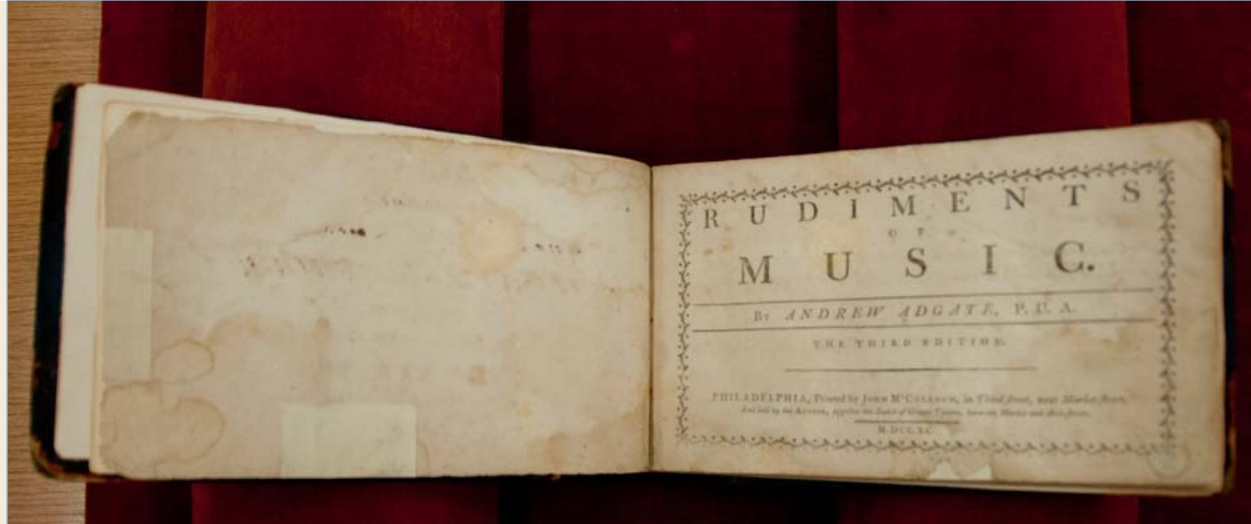


Music of New Nation Registered Decades Before Law Protected Music

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On November 18, 1790, Andrew Adgate paid 60 cents to the clerk of the Philadelphia District Court to register the copyright to the third edition of “Rudiments of Music,” published with “Philadelphia Harmony,” a collection of “psalm tunes, hymns, and anthems.” Only six months earlier, President George Washington had signed the new nation’s first federal copyright law, which protected maps, charts, and books—but made no mention of music. U.S. law did not explicitly protect musical compositions until 1831.



The title page of “Rudiments of Music” (above) and a page from “An Anthem Designed for Thanksgiving Day” (below).

Adgate was a brush-factory operator and a mechanic, writes Russell Sanjek in *American Popular Music and Its Business: The First Four Hundred Years*. But Adgate was also a music lover. In 1785, he founded the Uranian Academy, a free school to spread knowledge about vocal music. The school had three locations in Philadelphia and “quickly [became] one of the new capital city’s best-known and important cultural forces,” reports Sanjek.

Adgate was far from alone in registering a work containing music in the 1790s. *Federal Copyright Records, 1790–1800*, indexes 40 works registered for copyright that include the terms “music, song(s), ballad(s), anthem(s), Liede(er), Gesang(“-e),” or “Gesängen.” Like “Rudiments of Music,” most early registrations of musical works contained substantial text along with music, and they were registered as books or, later, engravings, writes Sanjek.

Interestingly, the single volume containing “Rudiments of Music” and “Philadelphia Harmony” has two separate title pages. Only the title page for “Rudiments of Music,” which consists mainly of text, has a copyright notice—along with a statement that Adgate would be selling copies opposite the “Bunch of Grapes Tavern.” “Philadelphia Harmony,” a compilation of music Adgate selected with coauthor Ishmail Spicer, has no copyright notice.

A registration made in Massachusetts, however, is made up entirely of music. Thomas and Andrews, described

by Sanjek at the “most important publishers and job printers of the time,” registered “An Anthem Designed for Thanksgiving Day—But Proper for Any Publick Occasion” on February 22, 1792. William Cooper, a Boston composer, singing master, and organist, authored the 16-page work.

Whether early music registrations would have survived an infringement action is apparently unknown. The earliest music infringement case identified in an [online archive](#) maintained by Columbia Law School and the University of Southern California Gould School of Law dates from 1844.

Yet Robert Brauneis of George Washington University Law School notes in a 2014 research paper, “Musical Work Copyright for the Era of Digital Sound Technology,” that musical scores were protected starting in 1777 under the Statute of Anne, the direct model for U.S. copyright law. And he cites U.S. Supreme Court Justice Smith Thompson, who commented in 1829, when “looking to English law as a source for American law,” that “[i]t seems to be well settled in England that a literary production, to be entitled to the protection of the statute on copyrights . . . may be printed on one sheet, as the words of a song or the music accompanying it.”

As for Andrew Adgate, he died in 1793 during a yellow fever epidemic that swept Philadelphia. ©