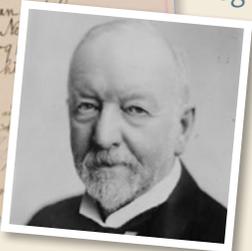
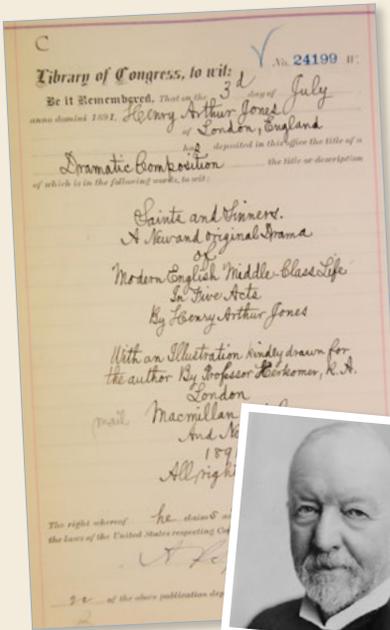


First Foreign Copyright Registered 125 Years Ago

WENDI A. MALONEY

On July 3, 1891, English playwright Henry Arthur Jones applied to register his drama *Saints and Sinners*. Two days earlier, the International Copyright Act of 1891 had taken effect. Often known as the Chace Act, it authorized U.S. protection of works of foreign nationals under certain conditions. Jones was the first foreign author to complete a registration under the act.



“The passing of the American Copyright Bill is a fact of the highest import for English playwrights and for the future of the English drama,” Jones wrote in the preface to *Saints and Sinners*. “Hitherto the publication of an English play would have incurred the forfeiture of the American stage-rights, in many cases a very serious pecuniary loss.”

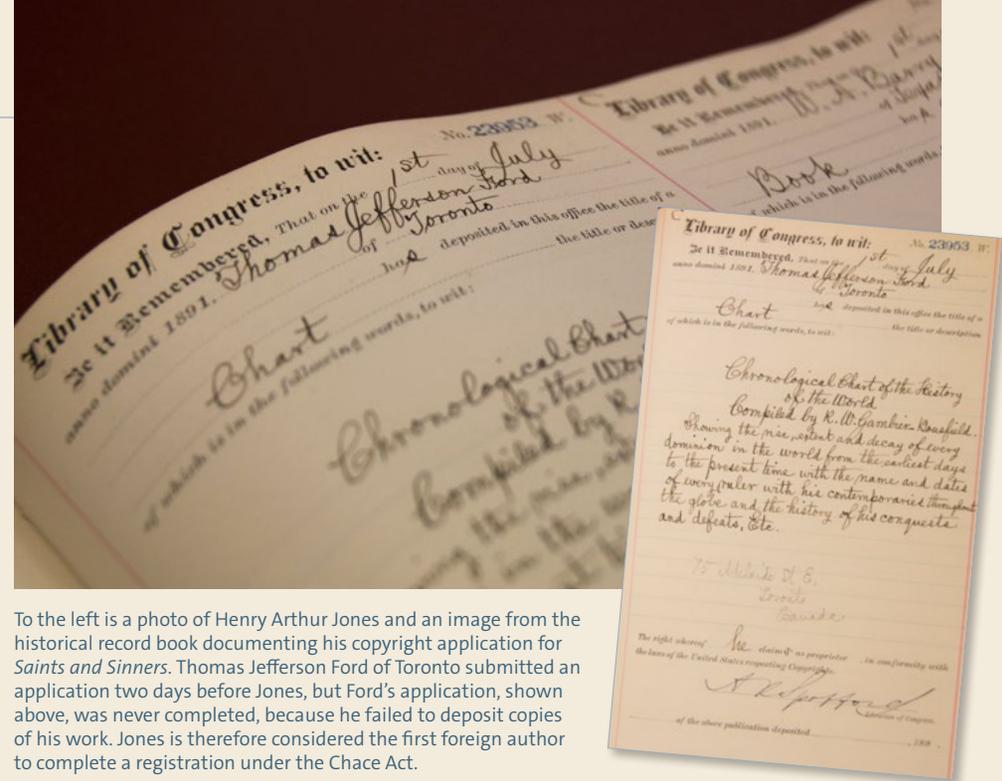
In the decades leading up to the Chace Act, U.S. authors were commonly pirated abroad, as were foreign authors in the United States. The new law applied to

citizens of foreign countries that offered similar copyright protection to U.S. authors.

Jones welcomed the Chace Act partly for financial reasons: he could publish without worrying that others would benefit from unauthorized staging of his work in the United States. But he also had a larger mission to make English dramas available in print as works of serious literature.

During the 19th century, English playwrights had stopped writing for readers not only because of copyright concerns but also because of the rising dominance of novels in the literary marketplace and other factors. With at least the threat of piracy in the United States removed, Jones hoped for the revival of the tradition of English literary drama.

A 1929 issue of the *Yale University Library Gazette* suggests Jones saw his vision realized. “In the early years of [Jones’s] career, no one thought of publishing



To the left is a photo of Henry Arthur Jones and an image from the historical record book documenting his copyright application for *Saints and Sinners*. Thomas Jefferson Ford of Toronto submitted an application two days before Jones, but Ford’s application, shown above, was never completed, because he failed to deposit copies of his work. Jones is therefore considered the first foreign author to complete a registration under the Chace Act.

English contemporary dramas; but he lived to see the custom become universal,” scholar William Lyon Phelps wrote.

As an international copyright law, however, the Chace Act is widely considered to have been flawed. Eligible claimants could secure protection only by registering before publication and by depositing two copies of their works on or before the date of publication anywhere. In addition, the law required foreign books and other specified works to be manufactured in the United States.

In a 1968 article in the *Georgetown Law Review*, former Register of Copyrights Barbara Ringer states that the conditions of the law were “so rigid that they made the extension of copyright protection to foreigners illusory.”

“Until the Second World War,” Ringer writes, “the United States had little reason to take pride in its international copyright

relations; in fact, it had a great deal to be ashamed of. With few exceptions, its role in international copyright was marked by intellectual shortsightedness, political isolationism, and narrow economic self-interest.”

Whatever its shortcomings as a law, the Chace Act had a definite effect on processing of copyright registrations. “Of the increased entries of copyright, a considerable share is due to the enactment of the international copyright law,” the 1891 annual report states, adding that the workload “has been such as to tax the energies of the small force employed to the utmost, and it has been impossible to prevent the business of issuing certificates of copyright from falling into arrears.”

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