

REPORT

OF THE

LIBRARIAN OF CONGRESS

FOR THE

FISCAL YEAR ENDING JUNE 30, 1904



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1904

# REPORT

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LIBRARY OF CONGRESS

*Washington, D. C., December 5, 1904*

SIR: I have the honor to submit my report as Librarian of Congress for the fiscal year ending June 30, 1904.

My report for last year opened with the following passage:

“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, cannot 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.”

For a clear understanding not merely as to the scope of these reports, but as to their necessary limitations, which are also the limitations in a summary statement of the year's progress in any large research library, this explanation and proviso might well be repeated from year to year. Every report will include the statistics of the operations which may be expressed statistically; each one may contain a more

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extended treatment of growth or activity in some particular direction in which the year has been significant.<sup>a</sup> But the resulting view of the Library will be as little descriptive as it is little conclusive. A popular library, for the general reader, may exhibit its operations in figures, for the statistics (of number of volumes added, the number circulated, the number of readers reached) are, for purpose of comparison at least, a measure of its service. But a library for accumulation and research has no such simple expression of its service. Its acquisitions are significant not in relation to the needs of an immediate constituency, but in relation to the entire field of existing literature; its aid to investigation is significant not in proportion to the number of inquiries answered, but in proportion to the importance of the interests which they involve. The annual reports issued by the two most eminent of national libraries (the British Museum and the Bibliothèque Nationale) are the barest and most meager epitomes of growth and use. In dimensions they do not exceed the statements issued annually by our municipal libraries of a hundred thousand volumes. It is not that they have less to describe, but that what would be worthy of description can not be adequately described within feasible limits.

If the reports of our own National Library be more extensive it will be due not to an attempt to describe what other research libraries deem incapable of description, but to the relation of certain activities which it is pursuing of which their operations afford no example.

#### 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.

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<sup>a</sup>As, in the present report, the manuscripts collections.

Included also are the appropriations for the equipment and care of the building and grounds, expended by the Superintendent. The allotment for printing and binding (during the past year \$185,000) is not included.

Object of appropriation	Appropriations, 1903	Appropriations, 1904	Expenditures, 1904	Appropriations, 1905	<i>Appropriations and expenditures</i>
<b>Library and Copyright Office:</b>					
Salaries, general service.....	\$231,560.00	\$235,660.00	\$235,111.03	\$236,660.00	
Salaries, special service.....	<sup>a</sup> 2,074.88	<sup>a</sup> 2,739.33	2,649.33	<sup>a</sup> 2,090.00	
Salaries, Sunday service.....	10,000.00	10,000.00	9,424.06	10,000.00	
Salaries, distribution card indexes.....	<sup>b</sup> 1,225.00	4,900.00	4,899.90	6,800.00	
Salaries, Copyright Office.....	<sup>c</sup> 66,750.00	70,440.00	70,260.70	74,700.00	
Increase of Library.....	<sup>d</sup> 89,800.00	<sup>d</sup> 99,800.00	<sup>d</sup> 99,226.00	<sup>d</sup> 99,800.00	
Contingent expenses.....	7,300.00	7,300.00	7,299.86	7,300.00	
<b>Total, Library and Copyright Office.....</b>	<b>408,709.88</b>	<b>430,839.33</b>	<b>428,870.88</b>	<b>437,350.00</b>	
<b>Building and grounds:</b>					
Care and maintenance.....	72,605.00	74,745.00	74,371.44	76,785.00	
Fuel, light, and miscellaneous.....	<sup>e</sup> 40,000.00	<sup>f</sup> 35,000.00	<sup>g</sup> 33,202.31	32,500.00	
Furniture and shelving.....	45,000.00	45,000.00	<sup>h</sup> 17,023.51	40,000.00	
Sunday opening.....	2,500.00	2,500.00	2,499.98	2,800.00	
<b>Grand total.....</b>	<b>568,814.88</b>	<b>588,084.33</b>	<b>555,968.12</b>	<b>589,435.00</b>	

<sup>a</sup> Including balance brought forward.  
<sup>b</sup> Appropriation for last quarter of 1903, act of March 3, 1903. This expenditure is offset by subscriptions covered into the Treasury.  
<sup>c</sup> Increased from \$55,480 in 1902, by act of April 28, 1902, and from \$65,520 in 1903, by act of February 25, 1903.  
<sup>d</sup> Exclusive of \$1,500 to be expended by the marshal of the Supreme Court for new books for that body.  
<sup>e</sup> Increased from \$30,000 by act of March 3, 1903.  
<sup>f</sup> Increased from \$30,000 by act of February 18, 1904.  
<sup>g</sup> Expenditures to June 30, 1904. Contracts and orders outstanding covering practically the whole appropriations.

Of the \$311,000 appropriated for salaries exclusive of the Sunday and special service, \$728.37 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.

The expenditure for salaries in the Card Section is regularly offset by subscriptions for the cards distributed.

These, like the fees for copyright (which similarly offset the salaries paid in the Copyright Office) are covered into the Treasury.

*Analysis of ex-  
penditures*

As appears above, the total amount appropriated for the Library for the past year was in round figures \$583,000.<sup>a</sup> But the \$583,000 is by no means all cost of *maintenance*. Properly speaking, and as popularly understood, cost of maintenance means merely the cost of keeping the plant in condition, securing and handling the current accessions, incorporating them in classification and catalogue, and rendering to the public the direct service usual in a library.

To ascertain this cost the total given above must be analyzed. A large portion will be found chargeable to other accounts than mere current maintenance.

Thus:

The total appropriation being (approximately) ..... \$583,000

We must deduct the following:

(a) Salaries in Copyright Office (more than offset by fees covered into the Treasury)....	\$70,500
(b) Salaries in Card Distribution (more than offset by subscriptions covered into the Treasury).....	5,000
(c) Increase of Library (a permanent improvement).....	100,000
(d) Furniture and shelving (a permanent improvement).....	45,000
	220,500

We have then left ..... 362,500

Of this sum there is chargeable to the maintenance of the building and grounds<sup>b</sup> ..... 107,000

<sup>a</sup>The Library building and equipment have cost about \$6,500,000. The total annual expenditure is therefore less than 10 per cent of its cost. Ten per cent upon the cost of the building is the minimum stipulated by Mr. Carnegie for the annual maintenance of the libraries which he builds. The proportion is assumed to be reasonable. It has been remarked that the cost of the building for the national library was about that of a battle ship. The cost of its maintenance is no greater than that of a battle ship.

<sup>b</sup>An expense quite justifiable for maintaining a building which, independent of its uses, affords to a vast constituency gratification and instruction as a monument

We have then chargeable to the account of the Library proper (i. e., the acquisition and handling of material, classification, cataloguing, bibliographic work, the service to readers, and general administration) ..... 255, 500

But of this again there is chargeable to classification and cataloguing specifically \$88,000, and in fact a considerable sum in addition. A catalogue on cards is a piece of permanent apparatus. Even ignoring this, however, the present work in classification and cataloguing is, over half of it, work upon the existing collection which should have been spread over the century of its growth but was not. It is an arrearage. Deducting for this we have the amount chargeable to the current service of the Library proper reduced to less than ..... 200, 000

The Library is open on every day of the year except July 4 and Christmas. On ordinary days it is open from 9 a. m. until 10 p. m.; on Sundays and holidays from 2 until 10 p. m.

SERVICE

General

On July 1, 1904, the Library service consisted of 303 employees, 235 in the Library proper and 68 in the Copyright Office, a total increase of 6 over the figures given for July 1, 1903. Of the 235 in the Library proper, 91 are in the Catalogue Division; 36 of the 235 fill the more subordinate positions of messengers, attendants in cloakrooms, etc., and 119 of the remaining 199 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.

The force under the control of the Superintendent of the Library Building and Grounds consists of 126 persons. <sup>Building and grounds</sup> That under the control of the Public Printer, but located

of architecture, and by the unsurpassed nicety with which it is maintained, a potent lesson in civics. I may use these expressions impartially as the maintenance of the building as a structure is creditable to its Superintendent, Mr. Bernard R. Green.

within the Library building, consists of 27 employees in the Branch Printing Office and 71 in the Bindery.

**SERVICE:***Library proper*

The number employed for the service corresponding to the \$255,500 above, but including also all that occupied with the acquisition of material, all that in the divisions occupied with material special in form (Documents, Law, Manuscripts, Maps, Music, Periodicals, Prints, and Smithsonian) and all general administration, is but 175.<sup>a</sup>

Each employee is entitled to thirty working days of annual leave and a possible thirty days additional of sick leave. During the three months of July, August, and September the Saturday half holiday reduces the working days of each week to five and one-half. The hours of work are, by Government usage, based on sound considerations of the climatic conditions of Washington, but seven per day.

These particulars, familiar at Washington, are noted for the information of readers at a distance who may be interested in a comparison of the expenditures in this as against other libraries for work similar in character. I do not, indeed, conceive such a comparison instructive, as I know of no other library whose work is identical or performed under identical conditions.

*Resignations*

During the past year there have been a number of withdrawals from the service. Mr. Thomas H. Clark, Custodian of the Law Library, resigned his position in October last, to return to the practice of law; Mr. William P. Cutter, Chief of the Order Division, goes to Northampton, Massachusetts to become Librarian of the Forbes Library; Mr. Roland P. Falkner, Chief of the Division of Documents, goes to Porto Rico as Commissioner of Education; Mr. Theodore W. Koch, of the Catalogue Division, goes to Ann Arbor to become associate librarian of the University of Michigan; Mr. Robert K. Shaw, of the same Division, to

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<sup>a</sup> The number of employees engaged upon arrears is about 60.

Brockton, Massachusetts, to become librarian of the public library of that city; Mr. Claude B. Guittard, of the Order Division, leaves us for the nearer post of librarian of the Coast and Geodetic Survey (for which he qualified by competitive civil service examination); and Miss Hester Codrington returns to Madison to become head cataloguer of the Library of the University of Wisconsin; as Mr. Clarence W. Perley has returned to Chicago to become chief classifier of the Newberry Library, a library for whose service in other lines Mr. C. J. Barr and Mr. Charles H. Brown had already left us. During the past three years, besides several employees for subordinate work in as many libraries, we have supplied in addition to the above, a librarian (Mr. John P. Kennedy) for the State Library of Virginia, and another (Mr. Phineas L. Windsor) for the State University of Texas.

Mr. Cutter came to us as a librarian of experience and repute gained in a position of independent responsibility. He came from one field of library work; he leaves us for another field quite different, but still of library work. Doctor Falkner came, not as an experienced librarian but as a specialist in a certain department of knowledge which forms the subject-matter of a large part of the material with which, as Chief of the Division of Documents, he was to be concerned. He came from a work of instruction, as an Associate Professor in the University of Pennsylvania; he goes to the administration of another work of instruction as Commissioner of Education for Porto Rico.

The highest positions in the Library, those in conduct of the several divisions, though by preference to be filled where possible by promotion, will, in many instances, at least for certain critical periods, benefit by the appointment from without the force of a person who has demonstrated ability in responsible conduct of a library, or one who as a specialist



may bring expert judgment in the selection and interpretation of material, even though unversed as yet in the technique of its administration. It is to be hoped that in the long run the Library, with the other opportunities for productive research at Washington, may offer sufficient attraction to keep the service in these staff positions substantially stable.

*Training of  
red by library  
vice*

The departure from our service of many skilled and experienced workers in subordinate positions is a serious loss not readily to be made good. Yet it represents a tendency to which we must submit, in which, indeed, we should take a certain satisfaction. For it implies that the National Library may become a training school, at least a school of useful experience for library workers in advanced fields. It implies that association with its great collections, its extensive bibliographic apparatus, its (in intention at least) scholarly methods, its corps of trained scientific experts, its unique and varied activities, and its varied and exacting constituency, is assumed to qualify for the conduct of responsible work elsewhere. The prestige which this association confers is one of the inducements that it offers to its service. We can not complain if it operate to deprive us from time to time of an efficient employee, for the opportunity for a more independent or more remunerative position elsewhere, to which this prestige may lead, was itself the essence of the inducement.

The supply of trained workers to other libraries opens now an interesting, if unpremeditated, possible service of the National Library to the country at large. The Library could not take the place of the library schools; it can not undertake to teach the "elements;" it can give no useful experience in the operations and methods of a library of the popular type; it has no department for younger readers. The experience which it offers can be fully useful only to a

student who has had a broad and thorough general education, and promptly useful only to one who has added to this, training in a professional library school.

But to those well equipped in these preliminaries a few years at the National Library can now, I believe, be regarded as an experience of high stimulus and utility for that advanced service which will increasingly be demanded in those of our libraries serving the investigator, and which will not be superfluous in any of them.

To the satisfaction which it must feel in affording such an opportunity, with the resultant gain to other libraries, the National Library will add another: That each trained worker who goes out from its service will take with him a knowledge of its methods and its aims. It does not propose its methods as a model for other libraries; but its aims are to serve them, and a knowledge of its methods—as of its collections and organization—is necessary on the part of the correspondent library which is to utilize fully the service that it desires to render. It will thus hope to regard each graduated worker as in a sense an outpost and a continuing associate in a work which is not confined to Washington, but which seeks to be understood and utilized throughout the country at large.

The place of Mr. Clark in November last was filled by the appointment of Mr. George Winfield Scott, not a practicing lawyer (although educated to the bar and a member of it), but one whose special education in the department of public law (in which he had specialized at several American universities and been instructor at one) seemed to promise useful service in the development of the Law Library in a direction which heretofore has had little attention in its conduct.

The administration of the Order Division has been temporarily arranged for by the assignment to it of Mr. Edward

L. Burchard, late Librarian of the Coast and Geodetic Survey, who came to us from that position last fall, in the first instance for special service in connection with our publications. Mr. Burchard was for some years Librarian of the Field Columbian Museum at Chicago; and while still Librarian of the Coast Survey acted as Librarian of the newly organized Department of Commerce and Labor of which that Bureau became a part.

Dr. Falkner's resignation became effective October 1. It is probable that for the conduct of this Division I shall arrange temporarily by a readjustment within the service, deferring a permanent appointment until, perhaps at the expiration of the present fiscal year, the relation between this Division and the Law Library and the Bureau for indexing legislation (if established) shall have been determined.

*Estimates and  
recommendations*

My recommendations for the present year included two positions not granted: One a stenographer at \$900 for the Division of Periodicals, the other a clerk at \$600 in the Copyright Office. They included also certain increases of salary, repetitions of a residue formerly recommended as necessary to an equalization of the service. With these the organization would reach the plan submitted by me to Congress five years ago, and which must, I think, be considered a normal for peremptory present needs. In my estimates for the coming year I accordingly content myself with a repetition of these recommendations. I ask no addition to the service and no increase of salary beyond what they embody.

*Index to com-  
parative legisla-  
tion*

I repeat, also, however, the recommendation that the appropriation for the general increase of the Library (now \$90,000) be made \$100,000; and the provision for an Index to Comparative Legislation, as follows:

“For services during the fiscal year 1906 in connection with the work of preparing an Index to Compara-

tive 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.”

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:

Fees received and applied	Fiscal year—				
	1899-1900	1900-1	1901-2	1902-3	1903-4
Domestic (50 cents) entries .....	\$43,219.00	\$41,906.50	\$42,172.50	\$44,340.00	\$46,360.00
Foreign (\$1) entries ....	8,360.00	8,538.00	8,633.00	9,299.00	10,410.00
For certificates .....	12,631.00	12,569.50	13,223.50	14,423.00	14,556.00
For assignments recorded .....	980.00	641.00	636.00	770.00	1,273.00
For searches .....	16.00	32.50	22.00	42.50	30.00
Total .....	65,206.00	63,687.50	64,687.00	68,874.50	72,629.00
Total number of deposits received (material of all classes, including duplicates)...	141,444	162,283	169,726	177,519	184,799
Total number of entries.	94,798	92,351	92,978	97,979	103,130
Total communications received, including parcels, but excluding deposits noted above .....	66,573	78,457	79,143	77,009	73,478
Total communications sent out (including letters written) .....	102,244	114,763	118,264	121,249	129,600

COPYRIGHT:  
Statistics

In my report of last year I noted that the domestic entries had of late tended to increase at a greater rate than the foreign. The returns of six as against five years have reversed this.

It will be noted that during the past year the number of entries has passed the 100,000 mark.

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:

COPYRIGHT OF- FICE: <i>Receipts</i> and <i>Expenses</i>	RECEIPTS	
Fees covered in during the fiscal year 1903-4, as above...		\$72, 629. 00
	EXPENSES	
Salaries, as stated .....		\$70, 260. 70
Stationery and sundries.....		902. 75
		<hr style="width: 100px; margin-left: auto; margin-right: 0;"/> 71, 163. 45
Net cash earnings .....		1, 465. 55

The amount expended for salaries (\$70,260.70) 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 184,799 such articles were received. The value of those drawn into the Library itself of course far exceeded the amount of the net cash earnings.

The work of the Copyright Office is divided into two portions: (1) the current business, covering applications received since the reorganization of the office under the Register in 1897; (2) the arrears—the classification, credit-

ing, and indexing of the entries and deposits prior to 1897 (i. e., from 1870, when the office was first placed under the Librarian of Congress).

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 107 in one day to 4,031 on another day. A clerical force large enough to clear off immediately the applications received on exceptionally busy days would be idle during the days when a small number of applications were received. Owing to this fluctuation in the number 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. *Current work*

On the 2d of July when the report of the Copyright Office was submitted, the remittances received up to the first mail of that day had been recorded and acknowledged. The account books of the bookkeeping division were written up and posted to June 30, and the accounts rendered to the Treasury Department settled up to and including the month of June, while earned fees to June 30, inclusive, had been paid into the Treasury.

All copyright applications received up to and including June 30 have been passed upon and refunds made. The total unfinished business for the full seven years, from July 1, 1897, to June 30, 1904, amount to but \$436.91, as against a total of completed business for the same period of \$449,277.50

Titles for record in all classes have been dated, classified, and numbered to June 30. All titles are indexed up to June 30, except Class A (books) and Class C (musical compositions), which are indexed to June 29. *Titles recorded*

*Copyright de-  
posits*

The articles deposited are stamped, catalogued, and credited up to the receipts of June 27 of Class A (books); June 25 of Class E (maps and charts); Class F (engravings), Class G (chromos and lithographs), and Class H (photographs); Class I (original works of art), are credited to June 30; Class C (music) and Class D (dramatic compositions) to June 28, and Class B (periodicals) to June 30. The Catalogue of Title Entries has been brought forward to No. 678 of June 30, 1904.

The certificate and noncertificate entries (all classes except A and B to June 27) have been recorded to June 29, inclusive, and certificates to June 27 made, revised, and mailed.

During the past seven years the business done shows as follows:

Total number of entries.....	637,749
Total number of articles deposited.....	1,068,719
Total number of fees received and applied.....	\$449,277.50
Total expenditure for service.....	\$352,925.76
Net receipts above expense for service.....	\$96,351.74

During the thirty-four years since the copyright work became a business of the Library of Congress the total number of entries have been 1,518,605. Of the total number of articles deposited during that time there are in the files of the Copyright Office, exclusive of those transferred to the Library proper, 1,289,028.

Of the articles deposited only a portion are drawn into the collections of the Library proper. The remainder are kept in the files of the Copyright Office, stored in the cellar of the Library building. The articles thus accumulated already exceed a million. They are not of a character to be valuable in a National Library, still less to be of value in any other library. The obligation of the Government toward them is not expressed in law, the statute pre-

scribing the deposit as a prerequisite for copyright not indicating the intentions of the Government toward the articles deposited.

Those which can be used in the Library constitute a valuable asset, but the probable use must be such as to justify the considerable expense of classification, cataloguing, shelving, and administration. There remain each year a large number of articles as to which this expense can not be justified. Thus far these have been retained. They are stored in the part of the building least available for other uses, arranged on cheap shelving, in the chronological order of receipt. Their permanent retention would involve the maintenance by the Government of a collection already vast and increasing indefinitely at the rate of thousands of items each year—a collection useless for literary purposes and inert except for occasional reference in connection with litigation.

Alternatives presented are:

(1) The destruction, after credit given, of articles useless for the Library. This would be wanton, for an article useless for the Library may have value in commerce sufficient to tempt infringement.<sup>a</sup> If litigation ensue, deposit must be proved and the article deposited must be produced to show that it is identical with the article claimed to infringe.

(2) Destruction after forty-two years from the original entry—the ultimate possible period of copyright monopoly. The objections to this might be less.

(3) The return to the holder of the copyright of such articles already accumulated, and systematic return hereafter to the applicant for copyright of the articles deposited (so

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<sup>a</sup> In a suit now pending some 10,000 entries must be proved of serial publications, which, appearing later in permanent form, ceased then to have value for the Library. The damages laid in this suit reach, I believe, nearly a million dollars.



far as useless to the Library) after they have been credited. They would bear the stamp of the Office as deposited, in accordance with law, and thus, with the certificate, be available for production in court should need arise. In the meantime, however, they would be preserved at his expense instead of at the expense of the Government.

I may later submit to Congress some recommendations in the matter.

#### EQUIPMENT <sup>a</sup>

The appropriation of \$45,000 for furniture, including especially for the year an outfit of mechanical window shades for the main book stacks, has been, as usual, expended almost wholly for permanent improvement and equipment of the Library. For the smaller and portable articles, such as card catalogue cases, desks, tables, chairs, matting, window shades, additional steel trays and cases for the Card Section of the Catalogue Division, file cases, book supports, etc., about \$14,000 were expended. These articles also included 2,704 bronze number plates for the public catalogue trays in the main Reading Room and some outfitting of plain furniture and floor covering for the Law Library in the Capitol.

EQUIPMENT:  
*Division of Man-  
uscripts*

As anticipated in the last report, the Division of Manuscripts was removed to permanent quarters in the second story of the northwest pavilion (Room G 4) and given the use of a considerable portion of the book stack which was constructed last year in the north curtain (Room H 4) and well adapted for the growing needs of the Division. In the pavilion (G 4) the division has been partially fitted up with transparent screened inclosures, a large tray case for the card catalogue, a number of desks, tables, and chairs, and a specially devised central circular table with glass dividing

<sup>a</sup>This passage is contributed by the Superintendent of the Library Building, under whose control are expenditures for this purpose.

Report of the Librarian of Congress.  
1904, pp. 89-90.

The Card Section has compiled five additional bulletins Card Section:  
Publications in explanation of the system of card distribution; and the Copyright Office a fifth edition of its Bulletin on the Copyright Law of the United States as now in force; also further Information Circulars, e. g., as to the interim copyright act, and importation under it, and as to the copyright treaty with China. The List of Foreign Copyright Laws compiled by the Register and appended to my report for 1903 has been issued also as a "separate."

Nine persons have contributed sums amounting to \$86.25 for street-car tickets to enable blind persons to attend the readings and musicals.

During the past year there were 166 readings and 40 musicals. There were 168 volunteer readers and 147 musicians.

The total attendance of blind (1,296) and seeing (6,344) at the readings and musicals reached 7,640. The total number of visitors to the room was 21,527.

#### COPYRIGHTS

The report of the Register of Copyrights is as usual appended in full (Appendix II). A report prepared by him on Copyright in Congress, 1789-1904 (a continuation of the statement which formed Part III of my last Report) forms a special publication about to be issued. This, as the preceding, deserves careful consideration in connection with any movement for the revision of our copyright law.

#### LOUISIANA PURCHASE EXPOSITION

The United States Government Board allotted \$13,000 toward the expense of an exhibit by the Library of Congress. The space provided (only 2,000 square feet) was meager for the display of material characteristic of the collections themselves, could such have safely been trusted in an amount really significant to the hazards of the journey and location in an inflammable building. It was, moreover, broken in two by a public aisle. An exhibit was, however, undertaken as varied and as suggestive as the circumstances seemed to permit. A description of it is given in Appendix VIII.

#### LEGISLATION NEEDED

Apart from a revision of the copyright law there is needed certain legislation which will facilitate the current

administration of the Library. I note especially the following:

*Postal law.* Amendments which—

(1) Will confer upon the Library the privilege of free registration of mail matter, already accorded to various departments and bureaus of the Government.

(2) Will render explicit the privilege upon the part of copyright applicants of free transmission to the Copyright Office of articles deposited under the copyright law. The privilege was granted in 1867, repeated in 1870, but has been cast into doubt, at least by subsequent general legislation.

(3) Will similarly render explicit the privilege of free transmittal in general of mail matter to and from the Library of Congress on the public business. This has been assumed, but only under the provisions of law touching executive business of the Government in general.

*Tariff law.* The inclusion of *music, reproductions of photographs, and all other printed material bound or unbound* in the description of the articles which, under the act approved July 24, 1897 (par. 500 of sec. 2) may be imported free of duty for the use of the Library of Congress. Music the Library may now import only under paragraph 503 (which exempts public libraries in general). Reproductions of photographs are not now provided for in either paragraph. On some the Library has already actually paid duty—contrary to the manifest intention of Congress that material for the Government collections and use should enter free.<sup>a</sup>

<sup>a</sup> Paragraph 500 is now as follows:

"SEC. 2. That on and after the passage of this act, unless otherwise specially provided for in this act, the following articles when imported shall be exempt from duty:

\* \* \* \* \*  
"500. 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."

The specifications of paragraph 503 are "books, maps, music, photographs, etchings, lithographic prints, and charts specially imported, etc."

## Appendix Ia

### APPROPRIATIONS AND EXPENDITURES, 1903-4

	Appropriation	Expended	Unexpended
<b>SALARIES</b>			
Library service:			
General .....	\$235,660.00	\$235,111.03	\$548.97
Sunday .....	10,000.00	9,424.06	575.94
Special .....	" 2,739.33	2,649.33	90.00
Distribution of card indexes .....	4,900.00	4,899.90	.10
Copyright Office .....	70,440.00	70,260.70	179.30
<b>Total</b> .....	<b>323,739.33</b>	<b>322,345.02</b>	<b>1,394.31</b>
<b>INCREASE OF LIBRARY</b>			
Purchase of books .....	90,000.00	90,000.00	
Purchase of periodicals .....	5,000.00	4,426.00	<sup>b</sup> 574.00
Purchase of law books .....	3,000.00	3,000.00	
Exchange of public documents .....	1,800.00	1,800.00	
<b>Total</b> .....	<b>99,800.00</b>	<b>99,226.00</b>	<b>574.00</b>
Contingent expenses .....	7,300.00	7,299.86	.14
Printing and binding .....	185,000.00	145,162.04	39,837.96
<b>Grand total</b> .....	<b>615,839.33</b>	<b>574,032.92</b>	<b>41,806.41</b>

<sup>a</sup> Balance of amounts appropriated by acts of April 28, 1902, and March 3, 1903.

<sup>b</sup> Nominal only. Will be exhausted by orders outstanding.

<sup>c</sup> Exclusive of \$1,500 to be expended by the marshal of the Supreme Court for new books of reference for that body.

#### CONTINGENT EXPENSES IN DETAIL

Object of expenditure	Amount
Stationery supplies .....	\$4,005.80
Care and ordinary repair of automobile delivery wagon .....	511.22
Extraordinary repair of automobile delivery wagon due to accident ...	220.50
New battery for automobile delivery wagon .....	287.37
Horse hire and care of wagon .....	695.70
Traveling expenses .....	461.13
Dies, presses, and rubber stamps .....	354.85
Typewriter supplies .....	398.24
Postage stamps (foreign correspondence) .....	236.00
Tools .....	19.20
Telegrams .....	68.85
Post-office box rent .....	16.00
Insurance, Hubbard collection of prints .....	25.00
<b>Total</b> .....	<b>7,299.86</b>

## Appendix Ib

APPROPRIATION ACT FOR THE YEAR ENDING JUNE 30, 1905

### 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; clerk (assistant to chief clerk), \$1,000; 2 stenographers and typewriters, at \$1,000 each; messenger, \$840; in all, \$18,140.

Mail and supply: For assistant in charge, \$1,500; assistant, \$900; 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; assistant, \$1,500; assistant, \$1,200; 3 assistants, at \$900 each; 2 assistants, at \$720 each; 2 assistants, at \$600 each; assistant, \$520; and 2 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 assistant in charge, \$1,200; assistant, \$900; messenger boy, \$360; in all, \$2,460.

Bibliography: For chief of division, \$3,000; assistant, \$1,200; 2 assistants, at \$900 each; assistant, \$720; stenographer, \$900; 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, cloak rooms, 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 evenings, 2 assistants, at \$720 each; in all, \$9,620.

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

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

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

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

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

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

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

Law Library: For custodian, \$2,500; 2 assistants, at \$1,400 each; messenger, \$900; assistant for evening service, \$1,500; in all, \$7,700.

COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, \$3,000; chief clerk and chief of bookkeeping division, \$2,000; chief of application division, \$2,000; 2 clerks, at \$1,800 each; 4 clerks, at \$1,600

each; 8 clerks, at \$1,400 each; 10 clerks, at \$1,200 each; 8 clerks at \$1,000 each; 13 clerks, at \$900 each; 2 clerks, at \$800 each; 10 clerks, at \$720 each; 1 clerk, \$600; 2 messenger boys, at \$360 each. Arrears, special service: 3 clerks, at \$1,200 each; porter, \$720; messenger boy, \$360; in all, \$74,700.

For service in connection with the distribution of card indexes and other publications of the Library, \$6,800.

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, \$3,000;

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

For purchase of miscellaneous periodicals and newspapers, \$5,000;

For expenses of exchanging public documents for the publications of foreign governments, \$1,800;

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, which sum shall be so apportioned as to prevent a deficiency therein, \$7,300.



CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: For superintendent of the Library building and grounds, \$5,000; chief clerk, \$2,000; clerk, \$1,600; clerk, \$1,400; clerk, \$1,000; 1 messenger; 1 assistant messenger; 2 telephone operators, at \$600 each; captain of watch, \$1,400; lieutenant of watch, \$1,000; 18 watchmen; carpenter, \$900; painter, \$900; foreman of laborers, \$900; 14 laborers, at \$480 each; 2 attendants in ladies' room, at \$480 each; 2 check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; 45 charwomen; chief engineer, \$1,500; 1 assistant engineer, \$1,200; 3 assistant engineers, at \$1,000 each; electrician, \$1,500; assistant electrician, \$1,000; machinist, \$1,000; machinist, \$900; 2 wiremen, at \$900 each; plumber, \$900; 2 elevator conductors, at \$720 each; 9 firemen; 6 skilled laborers, at \$720 each; in all, \$76,785.

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

For fuel, lights, repairs, 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, \$32,500.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, \$40,000.

## Appendix II

### REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1903-4

*Washington, D. C., July 2, 1904*

The copyright business and the work of the Copyright Office for the fiscal year from July 1, 1903, to June 30, 1904, inclusive, are summarized as follows:

#### RECEIPTS

The gross receipts during the year were \$75,302.83. *Fees, etc.* A balance of \$1,691.84, representing trust funds and unfinished business, was on hand July 1, 1903, making a total of \$76,994.67 to be accounted for. Of this amount the sum of \$2,200.38 was refunded, having been sent to the Copyright Office as excess fees, or as fees for articles not registrable, leaving a net balance of \$74,794.29. The balance carried over July 1, 1904, was \$2,165.29 (representing trust funds, \$1,728.38, and total unfinished business since July 1, 1897—seven years—\$436.91), leaving for fees applied during the fiscal year 1903-4, \$72,629.

#### EXPENDITURES

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1904, was \$70,440. *Salaries* Of this amount the total expenditure for salaries was \$70,260.70, or \$2,368.30 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 \$902.75. The necessary furniture is paid for out of a special appropriation, and the cost of the record books, bulletins, and other printed matter is charged to the appropriation for printing. The figures for these expenditures are not available.

*Copyright fees* The copyright fees received and paid into the United States Treasury during the last seven years, from July 1, 1897, to June 30, 1904, amount to \$449,277.50, while the sum used of the appropriations for salaries during that period was \$352,925.76, leaving an excess of fees over appropriations used for service for the seven years of \$96,351.74.

*Copyright deposits* During these same seven years the articles received as deposits amount to a grand total of 1,068,719 pieces, including two copies each of 54,921 books and pamphlets, 34,335 leaflets, 46,865 periodical contributions, 4,992 dramatic compositions, 116,743 separate numbers of periodicals, 132,706 musical compositions, 10,759 maps and charts, 33,011 engravings, cuts, and prints, 10,801 chromos and lithographs, 80,583 photographs, and 389 miscellaneous articles. In addition to the above, 16,509 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

*Registrations* The entries of titles for the fiscal year reached the highest number in the history of the Copyright Office, namely, 103,130. Of these entries 92,720 were titles of the productions of citizens or residents of the United States and 10,410 were titles of works by foreigners. The fees for these entries were: United States, \$46,360; foreign, \$10,410, or a total of \$56,770.

*Certificates, etc.* Of the foreign entries 2,649 were with certificates, and of the United States entries 24,863, or a total of 27,512 certificates, at fees amounting to \$13,756. In addition, 1,600 copies of record were furnished for \$800 in fees; assignments to the number of 1,093 were recorded and certified, at a charge of \$1,273, and search fees charged to the amount of \$30. 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, 1903, to June 30, 1904, 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 received for, stamped, credited, indexed, and catalogued during the fiscal year amount to 184,799. This is a gain of 7,280 over the preceding fiscal year. The number of these articles in each class for the six fiscal years is shown in Exhibit G, and indicates a grand total of 1,068,719 articles received in the six years.

*Articles deposited*

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 (4,971), owing to the careful method of condensation used in making the required statements of name of claimant, date, number of entry, etc.

*Catalogue*

The title index cards for the fiscal year number 169,389. 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 1,075,000 cards.

*Index cards*

SUMMARY

Balance on hand July 1, 1903.....	\$1,691.84	
Gross receipts July 1, 1903, to June 30, 1904.....	75,302.83	
Total to be accounted for.....	\$76,994.67	
Refunded.....	2,200.38	
Balance to be accounted for.....	74,794.29	
Applied as fees earned.....	\$72,629.00	
Balance carried over to July 1, 1904:		
Trust funds.....	1,728.38	
Unfinished business, July 1, 1897, to June 30, 1904, seven years.....	436.91	
		2,165.29
		<u>74,794.29</u>
Total fees earned and paid into the Treasury during the seven fiscal years from July 1, 1897, to June 30, 1904....	449,277.50	
Total unfinished business for the seven years.....	436.91	

*Recapitulation: Receipts*

## ENTRIES

<i>Registrations.</i>	Number of entries of United States productions recorded. . . . .	92,720
<i>'c.</i>	Number of entries of foreign productions recorded . . . . .	10,410
	Total number of titles recorded. . . . .	<u>103,130</u>
	Number of certificates of United States entries . . . . .	24,863
	Number of certificates of foreign entries . . . . .	2,649
	Total number of certificates . . . . .	<u>27,512</u>
	Number of certified copies of record . . . . .	1,600
	Number of assignments recorded . . . . .	1,093

## FEES

<i>Applied fees</i>	Fees for entry of titles, United States productions, at 50 cents each . . . . .	\$46,360.00
	Fees for entry of titles of foreign productions, at \$1 each. . . . .	10,410.00
	Total fees for titles recorded. . . . .	<u>\$56,770.00</u>
	Fees for certificates, United States entries, at 50 cents each. . . . .	12,431.50
	Fees for certificates, foreign entries, at 50 cents each . . . . .	1,324.50
	Total fees for certificates . . . . .	<u>13,756.00</u>
	Fees for certified copies of record, at 50 cents each. . . . .	800.00
	Fees for recording assignments. . . . .	1,273.00
	Sixteen searches made and charged for at the rate of 50 cents for each hour of time consumed. . . . .	30.00
	Total fees . . . . .	<u>72,629.00</u>

## CONDITION OF COPYRIGHT OFFICE WORK

*(a) Current work*

*State of 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 107 in one day to 4,031 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 number 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.

At this date (July 2, 1904) the remittances received up to the first mail of the day 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. *Accounts*

All copyright applications received up to and including June 30 have been passed upon and refunds made. The total unfinished business for the full seven years, from July 1, 1897, to June 30, 1904, amounts to but \$436.91.

Titles for record in all classes have been dated, classified, and numbered to June 30. All titles are indexed up to June 30, except Class A (books) and Class C (musical compositions), which are indexed to June 29. *Titles recorded*

The articles deposited are stamped, catalogued, and credited up to the receipts of June 27 of Class A (books); June 25 of Class E (maps and charts), Class F (engravings), Class G (chromos and lithographs), and Class H (photographs); June 30 of Class I (original works of art); while Class C (music) and Class D (dramatic compositions) are credited to June 28, and Class B (periodicals) to June 30. The Catalogue of Title Entries has been brought forward to No. 678 of June 30, 1904. *Deposits*

The certificate and noncertificate entries (all classes, except A and B, to June 27) have been recorded to June 29, inclusive, and certificates to the same date made, revised, and mailed.

*(b) Copyright business prior to July 1, 1897*

Congress, in the appropriation act for the fiscal year just closed, continued the special force 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, and a total of 80,770 articles have been handled, including the segregation and filing of 37,885. *Arrears*

pieces of music and 23,694 miscellaneous articles (books, dramas, maps, engravings, chromos, photographs, etc.).

More than 8,000 index cards were written, and 1,844 entries cleared and the necessary credits made.

COPYRIGHT LEGISLATION AND INTERNATIONAL COPYRIGHT  
RELATIONS

I. NEW LAW

*Interim* *copy-*  
*right act* During the fiscal year covered by this report six separate measures were presented to Congress regarding copyright, one of which became law. This was an "Act to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition," approved January 7, 1904. This act (the full text of which is printed in the Appendix, pp. 127-129), gives to the author (or the heirs and assigns of the author) of any book, map, chart, dramatic or musical composition, engraving, cut or print, chromo or lithograph, photograph, painting, drawing, statue, statuary, or a model or design intended to be perfected as a work of the fine arts, which is produced abroad and sent for exhibit to the St. Louis Exposition during 1904, copyright protection for an interim term of two years, dating from the receipt of one copy of the article in the Library of Congress, or, in the case of a work of the fine arts, of a description and a photograph of it. A fee of \$1.50 is required for the registration of each title with a certificate; each volume of a book in more than one volume requiring separate entry and fee. The fees thus received at the Copyright Office are required to be paid into the Treasury of the United States. The act provides that no registrations are to be made thereunder after the 30th day of November, 1904. If during the two years' term of protection, in the case of a book, two copies of the original text of any such book, or of a translation of it in the English language, are deposited in the Copyright Office printed from type set within the limits of the United States or from plates made therefrom, or, in the case of a photograph, chromo, or lithograph, two copies printed from negatives, or drawings on stone made within the limits of the United States or from transfers made therefrom, are deposited, such

deposit in either case shall be held to extend the term of the protection for the full terms of the present copyright law, viz, forty-two years. Except in so far as this act authorizes and provides for temporary copyright protection it is not to be construed or held in any manner to affect or repeal any of the provisions of the Revised Statutes relating to copyrights or the acts amendatory thereof.

After the passage of this act the question was raised whether it removed the interdiction of importation provided by the act of March 3, 1891, so far as publications exhibited at St. Louis and registered under the new law were concerned, and an inquiry to this effect was submitted by the German ambassador to the Secretary of State, who transferred the inquiry to the Secretary of the Treasury and to the Librarian of Congress. The Hon. Leslie M. Shaw, Secretary of the Treasury, replied to the ambassador's question in the affirmative, under date of March 12, and the Register of Copyrights submitted to the Librarian of Congress a "Memorandum" dated March 19, to the effect that the prohibition of importation of the act of March 3, 1891, does not apply to the articles named in section 1 of the act of January 7, 1904.<sup>a</sup>

## II. PROPOSED LEGISLATION

In addition to the interim copyright bill referred to above, which became law, five distinct copyright measures were presented to the present Congress for its consideration. These were treated in various bills and reports, but failed of enactment into law.

### *a. Copyright protection for translations of foreign books*

On November 16, 1903, Senator Platt, of Connecticut, introduced "A bill to amend chapter forty-nine hundred and fifty-two of the Revised Statutes," which was read twice, referred to the Senate Committee on Patents, and printed as Senate bill no. 849. This bill proposes an amendment to section 4952 of the Revised Statutes, relating to copyrights, to the effect that in the case of a book originally published abroad in a foreign language, if the author

<sup>a</sup> For the full text of these opinions see Appendix, pp. 129-133, 133-136.



obtains a copyright for a translation of it within twelve months after the first publication of the book, he shall thus obtain for the term of the copyright—

“the sole liberty of printing, reprinting, publishing, vending, translating, and dramatizing the said book, and, in the case of a dramatic composition, of publicly performing the same, or of causing it to be performed or represented by others.”

*Senate bill no.*  
2229. An error having occurred in the first page of this bill as originally printed, it was ordered reprinted on December 8, 1903, as Senate bill no. 2229,<sup>a</sup> and was reported by Senator Clapp, from the Senate Committee on Patents, on January 8, 1904, with the recommendation “that it pass without amendment.”<sup>b</sup>

*House bill no.*  
6487. This same measure was introduced in the House of Representatives by Mr. Carrier, of New Hampshire, on December 9, 1903, and was referred to the House Committee on Patents and ordered to be printed as House bill no. 6487, entitled “A bill to amend chapter forty-nine hundred and fifty-two of the Revised Statutes.” The bill was reported to the House by the Committee on Patents on March 1, 1904, with amendments, and was referred to the House Calendar and ordered printed, and was reprinted without change of number,<sup>c</sup> the report being also printed as House report no. 1287.<sup>d</sup> The amendment proposed by the Committee on Patents (in addition to the shifting of some commas, and the changing of “chapter 4952” to “section 4952” in the title of the bill) is the addition of a proviso to the effect that the 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 the same basis as is given to its citizens by this act.”

Congress adjourned without further action by either House on this bill.

<sup>a</sup> For the text of this bill see Appendix, pp. 138-139.

<sup>b</sup> Senate report no. 188; see Appendix, p. 139.

<sup>c</sup> For text of this bill see Appendix, pp. 139-140.

<sup>d</sup> For text of this report see Appendix, pp. 141-144.

*b. Free text-books*

A bill to establish a series of free text-books to be used <sup>House bill no.</sup> in the public schools of the United States was introduced <sup>9297</sup> by Mr. Knapp, of New York, on January 8, 1904, and was referred to the House Committee on Education and ordered printed. It appears as House bill no. 9297 of the Fifty-eighth Congress, second session, and is printed in full in the Appendix to this report, pages 144-145. The bill was not reported back to the House.

*c. Checks, vouchers, certificates, or other business forms*

Mr. Bartholdt, of Missouri, introduced, on January 8, <sup>House bills nos.</sup> 1904, "by request," "A bill to amend title sixty, chapter <sup>9324, 11450</sup> three, of the Revised Statutes of the United States, relating to copyrights," which was referred to the House Committee on Patents and ordered printed. It appeared as House bill no. 9324, and on January 30 was reintroduced, slightly altered, and reprinted as House bill no. 11450.<sup>a</sup> The purpose of this bill is to secure the insertion in the list of the subject-matters of copyright of the following articles: "Any check, voucher, certificate, or other business form entirely or partly printed." Congress has taken no further action on this bill.

*d. Affidavit that copyright books have been type set in the United States*

On March 2, 1904, Mr. Tawney, of Minnesota, introduced <sup>House bill no.</sup> "A bill to amend the copyright laws," which was <sup>13355</sup> referred to the House Committee on Patents and ordered to be printed. The bill appeared as House bill no. 13355,<sup>b</sup> and proposes a proviso to section 4956 of the Revised Statutes, which requires the deposit of American-made copies in the case of books, photographs, chromos, and lithographs, that such copies be accompanied by an affidavit that they have been thus produced in the United States. The bill was reported with an amendment on April 26, 1904,

<sup>a</sup> For text of this bill see Appendix, pp. 146-147.

<sup>b</sup> For full text of this bill, see Appendix, pp. 147-150.

referred to the House Calendar, and ordered to be reprinted. The bill as amended provides:

"That accompanying the two copies of the book, photograph, chromo or lithograph required to be delivered or deposited, as herein provided, there shall be an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person desiring the said copyright or by his duly authorized agent or representative residing in the United States, setting forth that the two copies required to be so deposited have been 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; \* \* \* and the place within the limits of the United States at which such type was set, or plates or negatives were made, and by whom."

A second section of the bill further provides:

"That any person violating any of the provisions of this act or who shall be guilty of making a false affidavit as to his having complied with the conditions thereof for the purpose of obtaining a copyright shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited."

*House report*  
*no. 2857.*

The bill was reported by Mr. Otis, of New York, from the House Committee on Patents, on April 26, and the report was referred to the House Calendar and ordered to be printed as House report no. 2857." The report states that the present law which requires the deposit of two copies of a copyright publication printed from type set within the United States does not require any proof to be filed that such books have been so printed, nor impose any penalty for failure to comply with this condition, and continues:

"After investigation your committee have reason to believe that it is not only possible, but that in some instances the present law has been evaded and violated to the injury of American labor, and that this can be done with comparative ease under the existing law; that there is no remedy and no means of enforcing this condition as to printing from type set by American labor and within our own country. That being the case, your committee is of the opinion that

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"For text of this report, see Appendix, pp. 150-152.

the person applying for a copyright should be required as a condition precedent to furnish proof in the form of an affidavit that all of these conditions with respect to the labor employed in the printing and the place of printing the copies of books to be deposited have been complied with, and in the event that any false statement is made in said affidavit concerning a material fact, and upon conviction thereof, the person thus attempting to obtain a copyright should be punished and the copyright forfeited."

The committee recommends that, as amended, the bill do pass. No further action on this bill was taken by Congress before its adjournment.

*c. Consent of copyright proprietor to importation of copyright books*

Senator Platt, of Connecticut, introduced, on March 30, 1904, "A bill to amend title sixty, chapter three, of the Revised Statutes, relating to copyrights," which was read twice and referred to the Senate Committee on Patents, and printed as Senate bill no. 5314.<sup>5314</sup> Senate bill no. The purport of this bill is to add to the provisions of section 4956 of the Revised Statutes, relating to copyrights, a proviso to the effect that "the privilege accorded to certain institutions under paragraph five hundred and fifteen of section two [of the tariff act of October first, eighteen hundred and ninety], to import free of duty not more than two copies of books, maps, lithographic prints, and charts, shall apply to the importation of books, maps, lithographic prints, and charts which have been copyrighted in the United States, only when the holders of the American copyrights thereof in writing consent to such importation," and that the exception to the prohibition of importation in favor of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of a book at any one time, such importation shall be only "with the written consent of the holders of the American copyrights." Congress adjourned before this bill was reported from the committee.

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<sup>a</sup> For text of this bill, see Appendix, pp. 152-154.

## III. INTERNATIONAL COPYRIGHT RELATIONS

*Cuba* During the past fiscal year two proclamations have been issued by the President dealing with our copyright relations with other nations. The first proclamation, dated November 17, 1903, extends to the citizens of Cuba the full privileges of our copyright laws, under the provisions of section 13 of the copyright act of March 3, 1891.<sup>a</sup>

*China* The second Presidential proclamation announces the treaty entered into between the United States and China for the extension of the commercial relations between them. This treaty was signed at Shanghai, October 8, 1903; ratification advised by the Senate of the United States December 18, 1903; ratified by China January 10, 1904; by the President January 12, 1904, and ratifications exchanged at Washington January 13, 1904, on which day the treaty was proclaimed. Of this convention the ninth article relates to trade-marks, the tenth to patents, and the eleventh to copyrights. By this last article it is agreed that China, in order to secure the benefits of the copyright laws of the United States for its subjects, undertakes to give full protection—

“in the same way and manner and subject to the same conditions upon which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers or proprietors of any book, map, print or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving or translation in the Empire of China during ten years from the date of registration.”<sup>b</sup>

## IV. REVISION OF THE COPYRIGHT LAWS

*New legislation* It is generally admitted by those most concerned that our copyright laws need revision. The fact that no less than five distinct copyright measures were brought before Congress at its last session is evidence of this need. The question arises how the defects and limitations of the present statutes, as well as such changes as may be deemed desira-

<sup>a</sup> For text of this proclamation, see Appendix, pp. 154-155.

<sup>b</sup> For the full texts of the three articles 9, 10, and 11, see Appendix, pp. 156-158.

ble, can best receive the careful and adequate consideration required. It is doubtful if the enactment of further merely partial or temporizing legislation will afford satisfactory remedies for the insufficiencies and inconsistencies of the present laws. The subject should be dealt with as a whole, and the insufficient and antiquated laws now in force be replaced by one consistent, liberal, and adequate statute.

The laws as they stand fail to give the protection required, are difficult of interpretation, application, and administration, leading to misapprehension and misunderstanding, and in some directions are open to abuses. During more than a century of legislation upon this subject a highly technical copyright system has been developed, under which valuable literary and artistic property rights have come to depend upon exact compliance with statutory formalities which have in reality nothing to do with the equitable rights involved, and the defense of such property against infringement may be rendered nugatory by reason of failure to fully comply with purely arbitrary requirements. This necessity of explicit compliance with certain statutory stipulations as a prerequisite to protection distinguishes our copyright legislation from that of all other countries, and the question should be met whether this condition ought to be continued. Many other important and difficult questions arise in relation to the amendment of the copyright laws, and I beg to again recommend that Congress appoint a commission, adequately representing the different interests concerned, to prepare a draft of a satisfactory codified copyright statute to be submitted for its consideration.

I add to this report, as an appendix, the full text of the act of January 7, 1904, to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition, and the texts of the five copyright bills pending upon the adjournment of Congress.

A bibliography of all bills, reports, petitions, and other miscellaneous documents relating to copyright which have been brought to the attention of Congress from 1789 to 1904, inclusive, has been compiled from official sources, and, together with a chronological record of the action taken

by Congress in relation thereto, is submitted as a supplement to my recent Special Report on Copyright Legislation."

Respectfully

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, 1904*

Month	Gross cash receipts	Refunds	Net receipts	Fees applied
1903				
July .....	\$5,380.97	\$134.81	\$5,246.16	\$5,001.00
August .....	4,958.30	144.25	4,814.05	5,043.50
September .....	5,658.48	108.92	5,549.56	5,406.00
October .....	6,323.42	177.88	6,145.54	5,945.50
November .....	5,303.93	208.31	5,095.62	5,250.50
December .....	8,581.60	180.05	8,401.55	7,441.00
1904				
January .....	7,502.53	243.14	7,259.39	8,120.50
February .....	6,185.14	227.48	5,957.66	6,001.50
March .....	6,567.73	188.01	6,379.72	6,146.50
April .....	5,996.58	240.49	5,756.09	5,953.50
May .....	6,540.88	183.61	6,357.27	6,160.00
June .....	6,303.27	163.43	6,139.84	6,159.50
Total .....	75,302.83	2,200.38	73,102.45	72,629.00
Balance brought forward from June 30, 1903 .....				\$1,691.84
Gross receipts July 1, 1903, to June 30, 1904 .....				75,302.83
Total .....				76,994.67
Less refunds from receipts of July 1, 1903, to June 30, 1904 .....				2,200.38
To be accounted for .....				74,794.29
Balance carried forward July 1, 1904:				
Trust fund .....			\$1,728.35	
Unfinished business .....			436.91	
			2,165.29	
Fees applied July 1, 1903, to June 30, 1904 .....				72,629.00

<sup>a</sup> Issued as a special publication.

Register of Copyrights

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EXHIBIT B.—Statement of fees paid into Treasury

Date	Check number	Amount	Date	Check number	Amount
1903			1904		
July 6.....	382	\$600.00	Jan. 6.....	414	\$41.00
13.....	383	1,100.00	11.....	415	3,700.00
20.....	384	1,200.00	18.....	416	1,400.00
27.....	385	1,100.00	25.....	417	1,500.00
Aug. 3.....	386	900.00	Feb. 1.....	418	1,400.00
5.....	387	101.00	6.....	419	120.50
10.....	388	1,400.00	8.....	420	1,100.00
17.....	389	1,000.00	15.....	421	1,400.00
24.....	390	1,200.00	23.....	422	1,200.00
31.....	391	1,000.00	29.....	423	1,500.00
Sept. 4.....	392	443.50	Mar. 5.....	424	801.50
8.....	393	600.00	7.....	425	800.00
14.....	394	1,200.00	14.....	426	1,400.00
22.....	395	1,200.00	21.....	427	1,400.00
28.....	396	1,400.00	28.....	428	1,400.00
Oct. 3.....	397	1,006.00	Apr. 4.....	429	1,146.50
5.....	398	700.00	11.....	430	1,500.00
12.....	399	1,000.00	18.....	431	1,200.00
19.....	400	1,200.00	25.....	432	1,500.00
26.....	401	1,500.00	May 2.....	433	1,400.00
Nov. 2.....	402	1,500.00	4.....	434	353.50
5.....	403	45.50	9.....	435	1,200.00
9.....	404	1,000.00	16.....	436	1,400.00
16.....	405	1,000.00	23.....	437	1,500.00
23.....	406	1,400.00	31.....	438	1,500.00
30.....	407	1,200.00	June 6.....	439	560.00
Dec. 4.....	408	650.50	7.....	440	900.00
7.....	409	700.00	13.....	441	1,000.00
14.....	410	2,000.00	20.....	442	1,500.00
21.....	411	1,600.00	27.....	443	1,500.00
28.....	412	1,400.00	July 2.....	444	1,259.50
1904.			Total.....		72,629.00
Jan. 4.....	413	1,700.00			

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. Such balancing checks are numbers 387, 392, 397, 403, etc.



## EXHIBIT C.—Record of applied fees

Month	Number of titles, foreign productions	Fees at \$1 each	Number of titles, United States productions	Fees at 50 cents each	Total number of titles entered	Total monthly applied fees for titles recorded	Number of certificates, foreign	Fees at 50 cents each		
1903										
July	747	\$747.00	6,360	\$3,180.00	7,107	\$3,927.00	134	\$67.00		
August	804	804.00	6,343	3,171.50	7,147	3,975.50	203	101.50		
September	801	801.00	6,804	3,402.00	7,605	4,203.00	284	142.00		
October	870	870.00	7,410	3,705.00	8,280	4,574.00	184	92.00		
November	776	776.00	6,576	3,288.00	7,352	4,064.00	147	73.50		
December	1,175	1,175.00	9,073	4,536.50	10,248	5,711.50	282	141.00		
1904										
January	813	813.00	11,733	5,866.50	12,546	6,679.50	220	110.00		
February	880	880.00	7,630	3,815.00	8,519	4,704.00	162	81.00		
March	886	886.00	7,771	3,885.50	8,657	4,771.50	238	119.00		
April	728	728.00	7,684	3,842.00	8,412	4,570.00	161	80.50		
May	1,064	1,064.00	7,482	3,741.00	8,546	4,805.00	314	157.00		
June	848	848.00	7,854	3,927.00	8,702	4,775.00	320	160.00		
Total	10,410	10,410.00	92,720	46,366.00	103,130	56,770.00	2,649	1,324.50		
Month	Number of certificates, United States	Fees at 50 cents each	Total certificates	Fees at 50 cents each	Copies of record	Fees at 50 cents each	Assignments	Charge for assignments	Search fees	Total applied fees
1903										
July	1,814	\$907.00	1,948	\$974.00	89	\$44.50	33	\$50.00	\$5.50	\$5,001.00
August	1,807	903.50	2,010	1,005.00	71	35.50	33	27.00	.50	5,043.50
September	1,874	937.00	2,158	1,079.00	106	53.00	52	68.00	3.00	5,406.00
October	2,154	1,077.00	2,338	1,169.00	140	70.00	110	118.00	4.50	5,945.50
November	1,888	944.00	2,035	1,017.50	82	41.00	78	125.00	3.00	5,250.50
December	2,319	1,159.50	2,601	1,300.50	108	54.00	387	375.00	.....	7,441.00
1904										
January	2,402	1,201.00	2,622	1,311.00	99	49.50	61	72.00	8.50	8,120.50
February	1,906	953.00	2,068	1,034.00	359	179.50	57	84.00	.....	6,001.50
March	2,152	1,076.00	2,390	1,195.00	158	79.00	82	101.00	.....	6,146.50
April	2,287	1,143.50	2,448	1,224.00	119	59.50	79	97.00	3.00	5,953.50
May	2,066	1,033.00	2,380	1,190.00	168	84.00	59	79.00	2.00	6,160.00
June	2,194	1,097.00	2,514	1,257.00	101	50.50	62	77.00	.....	6,159.50
Total	24,863	12,431.50	27,512	13,756.00	1,600	800.00	1,093	1,273.00	30.00	72,629.00

EXHIBIT D.—Copyright business (monthly comparison). Monthly report, June, 1904

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

Month	Gross receipts				Business executed			
	Monthly receipts	Monthly increase	Monthly decrease	Daily average	1903-4	Increase	Decrease	Daily average
1903								
July	\$5,380.97		\$440.61	\$206.96	\$5,001.00		\$783.50	\$192.34
August	4,958.30		422.67	190.70	5,043.50	\$42.50		193.98
September	5,658.48	\$700.18		217.63	5,406.00	362.50		207.92
October	6,323.42	664.94		234.20	5,945.50	539.50		220.20
November	5,303.93		1,019.49	221.00	5,250.50	605.00		218.77
December	8,581.60	3,277.67		330.06	7,441.00	2,190.50		286.19
1904								
January	7,502.53		1,079.07	300.10	8,120.50	679.50		324.82
February	6,185.14		1,317.39	257.71	6,001.50	2,119.00		250.00
March	6,567.73	382.59		243.25	6,146.50	145.00		227.65
April	5,996.58		571.15	230.64	5,953.50	193.00		228.98
May	6,540.88	544.30		261.63	6,160.00	206.50		246.40
June	6,303.27		237.61	242.43	6,159.50	50		246.90
Total	75,302.83				72,629.00			

Month	Number of entries					
	Foreign	United States	Total	Increase	Decrease	Average
1903.						
July	747	6,360	7,107		1,220	273
August	804	6,343	7,147	40		274
September	801	6,804	7,605	458		292
October	870	7,410	8,280	684		307
November	776	6,576	7,352		937	306
December	1,175	9,073	10,248	2,896		394
1904.						
January	813	11,733	12,546	2,298		502
February	880	7,630	8,510		4,027	355
March	886	7,771	8,657	138		321
April	728	7,684	8,412		245	323
May	1,064	7,482	8,546	134		342
June	848	7,854	8,702	156		335
Total	10,410	92,720	103,130			

EXHIBIT E.—Statement of gross cash receipts, business executed, number of entries, etc., for six fiscal years, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4

Month	Gross receipts					
	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4
July .....	\$5,102.74	\$5,150.87	\$5,571.51	\$5,352.28	\$5,429.52	\$5,380.97
August .....	4,675.96	4,840.97	5,844.68	4,880.00	4,504.56	4,958.30
September ..	4,714.82	6,078.95	4,980.62	5,295.87	5,530.97	5,658.48
October .....	5,149.07	5,583.59	6,227.36	5,309.03	5,651.16	6,323.42
November ..	4,788.30	5,479.15	5,068.11	5,019.10	5,646.93	5,303.93
December ..	6,435.50	6,728.06	7,332.53	7,201.64	8,005.75	8,581.60
January .....	6,050.86	7,649.80	7,155.68	7,604.08	8,953.81	7,502.53
February .....	5,141.40	5,523.47	4,803.50	4,810.50	5,360.48	6,185.14
March .....	6,300.02	6,515.43	6,049.07	5,890.56	6,110.54	6,567.73
April .....	5,168.69	6,086.82	5,780.93	5,580.14	6,005.89	5,996.58
May .....	5,593.50	5,660.36	5,580.11	5,762.02	5,305.02	6,540.88
June .....	5,034.73	5,762.86	5,297.95	5,590.27	5,821.58	6,303.27
Total ..	64,185.65	71,072.33	69,525.25	68,495.08	71,533.91	75,302.83

  

Month	Business executed					
	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4
July .....	\$4,724.50	\$4,789.50	\$5,115.00	\$4,886.50	\$4,781.00	\$5,001.00
August .....	4,266.50	4,709.50	5,404.50	4,837.50	4,509.00	5,043.50
September ..	4,537.50	5,357.50	4,735.00	4,828.00	5,388.50	5,406.00
October .....	4,744.00	5,317.00	5,494.50	5,175.50	5,492.50	5,945.50
November ..	4,269.50	4,810.50	4,500.50	4,360.00	5,242.00	5,250.50
December ..	5,088.50	5,183.00	6,339.00	6,176.50	7,225.50	7,441.00
January .....	6,192.50	8,000.50	6,410.50	7,765.60	8,107.00	8,120.50
February .....	4,595.50	5,032.50	4,546.50	4,620.00	5,159.00	6,001.50
March .....	5,312.50	5,871.50	5,416.50	5,473.50	5,993.00	6,146.50
April .....	4,899.00	5,535.50	5,653.50	5,271.50	6,025.00	5,953.50
May .....	5,076.00	5,220.50	5,045.50	5,809.00	5,074.50	6,160.00
June .....	4,651.00	5,369.50	5,023.50	5,475.00	5,781.50	6,150.50
Total ..	58,267.00	65,206.00	63,687.50	64,687.00	68,874.50	72,629.00

  

Month	Number of entries					
	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4
July .....	5,653	6,835	7,514	7,010	6,748	7,107
August .....	6,095	6,525	7,822	6,776	6,451	7,147
September ..	6,188	7,571	6,685	6,684	7,132	7,605
October .....	6,316	7,627	7,901	7,395	7,771	8,289
November ..	5,682	6,814	6,210	5,909	7,397	7,352
December ..	7,288	7,284	9,693	9,190	10,792	10,248
January .....	9,556	12,808	9,871	12,241	12,808	12,546
February .....	6,552	7,521	6,421	6,333	7,144	8,519
March .....	7,417	8,311	7,755	7,757	8,663	8,657
April .....	6,834	8,080	8,062	7,527	7,839	8,412
May .....	6,888	7,508	6,074	8,325	6,907	8,546
June .....	6,580	7,995	7,443	7,921	8,327	8,702
Total ..	80,968	94,798	92,351	92,978	97,979	103,130

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

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

Year	Gross receipts	Increase	Decrease	Yearly fees	Increase	Decrease	Number of entries	Increase	Decrease
1897-98	\$01,000.50			538,930.50			75,515		
1898-99	61,183.05	3,086.00		58,267.00	2,340.50		80,968	5,423	
1899-1900	71,072.33	6,886.08		65,206.00	6,939.00		94,798	13,830	
1900-1901	69,328.25		1,547.08	63,687.50		1,518.50	92,351		2,447
1901-2	68,495.08		1,120.17	64,687.00		999.50	92,978		627
1902-3	71,533.01	3,128.83		68,874.50	4,187.50		97,979	5,001	
1903-4	75,302.83	3,768.92		72,629.00	3,754.50		103,130	5,151	

EXHIBIT F.—Table of entries of titles made during the fiscal years 1902-3 and 1903-4, arranged by classes

	1902-3	1903-4
Class A. Books:		
(1) Books proper (volumes) .....	10,589	15,870
(2) Miscellaneous articles entered under the term "book" as used in the copyright law—e. g., circulars, leaflets, etc .....	7,827	3,361
(3) Newspaper and magazine articles .....	8,050	8,503
Total .....	26,466	27,824
Class B. Periodicals .....	22,625	21,496
Class C. Musical compositions .....	21,161	23,110
Class D. Dramatic compositions .....	1,668	1,571
Class E. Maps or charts .....	1,792	1,707
Class F. Engravings, cuts, or prints .....	5,546	6,510
Class G. Chromos or lithographs .....	2,232	2,384
Class H. Photographs .....	13,519	14,534
Class I. Original works of art—paintings, drawings, and sculpture .....	3,930	3,934
Grand total .....	97,979	103,130

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EXHIBIT G.—Table of articles deposited during six fiscal years, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4

	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4	Total
<b>1. Books:</b>							
(a) Books proper.....	5,834	6,550	7,746	7,027	9,222	12,967	49,346
(b) Volumes, circulars, leaflets, etc.....	4,196	5,073	5,770	6,259	5,255	3,084	29,637
(c) Newspaper and magazine articles.....	5,185	8,851	9,010	5,577	7,097	7,883	43,603
2. Dramatic compositions....	507	561	634	815	986	1,098	4,601
3. Periodicals (number).....	9,777	14,347	17,702	19,573	21,498	20,320	103,017
4. Musical compositions.....	19,976	16,505	16,709	21,295	19,801	21,203	115,489
5. Maps and charts.....	1,478	1,353	1,718	1,566	1,801	1,547	9,403
6. Engravings, cuts, and prints.....	3,505	3,503	5,687	5,636	5,830	5,938	30,099
7. Chromos and lithographs.....	1,050	1,257	1,817	1,757	2,006	2,167	10,054
8. Photographs.....	7,695	12,115	13,064	13,884	13,790	14,258	74,806
9a. Miscellaneous (unclassified articles).....	14						14
	59,217	69,915	79,857	83,389	87,286	90,465	470,129
Two copies of each article were received.....	118,434	139,830	159,714	166,778	174,572	180,930	940,258
9. Photographs with titles of works of art for identification, one copy each.....	1,709	1,614	2,569	2,948	2,947	3,869	15,656
Grand total.....	120,143	141,444	162,283	169,726	177,519	184,799	955,914

APPENDIX TO THE REPORT OF THE REGISTER OF COPY-  
RIGHTS FOR 1903-4.

COPYRIGHT LEGISLATION PROPOSED AND ENACTED  
DURING THE FISCAL YEAR 1903-4

[Fifty-eighth Congress, second session, Public—No. 2, approved Jan-  
uary 7, 1904.]

AN ACT to afford protection to exhibitors of foreign literary, artistic,  
or musical works at the Louisiana Purchase Exposition.

*Be it enacted by the Senate and House of Representatives of* Articles subject-  
*the United States of America in Congress assembled,* That matter of copy-  
the author of any book, map, chart, dramatic composition, right  
musical composition, engraving, cut, print, chromo, litho-  
graph, or photograph published abroad prior to November  
thirtieth, nineteen hundred and four, but not registered for  
copyright protection in the United States Copyright Office, Copyright bene-  
or the heirs and assigns of such author, shall have in the case ficiaries: Author,  
of any such book, map, chart, dramatic composition, musical his heirs or as-  
composition, engraving, cut, print, chromo, lithograph, or signs  
photograph intended for exhibition at the Louisiana Pur-  
chase Exposition the sole liberty of printing, reprinting,  
publishing, copying, and vending the same within the limits  
of the United States for the term herein provided for upon  
complying with the provisions of this act.

SEC. 2. That one copy of such book, map, chart, dra- Deposit of one  
matic composition, musical composition, engraving, cut, copy required  
print, chromo, lithograph, or photograph to be exhibited as  
herein provided shall be delivered at the Copyright Office,  
Library of Congress, at Washington, District of Columbia, Signed state-  
with a statement duly subscribed to in writing that the book ment required  
or other article is intended for such exhibition and that the  
copyright protection herein provided for is desired by the

copyright proprietor, whose full name and legal residence is to be stated in the application.

*Interim copy-  
right record  
books*

SEC. 3. That the register of copyrights shall record the title of each volume of any such book or other article herein provided for, or if the article lacks a title, shall record a brief description of it sufficient to identify it, in a special series of record books to be designated the "Interim copyright record books," and shall furnish to the copyright claimant a copy of record under seal of such recorded title or description, and the said title or description is to be included in the Catalogue of Title Entries provided for in section four of the act of March third, eighteen hundred and ninety-one.

*Copy of record  
under seal*

*Fee, \$1.50*

SEC. 4. That a fee of one dollar and fifty cents shall be paid to the register of copyrights for each title or description to be recorded and a certified copy of the record of the same, and in the case of a work in more than one volume the same amount, one dollar and fifty cents, shall be paid for each volume, and the register of copyrights shall deposit all such fees paid in the Treasury of the United States, and report and account for the same in accordance with the provisions in relation to copyright fees of the appropriation act approved February nineteenth, eighteen hundred and ninety-seven.

*Term of protec-  
tion, two years*

SEC. 5. That the copyright protection herein provided for shall be for the term of two years from the date of the receipt of the book or other article in the Copyright Office.

*Extension of  
term of protec-  
tion*

SEC. 6. That if at any time during the term of the copyright protection herein provided for, two copies of the original text of any of such book, or of a translation of it in the English language, printed from type set within the limits of the United States or from plates made therefrom, or two copies of any such photograph, chromo, or litho-

*Deposit of two  
copies of book,  
type set in United  
States*

*Deposit of two  
copies of photo-  
graph, chromo, or  
lithograph made  
in United States*

graph printed from negatives or drawings on stone made within the limits of the United States or from transfers made therefrom, are deposited in the Copyright Office, Library of Congress, at Washington, District of Columbia, such deposit shall be held to extend the term of copyright protection to such book, photograph, chromo, or lithograph for the full terms provided for in title sixty, chapter three,

of the Revised Statutes of the United States, computed from the date of the receipt of the book, photograph, chromo, or lithograph and the registration of the title or description as herein provided for.

SEC. 7. That in the case of an original work of the fine <sup>Original work of art (painting, drawing, statue, statuary, model, or design)</sup> arts (a painting, drawing, statue, statuary, and a model or design intended to be perfected as a work of the fine arts) which has been produced without the limits of the United States prior to the thirtieth day of November, nineteen hundred and four, and is intended for exhibition at the Louisiana Purchase Exposition, the author of such work of art, or his heirs and assigns, shall be granted copyright protection therefor during a period of two years from the date of filing in the Copyright Office, Library of Congress, at Washington, <sup>Description and photograph required</sup> District of Columbia, a description of the said work of art and a photograph of it, and upon paying to the register of copyrights one dollar and fifty cents for the registration of such description, and a copy of record under seal of such recorded description.

SEC. 8. That, except in so far as this act authorizes and <sup>No repeal of copyright laws in force</sup> provides for temporary copyright protection during the period and for the purposes herein provided for, it shall not be construed or held to in any manner affect or repeal any of the provisions of the Revised Statutes relating to copyrights and the acts amendatory thereof. That no registra- <sup>No registra- tion after Novem- ber 30, 1904</sup> tion under this act shall be made after the thirtieth day of November, nineteen hundred and four.

Approved, January 7, 1904.

IMPORTATION UNDER THE INTERIM COPYRIGHT ACT OF  
JANUARY 7, 1904

*a. Opinion of Leslie M. Shaw, Secretary of the Treasury,  
March 12, 1904*

TREASURY DEPARTMENT,

*March 12, 1904*

SIR: I have the honor to acknowledge the receipt of your <sup>Secretary of Treasury on im- portation</sup> letter of the 17th ultimo, inclosing copy of a communication addressed to you by the German ambassador, inquiring whether the act approved January 7, 1904, for the protec-



tion of foreign literary, artistic, or musical works exhibited at the Louisiana Purchase Exposition, also removes the interdiction of importation of those articles. You request an expression of my views on the subject.

The act referred to is entitled "An Act to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition," and grants to the author of any book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph, published abroad prior to November 30, 1904, but not registered for copyright protection in the United States, and intended for exhibition at the Louisiana Purchase Exposition, or the heirs and assigns of such author, the sole liberty of printing, reprinting, publishing, copying, and vending the same within the limits of the United States for the term of two years from the date of the receipt of the book or other article in the Copyright Office at Washington.

The act further provides that if at any time during the term of copyright protection therein granted, two copies of the original text of any such book, or of a translation of it in the English language, printed from type set within the limits of the United States, or from plates made therefrom, or two copies of any such photograph, chromo, or lithograph printed from negatives or drawings on stone made within the limits of the United States or from transfers made therefrom, are deposited in the Copyright Office at Washington, such deposit shall be held to extend the term of copyright protection to such book, photograph, chromo, or lithograph for the full terms provided for in title 60, chapter 3, of the Revised Statutes, computed from the date of the receipt of the article at the Copyright Office.

In the case of an original work of the fine arts (a painting, drawing, statue, statuary, and a model or design intended to be perfected as a work of the fine arts), which has been produced without the limits of the United States prior to the 30th day of November, 1904, and is intended for exhibition at the Louisiana Purchase Exposition, the act grants to the author, or his heirs and assigns, copyright protection therefor during a period of two years from the date of filing in

the Copyright Office of a description of the said work of art and a photograph of it.

Except in so far as it authorizes and provides for temporary copyright protection during the period and for the purposes provided therein, the act is not to be "construed or held to in any manner affect or repeal any of the provisions of the Revised Statutes relating to copyrights and the acts amendatory thereof," and no registration under the act shall be made after the 30th day of November, 1904.

Under the provisions of section 4956 of the Revised Statutes, as amended by the act of March 3, 1891, it is necessary, in order to obtain a valid copyright in the United States for a book, chromo, lithograph, or photograph, that the article or articles deposited with the Librarian of Congress shall be produced or manufactured in this country, and during the existence of such copyright the importation is prohibited 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.

Section 4963 of the Revised Statutes, as amended by the act of March 3, 1897, prohibits importation into the United States of any article, whether subject to copyright or otherwise, bearing the statutory notice of copyright, which has not been copyrighted in this country.

The main question in the case is whether the prohibition in section 4956, as amended, operates so as to defeat the protection of copyright granted by the act approved January 7, 1904. There can be no question with reference to the prohibition in section 4963 of the Revised Statutes, as amended, regarding false notice of copyright, as the proprietor of the copyright, for self-protection, would have a perfect right to insert or impress abroad a notice of copyright in or upon the copyrighted article; not the statutory notice alone, but, in addition, words showing the act under which the protection is granted.

The protection afforded an author, his heirs and assigns, by the act of January 7, 1904, is "the sole liberty of printing, reprinting, publishing, copying, and vending" the

copyrighted article "within the limits of the United States" for the term provided for in said act. This language is plain and unambiguous, and there would be no occasion for the inquiry of the German ambassador but for the further provision in the act that, except in so far as it authorizes and provides for temporary copyright protection, it shall not be construed or held to in any manner affect or repeal any of the provisions of the statutes relating to copyrights. Therefore, construction becomes necessary in order to determine whether there are inconsistencies between this later and former statutes respecting importations, and, being in *pari materia*, they are to be construed together.

The cardinal rule of all statutory construction is that the meaning and intention of the legislature are to be sought for, and supposed repugnances must be reconciled, if possible, to effectuate that meaning and intention. We then proceed to determine what is meant by the term "copyright protection." The statute itself (act of January 7, 1904) defines it as "the sole liberty of printing, reprinting, publishing, copying and vending" the copyrighted article, and it is so denominated in all the laws. "Copyright under the statutes is an exclusive right to publish a literary or artistic work." (*Pierce & Bushnell Manufacturing Company v. Werckmeister* 72 Fed. Rep., 54.) Copyright protection, then, is the exclusive right to produce, reproduce, and vend the copyrighted article. But, while the later statute grants copyright protection in the United States on books, chromos, lithographs, and photographs produced or manufactured abroad, there exists a prior statute (section 4956, *supra*) which requires the production or manufacture of the articles in the United States as a condition precedent to obtaining a valid copyright, and which also prohibits importation of such articles not so produced or manufactured. Does the later act suspend operation of section 4956 (*ante*) with respect to importation during the temporary copyright protection, or is the provision in said act, to the effect that former statutes relating to copyrights are not repealed or affected, to operate so as to deprive the proprietor of the copyright of the very essence of the protection granted, viz, free and unhampered impor-

tations? Is it within the spirit and reason of the law that the rights granted thereby shall by a further provision in the same law be rendered, in effect, null and void? Such a course would be an absurdity, and it is a rule of construction that it is to be presumed the legislature does not intend an absurdity, or that absurd consequences shall flow from its enactments. The mind of the legislature is presumed to be consistent and every statute is understood to contain, by implication, if not by its express terms, all such provisions as may be necessary to effectuate its object and purpose or to make effective the rights which it grants.

Examining the subject, then, in the light of such facts and principles, it is evident to me that it was the intention of the Congress to suspend the operation of all statutes (including section 4956 as amended) inconsistent with the act of January 7, 1904, during the period of the temporary copyright protection therein granted.

The inquiry of the German ambassador is, therefore, answered in the affirmative.

Respectfully

LESLIE M. SHAW

*Secretary*

The SECRETARY OF STATE

[From "Treasury Decisions," vol. 7. 8°. Washington, Government Printing Office, No. 11, March 17, 1904 (Decision No. 25097), pp. 4-7.]

*b. Memorandum from the Register of Copyrights to the Librarian of Congress*

MARCH 19, 1904

SIR: The Assistant Secretary of State transmits an inquiry from the German ambassador as to whether the act of January 7, 1904, to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition "also removes the interdiction of importation," and whether under this act such works may be imported into the United States during the interim term of protection, of two years from the date of registration in the Copyright Office.

*Register of  
Copyrights on  
importation*

The question of importation under the copyright laws must be concerned either with (a) the importation of copies of the *authorized* editions of the work claiming copyright protection, or (b) the importation of copies *unauthorized—illicit* reproductions of such works.

The prohibition of importation of illicit reproductions is essential to copyright protection, and is provided for in the United States laws by section 4964 of the Revised Statutes as amended by the act of March 3, 1891, and by section 4965 of the Revised Statutes as amended by the act of March 2, 1895. The provisions of these two sections are undoubtedly applicable to all articles registered for copyright protection as well under the act of January 7, 1904, as under all previous acts, section 8 of the act of January 7, 1904, providing—

“that, except in so far as this act authorizes and provides for temporary copyright protection during the period and for the purposes herein provided for, it shall not be construed or held to in any manner affect or repeal any of the provisions of the Revised Statutes relating to copyrights and the acts amendatory thereof.”

It is probable, however, that the German ambassador had in mind only the question of the importation of copies of the authorized editions of articles actually exhibited at St. Louis in 1904 and registered under the act of January 7, 1904.

In relation thereto I beg to submit for consideration the following:

1. In the title and first section of the act it is made clear that its provisions relate exclusively to literary, artistic, or musical works *produced abroad*.
2. The purpose of the act is to grant to the authors of such foreign works, their heirs and assigns, “the sole liberty of printing, reprinting, publishing, copying, and vending the same *within the limits of the United States*” (sec. 1).
3. The articles to be protected under this act are as follows: Group A. Original works of the fine arts (paintings, drawings, statues, or statuary), maps, charts, dramas, music, engravings, cuts, and prints. Group B. Books, chromos, lithographs, and photographs.

4. So far as the articles in Group A are concerned, there are no provisions in any of the United States copyright laws in force to require their manufacture in the United States or to prohibit the importation of any copies, except copies of unauthorized reproductions (secs. 4964 and 4965, Revised Statutes).

5. In the case of the four articles in Group B, however, the act of March 3, 1891, section 3, provides that in the case of a book, photograph, chromo, or lithograph, 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;" and the same section further provides that the importation into the United States of copies not thus produced is prohibited during the existence of the copyright.

6. This prohibition of importation follows the proviso to section 4956 of the Revised Statutes enacted by the act of March 3, 1891, requiring the manufacture of the four articles in the United States, and was clearly added to make the American-manufacture clause effective. Had there been no stipulation requiring typesetting, etc., in the United States, there would have been no need for the prohibition of importation of copies not made from type set within the United States, etc.; and if the requirement of American manufacture is omitted, the prohibition of importation and the exceptions to such prohibition are uncalled for, and hence are null and void.

Obviously, therefore, there can be no question of the right of importation of authorized copies of the articles in Group A, as prohibition of such importation would render entirely nugatory the privileges and protection expressly intended to be secured to the foreign authors and artists of such articles by the act of March 3, 1891; and the only question, therefore, is whether the four articles in Group B, viz., books, chromos, lithographs, and photographs, when registered in the Copyright Office as exhibits to the Louisiana Purchase Exposition, can be imported without hindrance during the two years' period of protection provided by the act.

The act makes it very clear that this term of protection is not dependent upon the manufacture of the articles in the United States, section 6 of the act expressly providing for an extension of the term of protection to "the full terms provided for in Title LX, chapter 3, of the Revised Statutes" if at any time during this period of two years copies of the original text in the case of a book, or of a translation of it in English, are printed from type set within the United States or from plates made therefrom; while in the case of photographs, chromos, or lithographs, if copies shall be produced printed from negatives, or drawings on stone made within the United States, or from transfers made therefrom.

The matter may, therefore, be summarized as follows:

1. The articles in question are *foreign productions*; 2. The sole right of *vending* them in the United States is granted for two years from date of registration in the Copyright Office; 3. The manufacture of the articles in the United States is not required; 4. The prohibition of importation in the act of March 3, 1891, is incidental to the requirement of American manufacture in section 3 of the same act.

This prohibition of importation, therefore, does not apply to the articles named in section 1 of the act of January 7, 1904, which grants interim copyright protection for the term of two years, these articles not being required to be manufactured in the United States, and the whole purport of the act being to secure to the copyright proprietor protection and unhindered sale in the United States for the articles exhibited.

Respectfully

THORVALD SOLBERG  
*Register of Copyrights*

THE LIBRARIAN OF CONGRESS

*c. Provisions of copyright act of March 3, 1891, relating to importation*

*Prohibition of importation*

SEC. 3. 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; 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: *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 permitted.

The paragraphs 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 etchings, 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.

(Fifty-first Congress, first session, ch. 1244, 26 Stat. L., p. 604.)

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[S. 2229. Calendar No. 188. Report No. 188. Fifty-eighth Congress, second session. In the Senate of the United States. December 8, 1903.]

Mr. Platt, of Connecticut, introduced the following bill; which was read twice and referred to the Committee on Patents.

[January 8, 1904, reported by Mr. Clapp, without amendment.]

A BILL to amend chapter forty-nine hundred and fifty-two of the Revised Statutes.

*Senate bill no.*  
2229 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:*

“SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and 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 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.

“Whatever the author or proprietor of a book in a foreign language, which shall be published in a foreign country

before the day of publication in this country, or his executors, administrators, or assigns, shall, within the twelve months after the first publication of such book in a foreign country, obtain a copyright for a translation of such book in the English language, which shall be the first copyright in this country for a translation of such book, he and they shall have, during the term of such copyright, the sole liberty of printing, reprinting, publishing, vending, translating, and dramatizing the said book, and in the case of a dramatic composition, of publicly performing the same, or of causing it to be performed or represented by others."

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[Senate Report No. 188. Calendar No. 188. Fifty-eighth Congress, second session.]

AMENDING CHAPTER 4952, REVISED STATUTES

[January 8, 1904.—Ordered to be printed.]

Mr. Clapp, from the Committee on Patents, submitted the following report [to accompany S. 2229]: *Senate report no. 188*

The Committee on Patents, to whom was referred the bill (S. 2229) to amend chapter 4952 of the Revised Statutes, have given the same careful consideration and recommend that it pass without amendment.

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[H. R. 6487. Report No. 1287. Fifty-eighth Congress, second session. In the House of Representatives, December 9, 1903.]

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

[March 7, 1904. Reported with amendments, referred to the House Calendar, and ordered to be printed.]

A BILL to amend chapter forty-nine hundred and fifty-two of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* *House bill no. 6487* section forty-nine hundred and fifty-two of the Revised

Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or negative thereof, or of a painting, drawing, chromo, statue, statuary, and 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 or their assigns shall have exclusive right to dramatize or translate any of their works for which copyright shall have been obtained under the laws of the United States.

"Whenever the author or proprietor of a book in a foreign language, which shall be published in a foreign country before the day of publication in this country, or his executors, administrators, or assigns, shall, within twelve months after the first publication of such book in a foreign country, obtain a copyright for a translation of such book in the English language, which shall be the first copyright in this country for a translation of such book, he and they shall have, during the term of such copyright, the sole liberty of printing, reprinting, publishing, vending, translating, and dramatizing the said book, and, in the case of a dramatic composition, of publicly performing the same, or of causing it to be performed or represented by others: *Provided, That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on the same basis as is given to its citizens by this act.*"

Amend the title so as to read: "A bill to amend section forty-nine hundred and fifty-two of the Revised Statutes."

[House Report No. 1287, Fifty-eighth Congress, second session.]

AMENDING SECTION 4952 OF THE REVISED STATUTES

[March 1, 1904.—Referred to the House Calendar and ordered to be printed.]

Mr. Currier, from the Committee on Patents, submitted the following report [to accompany H. R. 6487]: *House report*  
*no. 1287*

The Committee on Patents, to whom was referred the bill (H. R. 6487) for the amendment of section 4952 of the Revised Statutes, submit the following report:

This bill deals solely with books, and the purpose of the measure is to secure for the authors or owners of the copyrights of books in languages other than English the same measure of protection as is at present accorded to works by American authors or to works by British authors which have been entered for copyright under the American law.

Some legislation of this kind is not only required to make good the intention of the act of March 3, 1891, to secure copyright protection in the United States to foreign authors, but also to insure that international reciprocity in relation to copyright which the enactment of the international copyright law was expected to bring about.

The act of March 3, 1891 (26 Stat. L., 1106), provides that the citizens of any foreign country in whose favor a copyright proclamation has been made can obtain copyright in the United States. Such proclamations have been issued in favor of the citizens of fourteen foreign countries. The authors of those countries, therefore, may secure the privileges conferred by the copyright laws of the United States upon complying with the following statutory formalities:

1. File for record in the Copyright Office the titles of their books on or before the day of first publication.
2. Deposit in the Library of Congress two copies of such books not later than the day of first publication, printed from type set within the limits of the United States, or from plates made therefrom.
3. Print in "the several copies of every edition published" the statutory notice of copyright.

This statute had for its avowed purpose the concession of the copyright protection of the American law to authors who were not citizens or not residents of the United States,

in so far as such authors were citizens of States the laws of which granted a reciprocal protection in their own territories to American authors.

While copyright entries have been made under the proclamations referred to above to secure protection upon foreign works of art, music, dramas, engravings, etc., there have been scarcely any entries for books by the living authors of continental Europe. The reason for this is that foreign authors of books in other languages than English have found it practically impossible to comply with the statutory provisions set out above.

Under the conditions provided for in the law a work to secure copyrights must be printed and published in this country not later than the date of its publication in any other country. The editions published in this country must be manufactured from type set within the limits of the United States.

It is obviously difficult for a foreign author to decide in advance whether his book may count upon such a sale in the United States as to warrant the printing of a separate edition here, and the almost complete failure of authors of books in other languages than English to take advantage of the copyright laws is due to this difficulty of arranging to make the deposit of American type-set copies before the publication of the original editions of their books.

On account of this difficulty foreign authors, except English authors, have secured practically no advantage from the international provisions in the present copyright statute.

The obvious remedy would be to allow a reasonable period of time during which the foreign author might arrange to comply with the requirements of American manufacture.

H. R. 6487 proposes in this direction to provide that in the case of the author of a book in some language other than English who has not been able to comply with the present statutory formalities before the publication of his work abroad, and has thus failed to secure a United States copyright for his original work, he may still obtain that right if within twelve months after the first publication of his work abroad he is able to produce an authorize trans-

lation of his book into English, printed from type set in the United States or from plates made therefrom; provided, however, that his translation is the first translation registered for copyright since the publication of his original book.

The increasing dissatisfaction on the part of the authors of the continent has caused several attempts to be made, particularly in Germany and in France, for the repeal of the copyright conventions now in force between the United States and the states of Europe.

Unless this well-founded grievance on the part of the continental authors can be remedied, or can at least be lessened, these international copyright arrangements, which it has taken the labor of half a century or more to bring about, will be repealed on the ground that they are not giving to the authors of the continent the protection that was promised or that is the offset of the protection accorded to American authors in the continental countries.

The change proposed in the present bill provides simply that, when a translation has once secured the protection of the law, the production of any unauthorized translations of the same work shall be prohibited.

Under the provisions of this bill the author, in order to secure the benefit of copyright, must be the first to file a translation, even during the twelve months' term provided by the bill.

The third amendment proposed by the committee to the bill provides that the rights and privileges granted to foreign authors shall be applicable only to citizens of countries which give our citizens a similar privilege.

Accordingly, your committee recommend that the bill do pass with the following amendments:

On page 1, in line 7, after the word "composition," insert a comma.

On page 1, in line 10, strike out the comma after the word "fine."

Add at the end of the bill the following:

*Provided*, That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of

America the benefit of copyright on the same basis as is given to its citizens by this act."

Amend the title by striking out the word "chapter" and inserting the word "section" in place thereof.

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[H. R. 9297.--Fifty-eighth Congress, second session. In the House of Representatives. January 8, 1904.]

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

A BILL to establish a series of free text-books.

*House bill no.* *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States Commissioner of Education shall forthwith obtain as nearly as he can a full list of the latest and best editions of text-books used in the public schools of the United States, with the name and address of the owner of the copyright of each of said books, and shall then request of said owner a sealed bid stating the price at which he will sell said copyright to the United States, said bid to stand until the action and decisions of the school text-book commission described in this act have been considered and passed upon by the Congress of the United States. He shall also advertise at an expense of not more than five hundred dollars for sealed bids on the same conditions for furnishing compilations of school text-books equal or superior to those now used in the schools of the country.

SEC. 2. That within sixty days from the passage of this act the Secretary of the Interior shall request the governor of each State to appoint one member of a school text-book commission to meet in Washington, District of Columbia, at a date to be specified in such request, which shall not be less than three nor more than six months after the passage of this act. He shall also provide a place for holding the sessions of said commission, of which he shall be a member and the president, and the Commissioner of Education a member and the secretary. The commission may choose

from its members a temporary president, who shall act as president in the absence of the Secretary of the Interior.

SEC. 3. That when the text-book commission is assembled and organized the Commissioner of Education shall open and lay before it the bids for furnishing copyrights and compilations which he may have received, and the commission shall proceed to select therefrom such copyrights and compilations or bids for furnishing compilations, as will in its judgment best supply the public schools of the country with one series of text-books in each of the studies commonly pursued in said schools, the intention of this act being that the right to publish said books and revisions thereof shall, when secured by the Government, be given free to all persons or parties in the United States. If the commission fails to find in the bids made the materials at a reasonable cost for a full series of text-books, it may report by bill or otherwise such measures as it deems best to secure the filling of said series and the future revision from time to time of any books selected and adopted.

SEC. 4. That when the text-book commission shall have completed its labors, the Secretary of the Interior shall report its action and decisions to the President of the United States, for submission by him at the earliest opportunity to the Congress of the United States with such recommendations as he may deem advisable.

SEC. 5. That each member of the commission, excepting the president and secretary, shall receive ten dollars for each day on which he attends its sessions, and shall receive ten cents per mile one way for each mile from his place of residence to Washington, by the shortest public route. For incidental expenses, hall for meeting, stationery, clerk hire, and so forth, the commission shall be allowed not to exceed five thousand dollars. All payments shall be made from any moneys in the Treasury not otherwise appropriated, on orders signed by the president and secretary of the text-book commission.

SEC. 6. That this act shall take effect immediately.



[H. R. 11450. Fifty-eighth Congress, second session. In the House of Representatives. January 30, 1904.]

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

A BILL, to amend title sixty, chapter three, of the Revised Statutes of the United States of America, relating to copyrights.

*House bill no.*  
11450 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and fifty-two of chapter three of title sixty of the Revised Statutes of the United States as amended by act of March third, eighteen hundred and ninety-one, be, and is hereby, amended so as to read as follows:*

“SEC. 4952. The author, inventor, designer, or proprietor of any check, voucher, certificate, or other business form entirely or partly printed, or of any book, map, chart, or dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and 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 dramatic compositions, of publicly performing or representing it, or causing it to be performed or represented by others; 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.”

SEC. 2. That section forty-nine hundred and sixty-five of chapter three of title sixty be, and is hereby, amended so as to read as follows:

“SEC. 4965. If any person after the recording of the title of any check, voucher, certificate, or other business form entirely or partly printed, or of any map, chart, or dramatic or musical composition, cut, print, 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 expose 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 the 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 painting, drawing, statue, engraving, etching, print, model, or design for a work of the fine arts, or of a photograph, or of a work of the fine arts, the sum to be recovered in any action brought through the provisions of this section shall be not less than two hundred and fifty dollars, and not more than ten thousand dollars. One half of all the foregoing penalties shall go to the proprietors of the copyright and the other half to the use of the United States."

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[H. R. 13355. Report No. 2857. Fifty-eighth Congress, second session. In the House of Representatives. March 2, 1904.]

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

[April 26, 1904, reported with an amendment, referred to the House Calendar, and ordered to be printed. Omit the part bracketed and insert the part in italics.]

A BILL to amend the copyright laws.

*use bill no.* *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section forty-nine hundred and fifty-six of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

“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 deposited 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; nor unless he shall also, not later than the day of the publication thereof, in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph; or, in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same: *Provided*, That in the case of a book, photograph, chromo, 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 therefrom, or from negatives or drawings on stone made within the limits of the United States, or from transfers made therefrom. 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 is hereby, prohibited

except in the cases specified in paragraphs five hundred and twelve to five hundred and sixteen, 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 first, eighteen hundred and ninety; 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: *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 permitted: *And provided further,* [That accompanying the two copies of a book, photograph, chromo, or lithograph, required to be delivered or deposited as above, there shall be an affidavit under the seal of a registered notary public of the United States, and made by the person desiring the said copyright, or his United States agent or representative, setting forth that the two copies required to be so deposited have been printed from type set within the limits of the United States, or from photos made therefrom, or from negatives or drawings on stone made within the limits of the United States or from transfers made therefrom: *Provided, also,* That a penalty of not less than one thousand dollars nor more than five thousand dollars shall be imposed for the violation of any of the provisions of this section.] *That accompanying the two copies of the book, photo, chromo, or lithograph required to be delivered or deposited, as herein provided, there shall be an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person desiring the said copyright or by his duly authorized agent or representative residing in the United States, setting forth that the two copies required to be so deposited have been 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; and the place within the limits of the United States at which such type was set, or plates or negatives were made, and by whom."*

SEC. 2. *That any person violating any of the provisions of this act or who shall be guilty of making a false affidavit as to his having complied with the conditions thereof for the purpose of obtaining a copyright shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited.*

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[House Report No. 2857. Fifty-eighth Congress, second session.]

AMENDMENT OF COPYRIGHT LAW

[April 26, 1904.—Referred to the House Calendar and ordered to be printed.]

*House report  
no. 2857*

Mr. Otis, from the Committee on Patents, submitted the following report [to accompany H. R. 13355]:

The Committee on Patents, to whom was referred the bill (H. R. 13355) to amend the copyright laws, beg leave to report the same back to the House with an amendment as follows:

Strike out all after the word "further," in line 14, page 3, and insert the following:

"That accompanying the two copies of the book, photo, chromo, or lithograph required to be delivered or deposited, as herein provided, there shall be an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person desiring the said copyright or by his duly authorized agent or representative residing in the United States, setting forth that the two copies required to be so deposited have been 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, and the place within the limits of the United States at which such type was set or plates or negatives were made and by whom.

"SEC. 2. Any person violating any of the provisions of this act, or who shall be guilty of making a false affidavit as to his having complied with the conditions thereof for the purpose of obtaining a copyright, shall be deemed guilty of

a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited."

This bill is a reenactment of section 4956 of the Revised Statutes, and is the same in every particular as that section now reads in the statutes, containing no new matter whatever except that contained in the amendment above proposed.

The law now provides that 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 a printed copy of the title of his publication or other matter for which he applies for copyright. He is also required by the existing law, not later than the day of publication, to deposit with the Librarian of Congress two copies of such copyright book, map, chart, etc., and the law expressly provides that these two 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." The law which thus requires the deposit of two copies of the publication and that the same shall be printed from type set within the limits of the United States, etc., before a copyright can be obtained, does not require any proof to be filed that such books have been thus printed within the limits of the United States, nor does it impose any penalty whatever upon an author or publisher who obtains a copyright without having first complied with this condition as to the printing from type set within the limits of the United States.

After investigation your committee have reason to believe that it is not only possible, but that in some instances the present law has been evaded and violated to the injury of American labor, and that this can be done with comparative ease under the existing law; that there is no remedy and no means of enforcing this condition as to printing from type set by American labor and within our own country. That being the case, your committee is of the opinion that the

person applying for a copyright should be required as a condition precedent to furnish proof in the form of an affidavit that all of these conditions with respect to the labor employed in the printing and the place of printing the copies of books to be deposited have been complied with, and in the event that any false statement is made in said affidavit concerning a material fact, and upon conviction thereof, the person thus attempting to obtain a copyright should be punished and the copyright forfeited.

The bill as amended, therefore, provides merely for the filing of this proof and for a penalty for the making of false proof or willful failure to comply with the conditions of the present law, as contained in section 4956 of the Revised Statutes.

Therefore your committee recommends that, as amended, the bill do pass.

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[S. 5314. Fifty-eighth Congress, second session. In the Senate of the United States. March 30, 1904.]

Mr. Platt, of Connecticut, introduced the following bill; which was read twice and referred to the Committee on Patents.

A BILL to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights.

*Senate bill no.* 5314 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-nine hundred and fifty-six of the Revised Statutes of the United States be, and the same is hereby, amended, so that it shall read as follows:*

"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, nor

unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same: *Provided*, That in the case of a book, photograph, chromo, 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 therefrom, or from negatives or drawings on stone made within the limits of the United States, or from transfers made therefrom. 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 five hundred and twelve to five hundred and sixteen, 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 first, eighteen hundred and ninety; but the privilege accorded to certain institutions under paragraph five hundred and fifteen of section two of said act, to import free of duty not more than two copies of books, maps, lithographic prints, and charts, shall apply to the importation of books, maps, lithographic prints, and charts which have been copyrighted in the United States, only when the holders of the American copyrights thereof in writing consent to such importation; and except in the case of persons purchasing for use and not for sale, who import subject to the duty thereon and with the written consent of the holders of the American copyrights, 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: *Provided, nevertheless,* That in 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 permitted."

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PRESIDENT'S PROCLAMATIONS

*a. Copyright—Cuba*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

*Cuba*

Whereas, it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter 3, of the Revised Statutes of the United States, relating to copyrights," that said 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 term of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "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;"

And whereas satisfactory official assurances have 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 the citizens of Cuba:

Now, therefore I, Theodore Roosevelt, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of

March 3, 1891, now exists and is fulfilled in respect to the citizens of Cuba.

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

Done at the City of Washington this 17th day of November, one thousand nine hundred and three, and of the independence of the United States the one hundred and twenty-eighth.

[SEAL]

THEODORE ROOSEVELT

By the President:

JOHN HAY, *Secretary of State*

*b. Copyright treaty with China—Treaty between the United States and China for the extension of the commercial relations between them*

[Signed at Shanghai, October 8, 1901. Ratification advised by the Senate December 18, 1903. Ratified by the President January 12, 1904. Ratified by China January 10, 1904. Ratifications exchanged at Washington January 13, 1904. Proclaimed January 13, 1904.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a treaty and three annexes between the United States of America and China to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, were concluded and signed at Shanghai in the English and Chinese languages, on the eighth day of October, one thousand nine hundred and three, the original of the English text of which treaty and annexes is word for word as follows:

The United States of America and His Majesty the Emperor of China, being animated by an earnest desire to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, in view of the provisions of the first paragraph of Article XI of the final protocol signed at Peking on the seventh day of September, A. D. 1901, whereby the Chinese Government agreed to negotiate the amendments deemed necessary by the foreign governments to the treaties of commerce and navigation and other subjects concerning

*China*

commercial relations, with the object of facilitating them, have for that purpose named as their plenipotentiaries:

The United States of America—

EDWIN H. CONGER,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America to China;*

JOHN GOODNOW,  
*Consul-General of the United States  
of America at Shanghai;*

JOHN P. SEAMAN,  
*A citizen of the United States of America,  
Resident at Shanghai;*

And His Majesty the Emperor of China—

LÜ HAI-HUAN,  
*President of the Board of Public Works;*

SHENG HSÜAN-HUAI,  
*Junior Guardian of the Heir Apparent, formerly  
Senior Vice-President of the Board of Public Works;*

who, having met and duly exchanged their full powers which were found to be in proper form, have agreed upon the following amendments to existing treaties of commerce and navigation formerly concluded between the two countries, and upon the subjects hereinafter expressed connected with commercial relations, with the object of facilitating them.

\* \* \* \* \*

ARTICLES RELATING TO TRADE-MARKS, PATENTS, AND  
COPYRIGHT

ARTICLE IX.—*Trade-Marks*

*Trade-marks* Whereas the United States undertakes to protect the citizens of any country in the exclusive use within the United States of any lawful trade-marks, provided that such country agrees by treaty or convention to give like protection to the citizens of the United States:—

Therefore the Government of China, in order to secure such protection in the United States for its subjects, now agrees to fully protect any citizen, firm or corporation of the United States in the exclusive use in the Empire of China

of any lawful trade-mark to the exclusive use of which in the United States they are entitled, or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China. To this end the Chinese Government agrees to issue by its proper authorities proclamations, having the force of law, forbidding all subjects of China from infringing on, imitating, colorably imitating, or knowingly passing off an imitation of trade-marks belonging to citizens of the United States, which shall have been registered by the proper authorities of the United States at such offices as the Chinese Government will establish for such purpose, on payment of a reasonable fee, after due investigation by the Chinese authorities, and in compliance with reasonable regulations.

ARTICLE X.—*Patents*

The United States Government allows subjects of China to patent their inventions in the United States and protects them in the use and ownership of such patents. The Government of China now agrees that it will establish a patent office. After this office has been established and special laws with regard to inventions have been adopted it will thereupon, after the payment of the prescribed fees, issue certificates of protection, valid for a fixed term of years, to citizens of the United States on all their patents issued by the United States, in respect of articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects, in the same manner as patents are to be issued to subjects of China.

*Patents*

ARTICLE XI.—*Copyright*

Whereas the Government of the United States undertakes to give the benefits of its copyright laws to the citizens of any foreign state which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens:—

*Copyright*

Therefore the Government of China, in order to secure such benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to

protect trade-marks, to all citizens of the United States who are authors, designers, or proprietors of any book, map, print, or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, etc., specified above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this article. It is understood that Chinese subjects shall be at liberty to make, print and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This article shall not be held to protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor or seller of any publication calculated to injure the well-being of China.