

ANNUAL REPORT

OF THE

LIBRARIAN OF CONGRESS,

EXHIBITING THE

PROGRESS OF THE LIBRARY

DURING

THE YEAR ENDED DECEMBER 1, 1872.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1872.

FORTY-SECOND CONGRESS, THIRD SESSION.

IN THE SENATE OF THE UNITED STATES,

December 16, 1872.

Ordered to be printed.

December 17, 1872.

Ordered that 500 additional copies, with covers, be printed for the use of the Librarian.

REPORT
OF
THE LIBRARIAN OF CONGRESS,
EXHIBITING

The progress of the Library during the year ended December 1, 1872.

LIBRARY OF CONGRESS,
Washington, December 2, 1872.

The annual enumeration of books in the Library, on the 1st of December of the present year, exhibits an aggregate of 246,345 volumes, and about 45,000 pamphlets. That portion of this aggregate belonging to the law department of the Library consists of 29,873 volumes. At the date of my last annual report the Library contained 236,846 volumes, thus showing an increase during the past year of 9,499 volumes.

The accessions of the year were derived from the following sources :

	Books.	Pamphlets.
By purchase.....	4,097	340
By copyright, (excluding duplicates)	3,175	2,728
By deposit of the Smithsonian Institution	1,385	1,695
By presentation	720	250
By exchange.....	122	400
Total.....	9,499	5,413

The operations of the copyright law continue highly satisfactory, both in respect to the efficiency of the system of registry, and the procuring for the Library of books and periodicals secured by copyright. The attainment of a nearly complete representation of the product of the American press, for permanent preservation in a fire-proof national library, would in itself alone justify the measures taken by the legislation of 1870; to transfer the entire copyright business to one central office in Washington. To this must be added the considerations that the fees derived from copyrights, paid directly into the Treasury, are more than double the expenses of the Library on account of copyrights, and that it is now for the first time possible to verify all facts connected with the title to any literary property by a single reference. The number and designation of articles received at the Library on account of copyright, during the year past, will be found below :

Books	6,350
Periodicals and pamphlets.....	5,456

Musical compositions.....	4,614
Dramatic compositions.....	36
Photographs.....	531
Engravings, chromos, and prints.....	4,712
Maps and charts.....	441
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Total number of articles.....	22,140
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As two copies of each publication entered are required to be deposited to perfect the copyright, the actual number of separate articles, excluding duplicates, was 11,070, of which there were 3,175 volumes of books, and 2,728 pamphlets and periodicals. This result shows an increase of about 15 per cent. as compared with the acquisitions from this source in 1871, the first full year of the operation of the new law of copyright.

The whole number of copyrights entered during the year ended December 1, 1872, was 14,164, and the aggregate sum paid into the Treasury by the undersigned, during the same period, on account of copyright fees, was \$12,283.71. The entries exceed those of the previous year by 1,476, and the receipts from copyright fees are increased to the amount of \$2,096.56 over those of last year.

The attention of the Joint Committee on the Library, under whose supervision the undersigned is required to keep all records and perform all duties relating to copyrights, is solicited to one feature of the existing law which appears to demand a change. Under the present phraseology of the statute (which has been in force since 1831) the designation of articles which are lawful subjects of copyright embraces the following classes of publications: Books, maps, charts, dramatic and musical compositions, engravings, cuts, prints, photographs, paintings, drawings, chromos, statues, and models or designs intended to be perfected as works of the fine arts.

Under the vague designation of "prints," found in the law, it has always been customary to enter for copyright large numbers of printed labels, with or without pictorial embellishment, designed for use on cigar-boxes, patent medicines, and other articles of manufacture. That this extension of the privilege of copyright, originally designed for the protection solely of the products of the intellect, to cover such trifling articles as labels upon merchandise, is a wide departure from the true province of a copyright law, it needs but a glance at the constitutional provision upon the subject to establish. That provision, which is the measure of the powers of Congress to legislate in the premises, is in these words: "The Congress shall have power * * * to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." There is here a discrimination of two plainly marked classes who are to be secured exclusive rights for limited times: first, authors, whose "writings" are to be so secured; and, secondly, invent-

ors, whose "discoveries" are to be protected as their exclusive right. Without insisting too closely upon the declared object of the grant of power, "to promote the progress of science and the useful arts," and allowing the widest possible latitude to the term "science," as embracing all human knowledge, it is still obvious that mere printed labels, intended to designate an article of manufacture, do not properly belong to the category to be protected by copyright. They are not "writings," they do not involve "authorship," and they are not calculated to promote the progress of science. If protected at all, as the exclusive property of their owners, (and their past recognition under the law of Congress, though of uncertain extent and validity, may be viewed as entitling them to some protection,) they should be protected by registry at the Patent-Office, either as trade-marks or as designs for labels. That they ought not to be embraced in the same category with books and other intellectual productions is evident, not only from the constitutional limitation referred to, but from the incongruity of the matter. Already the just public expectation, that a list of copyrights would be published periodically from the office of the Librarian of Congress, has been unfulfilled and postponed in consequence of the manifest absurdity of filling such a record, which should represent the current product of American literature and science, with the titles of trifling labels and other "prints" for which their owners have claimed the protection of the law of copyright. It is respectfully recommended that an amendment of the law of patents and copyrights be effected, more clearly defining the articles which shall be lawful subjects of copyright, excluding all prints, cuts, or engravings which are intended to be used upon any article of manufacture (except books) and providing for the registry of such matter in future at the Patent-Office. No loss of revenue would arise from this change, and the present fee of one dollar for entry and certificate of prints might be increased with benefit to the Treasury, as the failure of many to enter at the enhanced charge would be more than compensated by the increased revenue from others.

Should this suggestion meet approval and become a law, it is recommended that the Librarian be authorized and required to print a weekly list of copyright entries for public information, as the list of patents issued is now published in the Official Gazette of the Patent-Office, and that an appropriation of \$1,600 for an additional assistant be authorized by law.

The unexpended balances of funds under charge of the Joint Committee on the Library were as follows December 1, 1872:

Fund for increase of Library	\$16,532 48
Fund for contingent expenses of Library	1,172 10
Fund for expenses of exchanging public documents	1,500 00
Fund for ornamenting the Capitol with works of art.....	17,954 51
Fund for portraits of Presidents of the United States.....	1,850 00
Fund for a naval picture by W. H. Powell.....	3,910 33

Fund for completion of three volumes of Wilkes's United States Exploring Expedition.....	\$8,372 07
Fund for salaries in Botanic Garden and greenhouses.....	7,119 86
Fund for improving buildings, &c., in Botanic Garden.....	2,035 54
Fund for improving Botanic Garden and greenhouses.....	7,168 75

The subject of providing an enlarged space for the Library, now numbering a quarter of a million volumes, and for the copyright business and archives, now very inadequately provided for, demands the early and careful attention of the committee and of Congress. In my last report the leading facts of this necessity were briefly recapitulated, and it was stated that all possible accommodations which might be provided within the Capitol would be exhausted in from three to five years, while the utmost space attainable by building a projection of the western front of the Capitol would be filled in twenty years' ordinary growth of the Library. From the nature of the case, the evil and inconvenience now experienced of contracting a great library into a space too crowded for proper arrangement is constantly growing. The wooden cases, one hundred in number, reluctantly introduced a year ago to accommodate the overflow of the alcoves, are approximately filled. There is no possible place for the arrangement or filing of the current periodicals, many of which, therefore, remain comparatively useless for reference until bound. The Library has no packing-room, and the heavy receipts of books from all quarters, by daily mails and otherwise, the bindery business, the cataloguing of the books, the correspondence of the Library, the direction of assistants, and the extensive daily labors of the copyright department, are all constantly going on in those public parts of the Library which should be kept free for readers. Masses of books, pamphlets, newspapers, engravings, &c., in the course of collation, cataloguing, labeling, and stamping, in preparation for their proper location in the Library, are necessarily always under the eye and almost under the feet of members of Congress and other visitors. No remark is more common than the expression of surprise at the disarrangement always visible in those portions of the Library where these processes are continually going on. Yet a moment's reflection would convince the most critical observer that where no place but a public one is provided for labors so multifarious and full of detail as those of a great library constantly receiving extensive additions to its stores, there must be apparent disorder in the very process of reducing it to order. Until Congress shall provide adequate space for performing these varied labors, they must of necessity go on directly under the public eye; and if the marble floors are littered with books in various stages of preparation for use, it is because that body has not yet provided quarters where processes can be separated from results, but has left the Librarian no chance to exhibit his results without at the same time exhibiting all the processes by which those results are attained.

Under these adverse circumstances it must not be wondered at that the Library of Congress, with all its apparent advantages as the largest

and one of the most progressive of American libraries, is comparatively an unfit place for students. The exigencies of its current business involve an amount of verbal direction and consequent interruption to the studies of readers, which are incompatible with that rule of silence which should be the law of all great libraries of reference. It is with great regret that I am compelled to record the admission that, with the exception of one narrow reading-room in the north wing, capable of seating only twenty readers, the entire Library of Congress affords no place for the quiet pursuit of study, but is subject to the constant annoyance of compulsory violations of its rule of silence by its own officers, and by the invasion of frequent processions of talking visitors.

Nor are these the only evils already long felt and every year increasing from the attempt to make the present unfit and inadequate apartments subserve the wants of a great national library. The addition to the functions of the Librarian of Congress, of the whole copyright business of the United States, effected two years ago, involves the custody of all the original records of copyright derived from the district clerks' offices of the United States, in forty-one States and Territories. These records, originally numbering some 300,000 entries, are now growing at the rate of from twelve to fourteen thousand entries per annum. The office of the Librarian of Congress has thus become an office of public record, and daily inquiries and correspondence, designed to verify points of uncertainty regarding literary property, are here answered. The only place available for the safe-keeping of these public records of copyright, now numbering several hundreds of volumes, is a remote room in the basement of the Capitol, two flights of stairs below the Library, to which, under all inconveniences, constant reference has to be made. The copyright department involves a large amount of clerical labor; all applications for entry, however numerous, arriving by each mail, are dispatched on the same day, and the index to copyrights, by names of authors, publishers, and title, must be kept constantly up to date. The extensive character of this business, with its constant increase, and the inconvenience and obstruction attending its transaction in the midst of the much-frequented reading-room of the Library, add a conclusive argument, if any were needed, to the demonstration of the absolute necessity of erecting a separate building for the Library and copyright department conjoined.

Three suggestions have been made, looking toward a provision which should retain the Library in the Capitol, at least for several years to come. First, the extension of the eastern front of the central building has been repeatedly recommended by the architect, so as to bring the facade and portico out in a line with the two wings, and to afford a properly proportioned base for the magnificent iron dome. While this addition would afford convenient and greatly needed space for committee-rooms, its isolation from the present library-rooms, and the fact that by no possibility could it be made to contain more than twelve to fifteen

years' growth of the collection, take it out of the category of expedient suggestions. Secondly, as was suggested in my last report, it would be feasible to extend the central building in the opposite direction westward, thus enlarging the Library to double its present space, and erecting a new front of fine architectural appearance, looking toward the center of the city. This proposition is far more reasonable than the first, since it would keep the Library in a measure together, instead of widely separating it, by the intervening rotunda of the Capitol, into two parts. Yet it would multiply some of the existing obstacles to convenient arrangement, by multiplying the angles, walls, and galleries, which intersect each other in the present Library, and impair the effect, besides the more important practical difficulty of rendering the production of books to a common center needlessly slow and cumbersome. But the chief objection to the proposed extension is, that after all possible provision of space included in it is allowed for, it would be filled with books in twenty years from the present time, when the same problem would again confront us, and a removal to a separate edifice would be necessary, while the cost of the extension would, in the opinion of the architect, be equal to that of a new library building. A third suggestion which has been made is, to build a new capitol for the legislative uses of Congress, and to devote one wing of the present edifice to the Library, and the other to judicial uses, or to the accommodation of the Supreme Court and the Court of Claims. However ill-adapted to the accommodation of the Senate and House of Representatives the present wings of the Capitol may be, there can be no question that they are still less adapted to the uses proposed in this plan. Not only must the entire interior architecture be removed and rebuilt, at great cost, but the space attainable in either wing for the Library and copyright department would be wholly inadequate for its permanent accommodation. Nor is it easy to see where any site for a new national Capitol at all approximating the present one in commanding elevation, convenient location, and extent of view, could be found within the limits of Washington.

The only remaining alternative that is perceived is to erect a wholly distinct building for the Library and copyright department. The requisite space for this purpose has already been secured through the purchase, by act of Congress at the last session, of two squares of ground adjoining the Capitol. The central portion of one of these squares might be devoted to a library building, having ample accommodations for at least a century to come, while the other could be reserved for the future erection of a building for the Department of Justice and the courts of the United States. This would enable Congress to employ the whole of the present Capitol for the uses of the national legislature, which the recent large increase in the number of Representatives and the straitened accommodations of the committees of both Houses render desirable.

As the first and most imperative necessity is a provision for the

Library, I may here be permitted to sketch the brief outline of a plan for such an edifice, as it lies in my own mind. First of all, there should be reserved in the present central library-room, which will contain 40,000 volumes, a full legislative library for the use and reference of Congress, to embrace not only encyclopædias, jurisprudence, and political science, but one copy of each of the leading works in every department of science and literature. This could be done without materially weakening the Library, from the duplicates which are already contained in the collection. The wings of the present Library could be at the same time devoted to the orderly arrangement of the archives, manuscript and printed, of the Senate and House of Representatives for which their fire-proof and numbered shelving renders them admirably adapted.

In the construction of a new building, three ruling considerations should be kept constantly in view: fire-proof materials in every part, the highest utility and convenience in the arrangement of details, and the wants of the future. In respect to the latter point, the space required for ultimate library accommodation, it would not be a wise economy of means to provide space for less than three millions of volumes. The largest existing library (the *Bibliothèque nationale* of France) has already 1,400,000 volumes, while the library of the British Museum closely approximates 1,000,000. The growth of the latter library is at the rate of nearly 30,000 volumes a year. Whatever may be the present rate of growth of American libraries, it cannot be doubted that their prospective increase, with the growing development and intellectual enterprise of the country, will be in an accelerated ratio as compared with the past. The Library of Congress has twice doubled within twelve years. In 1860 there were 63,000 volumes in the Library; in 1866 there were 100,000 volumes; and in 1872 there are 246,000. Without calculating upon specially large accessions, it is reasonable to assume that by the ordinary additions to its stores from copyright and from all other sources, it will reach 700,000 volumes by the year 1900; one million and a quarter by 1925; 1,750,000 by 1950; and 2,500,000 by the year 1975, or about a century hence. Nor is so extensive a collection of books by any means so formidable an object of contemplation as many persons suppose. In every country where civilization has attained a high rank, there should be at least one great library, not only universal in its range, but whose plan it should be to reverse the rule of the smaller and more select libraries, which is exclusiveness, for one of inclusiveness. Unless this is done, unless the minor literature and the failures of our authors are preserved, as well as the successes, American writers will be without the means of surveying the whole field trodden by their predecessors in any department. In every great nation this comprehensive library should be obviously the library of the government, which enjoys the benefit of the copy tax, and has thus supplied without cost a complete representa-

tion of the intellectual product of the country in every field of science and literature. To supplement this national collection with the best books of ancient and modern date, in all languages, should be the current task of each year.

In designing a building for a library formed on a plan thus comprehensive, and providing at the same time a permanent repository for the copyright archives of the nation, provision should be made for the present Library in as compact a space as is compatible with its constant and symmetrical enlargement. There is but one way in which room can be reserved for a library to grow in all directions, preserving a constant unity of plan, and avoiding those obstructions which split up most great collections into several libraries, to the permanent annoyance and incalculable loss of time both of officers and readers. That way is to construct the walls, at least of the interior of the library, in circular form. By this plan the books can be arranged in alcoves rising tier above tier around the whole circumference of the circle, while the desks and catalogues for the use of readers occupy the centre of the Library, and the time occupied in producing the books to this common centre, through all the radii of the circle, is reduced to a minimum.

This circular apartment should be surmounted by a dome of iron and glass, thus yielding adequate light at all seasons, and in every part of the Library. The outer circumference of the circular wall should be lined with alcoves of iron, in the same manner as the interior, the wall being pierced with numerous open doors of communication. The exterior walls of the building could be constructed either in circular or in quadrangular form, as should be deemed best. In the latter case, they should be built at sufficient distance from the inner circle to afford abundant space for the future introduction of supplementary iron cases for books, falling rank behind rank, and giving thus the means of attaining that cardinal desideratum of all libraries, yet never reached in any, namely, the arrangement of all accessions in close juxtaposition to their related books on similar topics. On this plan, which may be termed the expansive method of construction, the original outlay upon the architecture of the building would be greatly less than if it were completed at once. The principal element of cost is in the great amount of material and the finishing of the iron interior, a large share of which could thus be postponed until needed for actual use.

Besides the space thus reserved for library growth, spacious apartments would be required, and could readily be constructed, for the following purposes:

1. A copyright record room, to contain all the archives of that department in convenient compass, and systematically arranged in the spot where the clerical labor connected with the copyright business is performed.

2. A map-room of spacious dimensions, in which the thousands of separate maps now accumulated and hereafter to accumulate in the

Library could be thoroughly classified, catalogued, and utilized for reference at a moment's notice. In the present library rooms, such an arrangement has been and must ever remain impossible.

3. A department for engravings, chromos, photographs, and other works of the fine arts received under the law of copyright. These fast-accumulating stores, many of which are of great interest and value, are now, from the necessity of the case, kept in piles only partially arranged and exceedingly difficult of reference.

4. A periodical-room, in which all current files of journals, magazines, and other serials should be systematically arranged and ready for reference, until converted into books by being bound.

5. A packing-room, where all the mechanical operations of the Library could be performed.

The cost of such a library building as is here roughly outlined would not, in the judgment of the Architect of the Capitol extension, exceed a million of dollars. I have not deemed myself justified, in advance of the action of the committee, in procuring drawings or detailed estimates to accompany this report. This approximate estimate is based upon the employment of marble as a material for the exterior walls, and iron for the interior, except in such details as would more properly be constructed of brick, stone, or concrete. Whatever may be thought or finally determined respecting minor details, the importance of prompt action will, it is hoped, commend itself to the committee as an imperative necessity. It is possible to get along with the Library and the copyright business in their present position, under whatever disadvantages, for two or three years more. All of that time, probably, would be required for the proper construction of a new building. It can hardly be doubted that the people of the country would sanction any careful expenditure that may be required for the protection and future increase of the great and valuable Library which is fast becoming a just source of pride to American citizens. And it is with confidence in the wisdom and far-sighted liberality of Congress that this honorable committee is now asked to recommend a suitable appropriation for the commencement of a library building, which shall be the repository of the countless memorials of the past here gathered, and hand them down to a posterity who will have far more interest in the legacy than we are aware.

A. R. SPOFFORD,
Librarian.

Hon. L. M. MOERRILL,
Chairman of the Joint Committee on the Library.