register of Copyrights

ERNEST BRUNCKEN, Assistant Register of Copyrights

LIBRARY BRANCH, GOVERNMENT PRINTING OFFICE

Printing William Henry Fisher, foreman

Binding Charles E. Malpas, foreman

LIBRARY BUILDING AND GROUNDS

BERNARD RICHARDSON GREEN, Superintendent

John Quade Sheehy, Chief Clerk

Charles Benjamin Titlow, Chief Engineer

Henry Whitehead, Electrician

John Vanderbilt Würdemann, Captain of the watch

REPORT
OF
THE LIBRARIAN OF CONGRESS

LIBRARY OF CONGRESS

Washington, D. C., December 5, 1910

SIR: I have the honor to submit herewith my report as Librarian of Congress for the year ending June 30, 1910. The report of the Superintendent of the Library Building and Grounds (and Disbursing Officer) follows, beginning at page 77.

SERVICE

Within the fiscal year treated by this report the only change that has occurred in a position of importance was the assignment of Mr. Charles Martel to the supervision of the Periodical Room, in place of Mr. C. B. Guittard, resigned (May 1, 1910), and the advance of Mr. Clarence W. Perley to the title of Chief Classifier. The duties of the Periodical Division will not, however, prevent Mr. Martel from continuing the general supervision of the classification.

Since the close of the fiscal year, however, a change has occurred of very great moment, in the resignation from our service of Mr. J. C. M. Hanson, who leaves us to become Associate Director of the Library of the University of Chicago. Mr. Hanson was placed in charge of our Catalogue Division when the collections were moved from the Capitol. They then comprised over 800,000 volumes of printed matter, as well as the manuscripts, maps, music, and prints, the care of which fell upon other divisions. Of the printed

books there was not merely no catalogue by subject, but none by author that could be made fully available to the public or continued in its existing form, since the one that existed was in script, on cards varying from the present standard size. There was no shelf list; and the only classification of the books upon the shelves was the "Baconian," adopted early in the nineteenth century, which provided for but 44 main groups (chapters).

It was the task of Mr. Hanson's Division to determine the principle, method, and form of a new comprehensive catalogue, author and subject, to construct this, and apply it to the existing collection and incoming accessions; to determine, construct, and similarly apply a new, elastic, modern system of classification with all the records incidental thereto; and, at the outset, to handle in addition all the business of ordering, receiving, and accessioning the incoming material. For this he had a force of but a dozen persons. Later the order work was set apart and the classification consigned to the charge of a special group under a "chief classifier." The general administrative responsibility for this as for the catalogue remained, however, still with Mr. Hanson, and it was upon him that fell the duty not merely of determining and directing the work, but of developing and organizing the staff to handle it, from a Division of a dozen persons to one of over ninety.

The history of this undertaking has been recorded in our annual reports since 1899. Its significance can be realized only by those who understand what an exact, full, and scientific catalogue — an author and subject catalogue — means for a collection of books already the third largest in the world. Add to this what it means in the printed cards — products of the work — which have become available to hundreds of other libraries, even the most scholarly — so as to constitute the Library of Congress the nearest approach yet made to a central bureau of cataloguing for the entire country; add finally to this the initial responsibility, though

later relieved, of the classification also; and consider that all the above work was to be pursued and achieved upon collections in current use, without interruption of this: and if the resultant impression be not an adequate measure of the task itself it will at least be indicative of the qualities which it called for on the part of Mr. Hanson and his associates. It is, of course, with profound reluctance that we view his departure, his relinquishment of a work fundamental and far-reaching in its consequences to this library and wide reaching in its service to libraries in general. The opportunity now offered him, however, in a position more generally administrative in character, and at a higher salary, is one that he could not be asked to forego.

The changes in minor positions during the year have reached about the same number as formerly, with the usual loss to our service and corresponding gain to that of some other library.

Appendix VI gives the names of all employees in the Library proper and Copyright Office as of October 1, 1910, and in the case of ~~employees appointed under the~~ present administration (i. e., since April 5, 1899) a memorandum of their education and experience at the date of appointment.

On two separate occasions an interest in this has been expressed in the form of resolutions introduced in Congress calling for information. The first such resolution, introduced in the House on January 26, 1906, was as follows:

Resolved by the House of Representatives, That the Librarian of Congress be requested to furnish to the House of Representatives a statement giving the names of all employees now in the Library of Congress and on its pay roll, date of appointment, the actual residence of each employee at the time appointed, and the names of all persons who recommended the appointment of each employee. Also to state briefly what special training for library work, or for the particular position occupied,

each employee had at the time of appointment; also to state what, if any, examinations have been made testing the ability and fitness of applicants before appointed.

The second, introduced in the Senate on April 30, 1910, covered less ground. It read:

Resolved, That the Committee on the Library be directed to inquire into and report to the Senate at the earliest day practicable the number, compensation, and State of residence of each of the employees in the Congressional Library, and upon whose recommendation each employee has been appointed.

The House resolution of January 26, 1906, was referred to the House Committee on Reform in the Civil Service. The Senate resolution of April 30, 1910, was referred to the Senate Committee on the Library. Although apparently different in scope, each seemed to admit of an identical statement concerning the methods of appointment in the Library, and in particular the criteria upon which selections for the service are made. These are specified in the law itself (appropriation act approved February 19, 1897) which provides that the employees in the library service shall "be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including the copyright work," and further, "that all persons employed in * * * said Library of Congress under the Librarian * * * shall be appointed solely with reference to their fitness for their particular duties."

The best evidence of compliance with the law seemed to be the qualifications in education and experience of the persons actually appointed under it. My response, therefore, to the House resolution of 1906 was accompanied by an exhibit setting forth these facts in the case of the then existing roll, so far as appointed during my administration. The exhibit was revised for the Library Committee of the Senate in connection with the Senate resolution of 1910, and is again revised to the date of October 1, 1910, for Appendix VI

herewith. As my first communication (of January 31, 1906) to the House committee, to which was referred H. R. 195, covered the ground generally, I quote it in full as part of the above appendix.

FINANCE

The table given below exhibits the appropriations and expenditures of the Library proper and of the Copyright Office for the fiscal year, and the appropriations for the year now current. Included also are the appropriations for the equipment and care of the building and grounds, expended by the Superintendent. The allotment for printing and binding (during the past year \$202,000) is not included.

Object of appropriations	Appropriations, 1909	Appropriations, 1910	Expenditures, 1910	Appropriations, 1911
Library and Copyright Office:				
Salaries—				
General service.....	\$239,063.00	\$241,900.00	\$241,525.52	\$245,080.00
Special service.....	a 2,360.74	a 2,051.83	1,601.15	a 2,450.68
Sunday service.....	10,000.00	10,000.00	9,714.38	10,000.00
Distribution of card indexes.....	b 17,305.97	b 17,244.30	b 17,112.22	18,800.00
Indexes, digests, and compilation of laws.....	5,840.00			
Index to the Statutes at Large.....		10,000.00	9,653.27	5,000.00
Carrier service.....	* 312.00	* 560.00	560.00	960.00
Copyright Office.....	77,800.00	c 87,860.00	† 87,761.97	92,900.00
Increase of Library.....	e 108,000.00	e 108,000.00	d 108,000.00	e 108,000.00
Contingent expenses.....	7,300.00	f 7,331.46	7,258.92	7,300.00
Total Library and Copyright Office.....	467,978.71	484,947.59	483,227.33	490,490.68

a Includes balance from preceding year.

b Appropriation 1909 includes credits \$305.97 on account of sales to government institutions. Appropriation 1910 includes \$444.30 credits on account of sales to government institutions. Does not include \$117.47 yet to be credited. Expenditures 1910 (\$17,112.22) offset by subscriptions covered into the Treasury (\$28,498.09). An indebtedness of \$249.55 is to be paid when amounts due through sales to government institutions have been credited in full.

c Includes \$500 deficiency.

d Expenditures 1910 include outstanding orders.

e Exclusive of \$1,500 to be expended by the marshal of the Supreme Court for new books for that body.

f Includes credits of \$31.46 on account of sales of stationery to Superintendent, Library building and grounds.

* Appropriation 1909 effective March 5-June 30, 1909. Appropriation 1910 effective December 1, 1909-June 30, 1910.

† Offset by fees covered into the Treasury (\$104,644.95).

Object of appropriation:	Appropriations, 1909	Appropriations, 1910	Expenditures, 1910	Appropriations, 1911
Building and grounds:				
Care and maintenance.....	\$76,960.00	\$76,960.00	\$76,638.93	\$76,960.00
Fuel, light, and miscellaneous.....	43,300.00	43,300.00	43,133.34	43,300.00
Furniture and shelving.....	40,000.00	40,000.00	4,961.41	25,000.00
Sunday opening.....	2,500.00	2,500.00	2,778.93	2,500.00
Book stack, southern court of building.....	2,000.00	2,000.00	201,740.46	2,375,390.43
Grand total.....	1,600,830.00	1,600,830.00	4,758,442.47	606,350.43

* Appropriation include balance from preceding year.

Appropriations. The appropriations for 1910 varied from those in the year preceding only in the following particulars:

Salaries (general service): General administration: Two stenographers and typewriters at \$1,000 each (in place of 2 stenographers and typewriters, 1 at \$1,200 and 1 at \$720); a messenger boy at \$360.

Reading Room: Two attendants (for gallery and alcoves) at \$480 each.

Music Division: The salary of the chief of the division increased from \$2,000 to \$3,000 and of the chief assistant from \$1,400 to \$1,500.

Law Library: Salary of Law Librarian made \$3,000 (covering the compensation of \$500 for supervision of preparation of the new index to the Statutes at Large).

Copyright Office: Salary of Register of Copyrights increased from \$3,000 to \$3,500, and later (through the urgent deficiency act of Aug. 5, 1909, in compliance with a provision of the copyright act approved Mar. 4, 1909) to \$4,000; salary of Assistant Register of Copyrights increased from \$2,500 to \$3,000; and the following additional positions: 1 at \$1,800, 2 at \$1,600 each, 2 at \$1,000 each, 2 at \$600 each, and a messenger boy at \$360.

Carrier service: Two messengers at \$40 per month each, to serve during the session of Congress and for services in connection with the House Office Building.

Index to the Statutes at Large: Phraseology of the item changed to read as follows: "For continuing the preparation of an index to the Statutes at Large of the United States, \$10,000, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve."

Building and grounds: The appropriation for furniture, etc., reduced from \$40,000 to \$25,000; and the balance (\$200,000) of the fund (\$300,000) in the appropriations for the fiscal year 1908-9 provided for the completion of the construction, mechanical equipment, electric lighting, and roofing of the stack of shelving for bound newspapers and books in the southeast court of the Library building.

The appropriations for 1910-11 include the following changes and additional provisions:

Salaries (general service)—Reading Room: Stenographer and typewriter at \$900, telephone operator at \$600, 2 assistants at \$600 each (for new stack). Changes in
appropriations
1910-11

Carrier service: "For services in connection with the Senate and House Office Building \$960 or so much thereof as may be necessary" in place of "2 messengers at \$40 per month each, to serve during the session of Congress and for services in connection with the House Office Building."

Law Library: One assistant at \$480.

Index to the Statutes at Large: The estimate submitted for this was \$10,000. At the hearing, however, I stated that one-half this amount would complete and see into print the volume covering the general and permanent law prior to 1873. Upon this representation the amount was cut down from \$10,000 to \$5,000, with the purpose of letting the work conclude there (vol. 1, already issued, having covered the permanent and general law subsequent to 1873).

Copyright Office: One clerk at \$1,500, 3 clerks at \$900, 1 clerk at \$480, 1 junior messenger at \$360.

Card indexes: The appropriation for services in connection with the distribution of card indexes increased from \$16,800 to \$18,000.

Increase of the Library of Congress: The item made to read: For purchase of books for the Library, *including payment in advance for subscription books and society publications, etc.*

Law books: The item made to read: For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, *including payment in advance for subscriptions to law periodicals.*

Building and grounds: A further sum of \$10,000 appropriated for the completion of the construction, mechanical equipment, electric lighting, and roofing of a stack of shelving for bound newspapers and books in the southeast court of the library building.

Library estimates, 1910-11: The following positions asked for in the estimates for 1910-11 were not granted:

<i>Administration:</i> Clerk.....	\$1,200
Clerk.....	1,000
<i>Order and Accession:</i> Assistant in charge publications.....	1,500
One messenger.....	360
<i>Reading Room:</i> Evening service: 2 assistants at \$600 each (for new stack).....	1,200
<i>Documents:</i> One assistant.....	1,200
<i>Music:</i> One assistant.....	900
<i>Law Library:</i> One stenographer and typewriter.....	900
One messenger.....	360
<i>Copyright Office:</i> One clerk.....	2,500
One clerk.....	1,600
One clerk ^a	1,500
One clerk.....	480

Increases of salary recommended, not granted:

<i>Binding:</i> Assistant in charge at \$1,500 in place of assistant in charge at \$1,400— increase of.....	\$100
<i>Periodicals:</i> Chief of division at \$2,500 in place of chief of division at \$2,000— increase of.....	500
<i>Documents:</i> Assistant at \$1,500 in place of assistant at \$1,400— increase of.....	100

^a But two additional clerks at \$200 not asked for were granted.

Report of the Librarian of Congress

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<i>Maps and Charts:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of	\$100
<i>Prints:</i> Chief of division at \$3,000 in place of chief of division at \$2,000—increase of	1,000
Assistant at \$1,500 in place of assistant at \$1,400—increase of	100
<i>Smithsonian Division:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of	100

COPYRIGHT OFFICE

The report of the Register of Copyrights appears in full as Appendix II. It includes the text of the copyright bills introduced in the first session of the Sixty-first Congress, and of the opinions of the Attorney-General and of the Treasury Department bearing upon the copyright law.

The principal statistics of the business done since the going into effect of the new copyright statute are as follows:

Fees received and applied	Fiscal year 1909-10
Registrations (\$1) including certificates.....	\$96,634.00
Registrations (50 cents) photographs, no certificates.....	5,716.50
Registrations (50 cents) renewals.....	504.50
For copies of record.....	498.50
For assignments and copies of same.....	1,095.00
For notices of user.....	67.75
For indexing transfers of proprietorship.....	66.70
For searches.....	63.00
Total.....	104,644.95
Total number of deposits received (material of all classes, including duplicates).....	219,024
Total number of registrations.....	109,074
Total communications received, including parcels, but excluding deposits noted above.....	110,198
Total communications sent out (including letters written).....	189,708

The fees from copyrights are covered into the Treasury and not applied directly to the maintenance of the Copyright Office. They form a regular revenue of the government, however, and a net revenue over the direct expenses of the office, as appears from the comparison following:

COPYRIGHT OFFICE:
Receipts and ex-
penses

RECEIPTS

Fees covered in during the fiscal year 1909-10 as above . . . \$104,644.95

EXPENSES

Salaries as stated	\$87,761.97	
Stationery and sundries	1,197.98	
		88,959.95
Net cash earnings		15,685.00

The amount expended for salaries (\$87,761.97) includes the sum of \$1,680 paid in salaries to certain employees who have been classifying and crediting the old deposits received prior to 1897. This expenditure is chargeable to arrears. The *current* expenses of the Office are therefore considerably more than met by the *current* receipts.

The above statement includes all *disbursements* except the cost of furniture, of printing, and of binding, but only *cash* receipts. In addition to cash fees the copyright business brings each year to the government, in articles deposited, property to the value of many thousands of dollars. During the past fiscal year 219,021 such articles were received. The value of those drawn up into the collections of the Library far exceeded the amount of net cash earnings.

The work of the Copyright Office is divided into two parts: (1) The current business, covering applications received since the reorganization of the Office under the Register in 1897; (2) The arrears, the classification, crediting, and indexing of the entries and deposits prior to 1897 (i. e., from 1870, when the copyright business was first placed under the Librarian of Congress).

*Current copy-
right business*

On the 6th day of July, 1910, when the report of the Copyright Office was submitted, the remittances received up to the third mail of the day had been recorded and acknowledged; the account books of the bookkeeping division were written up and posted to June 30, and the accounts rendered to the Treasury Department were settled up to and including the month of June, while earned fees to June 30, inclusive, had been paid into the Treasury. All copyright applica-

tions received up to and including June 30 had been passed upon and refunds made.

The total unfinished business for the full thirteen years from July 1, 1897, to June 30, 1910, amounts to but \$383.98, against a total completed business for the same period of \$963,067.70.

At the close of business on July 6, 1910, the works deposited for copyright registration up to and including June 30 had all been recorded except 10 books, 2 pieces of music, 2 dramas and 15 photographs, 29 works in all, and the certificates and notices of entry had been made, revised, and mailed.

The Catalogue of Copyright Entries, which since the transfer of its publication from the Treasury Department to the Library of Congress has been issued in four separate parts, had been brought forward, in the new series, to Part 1, Group 1, books, etc., Vol. 7, No. 26, June 30; Part 1, Group 2, pamphlets, leaflets, etc., Vol. 7, Nos. 22-26, June; Part 2, periodicals, Vol. 5, Nos. 22-26, June; Part 3, musical compositions, Vol. 5, Nos. 22-26, June; Part 4, works of art, etc., Vol. 5, Nos. 22-26, June.

During the fiscal year about 17,500 articles received prior to July 1, 1897, were examined preparatory to being credited to their respective entries. Entries were found for some 15,000 of these and the articles were arranged by their entry numbers to facilitate crediting later. No entries were found for about 2,500 pieces which were therefore laid aside until the entire remaining accumulation of uncredited pamphlet matter, numbering 34,444 pieces, has been examined.

During the past thirteen years the business done by the Office shows the following:

Total number of entries.....	1,341,603
Total number of articles deposited.....	2,372,943
Total amount of fees received and applied.....	\$963,067.70
Total expenditure for service.....	\$817,207.82
Net receipts above expenses for service.....	\$145,799.88

Copyright business prior to July 1, 1897

During the forty years since the copyright work became a business of the Library of Congress the total number of entries has been 2,222,459.

Elimination of deposits Owing to the increase of business and the pressure of new business caused by the new copyright act, without an adequate corresponding increase in the force (requested in the urgent deficiency bill of 1910), no attention could be given to the assorting of the accumulated deposits, and correspondence necessary to the reduction of the mass contemplated by the new act.

INCREASE OF THE LIBRARY

Contents of the Library June 30, 1909, and June 30, 1910 Adopting the count of printed books and pamphlets made in June, 1902, as being accurate, the total contents of the Library, inclusive of the Law Library, at the close of the past two fiscal years were as follows:

Description	Contents of the Library		
	1909	1910	Gain
Books.....	^a 1,702,685	1,793,158	90,473
Manuscripts (a numerical statement not feasible).....			
Maps and charts (pieces).....	111,343	118,165	6,822
Music (volumes and pieces).....	501,203	517,806	16,513
Prints (pieces).....	303,036	320,251	17,215

Description	Net accessions	
	1909	1910
Printed books and pamphlets.....	^a 167,677	90,473
Manuscripts (a numerical statement not feasible).....		
Maps and charts (volumes and pieces).....	6,225	6,822
Music (volumes and pieces).....	17,882	16,513
Prints (pieces).....	23,469	17,215
Miscellaneous.....		93

^a Includes the Yudin collection not hitherto enumerated

The accessions of books and pamphlets during the past two years, in detail, classified by source, were as follows:

ACCESSIONS:
Books and
pamphlets by
sources

How acquired	1909	1910
By purchase.....	^a 108,753	23,754
By gift.....	10,996	8,012
By transfer from U. S. Government libraries.....	36,465	26,087
From the Public Printer by virtue of law.....	3,520	4,271
By International Exchange (from foreign governments).....	12,798	10,242
Gifts of the U. S. Government in all its branches.....	1,804	1,557
Gifts from state governments.....	3,554	6,386
Gifts from local governments.....	1,688	2,936
Gifts from corporations and associations.....	463	163
By copyright.....	8,963	13,210
By Smithsonian.....	5,072	2,401
By exchange (piece for piece).....	4,311	2,824
By priced exchange.....	359	113
Library of Congress publications (specially bound).....	100	158
Gain of volumes by separation in binding, and by binding of books and periodicals previously uncounted or uncounted in their present form.....	13,273	14,212
Total added—books, pamphlets, and pieces.....	212,119	116,386
DEDUCTIONS		
By consolidation in binding.....	10,834	10,536
Duplicates sent in exchange.....	28,175	8,265
Returns of college and library catalogues.....	5,244	7,056
Books withdrawn from stacks and returned to Copyright Office.....	189	56
	44,442	25,913
Net accessions.....	167,677	90,473

^a This includes the Yudin collection not hitherto enumerated.

TABLE A—Accessions, July 1, 1909, to June 30, 1910

Description	Copy-right	Pur-chase	Gift	Trans-fer	Ex-change	Total
Sheet maps, including pocket maps.....	2,652	1,173	2,130	50	14	6,019
Atlases.....	55	213	13	12	9	302
Manuscripts.....		44				44
Views.....	323	80	5	49		457
Total.....	3,030	1,510	2,148	111	23	6,822

TABLE B—Total number of piece. in Map Division, June 30, 1910

Description	June 30, 1909	Accessions 1910	Total
Sheet maps, including pocket maps.....	106,744	6,019	112,763
Atlases.....	4,258	302	4,560
Manuscripts.....	312	44	356
Views.....	398	457	855
Total.....	111,712	6,822	118,534

The above tables include an increase of 597 pieces for the fiscal year 1909-10, as a result of purchases made in Europe in the summer of 1909 by the Chief of this Division.

The preceding tables do not include the total number of sheets in the Sanborn insurance collection, the British Ordnance Survey, or the Egyptian Survey, which number as follows:

Description	Accessions 1909-10	Total
Sanborn insurance maps.....	1,112 maps in 12,026 sheets.	20,875 maps in 173,415 sheets.
Ordnance Survey.....	115 sheets.....	15,491 sheets.
Egyptian Survey.....	1 map in 22,660 sheets.	

Noteworthy accessions include 41 manuscript maps relating mostly to the French campaign in Santo Domingo during the reign of Napoleon I, and two admirable facsimiles of elaborate manuscript maps in the Dépôt de la Marine. (See Appendix IV) Among the atlases acquired were the excessively rare Lafreri (1554-1573) and the English folio edition of Ortelius of 1606.

DIVISION OF MUSIC

(From the report of the Chief, Mr. Sonneck)

Accessions of the Music Division for the fiscal year ending June 30, 1910

	Copy right	Gift	Pur- chase	Ex- change	Trans- fer	Other	Total
Music.....	12,798	135	3,593	23	51	3	16,513
Literature of music.....	240	298	1,771	9	22	7	2,347
Instruction.....	579	16	323	1	4		923
Total.....	13,617	449	5,687	33	77	10	19,783

Contents of the Music Division at the close of the fiscal year June 30, 1910

Music:

The Division contained up to June 30, 1909, volumes and pieces..... 499,450

Accessions during the fiscal year numbered volumes and pieces..... 16,513

Total on June 30, 1910..... 515,963

Literature of music:

The Division contained up to June 30, 1909, volumes, pamphlets, etc..... 21,478

Accessions during the fiscal year numbered..... 2,347

Total on June 30, 1910..... 23,825

Instruction:

The Division contained up to June 30, 1909, volumes and pieces..... 11,861

Accessions during the fiscal year numbered..... 923

Total on June 30, 1910..... 12,784

Grand total, volumes, pamphlets, etc..... 552,572

The most notable gifts came from Adolphe M. Förster, of ^{MUSIC: Gifts} Pittsburg, and George W. Chadwick, of Boston. The former presented the autographs of his op. 29, 67, and 69, and Mr. Chadwick the autograph score of his "Symphonic sketches," surely one of his most representative works. Not only this, but Mr. Chadwick has graciously consented to give to the Library the full score of his Christmas pastoral "Noël."

The organic development of the collections has continued ^{MUSIC: Purchases} uninterruptedly as planned. Yet opportunities for the acquisition of important individual works outside of the usual course were taken advantage of, as the following survey of the more noteworthy purchases of this kind will illustrate: Abaco's XII sonate da chiesa, op. III. Paris, Le Clerc; *Airs de cour et de differents autheurs*, 1615-1626; Albert's *Arien*, 1646-1651; *Amaryllis*, 2d ed., 175-; d'Anglebert's *Pièces de clavecin*, 1689; Bach's *Clavier Übung*, 1731, 1739, 1742; Bach's *Kunst der Fuge*, 1752; Bach's *Musikalisches Opfer*, 1747; Besardus' *Thesaurus Harmonicus*, 1603; Bickham's *Musical Entertainer*, ca. 1737-1738; Boccherini's *String Trios* (complete set) and his unpublished *Quatuors*, op. 54; de Bousset's *Airs nouveaux* (18 vols.); Brunetti's unpublished *Quatuors* and *Quintets*; Butler's *The principles of musick*, 1636; Case's *The praise of musicke*, 1586; Child's *Choise musick to the Psalms of David*, 1656; Croce's *Musica sacra to sixe voyces*, 1608 (complete); Eslava's *Lira Sacro-Hispana*, 1869; Euclidis *rudimenta musices*, 1557; Fischer's *Musikalisches Blumen Büschlein*, 1698; Frescobaldi's *Toccate d' intavolatura di cimbalo et organo*, 1637; Gluck's *Tigrane libretto* (a complete copy!); Händel's *The songs in Messiah*, London, Walsh, [!]; Hasse's *Alcide al Bivio* (full score); Keiser's *Diana and Pomona* (both full scores); Kuhnau's *Frische Clavier Früchte*, 1696; Landi's *Il San Alessio*, 1634; *Luminalia, or The festivall of light*, 1637; Mattheson's *Les doigts parlans*, 1749; Mersenne's

Harmonicorum libri XII, 1648; Mozart's Sei quartetti, 1785; Muffat's Componimenti musicali, 173-; Nabbes' The Springs Glory, 1639; The Nightingale of liberty, New York, 1797 (extremely scarce songster); Pelissier's Columbian melodies, 1811 (nos. 1-12); Pflitzner's Rose vom Liebesgarten (full score); Playford's Psalm and hymns, 1671; Rameau's Nais, MSS. full score, 1749; Jean Rameau's Le Maître à danser, 1748; Ravenscroft's Melismata, 1611; Ravi's Hep-tachordum daniellum, 1646; Reichardt's Erwin and Elmira, 1793; A Relation of the late Royall Entertainment . . . London, 1613; Rousseau's Traité de la viole, 1687; Sala's Regole del contrappunto pratico, 1794; Select psalm and hymns for . . . the Parish of St. James Westminster, 1720; Tabourot's Orchesographie, 1588; Wilbye's Madrigals, 1598; 1609 (complete); Yonge's Musica transalpina, 1588 (complete); Zaccani's Prattica di Musica, 1592; Zanger's Practicae musicae praecepta, 1554.

MUSIC:
Purchases

Our acquisitions from the recent auction of the famous Weckerlin collection, formed by the eminent dean of music librarians, who survived the dispersion of his treasures by only a few weeks, show so much the character and purpose of an *en bloc* purchase that the most noteworthy items may best be mentioned together. The distinctive feature of Mr. Weckerlin's collection was of course due to his interest in French folk-songs, chansons, etc., and our choice lay particularly among these, including the following: Agricola, Musica figuralisdeutsch, 1532; L'Année musicale, 1755-1756; Ariettes de Ninette à la cour (Paris, in 3 acts); Bacilly, Recueil des plus beaux vers, 1661, 1680 (3 v.); Cerreto, Della prattica musica vocale e instrumentale, 1601; Airs de différents auteurs à deux parties, Paris, Ballard, 1658-1691 (almost complete series); Chansons pour danser et pour boire, Paris, Ballard, 1627-1665 (almost complete set); de Chaney, Chansons pour danser et pour boire, Paris, Ballard, 1640-1655; La Grotte, Chansons de P. de Ronsard, Tenor. Paris,

1580; Recueil des Mille et un air, 1715-1739; Les parodies nouvelles et les vaudevilles inconnus, 1730-1737; La Philomèle seraphique, 1632, 1640; Recueil des plus beaux airs, etc., Caen, Mangeant, 1615; Coysard, Les hymnes sacrez et odes spirituelles, 1600; Lambranzi, Deliciae theatrales, 1716; Landrin, Recueil d'airs, etc., ca. 1750; Rameau, Abrégé de la nouvelle méthode, 1725; Gallæus, Encomium musices, ca. 1600; Gaultier le vieux and Gaultier, Denis, Livre de tablature des pièces de Luth, ca. 1664; Gillier and Grandval, Airs de la comédie françoise, 1712-13; Borjon, Traité de la musette, 1672; Denis, Traité de l'accord de l'espinette, 1650; Discours non plus mélancoliques que divers, 1556; Hotteterre, Méthode pour la musette, 1738; de La Voye, Traité de musique, 1656; Lippius, Synopsis musicæ novæ, 1612; Luscinius, Musurgia, 1536; Moreau, Chœurs de la tragédie d'Esther, 1689; Mozart, Trente-cinq points d'orgue, 1804; Nouvelles poesies spirituelles et morales, etc., 1732-1733; Parran, Traité de la musique théorique et pratique, 1646; Pontus de Tyard, Les discours philosophiques, 1587; Caignet, Les CL Pseaumes de David, 1624; Goudimel, Les Pseaumes de David, 1667; Le Jeune, Les Pseaumes de David, 1635; De Gouy, Airs à quatre parties, 1650; Marot et de Bèze, Les Pseaumes mis en rime françois, 1562, 1564; Puteanus, Musathena, 1602; Rameau, Cantates françoises, 17-; Rossi, Erminia sul Giordano, 1637.

The most noteworthy actual purchase *en bloc* was that of the Marquise Martorell collection. Honored by the jury of the Paris Exposition of 1900, this collection was known to be *sui generis*. Its importance lies not so much in the fact that it contains nearly thirty full scores in manuscript of old operas, among them Meyerbeer's "Semiramide riconosciuta" and Haydn's "Isola disabitata" (the dedication copy to the Prince of the Asturias), besides MSS. oratorio, etc., scores by Haydn, Durante, Zingarelli, Jommelli, Pergolesi, Palestrina, and much manuscript and printed instrumental music

by Brunetti, Schmidl, Dittersdorf, Bruni, and many others. What lends more and permanent significance to the Martorell collection is the fact that it contains about 1,300 full scores of "favorite" arias from eighteenth century operas, in neat, contemporary manuscripts, uniformly bound. As hundreds of these arias are from operas not otherwise represented in our collections, their value as additions to our collection of full scores of operas (now numbering almost 2,000) will be obvious.

The transcribing of the scores of old operas unprocureable in the original or in print has continued, the number added during the year reaching nearly 100. The list of these includes: Ariosti's *La fede ne' tradimenti*; Badia's *Ercolo vincitore di Gerione*; Bertali's *Gli amori di Apollo con Clizia*; G. B. Bononcini's *Gli affetti più grandi, vinti dal più giusto, Mario fugitivo*; M. A. Bononcini's *Polifemo*; Caldara's *Atenaide* (1709), *Don Chisciotte in corte della duchessa*, *Ifigenia in Aulide*; Emilio del Cavaliere's *Rappresentazione di anima e di corpo*; Cavalli's *Alessandro vincitore di se stesso*; Cesti's *La Dori*, *Il Tito*, *La magnanimità d'Alessandro*, *Serenata*, 1662; Conti's *Galatea vendicata*; Deller's *Orfeo ed Euridice*; Dittersdorf's *Liebe im Narrenhaus*; Draghi's *La lanterna di Diogene*, *La pazienza di Socrate con due moglie*; Ferinelli's *La Pamela maritata*; Galuppi's *Filosofo di campagna*, *La serva per amore*, *Il conte Caramella*; P. C. Guglielmi's *La bella pescatrice*, *Alessandro nelle Indie*; Guglielmi's *La lanterna di Diogene*; Gyrowetz' *Der Augenarzt*, *Federica ed Adolfo*, *Die Junggesellenwirtschaft*; Hasse's *Pyramo et Thisbe*; Hiller's *Die Jagd*; Jonelli's *Arnica abbandonata*, *Il paratajo*, *Creso*, *La Semiramide riconosciuta*, *Temistocle*; Latilla's *La finta cameriera*, *Siroe*, *Temistocle*; Leonardo Leo's *Catone in Utica*; Logroscino's *Il Governatore*, *Il Giunio Bruto*; Maio's *Adriano in Siria*; Mattei, Bononcini, Händel's *Muzio Scevola*; Wenzel Müller's *Ritter Don Quixote*, *Teufelsmühle*;

Naumann's Cora; Neefe's Sophonisbe; Giuseppe Nicolini's Le due gemelle; Perez' Andromeda; Perti's Rosinda; Porpora's Annibale, Mitridate, Arianna in Naxo; Predieri's Zenobia; Rinaldo da Capua's La donna vendicativa; Rodolphe's Medée et Jason; Rutini's I matrimoni in maschera; Salieri's Die Neger; Sarti's Fra i due litiganti il terzo gode, Ifigenia in Aulide; Scarlatti's Il Medo (attributed to Sc.); Schürer's Doris; Starzer's Roger e Bradamante; Telemann's Miriways; Pietro Torri's Briseide; Trajetta's Le serve rivali; Vinci's Alessandro nelle Indie; Filippo Vitali's Intermedii, 1623; Weigl's Kaiser Hadrian; Wolf's Diè Dorfdeputierten; Ziani, Negri and Caldaras' Atenaide (1714); Zingarelli's Alsinda.

The classes "Dramatic music" and "Chamber music" were added to the subject catalogue. Further catalogues in book form are, of course, in contemplation, among them "Orchestral music," "Dramatic music in vocal score," "Librettos," "Books on music printed before 1800" and an enlarged and more elaborate edition of the catalogue of "Dramatic music in full score."

Catalogues

DIVISION OF PERIODICALS

(From the report of Mr. Martel, in present charge)

The following comparative table, covering six years, shows the accessions of serials from various sources:

How acquired	1905	1906	1907	1908	1909	1910	Serials currently received
Gifts and transfers.	3,850	4,471	5,016	5,647	6,051	6,548	
Copyright.	1,729	2,026	2,342	2,594	2,751	3,137	
Subscription.	1,212	1,340	1,405	1,468	1,541	1,599	
Smithsonian deposit. ...	2,425	2,631	2,883	3,119	3,254	3,456	
Total (titles, not volumes).	9,216	10,468	11,646	12,828	13,597	14,740	

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New titles added: Copyright, 386; gift, 497; subscription, 58; Smithsonian collection, 202; total, 1,143. Periodicals checked (items), 142,288; Periodical Division office catalogue, volumes added, 8,996.

During the past fiscal year there were sent to the bindery from the Periodical Division 6,711 volumes of periodicals and 2,983 volumes of newspapers, making a total of 9,694 volumes, or an average per month of 808 volumes.

APPENDICES

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APPENDIX Ia
APPROPRIATIONS AND EXPENDITURES, 1909-10

	Appropriations	Expended	Unexpended
SALARIES			
Library service:			
General.....	\$241,900.00	\$241,525.52	\$374.48
Sunday.....	10,000.00	9,714.38	285.62
Special.....	^a 2,051.83	1,601.15	450.68
Index to the Statutes at Large..	10,000.00	9,653.17	346.83
Carrier service, December 1, 1909, to June 30, 1910.....	560.00	560.00	
Distribution of card indexes.....	^b 17,244.30	^c 17,112.22	132.08
Copyright Office.....	^d 87,860.00	87,761.97	98.03
Total.....	369,616.13	367,928.41	1,687.72
INCREASE OF LIBRARY			
Purchase of books.....	100,000.00	100,000.00	
Purchase of periodicals.....	5,000.00	5,000.00	
Purchase of law books.....	^e 3,000.00	3,000.00	
Total.....	108,000.00	108,000.00	
Contingent expenses.....	^f 7,331.46	^f 7,298.92	32.54
Printing and binding (allotment, not appropriation).....	^g 202,190.40	202,005.57	184.83
Grand total.....	687,137.99	685,232.90	1,905.09

^a Includes balance of \$51.83 from 1908-09.

^b Includes \$444.30 credits on account of sales to government institutions. Does not include \$117.47 yet to be credited.

^c An indebtedness of \$249.55 is to be paid when amounts due through sales to government institutions have been credited in full.

^d Includes deficiency of \$500.

^e Exclusive of \$1,500 to be expended by the marshal of the Supreme Court for new books of reference for that body.

^f Appropriation 1910 includes \$31.46 credits on account of supplies furnished Superintendent, Library Building and Grounds.

^g Includes \$190.40 credits on account of sales to government institutions. Does not include \$50.36 yet to be credited.

CONTINGENT EXPENSES IN DETAIL

Object of expenditure	Amount
Stationery supplies	\$4, 019. 50
Typewriter supplies	88. 55
Dies, presses, and rubber stamps	230. 77
Travel expenses	317. 41
Postage stamps and international postal cards (foreign correspondence)	259. 00
Telegrams and long-distance telephone messages	75. 00
Transfer charges	50. 95
Post-office box rent July 1, 1909, to June 30, 1910	16. 00
Tools	31. 77
Horse hire and care of wagon	421. 41
Care of motor wagon (garage expenses, oil, gasoline, etc.)	303. 56
Electric delivery van	1, 425. 00
Total	7, 298. 92

APPENDIX Ib

APPROPRIATIONS FOR THE LIBRARY OF CONGRESS AS CONTAINED IN "AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND ELEVEN, AND FOR OTHER PURPOSES."

General administration: Librarian of Congress, \$6,000; Chief Assistant Librarian, \$4,000; chief clerk, \$2,500; Librarian's secretary, \$1,800; clerk (assistant to chief clerk), \$1,000; two stenographers and typewriters, one at \$1,200 and one at \$720; messenger, \$840; junior messenger, \$360; in all, \$18,420.

Mail and delivery: Assistant in charge, \$1,500; assistant, \$900; 2 assistants, at \$720 each; junior messenger, \$360; in all, \$4,200.

Order and accession: Chief of division, \$2,500; assistant, \$1,500; assistant, \$1,200; 3 assistants, at \$900 each; 2 assistants, at \$720 each; 2 assistants, at \$600 each; assistant, \$520; and 2 junior messengers, at \$360 each; in all, \$11,780.

Catalogue, classification, and shelf: Chief of division, \$3,000; chief classifier, \$2,000; 4 assistants, at \$1,800 each; 7 assistants, at \$1,500 each; 6 assistants, at \$1,400 each; 12 assistants, at \$1,200 each; 6 assistants, at \$1,000 each; 14 assistants, at \$900 each; 4 assistants, at \$800 each; 13 assistants, at \$720 each; 3 assistants, at \$600 each; 10 assistants, at \$540 each; 4 assistants, at \$480 each; 6 junior messengers, at \$360 each; in all, \$87,940.

Binding: Assistant in charge, \$1,400; assistant, \$900; junior messenger, \$360; in all, \$2,660.

Bibliography: Chief of division, \$3,000; assistant, \$1,500; 2 assistants, at \$900 each; stenographer and typewriter, \$900; assistant, \$720; junior messenger, \$360; in all \$8,280.

Reading rooms (including evening service) and special collections: Superintendent of reading room, \$3,000; 2 assistants, at \$1,500 each; 4 assistants, at \$1,200 each; 1 assistant (reading room for the blind), \$1,200; 5 assistants, at

\$900 each; stenographer and typewriter, \$900; 10 assistants, at \$720 each; 2 assistants, at \$600 each; attendant, Senate reading room, \$900; 2 attendants, Representatives' reading room, 1 at \$900 and 1 at \$720; 2 attendants, cloak rooms, at \$720 each; attendant, Toner Library, \$900; attendant Washingtonian Library, \$900; telephone operator, \$600; 2 attendants (for gallery and alcoves), at \$480 each; 4 junior messengers, at \$360 each; 2 watchmen, at \$720 each; evening service, 5 assistants, at \$900 each; 15 assistants, at \$720 each; in all, \$51,300.

Periodical (including evening service): Chief of division, \$2,000; chief assistant, \$1,500; 2 assistants, at \$900 each; stenographer and typewriter, \$900; 3 assistants, at \$720 each; 2 junior messengers, at \$360 each; for arrears of sorting and collating and to enable periodical reading room to be open in the evenings, 2 assistants, at \$720 each; in all, \$10,520.

Documents: Chief of division, \$3,000; assistant, \$1,400; stenographer and typewriter, \$900; assistant, \$720; junior messenger, \$360; in all, \$6,380.

Manuscript: Chief of division, \$3,000; chief assistant, \$1,500; assistant, \$900; junior messenger, \$360; in all, \$5,760.

Maps and charts: Chief of division, \$3,000; assistant, \$1,400; 2 assistants, at \$900 each; assistant, \$720; junior messenger, \$360; in all, \$7,280.

Music: Chief of division, \$3,000; assistant, \$1,500; assistant, \$1,000; 2 assistants, at \$720 each; junior messenger, \$360; in all, \$7,300.

Prints: Chief of division, \$2,000; assistant, \$1,400; 2 assistants, at \$900 each; junior messenger, \$360; in all, \$5,560.

Smithsonian deposit: Custodian, \$1,500; assistant, \$1,400; messenger, \$720; junior messenger, \$360; in all, \$3,980.

Congressional reference library: Custodian, \$1,500; assistant, \$1,200; assistant, \$900; assistant, \$720; 2 junior messengers, at \$360 each; in all, \$5,040.

Law library: Law librarian, including additional compensation of \$500 for supervision of preparation of the new index to the Statutes at Large, \$3,000; two assistants, at \$1,400 each; messenger, \$900; assistant, \$480; assistant for evening service, \$1,500; in all, \$8,680.

Copyright office, under the direction of the Librarian of Congress: Register of copyrights, \$4,000; assistant register of copyrights, \$3,000; chief clerk and chief of bookkeeping division, \$2,000; chief of application division, \$2,000; 3 clerks, at \$1,800 each; 6 clerks, at \$1,600 each; clerk, \$1,500; 8 clerks, at \$1,400 each; 10 clerks, at \$1,200 each; 10 clerks, at \$1,000 each; 16 clerks, at \$900 each; 2 clerks, at \$800 each; 10 clerks, at \$720 each; 4 clerks, at \$600 each; clerk, \$480; 4 junior messengers, at \$360 each. Arrears, special service: Three clerks, at \$1,200 each; porter, \$720; junior messenger, \$360; in all, \$92,900.

Distribution of card indexes: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, and traveling expenses connected with such distribution, \$18,800.

Temporary services: For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, to continue available until expended, \$2,000.

Carrier service: For service in connection with the Senate and House Office Buildings, \$960, or so much thereof as may be necessary.

Sunday opening: To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock p. m. on Sundays and legal holidays, within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, \$10,000 or so much thereof as may be necessary.

Increase of Library of Congress: For purchase of books for the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, \$100,000;

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, including payment in advance for subscriptions to law periodicals, \$3,000;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, \$1,500;

For purchase of miscellaneous periodicals and newspapers, including payment in advance for subscriptions to the same, \$5,000;

In all, \$109,500.

Contingent expenses: For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, which sum shall be so apportioned as to prevent a deficiency therein, \$7,300.

Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, \$5,000, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve.

Custody, care, and maintenance of Library building and grounds: Superintendent of the Library building and grounds, \$5,000; chief clerk, \$2,000; clerk, \$1,600; clerk, \$1,400; clerk, \$1,000; messenger; assistant messenger; telephone switchboard operator; assistant telephone switchboard operator; captain of watch, \$1,400; lieutenant of watch, \$1,000; 16 watchmen; carpenter, \$900; painter, \$900; foreman of laborers, \$900; 14 laborers, at \$480 each; 2 attendants in ladies' room, at \$480 each; 4 check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; 45 charwomen; chief engineer, \$1,500; assistant engineer, \$1,200; 3 assistant engineers at \$1,000 each; electrician, \$1,500; assistant electrician, \$1,000; machinist, \$1,000; machinist, \$900; 2 wiremen, at \$900 each; plumber, \$900; 3 elevator conductors, at \$720 each; 9 firemen; 6 skilled laborers, at \$720 each; in all, \$76,905.

For extra services of employees and additional employees under the superintendent of Library building and grounds to provide for the opening of the Library building from 2 until 10 o'clock p. m. on Sundays and legal holidays, \$2,800.

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, \$32,500.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, \$25,000.

For the completion of the construction, mechanical equipment, electric lighting, and roofing of a stack of shelving for bound newspapers and books in the southeast court of the Library building, \$10,000.

Provisions in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes."

For such trees, shrubs, plants, fertilizers, and skilled labor for the grounds of the Library of Congress as may be requested by the superintendent of the Library building, \$1,000.

For the Library of Congress, including the Copyright Office, and the publication of the Catalogue of Title Entries of the Copyright Office, and binding, rebinding, and repairing of library books, and for building and grounds, Library of Congress, \$202,000.

APPENDIX II

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE
FISCAL YEAR 1909-10

WASHINGTON, D. C., July 6, 1910

SIR: The copyright business and the work of the Copyright Office for the fiscal year from July 1, 1909, to June 30, 1910, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$113,662.83. A balance of \$2,275.45, representing trust funds and unfinished business, was on hand July 1, 1909, making a total of \$115,938.28 to be accounted for. Of this amount the sum of \$4,519.62, received by the Copyright Office, was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$111,418.66. The balance carried over to July 1, 1910, was \$6,773.71 (representing trust funds, \$6,389.73, and total unfinished business since July 1, 1897—thirteen years—\$383.98), leaving for fees applied during the fiscal year 1909-10, \$104,644.95.

This is an increase in fees over the previous fiscal year of \$20,828.20.

EXPENDITURES

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1910, was \$87,860. The total expenditure for salaries was \$87,761.97, or \$16,882.98 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditure for supplies, except furniture, including stationery and other articles, and postage on foreign mail matter, etc., was \$1,197.98.

During the thirteen fiscal years since the reorganization of the Copyright Office (from July 1, 1897, to June 30, 1910),

the total receipts have exceeded a million dollars (\$1,017,350.79); the copyright fees applied and paid into the Treasury have amounted to nearly a million dollars (\$963,067.70); the articles deposited number considerably over two million (2,372,943), and the total copyright registrations exceed a million (1,341,603).

*Value of copy-
right deposits*

The fees (\$963,067.70) were larger than the appropriations for salaries used during the same period (\$817,267.82) by \$145,799.88. In addition to this direct profit, a large proportion of the 2,373,000 books, maps, prints, and other articles deposited during the thirteen years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the Copyright Office effected a saving to the purchase fund of the Library equal in amount to their cost.

COPYRIGHT ENTRIES AND FEES

Registrations

The registrations for the fiscal year numbered 109,074. Of these 96,634 were registrations at \$1 each, including a certificate, and 11,433 were registrations of photographs without certificates, at 50 cents each. There were also 1,007 registrations of renewals at 50 cents each. The fees for these registrations amounted to a total of \$102,854.

The number of registrations in each class from July 1, 1909, to June 30, 1910, as compared with the number of entries made in the previous year, is shown in Exhibit F.

COPYRIGHT DEPOSITS

*Articles depos-
ited*

The various articles deposited in compliance with the new copyright law, which have been registered, stamped, indexed, and catalogued during the fiscal year, amount to 197,313. In addition there were books, periodicals, dramas, music, and photographs to the number of 21,711, deposited to complete entries made during the previous fiscal year (1908-9), under the law then in force, which had not been previously catalogued or enumerated. The total number of articles deposited is, therefore, 219,024. The number of these articles in each class for the thirteen fiscal years is shown in Exhibit G.

COPYRIGHT CATALOGUE AND INDEX, BULLETINS AND
CIRCULARS

The permanent title-index cards for the fiscal year numbered 82,861. After being first used as the copy for the printed Catalogue, these cards were added to the permanent card indexes of the copyright entries. During the year the work of reducing the size of the card index by means of condensing entries for sets, etc., on ten and twelve line cards and eliminating duplicates was continued, and as a result 15,960 cards were withdrawn. The index now numbers a total of over 1,786,000 cards. *Index cards*

The publication of the Catalogue of Copyright Entries has been continued as required by law. For convenience of search the volumes are made to cover the works published and deposited during the calendar year rather than the fiscal year. Five volumes in all were printed for the year 1909, containing altogether 4,752 pages of permanent matter, the temporary monthly indexes being discarded when the volumes are bound. The Catalogue is divided into four parts according to subject-matter, and each part is sold separately at a nominal subscription rate within the maximum price established by law, as follows: *Catalogue of copyright entries*

Part I, Books, pamphlets, dramatic compositions, and maps, \$1; Part II, Periodicals, 50 cents; Part III, Musical compositions, \$1; Part IV, Prints, including chromos and lithographs; photographs, and the descriptions of original works of art—paintings, drawings, and sculpture, 50 cents. The subscriptions are by express provisions of the copyright act required to be paid to the Superintendent of Documents (Office of the Public Printer, Washington, D. C.), and all subscriptions must be for the complete year for each part. The price for the entire Catalogue for the year is \$3. *Subscription price*

Part I of the Catalogue is published in two volumes, "Group I" containing mainly the titles of all books of the year for which title cards are printed and sold to libraries, and "Group II," containing the titles of deposited pamphlets, leaflets, and contributions to periodicals, as well as preliminary reports of court decisions, local directories, herdbooks, etc. Group I is issued in weekly parts and reprints *Catalogue printed in 1909*

in full the title cards prepared by the Catalogue Division of the Library of Congress, with complete bibliographical notes. Volume 6, for 1909, contains 1,392 pages of text, and a complete index of authors, copyright proprietors, and titles of anonymous books, 180 pages.

Volume 6 of Group II, for 1909, contains 832 pages of text and an index of authors, copyright proprietors, and titles, 216 pages additional. Of Part II, Periodicals, volume 4 for 1909, contains 588 pages, and an index of titles and copyright proprietors, 48 pages. Of Part III, Musical and dramatico-musical compositions, volume 4 for 1909, contained 1,117 pages of text and a complete index of composers and copyright proprietors, 379 pages. Of Part IV, Works of art and pictorial illustrations, etc., volume 4 for 1909, contained 513 pages of text and 37 pages of index.

*Retail price of
publications*

To meet a frequently expressed desire on the part of users of the Catalogue, the attempt has been made to obtain for publication the retail price of each book claiming copyright. A statement of the selling price of the book is required in the application form, and publishers generally have responded by supplying the prices which have been printed in the Catalogue.

*Prompt delivery
of copyright books*

With a view to supply librarians and other users of the Catalogue with early information of all copyrighted books, special efforts have been made to forward promptly to the Catalogue Division for printed titles such books as have been deposited in the Copyright Office. In the case of a certain number of these, it has been found necessary to hold the copies pending correspondence with the depositors. From November 8, 1909, to June 30, 1910, inclusive, these delayed books numbered 1,338; but the remaining 6,916 books received were forwarded to the Library on the day of their receipt in the Copyright Office.

*New issue of
copyright law*

During the fiscal year a new issue of the copyright law was printed as follows:

The copyright law of the United States of America, in force July 1, 1909. Replacing the Revised Statutes of the United States, Title 60, chapter 3 (1873), and subsequent amendatory acts. Together with Rules for Practice and Procedure, under section 25, by the Supreme Court of the

United States. 6th impression, May 9, 1910. 43 pp. 8°. (Bulletin No. 14)

The new general copyright proclamation, signed by the President on April 9, 1910, was also printed and distributed.

The new copyright law went into effect on July 1, 1909, ^{Reorganization of Copyright Office} superseding the previous copyright statutes, and the changes instituted by the new legislation were of such a character as to render necessary the preparation of new record books and an entirely new set of administrative and explanatory ^{New circulars and certificates} circulars, as well as new application and certificate forms, and report cards for work done, etc. More than 150 new circulars and administrative blanks were printed during the year in editions varying from one thousand to five thousand copies.

Section 25 of the copyright act of March 4, 1909, authorized ^{Rules of practice and procedure under the copyright law} the Supreme Court to prescribe rules and regulations for practice and procedure in the case of infringement of copyright. Such "Rules for Practice and Procedure" were adopted and promulgated by the Supreme Court of the United States, June 1, 1909, and were printed by the Copyright Office as Circular No. 20.

SUMMARY OF COPYRIGHT BUSINESS

Summary of copyright business receipts, etc.

Balance on hand July 1, 1909.....	\$2, 275. 45	
Gross receipts July 1, 1909, to June 30, 1910..	113, 662. 83	
Total to be accounted for.....	115, 938. 28	
Refunded.....	4, 519. 62	
Balance to be accounted for.....	\$111, 418. 66	
Applied as earned fees.....	104, 644. 95	
Balance carried over to July 1, 1910:		
Trust funds.....	\$6, 389. 73	
Unfinished business July 1, 1897, to June 30, 1910, thirteen years.....	383. 98	
	6, 773. 71	
	111, 418. 66	
Total fees earned and paid into the Treasury during the thirteen fiscal years from July 1, 1897, to June 30, 1910..	963, 067. 70	Total fees
Total unfinished business for the thirteen years.....	383. 98	

Fees

FEES

Fees for registrations including certificates at \$1 each.....	\$96, 634. 00
Fees for registrations of photographs without certificates at 50 cents each.....	5, 716. 50
Fees for registrations of renewals at 50 cents each.....	503. 50
Total fees for registrations recorded.....	\$102, 854. 00
Fees for certified copies of record at 50 cents each.....	498. 50
Fees for recording assignments.....	1, 095. 00
Searches made and charged for at the rate of 50 cents for each hour of time consumed...	63. 00
Notices of user recorded.....	67. 75
Indexing transfers of proprietorship.....	66. 70
	1, 790. 95
Total fees.....	104, 644. 95

ENTRIES

<i>Entries</i>	Number of copyright registrations.....	108, 067
	Number of renewals recorded.....	1, 007
	Total number of entries recorded.....	109, 074
	Number of certified copies of record.....	997
	Number of assignments recorded or copied.....	814

New record books The new copyright act permitted the introduction and use of new record books of an improved character, securing greater expedition in recording, and greater facility of reference and search. This first year of operation under the

Advantages of new law new law has demonstrated the administrative advantages secured thereby. It is possible to keep the current business much more closely up to date and to eliminate a larger proportion of uncleared material. The fees applied for the fiscal year under the new law exceeded the one hundred thousand dollar mark, and were nearly twenty-one thousand dollars in excess of the fees for the previous fiscal year. The annual fees have nearly doubled during the last thirteen years, since 1897.

Increased correspondence On the other hand, the first year of the new law (as was to be expected) greatly increased the Copyright Office correspondence. The greater part of the business of the

Copyright Office is done by correspondence. The fees, deposits, and applications are almost entirely received through the mails or by express. The total letters and parcels received numbered 153,300 pieces, while the letters, certificates, parcels, etc., dispatched numbered 189,708. Letters received transmitting remittances numbered 45,000, including money orders to the number of 27,505. During the last thirteen fiscal years, the money orders received numbered 301,139.

CONDITION OF COPYRIGHT OFFICE WORK

(a) *Current work*

At this date (July 6, 1910) the remittances received up ^{Condition of current work} to the third mail of the day have been recorded. The account books of the bookkeeping division are written up and posted to June 30, and the accounts rendered to the Treasury Department are settled up to and including the month of June, while earned fees to June 30, inclusive, have been paid into the Treasury.

All copyright applications received up to and including June 30 have been passed upon and refunds made. The total unfinished business for the full thirteen years from July 1, 1897, to June 30, 1910, amounts to but \$383.98.

At the close of business on July 6, 1910, the works deposited for copyright registration up to and including June 30 had all been recorded except 10 books, 2 pieces of music, 2 dramas, and 15 photographs, 29 works in all.

(b) *Deposits received prior to July 1, 1897*

During the fiscal year 1909-10 about 17,500 articles ^{Deposits prior to July 1, 1897} received prior to July 1, 1897, were examined preparatory to being credited to their respective entries. Entries were found for some 15,000 of these and the articles were arranged by their entry numbers to facilitate crediting later. No entries were found for about 2,500 pieces, which were therefore laid aside until the entire remaining accumulation of uncredited pamphlet matter, numbering 34,444 pieces, have been examined. The examination of this old material becomes proportionally slow and its identification more difficult as the remaining material presents fewer clues under which search can be made for possible entries.

(c) *Accumulated deposits**Elimination of
deposits*

The copyright act going into force on July 1, 1909, provides for the gradual elimination of the accumulated copyright deposits. From time to time as requested articles not needed have been returned to the claimants of copyright. Owing, however, to the pressure of business caused by the new act, without a corresponding increase in the Copyright Office force (requested in the urgent deficiency bill of 1910), the rearranging of these deposits for the purpose of final disposal has had to be postponed. It is now proposed to use the space allotted in the new stack and to proceed with the elimination as rapidly as is practicable.

COPYRIGHT LEGISLATION AND INTERNATIONAL COPYRIGHT RELATIONS

I. *Legislation**Copyright bills*

Notwithstanding a new general consolidated copyright act was approved on March 4, 1909, and went into effect on July 1, 1909, three new copyright bills were introduced during the Sixty-first Congress. The first was presented by the Hon. Philip P. Campbell, of Kansas, on July 23, 1909, providing for the suspension of protection when any patent or copyright was owned, used, or leased by any trust or monopoly.^a The second, by the Hon. George W. Gordon, of Tennessee, presented on May 13, 1910, provides specific damages in the case of infringement of copyright.^b The third, by the Hon. Andrew J. Peters, of Massachusetts, introduced on June 11, 1910, provides that the sale of a work of art by a foreigner to a citizen of the United States shall operate to permit the purchaser to reproduce the work when not for commercial use or sale.^c

No action was taken on these bills, other than to refer them to the House Committee on Patents. The full texts are printed as Addendum No. 1 to this report, pages 119-121.

*Interpretation of
copyright law*

It was to be expected that the new law would give rise to some questions of interpretation, and certain provisions of

^a 1909 (July 23). A bill suspending the patent and copyright laws of the United States when a patent or copyright or any article or product protected by patent or copyright is owned, used, or leased by any trust or monopoly in violation of any law in restraint of trade. Presented by Mr. Campbell. H. R. bill No. 11796. Printed, 3 pp. 4°. [Referred to the Committee on Patents.]

^b 1910 (May 13). A bill to amend section 4964 of the Revised Statutes of the United States. Presented by Mr. Gordon. H. R. bill No. 25870. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

^c 1910 (June 11). A bill to amend an act to amend and consolidate the laws relating to copyright. Presented by Mr. Peters. H. R. bill No. 26760. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

the new legislation have been submitted from time to time to the Attorney-General for his opinion thereon. The full text of these opinions rendered during the year, together with certain decisions of the Treasury Department in regard to importation under the new copyright law, are printed in full as Addendum No. 2 to this report, pages 123-153.

II. *International copyright relations*

The copyright act provides for the publication of Presidential Proclamations in the case of international copyright relations. The question having been raised whether a new copyright proclamation was necessary so far as the reciprocal copyright relations already established with certain foreign nations were concerned, the matter was submitted to the Attorney-General for his opinion. His decision was that a new proclamation should be issued and that such new proclamation might be retroactive in terms and effect. Accordingly a general copyright proclamation declaring reciprocal copyright relations with Austria, Belgium, Chile, Costa Rica, Cuba, Denmark, France, Germany, Great Britain, Italy, Mexico, the Netherlands, Norway, Portugal, Spain, and Switzerland was signed on April 9, 1910, and duly promulgated. The Attorney-General's opinion of March 19, 1910, is printed in full in Addendum 2 to this report, pages 123-153, and the full text of the copyright proclamation of April 9, 1910, as Addendum 3, pages 155-156. *Copyright proclamations*

A proclamation was also made in behalf of Luxembourg on June 29, 1910.

The Second Pan-American Copyright Convention of 1902 was ratified by the President March 16, 1908, and proclaimed April 9, 1908. It went into effect as between the United States and Guatemala, Salvador, Costa Rica, Honduras, and Nicaragua on July 1, 1908. Diplomatic relations between the United States and Nicaragua having been temporarily severed, however, no steps can be taken looking to the protection in Nicaragua of American copyrights until diplomatic relations with that country have been reestablished.* *Pan-American Convention*

Respectfully submitted

THORVALD SOLBERG

Register of Copyrights

HERBERT PUTNAM

Librarian of Congress

*Since the above was written, such reestablishment of diplomatic relations with Nicaragua has taken place.

EXHIBIT A—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1910

	Gross cash receipts	Refunds	Net receipts	Fees applied
1909				
July.....	\$8,244.05	\$255.49	\$7,988.56	\$4,975.90
August.....	8,451.80	253.00	8,198.80	7,707.90
September.....	9,032.45	198.72	8,833.73	8,523.10
October.....	9,635.19	331.36	9,303.83	9,067.50
November.....	9,166.19	504.05	8,662.14	9,584.90
December.....	11,504.01	314.57	11,189.44	10,066.40
1910				
January.....	12,198.02	626.30	11,571.72	9,044.90
February.....	8,450.90	542.29	7,908.61	8,138.80
March.....	9,912.31	462.24	9,450.07	10,146.85
April.....	9,185.51	287.78	8,897.73	9,449.70
May.....	8,410.45	361.04	8,049.41	8,267.45
June.....	9,471.95	382.78	9,089.17	9,671.55
Total.....	113,662.83	4,519.62	109,143.21	104,644.95
Balance brought forward from June 30, 1909.....				\$2,275.45
Net receipts, July 1, 1909, to June 30, 1910:				
Gross receipts.....			\$113,662.83	
Less amount refunded.....			4,519.62	
				109,143.21
Total to be accounted for.....				111,418.06
Copyright fees applied July 1, 1909, to June 30, 1910.....				\$104,644.95
Balance carried forward to July 1, 1910:				
Trust funds.....			\$6,389.73	
Unfinished business.....			383.98	
				6,773.71
				111,418.66

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EXHIBIT B—Statement of fees paid into Treasury

Date	Check number	Amount	Date	Check number	Amount
1909			1910		
July 12	759	\$700.00	Jan. 4	788	\$2,000.00
19	760	800.00	7	789	766.40
26	761	800.00	10	790	2,000.00
Aug. 2	762	1,500.00	17	791	2,200.00
7	763	1,175.90	24	792	2,000.00
9	764	1,500.00	31	793	2,100.00
16	765	1,500.00	Feb. 5	794	744.90
23	766	1,500.00	7	795	1,300.00
30	767	1,800.00	14	796	2,000.00
Sept. 7	768	1,407.90	21	797	2,100.00
13	769	2,200.00	28	798	1,700.00
20	770	2,300.00	Mar. 4	799	1,038.80
27	771	2,200.00	7	800	1,200.00
Oct. 4	772	1,400.00	14	801	2,200.00
6	773	423.10	21	802	2,200.00
11	774	2,300.00	28	803	2,600.00
18	775	2,100.00	Apr. 4	804	1,700.00
25	776	2,400.00	5	805	246.85
Nov. 1	777	1,700.00	11	806	2,500.00
6	778	567.50	18	807	2,100.00
8	779	1,700.00	25	808	2,200.00
15	780	2,500.00	May 2	809	2,100.00
22	781	2,400.00	5	810	549.70
29	782	1,900.00	9	811	1,300.00
Dec. 4	783	1,084.90	16	812	1,700.00
6	784	1,200.00	23	813	2,100.00
13	785	1,800.00	31	814	2,200.00
20	786	2,200.00	June 4	815	967.45
27	787	2,100.00	6	816	500.00
			13	817	1,900.00
			20	818	3,000.00
			27	819	2,200.00
			July 5	820	1,500.00
			6	821	571.55
			Total		104,644.95

EXHIBIT C—Record of applied fees

Month	Number of registrations, including certificate	Fees at \$1 each	Number of registrations, photographs, no certificate	Fees at 50 cents each	Number of renewal entries	Fees at 50 cents each	Total number of registrations	Total fees for registrations		
1909										
July	4,051	\$4,051	455	\$227.50			5,106	\$4,878.50		
Aug.	7,076	7,076	964	482.00	84	\$42.00	8,124	7,600.00		
Sept.	7,804	7,804	1,082	541.00	55	27.50	8,941	8,372.50		
Oct.	8,109	8,109	1,471	735.50	92	46.00	9,672	8,920.50		
Nov.	8,809	8,809	1,111	555.50	49	24.50	9,969	9,389.00		
Dec.	9,255	9,255	1,149	574.50	123	61.50	10,527	9,891.00		
1910										
Jan.	8,157	8,157	1,174	587.00	188	94.00	9,519	8,838.00		
Feb.	7,591	7,591	740	370.00	83	41.50	8,414	8,002.50		
Mar.	9,428	9,428	957	478.50	96	48.00	10,481	9,954.50		
Apr.	8,761	8,761	951	475.50	96	48.00	9,808	9,284.50		
May.	7,828	7,828	610	305.00	74	37.00	8,512	8,180.00		
June.	9,105	9,105	809	404.50	67	33.50	9,981	9,543.00		
Total	96,634	96,634	11,433	5,716.50	1,007	503.50	109,074	102,854.00		
Month	Copies of record	Fees at 50 cents each	Assignments and copies	Fees for assignments	Notice of user in remission	Fees for notice of user	Indexing transfer of proprietor	Fees at 10 cents each	Search fees	Total applied fees
1909										
July	112	\$56.00	40	\$20.00			14	\$1.40		\$4,975.90
Aug.	55	27.50	64	32.00			74	7.40	\$2.00	7,707.90
Sept.	83	41.50	65	32.50			26	2.60	5.50	8,523.10
Oct.	59	29.50	84	42.00	5	\$1.50	45	4.50	5.50	9,067.50
Nov.	101	50.50	78	39.00	47	23.50	19	1.90	1.00	9,584.90
Dec.	75	37.50	87	43.50	40	20.00	44	4.40	.50	10,066.40
1910										
Jan.	168	84.00	70	35.00	28	14.00	34	3.40	15.50	9,044.90
Feb.	53	26.50	85	42.50	21	10.50	23	2.30	3.50	8,138.80
Mar.	134	67.00	68	34.00	31	15.50	31	3.10	4.00	10,146.85
Apr.	68	34.00	69	34.50	38	19.00	117	11.70	19.00	9,449.70
May.	37	18.50	42	21.00	25	12.50	152	15.20	4.50	8,267.45
June.	52	26.00	62	31.00	18	9.00	88	8.80	2.00	9,671.55
Total	997	498.50	814	406.50	253	127.50	607	60.70	63.00	104,644.95

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EXHIBIT D—Copyright business (monthly comparison). Annual report for the fiscal year from July 1, 1909, to June 30, 1910

[Comparative monthly statement of gross cash receipts, executed business, number of registrations, daily averages, etc.]

Month	Gross receipts			
	Monthly receipts	Monthly increase	Monthly decrease	Daily average
1909				
July.....	\$8,244.05	\$1,458.01		\$317.08
August.....	8,451.80	207.75		325.07
September.....	9,032.45	580.65		361.30
October.....	9,635.19	602.74		370.58
November.....	9,166.19		\$469.00	366.68
December.....	11,504.01	2,337.82		442.46
1910				
January.....	12,198.02	694.01		487.92
February.....	8,450.90		3,747.12	367.43
March.....	9,912.31	1,461.41		367.12
April.....	9,185.51		726.80	353.29
May.....	8,410.45		775.06	336.42
June.....	9,471.95	1,061.50		364.30
Total.....	113,662.83			

Month	Business executed			
	1909-10	Increase	Decrease	Daily average
1909				
July.....	\$4,975.90		\$1,233.10	\$191.38
August.....	7,707.90	\$2,732.00		296.46
September.....	8,523.10	815.20		340.92
October.....	9,007.50	544.40		348.75
November.....	9,584.90	517.40		383.39
December.....	10,066.40	481.50		387.17
1910				
January.....	9,044.90		1,021.50	361.79
February.....	8,138.80		906.10	353.86
March.....	10,146.85	2,008.05		375.81
April.....	9,449.70		697.15	363.45
May.....	8,267.45		1,182.25	330.70
June.....	9,671.55	1,404.10		371.98
Total.....	104,641.95			

EXHIBIT D—Copyright business (monthly comparison). Annual report
for the fiscal year from July 1, 1909, to June 30, 1910—Continued

Month	Number of registrations			
	Totals	Increase	Decrease	Daily average
1909				
July.....	5,106		3,810	196
August.....	8,124	3,018		312
September.....	8,941	817		358
October.....	9,672	731		372
November.....	9,999	297		399
December.....	10,527	558		405
1910				
January.....	9,519		1,068	381
February.....	8,414		1,105	366
March.....	10,481	2,067		388
April.....	9,808		973	377
May.....	8,532		1,276	341
June.....	9,981	1,449		384
Total.....	109,074			

EXHIBIT E—Statement of gross cash receipts, business executed, number of
registrations, etc., for thirteen fiscal years 1897-98, 1898-99, 1899-1900,
1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8,
1908-9, 1909-10

GROSS RECEIPTS

Month	1897-98	1898-99	1899-1900	1900-1901
July.....	\$4,257.70	\$5,102.74	\$5,156.87	\$5,571.51
August.....	4,525.27	4,675.96	4,846.97	5,864.68
September.....	5,218.87	4,714.82	6,078.95	4,986.02
October.....	5,566.21	5,149.07	5,583.59	6,027.36
November.....	4,292.88	4,788.30	5,479.15	5,068.11
December.....	6,512.60	6,435.56	6,728.06	7,332.53
January.....	6,074.03	6,050.86	7,649.80	7,155.68
February.....	4,606.92	5,141.40	5,523.47	4,803.50
March.....	5,138.78	6,300.02	6,515.43	6,049.07
April.....	5,053.21	5,198.69	6,086.82	5,789.03
May.....	5,386.91	5,593.50	5,660.36	5,580.11
June.....	4,476.16	5,034.73	5,762.86	5,297.05
Total.....	61,099.50	64,185.65	71,072.33	69,535.25

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EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for thirteen fiscal years, etc.—Continued

GROSS RECEIPTS—Continued

Month	1901-2	1902-3	1903-4	1904-5
July.....	\$5,382.28	\$5,429.52	\$5,380.97	\$5,540.30
August.....	4,880.60	4,504.56	4,958.30	5,770.70
September.....	5,295.87	5,539.07	5,658.48	6,849.35
October.....	5,399.03	5,651.16	6,323.42	6,704.89
November.....	5,019.10	5,646.93	5,303.93	6,056.79
December.....	7,201.64	8,005.75	8,581.00	7,699.47
January.....	7,604.08	8,053.81	7,502.53	8,946.60
February.....	4,810.59	5,360.48	6,185.14	6,029.62
March.....	5,899.56	6,119.54	6,567.73	7,311.90
April.....	5,580.14	6,005.89	5,996.58	6,806.66
May.....	5,762.92	5,395.02	6,540.88	6,531.99
June.....	5,569.27	5,821.58	6,303.27	6,192.29
Total.....	68,405.08	71,533.91	75,302.83	80,440.56

Month	1905-6	1906-7	1907-8	1908-9	1909-10
July.....	\$5,770.08	\$6,469.68	\$6,772.43	\$6,498.83	\$8,244.05
August.....	6,071.25	5,601.93	7,179.19	6,193.68	8,451.80
September.....	6,405.60	6,137.15	6,605.38	6,606.26	9,032.45
October.....	6,789.36	6,786.13	7,343.10	7,306.88	9,635.19
November.....	6,310.94	6,920.64	6,327.06	6,546.78	9,166.19
December.....	7,981.03	7,856.74	7,386.04	7,873.33	11,504.01
January.....	9,321.94	10,992.30	9,260.75	10,192.88	12,198.02
February.....	6,259.18	6,318.95	6,558.38	7,303.02	8,450.90
March.....	6,965.43	7,662.29	7,048.94	7,894.60	9,912.31
April.....	6,954.68	7,524.81	7,460.41	7,360.88	9,185.51
May.....	6,814.08	8,173.59	6,334.10	6,522.35	8,410.45
June.....	6,957.45	6,940.10	6,766.25	6,786.04	9,471.95
Total.....	82,610.92	87,384.31	85,042.03	87,085.53	113,662.83

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for thirteen fiscal years, etc.—Continued

BUSINESS EXECUTED

Month	1897-98	1898-99	1899-1900	1900-1901
July	\$4,709.00	\$4,724.50	\$4,789.50	\$5,115.00
August	4,296.00	4,266.50	4,709.50	5,404.50
September	4,559.50	4,537.50	5,357.50	4,738.00
October	4,899.00	4,714.00	5,317.00	5,494.50
November	4,002.00	4,269.50	4,810.50	4,500.50
December	5,262.00	5,088.50	5,183.00	6,339.00
January	6,224.50	6,192.50	8,000.50	6,410.50
February	4,204.00	4,505.50	5,032.50	4,546.50
March	4,805.00	5,312.50	5,871.50	5,416.50
April	4,835.50	4,899.00	5,535.50	5,653.50
May	4,610.50	5,076.00	5,229.50	5,045.50
June	4,339.50	4,651.00	5,469.50	5,023.50
Total	55,926.50	58,267.00	65,206.00	63,687.50

Month	1901-2	1902-3	1903-4	1904-5
July	\$4,886.50	\$4,781.00	\$5,001.00	\$5,553.50
August	4,837.50	4,599.00	5,043.50	5,707.50
September	4,828.00	5,388.50	5,406.00	6,431.50
October	5,175.50	5,492.50	5,945.50	6,873.00
November	4,360.00	5,242.00	5,250.50	5,653.00
December	6,176.50	7,228.50	7,441.00	6,760.00
January	7,765.00	8,107.00	8,120.50	9,432.50
February	4,629.00	5,159.00	6,001.50	5,544.50
March	5,473.50	5,993.00	6,146.50	7,266.00
April	5,271.50	6,025.00	5,953.50	6,035.00
May	5,808.00	5,074.50	6,160.00	6,014.50
June	5,475.00	5,784.50	6,159.50	6,187.00
Total	64,687.00	68,474.50	72,629.00	78,058.00

Month	1905-6	1906-7	1907-8	1908-9	1909-10
July	\$5,520.50	\$6,350.00	\$6,509.00	\$6,200.50	\$4,975.90
August	5,734.50	5,584.50	6,820.00	5,875.00	7,707.90
September	6,171.50	5,559.00	6,682.00	6,408.50	8,523.10
October	6,752.00	6,865.50	6,819.00	7,188.50	9,067.50
November	5,822.00	6,420.50	6,181.00	6,227.50	9,584.90
December	7,458.00	7,863.50	6,889.00	7,657.75	10,066.40
January	9,719.00	10,590.00	9,247.50	10,206.00	9,044.90
February	6,076.50	6,190.00	6,203.50	6,693.50	8,138.80
March	6,777.50	7,399.50	6,885.00	7,772.50	10,146.85
April	6,010.00	7,145.50	7,189.50	6,852.50	9,449.70
May	7,020.50	7,883.50	6,186.00	6,525.50	8,267.45
June	6,556.00	6,813.50	6,776.00	6,209.00	9,671.55
Total	80,198.00	84,685.00	82,387.50	83,816.75	104,644.95

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EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for thirteen fiscal years, etc.—Continued

NUMBER OF REGISTRATIONS

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3
July.....	5,015	5,653	6,835	7,514	7,010	6,748
August.....	5,618	6,005	6,525	7,822	6,776	6,451
September.....	6,106	6,188	7,571	6,685	6,684	7,132
October.....	6,368	6,316	7,627	7,901	7,305	7,771
November.....	5,288	5,682	6,814	6,210	5,909	7,397
December.....	7,408	7,288	7,284	9,693	9,190	10,792
January.....	9,220	9,556	12,808	9,871	12,241	12,808
February.....	5,514	6,552	7,521	6,421	6,333	7,144
March.....	6,350	7,417	8,311	7,755	7,757	8,663
April.....	6,494	6,834	8,089	8,062	7,527	7,839
May.....	6,222	6,888	7,508	6,974	8,325	6,907
June.....	5,942	6,589	7,905	7,443	7,921	8,327
Total.....	75,545	80,968	94,798	92,351	92,978	97,979

Month	1903-4	1904-5	1905-6	1906-7	1907-8	1908-9	1909-10
July.....	7,107	7,778	8,241	9,023	9,594	8,985	5,106
August.....	7,147	8,059	8,337	8,142	10,004	8,190	8,124
September.....	7,605	8,487	9,001	7,792	9,281	9,040	8,941
October.....	8,289	9,326	9,778	9,682	9,652	10,098	9,672
November.....	7,352	8,109	8,317	9,374	8,804	8,820	9,969
December.....	10,248	9,436	10,936	11,557	10,163	11,009	10,527
January.....	12,546	15,116	15,358	16,841	14,615	16,079	9,319
February.....	8,519	7,939	8,639	8,991	8,863	9,301	8,414
March.....	8,657	10,879	9,628	10,750	9,999	11,005	10,481
April.....	8,412	10,066	9,402	10,422	10,316	9,612	9,808
May.....	8,546	8,845	10,411	11,317	8,616	9,076	8,532
June.....	8,702	9,334	9,656	9,938	9,838	8,916	9,981
Total.....	103,130	113,374	117,704	123,829	119,742	120,131	109,074

EXHIBIT F.—Statement of gross cash receipts, business executed, number of registrations, etc., for thirteen fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS

Year	Gross receipts	Increase	Decrease
1897-98	\$61,099.56		
1898-99	64,185.05	\$3,086.09	
1899-1900	71,072.33	6,886.68	
1900-1901	69,525.25		\$1,547.08
1901-2	68,405.08		1,120.17
1902-3	71,533.91	3,128.83	
1903-4	75,302.83	3,768.92	
1904-5	80,440.56	5,137.73	
1905-6	82,610.92	2,170.36	
1906-7	87,384.31	4,773.39	
1907-8	85,042.03		2,342.28
1908-9	87,085.53	2,043.50	
1909-10	113,662.83	26,577.30	
Total	1,017,350.79		

Year	Yearly fees	Increase	Decrease
1897-98	\$55,926.50		
1898-99	58,167.00	\$2,340.50	
1899-1900	65,206.00	6,939.00	
1900-1901	63,687.50		\$1,518.50
1901-2	64,687.00	999.50	
1902-3	68,854.50	4,167.50	
1903-4	72,629.00	3,754.50	
1904-5	78,058.00	5,429.00	
1905-6	80,198.00	2,140.00	
1906-7	84,685.00	4,487.00	
1907-8	82,387.50		2,297.50
1908-9	81,816.75	1,429.25	
1909-10	104,644.95	20,828.20	
Total	963,067.70		

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EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for thirteen fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS—Continued

Year	Number of registrations	Increase	Decrease
1897-98.....	75,545		
1898-99.....	80,968	5,423	
1899-1900.....	94,798	13,830	
1900-1901.....	92,351		2,447
1901-2.....	92,978	627	
1902-3.....	97,979	5,001	
1903-4.....	103,130	5,151	
1904-5.....	113,374	10,244	
1905-6.....	117,704	4,330	
1906-7.....	123,829	6,125	
1907-8.....	119,742		4,087
1908-9.....	120,131	389	
1909-10.....	109,974		11,057
Total.....	1,341,603		

EXHIBIT F—Table of registrations made during the fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, and 1909-10, arranged by classes

	1901-2	1902-3	1903-4	1904-5
Class A. Books:				
(a) Books (vols.) and pamphlets.....	8,399	10,589	15,870	16,087
(b) Booklets, leaflets, circulars, cards.....	9,174	7,827	3,361	3,366
(c) Newspaper and magazine articles.....	6,699	8,050	8,593	10,457
Total.....	24,272	26,466	27,824	29,860
Class B. Periodicals (numbers).....	21,071	22,625	21,496	22,591
Class C. Musical compositions.....	19,706	21,161	23,110	24,595
Class D. Dramatic compositions.....	1,448	1,608	1,571	1,645
Class E. Maps and charts.....	1,708	1,792	1,767	1,831
Class F. Engravings, cuts, and prints.....	5,999	5,546	6,510	11,303
Class G. Chromos and lithographs.....	2,010	2,232	2,384	2,581
Class H. Photographs.....	13,923	13,519	14,534	15,139
Class I. Fine arts: Paintings, drawings, and sculpture.....	2,841	3,030	3,934	3,829
Grand total.....	92,978	97,979	103,130	113,374

EXHIBIT F—Table of registrations made during the fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, and 1909-10, arranged by classes—Continued

	1905-6	1906-7	1907-8	1908-9
Class A. Books:				
(a) Books (vols.) and pamphlets.....	15,504	10,651		
(b) Booklets, leaflets, circulars, cards.....	4,567	5,195		
(c) Newspaper and magazine articles.....	9,190	9,033		
Total.....	29,261	30,879	30,191	32,533
Class B. Periodicals (numbers).....	23,164	23,078	22,409	21,195
Class C. Musical compositions.....	26,335	31,401	28,427	26,306
Class D. Dramatic compositions.....	1,879	2,114	2,382	2,937
Class E. Maps and charts.....	1,672	1,578	2,150	1,949
Class F. Engravings, cuts, and prints.....	10,946	12,350	10,803	11,474
Class G. Chromos and lithographs.....	3,471	2,733	2,744	2,899
Class H. Photographs.....	17,269	15,836	16,704	16,764
Class I. Fine arts: Paintings, drawings, and sculpture.....	3,608	3,860	3,882	4,074
Grand total.....	117,704	123,829	119,712	120,131
1909-10				
Class A. Books (including pamphlets, leaflets, and contributions to periodicals):				
(a) Printed in the United States.....				23,115
(b) Printed abroad in a foreign language.....				1,351
(c) English books registered for ad interim copyright.....				274
Total.....				24,740
Class B. Periodicals (numbers).....				21,608
Class C. Lectures, sermons, addresses.....				117
Class D. Dramatic or dramatico-musical compositions.....				3,911
Class E. Musical compositions.....				24,345
Class F. Maps.....				2,622
Class G. Works of art; models or designs.....				4,383
Class H. Reproductions of works of art.....				751
Class I. Drawings or plastic works of a scientific or technical character.....				317
Class J. Photographs.....				13,348
Class K. Prints and pictorial illustrations.....				17,925
Renewals.....				1,007
Total.....				109,074

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EXHIBIT G—Table of articles deposited during twelve fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9

	1897-98	1898-99	1899-1900	1900-1901	1901-2
1. Books:					
(a) Books proper	5,575	5,834	6,550	7,746	7,027
(b) Volumes, circulars, leaflets, etc.	4,698	4,796	5,073	5,770	6,259
(c) Newspaper and magazine articles	3,262	5,185	8,851	9,010	5,577
2. Dramatic compositions	391	507	561	634	815
3. Periodicals (number)	13,726	9,777	14,147	17,702	19,573
4. Musical compositions	17,217	19,976	16,505	16,709	21,295
5. Maps and charts	1,296	1,478	1,353	1,718	1,566
6. Engravings, cuts, and prints	2,912	3,505	3,503	5,687	5,636
7. Chromos and lithographs	747	1,050	1,257	1,817	1,757
8. Photographs	5,777	7,605	12,115	13,064	13,884
9a. Miscellaneous (unclassified articles)	375	14			
	55,976	59,217	69,915	79,857	83,389
Two copies of each article were received	111,952	118,434	139,830	159,714	166,778
9. Photographs with titles of works of art for identification, one copy each	853	1,709	1,614	2,569	2,948
Grand total	112,805	120,143	141,444	162,283	169,726

	1902-3	1903-4	1904-5	1905-6
1. Books:				
(a) Books proper	9,222	12,967	13,389	12,893
(b) Volumes, circulars, leaflets, etc.	5,255	3,084	2,910	3,602
(c) Newspaper and magazine articles	7,097	7,883	9,081	7,833
2. Dramatic compositions	980	1,098	1,224	1,380
3. Periodicals (number)	21,498	20,320	23,457	22,116
4. Musical compositions	19,801	21,203	22,984	24,801
5. Maps and charts	1,801	1,547	1,817	1,708
6. Engravings, cuts, and prints	5,830	5,938	10,460	10,239
7. Chromos and lithographs	2,006	2,167	2,443	3,039
8. Photographs	13,790	14,258	13,954	16,210
	87,286	90,465	101,719	103,821
Two copies of each article were received	174,572	180,930	203,438	207,642
9. Photographs with titles of works of art for identification, one copy each	2,947	3,869	3,986	4,496
Grand total	177,519	184,799	207,434	211,138

EXHIBIT G—Table of articles deposited during twelve fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9—Continued

	1906-7	1907-8	1908-9	Total
1. Books:				
(a) Books proper.....	12,992	25,363	27,425	65,780
(b) Volumes, circulars, leaflets, etc....	5,340			
(c) Newspaper and magazine articles.....	8,463			
2. Dramatic compositions.....	1,568	1,904	2,226	5,698
3. Periodicals (number).....	23,554	21,378	22,288	67,220
4. Musical compositions.....	27,308	27,073	23,969	78,350
5. Maps and charts.....	1,572	2,682	1,848	6,102
6. Engravings, cuts, and prints.....	11,233	11,125	10,137	32,495
7. Chronos and lithographs.....	2,589	2,682	2,802	8,073
8. Photographs.....	16,672	16,366	15,050	48,088
9a. Miscellaneous (unclassified articles).....				389
	111,231	108,513	106,345	326,089
Two copies of each article were received.				
Foreign books received under act of Mar.				
3, 1905.....	585	796	1,146	2,527
9. Photographs with titles of works of art				
for identification, one copy each.....	4,000	3,900	4,033	11,933
Grand total.....	227,047	221,722	217,869	666,638

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EXHIBIT G—Table of articles deposited during 1909-10, with total deposits in each class for thirteen fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10

	1909-10	Total
1. Books:		
(a) Printed in the United States:		
Volumes	15,682	
Pamphlets, etc.	30,150	
	45,832	
(b) Printed abroad in a foreign language	3,420	
(c) English works registered for ad interim copyright ..	273	
	49,527	579,731
2. Periodicals	49,150	508,228
3. Lectures, sermons, etc.	117	117
4. Dramatic or dramatico-musical compositions	5,554	32,142
5. Musical compositions	54,426	573,368
6. Maps	5,244	44,816
7. Works of art; models or designs	4,383	40,307
8. Reproductions of works of art	1,502	1,502
8a. Chromos and lithographs		48,712
9. Drawings or plastic works of a scientific or technical character ..	317	317
10. Photographs	27,796	346,546
11. Prints and pictorial illustrations	21,502	193,912
12. Miscellaneous (unclassified articles)		778
13. Foreign books received under act of Mar. 3, 1905		2,527
Total	219,024	2,372,943

NOTE.—The above table for 1909-10 includes in addition to the articles deposited for copyright registration within that period the following articles deposited to complete entries made during the previous fiscal year but not previously catalogued or enumerated:

Books:	
Volumes	1,608
Pamphlets, etc.	3,756
	5,364
Periodicals	5,940
Dramatic compositions	358
Musical compositions	7,201
Photographs	2,848
	21,711

Addendum No. 1

COPYRIGHT BILLS INTRODUCED, SIXTY-FIRST CONGRESS.
FIRST AND SECOND SESSIONS, 1909-10

[H. R. 11796 In the House of Representatives. July 23, 1909]

Mr. CAMPBELL introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

A BILL Suspending the patent and copyright laws of the United States when a patent or copyright or any article or product protected by patent or copyright is owned, used, or leased by any trust or monopoly in violation of any law in restraint of trade. House bill No. 11796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever any letters patent issued by the United States, on any article, commodity, compound, device, mechanical appliance, or machine protected by patent; or (b) any copyright issued by the United States on any article, musical composition, musical instrument, or device for reproducing music or musical composition, or any picture, book, pamphlet, or any other work of literature or art protected by copyright, is owned, leased, used, or controlled by any individual, firm, association, syndicate, corporation, or combination which is engaged in any vocation, business, or enterprise in violation of any law of Congress or of any State prohibiting, restraining, or regulating trusts, monopolies, or combinations which operate in restraint of trade, the right to any protection under the patent or copyright laws of the United States shall cease and terminate.

SEC. 2. That it shall be the duty of the Attorney-General of the United States, or any United States district attorney for any district of the United States, to institute or cause to be instituted suits in law or in equity when the facts shall warrant such suit or suits, as provided in this act, in any circuit court of the United States where the patent or copyright referred to in section one of this act is owned, leased, used, or controlled, or the articles or products referred to in section one are manufactured, used, produced, or sold in violation of this act.

SEC. 3. That the final judgment or finding of any circuit court of the United States that any letters patent or copyright, or any article, compound, commodity, device, mechanical appliance, machine, or any article, musical composition, musical instrument, or device for reproducing music or musical compositions, or picture, book, pamphlet, or any other work of literature or art protected by letters patent or copyright, is owned, leased, used, or controlled by any individual, firm, association, syndicate, corporation, or combination engaged in any vocation, business, or enterprise in violation of any law of Congress or of any State prohibiting, restraining, or controlling trusts, monopolies, or combinations which operate in restraint of trade shall operate as a forfeiture or cancellation of such letters patent or copyright.

[H. R. 25872. In the House of Representatives. May 13, 1910]

Mr. GORDON introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

House bill No. A BILL To amend section forty-nine hundred and sixty-four of the Revised Statutes of the United States.
25872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and sixty-four of the Revised Statutes of the United States be, and the same is, so amended as to read as follows:

"SEC. 4964. Every person who, after the recording of the title of any book as provided by this chapter, shall, at any time within the time limit of protection of any such copyright, before or after the passage of this act, without the consent of the proprietor of the copyright first obtained in writing, signed in the presence of two or more witnesses, print, publish, import, or knowing the same to be so printed, published, or imported, or shall sell or expose for sale in any manner, any copy or copies of such book, all copies of such book so found in the possession of, or traceable to the possession of such printer, publisher, importer, or other persons in violation of this act, shall forfeit every copy of such book so printed, published, imported, sold, or exposed for sale to such proprietor, his heirs, executors, administrators, or assigns, and shall also forfeit all plates and printed pages however set up or composed of such book, together with all such dies or plates of pictures or illustrations of whatsoever character, and pay such proprietor, his heirs, executors, administrators, or assigns, one dollar for each page, whether printed or illustrated, compiled in such book, as damages to be recovered in a civil action by such proprietor, his heirs, executors, administrators, or assigns in any court of competent jurisdiction against such printer, publisher, importer, salesman, or other person in violation of this act, who shall be jointly or severally liable to such proprietor, his heirs, executors, administrators, or assigns as provided for in this act."

SEC. 2. That this act shall take effect and be in force from and after its passage.

[H. R. 26760. In the House of Representatives. June 11, 1910]

Mr. PETERS introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

House bill No. A BILL To amend "An act to amend and consolidate the acts respecting copyright."
26760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of March fourth, nineteen hundred and nine, entitled "An act to amend and consolidate the acts respecting copyright," be amended by the insertion of the following after section eight (b) of said act:

"*Provided, however,* That when a work of art or a plastic work or drawing, copyright under this act, of which the artist or maker is a

Addendum No. 2

OPINIONS OF THE ATTORNEYS-GENERAL AND OF THE TREASURY DEPARTMENT—COPYRIGHT ACT OF MARCH 4, 1909

CONTENTS

- (a) ATTORNEYS-GENERAL OPINIONS; arranged by date:
- No. 1, Nov. 17, 1909, Importation of Copyrighted Books, pp. 123-127.
 - No. 2, Dec. 22, 1909, Labels and Prints for Articles of Manufacture, pp. 127-130.
 - No. 3, Jan. 27, 1910, Post-Card Lithographs, pp. 131-136.
 - No. 4, Feb. 3, 1910, Renewal and Extension of subsisting copyrights, pp. 136-142.
 - No. 5, Feb. 9, 1910, Deposit of complete Book required, pp. 142-144.
 - No. 6, March 1, 1910, Reimportation of copyrighted Book rebound abroad, pp. 144-146.
 - No. 7, March 19, 1910, Copyright Proclamation, pp. 146-149.
 - No. 8, May 2, 1910, Typewritten copies of a Book, pp. 149-152.
- (b) TREASURY DEPARTMENT DECISIONS:
- No. 1, Jan. 25, 1910, Importation of a Book upon abandonment of Copyright, p. 152.
 - No. 2, June 23, 1910, Importation of translation of American copyrighted Books, p. 153.

(T. D. 30136)

IMPORTATION OF COPYRIGHTED BOOKS

Section 31 of the act of March 4, 1909, prohibits the importation of any book copyrighted in the United States during the existence of such copyright, regardless of the law under which the copyright was obtained, unless the book was produced in accordance with the manufacturing provisions of section 15 of the copyright act.

TREASURY DEPARTMENT, *November 24, 1909*

SIR: Referring to your letter of the 28th ultimo, requesting instructions relative to certain religious books entitled "Key to Heaven," imported by the C. Wildermann Company per steamship *Lopland*, October 5, 1909, covered by entry No. 246131, which books have been returned by the appraiser as an illegal importation in violation of section 31 of the copyright law effective July 1, 1909, I have to advise you that the matter was submitted to the Attorney-General for an expression of his views, and to inclose herewith for your information a copy of the Attorney-General's opinion dated the 17th instant.

The Attorney-General holds that the prohibition against importations contained in section 31 of the act of March 4, 1909, applies to every American copyright in a book regardless of the law under which the copyright was obtained.

The books in question were not produced in accordance with the manufacturing provision of section 15 of the copyright act and the Department therefore holds that they are not entitled to importation, and you are hereby instructed to refuse entry of the same and to take appropriate action under section 32 of the copyright act.

Respectfully

(70199.)
COLLECTOR OF CUSTOMS, New York

CHARLES D. HILLES
Assistant Secretary

DEPARTMENT OF JUSTICE

Washington, November 17, 1909

Nov. 17, 1909

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, in which you state the following facts:

On October 5, 1909, there arrived at the port of New York per steamship *Lafland* certain books consigned to the C. Wildermann Company. These books were copyrighted by H. L. Kilner & Co. on January 5, 1900, and their importation was authorized by the copyright proprietor. They were printed from type set and plates made in the United States, and the printed sheets were sent to Belgium and there bound, and they were then reimported in the finished condition. The appraiser has reported that their importation is illegal under section 31 of the copyright act of March 4, 1909, in that they were not bound in the United States, and for that reason they have been detained by the collector; and you ask my opinion whether or not the holding of the appraiser is correct:

The portion of section 31 of the act of March 4, 1909 (35 Stats., 1082), here material, reads as follows:

That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this act, shall be, and is hereby, prohibited.

Section 5 of this act provides that the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs: (a) books, including composite and encyclopaedic works, directories, gazetteers, and other compilations; (b) periodicals, including newspapers; and nine other classes are mentioned therein.

Section 15, which is referred to in said section 31, provides that of the printed book or periodical specified in section 5, subsections (a) and (b)—

except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process or photo engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text *and binding of the said book* shall be performed within the limits of the United States. (35 Stats., 1078.)

My attention has been called to two opinions from this Department construing and applying a similar provision in the copyright act of 1891 (26 Stats., 1107), one by Solicitor-General Conrad (21 Op., 159) and the other by Attorney-General Griggs (23 Op., 371), which, it is supposed, have some bearing upon the question here presented. By section 3 of the said act of 1891 section 4056 of the Revised Statutes was amended so as to read as set forth therein, and one of the necessary prerequisites therein prescribed for securing a copyright was that the applicant should, not later than the date of publication in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, or deposit in the mail within the United States, addressed to the Librarian of Congress, two copies of the book or thing sought to be copyrighted, which, in the case of a book, should be printed from type set within the limits of the United States, and it was further provided:

During the existence of *such copyright* the importation into the United States of any book * * * *so copyrighted*, or any edition or editions thereof, or any plates of the same not made from type set * * * within the limits of the United States, shall be, and it is hereby, prohibited.

In the first opinion above mentioned the facts apparently were that American owners of an American copyright obtained on an American literary work before the passage of the act of 1891 were seeking, under that act, to prevent the importation of an unauthorized foreign edition, and Solicitor-General Conrad held that the above-quoted provision was applicable and prohibited their importation, although the copyright was not issued under said act of 1891.

In the latter opinion, the facts were that Harper & Bros. were endeavoring to import an eighth edition of Liddel & Scott's Greek-English Lexicon, which had been copyrighted in the United States under the copyright laws existing before the passage of the act of 1891, said importation consisting of the folded and unstitched sheets, designed to be stitched and bound in volumes in this country, but which had not been printed from type set within the limits of the United States; and Attorney-General Griggs held that the prohibition contained in section 56, Revised Statutes, as amended by said act of 1891, did not pro-

hibit the importation because the copyright was procured under the copyright law as it existed before said amendment was made.

While there was a difference in the facts presented, yet it is difficult to draw any distinction between the principles involved in these two opinions. The question answered in the first was "whether section 3 of said act (of 1891) is applicable to books copyrighted prior to the passage of said act," and precisely the same question was presented and answered in the second opinion. But although doubt was expressed in the latter as to the correctness of the result reached in the former, yet it was suggested that a distinction arose from the fact that in the former opinion the statute was invoked to protect an American copyright against the importation of a piratical edition, while in the latter the statute, if applied, would prevent an importation sought to be made by the owner himself of the American copyright.

The result was, if the opinions were sufficiently consistent to stand together, that the owners of an American copyright obtained under laws existing before the passage of the act of 1891 received the benefits arising from section 3 of said act, while upon them were not imposed the burdens which were made to accompany those benefits. However, the opposite conclusions reached in those opinions was manifestly the result not of a difference in the principles involved, but a difference in the process of reasoning. In the former opinion it was held in substance that inasmuch as section 3 was an amendment of section 4956, Revised Statutes, it applied to all copyrights procured thereunder, before as well as after the amendment, although it could not have a retroactive effect as to importations of books made before the passage of the amendment, while Attorney-General Griggs based his conclusion upon the peculiar language of section 4956, Revised Statutes, as amended, holding that the language "during the existence of *such copyright*, the importation into the United States of any book, etc., *so copyrighted*," so restricted the clause in question as to make it apply only to copyrights issued under the act *as amended*.

I am inclined to think that, in so holding, due consideration was not given to the fact that the words upon which special stress was laid were, by the act, made a part of said section 4956, Revised Statutes, and thus a part of the general copyright law, and were therefore intended to apply to all copyrights issued thereunder, regardless of whether issued before or after the passage of the act of 1891.

But I do not regard either of these opinions as having any special bearing upon the question now in hand, inasmuch as the language of section 31 of the act of March 4, 1909, does not admit of the construction that was placed upon section 3 of the act of 1891 by Attorney-General Griggs. Said section 31 provides that—

During the existence of the *American copyright in any book* the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this act,

is prohibited. This language clearly embraces *every* American copyright in a book, regardless of whether that copyright was obtained under the copyright laws embodied in the Revised Statutes, or the act of 1891, or the copyright act of 1909. If the statute were otherwise, it would have produced the anomalous condition that books copyrighted prior to March 3, 1891, would not be prohibited from importation by any manufacturing provision; that books copyrighted after March 3, 1891, and prior to July 1, 1909, the date upon which the act of March 4, 1909, became effective, would be prohibited unless printed from type set in the United States or from plates made from type set in the United States, while books copyrighted after July 1, 1909, would be prohibited if not printed from type set in the United States or from plates made from type set therein, and the printing and *binding* both performed within the limits of the United States.

Such a result, I think, was never intended by Congress, and I am therefore of the opinion that the appraiser was right in holding that the importation in question was unlawful.

Respectfully,

GEO. W. WICKERSHAM
Attorney-General

THE SECRETARY OF THE TREASURY

[*"Treasury Decisions."* V. 18, No. 22, December 2, 1909. 8". Washington, Government Printing Office, 1910, pp. 6-9. "*Official Opinions of the Attorneys-General of the United States."* Vol. 28, pp. 90-94.]

REGISTRATION IN PATENT OFFICE OF PRINTS DESIGNED TO BE USED ON ARTICLES OF MANUFACTURE

The copyright act of March 4, 1909 (35 Stat., 1075), did not relieve the Patent Office of its duty, and it is still required to register all prints which have heretofore been registered therein under the act of June 18, 1874 (18 Stat., 78), and in the same manner as they have heretofore been registered.

DEPARTMENT OF JUSTICE

December 22, 1909

SIR: I have the honor to acknowledge receipt of your communication of the 10th instant in which my opinion is asked with reference to the effect, if any, which the act of March 4, 1909 (35 Stat., 1075), entitled "An act to amend and consolidate the acts respecting copyright," has upon the right of applicants to have registered in the Patent Office engravings, cuts, or prints designed to be used on other articles of manufacture.

Dec. 22, 1909

It appears that different views have been taken with reference to the proper construction of this act by the Commissioner of Patents and the Librarian of Congress, the former insisting that by its terms his power to register in his office engravings, cuts, or prints of the character mentioned has been abrogated, and that if applicants still have the right to have such engravings, cuts, or prints registered it must be done in the office of the Register of Copyrights; while the

latter contends that the Register of Copyrights is not authorized to register in his office any engravings, cuts, or prints which are designed to be used on articles of manufacture.

I think a careful consideration of the several acts of Congress relating to patents and copyrights will lead to a satisfactory solution of the question.

By the act of July 8, 1870 (16 Stat., 198), as appears from the caption of said act, Congress revised, consolidated, and amended the statutes then existing relating to patents and copyrights. The first 76 sections of this statute related exclusively to patents, while sections 85 to 110 related to copyrights. By section 71 of said act it was provided that any person who, by his own industry, genius, efforts, and expense has invented or produced (among other things) any new and original impression, ornament, pattern, *print*, or picture, to be painted, cast, or otherwise placed on or worked into any article of manufacture, may, upon the payment of the duty required by law, and other due proceedings had, the same as in the case of inventions or discoveries, obtain a patent therefor.

By section 86, which is the second section relating to copyrights, it was provided that any citizen of the United States or resident therein who shall be the author, inventor, designer, or proprietor of any (among other things) *engraving, cut, print*, or photograph, or negative thereof, shall, upon complying with the provisions of this act, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same.

It will thus be seen that the word "print" was used in this act in connection with both things which might be patented and also those subject to copyright, but the distinction between the two characters of prints was clearly drawn by the clause in said section 71, which limited the prints that might be patented to those which were "to be placed on or worked into any article of manufacture."

In codifying this act, section 71 was carried into the Revised Statutes, with slight verbal changes, as section 4929, in chapter 1 of title 60, which relates solely to patents, while section 86 was copied, with slight modifications, as section 4962, in chapter 3 of said title, which relates solely to copyrights, and thus the distinction between the two characters of prints was preserved with equal clearness in the Revised Statutes.

By the act of June 18, 1874 (18 Stat., 78), Congress amended the law relating to patents, trade-marks, and copyrights by, in section 1 thereof, providing that no person shall—

maintain an action for infringement of his copyright unless he shall give notice thereof * * * for a print, cut, engraving, * * * by inscribing upon some visible portion thereof—

certain statements therein set forth, and by the third section it was provided that in the construction of the act the words—

engraving, cut, and print shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office;

and the Commissioner of Patents was charged with the supervision and control of the entry or registry of such prints or labels, in compliance with such regulations as applied to the registry of copyrights, except that a fee of \$6 was to be paid instead of \$1 provided for registering a copyright.

Under the provisions of these two statutes, as interpreted by the Commissioner of Patents, two classes of patents were granted, one for inventions in an art, for a machine, a manufacture, or composition of matter, or any improvement thereon, and the other for ornamental designs placed upon or worked into and forming an inseparable part of articles of manufacture. And, in addition to these, the Commissioner of Patents entered for registration, "in conformity with the regulations provided by law as to copyright of prints," artistic prints which describe the article of manufacture to which it refers or is to be attached. Because these registrations were made in accordance with the copyright law they were, by the Patent Office, designated "copyrights," although such designation was probably in a technical sense erroneous, as the act of 1874 expressly provided that such prints or labels should not "be entered under the copyright law," the sole distinction as to them being that they should be *entered in conformity with the copyright law*.

But the nomenclature of the right conferred by the registration of such prints can make no difference, as it is clear that the Register of Copyrights had nothing to do with such prints; that all proceedings relating thereto were conducted in the Patent Office, and that the law under which they were entered was a part of the laws under which that office was operated.

On May 9, 1902 (32 Stat., 193), Congress passed an act by which section 4929, Revised Statutes, was amended so as to read:

Any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries covered by section forty-eight hundred and eighty-six, obtain a patent therefor.

As I understand, the Patent Office construed this amendment to apply solely to the second class of patents above described, and held that it did not affect the registration in that office of artistic prints to be placed on articles of manufacture. This construction was, in my opinion, correct, inasmuch as the act of July 18, 1874, was not incorporated in the Revised Statutes, they being only a codification of the laws enacted on or before December 1, 1873 (sec. 5001), and consequently said act of 1874 was not repealed by the amendment of May 9, 1902.

With this law in this condition, the act of March 4, 1909 (35 Stat., 1075), entitled "An act to amend and consolidate the acts respecting

copyright," was passed. The caption of this act clearly indicates that it was intended to relate solely to the subject of copyrights, and it was not intended to in any respect amend or affect the laws then existing relating to the registration of prints and labels in the Patent Office, and there is nothing in the body of the act which is in the least inconsistent with the caption. The words "prints" and "pictorial illustrations" used in clause (k), section 5, of said act, relate solely to prints and illustrations which were embraced in section 4952, Revised Statutes, and which may be copyrighted; and it does not follow that because no reference is therein made to prints or labels which are to be used for any other articles of manufacture such prints or labels can not be registered in the Patent Office precisely as could have been done previous to this act.

My attention is called to section 47 of said act, whereby it is provided that all records and other things relating to copyrights, required by law to be preserved, shall be kept and preserved in the Copyright Office, Library of Congress, District of Columbia, and shall be under the control of the Register of Copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights; and it is suggested that by this section the previous laws relating to the registration of prints were so modified as to require all prints to be registered by the Register of Copyrights. However, this section is but a copy, with few verbal changes, of section 85 of the act of July 8, 1870, and section 4948, Revised Statutes, which referred alone to the record kept of copyrights in the Copyright Office, and this section by its express terms is likewise limited to such records, and does not relate to records kept of prints entered in the Patent Office.

Nor can that clause in section 63 of said act which provides that "All laws or parts of laws in conflict with the provisions of this act are hereby repealed" have any effect upon the registration of prints in the Patent Office in accordance with the provisions of the act of June 18, 1874, because that part of said act which relates to the registration of prints in the Patent Office is not in conflict with the provisions of the act of 1909.

Furthermore, I do not think that the case of *Higgins v. Keuffel* (140 U. S., 428, 433), wherein the court defines what labels and prints are, under the Constitution, registrable in the Patent Office, has any bearing upon this question, as under said decision some prints may be thus registered, though intended for use as a label or mark upon a manufactured product, and it is such prints that are required by the act of 1874 to be registered in the Patent Office.

I am therefore of the opinion that the Patent Office is still required to register all prints which have heretofore been registered therein under the provisions of said act of June 18, 1874, and in the same manner as they have heretofore been registered.

Respectfully,

J. A. FOWLER
Assistant Attorney-General

Approved:
GEORGE W. WICKERSHAM
The PRESIDENT

[*"Official Opinions of the Attorneys-General of the United States,"* vol. 28, pp. 116-120.]

COPYRIGHT LAW—REGISTRATION OF POST-CARD LITHOGRAPHS MADE IN GERMANY

Lithographic reproductions of original paintings in the form of illustrated post-cards, made in Germany, are subject to registration under the copyright law of March 4, 1909 (35 Stat., 1075), provided the original paintings may properly be classified as works of art.

DEPARTMENT OF JUSTICE

Washington, January 27, 1910

Jan. 27, 1910

SIR: I have the honor to acknowledge receipt of your communication of the 11th instant, in which, for the guidance of the Register of Copyrights, you request my opinion as to whether or not certain lithographs of paintings made in Germany are subject to registration under the copyright law of 1909 (35 Stat., 1075).

The following appear to be the facts: Certain paintings were created in England by an artist who was a British subject, and these paintings have never been within the United States. On the presentation of photographs thereof, with applications for registration of copyright under Class "G," section 5, act of March 4, 1909, as "works of art," the applications were passed for entry and certificates of registration were issued. Subsequently, Davidson Brothers, of New York, by permission of the owner of the copyrights of the originals, published, by circulation and sale, reproductions of the original paintings in the form of illustrated post-cards, produced by lithographic process in Germany; and, fearing that the copyrights of the originals might not protect the reproductions, immediately after publication the publishers sent to the Register of Copyrights two copies of each of the reproductions, accompanied by fees for entry, with proper application for entry under Class "H," to wit, "reproductions of a work of art;" and the question propounded is, whether under the manufacturing provisions of section 15 of the act of March 4, 1909 (35 Stat., 1078), these lithographic reproductions are entitled to registration.

The act of March 4, 1909, is entitled "An act to amend and consolidate the acts respecting copyright," and the entire subject with reference to what works may be copyrighted, and the manufacturing provisions relating to the type and plates from which they shall be printed, and what importations thereof are excluded, are fully covered by the provisions of this act; and, consequently, all prior laws relating thereto are, by implication, repealed.

Henderson's Tobacco, 11 Wall., 652, 657.

Norris v. Crocker et al., 13 How., 429, 438.

Pana v. Bowler, 107 U. S., 529, 538.

Our inquiry, therefore, must be confined to the provisions of this act alone. Section 15 of the act reads as follows (35 Stat., 1078):

That of the printed book or periodical specified in section five, subsections (a) and (b) of this act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this act, except as below provided, shall be printed from type set within the limits of the United States; either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be

produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, *and also to separate lithographs or photo-engravings*, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work *or reproduce a work of art*; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this act.

From sections 12, 16, and 17, as well as from its own terms, it is clear that a compliance with the manufacturing provisions of this section is a condition precedent to a valid registration of the copyright. But the applicants for the copyrights in question insist that these provisions do not here apply, because, first, they are applicable to only lithographs and photo-engravings, which are used as illustrations within books consisting of a printed text and such illustrations, and to lithographs and photo-engravings which are intended to be used in books after importation or to be bound in book form; and, second, because being reproductions of works of art, they are expressly excepted from the conditions relating to manufacture.

These two contentions will be considered in the order mentioned.

First. Whether or not the first contention shall be sustained depends upon the meaning of the phrase, "and also to separate lithographs or photo-engravings." It is insisted that this phrase includes only lithographs and photo-engravings which are to constitute, after importation, parts of books, or to be bound in book form; and the following provisions, which appear in this section and elsewhere in the act, are cited in support of this insistence: (1) In the first clause of the section reference is made only to works mentioned in subsections (a) and (b) of section 5 of the act, which are—

- (a) Books, including composite and cyclopaedic works, directories, gazetteers, and other compilations.
- (b) Periodicals, including newspapers.

(2) in section 12, in providing that after copyright has been secured by publication of the work with the notice of copyright, two copies shall be deposited in the Copyright Office, it is specified that these copies "if the work be a *book or periodical*, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this act;" and no reference is made to lithographs and photo-engravings; (3) in section 16, in specifying the character of affidavit which shall accompany the work in order to secure the enforcement of the manufacturing provisions of section 15, books alone are mentioned, and no reference is made to lithographs or photo-engravings; and (4), in section 31 the importation of books alone which have not been produced in accordance with the manufacturing provisions of section 15, is prohibited.

It is true that in the beginning of section 15 reference is made only to books and periodicals, and that it is there specifically provided where the type shall be set or the plates made, from which the books and periodicals shall be printed, and where the books shall be bound, but it is clear that it was intended to make some extension of the application of these provisions beyond the classes embraced in the first part of the section. This is shown by the language that the specified "requirements *shall extend*," which, of course, means that they were to apply to something which had not theretofore been mentioned. And the first character of works affected by the extension are illustrations "within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process;" and this being deemed insufficient, the provisions were further extended to "*separate* lithographs or photo-engravings." The natural inference from this language is, that inasmuch as the lithographs and photo-engravings just previously mentioned are such as are connected with books, those to which reference is here made are separate from books; and that, there being no limitation as to the character of these separate lithographs and photo-engravings, and no distinction as to what uses they shall be put, all lithographs and photo-engravings which are not, and are not intended to be, connected with books, are included in this second extension clause; and this construction must prevail unless the contrary is clearly shown by the other provisions in the act.

It may be admitted that there is an apparent inconsistency in the language of sections 12 and 16, and this construction of the clause of section 15 mentioned, but is this inconsistency such as to require a strained and unnatural meaning to be given to this clause? As heretofore said, a compliance with these manufacturing provisions is a prerequisite to the validity of a copyright. Sections 15 and 16 deal alone with these provisions, while they are referred to in connection with books and periodicals in section 12; and to determine the extent of these requirements all these sections must be read together. When this is done it does not follow that because a certain requirement is not found in one of the sections, it does not exist at all, and must be stricken out when found in another. In many instances the contrary is the proper method of reaching the correct meaning of an act, as a whole, and such method is, I think, the proper one to adopt in construing this act. That is, if in either of these sections there appears a requirement that these manufacturing provisions apply to lithographs and photo-engravings, not connected with or intended to be connected with books it should be given its full force and effect, regardless of whether it be found elsewhere or not. Such lithographs and photo-engravings are clearly not included in that clause of section 12 which relates to this subject, and which reads—

Which copies, if the work be a *book or periodical*, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this act.

nor are they mentioned in section 16; but, as above shown, they are embraced in the unqualified language of section 15. Their absence

from section 16, in which the contents of the affidavit required to show a compliance with section 15 is minutely set forth, is especially striking; but it certainly can not be held that section 16 is controlling, and that the manufacturing provisions apply only to works mentioned therein, because it is expressly restricted to *books*. Not even are periodicals mentioned, and nothing is there said about lithographs and photo-engravings which are used as illustrations of books.

This limitation in section 16 was manifestly made by design, and not by oversight, as shown by its introductory language, to wit: "*That in the case of the book* the copies so deposited shall be accompanied by an affidavit," thus indicating that books were here separated from other things which had been associated with them in the preceding section. The reason for making this distinction does not appear, but the failure to express the reason does not justify the conclusion that it did not exist, and certainly does not require that section 15 should be vitally altered so as to correspond with this section.

In section 31 a subject is dealt with which is materially different from that treated in the above-mentioned sections. Here it is specified what copyrighted books may be admitted to importation; and a violation of this section does not invalidate the copyright. Consequently, its relationship to said sections is not so intimate as that between themselves, and the existence of any discrepancy between its and their language is not entitled to as much consideration. But, likewise in this section only books are mentioned, and no reference is made even to periodicals.

I think it quite probable that in the act as originally drafted some of the apparent inconsistencies between the several sections mentioned did not exist, but that during the extended hearings held by the committee who had the bill in charge, amendments were determined upon, which were inserted in section 15 alone, and by inadvertence, sections 12 and 31 were not amended to correspond. This is indicated by the comments upon section 15 in the explanation of its various features prepared by the committee before the bill was reported, which comments are as follows:

It was felt by your committee that if there was reason, as we think there was, for the requirement that the book should be printed from type set in this country, there was just as much reason for a requirement that the book should be printed and bound in this country and that the ordinary illustrations produced by lithographic process and photo-engraving process and separate lithographs or photo-engravings should be made in this country. That protection to the men engaged in the work of setting type, making plates, printing and binding books is given by this section, which also carries the penalty provision for knowingly making a false affidavit as to compliance with those provisions.

But however the discrepancies may have arisen, I do not think they are such as to justify a modification of the plain and unequivocal meaning of the clause in section 15 which relates to "separate" lithographs and photo-engravings, and therefore find against the applicants' first contention.

Second. The second question is whether or not the cards in question fall within the exception—

Where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art.

It is insisted on the part of the applicants that the phrase "or reproduce a work of art" should be treated as separate and distinct from the preceding phrases, and that the exception should read as if written, "except where in either case the subjects represented are located in a foreign country and illustrate a scientific work, and except where they reproduce a work of art."

In my judgment, such a construction of the exception is not warranted and this is clearly shown by the comments of the committee having the bill in charge, and by the history of the bill in Congress. The bill as originally reported omitted the phrase "and illustrate a scientific work or reproduce a work of art," which left the exception reading "except where in either case the subjects represented are located in a foreign country." (*Cong. Rec.*, vol. 43, 60th Cong., p. 3702.)

Upon this subject the committee in its comments said:

An exception, so far as lithographs and photo-engravings are concerned, is made in case "the subjects represented are located in a foreign country."

It was contended with much force in the hearings before the committee that the color scheme in lithographs to illustrate a scientific work, particularly a work on surgery, must be worked out under the eye of the author. It was further said that a lithograph reproducing a painting must be worked out in front of the painting, and that possibly the same theory would apply to a lithograph of scenery or any lithograph intended to accurately represent the color scheme of any object. The committee finally decided to leave this matter as it is now found in the bill, *although it was contended that the exception might well be confined to lithographs illustrating a scientific work or reproducing a work of art.*

And in accordance with the last suggestion, the committee subsequently added the phrases making the limitation mentioned, as an amendment to the bill. (*Cong. Rec.*, vol. 43, 60th Cong., p. 3704.)

There can therefore be no doubt that the meaning of this exception is that the subject represented in the lithograph or photo-engraving must be located in a foreign country, whether that subject be something the representation of which is used to illustrate a scientific work or a work of art.

It is true that the clause when thus interpreted is not strictly grammatical, but in fact, by any interpretation, the words "lithographs or photo-engravings" must be understood as subjects of "illustrate" and "reproduce," as it is quite clear that it is not "the subjects" that "illustrate a scientific work or reproduce a work of art," but the lithographs or photo-engravings of such subjects.

Therefore the exception is not so broad as is contended for by the applicants; but as here construed, since the paintings are located in a foreign country, these cards fall within the exception, provided the paintings are "works of art;" and since they have been copy-

righted as such, and possess artistic beauty, I know of no reason why they should not be so considered.

It has been suggested that if it be held that lithographs and photo-engravings of all works of art located in a foreign country may be made abroad, the purpose of the law to protect American workmen might be evaded by carrying works of art from this country into a foreign country and there having them lithographed, and also by having paintings made in a foreign country for the purpose of lithographing. Whether or not Congress had such grounds of objection in mind when this act was passed, does not appear from its language; and I am not now called upon to determine whether a painting carried from this country into a foreign country for the purpose of evading the spirit of the law and in fraud of the law, would be considered as located in a foreign country in the sense of the statute; but there is certainly nothing in the act to indicate that Congress intended to make any distinction between works of art based upon the purposes for which they are created. If Congress had not intended to embrace in the exception paintings created in a foreign country for the purpose of lithographing or photo-engraving, it could easily have expressed such intent; and since it failed to do so by the use of any language from which such a restriction may be implied, it is not within the province of a judicial officer called upon to interpret this statute to read into the act a provision of such a vital character.

On both questions presented I think the plain, common-sense meaning of the terms of the statute should be followed, a modification thereof not being warranted by any other provisions in the act or by extrinsic facts.

Therefore, since the original paintings have already been classified by the Register of Copyrights as works of art and have been registered as such, I am of the opinion that the cards in question should be admitted to registration for copyright as reproductions of works of art.

Respectfully

GEO. W. WICKERSHAM
Attorney-General

The PRESIDENT

["Official Opinions of the Attorneys-General of the United States." Vol. 28, pp 150-158.]

COPYRIGHT--RENEWALS AND EXTENSIONS

The renewal or extension of copyrights under section 24 of the act of March 4, 1909 (35 Stat., 1080), can be secured only by the person or persons specifically designated in the statute, and can not, therefore, be granted to the assignee of the copyright. The privileges of copyright are purely statutory, and the right to a renewal or extension of a copyright must be found within the statute.

DEPARTMENT OF JUSTICE

Washington, February 3, 1910

Feb. 3, 1910

I have the honor to acknowledge receipt of your communication of December 10, 1909, with certain documents from the Register of Copy-

rights inclosed, from which it appears that a number of applications have been made for renewal or extension of copyrights under section 24 of the act of March 4, 1909 (35 Stat., 1080), said applications being divided into two general classes, to wit:

(1) Applications made by assignees under direct assignments of the renewal or extension term from the persons named in the statute as entitled to renewals or extensions.

(2) Applications made by assignees who purchased the copyrighted work, either when the original copyrights were secured or subsequent thereto, and who also took assignments of the copyrights.

And you ask my opinion whether such renewals or extensions can be granted at the instance of the assignees.

The privileges of copyright are purely statutory, and when one seeks a renewal or extension of a copyright, his right thereto must be found within the statute. The provisions of the act of March 4, 1909 (35 Stat., 1075) which bear upon this question are the following:

SEC. 8. That the author or proprietor of any work made the subject of copyright by this act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this act:

SEC. 23. That the copyright secured by this act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopædic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopædic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

SEC. 24. That the copyright subsisting in any work at the time when this act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further

period such that the entire term shall be equal to that secured by this act, including the renewal period: *Provided, however,* That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: *Provided,* That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

It will be observed that section 8 declares who may procure original copyrights; that section 23 provides who may procure renewals of copyright secured by this act, and that section 24 prescribes who may procure a renewal or extension of a copyright "subsisting in any work at the time when this act goes into effect * * * for a further period such that the entire term shall be equal to that secured by this act, including the renewal period."

Each of these sections is specific in its terms and leaves but little or no room for construction. In the first it is expressly provided that the assigns of an author or proprietor shall have a copyright for the work upon complying with the conditions specified in the act. In the second it is provided that if the work be posthumous or composite upon which the original copyright was secured by the proprietor, or if copyrighted by a corporate body otherwise than as assignee or licensee of the individual, or by an employer for whom such work is made for hire, the proprietor may procure the renewal, but that in all other cases it must be procured by the author, if living, or if dead, by the widow, widower, or children, or if they also be dead, by the author's executors, if there be a will, or otherwise by his next of kin; and the third section mentioned, the one here applicable, requires the extension or renewal to be procured by the author, if living, or if dead, by the persons, and in the order, mentioned in the preceding section, except as to composite works which were originally copyrighted by the proprietor, in which case the proprietor may secure the extension.

The very fact that each of these sections enumerates with such particularity the persons who may exercise the privilege of securing copyrights and having them renewed, and the order in which the right vests, and that in these particulars the sections materially differ from each other, shows that the persons enumerated are exclusive of all others, and that it was not the purpose of Congress to confer the right upon any person or persons not therein specifically mentioned.

This view is well sustained by the authorities. The act of February 3, 1831 (4 Stat., 436), gave the right of renewal to the author, if living, or if dead, to his widow, child, or children. In commenting upon this provision of the act and a provision of a previous act, the court, in *Pierpont v. Fowle* (19 Fed. Cases, 652, 659), said:

Both refer to authors alone, and not their assigns, as entitled. They do not even embrace in terms, express assignees of a second term, made before the second term begins, and the last act does not name assigns at all. So the extension allowed under the act of 1831, of a copyright taken out under that act, looks entirely to the author and his family, and not to assignees.

By the act of July 8, 1870, section 88 (16 Stat., 212; Revised Stats., sec. 4954), the right of renewal was given to the author, or his widow or children, if he be dead; and with reference to the right of renewal under this statute, in Drone on Copyrights, page 261, it is said:

Besides granting copyright to the author or owner of a work, and the assignee of such person, for twenty-eight years, the existing statute of the United States provides that, at the end of that term, the author, inventor, or designer, if living, or his widow or children, if he be dead, may secure a renewal of the copyright for fourteen years. As neither the owner of a work nor an assignee is mentioned in this section, it would seem that the copyright for this additional term will not vest *ab initio* in such person. But elsewhere the ground is taken that when the renewed copyright has been secured by the author, or his widow or children, it may be transferred to an assignee.

And again on page 333:

Section 4954 of the Revised Statutes, which provides for a renewed term of copyright, makes no mention of an assignee. The view has been elsewhere expressed that the copyright for this term will not vest *ab initio* in an assignee, but only in the author, his widow, or children. Hence, when an author has assigned his entire interest in a work and has thereby or otherwise barred himself and his family from securing the copyright for the second term, the assignee is powerless to make the renewal for his own benefit.

However, I do not wish to be understood as approving the assumption here expressed that the author or, in case of his death, the other persons mentioned in the statute as being entitled to the right of renewal may bar themselves of that right. Such right is created by the most explicit terms of the statute, and no recognition is there given of a previous assignment of the copyright or a conveyance of the author's right in the copyrighted work or of any kind of contract that he may have made with reference thereto. When the application for renewal is presented to the Register of Copyrights, the only thing left for his consideration is whether the applicant is one of the persons designated in the statute. But who may possess the legal or equitable right in the copyright after renewal is another question and one which is to be determined by the terms of such contract as the author or other person or persons entitled to the renewal may have entered into before or after the renewal is had.

Much reliance is placed by the applicants on the case of *Paige v. Banks* (7 Blatch., 152, and 13 Wall., 608, 614). The facts in that case were that Paige, the testator of the plaintiffs, had, on October 7, 1828, entered into a contract with Gould and Banks, whereby he was to furnish them, in manuscript, the reports of his court for publication and that they were to "have the copyright of said reports, to them and their assigns forever." Under the act of 1790 the term of copyright was fourteen years, with right of renewal for fourteen years additional, the assigns of an author having the right to procure both the original copyright and the renewal; and on January 5, 1830, registration for the original copyright was made in the names of Gould and Banks. On February 3, 1831, an act was passed which extended all copyrights then

existing to a term of twenty-eight years, with right of renewal for fourteen years longer; but the renewal privilege was restricted to the author or, if he be dead, to his widow or child or children. When the original term expired, on January 5, 1858, both Gould and Banks and Paige went through the usual forms to procure a renewal of the copyright. Paige subsequently died, and thereafter his executor filed a bill against Gould and Banks to enjoin them from further printing and vending the work and for an account of the profits after January, 1858. The bill was dismissed by both the court below and the Supreme Court.

The decision turned entirely upon the construction of the contract between Paige and Gould and Banks, the sole question considered being whether, under the contract, Paige had parted with the entire interest in the work, this question being thus stated by the Supreme Court:

Independent of any statutory provision the right of an author in and to his unpublished manuscripts is full and complete. It is his property, and, like other property, is subject to his disposal. He may assign a qualified interest in it, or make an absolute conveyance of the whole interest. The question to be solved is, do the terms of this agreement show the intent to part with the whole interest in the publication of this book, or with a partial and limited interest?

And, after an analysis of the contract, the court held that:

As between the parties to the agreement the absolute interest was conveyed by the stipulation of Paige that he would furnish the manuscript for publication.

In considering the clause in the contract "and the said Gould and Banks shall have the copyright of said reports to them, their heirs, and assigns forever," the court said:

It is not covenanted that the publishers should take out the copyright, nor is there any express agreement for an assignment to them by Paige, if he should take it out. Undoubtedly the provision that the publishers "should have the copyright" would authorize them to apply for it, and if Paige had taken it out in his own name it would have inured to their benefit. But as between Paige and the publishers, the rights of the latter could not be estimated differently, whether they had or had not availed themselves of the provisions of the act.

The act of 1790 expressly provided that the assignees of an author of a work could procure a copyright thereof, and hence the statement of the court that the stipulation in the contract with reference to the copyright authorized Gould and Bank to apply for it. Therefore the point of the decision was that Paige, having transferred his entire interest in the work to Gould and Banks, and they having thereby acquired a perpetual right to publish and the same, *independent of the question of copyright*, they could not be enjoined from its publication and be made to account for the copies sold after the expiration of the original term. The question here presented was not considered in that case, and the case is given attention only because it is cited by applicants as conclusive authority in their favor.

The comments of the committee upon sections 23 and 24, which accompanied the bill when reported, show conclusively that it was not intended that the assigns of a work should have the right of renewal, except as specifically provided for therein. Among other things, the committee said:

It was urged before the committee that it would be better to have a single term without any right of renewal, and a term of life and fifty years was suggested. Your committee, after full consideration, decided that it was distinctly to the advantage of the author to preserve the renewal period. It not infrequently happens that the author sells his copyright outright to a publisher for a comparatively small sum. If the work proves to be a great success and lives beyond the term of twenty-eight years, your committee felt that it should be the exclusive right of the author to take the renewal term, and *the law should be framed as is the existing law, so that he could not be deprived of that right.*

* * * * *

Instead of confining the right of renewal to the author, if still living, or to the widow or children of the author if he be dead, we provide that the author of such work, if still living, may apply for the renewal, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors or, in the absence of a will, his next of kin. It was not the intention to permit the administrator to apply for the renewal, but to permit the author who had no wife or children to bequeath by will the right to apply for the renewal.

In the case of composite or cyclopædic works, to which a great many authors contribute for hire, and upon which the copyright was originally secured by the proprietor of the work, it was felt that the proprietor of such work should have the exclusive right to apply for the renewal term. In some cases the contributors to such a work might number hundreds, and be scattered over the world, and it would be impossible for the proprietor of the work to secure their cooperation in applying for the renewal.

It readily appears how the right of renewal may be a valuable asset to an author, though he may have previously parted with all interest in the copyrighted work. When renewed, like all other copyrights, it is assignable (sec. 42 of act; Drone on Copyrights, 333). And no doubt it may be the subject of a valid contract before renewal, which would carry the equitable, if not the legal, title thereto when renewed. And, therefore, the owner of the work who, after the expiration of the original term, would be without protection, would, if the work be a valuable one, gladly pay a reasonable price for the extension. At any rate, the right of extension was clearly given for the benefit of the author, and the provision should not be construed against him unless the language of the statute clearly requires such construction, which it does not.

It is not intended in this opinion to determine any question of law which relates to the relative rights of authors and their assigns, and such rights are mentioned only by way of illustration or argument. The matter here for determination is one solely for the guidance of the Register of Copyrights in granting renewals of copyrights; and, for the reasons above stated, I hold that he should be governed by the language of the statute and grant a renewal to no one other than the person or

persons mentioned therein. The applicants here in question are the owners of the works by purchase and assignees of the original copyrights, and in some cases have taken assignments of the renewal terms. But in neither case does the statute authorize the extension to be made in the name of the assignee, and the applications should, therefore, be disallowed.

Respectfully

J. A. FOWLER
Assistant Attorney-General

Approved:

GEO. W. WICKERSHAM
Attorney-General

The PRESIDENT

["Official Opinions of the Attorneys-General of the United States," vol. 28, pp. 162-170."]

COPYRIGHT—FRAGMENT OF BOOK DEPOSITED

Application for registration of copyright should be denied, (1) Where the ad interim deposit under section 21 of the copyright act of March 4, 1909 (35 Stat., 1080), is a complete book, and the permanent deposit under section 22 is only a part of such book; (2) Where both the ad interim and permanent deposits are fragments of the work; (3) Where the copy, printed and bound in accordance with the manufacturing provisions of section 15 of the act and deposited in the first instance, is only a fragment of the work; and (4) Where a complete book is deposited, but the affidavit correctly indicates that only a part of the work is printed in the United States. The word "book," as used in sections 21 and 22 and in class (a) of section 5 and elsewhere in that act, means the entire book and not a fragment thereof.

DEPARTMENT OF JUSTICE

Washington, February 9, 1910

Feb. 9, 1910

SIR: Your communication of January 18, 1910, wherewith you transmit certain documents from the Librarian of Congress, was duly received. From the statement of the Librarian it appears that in a number of instances in attempting to comply with the provisions of the copyright law of March 4, 1909 (35 Stat., 1080), only parts of books have been deposited by applicants with the Register of Copyrights and copyrights applied for thereon; and I am asked what action should be taken by the Register of Copyrights when an application is made which presents either of the following conditions:

1. Where the ad interim deposit under section 21 is a complete book, and the permanent deposit under section 22 is only a part of such book.
2. Where both the ad interim and permanent deposits are fragments of the work.
3. Where the copy, printed and bound in accordance with the manufacturing provisions of section 15 of the act and deposited in the first instance, is only a fragment of the work.
4. Where a complete book is deposited, but the affidavit correctly indicates that only part of the work is printed in the United States.

In reply to these questions I have the honor to say:

The first two questions involve a construction of sections 21 and 22 of the copyright act, which relate to procuring a copyright in a book published abroad in the English language, while the last two involve the general provisions of the act.

Sections 21 and 22 read as follows:

SEC. 21. That in the case of a book published abroad in the English language before publication in this country, the deposit in the copyright office, not later than thirty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this act, and shall endure until the expiration of thirty days after such deposit in the Copyright Office.

SEC. 22. That whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section fifteen of this act, and whenever the provisions of this act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided in this act.

Does the word "book" as here used, mean the entire book or a fragment of a book? It appears to me that there can be but one answer to this question. The requirement in section 21 that a deposit in the Copyright Office within the time specified "of one *complete* copy of the foreign edition," clearly indicates that in the enactment of these sections the entire book was in the minds of Congress, and not a fragment thereof.

I am also of the opinion that the same meaning should be given the word "book" as it appears in class (a) section 5, and elsewhere in the act. When it was enacted in section 8 "that the author or proprietor of any *work* made the subject of copyright by this act * * * shall have copyright for such *work* under the conditions and for the terms specified in this act" it certainly was not intended that a chapter or two—a mere fragment of a book—should fall within the meaning of the word "work." Such fragment is not a "work," and can not be so considered. It is only a *part* of a work. There is a special reason why this meaning should be given the words "book" and "work" in this act which did not exist before the passage of the act of March 3, 1891. The copyright acts before the one of that date contained no provisions with reference to where and on what type or plates the book should be printed. But by section 15 of the present act it is provided in substance that all the work in connection with the printing and binding of every book accorded protection by the act shall be done within the limits of the United States, and by section 31 the importation of copyrighted books not manufactured in accordance with the provisions of section 15 is prohibited. Each part of the act should be so construed as to give effect to the legislative intent in the enactment of every other part. And to hold that a mere fragment of a book could be copyrighted, would open the door to the most extensive evasions of the manufacturing provisions of the act.

For illustration, the Librarian of Congress transmits through you what appears to be a booklet in pamphlet form of 51 pages, on the

last of which appear the words "The end." This has been filed with the register of copyrights under section 21 for ad interim protection. But as a matter of fact, this pamphlet contains only the first four chapters of the book, and how many more there are and of how many volumes the entire work consists there is nothing to indicate; nor could the extent of the work make any difference so far as the principle involved is concerned; nor can the principle be affected by the fact that the pamphlet purports to be a complete work. If protection be accorded these four chapters, no other publisher could afford to publish the remainder of the book, and though not *legally* protected by copyright yet the protection of the remaining portion would in fact be perfect. But at the same time, neither the manufacturing provisions in section 15 nor the prohibitions against importations in section 31 would apply to the parts not copyrighted; and the publisher could have the entire remainder of the book printed abroad and imported, and here bound with the four chapters printed within the United States. If the law should be construed to permit this, it is quite probable that the copyrighting of but a part of books which are not supposed to be of very substantial merit would become the custom. But independent of this consideration, there appears to be nothing in the statute which implies that but a part of a work may be copyrighted, nor have I been able to find any authorities showing that other similar statutes have been so construed.

For these reasons, I am of the opinion that an application should be refused when the deposit is made as shown in either of the first three inquiries. And the same rule should be applied to the fourth; because it is a necessary prerequisite to the registration of the copyright that the book should be printed as required by section 15; and if nothing but the entire work can be copyrighted, then all parts of it must be printed in accordance with the provisions of that section.

Respectfully

GEO. W. WICKERSHAM
Attorney-General

The PRESIDENT

["Official Opinions of the Attorneys-General of the United States," vol. 28, pp. 176-179.]

(T. D. 30414.)

COPYRIGHTED BOOKS

Rebinding abroad of books copyrighted in the United States does not operate to exclude such books from reimportation. Opinion of Attorney-General, March 1, 1910.

TREASURY DEPARTMENT, *March 10, 1910*

SIR: Referring to your letter of January 18 and the department's reply of January 27 last, relative to certain copyrighted books which had been printed and bound in the United States, as required by section 15 of the copyright act of March 4, 1909, and subsequently sent

abroad and rebound and returned to the United States, and detained by you as a prohibited importation under section 31 of the copyright act, I have to advise you that the matter was submitted to the Attorney-General for an expression of his views as to whether such books are prohibited importations under the copyright act.

The department is in receipt of an opinion by the Attorney-General, dated March 1, 1910 (copy herewith), in which it is held that the rebounding abroad of a book copyrighted in the United States does not operate to exclude such book from reimportation.

In view of the opinion of the Attorney-General, you are hereby authorized to permit entry of the books in question.

Respectfully
(70199.)

JAMES F. CURTIS
Assistant Secretary

COLLECTOR OF CUSTOMS, Chicago, Ill.

[Opinion of the Attorney-General]

REIMPORTATION OF COPYRIGHTED BOOKS REBOUND ABROAD

Copyrighted books which have been printed from type set within the United States, and the printing and binding both performed within the limits thereof, may be rebound abroad and reimported without violating section 31 of the copyright act of March 4, 1909 (35 Stat. 1082).

A book is "produced" within the meaning of section 31 of the copyright act when it is printed and bound. Its manufacture is then completed and it becomes entitled to all the protection offered by the copyright laws.

DEPARTMENT OF JUSTICE

Washington, March 1, 1910

SIR: I have the honor to acknowledge receipt of your communication of the 10th ultimo, in which you request my opinion (1) as to whether copyrighted books which have been printed from type set within the United States, and the printing and binding both performed within the limits thereof, if sent abroad and rebound, are prohibited importations under the provisions of section 31 of the copyright act of March 4, 1909 (35 Stat., 1075), and if so (2) whether such books may be admitted to entry when not more than one copy is imported at one time for individual use and not for sale, under the first exception of subsection (d) of said section 31.

By section 15 of said act it is provided:

That of the printed book * * * all copies accorded protection under this act * * * shall be printed from type set within the limits of the United States * * * and the printing of the text and binding of the said book shall be performed within the limits of the United States. * * *

By section 31 it is provided:

That during the existence of the American copyright in any book the importation into the United States * * * of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this act * * * is hereby prohibited.

Manifestly a book is produced within the meaning of section 31 when it is printed and bound; and the binding required to be done in the United States is the original binding, the one which enters into the original production of the book. When the manufacture of the book is thus completed it is entitled to all the protection offered by the copyright laws, and it may be exported and thereafter imported at the pleasure of the owner and without any violation of section 31 of the act.

There is, furthermore, nothing in the act to indicate any intention that a book may be deprived of this protection or right of importation when it has once been acquired. If it shall become necessary or proper that the book be rebound it is not thereby made a new book, but remains the same book, the one that was printed and originally bound in the United States as required by the statute.

I am of the opinion, therefore, that the rebinding abroad of a book copyrighted in the United States does not operate to exclude such book from reimportation.

This conclusion renders it unnecessary to discuss the second proposition.

Respectfully

GEO. W. WICKERSHAM
Attorney-General

THE SECRETARY OF THE TREASURY

"Treasury Decisions," vol. 19, No. 11, March 17, 1910. 8°. Washington, Government Printing Office, 1910, pp. 4-5. "Official Opinions of the Attorneys-General of the United States," vol. 28, pp. 209-211.

COPYRIGHT LAW—FOREIGN AUTHORS—PROCLAMATION OF THE PRESIDENT

A foreign author or proprietor, not domiciled within the United States at the time of the first publication of his work, is not entitled to the benefits conferred by the copyright act of March 4, 1909 (35 Stat., 1075), until after the President has issued a new proclamation declaring the existence of the reciprocal conditions set forth in that act. A previous proclamation under the act of March 3, 1891, section 13 (26 Stat., 1110), is not sufficient.

In such a case the proclamation issued by the President does not create the right of foreign authors or proprietors to enjoy the privileges of our copyright laws, but is only the evidence of the existence of conditions under which those rights and privileges may be exercised, and is conclusive evidence on that point.

The new proclamation may be retroactive in terms and effect.

DEPARTMENT OF JUSTICE

Washington, March 19, 1910

Mar. 10, 1910

SIR: I have the honor to acknowledge the receipt of your communication of March 7, 1910, in which you ask my opinion upon the following questions:

1. Is it necessary, in order that the benefits conferred by the copyright act of 1909 may be enjoyed by an alien author or proprietor (not domiciled within the United States at the time of the first publication of his work), that new proclamations shall be issued by the President in the case of those countries as to which proclamations have already been issued under the previous law?

2. If the answer to this question be in the affirmative, may such new proclamations be retroactive in terms and effect?

In response thereto I will say:

By section 13 of the act of March 3, 1891 (26 Stat., 1110), by which many of the sections of the copyright law as it appeared in the Revised Statutes were amended, it was provided:

That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to its own citizens, or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

The act of March 4, 1909 (35 Stat., 1075), is entitled "An act to amend and consolidate the acts respecting copyright," and it was manifestly the purpose of Congress to embrace therein all the laws upon the subject, and by the proviso to section 8, which relates to authors or proprietors who are citizens of foreign states or nations, it is provided:

Provided, however, That the copyright secured by this act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto. The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require.

The question is whether, if publication as to certain foreign countries was, before the passage of the act of 1909, made by the President, as required by the act of 1891, it is necessary for another publication to be made under said latter act before the benefits conferred thereby can be enjoyed by an author or proprietor who is a citizen of a foreign state or nation and who was not domiciled within the United States at the time of the first publication of his work.

The act of 1909 not only embraced all or substantially all the principal features of the previous copyright laws, but it adds several material provisions thereto. For illustration, in paragraph (e) of the first section there are found provisions with reference to the reproduction of music upon mechanical instruments, etc., which nowhere appear in the previous laws, and it is there provided:

That the provisions of this act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published

and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

Since, therefore, material and important provisions have, by this act, been added to the copyright laws, and all of the old provisions which remain in force are embraced therein, and since all rights and privileges which may now be enjoyed under the copyright laws must be secured *under the provisions of this act* and not of any former laws, it is fair to presume that, when Congress provided by express terms that the existence of certain conditions should be determined and proclamation thereof made by the President, before foreign authors or proprietors can enjoy the privileges of a copyright *secured by this act*, a determination and proclamation under *this act* was contemplated, and that a previous proclamation under a former act is not sufficient.

This conclusion is further strengthened by the fact that there is a material difference in the requirements of the present law and that of 1891. By that act the conditions under which a foreign citizen or subject might procure the rights and privileges of the copyright law, were that the foreign state or nation of which he was a citizen or subject permit to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens or subjects, or that such foreign state or nation be a party to an international agreement which provides for reciprocity in the matter of copyright, by the terms of which agreement the United States, at its pleasure, might become a party thereto; while in the last act, to these conditions is added the further one in the alternative, that such foreign country afford to citizens of the United States copyright protection substantially equal to the protection secured to the foreign author under this act, or by treaty; and, as above shown, with reference to the reproduction of music by mechanical instruments, rights similar to those given by this act must be granted to citizens of the United States. And since this last-mentioned condition was not in the previous laws, a proclamation thereunder by the President can be no evidence that it is complied with by a foreign state or nation.

I am of the opinion, therefore, that it was contemplated by Congress that a new inquiry should be made by the President with reference to the status of American authors and proprietors under the copyright laws of foreign countries, and that publication of such finding should be made in order to entitle foreign authors and proprietors to the advantages of the copyright laws of this country.

It will be observed that the determination of the specified conditions of the foreign laws and the proclamation of the President made with reference thereto does not *create* the right of foreign authors and proprietors to enjoy the rights and privileges of our copyright laws, but that such proclamation is only the *evidence* of the existence of the conditions under which those rights and privileges may be exercised. It is true that the absence of such proclamation is not conclusive evidence that such rights do not exist, while, on the other hand, the

proclamation is conclusive evidence that they do exist; but, nevertheless, the proclamation is not a condition precedent to the existence of the rights themselves. Therefore there is no reason why such proclamation may not be retroactive in its effect; and, consequently, if a proclamation were made showing the determination of fact by the President that either of the conditions required in the statute have been complied with since a specified date, such proclamation would be conclusive evidence of that fact, and the citizens or subjects of such country would be entitled to avail themselves of our copyright laws from the date mentioned in the proclamation. It was unquestionably recognized by Congress that it would require some time for the President to make proper investigation and to publish a proclamation of the conditions found; and it can not be believed that Congress intended to deprive the citizens or subjects of a foreign state or nation, which had complied with the provisions of the statute, of the privileges of the American copyright laws while such investigation was pending.

I therefore answer your second inquiry in the affirmative.

Respectfully

GEO. W. WICKERSHAM
Attorney-General

The SECRETARY OF STATE

["Official Opinions of the Attorneys-General of the United States," vol. 28, pp. 222-226.]

COPYRIGHT LAW—REGISTRATION OF TYPEWRITTEN DOCUMENTS

Typewritten pages fastened together and having a printed cover and title-page are subject to registration under the copyright law of March 4, 1909 (35 Stat., 1075).

The meaning of that clause in section 12 of the act of 1909, which provides that the book "shall have been produced in accordance with the manufacturing provisions of section 15 of that act," is that the book shall not have been produced in violation of that act; but the provision does not attempt to prescribe any regulation as to the form in which the book should appear. Section 15 means that if the book is printed, the printing shall be done as required therein.

DEPARTMENT OF JUSTICE

Washington, May 2, 1910

SIR: I have the honor to acknowledge receipt of your communication of the 26th ultimo, in which you state the following facts transmitted to you by the Librarian of Congress: May 2, 1910

The publishers, Thomas Nelson & Sons, have sent to the Copyright Office for deposit under the copyright law, and for copyright registration, two copies of an article entitled "Nelson's Bureau of Research: a Few Specimens of Inquiries and Answers." These copies consist of 122 typewritten pages, with a printed cover and title-page, said cover and pages being fastened together in the usual manner in which typewritten documents are fastened. It is explained by the applicants that they publish an encyclopedia, one of the essential features of which is that it is kept up to date; that in connection with the published encyclopedia the privilege is offered its subscribers of submitting letters of inquiry upon any subject whatsoever; that to such inquiries careful and elaborate answers are prepared under the supervision of eminent authorities, and these answers are typewritten and copies struck off by means

of the mimeograph; that the copies produced in this way are issued for general circulation; and it is in these sheets of answers bound as stated that the publishers desire to register a claim for copyright: and you ask my opinion as to whether or not the Register of Copyrights has authority, under the copyright act of March 4, 1909 (35 Stat., 1075), to register the same.

The real question is, whether or not, under the copyright law, a book must be printed before a claim for copyright therein can be admitted to registration. If copies of this work were not reproduced for sale, it is conceded that the claim should be registered under section 11 of the act; but, inasmuch as numerous copies are struck off for circulation, it is thought, and correctly so I think, that if copyrighted at all, it must be as a publication and not as a mere manuscript.

By section 5 of said act it is provided:

That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations.

* * * * *

Webster defines a book to be:

A collection of sheets of paper or similar material, blank, written or printed, bound together; commonly, many folded and bound sheets containing continuous printing or writing.

The courts have shown the greatest liberality in interpreting the copyright laws, and have, in favor of authors, extended the word "book" so as to make it include works which do not fall even within this broad definition. In *Clayton v. Stone & Hall* (2 Paine, 382, 391) the court held that a newspaper could not be copyrighted on account of its method of publication, but in the course of its opinion the court said:

It seems to be well settled in England that a literary production, to be entitled to the protection of the statute on copyrights, need not be a book in the common and ordinary acceptance of the word—a volume, written or printed, made up of several sheets and bound up together. It may be printed on one sheet, as the words of a song or the music accompanying it. It is true that the English statute of 8 Anne, in the preamble, speaks of *books and other writings*; but the body of the act speaks only of books, the same as in the act of Congress; and a learned commentator upon American law (2 Kent's Com., 311) seems to think the English decisions on this subject have been given upon the body of the statute of Anne, without laying any stress upon the words *other writings* in the preamble.

See also Drone on Copyrights, 142; 9 Cyc., 898.

Clearly, therefore, the work submitted is a book as defined both by lexicographers and the courts, and the claim for copyright therein may be registered unless there is some provision in the act which prohibits it.

By section 9 it is provided:

That any person entitled thereto by this act may secure copyright for his work by publication thereof with the notice of copyright required by this act;

* * * * *

and by section 12 it is provided:

That after copyright has been secured by publication of the work with the notice of copyright as provided in section nine of this act, there shall be promptly deposited in the Copyright Office, or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, which copies, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this act.

* * * * *

The copyright therefore is obtained by publication of the book and the giving of notice of copyright required by the act; but it is suggested that in consequence of the reference in section 12 to the manufacturing provisions in section 15, and the requirements of said section 15, the copyright can not be enforced, and may be subsequently entirely defeated, and the Register of Copyrights can not issue a certificate of registration in consequence of a failure to deposit in the Copyright Office two copies *printed* as required by said section.

Section 15, among other things, provides:

That of the *printed* book or periodical specified in section five, subsections (a) and (b) of this act * * * the text of all copies accorded protection under this act * * * shall be printed from type set within the limits of the United States, etc.

The use of the word "printed" in connection with "book" might very well be construed as a recognition that other kinds of books are subject to copyright, but that the provision of this section, in so far as it applies to books, is restricted to *printed* books.

But, in addition to this, the purpose of section 15 should be taken into consideration in determining whether or not it has the effect of limiting the right of copyright to printed books; and the language of that section, as well as the report of the committee which had the bill in charge, clearly shows that it was inserted solely for the purpose of protecting American labor and that it was not the design of Congress to thereby in any respect restrict the character of works which, under other sections of the act, might be copyrighted. In drafting the bill it was no doubt assumed that books would, ordinarily and probably universally, be printed for circulation, and the purpose was to require all the *printing* of books protected under the act to be done as described in said section 15, but it was certainly not intended to prescribe any regulation as to the form in which the book should appear. That is, in the passage of sections 15 and 16 Congress was concerned in where and by whom the work of preparing the books for circulation and sale should be done, and not in the particular method by which the author should impart his ideas to the public. A contrary holding might lead to great uncertainty and confusion. It has been universally held that there is no requirement as to the number of pages on which a work shall appear in order that it may be entitled to the benefit of copyright. If it appear on one or even four pages, then there can be no necessity for a binding; and yet section 15 provides that "the *printing* of the text and the *binding* of the said book shall be performed

within the limits of the United States," thus implying, if the strict construction suggested be adopted, that the book must not only be printed, but must also be bound before the claim for copyright in the same can be registered. Of course Congress did not intend to, and did not, introduce such a radical innovation into the copyright law. The meaning of that clause in section 12 which provides that the book "shall have been produced in accordance with the manufacturing provisions of section 15 of this act" is that the book shall not have been produced *in violation of* that section; and section 15 means that if the book is printed, the printing shall be done as required therein.

I am of the opinion, therefore, that the claim to copyright in the work in question should be registered.

Respectfully

J. A. FOWLER

Assistant Attorney-General

Approved:

GEO. W. WICKERSHAM

Attorney-General

The PRESIDENT

[*"Official Opinions of the Attorneys-General of the United States,"* vol. 28, pp. 265-269.]

(T. D. 30301)

ABANDONMENT OF COPYRIGHT

Copyright notice of abandonment of copyright on Oxford Cyclopædic Concordance by the Oxford University Press, American Branch.

TREASURY DEPARTMENT

January 25, 1910

Jan. 25, 1910

SIR: The department is in receipt of a letter from the Oxford University Press, American branch, of New York City, giving notice that they have abandoned the copyright on Oxford Cyclopædic Concordance copyrighted by them in 1903.

Upon arrival in the United States of any copies of the said work with the notice of copyright obliterated, or a notice of the abandonment of the copyright plainly printed upon the same page with the notice of copyright and adjacent thereto, such books may be admitted to entry as books not copyrighted in the United States.

Respectfully

JAMES F. CURTIS

(72875.)

Assistant Secretary

COLLECTOR OF CUSTOMS, *New York*

[*"Treasury Decisions,"* vol. 19, No. 5, February 3, 1910. 89. Washington, Government Printing Office, 1910, pp. 3-4.]

IMPORTATION OF TRANSLATION OF AMERICAN COPYRIGHTED BOOKS

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Washington, June 23, 1910

SIR: The department duly received your report of the 25th ultimo *June 23, 1910*
on the protest of Sylvanus Stall, of the Vir Publishing Company,
against your decision denying entry of certain books imported per
steamship *Euxinia*, March 28, 1910, and also your letter of the 4th
instant, transmitting a copy of said book.

The protestant states that in order to be prohibited by section 15
these books must be accorded protection under the copyright act of
March 4, 1909; that these books are Swedish copies, the translation of
which was duly authorized by the proprietor of the copyright in the
United States; and that the Swedish translation is not copyrighted in
the United States.

As it appears that the books in question were translated and manu-
factured in Sweden by a citizen of Sweden, they are, in the opinion of
the department, of foreign origin in a language other than English,
and are specifically exempted from the manufacturing provision of
section 15 of the copyright act, and as such books bear no notice of
copyright in the United States and are not piratical copies, they are
not prohibited importation. You are therefore hereby authorized to
release the books in question.

The book, inclosed with your letter of the 4th instant, is herewith
returned.

Respectfully

C. P. MONTGOMERY
Chief, Division of Customs

The COLLECTOR OF CUSTOMS, *Philadelphia, Pa.*

[*"The Publishers' Weekly,"* vol 78, No. 3. New York, July 16, 1910, p. 407.]

Addendum No. 3

COPYRIGHT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the benefits of said act, excepting the benefits under section 1 (c) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work: or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto:

And whereas it is also provided by said section that "The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory evidence has been received that in Austria, Belgium, Chile, Costa Rica, Cuba, Denmark, France, Germany, Great Britain and her possessions, Italy, Mexico, the Netherlands and possessions, Norway, Portugal, Spain, and Switzerland the law permits and since July 1, 1909, has permitted to citizens of the United States the benefit of copyright on substantially the same basis as to citizens of those countries:

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8, of the act of March 4, 1909, is now fulfilled, and since July 1, 1909, has continuously been fulfilled, in respect to the citizens or subjects of Austria, Belgium, Chile, Costa Rica, Cuba, Denmark, France, Germany, Great Britain and her possessions, Italy, Mexico, the Netherlands and possessions, Norway,

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Portugal, Spain, and Switzerland, and that the citizens or subjects of the aforementioned countries are and since July 1, 1909, have been entitled to all the benefits of the said act other than the benefits under section 1 (c) thereof, as to which the inquiry is still pending.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this ninth day of April, in the year of our Lord one thousand nine hundred and ten, and of the [SEAL.] Independence of the United States of America the one hundred and thirty-fourth.

WM. H. TAFT

By the President:

P. C. KNOX,

Secretary of State