REPORT

OF THE

LIBRARIAN OF CONGRESS

FOR THE

FISCAL YEAR ENDING JUNE 30 1903

DECEMBER 8 1903—Referred to the Committee on the Library
and ordered to be printed

WASHINGTON
GOVERNMENT PRINTING OFFICE
1903
SIR: I have the honor to submit my report as Librarian of Congress for the fiscal year ending June 30, 1903.

The activities of the year that may be indicated by statistics are set forth in the several statistical tables embodied in the text or appendices. These include a statement of the appropriations and their expenditure; the number of books, maps, manuscripts, prints, etc., added to the several collections; the number of pieces catalogued, classified, and located on the shelves; the number of catalogue cards and of other publications compiled, printed, and distributed during the year; the number of visitors and readers and the recorded use, and the volume of the copyright business. The progress of the Library which is more significant can not be expressed in figures. It consists in the gradual perfection of its equipment and of its service, in a development of its collections appropriate to its purpose as a library for research, and in a wider appreciation and acceptance of its functions as a national library, with a duty to the entire country.

FINANCE

The following table 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. Details are given in Appendix Ia.
Included also are the appropriations for the equipment and care of the building and grounds, expended by the Superintendent.

### Appropriations and Expenditures

<table>
<thead>
<tr>
<th>Object of appropriation</th>
<th>Appropriations, 1902</th>
<th>Appropriations, 1903</th>
<th>Expenditures, 1903</th>
<th>Appropriations, 1904</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library and Copyright Office:</td>
<td>$196,320.00</td>
<td>$231,600.00</td>
<td>$230,871.20</td>
<td>$235,660.00</td>
</tr>
<tr>
<td>Salaries, general service</td>
<td>1,412.77</td>
<td>1,545.55</td>
<td>2,739.33</td>
<td></td>
</tr>
<tr>
<td>Salaries, Sunday service</td>
<td>10,000.00</td>
<td>17,956.00</td>
<td>16,000.00</td>
<td></td>
</tr>
<tr>
<td>Salaries, distribution card index</td>
<td>1,227.99</td>
<td>4,900.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries, Copyright Office</td>
<td>87,800.00</td>
<td>106,750.00</td>
<td>66,700.00</td>
<td>70,440.00</td>
</tr>
<tr>
<td>Increase of Library</td>
<td>80,000.00</td>
<td>87,664.00</td>
<td>90,800.00</td>
<td></td>
</tr>
<tr>
<td>Contingent expenses</td>
<td>7,300.00</td>
<td>7,271.28</td>
<td>7,300.00</td>
<td></td>
</tr>
<tr>
<td>Printing and binding (allotment)</td>
<td>91,000.00</td>
<td>92,953.33</td>
<td>95,000.00</td>
<td></td>
</tr>
<tr>
<td>Total, Library and Copyright Office</td>
<td>477,722.77</td>
<td>508,702.88</td>
<td>504,723.58</td>
<td>515,829.33</td>
</tr>
<tr>
<td>Building and grounds:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Care and maintenance</td>
<td>76,945.00</td>
<td>72,665.00</td>
<td>72,131.14</td>
<td>74,745.00</td>
</tr>
<tr>
<td>Fuel, light, and miscellaneous</td>
<td>25,000.00</td>
<td>25,900.00</td>
<td>25,557.47</td>
<td>30,000.00</td>
</tr>
<tr>
<td>Furniture and shelving</td>
<td>50,000.00</td>
<td>45,000.00</td>
<td>41,338.16</td>
<td>45,000.00</td>
</tr>
<tr>
<td>Sunday opening</td>
<td>2,000.00</td>
<td>2,290.81</td>
<td>2,000.00</td>
<td></td>
</tr>
<tr>
<td>Grand total</td>
<td>585,667.77</td>
<td>668,814.88</td>
<td>656,041.23</td>
<td>708,064.33</td>
</tr>
</tbody>
</table>

- Including balance brought forward.
- No expenditure until September 14, 1902.
- Appropriation for last quarter of 1903, act of March 3, 1903.
- Increased from $55,480, in 1902, by act of April 26, 1902, and from $65,600, in 1903, by act of February 25, 1903.
- Exclusive of $5,500 to be expended by the marshal of the Supreme Court for new books for that body.
- Increased from $75,000, in 1902, by deficiency act of April 7, 1902, and from $50,000, in 1903, by deficiency act of March 3, 1903.
- Increased from $30,000 by deficiency act of March 3, 1903.

Of the $299,535 appropriated for salaries exclusive of the Sunday and special service, $1,322.21 were unexpended and covered into the Treasury. This sum represents not a surplus provision for service, but salaries for a time undrawn, those of employees temporarily absent without pay, or of new appointees who failed to qualify promptly after appointment.

Owing to the postponement of the Sunday opening until after the summer months, there was covered into the Treas-
Report of the Librarian of Congress

An unexpended balance of $2,742 of the appropriation of $10,000 made "to enable the Library to be kept open for reference use from 2 until 10 o'clock p.m. on Sundays."

Copyright Office.—The report of the Register of Copyrights appears as Appendix II to this report.

The principal statistics of the business are as follows:

<table>
<thead>
<tr>
<th>Fees received and applied</th>
<th>FY 1898-99</th>
<th>FY 1899-1900</th>
<th>FY 1900-1901</th>
<th>FY 1901-2</th>
<th>FY 1902-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic (50 cents) entries</td>
<td>$10,000.00</td>
<td>$13,254.00</td>
<td>$14,106.50</td>
<td>$13,172.50</td>
<td>$14,587.00</td>
</tr>
<tr>
<td>Foreign ($1) entries</td>
<td>8,100.00</td>
<td>8,100.00</td>
<td>8,536.00</td>
<td>8,651.00</td>
<td>9,299.00</td>
</tr>
<tr>
<td>For certificates</td>
<td>12,577.50</td>
<td>12,631.00</td>
<td>12,569.50</td>
<td>12,725.50</td>
<td>12,425.00</td>
</tr>
<tr>
<td>For assignments recorded</td>
<td>1,218.00</td>
<td>990.00</td>
<td>641.00</td>
<td>656.00</td>
<td>720.00</td>
</tr>
<tr>
<td>For searches</td>
<td>11.00</td>
<td>9.00</td>
<td>32.50</td>
<td>22.00</td>
<td>42.50</td>
</tr>
<tr>
<td>Total</td>
<td>58,207.00</td>
<td>65,206.00</td>
<td>65,687.50</td>
<td>64,907.00</td>
<td>68,801.50</td>
</tr>
</tbody>
</table>

| Total number of deposits received (material of all classes, including duplicates) | 120,443 | 141,444 | 162,283 | 156,726 | 177,519 |
| Total number of entries                        | 84,768   | 94,798   | 97,351   | 92,978   | 97,979   |

Total communications received, including parcels, but excluding deposits noted above: 67,666 66,573 78,457 79,143 77,009
Total communications sent out (including letters written): 46,739 102,244 114,795 110,364 113,349

It may be noted that the revenue from domestic entries tends to increase at an appreciably greater rate than that derived from the foreign entries. Taking the returns of the last five years as a basis for comparison, the income from domestic entries (50 cents) increased 21.4 per cent, and that from foreign entries ($1) less than 17 per cent.

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, giving a net revenue over the direct expenses of the office, as appears from the following comparison:

**Receipts**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees covered in during the fiscal year 1903, as above</td>
<td>$66,874.30</td>
</tr>
</tbody>
</table>

**Expenses**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries, as stated</td>
<td>$66,708.80</td>
</tr>
<tr>
<td>Stationery and sundries</td>
<td>$70.28</td>
</tr>
</tbody>
</table>

Net cash earnings: $67,579.08

The amount expended for salaries ($66,708.80) includes the sum of $4,680 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 the articles deposited, property to the value of many thousands of dollars. During the past fiscal year, 177,519 such articles were received, whose value of course far exceeded the amount of the net cash earnings.

**General Service**

On July 1, 1903, the Library service consisted of 297 employees, 234 in the Library proper and 63 in the Copyright Office, a total increase of 9 over the figures given for July 1, 1902. Of the 234 in the Library proper, 91 are in the Catalogue Division; 36 of the 234 fill the more subordinate positions of messengers, attendants in cloakrooms, etc., and 119 of the remaining 198 fill positions at salaries ranging from $480 to $900, inclusive. Nearly one-half of the force is composed of women, at salaries ranging from $360 to $1,600, inclusive.
COPYRIGHTS

The report of the Register of Copyrights is as usual appended in full (Appendix II). It contains the usual concise summaries of copyright receipts and the copyright business accomplished, illustrated by tables exhibiting in detail the fees, entries made, articles deposited, etc., with a statement of the actual condition of the work of the office up to the date of the report. It renews the recommendation for a commission to revise and to codify the copyright laws, and it adds in a supplementary section (Part III) a statement worthy of consideration as to the textual discrepancies of the present statutes and the contradictory provisions which result therefrom, and which are not merely a perplexity to authors,
Publishers, and their legal advisers, but a practical difficulty in the administration of the Copyright Office. The provisions of our laws are analyzed as to the subject-matter of copyright, the term of copyright protection and the copyright beneficiaries; and comparisons are made with the corresponding provisions of the copyright laws of other countries. The formalities required by our laws are specially dwelt upon, the entire copyright legislation being analyzed to show thegenesis and development of the statutory formalities which have become conditions precedent to copyright protection—the purpose of this retrospect being to raise the question whether valuable property rights should thus depend upon exact compliance with formalities which have nothing to do with the equitable rights involved.

The report includes also some treatment of the subject of international copyright and of copyright in the new dependencies of the United States, and it contains as appendices to the main text (1) a list of the public copyright laws of the United States (1783-1903), with notations of modifications, amendments, and repeals; (2) an arrangement of the text of title 6a, chapter 3 of the Revised Statutes relating to copyright to show all modifications by subsequent copyright legislation, bringing out the principal discrepancies, etc.; this last being printed in parallel columns; (3) a list of the foreign copyright laws in force, with citations to printed texts.

Deeming this analysis, comparison, and retrospect of indispensable importance to the consideration of any new copyright legislation or of any revision or codification of the present law, I have thought that it should be printed in full as an accompaniment to the report for this year, with the expectation that it will also be issued later as a separate.

Respectfully submitted

HERBERT PUTNAM,
Librarian of Congress.

The Honorable
THE PRESIDENT PRO TEMPORE OF THE SENATE.
### APPENDIX IA

**APPRAISATIONS AND EXPENDITURES, 1902-3**

<table>
<thead>
<tr>
<th>Object of expenditure</th>
<th>Appropriation</th>
<th>Expended</th>
<th>Unexpended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library service:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>$235,560.00</td>
<td>$230,281.20</td>
<td>$1,278.80</td>
</tr>
<tr>
<td>Copyright Office</td>
<td>66,750.00</td>
<td>7,159.00</td>
<td>66,750.00</td>
</tr>
<tr>
<td>Special service</td>
<td>$4,974.88</td>
<td>1,345.55</td>
<td>3,629.33</td>
</tr>
<tr>
<td>Total</td>
<td>$307,685.88</td>
<td>238,616.34</td>
<td>69,069.54</td>
</tr>
</tbody>
</table>

#### INCREASE OF LIBRARY

<table>
<thead>
<tr>
<th>Object of expenditure</th>
<th>Appropriation</th>
<th>Expended</th>
<th>Unexpended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of books</td>
<td>80,000.00</td>
<td>80,000.00</td>
<td></td>
</tr>
<tr>
<td>Purchase of periodicals</td>
<td>5,000.00</td>
<td>3,749.66</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Purchase of law books</td>
<td>5,000.00</td>
<td>2,143.45</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Exchange of public documents</td>
<td>1,500.00</td>
<td>1,500.00</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$87,500.00</td>
<td>57,045.11</td>
<td>2,454.89</td>
</tr>
</tbody>
</table>

#### CONTINGENT EXPENSES IN DETAIL

<table>
<thead>
<tr>
<th>Subject</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationery supplies</td>
<td>$4,557.61</td>
</tr>
<tr>
<td>Care and repair of automobile delivery wagon</td>
<td>803.97</td>
</tr>
<tr>
<td>Horse hire and care of wagon</td>
<td>188.80</td>
</tr>
<tr>
<td>Traveling expenses</td>
<td>747.39</td>
</tr>
<tr>
<td>Rubber stamps</td>
<td>352.07</td>
</tr>
<tr>
<td>Typewriter supplies</td>
<td>334.42</td>
</tr>
<tr>
<td>Postage stamps (foreign correspondence)</td>
<td>226.00</td>
</tr>
<tr>
<td>Tools</td>
<td>42.54</td>
</tr>
<tr>
<td>Telegrams</td>
<td>91.58</td>
</tr>
<tr>
<td>Post-office box rent</td>
<td>12.00</td>
</tr>
<tr>
<td>Total</td>
<td>7,771.78</td>
</tr>
</tbody>
</table>
Appendix 1b

APPROPRIATION ACT FOR THE YEAR ENDING JUNE 30, 1904

LIBRARY OF CONGRESS

General administration: For Librarian of Congress, $6,000; chief assistant librarian, $4,000; chief clerk, $2,500; Librarian’s secretary, $1,800; 1 clerk (assistant to chief clerk), $1,000; 1 stenographer and typewriter, $1,000; 1 messenger, $840; in all, $17,140.

Mail and supply: For assistant in charge, $1,500; 1 assistant, $900; 1 messenger boy, $360; in all, $2,760.

Packing and stamping: For 2 attendants, at $720 each, $1,440. Order (purchasing): For chief of division, $2,500; 1 assistant, $1,500; 1 assistant, $1,200; 3 assistants, at $900 each; 2 assistants, at $720 each; 2 assistants, at $600 each; 1 assistant, $520; and 2 messenger boys, at $360 each; in all, $11,780.

Catalogue and shelf: For chief of division, $3,000; 5 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 messengers, at $360 each; in all, $87,740.

Binding: For 1 assistant in charge, $1,200; 1 assistant, $900; 1 messenger boy, $360; in all, $2,460.

Bibliography: For chief of division, $3,000; 1 assistant, $1,200; 2 assistants, at $900 each; 1 assistant, $720; 1 stenographer, $600; and 1 messenger boy, $360; in all, $7,980.

Reading rooms (including evening service) and special collections: For 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; 10 assistants, at $720 each; 1 attendant, Senate reading room, $900; 1 attendant, Representatives' reading room, $900; 1 attendant, Representatives' reading room, $720; 2 attendants, cloakrooms, at $720 each; 1 attendant, Toner Library, $900; 1 attendant, Washingtonian Library, $900; 4 messenger boys, at $360 each; 2 watchmen, at $720 each; evening service: 5 assistants, at $900 each; 15 assistants, at $720 each; in all, $47,640.

Periodical (including evening service): For chief of division, $2,000; chief assistant, $1,500; 2 assistants, at $900 each; 3 assistants, at $720 each; 2 messenger boys, at $360 each; for arrears of sorting and collating and to enable periodical reading room to be open in the evening: 2 assistants, at $720 each; in all, $9,620.

Documents: For chief of division, $3,000; 1 assistant, $1,200; 1 stenographer and typewriter, $900; 1 assistant, $720; 1 messenger, $360; in all, $6,180.

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

Maps and charts: For chief of division, $3,000; 1 assistant, $1,200; 2 assistants, at $900 each; 1 assistant, $720; 1 messenger boy, $360; in all, $7,080.

Music: For chief of division, $2,000; 1 assistant, $1,400; 1 assistant, $1,000; 2 assistants, at $720 each; 1 messenger boy, $360; in all, $6,200.

Prints: For chief of division, $2,000; 1 assistant, $1,200; 2 assistants, at $900 each; 1 messenger, $360; in all, $5,360.

Smithsonian deposit: For custodian, $1,500; 1 assistant, $1,200; 1 messenger, $720; 1 messenger boy, $360; in all, $3,780.

Congressional Reference Library: For custodian, $1,500; 1 assistant, $1,200; 1 assistant, $900; 1 assistant, $720; 2 messenger boys, at $360 each; in all, $5,040.

Law Library: For custodian, $2,500; 2 assistants, at $1,400 each; 1 messenger, $900; one assistant for evening service, $1,500; in all, $7,700.
division, $2,000; 2 clerks, at $1,800 each; 4 clerks, at $1,000 each; 8 clerks, at $1,400 each; 10 clerks, at $1,200 each; 5 clerks, at $1,000 each; 12 clerks, at $900 each; 2 clerks, at $800 each; 10 clerks, at $720 dollars each; 1 clerk, $600; 1 messenger boy, $50. Arrears, special service: 3 clerks, at $1,200 each; 1 porter, $720; 1 messenger boy, $360; in all, $70,440.

To enable the Librarian of Congress to employ during the last quarter of the fiscal year 1903 such of the additional assistants in the Copyright Office as are herein provided for in the Library of Congress for the fiscal year 1904, and at the rates of compensation provided, $1,230, or so much thereof as may be necessary.

For service in connection with the distribution of card indexes and other publications of the Library, $4,900.

To enable the Librarian of Congress to secure during the last quarter of the fiscal year 1903 the service that may be necessary in connection with the distribution of the card indexes and other publications of the Library, $1,225, or so much thereof as may be necessary.

For special, temporary, and miscellaneous service, at the discretion of the Librarian, to continue available until expended, $2,000.

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 and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, $90,000.

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, $5,000;

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 expenses of exchanging public documents for the publications of foreign governments, $1,800;
For miscellaneous periodicals and newspapers, $5,000;
In all, $101,300.
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, $7,300.
The head of any Executive Department or bureau or any commission of the Government is hereby authorized from time to time to turn over to the Librarian of Congress, for the use of the Library of Congress, any books, maps, or other material in the library of the department, bureau, or commission no longer needed for its use, and in the judgment of the Librarian of Congress appropriate to the uses of the Library of Congress.
Any books of a miscellaneous character no longer required for the use of such department, bureau, or commission, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, be turned over to that library for general use as a part thereof.
CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: For superintendent of the Library building and grounds, $5,000; for clerks, messengers, watchmen, engineers, firemen, electricians, elevator conductors, mechanics, laborers, charwomen, and others, as follows: Chief clerk, $2,000; clerk, $1,600; clerk, $1,400; clerk, $1,100; messenger; assistant messenger; telephone operator, $600; captain of watch, $1,400; lieutenant of watch, $1,000; 18 watchmen; carpenter, $900; painter, $900; foreman of laborers, $900; 15 laborers, at $480 each; 2 attendants in ladies' room, at $480 each; 2 check boys, at $360 each; mistress of charwomen, $1,250; assistant mistress of charwomen, $300; 40 charwomen; chief engineer, $1,500; 1 assistant engineer, $1,200; 3 assistant engineers, at $1,000 each; electrician, $1,500; assistant electrician, $1,000; 1 machinist, $1,000; 1 machinist, $900; 2 wiremen, at $900 each; plumber, $900; 2 elevator conductors, at $720 each; 9 firemen; 5 skilled laborers, at $720 each; in all, $74,745.
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, $2,500.

For fuel, lights, repairs, and miscellaneous supplies, electric and steam apparatus, reference books, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, $30,000.

For furniture, including partitions, screens, shelving, and mechanical window shades for book stacks, $45,000.
Appendix Ic

LETTER TO THE SECRETARY OF THE TREASURY IN EXPLANATION OF THE ESTIMATES FOR THE FISCAL YEAR 1905

[Statements in italics added for information of committee.]

THE LIBRARY OF CONGRESS,
Washington, October 1, 1903.

SIR: I have the honor to submit herewith estimates of the appropriations in my judgment requisite for the Library of Congress for the fiscal year ending June 30, 1905.

Except as noted below, the amounts asked for are precisely the same as those appropriated for the present fiscal year. Except also as specially noted below, the few increases asked for were included in my estimates for the present year and, in most cases, in my estimates for several years past. They represent, therefore, the residue of recommendations, the greater part of which have been granted during the past three years.

INCREASE OF FORCE

General administration:
1 stenographer and typewriter (recommended for 1904—granted by Senate), at .................................................. $1,000

Periodical Division:
1 stenographer and typewriter (recommended for 1904), at .... 900
2 Total increase of force in the Library proper .............. 1,900

Copyright Office:
1 clerk (recommended for 1904 in place of 1 clerk at $1,600), at... 1,800
3 clerks (recommended for 1904), at $1,000 each ............ 3,000
1 clerk (recommended for 1904), at ................................ 900
1 clerk at ...................................................... 600
1 messenger boy at ........................................ 360
7 Total increase of force in the Copyright Office........ 6,660

The increase of force asked for in the Library proper consists only of two assistants, both of whom were requested for the present year. The law now provides for one stenographer in my Office. I am continually using not less
than two, and during the major part of the year three. These I can at present arrange for only by detail from other divisions which can no longer spare them.

The additional clerks in the Copyright Office were all included in my estimates for the present year, with the exception of one clerk at $600 and one messenger boy at $560.

To enable the Librarian of Congress to employ during the last quarter of the fiscal year 1904 each of the additional assistants in the Copyright Office as are herein provided for in the Library of Congress for the fiscal year 1905, and at the rates of compensation provided, $1,665, or so much thereof as may be necessary.

This authority was granted in the case of the appointees to the Copyright Office provided for the present year, and will add greatly to the efficiency of the force in handling current business of importance to the public during the present year.

INCREASES OF SALARY

[All recommended for the present year and for several years past—the residue of the changes necessary to equalize the roll.]

Binding.—Chief assistant, $1,500, in place of assistant at $1,200; increase of $300.

Bibliography.—Chief assistant, $1,500, in place of assistant at $1,200; increase of $300. ($1,400 granted by Senate at last session.)

Catalogue Division.—One assistant in charge of old classification, $2,000; and one assistant in charge of reclassification, $2,000—total, $4,000; in place of two assistants at $1,800 each—total, $3,600; increase of $400. (Granted by Senate at last session.)

Documents.—Chief assistant, $1,500, in place of assistant at $1,200; increase of $300. ($1,400 granted by Senate at last session.)

Maps and charts.—Chief assistant, $1,500, in place of assistant at $1,200; increase of $300. ($1,400 granted by Senate at last session.)

Music.—Chief assistant, $1,500, in place of assistant at $1,400; increase of $100.
Estimates for the Fiscal Year 1905

Prints.—Chief assistant, $1,500, in place of assistant at $1,200; increase of $300. ($7,400 granted by Senate at last session.)

Smithsonian deposit.—Chief assistant, $1,500, in place of assistant at $1,200; increase of $300.

Total: Nine increases at a cost of $2,300.

DISTRIBUTION OF CARD INDEXES

Six thousand eight hundred dollars* in place of $4,900—an increase of $1,900. The cost of this service is reimbursed to the Government by the subscriptions for the cards sold. The volume of the business is increasing progressively; but the increase for the coming fiscal year will, for several reasons which I shall explain to the committee, be more than proportional to the present rate of increase.

INDEX TO COMPARATIVE LEGISLATION

For services during the fiscal year 1905 in connection with the work of preparing an Index to Comparative Legislation, including also subscriptions to and purchase of publications and other necessary material, and for traveling expenses, transportation, stationery, postage, and all incidental expenses incurred therein, $28,000.

The above item was in my estimates for the present year. I repeat it out of consideration for the importance of the project and the interest which has been expressed in it, both in and out of Congress.

INCREASE OF LIBRARY

One hundred thousand dollars in place of $90,000—a repetition of my recommendations during the past three years, and the minimum sum needed for the proper development of the Library at its present stage under existing conditions. (Granted by Senate at last session.)

Very respectfully

Herbert Putnam,
Librarian of Congress.

The Honorable
The Secretary of the Treasury.

*In estimates by error, $5,000. The larger sum indispensable.
Appendix II

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1902-3

WASHINGTON, D. C., July 3, 1903

The copyright business and the work of the Copyright Office for the fiscal year from July 1, 1902, to June 30, 1903, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were $71,533.94. A balance of $1,217.40, representing trust funds and unfinished business, was on hand July 1, 1902, making a total of $72,751.31 to be accounted for. Of this amount $2,184.97 was refunded, having been sent to the Copyright Office as excess fees, or as fees for articles not registrable, leaving a net balance of $70,566.34. The balance carried over July 1, 1903, was $1,691.84 (representing trust funds, $1,201.76, and total unfinished business since July 1, 1897—six years—$490.08), leaving for fees applied during the fiscal year 1902-3, $68,874.50.

EXPENDITURES

Of the appropriations made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1903 ($65,520), the amount used was $65,478.80, and, in addition, $1,230, the special appropriation to cover increased salaries for the last quarter of the fiscal year 1903, making a total expenditure for salaries of $66,708.80, or $2,165.70 less than the net amount of fees earned and paid into the Treasury. The expenditure for supplies, stationery, postage on foreign mail matter, and other articles except furniture, was $870.28. The necessary furniture is paid for out of a special appropriation, and the cost of the record
Regisier of Copyrights

books, bulletins, and other printed matter is charged to the appropriation for printing. The figures for these expenditures are not available.

The copyright fees received and paid into the United States Treasury during the last six fiscal years, from July 1, 1897, to June 30, 1903, amount to $376,648.50, while the sum used of the appropriations for salaries during that period was $282,665.06, leaving an excess of fees over appropriations used for service for the six years of $93,983.44.

During these same six years the articles received as deposits amount to a grand total of 884,541 pieces, including two copies each of 41,955 books and pamphlets, 31,552 leaflets, 38,983 periodical contributions, 3,895 dramatic compositions, 96,424 separate numbers of periodicals, 111,504 musical compositions, 9,213 maps and charts, 27,074 engravings, cuts, and prints, 8,635 chromos and lithographs, 66,326 photographs, and 389 miscellaneous articles. In addition to the above, 12,641 photographs were deposited to identify the same number of original works of art—paintings, drawings, and statuary—of which the descriptions had been filed. Many of these articles are of considerable value.

Copyright Entries and Fees

The entries of titles for the fiscal year reached the highest number in the history of the Copyright Office, namely, 97,979. Of these entries 88,680 were titles of the productions of persons (citizens or residents) of the United States and 9,299 were titles of works by foreigners. The fees for these entries were: United States, $44,340; foreign, $9,299; or a total of $53,639.

Of the foreign entries 2,513 were with certificates, and of the United States entries 23,210; or a total of 25,723 certificates at fees amounting to $12,861.50. In addition, 3,123 copies of record were furnished for $1,651.50 in fees; assignments to the number of 658 were recorded and certified at a charge of $770, and search fees charged to the amount of $42.50. The details of the Copyright Office business and applied fees are set out in Exhibits A, B, and C.

The number of entries in each class from July 1, 1902, to June 30, 1903, as compared with the number of entries made in the previous fiscal year, is seen in Exhibit F.
COPYRIGHT DEPOSITS

The various articles deposited in compliance with the copyright law, which have been receipted for, stamped, credited, indexed, and catalogued during the fiscal year, amount to 177,519. This is a gain of 7,793 over the preceding fiscal year. The number of these articles in each class for the last six fiscal years is shown in Exhibit G, and indicates a grand total of 884,541 articles received in the six years.

COPYRIGHT CATALOGUE AND INDEX

The usual four quarterly volumes of the Catalogue of Title Entries were printed, but, although containing more entries than the four volumes for the previous fiscal year, the number of printed pages is less (5,619), owing to the careful method of condensation used in making the required statements of name of claimant, date, number of entry, etc.

The title index cards for the fiscal year number 154,985. After having been first used as the copy for the printed catalogue required to be produced weekly by the act of Congress of March 3, 1891 (Fifty-first Congress, second session, chapter 565), these cards are added to the permanent card indexes of the copyright entries which now number a total of 972,650 cards.

SUMMARY

Balance on hand July 1, 1902 ...... $1,217.40
Gross receipts July 1, 1902, to June 30, 1903.......................... 71,531.91
Total to be accounted for ............... $72,751.31
Refunded .................................. 2,184.97
Balance to be accounted for ......... 70,566.34
Applied as fees earned .......................... $68,874.50
Balance carried over to July 1, 1903:
Trust funds .................................. 1,201.76
Unfinished business, July 1, 1897, to June 30, 1903, six years .............. 490.08
1,691.84

70,566.34
Register of Copyrights

Total fees earned and paid into Treasury during the six fiscal years from July 1, 1897, to June 30, 1903 .......... $376,648.50
Total unfinished business for the six years ............... 490.08

ENTRIES

Number of entries of United States productions recorded .... 88,680
Number of entries of foreign productions recorded .......... 9,299

Total number of titles recorded .................................. 97,979
Number of certificates of United States entries .......... 23,210
Number of certificates of foreign entries ..................... 2,513

Total number of certificates ..................................... 25,723
Number of certified copies of record ......................... 3,173
Number of assignments recorded ................................. 658

FEES

Fees for entry of titles, United States productions, at 50 cents each ...................... $44,340.00
Fees for entry of titles of foreign productions, at $1 each .................................. 9,299.00

Total fees for titles recorded ................................... 53,639.00
Fees for certificates, United States entries, at 50 cents each ................................ 11,605.00
Fees for certificates, foreign entries, at 50 cents each ........................................ 1,256.50

Total fees for certificates ........................................ 12,861.50
Fees for certified copies of record, at 50 cents each .......... 1,561.50
Fees for recording assignments .................................. 770.00
Sixteen searches made and charged for at the rate of 50 cents for each hour of time consumed .......... 42.50

Total fees .......................................................... 68,874.50

CONDITION OF COPYRIGHT OFFICE WORK

(a) Current work

The current work of the Copyright Office is now kept as nearly up to date as is possible in an office where the daily business is so fluctuating. During the year the title registrations have varied from 98 in one day to 3,427 on another day. A clerical force large enough to clear off immediately the applications received on exceptionally large days would be idle during the days when a small number of applications were received. Owing to this fluctuation in the num-
ber of applications (a matter over which the office has no control) a system of administration has been found necessary that will admit of an immediate shifting of clerical force to any congested spot, so that there can be a prompt clearing up of the accumulated business. It is greatly to be desired that promptness and dispatch should be exercised everywhere, so that there shall be the least inconvenience to any one interested. But somewhere it must be arranged, with a view to reasonable economy, that the accumulation be rationally and systematically dealt with while not blocking the flow of daily incoming business. The immediate acknowledgment of applications and fees is very desirable, and the recording and daily balancing and accounting for the latter imperative. The prompt classification, dating, and numbering of all the titles are required to keep up a steady flow of work, and immediate indexing is also necessary, in order to answer correctly the daily inquiries, while such entries as call for certificates (about one-fourth of the whole) must be promptly recorded to enable the early dispatch of these documents.

It is in the marking, recording, and revising of the non-certificate entries (about 75,000 annually) that the normal regulator is found for the fluctuating applications. During any period of exceptionally large receipts of titles, the recording division necessarily has an accumulation of work. The material must be so handled that immediate entry can be made of any one or more titles should occasion arise, while the remaining accumulation is gradually and systematically overtaken, the average daily output being such as would accomplish the total annual amount within the year.

At this date (July 3, 1903) the remittances received up to the third mail of today have been recorded and acknowledged. 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 July 2 have been passed upon, and refunds made. The total unfinished business for the full six years from July 1, 1897, to June 30, 1903, amounts to but $490.08.
Titles for record in Classes A and C (books and music) have been dated, classified, and numbered to July 1, and all other classes to July 2. All titles recorded are indexed up to July 1, except Class A (books) which are indexed to June 30. The articles deposited are stamped, catalogued, and credited up to the receipts of June 27 of Class A (books), excepting 483 pamphlets; June 27 of Classes F (engravings), G (chromos and lithographs), H (photographs), and I (original works of art); while Class C (music) and Class E (maps and charts) are credited to June 30, and Class B (periodicals) to July 2, and Class D (dramatic compositions) to July 1. The Catalogue of Title Entries has been brought forward to No. 626 of July 2, 1903.

The certificate and non-certificate entries (all classes) have been recorded to June 30, inclusive, and certificates to the same date made, revised, and mailed. In addition 254 of the July entries have been recorded, while the total entries still requiring to be recorded up to 4 p.m., July 3, number 691.

At the close of this day, July 3, there are on hand 96 letters requiring to be answered. The letters of inquiry received during the year amounted to 28,438, while 35,016 letters contained remittances; and the post cards and packages numbered 10,002, or a total of 73,456. The remittances were: Money orders, 21,675; express orders, 1,350; drafts, 528; checks, 3,799; and letters containing coin or currency to the number of 7,664.

The mail matter dispatched during the year was as follows: Dictated letters, 16,748; circular letters, 8,135; dictated post cards, 2,065; formal acknowledgments, 57,471; parcels of certificates, 17,539; packages of application forms, 13,315; miscellaneous packages and receipts for deposits, 5,976, or a total of 121,249.

(b) Copyright business prior to July 1, 1897

Congress, in the appropriation act for the fiscal year just closed, continued the special force of three clerks, a porter, and a messenger boy for work on the arrears of Copyright Office business prior to July 1, 1897. The examination and arrangement of the mass of deposits has been continued.
About one-half of the collection of music, numbering more than a quarter of a million pieces, has been gone over and 61,904 credited musical compositions segregated and arranged by years of deposit, while 52,903 pieces of uncredited music have been arranged under the names of the copyright claimants.

Credited articles to the number of 12,058 (books, maps, photographs, engravings, etc.) have been properly filed away under year and number, while out of the uncredited mass 64,377 articles have been alphabetized, or otherwise properly arranged, including 3,400 books, 42,215 pamphlets, 16,249 periodical numbers, 1,976 photographs and engravings, and 537 miscellaneous articles. The laborious and necessarily slow work of carefully examining the indexes and records in order to indentify the deposits and credit them has been completed for 4,911 articles, resulting in the crediting and filing away of 3,943 articles. In the case of 968 deposited articles this careful and exhaustive examination demonstrated that identification and credit could not be made, and they were forwarded for distribution to the shelves of the Library, proper index cards, etc., having been made to show how the articles were disposed of.

**COPYRIGHT LEGISLATION**

In my last two annual reports I have urged the need for a revision of the copyright laws, and have suggested the recommendation to Congress of the appointment of a competent copyright commission. The time would seem to have arrived for dealing with this subject as a whole, not attempting further merely partial or temporizing legislation. The interests of many classes and a large number of people are affected by copyright legislation. These interests are not always identical. A full and fair consideration of the claims of all interested parties is demanded.

Our present copyright system is a highly technical one, largely due to its uneven development by means of many separate enactments dealing with particular matters, or framed to meet special exigencies. Valuable rights have thus come to depend upon exact compliance with statutory formalities which have in reality nothing to do with the
equitable rights involved. Our courts have felt called upon to construe the copyright statutes with great strictness, with the result that the defense of literary or artistic property against infringement may be rendered defective by reason of failure to have fully complied with purely arbitrary requirements. A late decision of the Supreme Court of the United States is to the effect that copyright was lost upon the books of two of America's most venerated authors by reason of variances in the printed notices of copyright and inability to prove the deposit of copies of the periodical originally containing the works in question, a characteristic illustration of the failure to secure to the author or his family that certain compensation for valuable literary production which was intended by the Federal legislature.

Our present copyright laws are inadequate, failing to give the protection required; contradictory and confused, leading to misapprehension and misunderstanding, and in some directions are open to abuses. Before the opening of the next session I desire to submit a special and detailed report upon copyright legislation, in the hope that Congress will be willing to give this subject the prompt attention which its importance demands.

Respectfully submitted

THORVALD SOLBERG,
Register of Copyrights.

HERBERT PUTNAM,
Librarian of Congress.
### Exhibit A.—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1903

<table>
<thead>
<tr>
<th>Month</th>
<th>Gross cash receipts</th>
<th>Refunds</th>
<th>Net receipts</th>
<th>Fees applied</th>
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<td>$100.55</td>
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<td>5,383.13</td>
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<td>5,510.40</td>
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<td>8,098.75</td>
<td>245.59</td>
<td>7,853.16</td>
<td>7,225.50</td>
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1903

| January    | 8,033.81            | 127.11  | 7,906.70     | 8,070.00     |
| February   | 5,950.48            | 163.14  | 5,787.34     | 5,119.00     |
| March      | 6,119.34            | 276.04  | 5,843.30     | 5,993.00     |
| April      | 6,096.89            | 191.75  | 5,905.14     | 6,025.00     |
| May        | 5,295.02            | 164.30  | 5,130.72     | 5,074.50     |
| June       | 5,821.95            | 167.82  | 5,654.13     | 5,784.50     |
| **Total**  | **31,533.95**       | **2,384.97** | **29,148.98** | **30,874.50** |

Balance brought forward from June 30, 1902: $1,417.49
Gross receipts, July 1, 1902, to June 30, 1903: 71,533.95
Less refunds from receipts of July 1, 1903, to June 30, 1903: 2,384.97
To be accounted for: 70,956.54
Balance carried forward July 1, 1903:

| Trust fund | $1,201.76 |
| Unfinished business | 490.05 |

Fees applied July 1, 1902, to June 30, 1903: 68,874.50
### Register of Copyrights

#### EXHIBIT B.—Statement of fees paid into Treasury

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<th>Date</th>
<th>Check number</th>
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</table>

**Total** |              | $98,572.50 |          |              |         |

Note.—A deposit is made on each Monday (not a legal holiday) for the amount of the week's fees in round figures, and an additional check is deposited early in the month to transfer the balance of fees due for the preceding month. Each balancing check is numbered 392, 393, 394, etc. The check of Monday, November 1, 1902 (No. 391), covered both the weekly remittance and the amount of the balance due on the October account.
### Report of the Librarian of Congress

**EXHIBIT C.—Record of applied fees**

<table>
<thead>
<tr>
<th>Month</th>
<th>Number of certificates filed</th>
<th>Fees at 50 cents each</th>
<th>Total numbers of United States productions</th>
<th>Fees at 50 cents each</th>
<th>Total number of titles entered</th>
<th>Total number of applications for certificates recorded</th>
<th>Number of certificates issued</th>
<th>Fees at 50 cents each</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>$79.50</td>
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<td>6,451</td>
<td>3,075.50</td>
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<td>79.50</td>
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<td>504.00</td>
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<td>7,122</td>
<td>3,052.50</td>
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<td>79.50</td>
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<td>812.00</td>
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<td>3,095.50</td>
<td>7,771</td>
<td>3,071.50</td>
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<td>3,048.50</td>
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<td>854.00</td>
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<td>3,095.50</td>
<td>6,907</td>
<td>3,800.50</td>
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<td>190.50</td>
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<td><strong>1,250.00</strong></td>
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<table>
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<tr>
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<th>Fees at 50 cents each</th>
<th>Total certificates</th>
<th>Fees at 50 cents each</th>
<th>Copies of records</th>
<th>Assignments</th>
<th>Charge for assignments</th>
<th>Search fees</th>
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<tr>
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<td>44.50</td>
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<td>45.50</td>
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<td><strong>73,715.00</strong></td>
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<td><strong>62,572</strong></td>
<td><strong>31,552</strong></td>
<td><strong>38,902</strong></td>
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<td><strong>395,770.00</strong></td>
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...
**Register of Copyrights**

**EXHIBIT D.—Copyright business (monthly comparison)  Monthly report, June, 1903**

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

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<thead>
<tr>
<th>Gross receipts</th>
<th>Business executed</th>
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<td></td>
<td>1902-3</td>
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<tr>
<td></td>
<td>Monthly receipts</td>
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<td>September</td>
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<td>June</td>
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<td><strong>Total</strong></td>
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### Exhibit B.—Statement of gross cash receipts, business executed, number of entries, etc., for six fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3

#### Gross receipts

<table>
<thead>
<tr>
<th>Month</th>
<th>1897-98</th>
<th>1898-99</th>
<th>1899-1900</th>
<th>1900-1901</th>
<th>1901-2</th>
<th>1902-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>54,357.70</td>
<td>55,100.74</td>
<td>53,186.87</td>
<td>55,527.21</td>
<td>55,702.28</td>
<td>58,426.52</td>
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<td>4,725.96</td>
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<td>4,789.61</td>
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#### Business executed

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<th>Month</th>
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<th>1899-1900</th>
<th>1900-1901</th>
<th>1901-2</th>
<th>1902-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
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<td>54,774.50</td>
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<td>4,470.00</td>
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<td><strong>Total</strong></td>
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<td>58,657.00</td>
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#### Number of entries

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<th>1899-1900</th>
<th>1900-1901</th>
<th>1901-2</th>
<th>1902-3</th>
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<td>6,056</td>
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<td>7,047</td>
<td>7,910</td>
<td>7,067</td>
<td>7,071</td>
</tr>
<tr>
<td>November</td>
<td>5,398</td>
<td>5,862</td>
<td>7,811</td>
<td>6,210</td>
<td>5,902</td>
<td>7,578</td>
</tr>
<tr>
<td>December</td>
<td>7,386</td>
<td>7,286</td>
<td>7,281</td>
<td>9,603</td>
<td>9,190</td>
<td>9,572</td>
</tr>
<tr>
<td>January</td>
<td>6,320</td>
<td>5,365</td>
<td>12,346</td>
<td>9,871</td>
<td>12,321</td>
<td>13,578</td>
</tr>
<tr>
<td>February</td>
<td>5,414</td>
<td>5,987</td>
<td>7,331</td>
<td>6,521</td>
<td>7,313</td>
<td>7,171</td>
</tr>
<tr>
<td>March</td>
<td>6,389</td>
<td>7,417</td>
<td>8,301</td>
<td>7,726</td>
<td>7,352</td>
<td>8,656</td>
</tr>
<tr>
<td>April</td>
<td>6,494</td>
<td>6,551</td>
<td>8,016</td>
<td>7,410</td>
<td>7,527</td>
<td>7,899</td>
</tr>
<tr>
<td>May</td>
<td>6,222</td>
<td>6,936</td>
<td>7,500</td>
<td>6,021</td>
<td>8,238</td>
<td>6,997</td>
</tr>
<tr>
<td>June</td>
<td>5,922</td>
<td>6,251</td>
<td>7,050</td>
<td>7,433</td>
<td>7,821</td>
<td>5,877</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>39,373</td>
<td>41,724</td>
<td>91,778</td>
<td>62,351</td>
<td>62,072</td>
<td>57,779</td>
</tr>
</tbody>
</table>
Register of Copyrights

EXHIBIT E.—Statement of gross cash receipts, business expenses, number of entries, etc.—Continued

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Gross receipts</th>
<th>Increase</th>
<th>Decrease</th>
<th>Yearly fees</th>
<th>Increase</th>
<th>Decrease</th>
<th>Number of entries</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837-38</td>
<td>764,090.00</td>
<td></td>
<td></td>
<td>586,906.50</td>
<td></td>
<td></td>
<td>75,515</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1838-39</td>
<td>64,195.50</td>
<td></td>
<td></td>
<td>96,666.00</td>
<td></td>
<td></td>
<td>80,968</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1839-1900</td>
<td>71,672.50</td>
<td>66,286.00</td>
<td></td>
<td>66,286.00</td>
<td>66,286.00</td>
<td>66,286.00</td>
<td>94,798</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1900-1902</td>
<td>69,535.50</td>
<td>1,547.00</td>
<td></td>
<td>65,025.50</td>
<td>1,547.00</td>
<td></td>
<td>97,381</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1901-2</td>
<td>68,495.00</td>
<td></td>
<td></td>
<td>64,195.00</td>
<td></td>
<td></td>
<td>92,973</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1902-3</td>
<td>71,553.50</td>
<td></td>
<td></td>
<td>66,286.00</td>
<td></td>
<td></td>
<td>97,973</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

EXHIBIT F.—Table of entries of titles made during two fiscal years, 1911-2 and 1922-3, arranged by classes

<table>
<thead>
<tr>
<th>Class A. Books:</th>
<th>1911-2</th>
<th>1922-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Books proper (volumes)</td>
<td>5,299</td>
<td>10,584</td>
</tr>
<tr>
<td>(2) Miscellaneous articles entered under the term &quot;book&quot; as used in the copyright law—e.g., circulars, leaflets, etc.</td>
<td>3,174</td>
<td>5,847</td>
</tr>
<tr>
<td>(3) Newspaper and magazine articles</td>
<td>6,099</td>
<td>8,099</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class B. Periodicals</th>
<th>24,777</th>
<th>26,464</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class C. Musical compositions</td>
<td>21,971</td>
<td>23,625</td>
</tr>
<tr>
<td>Class D. Dramatic compositions</td>
<td>13,765</td>
<td>21,161</td>
</tr>
<tr>
<td>Class E. Maps or charts</td>
<td>1,425</td>
<td>1,645</td>
</tr>
<tr>
<td>Class F. Engravings, cuts, or prints</td>
<td>1,798</td>
<td>1,798</td>
</tr>
<tr>
<td>Class G. Chromos or lithographs</td>
<td>2,010</td>
<td>2,232</td>
</tr>
<tr>
<td>Class H. Photographs</td>
<td>5,999</td>
<td>3,546</td>
</tr>
<tr>
<td>Class I. Original works of art—paintings, drawings, and sculpture</td>
<td>2,841</td>
<td>5,639</td>
</tr>
</tbody>
</table>

Grand total | 92,973 | 97,973 |
### Exhibit G.—Table of articles deposited during six fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3

<table>
<thead>
<tr>
<th>Type of Article</th>
<th>1897-98</th>
<th>1898-99</th>
<th>1899-1900</th>
<th>1900-1901</th>
<th>1901-2</th>
<th>1902-3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Books:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Books proper</td>
<td>5,575</td>
<td>5,834</td>
<td>6,359</td>
<td>7,246</td>
<td>7,047</td>
<td>9,222</td>
<td>41,954</td>
</tr>
<tr>
<td>(b) Volumes, circulars, pamphlets, etc.</td>
<td>4,102</td>
<td>4,196</td>
<td>5,053</td>
<td>5,779</td>
<td>6,299</td>
<td>5,238</td>
<td>31,251</td>
</tr>
<tr>
<td>(c) Newspaper and magazine articles</td>
<td>3,903</td>
<td>5,092</td>
<td>8,057</td>
<td>9,046</td>
<td>5,577</td>
<td>7,907</td>
<td>36,697</td>
</tr>
<tr>
<td>2. Dramatic compositions</td>
<td>234</td>
<td>507</td>
<td>901</td>
<td>934</td>
<td>930</td>
<td>986</td>
<td>3,904</td>
</tr>
<tr>
<td>3. Periodicals (number)</td>
<td>13,726</td>
<td>9,777</td>
<td>14,147</td>
<td>17,717</td>
<td>19,573</td>
<td>21,464</td>
<td>99,423</td>
</tr>
<tr>
<td>4. Musical compositions</td>
<td>17,217</td>
<td>19,076</td>
<td>16,505</td>
<td>16,796</td>
<td>21,995</td>
<td>19,801</td>
<td>114,595</td>
</tr>
<tr>
<td>5. Maps and charts</td>
<td>1,067</td>
<td>1,478</td>
<td>1,350</td>
<td>1,170</td>
<td>1,266</td>
<td>1,801</td>
<td>9,212</td>
</tr>
<tr>
<td>6. Engravings, cuts, and prints</td>
<td>2,912</td>
<td>3,593</td>
<td>3,393</td>
<td>3,687</td>
<td>5,093</td>
<td>5,856</td>
<td>27,673</td>
</tr>
<tr>
<td>7. Chromos and lithographs</td>
<td>747</td>
<td>1,059</td>
<td>1,267</td>
<td>1,917</td>
<td>1,757</td>
<td>2,006</td>
<td>5,654</td>
</tr>
<tr>
<td>8. Photographs</td>
<td>5,777</td>
<td>7,625</td>
<td>12,115</td>
<td>13,404</td>
<td>13,984</td>
<td>13,796</td>
<td>66,295</td>
</tr>
<tr>
<td>9. Miscellaneous (unclassified articles)</td>
<td>375</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>389</td>
</tr>
<tr>
<td><strong>Two copies of each article were received</strong></td>
<td>55,976</td>
<td>59,217</td>
<td>59,915</td>
<td>76,855</td>
<td>83,396</td>
<td>87,206</td>
<td>455,640</td>
</tr>
</tbody>
</table>

| 9. Photographs with titles of works of art for identification, one copy each | 111,932 | 118,434 | 129,832 | 139,714 | 166,770 | 174,572 | 871,280 |
| | 533 | 1,791 | 1,614 | 3,595 | 3,948 | 3,947 | 15,640 |
| **Grand total** | 112,465 | 120,225 | 131,446 | 143,310 | 169,715 | 178,517 | 886,920 |
and literary works." Two only of the States extended the protection beyond books, namely, Connecticut and North Carolina, whose laws included "maps and charts." Maps and charts

The first Federal statute of May 31, 1790, mentions only "map, chart, book or books;" the act of April 29, 1802, included "historical and other prints;" the first revision of February 3, 1831, extended the protection to musical compositions, and the act of August 18, 1856, to dramatic compositions. Photographs and photographic negatives were included by the act of March 3, 1865, but original works of art—paintings, drawings, statues, statuary, and "models or designs intended to be perfected as works of the fine arts"—were not brought under copyright protection until July 8, 1870, although previous to this date an amendment of the patent laws of August 29, 1842, included "any new and original design for a bust, statue, or bas-relief or composition in alto or basso-relieve."

Since the act of 1870 the list of copyright articles has not been enlarged by direct legislation. The act of March 3, 1891, however, refers to "lithograph" and "periodical" as articles which are copyrightable, and the act of August 1, 1892, in providing for the placing of the notice of copyright on "designs for molded decorative articles" mentions them as "subject to copyright," although they had not been thus designated in any previous act, an instance of the lack of cohesion in our copyright legislation. It will be observed that the terms employed to designate the articles to be protected are specific and not comprehensive so as to include several similar things under one designation.

In addition to the sole right of printing, copying, and vending, the acts of August 16, 1856, and of March 3, 1891, conferred the sole right of translation, of dramatization, and of representation, while the act of January 6, 1897, imposed drastic penalties for the unauthorized public performance of a musical composition.

The wording of the laws opens the way for many and various questions as to what articles are legitimate subjects of copyright, and application is constantly being made to the

"Connecticut, January session, 1783; North Carolina, November 14, 1796. (See Appendix A for full titles.)
PART III

REPORT

OF THE

REGISTER OF COPYRIGHTS

ON

COPYRIGHT LEGISLATION
LETTER OF TRANSMITTAL

Copyright Office,
Washington, D.C., December 1, 1903.

Sir: I herewith transmit a special report on the copyright legislation now in force in the United States, prepared with a view to bringing out the discrepancies in the texts of these various statutes and the contradictory provisions contained in them which result not only in practical difficulties in the administration of the Copyright Office but in frequent misunderstandings as to the nature and scope of the protection afforded by copyright.

I have briefly summarized the various provisions of our copyright laws, with occasional references to the corresponding provisions of the copyright statutes of other countries, and have supplemented my statement by (1) a list of all the public United States copyright enactments, with notations of modifications, amendments, and repeals; (2) the text of the Revised Statutes, title 60, chapter 3, relating to copyrights, with notations of the provisions of the act of July 8, 1870, and all subsequent laws relating to copyrights, in parallel columns; (3) a list of the foreign copyright laws in force, with citations to printed texts and translations.

Respectfully submitted

Thorvald Solberg,
Register of Copyrights.

Herbert Putnam,
Librarian of Congress.
## CONTENTS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present legislation</td>
<td>443</td>
</tr>
<tr>
<td>Textual revision</td>
<td>444</td>
</tr>
<tr>
<td>Copyright beneficiaries</td>
<td>448</td>
</tr>
<tr>
<td>Subject-matter of copyright</td>
<td>452</td>
</tr>
<tr>
<td>Right of translation</td>
<td>453</td>
</tr>
<tr>
<td>Term of protection</td>
<td>454</td>
</tr>
<tr>
<td>Statutory formalities</td>
<td>455</td>
</tr>
<tr>
<td>Filing of title</td>
<td>456</td>
</tr>
<tr>
<td>Deposit of copies</td>
<td>457</td>
</tr>
<tr>
<td>Notice of copyright</td>
<td>458</td>
</tr>
<tr>
<td>Hawaii, Porto Rico, Cuba, and the Philippines</td>
<td>459</td>
</tr>
<tr>
<td>International copyright relations</td>
<td>463</td>
</tr>
<tr>
<td>Copyright Office administration</td>
<td>465</td>
</tr>
<tr>
<td>Recommendation</td>
<td>467</td>
</tr>
<tr>
<td>Appendix A—List of all United States copyright enactments, 1783 to 1904, with notations of modifications, amendments, and repeals, etc.</td>
<td>469</td>
</tr>
<tr>
<td>Appendix B—The Revised Statutes, title 60, chapter 3, relating to copyrights, with notations of provisions of the act of July 8, 1870, and all subsequent enactments</td>
<td>479</td>
</tr>
<tr>
<td>Appendix C—List of foreign copyright laws in force, with citations of printed texts and translations</td>
<td>517</td>
</tr>
</tbody>
</table>
REPORT OF THE REGISTER OF COPYRIGHTS ON COPYRIGHT LEGISLATION

PRESENT LEGISLATION

The second revision of the copyright laws of the United States, the work of the Commissioners appointed under the act of June 27, 1866, to revise all the statute laws, replaced the previous copyright enactments by a single statute approved July 8, 1870. This was given further revision by the Commissioners, and with some amendment became Title LX, chapter 3, of the Revised Statutes of the United States, going into effect on December 1, 1873, and is still the fundamental copyright law of the country. Ten special enactments amending, modifying, or otherwise affecting it, have been passed since that date. It is not without significance that, within six months of the adoption by Congress of this result of the prolonged and conscientious labors of the Commissioners, the first of these ten amending acts was passed. It is illustrative of the inherent difficulties in legislating to secure the protection of literary and artistic property.

The copyright legislation now in force is not flexible enough to meet the needs of the present age of great material development. It is also difficult of interpretation, application, and administration. Textual contradictions and
inconsistencies not only abound, but the interpolation of the provisions of the amendatory acts into those of the Revised Statutes is frequently the cause of difficulty and doubt. Embarrassing questions also arise in relation to importation under the involved provisions, especially of the act of March 3, 1891, which have led to conflicting opinions by the law authorities. Moreover, the interests of literary and artistic producers are not guaranteed as they should be, and issues of practical importance which often arise between authors and publishers can not readily be met.

TEXTUAL REVISION

The drafting of the texts of the various copyright enactments has not been successful. In some places there is incompleteness, in others the phraseology is confusing, and even conflicting. The Attorney-General of the United States, when called upon for an opinion concerning some provisions of the copyright law, after quoting the stipulations of the statutes relating thereto, felt obliged to say:

"Under this kind of legislation it is impossible to arrive at any satisfactory conclusion as to what Congress really did intend by it."

Several of the amendatory acts consist mainly of provisos qualifying the provisions of former laws, and these are so worded as to leave the final meaning obscure and to give rise to troublesome questions. The provisions of the act of March 3, 1891, attempting to amend section 4956 of the Revised Statutes furnish a good illustration of the results of this method. Here there is a proviso to compel manufacture in the United States of four articles subject to copyright protection, and to give effect to the stipulation there is enacted the prohibition of importation of the articles. Then follow several clauses of exceptions to such prohibition of importation, including the bodily transfer to the copyright law of five whole paragraphs from the tariff act then in force. The result is the confusion which might have been predicted from the method of procedure employed.

In the constitutional provision authorizing Congress to legislate, the two subjects, patents and copyrights, are bracketed together, and the earlier bills attempted to deal with both subjects in one enactment. The Commissioners
Copyright Legislation

appointed to revise the statutes also made one "title" of patents, trade-marks, and copyrights, and it is due to this juxtaposition, no doubt, that the word "inventor" came to be inserted in sections 4952 and 4954 in naming the persons who may claim copyright protection. As the very nature of the protection to be secured by copyright legislation excludes the result of invention or discovery, this inclusion of the designation "inventor" among the beneficiaries of the act inevitably leads to misunderstanding.

In naming the articles subject to copyright (sec. 4952), no mention is made of lithographs, nor is any term used which can be said precisely to include these articles; but the act of March 3, 1891, amending section 4956 to stipulate American manufacture includes "lithograph" with chromo in the provision that the two copies to be deposited shall be from "drawings on stone made within the limits of the United States, or from transfers made therefrom." Periodicals are not named in section 4952 as subject-matter of copyright, but by section 11 of the act of March 3, 1891, it is required that each number of a periodical must be separately registered for copyright protection. The act of August 1, 1882, concerning the placing of the notice of copyright on such articles as "designs for molded decorative articles, tiles, plaques, or articles of pottery or metal" described these articles as "subject to copyright," but in the legislation previous to this enactment they are nowhere found thus designated, while they would seem to be included in the provisions of section 4929 of the patent law. These are only a few examples of the textual discrepancies found in the statutes, but they show the need for such careful editing of the text of the laws in force as shall clarify the meaning of the statutory provisions without raising question as to changing either their sense or the purpose or principles of the laws.

COPYRIGHT BENEFICIARIES

The copyright legislation of the United States rests upon section 8 of Article I of the Constitution, wherein it is provided that 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." It is primarily then the author who is the beneficiary of the copyright law, but the statutes name the "author," the "inventor," the "designer," or the "proprietor" of any book, etc., as the person who is to obtain the sole liberty of printing, and the "executors, administrators, or assigns of any such person." As already explained the use of the word "inventor" is probably due to the unfortunate coupling of patents and copyrights, and not with any intention of giving protection to inventions by means of the copyright law; and "designer" is doubtless used as synonymous with author in the case of certain classes of articles.

Copyright originating through authorship is not a right attaching to the thing, the book, etc., but is a right vesting in the creator of the book or other article, and is therefore a personal right. But our laws do not make clear the scope to be given to the word "author," which may be a matter of difficulty as regards certain articles (e.g., photographs), nor do they make any definite provision for anonymous, pseudonymous, or posthumous works, as is very generally done in foreign copyright legislation. The individual rights of authors working in collaboration and the claims of authorship in the case of works conceived and carried out by publishers where the actual authors are paid to produce the required specific work or are paid a regular salary, give rise to nice questions of title which would be obviated by more clearly-defined provisions in the statutes. The peculiar manner of the introduction of the word "proprietor" in the act of 1870 and as followed in the Revised Statutes has caused considerable controversy. The laws now in force give copyright to the author or "proprietor" and "the executors, administrators, or assigns of any such person." In all the earlier copyright legislation, from that of the original States up to the act of 1870, it was made most explicit that it was the author of a work for whose benefit the laws were passed, and although the term "proprietor" frequently occurs in the older laws, it can scarcely be questioned that it had simply the meaning of the assignee of the author. Its unexplained insertion in the act of 1870 in conjunction with the term "author" has given occasion for the assertion that a broader meaning may be attached to its use.
than as the mere assignee of the author, especially in the
case of the proprietors of works by foreign authors and of
persons claiming the right of renewal as absolute proprietors
of the author's work.

Protection under our laws, by the provisions of section
13 of the act of March 3, 1891, has been extended to the
works of authors who are citizens or subjects of any state
or nation in behalf of whose citizens a proclamation by the
President has been issued. A few continental countries
and some South American States are still not included, and
the question has been raised whether a citizen of one of
these countries not yet included in a copyright proclama-
tion, may, as the assignee of a qualified author, demand
copyright registration as a "proprietor." It is also some-
times asked whether the work of a foreign author, citizen
of some country in whose behalf no copyright proclamation
has yet been issued, can, if transferred to some citizen of a
country included in the copyright arrangements, be protected
by a claim to copyright in the United States on behalf of the
qualified assignee as "proprietor." It is important that
such questions as these shall be settled by direct and explicit
statements in the copyright statutes.

In the case of renewal of copyright for the second term
of protection the claim is frequently made on behalf of the
assignee of the author for the original term. The history
of the early copyright legislation in relation to the renewal
term is not without interest in this connection. Two of the
original States, Maryland and South Carolina, provided the
second term only on behalf of the author, if living: Of the
remaining States, five—Connecticut, Georgia, New Jersey,
New York, and Pennsylvania—while providing for renewal
terms, enacted that at the end of the first term the protec-
tion should return to the "author if then living, his heirs
and assigns." No statutory formalities were required to be
complied with in order to secure the renewal right. The
first Federal act of 1790 provided for a renewal term in
behalf of the author if living, or his executors, administra-
tors, or assigns, contingent upon registration of the title
a second time within six months before the expiration of
the first term, either by the author himself or such execu-
tors, administrators, or assigns. The act of 1831, while
Act of 1853 retaining the requirement of second registration of title and deposit of copies within six months before the expiration of the first term, continued the right to the author if living, or, if dead, then to the widow or child or children of the author, striking out "executors, administrators, or assigns;" the omission being more noticeable from the fact that this law extended the first term of protection from fourteen to twenty-eight years, and in doing so especially declared that in the case of authors not living at the time of the passage of the act the term should be extended to twenty-eight years for the benefit of their heirs, executors, and administrators, with the privilege of renewal to the widow, child, or children of the author or authors. The stipulation of the act of 1831 was substantially followed by the act of 1870, the Revised Statutes, and the act of March 3, 1891. If the double term of copyright is to be retained in the law what title, if any, an assignee shall have in the renewal term should be definitely settled.

**SUBJECT-MATTER OF COPYRIGHT**

Two classes of articles receive copyright protection under our laws in force: (1) Original works of art, such as paintings, drawings, and statuary, as well as models or designs intended to be perfected as works of the fine arts, and (2) works multiplied by mechanical means, such as books, maps or charts, dramatic compositions, musical compositions, engravings, cuts or prints, chromos or lithographs, and photographs. The history of the copyright legislation shows the gradual extension of the area of protection and the inclusion from time to time of new subject-matter of copyright. The resolution of the Colonial Congress recommending the several States to legislate on copyright referred only to books, and ten of the twelve original States enacting copyright laws include only literary works, using variously the expressions "book," "book or pamphlet," "writing or writings," or the more formal "books, treatises.

*Georgia, February 3, 1786; Maryland, April 21, 1782; Massachusetts, March 17, 1783; New Hampshire, November 2, 1785; New Jersey, May 27, 1784; New York, April 23, 1786; Pennsylvania, March 16, 1784; Rhode Island, December session, 1785; South Carolina, March 26, 1784; Virginia, October, 1785. (See Appendix A for full titles.)*
Copyright Office for registration of productions not included in the law. Moreover, as the fee for registration is nominal and the printing of the copyright notice is, under many circumstances, a practical bar against interference, the inducement is strong to endeavor to secure registration by some plausible application of one of the designations used in the law to indicate a proper subject of copyright. This misapplication of the privileges of copyright leads to their abuse and to acts of injustice.

Concerning some articles which from their nature would seem to belong in the classes intended for protection, it is often difficult to know under what designation they should be applied for. For example, should relief maps be entered as maps? In that case two copies are required to be deposited, and this is a severe tax upon the applicant and entirely out of proportion to the cost of making deposits in the case of other articles. If not as maps, how, then, may they be applied for? It is sometimes the case that application is made for relief maps as "models or designs intended to be completed as works of the fine arts," and a description, with photograph, are deposited in lieu of a title and two copies; but under the laws in force it is difficult to know which course is the safer one."

Among the subjects for copyright protection not included in our laws the oral lecture is distinguished as the one most frequently included in foreign copyright legislation. Thus by the laws of Austria, Belgium, Bolivia, Denmark, Finland, Germany, Great Britain, Guatemala, Hungary, Italy, Japan, the Netherlands, New South Wales, Norway, and South Australia public lectures are thus protected. A special act was passed in Great Britain in 1835 for copyright in lectures, but it has fallen into desuetude because of its troublesome formalities. This legislation, however, as presumably that of continental Europe, does not establish any exclusive statutory right to deliver a lecture or lectures on any given subject, but only provides protection against unauthorized copying and publishing. As regards "speeches," legislation is not so common, although Belgium, Germany, Guatemala,

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"By the Spanish law of January 10, 1879, an exemption from either registration or deposit is made in the case of "topographical models."
Copyright Legislation

Hungary, Italy, Luxembourg, and Mexico have included speeches in the list of articles subject to copyright. It is not unusual, however, to provide that, while the author alone has the right to make special publication of his speeches, political addresses, etc., they may be available for quotation or report. A much-disputed matter is the possible protection of architectural drawings, house plans, etc. Architectural designs are protected by the legislation of Austria, Finland, Hungary, Luxembourg, Monaco, Spain, and Tunis. Brazil (act of August 1, 1898) distinctly names "architecture" as subject to copyright, its legislation being very broad and phrased to include "any production whatsoever in the literary, scientific, or artistic domain;" but the laws of Austria, Germany, Hungary, and Japan name works of architecture as not being subject to copyright.

The following productions, not included in our copyright laws, are given protection by the legislation of the country or countries named in each case: Astronomical and geographical globes, countries belonging to the Pan-American Convention; arrangements of music, Colombia, Ecuador, Great Britain, Hungary, Italy; chorographic works, Austria and Italy; letters, Bolivia; newspapers, Great Britain and Victoria; sermons, Belgium, Finland and Luxembourg; telegraphic messages, Cape of Good Hope, Hungary, Natal, Tasmania, and Western Australia; the title of a periodical, Ecuador; useful and ornamental designs, New Zealand.

Our laws name but a single class of productions as not subject of copyright, namely, "Government publications." While certain public documents, such as laws and decisions of the courts, are generally held not to fall under the protection of the copyright laws, the legislation of some countries has differentiated official publications. Thus the law of Belgium (March 22, 1886) declares that while official decrees or orders of the administration are not the subject of copyright, all other publications by the State or public administrative bodies are protected for the benefit of the State or such administrative bodies during a period of fifty

* Act of January 12, 1856, section 51.
years from their date; or for the benefit of the author if he has not alienated his right in favor of the State or such administrative bodies.

While the government of Ecuador, according to the act of August 3, 1887, has the exclusive right to publish official documents and laws in a special collection, publications of laws with commentaries are held to be the property of the jurists who edit them. But this only prohibits the individual from republishing such collections, and does not prevent these public documents, which have been published originally in the official journals, from being reproduced in other newspapers or magazines. By the law of Hungary (April 26, 1884) the right to publish texts of laws and government acts, or translations of them into any one of the languages spoken in Hungary, is reserved to the State, but private individuals may publish annotated editions. A "Treasury Minute" published August 31, 1887, deals with copyright in the Government publications of Great Britain and determines that reproduction of the reports, papers and acts of Parliament, or the regulations of the army and navy, are not restricted in any form whatever, but that copyright should be enforced as regards literary or quasi-literary works (such, for example, as the reports of the Challenger expedition), or the ordnance maps and charts.

A revision of our copyright laws should require the better defining of just what classes of articles are intended to be covered by these laws; should give consideration to the inclusion of objects now omitted, and also of new articles of production, and assign special attention to classes of articles which, while possessing a certain amount of literary form, involve invention or discovery, and thus now fall between the provisions of the patent and the copyright laws. The act of June 18, 1874, which transferred to the Patent Office the copyright registration of labels and prints for articles of manufacture, should be reconsidered and brought into harmony with the general statutes on copyright.

The need of legislation to protect play right or stage right as distinct from copyright in published dramas should be carefully considered, and the scope of copyright in the case of newspapers be defined.

The status of articles reproduced by authority in forms
different from the originals should be made clear, as also what should be done to secure protection upon such reproductions.

RIGHT OF TRANSLATION

The act of July 8, 1870, provided that "authors may reserve the right to dramatize or to translate their own works," but contained no specific directions for making this reservation effective. These words were stricken out by the act of March 3, 1891, and the following language substituted: "and authors or their assignees shall have exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States." By this legislation the author of a book in a foreign language secures an unqualified monopoly of the right of translating it for the full term of the copyright of the original work. This goes beyond the provisions relative to the right of translation commonly found in the foreign laws on copyright. While the term of protection for an authorized translation differs greatly in different countries, it is usual to enact that the translation must appear within a stated term of years in order to hold the right. According to the Berne International Copyright Convention the term is ten years, and this has been incorporated in the legislation of a number of foreign States. But frequently the period of availability is considerably shorter, five years, three years, and even but two years. The laws of Austria, Germany, Hungary, and the Netherlands, provide for a term of protection of but five years and require the appearance of the authorized translation within three years. Serious consideration should be given to the scope and duration of the right of translation, and some plan of legislation be devised to induce the production of authorized translations within a reasonable time. The copyright in the translation of a non-copyright work should be distinguished also from the copyright of an original work. Some foreign laws contain the distinct statement that while copyright may be obtained for an original translation, this does not prevent the publication and protection of another translation of the same work. Some such statement in our law would prevent the prevalent misconception as to the scope of the protection obtained by the registration of the title of a translation.
TERM OF PROTECTION

The resolution of Congress of May 2, 1783, recommended that copyright protection should endure for fourteen years, with a renewal term of fourteen years more. Seven of the original States enacted like double terms of fourteen years each, while five provided for single terms only; North Carolina for fourteen years, New Hampshire for twenty years, and Massachusetts, Rhode Island, and Virginia for twenty-one years each. The first Federal statute, of 1790, enacted an original term with a renewal term, each of fourteen years, in accordance with the resolution of the Congress of 1783, but the act of April 29, 1802, extending the protection to engravings, provided for a single term of fourteen years only. The act of general revision of 1831 doubled the length of the first term, leaving the renewal term unchanged, and in the seventy-two years which have since elapsed there has been no change, the terms remaining twenty-eight years and fourteen years. The desirability of an extension of the term of protection has been discussed from time to time, and copyright in perpetuity has even been advocated, but as the Constitution provides that protection to authors shall be for a "limited time," a change in the fundamental law of the land would be necessary in order to bring this about. The advocates of the inherent right of an author to the protection of his work without restriction as to time have endeavored to surmount this difficulty and practically attain their end by proposing a law to make the term of protection one thousand years, and to extend the term of existing copyrights to a similar period from the time of first recording the title. A bill to effect this was introduced in the Senate on April 25, 1900, by Senator Lodge, who, however, when presenting it stated that he was opposed to the measure and only introduced the bill by request. No action was taken. While it is undoubtedly true that the trend of opinion has on the whole been in the direction of a limited term, it has at the same time tended toward a longer period of protection. Thus, the term which

* Connecticut, January session, 1731; Maryland, April 21, 1731; New Jersey, May 27, 1731; Pennsylvania, March 15, 1734; North Carolina, March 26, 1741; Georgia, February 3, 1796, and New York, April 29, 1796.*
Copyright Legislation

in Belgium was twenty years after the death of the author, and in Denmark thirty years, has in both countries been increased to fifty years beyond the death of the author. In Japan, by the act of 1887, the term extended only five years beyond the death of the author, but by the later law of 1899 it was increased to life of the author and thirty years. France has increased the term from life and five years to life and fifty years.

The method of computing the term varies in different countries. A fixed period of years from the date or year of publication is still in vogue in a few countries as the general term of copyright, and in many others for anonymous and pseudonymous productions, and also for such articles as it has seemed well should be given a special period of protection, e.g., photographs. Canada, Newfoundland, and the United States form a group by themselves with a first term of twenty-eight years, dating from compulsory registration of title, and a continuing term of fourteen years additional. The more general practice is to grant protection during the life of the author and for a certain number of years after his death. This term beyond the author's death varies greatly, being but five years in Chile and the Cape of Good Hope, seven years in Great Britain and some of her colonies, and in Siam; ten years in Roumania, and twenty years in Peru. In Chile, the term may be doubled by special decree of the government, and the Cape Colony legislation provides for an alternative term of thirty years, the protection to endure for whichever term is the longer. Great Britain also provides that the copyright shall endure at least forty-two years from publication, if that is a longer period than the author's life after publication, plus seven years. This legislation has been copied by some of the British colonies, and also recently by the Kingdom of Siam. In Haiti protection is made to extend beyond the author's life to his widow or children for twenty years, but

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4 Greece, with a period of protection of fifteen years; Great Britain, in the case of sculpture, fourteen years (act of May 18, 1734; 54 Geo. III, chap. 96, secs. 1 and 6); and engravings, twenty-eight years (act of 1797, 7 Geo. IV, chap. 38, secs. 1, 2, and 6); Chile and Turkey, each forty years; the Netherlands and Brazil, each fifty years. (See Appendix C.)

5 India, Natal, New South Wales, New Zealand, South Australia, Victoria, and Western Australia. (See Appendix C.)
if there should be neither widow nor children, then to the
heirs or assigns for a period of ten years. Thirty years
after the death of the author is the term provided by the mod-
ern legislation of Austria, Germany, Japan, and Switzerland.
Italy's legislation is peculiar, providing for protection
during the life of the author, or at least forty years after pub-
lication if the author should die within this period, and, in
addition, for a second period of forty years' enjoyment of a
royalty of 5 per cent on publication price for any and all
reprints of the work. The life of the author and a term
of fifty years after his death is perhaps the most generally
approved period of protection, and has been adopted by a
number of countries. In Colombia and Spain the term has
been extended to eighty years after the death of the author,
while Guatemala, Mexico, and Venezuela still grant pro-
tection for literary and artistic property in perpetuity.

The questions which arise in relation to the term of pro-
tection in our legislation are first, possible increase in the
length of the term, and secondly, the advisability of doing
away with the double term, and replacing it by a single,
longer term.

STATUTORY FORMALITIES

Our copyright laws are distinguished from nearly all other
copyright legislation by the fact that the privileges secured
are contingent upon explicit compliance with certain statu-
tory stipulations. Canada has followed our example to the
extent of making the deposit of copies a prerequisite to pro-
tection; and in the copyright laws of a few other foreign
States the protection in particular matters is contingent
upon compliance with certain formalities, but in foreign leg-
islation the right granted is not made to depend, as a rule,
upon any prescribed acts to be performed, such as the regis-
tration of title or the deposit of copies. In the develop-
ment of our own legislation, on the contrary, the right has
come to depend absolutely upon conformity to specific
statutory requirements. The resolution of 1783 recom-

Copyright Legislation

Copyright of their books "by such laws and under such restrictions" as the States deemed proper, gave no hint of formalities of any kind.

FILING OF TITLE

So far as the registration of title is concerned, no provision was made therefor by the State acts of Massachusetts, New Hampshire, or Rhode Island. The acts of Maryland and South Carolina required registration, to prevent liability to punishment for unauthorized republication by reason of ignorance, but not as a prerequisite to obtaining copyright protection. But in the case of seven of the States registration of the titles of books claiming copyright was made a condition precedent to obtaining the protection. No time was specified for making the required registration, however, except in the case of the act of North Carolina, which stipulated that the registration should take place before publication. The language of the various provisions is otherwise substantially equivalent and to the effect that no author shall be entitled to the benefit of the act until he shall duly register the title of his book and his name as author. The seven States enacting renewal terms did not, however, require registration of title a second time.

The Federal act of 1790 prescribed that no person should be entitled to its benefits unless he had deposited a printed copy of the title in the clerk's office of the district court in the district where the author or proprietor resided. The first act of revision (1831), reenacted this requirement without change, and the second revision of 1870 made no alteration except to require the deposit of title to take place in the Library of Congress instead of the clerk's office of the district court. The stipulation that the filing of the title must precede publication, in this or any foreign country, became law through the act of March 3, 1891, and is in force to-day, making it a condition precedent to obtaining copyright that the title be filed for record before any publication of the work.


*Connecticut, Maryland, New Jersey, Pennsylvania, South Carolina, Georgia, and New York.
Taking up the second prerequisite to copyright protection, only one of the original states (Massachusetts) required deposit of copies, the author being obliged to present two copies of his works to the library of Harvard University "in order to his holding such sole property in them." Federal legislation in regard to the deposit of copies, on the other hand, has been considerable and varied. The act of 1790 required the delivery of "a copy" to the Secretary of State, any time within six months after publication. This interval of time and the phraseology of the provision go to show that the deposit of the one copy was not intended to be a condition precedent to the exercise of the right. The law of 1831, while reenacting the deposit of a copy of the book, etc., reduced the time during which the deposit should be made from six months after publication to three months. the requirement, however, remaining merely directory and was not an absolute condition.

By the act establishing the Smithsonian Institution (approved August 10, 1846), a copy of every article for which a copyright should be secured, was to be delivered within three months from publication to the librarian of that Institution, and another copy to the librarian of the "Congress Library, for the use of said libraries." All copyright deposits were ordered by the act of 1831 to be forwarded yearly by the clerks of the district courts to the Secretary of State of the United States for preservation, and the accumulation thus formed was transferred by the act of February 5, 1859, to the Department of the Interior, and from there by the act of July 8, 1870, to the Library of Congress.

Meanwhile, by the copyright amendatory act of March 3, 1865, it was provided that a printed copy of every book, etc., "for which a copyright shall be secured," should be transmitted "within one month from the day of publication to the Library of Congress for the use of said Library." The same act declared that in case of neglect to deliver the copies as required, it should be the duty of the Librarian of Congress to make a demand in writing "at any time within twelve months after publication; and in default of delivery
within one month after the demand shall have been made, the right of exclusive publication secured under the acts of Congress respecting copyright shall be forfeited," the first intrusion of the idea that copyright protection should be made to depend on the deposit of copies. Two years later (February 18, 1867) it was deemed advisable to add a penalty of $25 to be collected by the Librarian of Congress in the name of the United States, in the case of failure to make the prescribed deposit within one month after publication. This penalty is still in force.

The second act of general revision of July 8, 1870, not only reenacted the deposit of copies in the Library of Congress, but changed the number from one to two copies of each book or other article, and reduced the time within which deposit should be made from one month to ten days after publication; failing which "no person shall be entitled to a copyright." When this act was taken over as Title LX, chapter 3 of the Revised Statutes, the phraseology was slightly changed, but so as to accentuate the fact that the deposit of copies was put on an exact footing with the registration of title as a condition precedent to protection. Finally, by the act of March 3, 1891, even the ten days after publication was disallowed, and the deposit directed to be made "not later than the day of publication, in this or any foreign country," and the copies, in the case of books, chromos, lithographs, and photographs, were required to be manufactured within the United States.

This analysis of the legislation shows that while the laws of only one of the original States exacted any deposit of copies, and the early Federal laws prescribed only the deposit of one copy for the purpose of identification, allowing six months from publication in which to make it, the act of 1831 reduced the six months' period to three; the act of 1865 cut the term down to one month; the law of 1870 to ten days, increasing the number of copies to two; while by the act of March 3, 1891, no time of grace was allowed, deposit being required to take place on or before publication, and was frankly made a condition precedent to protection.
NOTICE OF COPYRIGHT

The third important statutory formality is the printing of the notification of copyright. The legislation of the original states generally contained no requirement as to notice of copyright, but Pennsylvania was an exception, and by its law, not only insisted on the insertion of the full certificate of copyright on the back of the title-page, but declared that unless this was done no author was to be entitled to protection. The Federal act of 1790, while not exacting the placing of any notice upon the copyright production, directed the publication of the record of registration of title in one or more newspapers printed in the United States, for a space of four weeks; and the amendatory act of 1802 ordered, in addition to such publication in the newspapers, that the certificate of copyright should be inserted "at full length" on the title or back of the title. The act of 1831, while omitting the publication of the certificate of registration, explicitly required as a condition precedent to protection the placing of a statutory notice of copyright upon all copies of a copyright production. This stipulation was favorably modified by the act of 1870, to the effect that such notice should be inserted in order to maintain an action for infringement, but curiously enough, this law reverted, after the lapse of nearly forty years, to the antiquated requirement of a newspaper publication of the record of registration of title in the case of renewals, and this awkward stipulation remains in force.

The statutory formalities which are now conditions precedent to copyright protection are: (1) Registration of the title or description of the article, which must take place "on or before the day of publication in this or any other country;" (2) Deposit of copies "not later than the day of publication thereof, in this or any foreign country," and in the case of books, chromos, lithographs, or photographs, it is obligatory that the copies "shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom;" (3) The printing or otherwise impressing the notice
Copyright Legislation

of copyright in the statutory form upon all copies of each article. In order to secure protection for the second term, registration of title and deposit of copies must be repeated, and the record of such second registration published in a newspaper.

I have endeavored in this detailed analysis of the laws to make clear the genesis of the formalities upon which copyright is conditioned, and their intimate relation to the copyright protection secured. As already pointed out, a system has gradually grown up under which valuable literary property rights have come to depend upon exact compliance with these statutory formalities which have no relation to the equitable rights involved, and the question may very well be raised whether this condition should be continued. If it is desirable to maintain the double requirement of filing of title and depositing copies, then the nature and extent of the effect upon the copyright protection of compliance or noncompliance should be seriously considered.

HAWAII, PORTO RICO, CUBA, AND THE PHILIPPINES

The territorial expansion of our country which has led to the inclusion of Hawaii, Porto Rico, and the Philippines has given rise to new copyright questions both as to the protection of literary and artistic productions by Americans residing in the new territories, and the extension of the privilege of copyright in the United States to the native authors of these three countries. Concerning this last, an opinion by the Attorney-General of the United States, obtained on December 2, 1898, was to the following effect:

It appears that the subjects of Hawaii had not, prior to the passage of the resolution of annexation of July 7, 1898, become vested by proclamation with the privilege of copyright in the United States. I have heretofore held, in an opinion, that certain laws of the United States relative to tonnage dues upon vessels from foreign ports still applied to the ports of Hawaii, and had not been abrogated by the terms or effect of the resolution of annexation. For the reasons given in that opinion, I think that the inhabitants of Hawaii are not at present, in the absence of affirmative legislation by Congress to that effect, entitled to the benefits of our copyright laws.

Puerto Rico, Cuba, and Manila have not as yet been formally ceded to the United States. So far as they are subject to the
control and government of this country they are ruled under the principle of belligerent right. They have not become entitled to the rights and privileges of citizens of the United States. In my opinion, when they shall have been directly ceded by treaty to the United States, and such treaty duly ratified by the Senate, their respective inhabitants will not be entitled to the benefits of the copyright laws unless the treaty, by its terms, confers such right, or Congress shall afterwards extend such laws to the inhabitants of those countries.

Since the above opinion was written "An act to provide a government for the Territory of Hawaii" was approved April 30, 1900, to take effect on June 14 of the same year. This statute repealed the "Civil laws of Hawaii, chapter 38, copyrights," and enacted that the Constitution and all the laws of the United States which are not locally inapplicable should have "the same force and effect within the said Territory as elsewhere in the United States."

On April 12, 1900, an act was passed to go into effect on May 1, same year, entitled "An act temporarily to provide revenues and a civil government for Porto Rico," of which section 14 directs "that the statutory laws of the United States not locally inapplicable shall have the same force and effect in Porto Rico as in the United States." Under the provisions of these two laws, therefore, the titles of books and other articles by citizens of Hawaii and of Porto Rico have been registered in the Copyright Office, as a preliminary to protection, since May 1 and June 14, 1900, respectively.

Cuba was established as an independent Government on May 20, 1902, and a proclamation by the President of the United States was issued on November 17, 1903, to the effect that satisfactory official assurances having been given that in Cuba the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to citizens of Cuba, the benefits of the copyright laws of the United States have been extended to such citizens of Cuba as are the authors of literary and artistic productions, and their heirs, executors, and assigns.

As regards the Philippines the conditions are not so satisfactory. There has been no legislation which directly or indirectly extends the copyright laws of the United States
to the inhabitants of these islands. Two opinions by the Attorney-General are of interest as throwing light on the present status of citizens of the Philippine Islands. The first dealt with the rights of the Philippine Islands and Porto Rico in regard to the registration of trade-marks in the United States, the decision being that the residents of Porto Rico are entitled to register trade-marks in the United States, but that the residents of the Philippine Islands are not, as such, entitled to the privileges of the trade-mark law of the United States, those islands not being organized territories of the United States as contemplated by section 1981 of the Revised Statutes. The second opinion was in reply to the question whether citizens of the United States residing in the Philippine Islands who were the authors of books could deposit in the Copyright Office two copies of their books printed in the Philippine Islands as a compliance with the stipulation contained in section 3 of the act of March 3, 1891, amendatory of the copyright laws, that the copies deposited "shall be printed from type set within the limits of the United States or from plates made therefrom." The reply was in the negative.

**INTERNATIONAL COPYRIGHT RELATIONS**

The act of March 3, 1891, removed from the copyright statutes the words which confined the protection secured thereunder to citizens or residents of the United States, while the thirteenth section of that act provided that the citizens of any foreign state which permits to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens may, by Presidential proclamation, be given the privileges of our copyright laws. Such proclamations have been issued in favor of the citizens or subjects of the following nations and their colonies: Belgium, Chile, Costa Rica, Cuba, Denmark, France, Germany, Great Britain, Italy, Mexico, the Netherlands (Holland), Portugal, Spain, and Switzerland. The effect

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a The act passed July 1, 1902, ratifying the de facto government, contains no provisions as to copyright.
b Opinion of the Attorney-General of February 19, 1902.
c Opinion of the Attorney-General of July 28, 1903.
of this is (1) that citizens of the United States, so far as they are able to comply with all the provisions of the laws in force in any or all of the countries named, may claim the protection accorded by such laws, and (2) that the citizens of any of the countries named may obtain the protection accorded by our copyright statutes in so far as they are able to comply explicitly with all the stipulations of those statutes. This does not imply unquestioned accession to the benefits conferred by the statutes of either country. Thus, for example, in Great Britain a painting, drawing, or photograph can only be registered for copyright protection if the author thereof be a British subject or a resident within the dominions of the British Crown, conditions which would ordinarily debar United States artists from obtaining protection for their artistic productions. And, on the other hand, the United States laws require in the case of a photograph that the two copies to be deposited "shall be printed from negatives made within the limits of the United States," a stipulation which the British photographer finds difficult of fulfillment.

Nor does this basis for exchange of copyright privileges insure equality of exchange. The inequalities accord with the variance in the privileges granted by the different legislations (most noticeably in the difference in the length of the term of protection), and also in the simplicity or arduousness of the statutory formalities to be complied with. Thus, for example, as between the literary producer in the United States and Germany, the former obtains in the German Empire, without any tax whatever and without any formalities, protection extending thirty years beyond his life in favor of his heirs, while the German author secures in the United States protection for a period of forty-two years at longest, and then only upon compliance with formalities which are embarrassing and involve considerable expense. Not only may there be great diversity in the privileges secured and the tax imposed, but there may be an important practical difference in the ease or difficulty of compliance with the obligatory formalities, depending upon whether the author is a citizen or a foreigner. It is not as easy, for example, for a foreign as for a native author to arrange for
the filing of his title-page at Washington before publication, and it is obviously a much less difficult matter for an American than for a foreign author to have his book type set in the United States before the day of first publication, which may mean for the alien author the burden of a double printing of his work, abroad and in the United States.

The trend in copyright is toward a more extended area of protection secured by means of international reciprocal arrangements and the simplification or abolition of formalities. While many foreign countries now give copyright to citizens of the United States on substantially the same basis as to their own subjects, practically the uncertainty as to just what is necessary to be done in order to secure protection prevents our literary and artistic producers from taking advantage of the privileges accorded. A compliance with the formalities imposed by our own laws alone would suffice to secure protection in addition throughout all the countries now within the Berne Copyright Union (thus including virtually the whole book-reading world), were the United States a member of that eminently practical association of nations.

COPYRIGHT OFFICE ADMINISTRATION

By the act of July 8, 1870, all records relating to previous copyright registrations were directed to be removed to the Library of Congress, to be kept and preserved there, under the control of the Librarian of Congress, who was the actual registrar of copyrights until July 1, 1897, when the appropriation act of February 19, 1897, went into force. By this act provision was made for a new official, the "Register of Copyrights," who, according to the statute, "shall, under the direction of the Librarian of Congress, perform all the duties relating to copyrights." The new officer was directed to make monthly reports of copyright fees to the Secretary of the Treasury and to deposit such fees in the United States Treasury, being bonded in the sum of $20,000 "for the faithful discharge of his duties." While thus creating a new fiscal officer, to be held responsible for the proper accounting of copyright fees, these fees were left payable to the Librarian of Congress; nor was care taken to substitute elsewhere in the law the words "Librarian of
Congress' the words "Register of Copyrights" where such change was needed to be in harmony with the intent and purpose of the new legislation.

In a business so large as that of the Copyright Office, where the registrations now approach one hundred thousand annually, errors sometimes occur in the applications received which, under certain circumstances, might prove a serious embarrassment to the clients of the office. It would seem that the copyright laws might contain some well-defined provisions authorizing the Register of Copyrights to make innocent alterations in the record of title in such cases on the request of the claimant of copyright.

A portion of the copyright business was transferred to the Patent Office by the act of June 18, 1874. This is the registration of labels and prints for articles of manufacture. This act is difficult of application, and it is not always clear what prints it is obligatory to register at the Patent Office in order to secure copyright protection, while the difference in the amount of the registration fee ($5.50) is in itself an inducement to urge registration in this office instead of the Patent Office.

A readjustment of the copyright fees that would remove the present variance in the charge for identical clerical service; impose a proper legal fee for recording lengthy documents, and provide for a suitable charge for the time involved in the case of long searches is to be recommended.

The present law imposes the double formality (1) filing of title, (2) depositing copies. It also permits the filing of the title to be made in advance of the deposit of copies, and this is still done in a large proportion of cases, frequently under the impression that some advantage is thus secured. There is little doubt that a great many titles are filed which are not the titles of works printed or even written, but merely contemplated works, many of which are never produced. This privilege of filing the title in advance of the deposit of copies has given rise to the erroneous belief that some exclusive command of use of the title is thereby gained. Applications are not infrequent asking for the registration of a sheaf of taking titles in the hope that a profitable monopoly in the use of such titles may thus be obtained.
Copyright Legislation

This filing of the titles of projected works in advance of publication is steadily accumulating in the Copyright Office registrations of title never completed by the deposit of copies. Such registrations merely number up the Copyright Office records and alphabetical index of entries and waste the time of the clerks who are obliged to make the required entries and do the indexing.

When the matter is seriously weighed the question may reasonably be asked whether any useful purpose is served by the preliminary filing of the titles. It is to be remembered that the titles are by law required to be "recorded," that is, copied in record books. Such recording could be made as well directly from the copy of the work deposited, and it would seem that all desired legal effect would be thereby secured, and the cost of the double handling of titles and copies be saved.

The question of space for the storing of the titles is in itself not an unimportant one. The titles filed for the last six fiscal years occupy, closely stored, about 500 square feet of floor space, and each year's accumulation is larger than the preceding one.

This filing of the titles in advance of publication obviously gives greater opportunity for the occurrence of variances more or less serious between the title as filed and as finally used, to the embarrassment of the Copyright Office and possible legal complications for the copyright claimants.

RECOMMENDATION

In previous annual reports I have urged the need for a thorough revision of our copyright laws. In the preceding pages I have pointed out more specifically in what directions the existing copyright legislation is incomplete, inadequate or contradictory, and likely to lead to misapprehension or misunderstanding. The subject ought to be dealt with as a whole, and not by further merely partial or temporizing amendments. The acts now in force should be replaced by one consistent statute, of simple and direct phraseology, of broad and liberal principles, and framed fully to protect the rights of all literary and artistic producers and to guard the interests of other classes affected by copyright legislation.
What is desired could, I believe, be best accomplished by a copyright commission sufficiently large as to number, which would adequately represent the different interests concerned. Therefore again suggest that Congress be recommended to appoint such a commission to take up the revision and codification of the copyright laws in order to submit the draft of a satisfactory copyright statute.

Thorvald Solberg,
Register of Copyrights.
Washington, D.C., December 1, 1903.
REPORT ON COPYRIGHT LEGISLATION

Appendix A

LIST OF ALL UNITED STATES COPYRIGHT ENACTMENTS, 1783 TO 1904, WITH NOTATIONS OF MODIFICATIONS, AMENDMENTS, AND REPEALS, ETC.

1. RESOLUTION OF THE CONGRESS OF 1783


2. COPYRIGHT LAWS OF THE ORIGINAL STATES


Replaced by the Federal act of May 31, 1790.

Report of the Librarian of Congress


Replaced by the Federal act of May 31, 1790.

Maryland (1783, April 21).—An Act respecting literary property. In “Laws of Maryland, made and passed, at a session of assembly, begun and held at the city of Annapolis on Monday the 21st of April, 1783.” fol. Annapolis, F. Green, printer to the State, [1783], chapter 34. (The pages are not numbered.) In “Copyright enactments, 1783-1900.” 8°. Washington, 1900. (Copyright Office Bulletin, No. 3), pp. 13-14.

Replaced by the Federal act of May 31, 1790.


Replaced by the Federal act of May 31, 1790.


Replaced by the Federal act of May 31, 1790. This act was included in the list of acts repealed, contained in Title XXX, chapter 230, of “The Revised Statutes, passed December 23, 1842,” pages 478-479.

New Jersey (1783, May 27).—An Act for the promotion and encouragement of literature. Taken from “Acts of the seventh general assembly of the State of New Jersey, at a session begun at Trenton, on the 2nd day of October, 1782, and continued by adjournments, being the second sitting.” fol. Trenton, printed by Isaac Collins, Printer to the State, 1783. Chapter 21, p. 47. Also printed in “Acts of the general assembly of the State of New Jersey, from the establishment of the present government to December, 1783.” Compiled
Copyright Legislation

In "Copyright enactments, 1753-1900." 8°. Washington, 1900.

Replaced by the Federal act of May 31, 1790. Formally repealed
at the twenty-third session, third sitting, 1799.

"Laws of the State of New-York, passed by the legislature of said
State at their ninth session," fol. New York, printed by Samuel
York, comprising the constitution and the acts of the legislature since
the Revolution, from the first to the twelfth session, inclusive. [By
Samuel Jones and Richard Varick.]" Vol. 1. fol. New York, H.
Gaine, 1789, pp. 320-322. In "Laws of the State of New York, com-
prising the constitution and the acts of the legislature since the
Revolution, from the first to the twentieth, inclusive. [By Thomas
(Copyright Office Bulletin, No. 3), pp. 27-29.

Replaced by the Federal act of May 31, 1790.

North Carolina (1785, November 19).—An Act for securing literary
property. In "Laws of the State of North-Carolina. Published,
according to Act of Assembly, by James Iredell." fol. Edenton,
Hodge & Wills, 1791, pp. 563-564. In "Copyright enactments, 1783-
1900." 8°. Washington, 1900. (Copyright Office Bulletin, No. 3),
pp. 23-25.

Replaced by the Federal act of May 31, 1790.

Pennsylvania (1783, March 15).—An Act for the encouragement
and promotion of learning by vesting a right to the copies of printed
books in the authors or purchasers of such copies, during the time
drawn mentioned. In "Laws enacted in the second sitting of the
eighth general assembly of the Commonwealth of Pennsylvania, which
commenced the 13th day of Jan., 1784." fol. [Philadelphia, T.
Bradford, 1784], chapter 125, pp. 36-36. In "Copyright enactments,
1783-1900." 8°. Washington, 1900. (Copyright Office Bulletin,
No. 31), pp. 18-19.

Replaced by the Federal act of May 31, 1790.

Rhode Island (1783, December 5th session).—An Act for the purpose of
securing to authors the exclusive right and benefit of publishing their
literary productions, for twenty-one years. In "December, 1783. At
the general assembly of the governor and company of the State of
Rhode-Island and Providence-Plantations, begun and held at East-
Greenwich on the 4th Monday of December, 1783."
fol. [Providence,
published by J. Carter, 1783.] pp. 6-7. In "Copyright enactments,
1783-1900." 8°. Washington, 1900. (Copyright Office Bulletin,
No. 31, p. 17.

Replaced by the Federal act of May 31, 1790.

Original copyright act. Repealed by section 14 of the act of February 3, 1831.
Copyright Legislation


Repealed by section 14 of the act of February 3, 1831.


Repealed by act of July 8, 1870.


First general revision. Repealed by act of July 8, 1870.


Requiring the recording of assignments of copyright. Repealed by act of July 8, 1870.


Requiring the delivery of one copy of book, etc., to the librarian of the Smithsonian Institution and one copy to the Librarian of Congress.

1874 (March 3). An Act making appropriations for the service of the Post-Office Department during the fiscal year, ending the thirtieth of June, one thousand eight hundred and fifty-six. (Approved,
Report of the Librarian of Congress


Providing that all copyright deposits may be sent through the mails free of postage.

Act of 1856


Securing the sole right of representation in the case of a dramatic composition. Repealed by act of July 8, 1870.

Act of 1859


Providing for the removal of all copyright deposits and records from the Department of State to the Department of the Interior. Repealed by the act of July 8, 1870.

Act of 1861


Provides for the appeal of copyright cases to the Supreme Court of the United States. Repealed by act of July 8, 1870.

Act of 1865


Extending copyright protection to photographs and photographic negatives. Repealed by the act of July 8, 1870.
Copyright Legislation


Imposing of penalty of $25 for failure to deposit copies in the Library of Congress, and providing for the free transmission by mail of "copy-right matter." Repealed by the act of July 3, 1870.


Second general revision. Replaced by Title LX, chapter 3 of the Revised Statutes, in force December 1, 1873.


In Drake (Elton Sylvester), A Treatise on the law of property in intellectual productions, 8th, Boston, Little, Brown & Co., 1879, pp. 698-704.

Section 3949 amended by the appropriation act of February 16, 1887.

1874 (June 18).—An Act to amend the law relating to patents, trade marks, and copyrights. (Approved, June 18, 1874. 43rd Cong., 1st sess., chap. 301.) In "The Statutes at large of the United States, from December, 1873, to March, 1875," Vol. 18, part 3, 8th. Washington, 1875, pp. 73-79. In "Copyright enactments, 1793-1900." 8th, Washington, 1900. (Copyright Office Bulletin, No. 3), pp. 53-54. In

Section 1 relates to the notice of copyright, amending section 4952 of the Revised Statutes, which was further qualified by the act of August 1, 1882; section 2 relates to copyright fees, amending section 4958 of the Revised Statutes; section 3 relates to the registration of labels and prints for articles of manufacture, modifying section 4952 of the Revised Statutes.


Provides against transmission through the mails of any publication which violates copyright.


Relates to the position of notice of copyright in the case of molded decorative articles, etc., amending section 4952 of the Revised Statutes.


The so-called international-copyright act, extending copyright in certain cases to works by foreign authors. Amends sections 4952, 4954, 4956, 4958, 4959, 4963, 4964, 4965, and 4967 of the Revised Statutes, and repeals section 4971.


Enabling act, amendatory of section 4956 of the Revised Statutes, giving the same effect to copies deposited prior to March 1, 1893, as to copies deposited "on or before publication,"

Act of 1893 (January 12).—An Act providing for the public printing and binding and the distribution of public documents. (Approved, Janu-
Copyright Legislation


Providing that no Government publication shall be copyrighted.


Amending section 4966 of the Revised Statutes, enacting that unauthorized representation, willful and for profit, of any dramatic or musical composition, is a misdemeanor, punishable by imprisonment.


Amending section 4948 of the Revised Statutes, providing for the appointment of a Register of Copyrights, "who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights," etc.


Amending section 4963 of the Revised Statutes, providing penalty for printing false claim of copyright and prohibiting the importation of articles bearing false claim of copyright.

1901 (January 7).—An Act to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition. (Approved, January 7, 1901, 56th Cong., 2d sess., public No. 2.)
V. COPYRIGHT PROCLAMATIONS


Cuba 1903 (November 17).—Cuba. Published by the Department of State as a broadside, and by the Copyright Office as Information Circular, No. 22.
Appendix B

REvised Statutes relating to copyrights, with notations of provisions of act of July 8, 1870, and all subsequent enactments

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution, 1787, Article I, section 8</td>
</tr>
<tr>
<td>Revised statutes, December 1, 1871</td>
</tr>
<tr>
<td>Copyrights to be under the charge of the Librarian of Congress, section 4945</td>
</tr>
<tr>
<td>Register of Copyrights to perform all duties relating to copyrights, act of February 19, 1897</td>
</tr>
<tr>
<td>Seal of the office of the Librarian of Congress, section 4950</td>
</tr>
<tr>
<td>Bond of the Librarian of Congress, section 4950</td>
</tr>
<tr>
<td>Bond of the Register of Copyrights, act of February 19, 1897</td>
</tr>
<tr>
<td>Annual report of copyright publications, section 4957</td>
</tr>
<tr>
<td>Copyright beneficiaries:</td>
</tr>
<tr>
<td>1. Original term, section 4952</td>
</tr>
<tr>
<td>2. Renewal term, section 4954</td>
</tr>
<tr>
<td>3. Foreign authors, act of March 3, 1891</td>
</tr>
<tr>
<td>List of countries with which the United States have established copyright relations</td>
</tr>
<tr>
<td>Subject-matter of copyright, section 4952</td>
</tr>
<tr>
<td>Articles not subject-matter of copyright, act of January 12, 1895</td>
</tr>
<tr>
<td>Right of performance, representation, and translation, section 4953</td>
</tr>
<tr>
<td>Term of copyright protection:</td>
</tr>
<tr>
<td>1. First term of twenty-eight years, section 4953</td>
</tr>
<tr>
<td>2. Renewal term of fourteen years, section 4954</td>
</tr>
<tr>
<td>Assignment of copyright, and recording, section 4955</td>
</tr>
<tr>
<td>Filing of title for registration, section 4956</td>
</tr>
<tr>
<td>Deposit of copies:</td>
</tr>
<tr>
<td>1. General provision, section 4956</td>
</tr>
<tr>
<td>2. Enabling act of March 3, 1891</td>
</tr>
<tr>
<td>3. Typsetting stipulation, act of March 3, 1891</td>
</tr>
<tr>
<td>4. Subsequent edition, section 4959</td>
</tr>
<tr>
<td>5. Failure to make deposit, section 4960</td>
</tr>
<tr>
<td>6. Postmaster's receipt, section 4961</td>
</tr>
<tr>
<td>Prohibition of importation and exceptions:</td>
</tr>
<tr>
<td>1. Copies not manufactured in the United States prohibited, act of March 3, 1891</td>
</tr>
<tr>
<td>2. Exceptions: Free list, act of October 1, 1890</td>
</tr>
<tr>
<td>3. Free list, act of July 24, 1897</td>
</tr>
<tr>
<td>4. Exceptions: Two copies of book for private use and newspapers, act of March 3, 1891</td>
</tr>
<tr>
<td>5. Exceptions: Original works when translations only are copyrighted, act of March 3, 1891</td>
</tr>
<tr>
<td>Alterations, revisions, and additions made to books by foreign authors may be copyrighted, act of March 3, 1891</td>
</tr>
<tr>
<td>Registration, and certified copies of record, section 4957</td>
</tr>
<tr>
<td>Fees, section 4968</td>
</tr>
<tr>
<td>Notice of copyright, section 4962</td>
</tr>
<tr>
<td>Notice of copyright, act of August 1, 1890</td>
</tr>
<tr>
<td>False notice of copyright, section 4963</td>
</tr>
</tbody>
</table>
Revised Statutes—Continued

<table>
<thead>
<tr>
<th>Copyright suits:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Limitation of action in copyright cases, section 458</td>
<td>508</td>
</tr>
<tr>
<td>2. Defenses to action in copyright cases, section 459</td>
<td>509</td>
</tr>
<tr>
<td>3. Injunctions in copyright cases, section 457</td>
<td>509</td>
</tr>
<tr>
<td>Works by foreigners not protected, section 4571</td>
<td>510</td>
</tr>
</tbody>
</table>
REVISED STATUTES RELATING TO COPYRIGHTS, WITH NOTATIONS OF PROVISIONS OF ACT OF JULY 8, 1870, AND ALL SUBSEQUENT ENACTMENTS

Constitution, 1787

Art. I, sec. 8
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.

Revised Statutes, December 1, 1873

COPYRIGHTS TO BE UNDER THE CHARGE OF THE LIBRARIAN OF CONGRESS

Rev. Stat., sec. 4948
All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Act of July 8, 1870, sec. 85
"And be it further enacted, That all records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights."

Register of Copyrights to Perform All Duties Relating to Copyrights

The appropriation act approved February 19, 1897, provides for the appointment of a "Register of Copyrights, who shall, on and after July first, eighteen hundred and ninety-seven, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and shall, on and after July first, eighteen hundred and ninety-seven, give bond to the Librarian of Congress, in the sum of twenty thousand dollars, with approved sureties, for the faithful discharge of his duties." (29 Stat. at Large, 545.)
The seal provided for the office of the Register of Copyrights shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

Act of July 8, 1870, sec. 85
"The Librarian shall cause a seal to be provided for said office, with such device as the Joint Committee on the Library may approve, with which all records or papers issued from said office, and to be used in evidence, shall be authenticated." (16 Stat. at Large, 212.)

BOND OF THE LIBRARIAN OF CONGRESS
Rev. Stat., sec. 4950
The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

Act of July 8, 1870, sec. 85
"He shall also give an additional bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office." (16 Stat. at Large, 212.)

BOND OF THE LIBRARIAN OF CONGRESS, AND OF THE REGISTER OF COPYRIGHTS

The appropriation act approved February 19, 1897, provides: "The Librarian of Congress shall on and after July first, eighteen hundred and ninety-seven, give bond, payable to the United States, in the sum of twenty thousand dollars, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties according to law." (29 Stat. at Large, 546.)

The same act provides that the Register of Copyrights is to give a bond to the Librarian of Congress, in the sum of twenty thousand dollars. (29 Stat. at Large, 545.)

MONTHLY REPORTS REQUIRED FROM THE REGISTER OF COPYRIGHTS

The appropriation act approved February 19, 1897, requires the Register of Copyrights to make monthly reports to the Secretary of the Treasury, and to the Librarian of Congress. (29 Stat. at Large, 545.)
Act of July 8, 1870, sec. 85
"He shall also make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year. And the Librarian of Congress shall receive a yearly compensation of four thousand dollars, to commence when this act shall take effect." (16 Stat. at Large, 212.)

COPYRIGHT BENEFICIARIES

I. ORIGINAL TERM

"Any citizen of the United States or resident therein, who shall be the author, inventor, designer, or proprietor of any book." [etc.]

Act of July 8, 1870, sec. 86. 
"And be it further enacted, That any citizen of the United States, or resident therein, who shall be the author, inventor, designer, or proprietor of any book." (16 Stat. at Large, 212.)

II. RENEWAL TERM

The author, inventor, or designer, if he be still living [and a citizen of the United States or resident therein], or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years.

Act of July 8, 1870, sec. 88. 
"And be it further enacted, That the author, inventor, or designer, if he be still living and a citizen of the United States or resident

COPYRIGHT BENEFICIARIES

I. ORIGINAL TERM

By the act of March 3, 1891, section 1, the words opposite underscored and printed within brackets were repealed, thus abolishing the limitation of copyright to citizens of the United States, or residents therein. (26 Stat. at Large, 1166.)

The term "inventor" occurs only in section 952 and section 954 relating to renewal of copyright.

In section 957, providing for the form of record the terms "inventor" and "designer" are both omitted, and the designation "originator" added, the clause reading: "the right whereof he claims as author, (originator, or proprietor, as the case may be)."

II. RENEWAL TERM

By the act of March 3, 1891, sec. 2, the words opposite underscored and printed within brackets were repealed. (26 Stat. at Large, 1167.)

It is to be observed that in this provision for renewal, neither the "originator" (named in sec. 957), nor the "proprietor" (named in sec. 952), are included.
therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years."

(16 Stat. at Large, 212.)

III. FOREIGN AUTHORS

The act of March 3, 1891, sec. 13, makes provision for the extension of copyright to foreign authors in certain circumstances, as follows: "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 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." (26 Stat. at Large, 1110.)

LIST OF COUNTRIES WITH WHICH THE UNITED STATES HAVE ESTABLISHED COPYRIGHT RELATIONS

July 1, 1891: Belgium, France, Great Britain, and her possessions, and Switzerland. (27 Stat. at Large, 981, 982.)
April 15, 1892: Germany. (27 Stat. at Large, 1021, 1022.)
October 31, 1892: Italy. (27 Stat. at Large, 1043.)
May 8, 1893: Denmark. (28 Stat. at Large, 1219.)
June 20, 1893: Portugal. (28 Stat. at Large, 1222.)
Copyright Legislation

July 10, 1895; Spain. (29 Stat. at Large, 871.)
February 27, 1896; Mexico. (29 Stat. at Large, 877.)
May 25, 1896; Chile. (29 Stat. at Large, 880.)
October 19, 1899; Costa Rica; (31 Stat. at Large, 1955, 1956.)
November 20, 1899; Netherlands (Holland) and possessions. (31 Stat. at Large, 1961.)
November 17, 1913; Cuba.

Subject-Matter of Copyright

Any citizen of the United States or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph of negative thereof, or of a painting, drawing, chromo, statue, statuary, or of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works.

Act of July 8, 1870, sec. 86.
"And be it further enacted, That any citizen of the United States, or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, or any other article of manufacture shall be entitled under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same." (31 Stat. at Large, 79.)

The act of August 1, 1882, in providing for the placing of the notice of copyright upon molded decorative articles, uses the following language: "Designs for molded decorative articles, titles, plaques, or articles of pottery or
en graving, cut, print, or pho tograph or negative thereof, or of a
painting, drawing, chromo, statu
tue, statutory, and of models or de-
signs intended to be perfected as
works of the fine arts, and his
executors, administrators, or as-
signs, 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; and in the case of a
dramatic composition, of publicly
performing or representing it, or
causing it to be performed or rep-
resented by others; and authors
may reserve the right to dramatize
or to translate their own works."
(16 Stat. at Large, 212.)

The list in sec. 4952 does not
include a lithograph, but the
act of March 3, 1891, sec. 3, in-
cludes "lithograph" in the list of
articles required to be produced
within the limits of the United
States in order to obtain copy-
right, and prohibits the importa-
tion of any copies not so manu-
factured. (26 Stat. at Large, 1187.)

The act of March 3, 1897, pro-
hibits the placing of a false notice
of copyright on a lithograph, or
the importation of any copies bear-
ing such false notice. (29 Stat. at
Large, 644, 695.)

The copyright statutes do not
include in the list of copyright
articles, a periodical, newspaper
or magazine, but the act of March
3, 1891, sec. 11, provides: "That
for the purpose of this act * * *
each number of a periodical shall
be considered an independent pub-
lication, subject to the form of copy-
righting as above. (26 Stat. at
Large, 1109.)

The act of March 2, 1895, im-
posing penalties for infringement
of a copyright photograph dis-
tinguishes a photograph of a
work of the fine arts from a pho-
toograph made from any object not a work of the fine arts; the penalty for infringement in the first case being fixed at not less than $250, and not more than $10,000, and in the second case, at not less than $100, nor more than $5,000. (28 Stat. at Large, 965.)

ARTICLES NOT SUBJECT MATTER OF COPYRIGHT

The copyright laws name only one class of articles as not subject to copyright, namely Government publications. See an act for the public printing and binding and the distribution of public documents (January 12, 1895, 33d Cong., 3d sess., chap. 23, sec. 52), which provides as follows: "The Public Printer shall set up and sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply, additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal and making to the Government and ten per centum added: Provided, That the full amount of the price shall be paid when the order is filed: And provided further, That no publication reprinted from such stereotype or electrotype plates and no other Government publication shall be copyrighted." (28 Stat. at Large, 608.)

RIGHT OF PERFORMANCE, REPRESENTATION, AND TRANSLATION

Rev. Stat., sec. 4952

* * * And, in the case of a dramatic composition, of publicly performing or representing it, or
causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works.

TERM OF COPYRIGHT PROTECTION

1. FIRST TERM OF 28 YEARS

Rev. Stat., sec. 4953

Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

Act of July 8, 1870, sec. 87

"And be it further enacted, That copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed." (16 Stat. at Large, 212.)

2. RENEWAL TERM OF 14 YEARS

Rev. Stat., sec. 4954

The author, inventor, or designer, if he be still living [and a citizen of the United States or resident therein], or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be pub-

by changing the words underscored to read: "* * * and authors or their assigns shall have exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States." (26 Stat. at Large, 1107.)

TERM OF COPYRIGHT PROTECTION

1. FIRST TERM OF 28 YEARS

Unchanged by subsequent legislation.

2. RENEWAL TERM OF 14 YEARS

Unchanged except that, by the act of March 3, 1891, sec. 2, the words "and a citizen of the United States or resident therein," are omitted from the section. (26 Stat. at Large, 1107.)

The act of March 3, 1891, sec. 2, changed the words "such person" to "such persons." (26 Stat. at Large, 1107.)
lished in one or more newspapers, printed in the United States, for the space of four weeks. 

Act of July 8, 1870, sec. 88

"And be it further enacted, That the author, inventor, or designer, if he be still living and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks." (16 Stat. at Large, 212, 213.)

ASSIGNMENT OF COPYRIGHT, AND RECORDING

Rev. Stat., sec. 4955

Copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

Act of July 8, 1870, sec. 89

"And be it further enacted, That copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice." (16 Stat. at Large, 213.)

ASSIGNMENT OF COPYRIGHT

Unchanged by any direct subsequent legislation. The act of February 19, 1897, created the office of the Register of Copyrights, and all assignments are recorded in the Copyright Office.
FILING OF TITLE FOR REGISTRATION

Rev. Stat., sec. 4956

No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine arts, for which he desires a copyright.

Act of July 8, 1870, sec. 90

"And be it further enacted, That no person shall be entitled to a copyright unless he shall, before publication, deposit in the mail a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which he desires a copyright, addressed to the Librarian of Congress." (16 Stat. at Large, 213.)

FILING OF TITLE FOR REGISTRATION

The act of March 3, 1891, sec. 3, changed the words underscored opposite to the words italicized below, and inserted after the word "mail," the words "within the United States": "Sec. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright." (26 Stat. at Large, 1107.)

The act of February 19, 1897, provided for the reorganization of the Copyright Office, and for the appointment of a Register of Copyrights to perform all the duties relating to copyrights.

The act of March 3, 1891, sec. 11, made the following provision, requiring the separate registration of the title of each volume in the case of a work in more than one volume: "That for the purpose of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical shall be considered an
DEPOSIT OF COPIES

1. GENERAL PROVISION

Rev. Stat., sec. 4956

* * * nor unless he shall also, within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book or other article, or in case of a painting, drawing, statue, statuette, model or design for a work of the fine arts, a photograph of the same.

Act of July 8, 1870, sec. 90

"and, within ten days from the publication thereof, deposit in the mail two copies of such copyright book or other article, or in case of a painting, drawing, statue, statuette, model or design for a work of the fine arts, a photograph of the same, to be addressed to said Librarian of Congress, as hereinafter to be provided." (15 Stat. at Large, 213.)

This amendment requires deposit to be made not later than the day of publication, instead of within ten days from publication, as formerly.

2. ENABLING ACT

The following act in relation to the deposit of copies was approved March 3, 1893: "That any author, inventor, designer, or proprietor of any book, or other article entitled to copyright, who has heretofore failed to deliver in the office of the Librarian of Congress, or in the mail addressed to the Librarian of Congress, two complete copies of such book, or description or photograph of such article, within the time limited by title
sixty, chapter three, of the Revised
Statutes relating to copyrights, and
the acts in amendment thereof,
and has complied with all other
provisions thereof, who has, before
the first day of March, anno Domi-
nini eighteen hundred and ninety-
three, delivered at the office of the
Librarian of Congress, or deposi-
ted in the mail addressed to the
Librarian of Congress, two com-
plete printed copies of such book,
or description, or photograph of
such article, shall be entitled to all
the rights and privileges of said
title sixty, chapter three, of the
Revised Statutes and the acts in
amendment thereof." (27 Stat. at
Large, 743.)

3. TYPE-SETTING STIPULATION

The act of March 3, 1891, sec. 3,
added the following proviso to
Rev. Stat., sec. 4956: "Provided,
That in the case of a book, photo-
graph, chrome, or lithograph, the
two copies of the same required to
be delivered or deposited as above
shall be printed from type set
within the limits of the United
States, or from plates made there-
from, or from negatives, or draw-
ings on stone made within the
limits of the United States, or from
transfers made therefrom." (26
Stat. at Large, 1107.)

4. SUBSEQUENT EDITION

Rev. Stat., sec. 4959

The proprietor of every copy-
right book or other article shall
deliver at the office of the Libra-
rian of Congress, or deposit in the
mail addressed to the Librarian of
Congress at Washington, District
of Columbia, [within ten days
after its publication, two complete
printed copies thereof, of the best
requirement for deposit "two

4. SUBSEQUENT EDITION

The act of March 3, 1891, sec. 5,
reworded this section, 4959, so as
to omit the words within brackets,
["within ten days after its publi-
cation, two complete printed
copies thereof, of the best edition
issued, or description or photo-
graph of such article as hereinbe-
fore required,"] thus leaving the
requirement for deposit "two
Copyright Legislation

5. Failure to Make Deposit

Rev. Stat., sec. 4960

For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies, or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

Act of July 8, 1870, sec. 94

"And be it further enacted, That in default of such deposit in the post-office, said proprietor shall be liable to a penalty of twenty-five dollars, to be collected by the Librarian of Congress, in the name of the United States, in an action of debt, in any district court of
the United States within the jurisdiction of which the delinquent may reside or be found." (16 Stat. at Large, 213.)

6. POSTMASTER'S RECEIPT

Rev. Stat., sec. 4961

The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

Act of July 8, 1870, sec. 96

"And be it further enacted, That the postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination without cost to the proprietor." (16 Stat. at Large, 214.)

UNCHANGED BY SUBSEQUENT LEGISLATION

PROHIBITION OF IMPORTATION,
AND EXCEPTIONS

1. COPIES NOT MANUFACTURED IN THE UNITED STATES PROHIBITED

The act of March 3, 1891, sec. 3, added the following clause to Rev. Stat., sec. 4956: "During the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph, so copyrighted, or any edition or editions thereof; or any plates of the same not made from type set, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in paragraphs 512 to 516, inclusive, in section two of the act entitled 'An act to reduce the revenue and equalize the duties on imports, and for other purposes,' approved October 1, 1890." (26 Stat. at Large, 1107, 1108.)
The paragraphs of the act of October 1, 1890, cited above are from the list of articles allowed to be imported free of duty, and are as follows:

"512. Books, engravings, photographs, bound or unbound engravings, maps, and charts, which shall have been printed and bound or manufactured more than twenty years at the date of importation.

"513. Books and pamphlets printed exclusively in languages other than English; also books and music, in raised print, used exclusively by the blind.

"514. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

"515. Books, maps, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use of any society incorporated or established for educational, philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, subject to such regulations as the Secretary of the Treasury shall prescribe.

"516. Books, or libraries, or parts of libraries, and other household effects of persons or families from foreign countries, if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale." (51st Cong., 1st sess., chap. 1244: 26 Stat. at Large, 604.)
States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

"504. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale." (35th Cong., 1st sess., chap. 11: 30 Stat. at Large, 196.)

3. EXCEPTIONS: TWO COPIES OF BOOK FOR PRIVATE USE, AND NEWSPAPERS

The act of March 3, 1891, sec. 3, added the following clause to the provisions of the Rev. Stat., sec. 4956: "and except in the case of persons purchasing for use and not for sale, who import subject to the duty thereon, not more than two copies of such book at any one time; and except in the case of newspapers and magazines, not containing in whole or in part matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation." (26 Stat. at Large, 1108.)

4. EXCEPTIONS: ORIGINAL WORKS WHEN TRANSLATIONS ONLY ARE COPYRIGHTED

The act of March 3, 1891, sec. 3, contained the following proviso to Rev. Stat., sec. 4956: "Provided, nevertheless, That in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be
The act of March 3, 1891, sec. 4, also provided for making the prohibition of importation effective, as follows: "and the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this act." (26 Stat. at Large, 1108.)

The act of March 3, 1891, sec. 5, added the following proviso to sec. 4959: "Provided, however, that the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the taking effect of this act, shall be held and deemed capable of being copyrighted as above provided for in this act, unless they form a part of the series in course of publication at the time this act shall take effect."

This proviso confined the copyrighting of matter added in new editions to "books by foreign authors." (26 Stat. at Large, 1108.)

Registration and certified copies of record

The Librarian of Congress shall record the name of such copyright book or other article, forth-
with, in a book to be kept for that purpose, in the words following: 'Library of Congress, to wit: Be it remembered that on the day of , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article), the title or description of which is in the following words, to wit: (here insert the title or description,) the right whereof he claims as author, (originator, or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress.' And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

Act of July 8, 1870, sec. 91

"And be it further enacted, That the Librarian of Congress shall record the name of such copyright book, or other article, forthwith in a book to be kept for that purpose, in the words following: 'Library of Congress, to wit: Be it remembered that on the day of , anno Domini , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which is in the following words, to wit: (here insert the title or description,) the right whereof he claims as author, originator, (or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress.' And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to said proprietor whenever he shall require it." (16 Stat. at Large, 213.)
The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or other article made or produced in the United States; and the Secretary of the Treasury is hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum not exceeding five dollars per annum;" (26 Stat. at Large, 1108.)

The subscription of $5 the year must be made to the nearest collector of customs, and not to the Register of Copyrights.

Under the operation of the act of February 19, 1897, the duty of preparing the Catalogue of Title Entries devolves on the Register of Copyrights.

FEES

The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or
All fees so received shall be paid into the Treasury of the United States.

Act of July 8, 1870, sec. 92

"And be it further enacted, That for recording the title or description of any copyright book or other article, the Librarian of Congress shall receive, from the person claiming the same, fifty cents; and for every copy under seal actually given to such person or his assigns, fifty cents; and for recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words; and for every copy thereof, ten cents for every one hundred words, which moneys, so received, shall be paid into the Treasury of the United States." (16 Stat. at Large, 213.)

The fees for recording an assignment and for a copy of the same were changed by the act of June 18, 1874, sec. 2: "That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States." (18 Stat. at Large, 79.)

The act of March 3, 1891, sec. 4, reenacted the fees provided by the Rev. Stat., 4958, and the act of June 18, 1874, and provided for a double fee for the registration of title in the case of a work by a foreign author, by the proviso printed in italics below:

"SEC. 4958. The Librarian of Congress shall receive from the persons to whom the services designated are rendered the following fees:

"First. For recording the title or description of any copyright book or other article, fifty cents.

"Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

"Third. For recording and certifying any instrument of writing for the assignment of a copyright, one dollar.
Copyright Legislation

"Fourth. For every copy of an assignment, one dollar.

All fees so received shall be paid into the Treasury of the United States: Provided, That the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or resident of the United States, shall be one dollar, to be paid as above into the Treasury of the United States, to defray the expenses of lists of copyrighted articles as hereinafter provided for." (26 Stat. at Large, 1108.)

NOTICE OF COPYRIGHT

Rev. Stat., sec. 4962

No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chrome, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words:

"Entered according to act of Congress, in the year ______, by A. B., in the office of the Librarian of Congress, at Washington."

Act of July 8, 1870, sec. 97

"And be it further enacted, That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title page or the page immediately following, if it be a..." (18 Stat. at Large, 78, 79.)
book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words, viz: 'Entered according to act of Congress, in the year ______, by A. R., in the office of the Librarian of Congress, at Washington.'" (16 Stat. at Large, 214.)

NOTICE OF COPYRIGHT

The act of August 1, 1882, provides: "That manufacturers of designs for molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright may put the copyright mark prescribed by section forty-nine hundred and sixty-two of the Revised Statutes, and acts additional thereto, upon the back or bottom of such articles, or in such other place upon them as it has heretofore been usual for manufacturers of such articles to employ for the placing of manufacturers, merchants, and trade-marks thereon." (22 Stat. at Large, 181.)

FALSE NOTICE OF COPYRIGHT

Rev. Stat., sec. 4963

Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty, and one-half to the use of the United States.

FALSE NOTICE OF COPYRIGHT

The act of March 3, 1891, sec. 6, amended this section by inserting the word "dramatic": "Sec. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic, or musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue
Act of July 8, 1870, sec. 98

"And be it further enacted, That if any person shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other articles herein named, for which he has not obtained a copyright, every person so offending shall forfeit and pay one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the United States, to be recovered by action in any court of competent jurisdiction." (16 Stat. at Large, 214.)

The act of March 3, 1897, further amended this section, as follows:

"Sec. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving or photograph, or other article, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or shall import any book, photograph, chromo, or lithograph or other article bearing such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States; and the importation into the United States of any book, chromo, lithograph, or photograph, or other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation: Provided, That this act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof." (29 Stat. at Large, 694, 695.)
The act of March 3, 1891, sec. 7, amended section 4964 to read as follows:

"Sec. 4964. Every person, who after the recording of the title of any book and the depositing of two copies of such book, as provided by this act, shall, contrary to the provisions of this act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction." (26 Stat. at Large, 1109.)
of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or exposure to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States.

Act of July 8, 1870, sec. 100

"And be it further enacted, That if any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as herein provided, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall, within the term limited, contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design, with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or exposure to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale: Provided, however, That in case of any such infringement of the copyright of a photograph made from any object not a work of fine arts, the sum to be recovered in any action brought under the provisions of this section shall be not less than one hundred dollars, nor more than five thousand dollars, and Provided, further, That in case of any such infringement of the copyright of a
work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the said proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or which have by him been sold or exposed for sale; one moiety thereof to the proprietor and the other to the use of the United States, to be recovered by action in any court of competent jurisdiction." (16 Stat. at Large, 214.)

UNAUTHORIZED REPRESENTATION OF DRAMATIC COMPOSITION

Rev. Stat., sec. 4966

Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just.

Act of July 8, 1870, sec. 101

"And be it further enacted, That any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, to be recov-
Copyright Legislation

eryed by action in any court of competent jurisdiction; said damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just." (16 Stat. at Large, 214.)

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the

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dissolz~e

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injiinc-

lion,

fransmit

withotl

delay

to

said

torirl

a
erfi/ir,d

copy

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all

lhr

papers on

whirh

the

said

ilr-

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Large, 481-482.)
UNAUTHORIZED PRINTING OF MANUSCRIPT

Rev. Stat., sec. 4967
Every person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first obtained, (if such author or proprietor is a citizen of the United States, or resident therein), shall be liable to the author or proprietor for all damages occasioned by such injury.

Act of July 8, 1870, sec. 104
"...And be it further enacted, That any person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first obtained, (if such author or proprietor be a citizen of the United States, or resident therein,) shall be liable to said author or proprietor for all damages occasioned by such injury, to be recovered by action on the case in any court of competent jurisdiction." (16 Stat. at Large, 215.)

COPYRIGHT SUITS

1. LIMITATION OF ACTION IN COPYRIGHT CASES

Rev. Stat., sec. 4968
No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

Act of July 8, 1870, sec. 104
"...And be it further enacted, That no action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen." (16 Stat. at Large, 215.)
2. DEFENSES TO ACTION IN COPYRIGHT CASES

Rev. Stat., sec. 4969

In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

Act of July 8, 1870, sec. 106

"And be it further enacted, That in all actions arising under the laws respecting copyrights the defendant may plead the general issue, and give the special matter in evidence." (16 Stat. at Large, 215.)

3. INJUNCTIONS IN COPYRIGHT CASES

Rev. Stat., sec. 4970

The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

Act of July 8, 1870, sec. 106

"And be it further enacted, That all actions, suits, controversies, and cases arising under the copyright laws of the United States shall be originally cognizable, as well in equity as at law, whether civil or penal in their nature, by the circuit courts of the United States, or by any district court having the jurisdiction of a circuit court, or in the supreme court of the District of Columbia, or any Territory. And the court shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as the court may deem reasonable." (16 Stat. at Large, 215.)

2. DEFENSES TO ACTION IN COPYRIGHT CASES

Unchanged by subsequent legislation.

4. INJUNCTIONS IN COPYRIGHT CASES

Unchanged by subsequent legislation.

The following enactments relate to the JURISDICTION OF COURTS IN COPYRIGHT CASES.

[Revised Statutes, Title XIII, "The Judiciary," provides as follows:

"Chap. 7 (Sec. 629). The circuit courts shall have original jurisdiction as follows: 2 ** 2

Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States." (Rev. Stat., 1878, pp. 110, 111.)

"Chap. 11 (Sec. 699). A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in equity hereinafter mentioned, without regard to the sum or value in dispute:

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory, in any case touching patents-rights
Act of July 8, 1870, sec. 107

"And be it further enacted, That a writ of error or appeal to the Supreme Court of the United States shall lie from all judgments and decrees of any court, in any action, suit, controversy, or case touching copyrights in the same manner and under the same circumstances as in other judgments and decrees of such courts, without regard to the sum or value in controversy." (16 Stat. at Large, 215.)

Act of July 8, 1870, sec. 108

"And be it further enacted, That in all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon." (16 Stat. at Large, 215.)

Works by Foreigners Not Protected

Rev. Stat., sec. 497:

Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein.

Act of July 8, 1870, sec. 103

"And be it further enacted, That nothing herein contained shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States, nor resident therein." (16 Stat. at Large, 215.)

Works by Foreigners Not Protected

Repealed by the act of March 3, 1891, sec. 10. (26 Stat. at Large, 1199.)
# Copyright Legislation

## Index to Appendix B

<table>
<thead>
<tr>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrators of author may secure copyright</td>
<td>485</td>
</tr>
<tr>
<td>American manufacture of book, chromo, lithograph, and photograph deposited.</td>
<td>487</td>
</tr>
<tr>
<td>Annual report to Congress of copyright entries.</td>
<td>482</td>
</tr>
<tr>
<td>Appropriation act of February 19, 1897, copyright provisions of</td>
<td>482</td>
</tr>
<tr>
<td>Articles of manufacture, prints for, must be registered at Patent Office</td>
<td>485</td>
</tr>
<tr>
<td>Articles subject to copyright protection</td>
<td>485</td>
</tr>
<tr>
<td>Assignments of copyrights:</td>
<td>489</td>
</tr>
<tr>
<td>By any instrument of writing</td>
<td>489</td>
</tr>
<tr>
<td>Must be recorded within sixty days</td>
<td>489</td>
</tr>
<tr>
<td>Default of record</td>
<td>489</td>
</tr>
<tr>
<td>Assignee of author may secure copyright</td>
<td>485</td>
</tr>
<tr>
<td>Authentication of copyright records and papers</td>
<td>484</td>
</tr>
<tr>
<td>Author and his or her assigns shall have sole liberty of printing and vending, etc</td>
<td>485</td>
</tr>
<tr>
<td>Bond:</td>
<td>482</td>
</tr>
<tr>
<td>Of Librarian of Congress</td>
<td>482</td>
</tr>
<tr>
<td>Of Register of Copyrights</td>
<td>482</td>
</tr>
<tr>
<td>Book:</td>
<td>485</td>
</tr>
<tr>
<td>May be copyrighted</td>
<td>485</td>
</tr>
<tr>
<td>Author or proprietor of, may secure copyright</td>
<td>485</td>
</tr>
<tr>
<td>Coprighthed:</td>
<td>494</td>
</tr>
<tr>
<td>If dramatized without permission, forfeited</td>
<td>494</td>
</tr>
<tr>
<td>If imported without permission, forfeited</td>
<td>494</td>
</tr>
<tr>
<td>If printed without permission, forfeited</td>
<td>494</td>
</tr>
<tr>
<td>If published without permission, forfeited</td>
<td>494</td>
</tr>
<tr>
<td>If translated without permission, forfeited</td>
<td>494</td>
</tr>
<tr>
<td>Each volume of, requires separate entry of copyright</td>
<td>490</td>
</tr>
<tr>
<td>New edition of, requires deposit of one copy</td>
<td>493</td>
</tr>
<tr>
<td>Printed title of, must be filed</td>
<td>490</td>
</tr>
<tr>
<td>Two copies of, must be deposited</td>
<td>491</td>
</tr>
<tr>
<td>Copies deposited must be printed in the United States</td>
<td>492</td>
</tr>
<tr>
<td>Books:</td>
<td>495</td>
</tr>
<tr>
<td>For educational institutions or societies, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>For private persons, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>For use of United States, or Library of Congress, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>In foreign languages, of which only translations are copyrighted, may be imported</td>
<td>499</td>
</tr>
<tr>
<td>In languages other than English, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>Of persons from foreign countries, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>Printed more than twenty years, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>Purchased for use and not for sale, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>Two copies of, may be imported at one time</td>
<td>495</td>
</tr>
<tr>
<td>Catalogue of title entries:</td>
<td>499</td>
</tr>
<tr>
<td>Preparation of</td>
<td>499</td>
</tr>
<tr>
<td>Secretary of Treasury to print</td>
<td>499</td>
</tr>
<tr>
<td>Distribution of</td>
<td>499</td>
</tr>
<tr>
<td>Subscription, $1 a year</td>
<td>499</td>
</tr>
<tr>
<td>To whom paid</td>
<td>499</td>
</tr>
<tr>
<td>Certificate of copyright entry, form of</td>
<td>497</td>
</tr>
<tr>
<td>Chart:</td>
<td>495</td>
</tr>
<tr>
<td>May be copyrighted</td>
<td>497</td>
</tr>
<tr>
<td>Author, inventor, designer, or proprietor of, may secure copyright</td>
<td>497</td>
</tr>
<tr>
<td>Printed title of, must be filed</td>
<td>499</td>
</tr>
<tr>
<td>Two copies of, must be deposited</td>
<td>499</td>
</tr>
<tr>
<td>Charts:</td>
<td>498</td>
</tr>
<tr>
<td>For educational institutions, or societies, may be imported</td>
<td>498</td>
</tr>
<tr>
<td>For use of United States, or Library of Congress, may be imported</td>
<td>498</td>
</tr>
<tr>
<td>Printed more than twenty years, may be imported</td>
<td>498</td>
</tr>
<tr>
<td>Chromo:</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>May be copyrighted............................................</td>
<td>455</td>
</tr>
<tr>
<td>Author, designer, or proprietor of, may secure copyright</td>
<td>485</td>
</tr>
<tr>
<td>Printed title of, must be filed</td>
<td>490</td>
</tr>
<tr>
<td>Two copies of, must be deposited</td>
<td>491</td>
</tr>
<tr>
<td>Copies deposited must be made in United States</td>
<td>492</td>
</tr>
</tbody>
</table>

Claim of copyright:

- Must be inserted.......................................... | 501 |
- Form of.................................................. | 501 |
- Penalty for printing false claim | 502 |

Commissioner of Patents charged with registry of prints and labels | 485 |

Constitutional provision securing protection for writing of authors | 481 |

Copy of title entry:

- Given to proprietor whenever required.................. | 486 |
- Fee for same (50 cents).................................. | 500 |

Copyright:

- Copyright fees:
  - For recording title when production of citizen, 50 cents | 500 |
  - When production of foreigner, $1.......................... | 501 |
  - For copy of record, 50 cents.............................. | 500 |
  - For recording assignment, $1.............................. | 500 |
  - For copy of assignment, $1.................................. | 500 |

Copyright notice:

- Must be inserted............................................ | 501 |
- Form of.................................................. | 501 |
- Penalty ($500 for printing false | 502 |

Copyright office seal........................................ | 491 |

Copyright publications, annual report of, required............... | 492 |

Publication of, necessary.................................. | 492 |

Publication of, necessary.................................. | 488 |

Copyright suits:

- Two years' limit of action................................ | 508 |
- Jurisdiction of courts in................................. | 509 |
- Defendant in, may plead the general issue | 509 |

Countries having copyright relations with the United States | 484 |

Statutory definition of.................................. | 485 |

May be copyrighted............................................ | 485 |

Author, designer, or proprietor of, may secure copyright | 485 |

Printed title of, must be filed | 485 |

Two copies of, must be deposited | 491 |

Deposit of copies:

- Two copies required........................................... | 491 |
- To be delivered at Library of Congress, or deposited in the mail | 491 |
- Not later than the day of publication.................. | 491 |
- Failure to deposit involves $25 penalty............... | 493 |
- Of new edition, one copy is required to be deposited | 493 |
Deposit of copies—Continued
Of photographs of works of fine arts, one copy required
Enabling act of March 3, 1891
Deposit of printed title:
Essential to copyright
To be delivered at Copyright Office, or mailed
Must be on or before day of publication
Designs:
Intended to be perfected as works of the fine arts, may be copyrighted
Author, inventor, designer, or proprietor of, may secure copyright
Description of, must be filed
Photograph of, must be deposited
Dramatic composition:
May be copyrighted
Author or proprietor of, may secure copyright
Printed title of, must be filed
Two copies of, must be deposited
Injunction in case of fraudulent representation
Penalties for fraudulent representation
Dramatization:
Authors have exclusive right of
Of copyrighted book without permission prohibited
Drawing:
May be copyrighted
Author, designer, or proprietor of, may secure copyright
Description of, must be filed
Photograph of, must be deposited
Editions, new:
Require deposit of one copy
Of books by foreign authors copyrightable
Engraving:
Statutory definition of
May be copyrighted
Author, designer, or proprietor of, may secure copyright
Printed title of, must be filed
Two copies of, must be deposited
Engravings:
For use of United States, or Library of Congress, may be imported
Printed more than twenty years, may be imported
Entries of copyright, annual report to Congress
Entry of copyright
Etchings:
For use of United States, or Library of Congress, may be imported
Printed more than twenty years, may be imported
Executing, sole liberty of
Executors of authors may secure copyright
Exemption of newspapers and magazines from prohibition of importation
Exemptions from prohibition of importation
Failure to deposit copies, penalty of $50
Fees:
For recording title, when production of citizen of United States, 50 cents
When production of foreigners, $1
For copy of record, 50 cents
For recording assignment, $1
For copy of assignment, $1
Fine arts:
Works of the (paintings, drawings, statues, etc.), may be copyrighted
Author, designer, or proprietor of, may secure copyright
Description of, must be filed
Copyright Legislation
<table>
<thead>
<tr>
<th>Fine arts—Continued</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Works of the, may be copyrighted—Continued</td>
<td></td>
</tr>
<tr>
<td>Photograph of, must be deposited</td>
<td>491</td>
</tr>
<tr>
<td>&quot;Engravings,&quot; &quot;cuts,&quot; and &quot;prints&quot; may be copyrighted only when works of</td>
<td></td>
</tr>
<tr>
<td>Foreign authors (what) may secure copyright</td>
<td>494</td>
</tr>
<tr>
<td>Foreign countries with which the United States have established copyright</td>
<td>494</td>
</tr>
<tr>
<td>Foreign relations, list of</td>
<td>494</td>
</tr>
<tr>
<td>Foreign languages, books in, may be imported</td>
<td>494</td>
</tr>
<tr>
<td>Forfeiture:</td>
<td></td>
</tr>
<tr>
<td>of books dramatized without permission</td>
<td>534</td>
</tr>
<tr>
<td>of books imported without permission</td>
<td>534</td>
</tr>
<tr>
<td>of books printed without permission</td>
<td>534</td>
</tr>
<tr>
<td>of books translated without permission</td>
<td>534</td>
</tr>
<tr>
<td>Fraudulent representation of play, penalties for</td>
<td>566</td>
</tr>
<tr>
<td>Government publications not copyrightable</td>
<td>477</td>
</tr>
<tr>
<td>Importation:</td>
<td></td>
</tr>
<tr>
<td>of copyrighted books, engravings, lithographs, or photographs, prohibited</td>
<td>494</td>
</tr>
<tr>
<td>of books containing false claim, prohibited</td>
<td>533</td>
</tr>
<tr>
<td>of books imported without permission, prohibited</td>
<td>534</td>
</tr>
<tr>
<td>of books in foreign languages of which only translations are copyrighted, permitted</td>
<td>494</td>
</tr>
<tr>
<td>Infringement of copyright:</td>
<td></td>
</tr>
<tr>
<td>of book</td>
<td>534</td>
</tr>
<tr>
<td>of map, chart, dramatic or musical composition, print, cut, engraving, photograph, and chromo</td>
<td>534</td>
</tr>
<tr>
<td>Of painting, etc., penalty for</td>
<td>563</td>
</tr>
<tr>
<td>of photograph, penalty for</td>
<td>563</td>
</tr>
<tr>
<td>Injunction:</td>
<td></td>
</tr>
<tr>
<td>May be granted by circuit and district courts</td>
<td>509</td>
</tr>
<tr>
<td>Certified copies of papers filed</td>
<td>507</td>
</tr>
<tr>
<td>Against fraudulent representations of plays</td>
<td>507</td>
</tr>
<tr>
<td>International copyright:</td>
<td></td>
</tr>
<tr>
<td>Provisions for</td>
<td>494</td>
</tr>
<tr>
<td>List of countries with which United States have established copyright relations</td>
<td>494</td>
</tr>
<tr>
<td>Jurisdiction of courts in copyright cases</td>
<td>509</td>
</tr>
<tr>
<td>Labels:</td>
<td></td>
</tr>
<tr>
<td>Can not be entered at Copyright Office</td>
<td>485</td>
</tr>
<tr>
<td>May be registered at Patent Office</td>
<td>485</td>
</tr>
<tr>
<td>Charge for such registration ($1)</td>
<td>485</td>
</tr>
<tr>
<td>Librarian of Congress:</td>
<td></td>
</tr>
<tr>
<td>To preserve and control records relative to copyright</td>
<td>481</td>
</tr>
<tr>
<td>shall record titles of books and other articles</td>
<td>481</td>
</tr>
<tr>
<td>May sue in case of failure to deposit copies</td>
<td>483</td>
</tr>
<tr>
<td>Required to make annual report of publications entered and deposited</td>
<td>482</td>
</tr>
<tr>
<td>Bond of</td>
<td>482</td>
</tr>
<tr>
<td>Seal of</td>
<td>482</td>
</tr>
<tr>
<td>Lithographs:</td>
<td></td>
</tr>
<tr>
<td>Two copies deposited, must be made in United States</td>
<td>492</td>
</tr>
<tr>
<td>For educational institution, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>Manuscript, printing of without consent, prohibited</td>
<td>496</td>
</tr>
<tr>
<td>Map:</td>
<td></td>
</tr>
<tr>
<td>May be copyrighted</td>
<td>485</td>
</tr>
<tr>
<td>Author, designer, or proprietor of, may secure copyright</td>
<td>485</td>
</tr>
<tr>
<td>Printed title of, must be filed</td>
<td>490</td>
</tr>
<tr>
<td>Two copies of, must be deposited</td>
<td>491</td>
</tr>
<tr>
<td>Maps:</td>
<td></td>
</tr>
<tr>
<td>For use of educational institutions, or societies, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>For use of United States, or Library of Congress, may be imported</td>
<td>495</td>
</tr>
<tr>
<td>Printed more than twenty years, may be imported</td>
<td>495</td>
</tr>
</tbody>
</table>
Copyright Legislation

Model:

Intended to be perfected as work of the fine arts, may be copyrighted

Page

Description of, must be filed

498

Photograph of, must be deposited

491

Musical composition:

May be copyrighted

485

Author or proprietor of, may secure copyright

485

Printed title of, must be filed

490

Two copies of, must be deposited

491

Penalty for unauthorized public performance of

506

Negatives, photographic:

May be copyrighted

485

Author or proprietor of, may secure copyright

485

New editions:

Of copyrighted books, deposit of one copy required

493

Of foreign authors, copyrightable

487

Newspapers and magazines excepted from prohibition of importation

406

Notice of copyright:

Form of

504

Must be inserted

504

Penalty for false, $100

502

Printing:

May be copyrighted

485

Author or proprietor of, may secure copyright

485

Description of, must be filed

490

Photograph of, must be deposited

491

Pamphlets in languages other than English, may be imported

495

Patent office, labels may be registered in

495

Penalty:

For failure to deposit copies, $2

493

For false claim of copyright, $100

502

For fraudulent dramatization

504

For fraudulent importation

504

For fraudulent printing of book

504

Of map, chart, dramatic or musical composition, etc

595

For fraudulent publication

504

For fraudulent translation

504

For unauthorized representation

506

Performing, publicly, dramatic composition

485

Periodical, each number of, requires separate entry of copyright

490

Photography:

May be copyrighted

485

Author or proprietor of, may secure copyright

485

Printed title of, must be filed

490

Two copies of, must be deposited

490

Copies deposited must be printed from negatives made in United States

492

Penalty for importations of

508

Photographic negative:

May be copyrighted

485

Author or proprietor of, may secure copyright

485

Photographs:

For use of United States, or the Library of Congress, may be imported

495

Printed more than twenty years may be imported

495

Plates not made from type set in United States prohibited importation

504

Play, fraudulent representation of, penalties for

506

Postmaster shall give receipt for title or book mailed

494

Print:

Statutory definition of

485

May be copyrighted

485

Author, designer, or proprietor of, may secure copyright

485
Print—Continued

Printed title of, must be filed. .................................................. 490
Two copies of, must be deposited............................................ 491
For article of manufacture not copyrightable. ......................... 485
May be registered at Patent Office........................................... 475
Printed from type set within United States......................... 492
Printed title must be deposited ............................................... 490
Printing:
Without permission of author, prohibited.................................. 504
Sole liberty of. ........................................................................ 495
Prohibition of importation of copyrighted articles....................... 494
Exceptions to. ......................................................................... 495
Proprietor, copyright:
May secure copyright............................................................... 485
May obtain copies of record..................................................... 485
Public documents not copyrightable ........................................ 487
Publication of copyright renewal required ................................ 488
Publishing:
Without permission of author, prohibited.................................. 504
Sole liberty of. ........................................................................ 495
Receipt from postmaster may be obtained for title or book mailed .... 494
Record of copyright. ............................................................... 497
Records, copyright, control and preservation of......................... 481
Register of copyrights:
Act providing for appointment of ............................................ 481
Bond of. .................................................................................. 482
Duties of, defined ..................................................................... 481
Renewal of copyright for fourteen years .................................. 488
Publication of, required .............................................................. 488
Report (annual) to Congress of copyright entries....................... 482
Representation of dramatic composition .................................. 485
Reprinting, sole liberty of ......................................................... 495
Right to dramatize or translate, exclusive right of authors ............ 485
Seal of copyright office ............................................................. 482
Act of July 8, 1891, section 85.................................................. 482
Series, books forming part of, in course of publication in 1891.... 497
Statutory:
May be copyrighted ................................................................. 485
Author, inventor, designer, or proprietor of, may secure copyright... 485
Description of, must be filed ...................................................... 499
Photograph of, must be deposited ............................................ 441
Status:
May be copyrighted ................................................................. 485
Author, designer, or proprietor of, may secure copyright............ 485
Description of, must be filed ...................................................... 499
Photograph of, must be deposited ............................................ 441
Term of copyright, twenty-eight years .................................... 488
Renewal of for fourteen years ................................................... 493
Title, printed, of book, chart, chromo, cut, dramatic composition, engraving, map, musical composition, photograph, and print must be deposited on or before day of publication .................. 490
Translation:
Right of, exclusive property of authors .................................... 485
Without permission, prohibited ................................................. 504
Two copies of books, etc., to be deposited................................. 491
Type set within United States, plates to be made from.............. 492
Vending, sole liberty of. ........................................................... 485
Volume, each, of book requires separate copyright entry .......... 490
Who may secure copyright ....................................................... 485
Copyright Legislation

Appendix C

BIBLIOGRAPHICAL LIST OF FOREIGN COPYRIGHT LAWS IN FORCE

ARGENTINE REPUBLIC

CONSTITUTIONS

1853.—Constitucion argentina de 1853. Parte 1a. Cap. unico. Declaraciones, derechos y garantias, art. 17. [Relates in part to the rights of authors.] In "Comentarios de la constitucion de la confederacion Argentina." Por D. F. Sarmiento." 8°. Santiago de Chile, J. Belin i ca., 1853, p. 3.


CODES


LAWS

1894 (December 6).—Ley aprobatoria de los tratados de derecho internacional de propiedad literaria, marcas de fábrica de comercio, y patentes de invencion. In "Registro nacional de la Republica Argentina." Año 1894. 8°. Buenos Aires, 1894, p. 792.


Cap. I. La propiedad literaria y artística ante la constitución y el código civil, pp. 19-53; II. Jurisprudencia en materia de propiedad literaria y artística, pp. 55-87; III. La propiedad literaria y artística ante el derecho internacional privado, pp. 89-162; IV. La propiedad literaria y artística y el estado, pp. 163-196; V. Proyecto de ley de propiedad literaria y artística para la República Argentina, pp. 197-237; Anexos, pp. 239-315.

NOTE. - A bill to give protection to literary and artistic property was introduced in the National Congress of the Argentine Republic in 1897, but up to the session of 1901 it does not seem to have become law.

AUSTRIA

LAWS


Copyright Legislation

AUSTRIA


Bemerkungen über das Urheberrecht und den Gesetzentwurf der österreichischen Regierung. Von Dr. Edmund Benedikt. 34 pp. 8e. Wien, 1893.

BELGIUM:


1887 (September 30). —Loi qui approuve la convention concernant la création d'une Union internationale pour la protection des œuvres artistiques et littéraires, conclue à Berne, le 9 septembre 1886. In "Le Droit d'auteur." 2e année, 1889. 4e. Berne, no. 8, 15 août 1889, p. 92.
Copyright Legislation


Bolivia

Códigos


Laws

BOLIVIA

522 Report of the Librarian of Congress

BRAZIL

Constitutions


Codes


Laws

1898 (August 1).—Loi no. 496 concernant la définition et la protection des droits des auteurs (du 1 août 1898). In "Le Droit d’auteur." 11e année, 1898, 4°. Berne, no. 9, 15 septembre 1898, pp. 101-103.
Copyright Legislation


CANADA LAWS


Amended by the following subsequent acts: 52 Vict., chap. 29, May 2, 1889; 53 Vict., chap. 12, April 24, 1890; 54 and 55 Vict., chap. 34, August 28, 1891; 58 and 59 Vict., chap. 37, July 22, 1895; 63 and 64 Vict., chap. 25, July 18, 1900.


CANADA


1900 (July 18).—An Act to amend the copyright act [63 and 64 Vict., chap. 25, July 18, 1900]. In "Acts of the Parliament of the Dominion of Canada, 1900." v. 1. 8o. Ottawa, S. E. Dawson, 1900, pp. 187-188.


CAPE OF GOOD HOPE

Laws


Same: Act of the government of the Cape of Good Hope, to protect and regulate the rights of authors in respect of their works [no. 2,
Copyright Legislation


CHILE

CONSTITUTIONS


CODES


Report of the Librarian of Congress

CHILE: Laws


COLOMBIA: Constitutions


COLOMBIA: Codes


Same. German text: Civilgesetzbuch, art. 671. In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durchgesehen von Prof. Ernst Röthlisberger." 8°. Leipzig, G. Hedeler, 1902, p. 44.
Copyright Legislation

1890.—Strafgesetzbuch von 1890, art. 560. In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durchgesehen von Prof. Ernst Röthlisberger." 8°. Leipzig, G. Hedeler, 1902, p. 44.

LAWS

1886 (October 26).—Ley 32 de 1886 (26 de octubre) sobre propiedad literaria y artística. In "Código civil colombiano expedido por el congreso de 1873 y adoptado por la ley 57 de 1887, con un Suplemento de las leyes que lo adicionan y reforman, desde 1887 hasta 1892, inclusivo." Ed. oficial. 8°. Bogotá, Imprenta nacional, 1895, pp. 425–426.


COSTA RICA


Note.—Enacted by virtue of law of April 19, 1886, to go into effect January 1, 1888.

Same. German text: Civilgesetzbuch, art. 275. In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durchgesehen von Prof. Ernst Röthlisberger." 8°. Leipzig, G. Hedeler, 1902, p. 44.


LAWS

1896 (June 27).—Ley de propiedad intelectual. Decreto no. 40 (de 27 de junio [1896]). In "Colección de las leyes y decretos emitidos en el año 1896." Ed. oficial. 12°. San José, Tipografía nacional, 1897, pp. 201–214.
Report of the Librarian of Congress

COSTA RICA


1896 (August 31).—Decreto no. 4. Aprueba el convenio sobre garantía del ejercicio de la propiedad literaria, científica y artística celebrado con España (de 31 de agosto, 1896). In "Colección de las leyes y decretos emitidos en el año 1896." Ed. oficial. 12°. San José, Tipografía nacional, 1897, pp. 312-321.

1896 (October 17).—Decreto no. 2 (de 17 de octubre). Aprueba una convención celebrada entre Costa Rica y Francia, sobre propiedad literaria y artística. In "Colección de las leyes y decretos emitidos en el año 1896." Ed. oficial, 12°. San José, Tipografía nacional, 1897, pp. 341-349.

1896 (November 7).—Reglamento para la inscripción de la propiedad científica, literaria y artística. Decreto no. 5 (de 7 de noviembre [1896]). In "Colección de las leyes y decretos emitidos en el año 1896." Ed. oficial, 12°. San José, Tipografía nacional, 1897, pp. 579-581.


DENMARK


1869 (December 15).—Tilsigum hansa Islandi, um eftirmyndan ljosmynd og fl. Forordning om Island om Eftergjørelse af Fotografer m. m. Annælindöll 11. dag desembermánaðar 1869 [Icelandic and Danish, 5 pp.]. In "Love og Anordninger, for Aaret 1869." 8°. Kjøbenhavn, J. H. Schultz, [1869], under date of December 15.


Not.:—Repeals the laws of December 29, 1857, March 31, 1864, February 23, 1866, February 21, 1868, May 24, 1879, and April 12, 1889.


ECUADOR

CONSTITUTIONS

1884 (February 13).—Constitución de la República del Ecuador.


Same. French text: Constitution du 13 février 1884, art. 27. In "Lois françaises et étrangères sur la propriété littéraire et artistique, par
Report of the Librarian of Congress

ECUADOR


LAWS


EGYPT


ENGLAND

See Great Britain.

FINLAND

LAWS


FRANCE

CODES

Copyright Legislation


LAWS


Note. — Modified by the law of July 14, 1866.


Report of the Librarian of Congress

FRANCE


Same. German text: Gesetz vom 1. September 1793 betreffend die Theater und das Aufführungsrecht an dramatischen und musikal-
1795 (June 13).—Décret interprétatif de celui du 19 juillet 1793, qui assuré aux auteurs et artistes la propriété de leurs ouvrages, 25 prai-
rial, an 3 (13 juin 1795). In "Collection complète des lois, par J. B.
Same: Loi relative aux autorités chargées de constater les délits de
contrefaçon. In "Lois françaises et étrangères sur la propriété litté-
raire et artistique, par Ch. Lyon-Caen et Paul Delahaye." t. 1. 8vo.
pratique de la propriété littéraire et artistique, par Eugène Pouillet."

1805 (March 22).—Décret impérial concernant les droits des pro-
priétaires d’ouvrages posthumes. Le 1er germinal [an 13]. In
"Bulletin des lois de l’Empire Français." 4th sér. t. 3. 8vo. Paris,
Imprimerie impériale, [1805], pp. 1-12. Same. In "Lois françaises
et étrangères sur la propriété littéraire et artistique, par Ch. Lyon-
Same. In "Le Droit d’auteur." 6th annexe, 1894, t. 4. Berne, no. 11,
15 novembre 1894, p. 132. Same. In "Traité théorique et pratique
de la propriété littéraire et artistique, par Eugène Pouillet." 2nd ed.

Same. English text: Copyright law of March 22, 1805. In "The

Same. German text: Dekret vom 22. März 1805 betreffend die Rechte
der Eigentümer nachgelassener Werke. In "Gesetze über das Urheber-
recht in allen Ländern. 2te auf, durchgesehen von Prof. Ernst

1805 (March 29).—Décret impérial concernant l’impression des
livres d’église, des leçons et des prières. Le 7 germinal, [an 13]. In
"Bulletin des lois de l’Empire Français." 4th sér. t. 3. 8vo.
françaises et étrangères sur la propriété littéraire et artistique, par
Ch. Lyon-Caen et Paul Delahaye." t. 1. 8vo. Paris, F. Pichon,
Berne, no. 11, 15 novembre 1894, p. 133. Same. In "Traité théorique
et pratique de la propriété littéraire et artistique, par Eugène Pouillet."

Same. German text: Dekret vom 29. März 1805 betreffend den
Druck von Kirchenhandbüchern und der Gebete. In "Gesetze über
das Urheberrecht in allen Ländern. 2te auf, durchgesehen von Prof.
Ernst Rothlisberger." 8vo. Leipzig, G. Hedeler, 1902, p. 98.

1806 (June 8).—Décret impérial concernant les théâtres. Le 8 juin
5th sér. t. 5. 8vo. Paris, Imprimerie impériale, 1807, pp. 236-238. Same: Décret relatif aux théâtres et au droit de


Law of Oct. 4, 1812 (October 4).—Décret impérial sur la surveillance, l'organisation, l'administration, la comptabilité, la police et discipline du Théâtre-Français, le 15 octobre 1812, arts. 72-73. In "Bulletin des lois
Copyright Legislation

535

FRANCE

de l'Empire Français,” 4° série, t. 18, 8°. Paris, Imprimerie impé-
riale, 1813, pp. 65, 77. Same. In “Lois françaises et étrangères sur la
propriété littéraire et artistique, par Ch. Lyon-Caen et Paul Delalain,”
d’auteur,” 6° année, 1893. 4°. Berne, no. 11, 15 novembre 1893,
p. 133.

Same. German text: Dekret vom 15. Oktober 1812 betreffend das
“Théâtre-Français,” art. 73. In “Gesetze über das Urheberrecht
in allen Ländern, 2te auf., durchgesehen von Prof. Ernst Röthlis-

1814 (June 6) — Ordonnance du Roi concernant l'organisation du
dépôt de la marine, le 6 juin 1814, art. 12. In “Bulletin des lois du
Roysme de France,” 5° série, t. 1. 8°. Paris, Imprimerie royale,
1814, pp. 229, 231. Same. In “Lois françaises et étrangères sur la
propriété littéraire et artistique, par Ch. Lyon-Caen et Paul Delalain,”
d’auteur,” 6° année, 1893. 4°. Berne, no. 11, 15 novembre 1893,
p. 133. Same. In “Traité théorique et pratique de la propriété litté-
raire et artistique, par Eugène Pouillet.” 2° éd. 8°. Paris, Marchal
& Billard, 1894, p. 845.

Same. German text: Verordnung vom 6. Juni 1814 betreffend die
Organisation des Marinearchivs. In “Gesetze über das Urheberrecht
in allen Ländern, 2te auf., durchgesehen von Prof. Ernst Röthlis-

1817 (May 6) — Loi relative aux dommages, le 6 mai 1814, Tit. IV.
littéraire et artistique, par Ch. Lyon-Caen et Paul Delalain,” t. 1.
In “Traité théorique et pratique de la propriété littéraire et artistique,
par Eugène Pouillet.” 2° éd. 8°. Paris, Marchal & Billard, 1894,
p. 846.

Same. German text: Gesetz vom 6. Mai 1814 die Zölle betreffend.
In “Gesetze über das Urheberrecht in allen Ländern, 2te auf., durch-
gesehen von Prof. Ernst Röthlisberger.” 8°. Leipzig, G. Hedeler,
1902, p. 100.

1817 (December 12) — Ordonnance du Roi relative à l’importation
of the law of the Roysme of France,” 9° série, t. 25. 8°. Paris,
Imprimerie royale, 1843, pp. 820, 822. Same. In “Lois françaises
et étrangères sur la propriété littéraire et artistique, par Ch. Lyon-
Same. In “Le Droit d’auteur,” 6° année, 1893. 4°. Berne, no. 11,
15 novembre 1893, p. 135. Same. In “Traité théorique et pratique
de la propriété littéraire et artistique, par Eugène Pouillet.” 2° éd.
FRANCE


Copyright Legislation


538 Report of the Librarian of Congress

FRANCE


Same. German text: Dekret vom 29. Oktober 1887 betreffend die Anwendung der gesetzlichen Bestimmungen, welche das literarische und künstlerische Eigentum in Frankreich regeln, auf die Kolonien. In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durch-


1897 (July 30).—Loi portant autorisation de donner son plein et entier effet à l'adhésion de la France à la convention conclue le 11 janvier 1889 à Montevideo, entre la République Argentine, la Bolivie, le Brésil, le Chili, le Paraguay, le Pérou et l'Uruguay, pour la garantie réciproque de la propriété littéraire et artistique. In "Journal officiel de la République Française." 29e année. 4°. Paris, no. 215, 10 août 1897, p. 4599. Same. In "Le Droit d'auteur." 10e année, 1897. 4°. Berne, no. 9, 15 septembre 1897, pp. 97-98.


FRANCE


GERMANY

LAW


Sec. 64 of the act of June 19, 1901, abrogates sections 1-56, 61, and 62 of this act, except in so far as they have been declared to be applicable in the laws of the Empire relating to the protection of works of the imitative arts, of photographs, and also of designs and models.


Same. In "Lois françaises et étrangères sur la propriété littéraire et
Copyright Legislation

Law of Apr. 28.


Law of Nov. 10.


Law of Feb. 25.

Report of the Librarian of Congress

German

setze über das Urheberrecht in allen Ländern. 2te auf., durchgesehen von Prof. Ernst Röthlisberger. 8°. Leipzig, G. Hedeler, 1902, p. 78.


Note.—This law went into force on January 1, 1902.


Note: This law went into force on January 1, 1902.


Same, Spanish text: Ley sobre el derecho de edición. In "Bibliografía española: Revista general de la Biblioteca," 8°. Madrid, año 1, núm. 14, 16 de noviembre de 1901, Crónica, pp. 58-59; núm. 15, 1er de diciembre de 1901, Crónica, pp. 61-62; año 2, núm. 1, 1er de enero de 1902, Crónica, pp. 1-2; núm. 2, 16 de enero de 1902, Crónica, pp. 5-6.


Gesetz, betreffend das Urheberrecht an Werken der Literatur und der Tonkunst [explanation], pp. 1-22; [text], pp. 36-42. Das Gesetz über das Verlagsrecht [explanation], pp. 23-35; [text], pp. 43-48.


Einige geschichtliche Bemerkungen, pp. 1-12. [I. Teil.] Gesetz betreffend das Urheberrecht an Werken der Literatur und der Tonkunst [text with commentaries], pp. 13-177. II. Teil. [cit.]. Die internationalen Urheberrechtsbeziehungen des Deutschen Reichs [history of the Berne convention and the various literary conventions relative to the formation of the International copyright union; text of agreements between Germany and various foreign countries], pp. 180-299.
GERMANY


Opel


Österreich


Schaefer


Schweiss


Voigtländer


GREAT BRITAIN

LAWS

GREAT BRITAIN

LAW

1755.—An Act for the encouragement of the arts of designing, engraving, and etching historical and other prints, by vesting the properties thereof in the inventors and engravers during the time therein mentioned [8 Geo. II, chsp. 13, 1755. Short title, "Engravings copyright act, 1755"].


Copyright Legislation


Sec. 1 amended by 7 Geo. III, chap. 38, 1797: The Engravings copyright act, 1866, sec. 5:—Sec. 7 and 8 Vict., chap. 12, May 10, 1844: The International copyright act, 1844, sec. 1: Construed by 15 and 16 Vict., chap. 12, 1852: The International copyright act, 1882, sec. 14:—Sec. 5 repealed by 30 and 31 Vict., chap. 59, July 15, 1867: The Statute law revision act, 1867:—Sec. 6 repealed by 40 and 41 Vict., chap. 59, September 16, 1887: The Statute law revision act, 1888:—Sec. 2 from "be it" to "aforesaid" that," and sec. 3 from "and be it" to "aforesaid" repealed by 51 and 52 Vict., chap. 3, March 27, 1888: The Statute law revision act, 1888, schedule; Sec. 3 repealed by 56 and 57 Vict., chap. 61, December 5, 1893: The Public authorities protection act, 1893, sec. 2 and schedule.

Note.—This date, 1734, in the short title, is given by act of 55 Vict., chap. 10, 1832: "Extended to Ireland by 6 and 7 Will. IV, c. 59, s. 1." Sir James Stephen: Digest, ante, p. 25, note a.


Sec. 1 amended by 7 Geo. III, chap. 38, 1797: The International copyright act, 1866, sec. 5:—Sec. 7 and 8 Vict., chap. 12, May 10, 1844: The International copyright act, 1882, sec. 14:—Secs. 3 and 4 repealed.
548 Report of the Librarian of Congress

Act of 1728


The privileges of this act were extended to Dublin by 41 Geo. III, chap. 107, July 2, 1817.—See (as regards sec. 6) 54 Geo. III, chap. 156, July 25, 1814.—Sec. 6, and so much of sec. 7 as relates to plea of general issue, repealed by 24 and 25 Vict., chap. 107, August 6, 1841: The Statute law revision act, 1861. schedule:—Sec. 8 repealed by 50 and 51 Vict., chap. 59, September 16, 1887: The Statute law revision act, 1887:—Of sec. 2, from "it is" to "enacted that;" sec. 7, from "be it" to "enacted that;" repealed by 51 and 52 Vict., chap. 3, March 27, 1888: The Statute law revision act, 1888:—Sec. 7 repealed by 56 and 57 Vict., chap. 61, December 5, 1893: Public authorities protection act, 1893, sec. 2 and schedule.

1777.—An Act for more effectually securing the property of prints to inventors and engravers, by enabling them to sue for and recover penalties in certain cases [17 Geo. III, chap. 57, 1777. Short title,
Copyright Legislation

"The Prints copyright act, 1777". In "The Statutes at large." 

GREAT BRIT.

Same. In "The Statutes of practical utility." By J. Chitty. 5th ed.,
by J. M. Lely." v. 2. 8°. London, Sweet & Maxwell, 1894, "Copyright-

London, Stevens & Haynes, 1893, pp. ix-x. Same. In "A Treatise on
Brown, 1847, Appendix, pp. 24-25. Same. In "A Treatise on the law
of property in intellectual productions." By E. S. Drone," 8°. Boston,
the law of copyright." By E. J. Macgillivray," 8°. London, J: Mur-
ray, 1902, pp. 310-311. Same. In "The Law of copyright." By T: E:
Same. In "The Law relating to works of literature and art." By J:

See 6 and 7 Will. IV, chap. 59, August 13, 1856: The Prints and
engravings copyright (Ireland) act, 1856.—In sec. 1 the words "full
and reasonable indemnity as to all costs," [etc.] are substituted for
words "together with double costs of suit," by 5 and 6 Vict., chap.
97, August 10, 1842, sec. 2;—See 7 and 8 Vict., chap. 12, May 10, 1844:
The International copyright act, 1844, sec. 1;—Construed, and
extended to lithographs by 15 and 16 Vict., chap. 12, 1852: The
International copyright act, 1852, sec. 14;—Of sec. 1 so much as
relates to double costs is repealed by 24 and 25 Vict., chap. 101, August
6, 1861: The statute law revision act, 1861, schedule.

1814 (May 18).—An Act to amend and render more effectual an
Act of His present Majesty, for encouraging the art of making new
models and casts of busts, and other things therein mentioned; and
for giving further encouragement to such arts [54 Geo. III, chap.
56, May 18, 1814. Short title, "The Sculpture copyright act, 1814."]
In "The Statutes of the United Kingdom of Great Britain and Ireland.
By John Raithby," v. 5. 4°. London, G: Eyre & A. Strahan, 1814,
pp. 577-578. Same. In "The Statutes of practical utility." By J.
Maxwell, 1894, "Copyright," pp. 9-11.

upon the law of property in intellectual productions." By E. S. Drone," 8°.
upon the law of copyright." By E. J. Macgillivray," 8°. London, J:
Murray, 1902, pp. 311-313. Same. In "The Law of copyright." By T:
235. Same. In "The Law relating to works of literature and art." By J:

In sec. 3 the words "full and reasonable indemnity as to all costs,

LIB 1903——36
GREAT BRITAIN [etc.] are substituted for "together with double costs of suit" by 5 and 6 Vict., chap. 97, August 10, 1842, sec. 2.—Sec. 7 and 8 Vict., chap. 12, May 10, 1844: The International copyright act, 1844, sec. 1.—Sec. 6 from "excepting" to end repealed by 36 and 37 Vict., chap. 91, August 5, 1873: The Statute law revision act, 1873, schedule.—Of secs. 2 and 3 are repealed from "be it" to "enacted that;" secs. 5 and 6 from "and be it" to "enacted," by 51 Vict., chap. 3, March 27, 1888: Statute law revision act, 1888, sec. 1 and schedule.


Extended to musical compositions and the term of protection extended by 5 and 6 Vict., chap. 45, July 1, 1842: The Copyright amendment act, 1842, sec. 20.—In sec. 2 the words "full and reasonable indemnity as to all costs," [etc.] are substituted for "together with double costs of suit" by 5 and 6 Vict., chap. 97, August 10, 1842, sec. 2.—Sec. 7 and 8 Vict., chap. 12, May 10, 1844: The International copyright act, 1844, sec. 1.—Amended by 45 and 46 Vict., chap. 10, August 10, 1882: The Copyright (musical compositions) act, 1882, sec. 4.—Sec. 2 amended by 51 and 52 Vict., chap. 17, July 5, 1888: The Copyright (musical compositions) act, 1888, sec. 1.—Of secs. 2 and 4 the words "the further enacted, that;" sec. 3 the words "and be it further enacted," are repealed by 51 and 52 Vict., chap. 57, December 24, 1888: The Statute law revision (No. 2) act, 1888, schedule.—Preamble and of sec. 1, to "this act" where those words first occur, and the word "that" before "the author" are repealed by 53 and 54 Vict., chap.
51. August 18, 1890: The Statute law revision (no. 2) act, 1890., Act of Sept. 9.


Of sec. 1, from "by action" to end of the section; secs. 2 and 3, the words "And be it further enacted, that" are repealed by 51 and 52 Vict., chap. 57, December 22, 1888: The Statute law revision (no. 21 act, 1888, schedule: Preamble and sec. 1 to "thirty-five," the word "that" and the words "his heirs or successors" repealed by 53 and 54 Vict., chap. 33, August 4, 1890: The Statute law revision act, 1890, schedule.


In sec. 2 the words "a fall and reasonable indemnity as to all costs," [etc.] are substituted for "together with double costs of suit," by 5 and 6 Vict., chap. 97, August 18, 1842, sec. 2. — See 7 and 8 Vict., chap. 12, May 14, 1844: The international copyright act, 1844, sec. 1: — Consecrated by 15 and 16 Vict., chap. 12, May 28, 1852: The international copyright act, 1852, sec. 14: — Of sec. 2 to "enacted that," is repealed by 51 and 52 Vict., chap. 57, December 24, 1888: The Statute law revision (no. 2) act, 1888, schedule: — Preamble, and of sec. 1 to "this act;" sec. 2 to "this act" repealed by 53 and 54 Vict., chap. 51, August 18, 1890: The Statute law revision (no. 2) act, 1890, schedule.


Sec. 1 repealed by 37 and 38 Vict., chap. 35, July 16, 1842: The Statute law revision act, 1874, schedule: — Of secs. 2 and 3 the words "And be it further enacted, that," are repealed by 51 and 52 Vict., chap. 57, December 24, 1888: The Statute law revision (no. 2) act, 1888, schedule: — Preamble; sec. 2, from "lord high" to "Majesty's," where first occurring, the words "or any three or more of them," twice occurring, and "commissioners of his Majesty's" where secondly occurring; sec. 3, from "said lord" to "Majesty's" and the words "him of," are repealed by 53 and 54 Vict., chap. 53, August 4, 1890: The Statute law revision act, 1890, schedule.

Copyright Legislation


See 7 and 8 Vict., chap. 12, May 10, 1844: The International copyright act, 1844, sec. 1.—See 10 and 11 Vict., chap. 95, July 22, 1847: The Colonial copyright act, 1847; Sec. 23 extended by 15 and 16 Vict., chap. 12, May 28, 1852: The International copyright act, 1852, sec. 9; see 25 and 26 Vict., chap. 68, July 29, 1862: The Fine arts copyright act, 1862, secs. 4 and 5; Secs. 1 and 30 repealed by 37 and 38 Vict., chap. 95, August 7, 1874: The Statute law revision (no. 2) act, 1874, schedule; Sec. 17 [prohibition of importation of copyrighted books], see further, 39 and 40 Vict., chap. 36, July 24, 1876: Customs consolidation act, 1876; sec. 42:—The words "And be it enacted, that" wherever they occur (except in secs. 9, 27, and 28), and the word "that" wherever it occurs with reference to the introductory words so repealed; in secs. 9, 27, and 28, the words "And be it enacted;" sec. 13, by "passing of this act;" sec. 16, to "this act;" and sec. 17, to "passing of this act," repealed by 37 and 38 Vict., chap. 12, December 21, 1888: The Statute law revision (no. 2) act, 1888, schedule; preamble; sec. 1, to "enacted, that;" sec. 5 to "enacted, that," and the word "that" before "it shall;" sec. 20 to "enacted, that," and the word "that" before "the sole" are repealed by 25 and 26 Vict., chap. 51, August 13, 1890: The Statute law revision act (no. 2) act, 1890, schedule; of sec. 14, from "Court of common" to "vacation," and from "by a motion" to "as aforesaid," and the words "of judge," occurring twice, are repealed; of sec. 15, the words "after the passing of this act" are repealed by 36 Vict., chap. 14, June 9, 1893: The Statute law revision act, 1893, schedule;—Sec. 26 repealed by 36 and 37 Vict., chap. 51, December 5, 1893: The Public authorities protection act, 1893, schedule.

Note.—"The whole of section 26 is repealed by the Public authorities protection act, 1893, in so far as that act applies. The result is probably that the first part of the section [down to "by law hath"] is entirely repealed. The second part of the section is probably not repealed except in respect of actions against a person or body for acts done in performance of a public duty." Macgillivray (E. J.) A Treatise upon the law of copyright. 8th. London, 1902, p. 326, note.


Sec. 7 and 8 Vict., chap. 73, August 6, 1844, sec. 15;—Included in and extended by 15 and 16 Vict., chap. 12, May 28, 1852: The international copyright act, 1852, sec. 10;—Sec. 18 repealed by 15 and 16 Vict., chap. 12, 1852; The international copyright act, 1852, sec. 1 so far as it is inconsistent therewith;—Included in 25 and 26 Vict., chap. 63, July 29, 1862: The Fine arts copyright act, 1862, sec. 12;—Secs. 1 and 21 repealed by 37 and 38 Vict., chap. 96, August 7, 1874: The statute law revision (no. 2) act, 1874, schedule;—Secs. 14, 17, and 18 repealed by 39 and 40 Vict., chap. 33, June 25, 1886: The International copyright act, 1886, sec. 2;—Preamble: the words "And be it enacted, that" wherever they occur, except in secs. 6, 7, and 12; in secs. 6, 7, and 12 the words "And be it enacted," in sec. 13 the word "that" before "the times," in sec. 20 from "and the expression Her Majesty" to "Majesty," where it next occurs, are repealed by 24 and 25 Vict., chap. 67, August 5, 1891: The statute law revision act, 1891, schedule.

Act of July 23
1847 (July 22).—An Act to amend the law relating to the protection in the colonies of works entitled to copyright in the United Kingdom [31 and 32 Vict., chap. 65, July 22, 1847. Short title: "The Colonial copyright act, 1847," called "The Foreign reprints act."]


Sec. 3 repealed by 38 and 39 Vict., chap. 66, August 11, 1875: The statute law revision act, 1875, schedule;—Preamble, and in sec. 1 to "same that," in sec. 2, to "enacted, that" and the word "that" before "a copy" are repealed by 54 and 55 Vict., chap. 67, August 5, 1891: The statute law revision act, 1891, schedule.
Copyright Legislation

1852 (May 28).—An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright; to extend and explain the international copyright acts; and to explain the acts relating to copyright in engravings [13 and 16 Vict. chap. 12, May 28, 1852]. Short title, "The International copyright act, 1852".
Amended by 38 and 39 Vict., chap. 12, May 13, 1875: The International copyright act, 1873;—Secs. 12 and 13 repealed by 38 and 39 Vict., chap. 66, August 12, 1895: The Statute law revision act, 1875, schedule;—Secs. 1 to 5, inclusive, and secs. 8 and 11 are repealed by 49 and 50 Vict., chap. 33, June 25, 1896: The International copyright act, 1886, sec. 12 and schedule;—Title from "to enable" to "of copyright;" preamble, and to "same as follows," repealed by 53 and 54 Vict., chap. 19, June 20, 1892: The Statute law revision act, 1892, schedule;—Sec. 7 from "without formalities" to "section" repealed by 57 and 58 Vict., chap. 56, 1894: The Statute law revision act, 1894, schedule.

1862 (July 29).—An Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works [25 and 26 Vict., chap. 68, July 29, 1852. Short title, "The Fine arts copyright act, 1862"]).
Report of the Librarian of Congress


Preamble, from "And it is to "as follows:" and of sec. 8, from "who upon proof." to "liable in expenses." and the word "advocation," repealed by 56 and 57 Vict., chap. 14, June 9, 1893: The Statute law revision act, 1893, schedule.


Preamble, and to "same as follows, viz.," repealed by 56 and 57 Vict., chap. 54, September 22, 1893: The Statute law revision (no. 2) act, 1893, schedule.


Preamble, and to "same as follows," repealed by 56 and 57 Vict.,
Copyright Legislation

chap. 54. Sept. 22. 1893. The Statute law revision (no. 2) act, 1893. GREAT BRIT.
schedule:—In sec. 3 from “in the act” to “ninety-three or,” and the
word “other,” are repealed by 61 and 62 Vict., chap. 22. July 25,
1898; The Statute law revision act, 1898, schedule.

NOTE.—The “Schedule” contains the complete text of “An Act
respecting copyrights,” 1875, Canada, pp. 339-345.

1876 (July 21). An Act to consolidate the customs laws [39  Act of July 21,
and 40 Vict., chap. 36, July 24, 1876. Secs. 42, 44, 45, and 152,
Importation of foreign reprints of copyrighted books. Short title,
“The Customs consolidation act, 1876”]. In “The Law reports. The
Public general statutes, 1876,” v. 11. 8°. London, for W. Clowes
& sons, 1876, pp. 171, 181, 183-184, 210-211.

“A Treatise upon the law of copyright. By E. J. Macgillivray.”
sons, 1896, pp. 269-271.

1882 (August 10).—An Act to amend the law relating to musical compositions [45 and 46 Vict., chap. 30. August 10, 1882, 1882
Short title, “The Copyright (musical compositions) act, 1882”].
London, for W. Clowes & sons, 1882, pp. 144-145. Same. In “The

“A Treatise upon the law of copyright. By E. J. Macgillivray.”
sons, 1896, pp. 271-272. Same. In “The Law relating to works of
Turner, 1884, pp. 759-760.

Sec. 4 repealed by 51 and 52 Vict., chap. 17. July 5, 1888: The
Copyright (musical compositions) act, 1888, sec. 2.—Preamble; sec.
1 to “act,” where it first occurs; and of sec. 2 the words “after
the passage of this act” are repealed by 61 and 62 Vict., chap. 22, July
25, 1898; The Statute law revision act, 1898, schedule.

1886 (June 25).—An Act to amend the law respecting intern-
national and colonial copyright [49 and 50 Vict., chap. 33, June
25, 1886, Short title, “The International copyright act, 1886”].
In “The Law reports. The Public general statutes, 1886,” v. 32.
8°. London, for W. Clowes & sons, 1886, pp. 70-84. Same. In “The

Treatise upon the law of copyright. By E. J. Macgillivray.” 8°.


Copyright Legislation 559

GREECE

CODES


GUATEMALA

LAWS


HAITI

CODES


LAWS


Same. French text: Loi sur la propriété littéraire et artistique, 8 octobre 1885. In "Lois françaises et étrangères sur la propriété littéraire et artistique, par Ch. Lyon-Caen et Paul Delalain." t. 2. 8°.
560 Report of the Librarian of Congress

Haiti

Honduras
Constitution
1894 (October 19).—Constitución política vigente de 14 de octubre de 1894. Título V. De los derechos y garantías. Propiedad, art. 68. In "Colección de las instituciones políticas y jurídicas de los pueblos modernos dirigida por Alejo García Moreno." 2a serie, t. 1. 8°. Madrid, Revista de legislación universal, 1902, p. 12.

Códigos
1898 (July 29).—Código penal sancionado en 29 de julio de 1898 y vigente desde 1 de enero de 1899, art. 523. In "Colección de las instituciones políticas y jurídicas de los pueblos modernos dirigida por Alejo García Moreno." 2a serie, t. 1. 8°. Madrid, Revista de legislación universal, 1902, p. 424.

Hungary
Laws
Copyright Legislation 561


INDIA


Note.—Sec. 4 was repealed by act 17 of 1862.


INTERNATIONAL COPYRIGHT UNION

September 9, 1886

Actes de la conférence internationale pour la protection des droits d'auteur, réunie à Berne du 8 au 19 septembre 1886. 87 pp., fol. Berne, K. J. Wyss, 1884.

Actes de la 2e conférence internationale pour la protection des œuvres littéraires et artistiques, réunie à Berne du 7 au 18 septembre 1886. 51 pp. fol. Berne, K. J. Wyss, 1885.

Actes de la 3e conférence internationale pour la protection des œuvres littéraires et artistiques, réunie à Berne du 6 au 9 septembre 1886. 44 pp. fol. Berne, K. J. Wyss, 1886.

Convention concernant la création d'une Union internationale pour la protection des œuvres littéraires et artistiques [original text], pp. 28-44.


Correspondence respecting the formation of an International copy-
Copyright Legislation

right union. Presented to both Houses of Parliament by command of Her Majesty, January, 1886. (Switzerland, no. 1, 1886.) iv, 72 pp. fol. London, Harrison & sons, [1886].

Further correspondence respecting the formation of an International copyright union. (Switzerland, no. 2, 1886, in continuation of "Switzerland, no. 1, 1886.") Presented to both Houses of Parliament by command of Her Majesty, August, 1886. 1 p. l., 13 pp. fol. London, Harrison & sons, [1886].

Further correspondence respecting the formation of an International copyright union. (Switzerland, no. 3, 1886, in continuation of "Switzerland, no. 2, 1886.") Presented to both Houses of Parliament by command of Her Majesty, September, 1886. 1 p. l., 28 pp. fol. London, Harrison & sons, [1886].


May 4, 1896.


Correspondence respecting the copyright conference at Paris [April 15-May 4, 1896]. Presented to both Houses of Parliament by command of Her Majesty, August, 1897. (Commercial, No. 6, 1897.) 1 p. l., 86 pp. fol. London, Harrison & sons, [1897].

Report of the Librarian of Congress


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Tâties


Convention


Claude


Dally

The Articles of the International copyright union with the act and order in council giving effect to them in the British dominions, and an introduction. [By F. R. Dally.] (Published for the Copyright association.) xxiii, 48 pp. 8°. London, Longmans, Green & co., 1887.

Torino, Unione tipografico-editrice, 1899.


[The International copyright union of 1887]. In "Nouveau recueil général de traités. Continuation du grand recueil de G. Fr. de Martens par Félix Stoerck." 2ª série, t. 12, 1º liv., 204 pp. 8°.

Gottingue, Librairie Dieterich, 1887.


I. Die Berner Convention, pp. 1-42. II. Das geltende Urheberrecht an literarischen und artistischen Werken in Oesterreich und Ungarn, pp. 43-69. III. Ueber den Anschluss Oesterreich-Ungarns an die Berner Convention, pp. 70-107.


ITALY

CODES


566  Report of the Librarian of Congress

ITALY


LAWS

1882 (September 19).—Testo unico delle leggi e regolamento sui diritti spettanti agli autori delle opere dell' ingegno. 31 pp. 8°. Roma, Regia tipografia, 1882. (Ministero di agricoltura, industria e commercio.)


Same, 37 pp. 8°. Roma, Regia tipografia, 1882. (Ministero di agricoltura, industria e commercio. Annali dell' industria e del commercio.)


Same, 1 p. 1., 2a+14+4 pp. 8°. Roma, Stamperia reale, 1898.


Law of Sept. 19. 1882 (September 19).—Règlement pour l'application du texte unique des lois des 25 juin 1865, 10 août 1875 et 18 mai 1882, (19 septembre
Copyright Legislation

567


1887 (August 6).—Règlement concernant les reproductions photographiques (du 6 août 1887). In "Le Droit d'auteur," 7 année, 1892, 4°. Berne, no. 6, 15 juin 1893, pp. 81-82.

Same. German text: Verfügung vom 6, August 1887, betreffend die photographischen Vervielfältigungen der dem Staate gehörenden Kunstdenkmäler, etc. In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durchgesehen von Prof. Ernst Röthlisberger," 8°. Leipzig, G. Hedelet, 1892, pp. 130-142.


1890 (June 10).—Décret relatif à l'adhésion de l'Italie à la Convention de Montréal (du 10 juin 1900). In "Le Droit d'auteur," 13 année, 1900, 4°. Berne, no. 7, 15 juillet 1900, p. 85.

Report of the Librarian of Congress

JAPAN

Laws


Note.—This law went into force on July 15, 1899.


Titles


LUXEMBOURG

Laws


1889 (May 10).—Arrêté grand-ducal concernant l'exécution de la loi sur le droit d'auteur (du 10 mai 1889). In "Le Droit d'auteur," 11e année, 1898. 4e. Berne, no. 6, 15 juin 1898, pp. 67-68.


1898 (May 2).—Arrêté pris en exécution de l'article 3 de l'arrêté grand-ducal du 10 mai 1898 (du 13 mai 1898). In "Le Droit d'auteur." 11e année, 1898. 4e. Berne, no. 6, 15 juin 1898, pp. 68-69.


MÉXICO

CÓDICES

1884 (June 4).—Código civil [1o de junio de 1884]. Libro 2o, tit. viii. Del trabajo. In "Código civil del Distrito federal y territorio de la Baja California. Reformado en virtud de la autorización concedida al ejecutivo por decreto de 14 de diciembre de 1883." 8e. México, Aguilar é hijos, 1894, pp. 143-159.


MONACO

LOIS


Same. German text: Fürstl. Verordnungen vom 27. Februar 1889 und 3. Juni 1896 betreffend den Schutz der literarischen und künst-

Art. 37, 2d section, and art. 38, which related to formalities, have been repealed by the ordinance of June 3, 1896.

1889 (September 27).—Ordonnance concernant la mise en vigueur, dans la Principauté, de la Convention du 9 septembre 1886 créant une Union internationale pour la protection des œuvres littéraires et artistiques (du 27 septembre 1886). In "Le Droit d’auteur." 2e année, 1889. 4°. Berne, no. 10, 15 octobre 1889, p. 113.


NOTE.—The provisions of this ordinance, amending arts. 6, 11 (par. 1), 12-16, and 35, are given in italics as part of the Royal ordinance of February 27, 1889. This ordinance of June 3, 1896, repeals art. 37, 2d sec., and art. 38 of the ordinance of February 27, 1889, which relate to formalities.

CONVENTION OF MONTEVIDEO

1889 (January 11).—Tratado sobre propiedad literaria y artística.


Accession of Belgium

1903 (June 1).—Décret du Président de la République Argentine acceptant l’adhésion de la Belgique à la Convention de Montevideo (du 1er juin 1903). In "Le Droit d’auteur." 16e année, 1903. 4°. Berne, no. 7, 15 juillet 1903, p. 74.
Copyright Legislation

1893 (September 17).—Publication du Ministère des affaires étran-
gères concernant l’adhésion de la Belgique à la Convention de Monte-
video, du 11 janvier 1889 (du 17 septembre 1893). In "Le Droit

1897 (July 30).—Loi portant autorisation de donner son plein et
extier effet à l’adhésion de la France à la convention conclue le 11
janvier 1889, à Montevideo, entre la République Argentine, la Bolivia,
le Brésil, le Chili, le Paraguay, le Pérou et l’Uruguay, pour la garanti
réciproque de la propriété littéraire et artistique. In "Journal officiel
de la République Française." 29e année. 4e. Paris, no. 215, 10 août
1897, p. 4599. Same. In "Le Droit d’auteur." 10e année, 1897. 4e.
Berne, no. 9, 15 septembre 1897, pp. 97-98.

1897 (August 17).—Décret portant adhésion de la France à la
convention conclue à Montevideo, le 11 janvier 1889, entre la Répu-
blique Argentine, la Bolivie, le Brésil, le Chili, le Paraguay, le Pérou
et l’Uruguay pour la garantie de la propriété littéraire et artistique.
In "Journal officiel de la République Française." 29e année. 4e.
Paris, no. 225, 21 août 1897, pp. 4815-4816. Same. In "Le Droit
d’auteur." 10e année, 1897. 4e. Berne, no. 9, 15 septembre 1897,
p. 98.

Same. German text: Franz. Verordnung vom 17. August 1897 be-
treffend die Übereinkunft von Montevideo vom 11. Januar 1889,
arts. 1-2. In "Gesetze über das Urheberrecht in allen Ländern. 2te
auf., durchgesessen von Prof. Ernst Röthlisberger." 8e. Leipzig,
G. Hedeler, 1902, p. 327.

1900 (June 10).—Italienische Verordnung vom 10. Juni 1900 be-
In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durch-
gesessen von Prof. Ernst Röthlisberger." 8e. Leipzig, G. Hedeler,
1902, p. 127.

1889 (October 25).—Genehmigung der Übereinkunft von Mont-
video seitens der Republik Peru vom 25. Oktober 1889. In "Gesetze
über das Urheberrecht in allen Ländern. 2te auf., durchgesessen von
Prof. Ernst Röthlisberger." 8e. Leipzig, G. Hedeler, 1902, p. 326.

1900 (April 10).—Spanische Verordnung vom 10. April 1900 be-
In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durch-
gesessen von Prof. Ernst Röthlisberger." 8e. Leipzig, G. Hedeler,
1902, p. 328.

1892 (October 1).—Genehmigung der Übereinkunft von Montevideo
seitens der Republik Uruguay durch Gesetz vom 1. Oktober 1892.
In "Gesetze über das Urheberrecht in allen Ländern. 2te auf., durch-
gesessen von Prof. Ernst Röthlisberger." 8e. Leipzig, G. Hedeler,
1902, p. 326.

NATAL

LAWS

1835 (September 21).—Act of the government of Natal, to secure
the right of property in telegraphic and other messages [no. 36,
Report of the Librarian of Congress


Netherlands

Laws


Newfoundland

Laws


Amended by the act 62 and 63 Vict., chap. 7, July 19, 1899: An Act to amend chapter 110 of the Consolidated statutes entitled "Of copyright."
Copyright Legislation


1893 (February 17).—An Act respecting the department of the colonial secretary [61 Vict., chap. 17, February 17, 1893]. In “Acts of the general assembly of Newfoundland; passed in the 61st year of the reign of Her Majesty Queen Victoria.” 8°. [St. Johns], J. W. Withers, 1898, pp. 308, 309, 310.


NEW SOUTH WALES

LAWS

1879 (May 18).—An Act to secure to proprietors of works of literature and fine arts and to proprietors of designs for articles and works of manufacture and art the copyright of such works and designs for a limited period [May 14, 1899, 49 Vict., no. 20]. In “A Collection of the statutes of practical utility, colonial and imperial, in force in New South Wales. By Alexander Oliver.” v. 2. 8°. Sydney, T. Richards, 1879, pp. 2564–2584.


NEW ZEALAND

LAWS

574 Report of the Librarian of Congress

**NEW ZEALAND**


**Act of 1884**


Copyright Legislation

NORWAY

LAWS


Same. French text: Norvège. Loi du 4 juillet 1893 sur les droits
576 Report of the Librarian of Congress

NORWAY


Titles


II. Næringslovgivningen. K. Forfatteres, kunstneres og fotografers eneret, heft 4, pp. 274-293.

PARAGUAY

Constitutions

1870 (November 24).—Constitución de la República del Paraguay.


Codes


Laws

Copyright Legislation

PERU

CONSTITUTIONS


LAWS


1889 (October 25).—Approbation de la convention de Montevideo concernant la propriété littéraire et artistique (du 25 octobre 1889). In "Le Droit d'auteur." 10e année, 1897. 4°. Berne, no. 1, 15 janvier 1897, p. 4.

PORTUGAL

CODES


QUEENSLAND


Sec. 11 repealed by act 63 Vict., no. 9, Schedule III (Criminal code act, November 28, 1899).


ROMANIA

CODES


Same. French text: Code pénal roumain de 1864, arts. 339–342. In "Lois françaises et étrangères sur la propriété littéraire et artis-
Copyright Legislation


1887.---Приложеніе къ статьѣ 420 (прым. 2). О правѣ собственности на произведенія науки, собственности, художества и искусств [Supplement to article 420 (rem. 2), Property law relating to scientific and literary productions, and the fine arts]. In "Сводъ законовъ Российской Имперіи, повелівъ Государя Императора Николая Перваго составленный." т. 10, часть I. 4°. Санктпетербургъ, Государственная типографія, 1887, pp. 273-279.

Title

Проект статьи об авторском праве на литературные, музыкальные и художественные произведения. 1 в общественно. 1 p. л., v. 197 pp. 8°. С.-Петербург [Государственная типография], 1898. [Project of law to protect the author's rights in literary, musical and artistic productions. With annotations.]


Salvador

Constitutions


Codes


Laws


Santo Domingo

Constitutions

1896 (June 20).—Constitución política promulgada en 20 junio 1896. Título III. Garantías de los dominicanos, art. 11, sec. 9. In "Colección de las instituciones políticas y jurídicas de los pueblos modernos, por Alejo García Moreno." 2 serie, t. 1. 8°. Madrid, Revista de legislación universal, 1902, Appendix, p. 4.
Copyright Legislation

SIAM

LAWs


SOUTH AUSTRALIA

LAWs


SPAIN

CODES


1879 (January 10).—Ley de la propiedad intelectual de 10 de enero de 1879. In "Colección legislativa de España." 1st semestre de 1879, t. 112. 8vo. Madrid, 1879, pp. 69-79.


LIB 1903—38
La Propiedad intelectual. Legislación española y extranjera comentada, concordada y explicada por Manuel Iranvilla y Collado. 905 pp. 8°. Madrid, Imprenta de la Correspondencia de España, 1882.


Tratado de la propiedadd intelectual en España, por Luis de Assunção. 4 p. l., 5-315 pp., i l. 12°. Madrid, Síenz de Jabera hermanos, 1894.
Copyright Legislation


SWEDEN

Laws


NOTE.—Sects. 1, 3, 4, 5, 9, 12-16, 19, and 20 are amended by the law of May 28, 1887.


Same. French text: Loi portant modification des articles 3, 10 et 21 de la loi du 10 août 1877 sur la propriété littéraire (10 janvier 1883).


**Titel**

Om litterär och artistisk egendomligt till skrift. 1. Lag angående egendomligt till skrift. 2. Förnämning rörande utsträckt tillämpning av lagen angående efterbildning av konstverk d. 3 Maj 1867 [anom.]. In "Nytt juridiskt arkiv. Aft. 11. Tidskrift för lagstiftnings, utgifvet af G. B. A. Holm." 2da årg. 8°. [Stockholm], 1877, häft 1, 6 Oktober, pp. 1-36.
Copyright Legislation

SWITZERLAND

Constitutions

1874 (May 29).—Constitution fédérale de la Confédération Suisse (du 29 mai 1874), chap. 1st, art. 64. In "Recueil officiel des lois et ordonnances de la Confédération Suisse." nouv. série, t. 1. 12th. Berne, C. J. Wyss, 1876, p. 20.


Laws


SWITZERLAND


TASMANIA

LAW


TUNIS

LAW

Copyright Legislation


TURKEY

Laws


Same. French text: [Règlement ottoman sur l'impression des livres, et sur le droit d'auteur après sa mort, publié le 20 sefer 1292 (28 mars 1875)]. In "Francescantonio de Marchi. La propriété littéraire, artistique et industrielle en Turquie et en Égypte." 8°. Paris, Chez les principaux libraires, 1880, pp. 11-13. Same: Nouveaux arti-
588 Report of the Librarian of Congress

TURKEY


Titles


URUGUAY


NOTE. — Code of January 23, 1868, amended by the Commission named in the decree of November 6, 1889, approved September 19, 1893.

LAWS

LAWS

1892 (October 1).—Loi approuvant les traités de Montevideo (du 1er octobre 1892), arts. 1-3. In "Le Droit d'auteur." 1er année, 1897. 4°. Berne, no. 1, 15 janvier 1897, pp. 4-5.

VENEZUELA

LAWS


NOTE.—This law went into force June 30, 1894.
Copyright Legislation

VICTORIA

1890 (July 10).—An Act to consolidate the law relating to copyright. [34 Vict., no. 1076. Copyright Act, 1890. July 10, 1890].
Part I. Copyright of designs &c., ss. 4-14; Part II. Copyright of literary, dramatic, and musical productions, lectures &c., ss. 15-36; Part III. Copyright of fine arts &c., ss. 37-45; Part IV. Miscellaneous provisions, ss. 46-58.

Note.—This act repeals and replaces the following two acts:

WESTERN AUSTRALIA

Laws

INDEX TO APPENDIX C

<table>
<thead>
<tr>
<th>Argentine Republic:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutions of 1853 and 1860</td>
<td>517</td>
</tr>
<tr>
<td>Code of 1849</td>
<td>517</td>
</tr>
<tr>
<td>Law of December 6, 1904</td>
<td>517</td>
</tr>
<tr>
<td>Title</td>
<td>518</td>
</tr>
<tr>
<td>Austria:</td>
<td></td>
</tr>
<tr>
<td>Laws of 1895 and 1896</td>
<td>518</td>
</tr>
<tr>
<td>Titles</td>
<td>519</td>
</tr>
<tr>
<td>Belgium:</td>
<td></td>
</tr>
<tr>
<td>Laws, March 22, 1896, to September 30, 1897</td>
<td>520</td>
</tr>
<tr>
<td>Titles</td>
<td>521</td>
</tr>
<tr>
<td>Bolivia:</td>
<td></td>
</tr>
<tr>
<td>Code of November 6, 1834</td>
<td>521</td>
</tr>
<tr>
<td>Law of August 13, 1879</td>
<td>521</td>
</tr>
<tr>
<td>Brazil:</td>
<td></td>
</tr>
<tr>
<td>Constitution of June 15, 1891</td>
<td>522</td>
</tr>
<tr>
<td>Code of October 11, 1890</td>
<td>522</td>
</tr>
<tr>
<td>Laws, August 1, 1898, to June 11, 1921</td>
<td>522</td>
</tr>
<tr>
<td>Canada:</td>
<td></td>
</tr>
<tr>
<td>Laws, 1886 to July 15, 1906</td>
<td>523</td>
</tr>
<tr>
<td>Title</td>
<td>524</td>
</tr>
<tr>
<td>Cape of Good Hope:</td>
<td></td>
</tr>
<tr>
<td>Laws of June 26, 1873, and July 26, 1880</td>
<td>524</td>
</tr>
<tr>
<td>Chile:</td>
<td></td>
</tr>
<tr>
<td>Constitution of May 25, 1833</td>
<td>525</td>
</tr>
<tr>
<td>Codes of 1855 and 1874</td>
<td>525</td>
</tr>
<tr>
<td>Laws of July 24, 1894, and March 24, 1895</td>
<td>526</td>
</tr>
<tr>
<td>Colombia:</td>
<td></td>
</tr>
<tr>
<td>Constitution of August 7, 1886</td>
<td>526</td>
</tr>
<tr>
<td>Codes of 1873 and 1890</td>
<td>526</td>
</tr>
<tr>
<td>Law of October 21, 1896</td>
<td>527</td>
</tr>
<tr>
<td>Costa Rica:</td>
<td></td>
</tr>
<tr>
<td>Codes of 1880 and 1888</td>
<td>527</td>
</tr>
<tr>
<td>Laws of 1886</td>
<td>527</td>
</tr>
<tr>
<td>Denmark:</td>
<td></td>
</tr>
<tr>
<td>Laws, March 24, 1865, to December 19, 1902</td>
<td>528</td>
</tr>
<tr>
<td>Ecuador:</td>
<td></td>
</tr>
<tr>
<td>Constitution of February 13, 1884</td>
<td>529</td>
</tr>
<tr>
<td>Law of August 3, 1887</td>
<td>529</td>
</tr>
<tr>
<td>Egypt:</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>530</td>
</tr>
<tr>
<td>England: (See Great Britain.)</td>
<td></td>
</tr>
<tr>
<td>Finland:</td>
<td></td>
</tr>
<tr>
<td>Law of March 15, 1886</td>
<td>530</td>
</tr>
<tr>
<td>France:</td>
<td></td>
</tr>
<tr>
<td>Code of 1810</td>
<td>530</td>
</tr>
<tr>
<td>Laws, 1791 to March 11, 1902</td>
<td>531</td>
</tr>
<tr>
<td>Titles</td>
<td>539</td>
</tr>
<tr>
<td>Country</td>
<td>Law Dates</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Germany</td>
<td>Laws, June 11, 1870 to September 15, 1901</td>
</tr>
<tr>
<td></td>
<td>Titles</td>
</tr>
<tr>
<td>Great Britain</td>
<td>Laws, 1755 to July 22, 1902</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>Greece</td>
<td>Code of 1833</td>
</tr>
<tr>
<td>Guatemala</td>
<td>Law of October 28, 1879</td>
</tr>
<tr>
<td>Haiti</td>
<td>Code of 1885</td>
</tr>
<tr>
<td></td>
<td>Law of October 8, 1885</td>
</tr>
<tr>
<td>Honduras</td>
<td>Constitution of October 14, 1894</td>
</tr>
<tr>
<td></td>
<td>Codes of July 29 and December 31, 1908</td>
</tr>
<tr>
<td>Hungary</td>
<td>Laws, 1875 to November 21, 1947</td>
</tr>
<tr>
<td>Iceland</td>
<td>(See Denmark.)</td>
</tr>
<tr>
<td>India</td>
<td>Laws of December 28, 1817, and 1867.</td>
</tr>
<tr>
<td></td>
<td>International Copyright Union:</td>
</tr>
<tr>
<td></td>
<td>Original text, September 9, 1886.</td>
</tr>
<tr>
<td></td>
<td>Revised text, May 4, 1896.</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>Italy</td>
<td>Codes of 1884 and 1885.</td>
</tr>
<tr>
<td></td>
<td>Laws, September 19, 1882, to June 10, 1908</td>
</tr>
<tr>
<td>Japan</td>
<td>Laws of March 3 and June 27, 1899.</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Laws of May 10 and May 13, 1878</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>Mexico</td>
<td>Code of June 1, 1884</td>
</tr>
<tr>
<td>Monaco</td>
<td>Laws, February 27, 1859, to June 3, 1896</td>
</tr>
<tr>
<td>Montevideo Convention</td>
<td>Text, January 11, 1896.</td>
</tr>
<tr>
<td></td>
<td>Accession of:</td>
</tr>
<tr>
<td></td>
<td>Belgium</td>
</tr>
<tr>
<td></td>
<td>France</td>
</tr>
<tr>
<td></td>
<td>Italy</td>
</tr>
<tr>
<td></td>
<td>Peru</td>
</tr>
<tr>
<td></td>
<td>Spain</td>
</tr>
<tr>
<td></td>
<td>Uruguay</td>
</tr>
<tr>
<td>Nazi</td>
<td>Laws, September 21, 1895, to September 3, 1898</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Law of June 28, 1882.</td>
</tr>
<tr>
<td>Newfoundland</td>
<td>Laws, 1842, to July 19, 1899</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>New South Wales</td>
<td>Law of May 14, 1879.</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Laws, 1842, to September 24, 1896.</td>
</tr>
<tr>
<td>Norway</td>
<td>Laws, May 12, 1877, to July 4, 1893</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>Country</td>
<td>Legislation Details</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>Paraguay</td>
<td>Constitution of November 24, 1870</td>
</tr>
<tr>
<td></td>
<td>Codes of 1876 and 1886</td>
</tr>
<tr>
<td></td>
<td>Law of August 17, 1876</td>
</tr>
<tr>
<td>Peru</td>
<td>Constitution of 1860</td>
</tr>
<tr>
<td></td>
<td>Laws of November 5, 1879, and October 25, 1879</td>
</tr>
<tr>
<td>Portugal</td>
<td>Codes of 1865 and 1886</td>
</tr>
<tr>
<td>Queensland</td>
<td>Laws, September 7, 1887, to December 21, 1898</td>
</tr>
<tr>
<td>Roumania</td>
<td>Code of 1864</td>
</tr>
<tr>
<td></td>
<td>Laws of April 13, 1862, and May 4, 1853</td>
</tr>
<tr>
<td>Russia</td>
<td>Laws of 1887</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>Salvador</td>
<td>Constitution of August 5, 1885</td>
</tr>
<tr>
<td></td>
<td>Code of 1886</td>
</tr>
<tr>
<td></td>
<td>Law of June 2, 1900</td>
</tr>
<tr>
<td>Santo Domingo</td>
<td>Constitution of June 20, 1896</td>
</tr>
<tr>
<td>Siam</td>
<td>Law of August 12, 1901</td>
</tr>
<tr>
<td>South Australia</td>
<td>Law of October 22, 1879</td>
</tr>
<tr>
<td>Spain</td>
<td>Code of 1894</td>
</tr>
<tr>
<td></td>
<td>Laws, January 10, 1879, to January 31, 1896</td>
</tr>
<tr>
<td></td>
<td>Titles</td>
</tr>
<tr>
<td>Sweden</td>
<td>Laws, May 3, 1889, to May 26, 1897</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Constitution of May 29, 1874</td>
</tr>
<tr>
<td></td>
<td>Laws, January 1, 1883, to December 28, 1883</td>
</tr>
<tr>
<td></td>
<td>Titles</td>
</tr>
<tr>
<td>Tasmania</td>
<td>Law of December 23, 1891</td>
</tr>
<tr>
<td>Tunis</td>
<td>Laws, June 16, 1889, to February 11, 1901</td>
</tr>
<tr>
<td>Turkey</td>
<td>Laws of September 11, 1872, and March 28, 1873</td>
</tr>
<tr>
<td>Uruguay</td>
<td>Code of September 10, 1893</td>
</tr>
<tr>
<td></td>
<td>Law of October 1, 1892</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Law of May 17, 1894</td>
</tr>
<tr>
<td>Victoria</td>
<td>Law of July 10, 1892</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Laws of July 12, 1885, to October 2, 1893</td>
</tr>
</tbody>
</table>
## INDEX TO REPORT

<table>
<thead>
<tr>
<th>Accessions</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents</td>
<td>15-18</td>
</tr>
<tr>
<td>Law Library</td>
<td>35-36</td>
</tr>
<tr>
<td>Manuscripts</td>
<td>19-28</td>
</tr>
<tr>
<td>Maps</td>
<td>28-30</td>
</tr>
<tr>
<td>Music</td>
<td>32-33</td>
</tr>
<tr>
<td>Periodicals</td>
<td>36-37</td>
</tr>
<tr>
<td>Printed books and pamphlets</td>
<td>13-14</td>
</tr>
<tr>
<td>Prints</td>
<td>33-34</td>
</tr>
<tr>
<td>Alabama, manuscripts relating to</td>
<td>80</td>
</tr>
<tr>
<td>Allen, Edward B.</td>
<td>50</td>
</tr>
<tr>
<td>American antiquities, select list of recent purchases</td>
<td>251-254</td>
</tr>
<tr>
<td>American Revolution, manuscripts relating to</td>
<td>77</td>
</tr>
<tr>
<td>Anthony, Susan B.</td>
<td>73</td>
</tr>
<tr>
<td>Collection</td>
<td>14-15</td>
</tr>
<tr>
<td>Appropriation act for the year ending June 30, 1903</td>
<td>54-58</td>
</tr>
<tr>
<td>Appropriations and expenditures (1932-1943) tables</td>
<td>8</td>
</tr>
<tr>
<td>Appropriations and expenditures (1922-3) tables</td>
<td>53</td>
</tr>
<tr>
<td>Archaeology, select list of recent purchases</td>
<td>152-163</td>
</tr>
<tr>
<td>Art and architecture, select list of recent purchases</td>
<td>163-169</td>
</tr>
<tr>
<td>Atlases, select list of recent purchases</td>
<td>382-407</td>
</tr>
<tr>
<td>Bibliography, select list of recent purchases</td>
<td>377-425</td>
</tr>
<tr>
<td>Bibliography, Division of, publications</td>
<td>42-43</td>
</tr>
<tr>
<td>Special lists</td>
<td>44-45</td>
</tr>
<tr>
<td>* Binding advertisements in serials</td>
<td>164-167</td>
</tr>
<tr>
<td>Binding and repair</td>
<td>28-40</td>
</tr>
<tr>
<td>Blair gift</td>
<td>19-20</td>
</tr>
<tr>
<td>Blair, Gisc</td>
<td>19-20</td>
</tr>
<tr>
<td>Blair, Montgomery</td>
<td>19-20</td>
</tr>
<tr>
<td>Blair, Woodbury</td>
<td>19-20</td>
</tr>
<tr>
<td>Blind, reading room for the</td>
<td>49-50</td>
</tr>
<tr>
<td>Boneisler, Evelyn</td>
<td>21</td>
</tr>
<tr>
<td>British and foreign blind association</td>
<td>50</td>
</tr>
<tr>
<td>British local history, etc., select list of recent purchases</td>
<td>270-286</td>
</tr>
<tr>
<td>Broadsides, accessions</td>
<td>81-85</td>
</tr>
<tr>
<td>Brown, Louise</td>
<td>50</td>
</tr>
<tr>
<td>Burch, Miss</td>
<td>59</td>
</tr>
<tr>
<td>California, archives of</td>
<td>26-27</td>
</tr>
</tbody>
</table>
Card index, distribution of, estimates ........................................... 61
Card Section, report of Assistant in charge .................................. 90-103
Cards, sale of ........................................................................ 91-93
Stock of ................................................................................... 93-94
Catalogues ................................................................................. 100
Additional .................................................................................. 94
The depository libraries .............................................................. 96-98
Method of distribution, improvements in ...................................... 94-95
Publications ................................................................................. 103
Subscribers classified .................................................................. 99-101
Subscribers to the cards .............................................................. 99-101
Use of cards, improvements in .................................................. 95
Catalogue cards, distribution of .................................................. 41-42
Catalogue Division, card section, report ..................................... 90-103
Statistics (tables) ........................................................................ 87-89
Catalogue of Louvre, engravings from the ................................... 33-34
Civil war, manuscripts relating to ............................................... 77-78
Classification and cataloguing .................................................... 40-41
Codices, select list of recent purchases ....................................... 116-118
Colfelt, Mrs. Rebecca ................................................................ 49, 50
Collections, select list of recent purchases ................................... 118-131
Colonies, select list of recent purchases ....................................... 311-318
Commerce, select list of recent purchases ................................... 319-326
Comparative legislation, index to, estimates ................................ 61
Confederation, manuscripts relating to ....................................... 77
Connecticut, manuscripts relating to .......................................... 79
Copyright legislation ..................................................................... 51, 65-69
Copyright Office, Register of copyrights, report ......................... 437-589
Business prior to July 1, 1897 ....................................................... 67-68
Business, 1900-3 (tables) ............................................................ 73
Catalogue and index ................................................................... 62-65
Copyrights ................................................................................... 59-51
Current work .............................................................................. 65-67
Deposits ...................................................................................... 64
Deposits, 1897-98 to 1902-3 (tables) .......................................... 76
Entries ......................................................................................... 63
Expenditures ............................................................................... 62-63
Fees ........................................................................................... 63
Fees (tables) ............................................................................... 71-72
Receipts ...................................................................................... 62
Receipts, 1902-3 (tables) ............................................................. 70
Report on copyright legislation .................................................. 437-589
Statistics ................................................................................... 9-10
Statistics, 1897-1903 (tables) ..................................................... 74-75
Cuneo, Pietro .............................................................................. 22
Curtis, W. E ............................................................................... 23
<table>
<thead>
<tr>
<th>Index to Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Custom-houses, manuscript records</td>
</tr>
<tr>
<td>District of Columbia, manuscripts relating to</td>
</tr>
<tr>
<td>Documents, accessions</td>
</tr>
<tr>
<td>Foreign chambers of commerce, select list of recent additions</td>
</tr>
<tr>
<td>Foreign cities, select list of recent additions</td>
</tr>
<tr>
<td>Foreign countries, select list of recent additions</td>
</tr>
<tr>
<td>Dutch library for the blind</td>
</tr>
<tr>
<td>Ecclesiastical history, select list of recent purchases</td>
</tr>
<tr>
<td>Economics, general, select list of recent purchases</td>
</tr>
<tr>
<td>Colonies, select list of recent purchases</td>
</tr>
<tr>
<td>Commerce, select list of recent purchases</td>
</tr>
<tr>
<td>Law, select list of recent purchases</td>
</tr>
<tr>
<td>Political science, select list of recent purchases</td>
</tr>
<tr>
<td>Postal affairs, select list of recent purchases</td>
</tr>
<tr>
<td>Public finance, select list of recent purchases</td>
</tr>
<tr>
<td>Public works, select list of recent purchases</td>
</tr>
<tr>
<td>Social science, select list of recent purchases</td>
</tr>
<tr>
<td>Endicott, William</td>
</tr>
<tr>
<td>English colonies, manuscripts relating to</td>
</tr>
<tr>
<td>Equipment</td>
</tr>
<tr>
<td>Estimates, letter to the Secretary of the Treasury in explanation of the estimates for 1905</td>
</tr>
<tr>
<td>Ethnology, select list of recent purchases</td>
</tr>
<tr>
<td>Exhibitions</td>
</tr>
<tr>
<td>Expenditures, appropriations and (1902-1904) tables</td>
</tr>
<tr>
<td>Expenditures, appropriations and (1902-3) tables</td>
</tr>
<tr>
<td>Facsimiles of manuscripts, accessions</td>
</tr>
<tr>
<td>Finance</td>
</tr>
<tr>
<td>Fischer, V. G</td>
</tr>
<tr>
<td>Florida, manuscripts relating to</td>
</tr>
<tr>
<td>Foreign countries, manuscripts relating to</td>
</tr>
<tr>
<td>France, manuscripts relating to</td>
</tr>
<tr>
<td>French history and memoirs, select list of recent purchases</td>
</tr>
<tr>
<td>Fritsch, Friedrich Otto von, baron</td>
</tr>
<tr>
<td>Genealogy, select list of recent purchases</td>
</tr>
<tr>
<td>Georgia, manuscripts relating to</td>
</tr>
<tr>
<td>Great Britain, manuscripts relating to</td>
</tr>
<tr>
<td>Greenough, Charles P</td>
</tr>
<tr>
<td>Guam, archives at</td>
</tr>
<tr>
<td>History, select list of recent purchases</td>
</tr>
<tr>
<td>Hughes, Robert Morton</td>
</tr>
<tr>
<td>Huntington, Archer M</td>
</tr>
<tr>
<td>Hutcheson, David</td>
</tr>
<tr>
<td>Increase of force, estimates</td>
</tr>
<tr>
<td>Increase of library</td>
</tr>
<tr>
<td>Estimates</td>
</tr>
</tbody>
</table>

LIB 1903—39
<table>
<thead>
<tr>
<th>Increase of salaries, estimates</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Index to comparative legislation, estimates</td>
<td>61</td>
</tr>
<tr>
<td>Institutions, select list of recent purchases</td>
<td>351-356</td>
</tr>
<tr>
<td>International law, select list of recent purchases</td>
<td>356-359</td>
</tr>
<tr>
<td>Italian history, etc., select list of recent purchases</td>
<td>292-294</td>
</tr>
<tr>
<td>Jackson, Andrew, papers</td>
<td>19-20</td>
</tr>
<tr>
<td>Jones, S. C.</td>
<td>22</td>
</tr>
<tr>
<td>Kelse, Hattie Virginia</td>
<td>50</td>
</tr>
<tr>
<td>Keith, Catherine M.</td>
<td>50</td>
</tr>
<tr>
<td>Kentucky, manuscripts relating to</td>
<td>80</td>
</tr>
<tr>
<td>Kohl collection of maps</td>
<td>30</td>
</tr>
<tr>
<td>Latimer, Lilian</td>
<td>50</td>
</tr>
<tr>
<td>Law, select list of recent purchases</td>
<td>326-330</td>
</tr>
<tr>
<td>Law Library, accessions</td>
<td>35-36</td>
</tr>
<tr>
<td>Librarians, 1802-1904</td>
<td>5</td>
</tr>
<tr>
<td>Louisiana, manuscripts relating to</td>
<td>80</td>
</tr>
<tr>
<td>McManus, Mrs. Catherine</td>
<td>49-50</td>
</tr>
<tr>
<td>McNulty, B. F</td>
<td>50</td>
</tr>
<tr>
<td>Mahan, Alfred T.</td>
<td>22</td>
</tr>
<tr>
<td>Manuscripts, accessions</td>
<td>19-28, 77-86</td>
</tr>
<tr>
<td>Gifts</td>
<td>19-24</td>
</tr>
<tr>
<td>Maps, accessions</td>
<td>28-30</td>
</tr>
<tr>
<td>Maps, Division of, services in boundary cases</td>
<td>31</td>
</tr>
<tr>
<td>Maryland, manuscripts relating to</td>
<td>79</td>
</tr>
<tr>
<td>Massachusetts, manuscripts relating to</td>
<td>79</td>
</tr>
<tr>
<td>Massachusetts soldiers in the Revolution</td>
<td>23</td>
</tr>
<tr>
<td>Mexico, manuscripts relating to</td>
<td>77</td>
</tr>
<tr>
<td>Montgomery Blair collection</td>
<td>19-20</td>
</tr>
<tr>
<td>Monumenta, select list of recent purchases</td>
<td>111-116</td>
</tr>
<tr>
<td>Music, accessions</td>
<td>32-33</td>
</tr>
<tr>
<td>Select list of recent purchases</td>
<td>190-251</td>
</tr>
<tr>
<td>New Jersey, manuscripts relating to</td>
<td>79</td>
</tr>
<tr>
<td>New Mexico, archives of</td>
<td>26-27</td>
</tr>
<tr>
<td>Northwest Territory, manuscript relating to</td>
<td>80</td>
</tr>
<tr>
<td>Officers, list of</td>
<td>5-6</td>
</tr>
<tr>
<td>Oriental languages, etc., select list of recent purchases</td>
<td>371-375</td>
</tr>
<tr>
<td>Paleography, select list of recent purchases</td>
<td>150-152</td>
</tr>
<tr>
<td>Paterson, William, papers</td>
<td>73</td>
</tr>
<tr>
<td>Pennsylvania, manuscripts relating to</td>
<td>79</td>
</tr>
<tr>
<td>Periodical Division, statistics</td>
<td>36-37</td>
</tr>
<tr>
<td>Periodicals, accessions</td>
<td>79-87</td>
</tr>
<tr>
<td>Select list of recent purchases</td>
<td>131-150</td>
</tr>
<tr>
<td>Philippines, archives of</td>
<td>26</td>
</tr>
<tr>
<td>Plipton collection</td>
<td>34</td>
</tr>
<tr>
<td>Political science, select list of recent purchases</td>
<td>330-337</td>
</tr>
<tr>
<td>Porto Rico, archives of</td>
<td>26</td>
</tr>
<tr>
<td>Postal affairs, select list of recent purchases</td>
<td>337-340</td>
</tr>
<tr>
<td>Preble, Commodore Edward, papers</td>
<td>21</td>
</tr>
</tbody>
</table>
# Index to Report

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prints, accessions</td>
<td>33-34</td>
</tr>
<tr>
<td>Exhibitions</td>
<td>34-35</td>
</tr>
<tr>
<td>Public finance, select list of recent purchases</td>
<td>340-343</td>
</tr>
<tr>
<td>Public works, select list of recent purchases</td>
<td>343-346</td>
</tr>
<tr>
<td>Publications</td>
<td>42-44, 103</td>
</tr>
<tr>
<td>Quinlan, Cornelius</td>
<td>22</td>
</tr>
<tr>
<td>Readers</td>
<td>45-47</td>
</tr>
<tr>
<td>Reading room for the blind</td>
<td>49-50</td>
</tr>
<tr>
<td>Repair, Binding and</td>
<td>38-40</td>
</tr>
<tr>
<td>Revolution, manuscripts relating to</td>
<td>77</td>
</tr>
<tr>
<td>Revolutionary archives</td>
<td>24-25</td>
</tr>
<tr>
<td>Richey, Minna Blair</td>
<td>19-20</td>
</tr>
<tr>
<td>Salaries, increase of, estimates</td>
<td>60-61</td>
</tr>
<tr>
<td>Scientific expeditions, select list of recent purchases</td>
<td>375-379</td>
</tr>
<tr>
<td>Serials, Binding advertisements in</td>
<td>104-107</td>
</tr>
<tr>
<td>Completion of sets</td>
<td>37</td>
</tr>
<tr>
<td>Serials, current, accessions</td>
<td>36-37</td>
</tr>
<tr>
<td>Service</td>
<td>10-11</td>
</tr>
<tr>
<td>Smith, Sidney</td>
<td>22-23</td>
</tr>
<tr>
<td>Social science, select list of recent purchases</td>
<td>346-351</td>
</tr>
<tr>
<td>Society of the Army of the Potomac</td>
<td>22</td>
</tr>
<tr>
<td>Sousonge, Mrs.</td>
<td>50</td>
</tr>
<tr>
<td>South America, select list of recent purchases</td>
<td>254-265</td>
</tr>
<tr>
<td>South Carolina, manuscripts relating to</td>
<td>79</td>
</tr>
<tr>
<td>Spanish-American history, etc., select list of recent purchases</td>
<td>254-265</td>
</tr>
<tr>
<td>Spanish colonies, manuscripts relating to</td>
<td>77</td>
</tr>
<tr>
<td>Spanish history, etc., select list of recent purchases</td>
<td>294-296</td>
</tr>
<tr>
<td>Staff, Library</td>
<td>5-6</td>
</tr>
<tr>
<td>State documents</td>
<td>18</td>
</tr>
<tr>
<td>State, Department of, papers from</td>
<td>24-25</td>
</tr>
<tr>
<td>Statistics: Catalogue division</td>
<td>57-89</td>
</tr>
<tr>
<td>Copyright office</td>
<td>9-10, 74-75</td>
</tr>
<tr>
<td>Stericker, Mr.</td>
<td>50</td>
</tr>
<tr>
<td>Sunday opening</td>
<td>47-49</td>
</tr>
<tr>
<td>Sunday reading</td>
<td>48</td>
</tr>
<tr>
<td>Tennessee, manuscripts relating to</td>
<td>84</td>
</tr>
<tr>
<td>Thompson, C. W</td>
<td>50</td>
</tr>
<tr>
<td>United States, Army, manuscripts relating to</td>
<td>75</td>
</tr>
<tr>
<td>Civil war, manuscripts relating to</td>
<td>77-78</td>
</tr>
<tr>
<td>Confederation, manuscripts relating to</td>
<td>77</td>
</tr>
<tr>
<td>Documents</td>
<td>16-17</td>
</tr>
<tr>
<td>Manuscripts relating to</td>
<td>77-80</td>
</tr>
<tr>
<td>Navy, manuscripts relating to</td>
<td>78</td>
</tr>
<tr>
<td>Revolution, manuscripts relating to</td>
<td>77</td>
</tr>
<tr>
<td>Use of Library</td>
<td>45-47</td>
</tr>
<tr>
<td>Virginia manuscripts</td>
<td>21</td>
</tr>
<tr>
<td>Manuscripts relating to</td>
<td>79</td>
</tr>
</tbody>
</table>
Voyages, select list of recent purchases .......................... 379-385
Wade, William ......................................................... 59
Wanderer, Swater ...................................................... 23
Ward, John C ............................................................. 22
Watterston, David ..................................................... 23, 24
Watterston, George, manuscripts ................................... 24
Webster, Daniel, papers .............................................. 20-21
West Indies, manuscripts relating to ................................. 77
Select list of recent purchases ......................................... 254-265
Xavier free publication society for the blind ....................... 50
Zuni pueblo records ................................................... 23