

THE LIBRARY OF CONGRESS
COPYRIGHT OFFICE

FORTY-THIRD ANNUAL REPORT
OF THE
REGISTER OF COPYRIGHTS

FOR THE FISCAL YEAR
ENDING JUNE 30

1940



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1941

PUBLICATIONS OF THE COPYRIGHT OFFICE

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Copyright Enactments of the United States, 1783-1906. 2d ed., rev., 174 pp. 8°. 1906.

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Copyright in Congress, 1789-1904. A bibliography and chronological record of all proceedings in Congress in relation to copyright. 468 pp. 8°. 1905.

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The Copyright Law of the United States of America, being the act of March 4, 1909 (in force July 1, 1909), as amended by the acts of August 24, 1912, March 2, 1913, March 28, 1914, December 18, 1919, July 3, 1926, May 23, 1928, and July 31, 1939, together with Rules for Practice and Procedure under section 25, by the Supreme Court of the United States. 66 pp. 8°. 1939.

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Decisions of the United States courts involving copyright. 1909-1914. Second enlarged edition. vi, 279 pp. 8°. 1928.

BULLETIN No. 18. Cloth, \$1.

Decisions of the United States courts involving copyright. 1914-1917. ix, 605 pp. 8°. 1918.

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Decisions of the United States courts involving copyright. 1918-1924. xi, 477 pp. 8°. 1926.

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Decisions of the United States courts involving copyright. 1935-1937.

BULLETIN No. 22. Cloth, 75c. 327 pp.

Decisions of the United States courts involving copyright. 1938-June 1939.

DRAMATIC COMPOSITIONS COPYRIGHTED IN THE UNITED STATES, 1870-1916.

[Over 60,000 titles alphabetically arranged, with complete index to authors, proprietors, translators, etc.] 1 p. 1, v. 3547 pp. 4°. 1918. 2 vols. Cloth, \$4.

INFORMATION CIRCULARS. No. 4.—Text of the Convention creating an International Copyright Union, Berne, 1886, 13 pp. 4°. No. 4A.—International Copyright Convention. Revised text, Berlin, 1908. 10 pp. 4°. No. 4B.—Additional protocol to the International Copyright Convention of Berlin, signed at Berne, March 20, 1914. 2 pp. 4°. No. 4C.—International Copyright Convention. New revision, signed at Rome, June 2, 1928. French text, with English translation. 14 pp. 4°.

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REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1939-40

WASHINGTON, D. C., *July 9, 1940.*

SIR: The copyright business and the work of the Copyright Office for the fiscal year July 1, 1939, to June 30, 1940, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$341,061.35. A balance of \$29,974.51, representing deposit accounts and unfinished business, was on hand July 1, 1939, making a total sum of \$371,035.86 to be accounted for. Of this amount the sum of \$17,975.20 was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$353,060.66. The balance carried over to July 1, 1940, was \$32,977.76 (representing deposit accounts and total unfinished business), leaving fees applied during the fiscal year 1939-40 and paid into the Treasury, \$320,082.90.

The annual applied fees since July 1, 1897, are shown in exhibit C. (See p. 7.)

EXPENDITURES

The total expenditure for salaries was \$274,285.43. The expenditure for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$2,340.68. The total expenditures were, therefore, \$276,626.11. This sum, deducted from \$320,082.90 fees received and turned into the Treasury, shows \$43,456.79 to the credit of the Copyright Office on the items in question.

The total appropriation made by Congress for salaries in the Copyright Office for the fiscal year 1939-40 as carried in the Appropriation Act was \$284,160. As a result of reallocations by the Civil Service Commission incident to the reorganization of the Copyright Office there occurred an increase in the salaries of the personnel amounting to \$3,180, which sum was made immediately available for the fiscal year 1939-40.

During the period of 43 years (1897-1940) the annual copyright business, as evidenced by the applied fees, increased over fivefold. During these 43 years since the organization of the present Copyright Office the copyright fees applied and paid into the Treasury have amounted to a grand total of \$6,896,649, and the total copyright

registrations have numbered over five millions (5,713,618). The fees earned (\$6,896,649) exceeded by \$1,094,884.28 the total of salaries paid during the same period (\$5,801,764.72).

The large number of over 9,000,000 books, maps, musical works, periodicals, prints, and other articles deposited during the 43 years were of substantial pecuniary value and of such a character that the accession of most of these to the Library of Congress through the Copyright Office effected a large saving to the purchase fund of the Library equal in amount to their price.

COPYRIGHT ENTRIES AND FEES

The registrations for the fiscal year numbered 176,997. Of these, 127,008 were registrations for published works at \$2 each; 38,168 were registrations for unpublished works at \$1 each; 1,614 were registrations of photographs without certificates at \$1 each. There were also 10,207 registrations of renewals at \$1 each. The fees for these registrations amounted to a total of \$304,005.

SUMMARY OF COPYRIGHT BUSINESS

Balance on hand July 1, 1939.....	\$29, 974. 51
Gross receipts July 1, 1939, to June 30, 1940.....	341, 061. 35
Total to be accounted for.....	371, 035. 86
Refunded.....	17, 975. 20
Balance to be accounted for.....	353, 060. 66
Applied as earned fees.....	\$320, 082. 90
Balance carried over to July 1, 1940:	
Deposit accounts.....	\$23, 369. 74
Unfinished business.....	9, 608. 02
	<u>32, 977. 76</u>
	<u><u>353, 060. 66</u></u>

FEES FOR FISCAL YEAR

Fees for registration of published works, at \$2.....	254, 016. 00
Fees for registration of unpublished works, at \$1.....	38, 168. 00
Fees for registration of photographs without certificates, at \$1.....	1, 614. 00
Fees for registration of renewals, at \$1.....	10, 207. 00
Total fees for registrations made.....	304, 005. 00
Fees for certified copies of record, at \$1.....	\$1, 590. 00
Fees for recording assignments.....	10, 844. 00
Searches made and charged for at the rate of \$1 for each hour of time consumed.....	1, 654. 00
Notice of user recorded (music).....	513. 00
Indexing transfers of proprietorship.....	1, 476. 90
	<u>16, 077. 90</u>
Total fees for the fiscal year, 1939-40.....	<u><u>320, 082. 90</u></u>

ENTRIES

Number of registrations.....	\$166, 790
Number of renewals recorded.....	10, 207
Total.....	176, 997
Number of certified copies of record.....	1, 590
Number of assignments recorded or copied.....	2, 533

ACCOUNTS

On July 6, 1940, the books of the Copyright Office were balanced for June, the accounts for the fiscal year were closed and the financial statements completed for the Treasury Department, showing that all earned fees to June 30 had been paid into the Treasury.

CORRESPONDENCE

The business of the Copyright Office involves daily contact with the public, transacted for the most part through correspondence. The total letters and parcels received during the fiscal year numbered 242,769, while the letters, parcels, etc., dispatched numbered 281,926. Both figures show a considerable increase over last year.

COPYRIGHT DEPOSITS

The total number of separate articles deposited in compliance with the copyright law which were registered during the fiscal year is 272,041. The number of these articles in each class for the last 5 fiscal years is shown in exhibit E. It is not possible to determine exactly how completely the works which claim copyright are deposited, but in response to inquiries received during the year from the Card Division, Accessions Division, Law Library, and Reading Room in regard to 5,789 books supposed to have been copyrighted but not discovered in the Library, it was found that 2,543 of these works had been received and were actually in the Library; 52 books had been deposited and were still in the Copyright Office; 297 works either were not published, did not claim copyright or for other valid reasons could not be deposited; while in the case of 261 works no answers to our letters of inquiry had been received up to June 30, 1940. Copies of 2,636 works published in recent years were received in response to requests made by the Copyright Office during the period of twelve months.

Our copyright laws have required the deposit of copies for the use of the Library of Congress, and the act in force demands a deposit of two copies of American books and one of foreign books registered. The act provides, however, that of the works deposited for copyright, the Librarian of Congress may determine (1) what books or other

articles shall be transferred to the permanent collections of the Library of Congress, including the Law Library, (2) what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange or (3) be transferred to other governmental libraries in the District of Columbia for use therein. The law further provides (4) that articles remaining undisposed of may upon specified conditions be returned to the authors or copyright proprietors.

During the fiscal year a total of 171,738 current articles deposited have been transferred to the Library of Congress. This number included 77,814 books, 69,579 periodical numbers, 19,759 pieces of music, 3,053 maps, and 1,533 photographs and engravings.

Under authority of section 59 of the act of March 4, 1909, 1,661 books were transferred during the fiscal year to other governmental libraries in the District of Columbia for use therein. Under this transfer, up to June 30, 1940, the following libraries have since 1909 received the total number of books indicated below:

Department of Agriculture, 4,617; Department of Commerce, 23,076; Navy Department, 1,879; Treasury Department, 1,496; Bureau of Education, 22,711; Federal Trade Commission, 28,954; Bureau of Standards, 2,094; Army Medical Library, 10,014; Walter Reed Hospital, 2,884; Engineer School, Corps of Engineers, 3,202; Soldiers' Home, 1,600; Public Library of the District of Columbia, 64,082. A number of other libraries have received a smaller number of books. In all, 189,653 volumes have been thus distributed during the last thirty-one years.

The Copyright Act of 1909 authorizes the return to copyright claimants of such deposits as are not needed by the Library of Congress or the Copyright Office, after due notice as required by section 60. In the ordinary routine of business or in response to special requests, 3,013 motion-picture films were so returned during the fiscal year.

COPYRIGHT OFFICE INDEX AND CATALOG OF COPYRIGHT ENTRIES

Under the Copyright Office index system installed in accordance with the reorganization plans, the cards covering all registered material, all mail received, and all assignments recorded during the present fiscal year number approximately 1,221,000.

Beginning with the month of January 1940, part IV of the Catalog of Copyright Entries was changed from a quarterly to a monthly publication. At that time, in the interest of economy, changes were made in the annual index of the catalog.

COPYRIGHT BILLS AND RESOLUTIONS IN CONGRESS

The following bills were introduced in the Seventy-sixth Congress:

S. 3043. A bill to amend and consolidate the acts respecting copyright. Introduced by Senator Thomas of Utah, January 8, 1940, read twice and referred to the Committee on Patents.

H. R. 8263. A bill to reduce the amount of damages for infringement of copyright of musical compositions in certain hotels and other places. Introduced by Mr. O'Brien February 1, 1940, and referred to the Committee on Patents.

S. 547. A bill to amend renewal section 23 of the Copyright Act of March 4, 1909, by deleting from the second proviso clause thereof the words "when such contribution has been separately registered." Approved March 15, 1940. (Public, No. 434, 76th Cong., 3d sess.)

S. 2689. A bill to amend section 33 of the Copyright Act of March 4, 1909, by making more practicable the enforcement of the law prohibiting importation of piratical copies of copyrighted works. Approved April 11, 1940. (Public, No. 450, 76th Cong., 3d sess.)

H. J. Res. 433. To protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1940. Approved April 22, 1940. (Public Res. No. 62, 76th Cong., 3d sess.)

H. R. 9665. Identical with H. R. 8263 above. Introduced by Mr. Clason May 6, 1940, and referred to the Committee on Patents.

H. R. 9703. A bill to amend the Copyright Act of March 4, 1909, in important particulars, especially by extending copyright to the performer's interpretive rendition of a musical work and by providing for design copyright in the case of any manufactured product except for motor cars and their accessories.

Introduced by Mr. McGranery May 8, 1940, and referred to the Committee on Patents.

This bill is identical with the bill previously introduced by Mr. McGranery on May 4, 1939 (H. R. 6160), and also identical with the bill introduced by Mr. Daly on March 8, 1939 (H. R. 4871).

INTERNATIONAL COPYRIGHT CONVENTION

Senate Document No. 99, Seventy-sixth Congress, first session. The printing industry and the proposed copyright convention. Presented by Mr. Hayden July 20, 1939, and ordered to be printed. Respectfully submitted.

C. L. BOUVÉ,
Register of Copyrights.

ARCHIBALD MACLEISH,
Librarian of Congress.

EXHIBIT A

STATEMENT OF GROSS RECEIPTS, REFUNDS, NET RECEIPTS, AND FEES APPLIED FOR FISCAL YEAR ENDING JUNE 30, 1940

Month	Gross receipts	Refunds	Net receipts	Fees applied
1939				
July.....	\$28,138.06	\$1,274.85	\$26,863.21	\$26,157.00
August.....	27,640.68	1,782.27	25,858.41	27,006.70
September.....	25,214.41	1,552.69	23,661.73	24,803.60
October.....	28,683.32	1,492.61	27,190.71	27,662.10
November.....	27,000.24	1,207.61	25,792.63	24,189.80
December.....	28,634.77	1,140.37	27,494.40	24,518.80
1940				
January.....	32,489.75	1,794.72	30,695.03	28,444.40
February.....	26,130.87	1,407.43	24,723.44	24,502.00
March.....	28,830.63	1,821.75	27,008.88	27,644.70
April.....	29,231.63	1,634.91	27,596.72	28,787.50
May.....	31,858.79	1,546.81	30,308.98	27,971.80
June.....	27,238.20	1,316.19	25,922.01	27,326.80
Total.....	341,061.35	17,975.20	323,086.15	320,062.90

Balance brought forward from June 30, 1939.....	\$29,974.51
Net receipts July 1, 1938, to June 30, 1940:	
Gross receipts.....	\$341,061.35
Less amount refunded.....	17,975.20
	323,086.15
Total to be accounted for.....	353,060.66
Copyright fees applied July 1, 1939, to June 30, 1940.....	\$320,062.90
Balance carried forward to July 1, 1940:	
Deposit accounts.....	23,869.74
Unfinished business.....	9,608.02
	353,060.66

EXHIBIT B

RECORD OF APPLIED FEES

Month	Registrations of published works, including certificates		Registrations of unpublished works, including certificates		Registrations of published photos, no certificate		Registrations of renewals		Total number of registrations	Total fees for registrations
	Number	Fees at \$2	Number	Fees at \$1	Number	Fees at \$1	Number	Fees at \$1		
1939										
July.....	10,572	\$21,144.00	2,950	\$2,950.00	54	\$54.00	598	\$598.00	14,174	\$24,746.00
August.....	11,205	22,410.00	3,572	3,572.00	248	248.00	706	706.00	15,731	26,936.00
September.....	9,867	19,734.00	3,212	3,212.00	184	184.00	630	630.00	13,893	23,760.00
October.....	10,998	21,996.00	3,043	3,043.00	446	446.00	845	845.00	15,332	26,530.00
November.....	9,680	19,360.00	2,825	2,825.00	218	218.00	759	759.00	13,482	23,162.00
December.....	10,124	20,248.00	2,620	2,620.00	94	94.00	644	644.00	13,482	23,606.00
1940										
January.....	11,556	23,110.00	3,978	3,978.00	60	60.00	924	924.00	15,517	27,072.00
February.....	9,594	19,188.00	3,200	3,200.00	31	31.00	1,078	1,078.00	13,903	23,497.00
March.....	10,593	21,186.00	3,742	3,742.00	35	35.00	998	998.00	15,368	25,961.00
April.....	11,063	22,126.00	3,598	3,598.00	9	9.00	1,119	1,119.00	15,789	26,852.00
May.....	10,966	21,912.00	3,342	3,342.00	134	134.00	922	922.00	15,354	26,310.00
June.....	10,801	21,602.00	3,086	3,086.00	101	101.00	984	984.00	14,972	25,773.00
Total.....	127,008	254,016.00	38,168	38,168.00	1,614	1,614.00	10,207	10,207.00	176,997	304,005.00

REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT B—Continued
RECORD OF APPLIED FEES—Continued

Month	Copies of record		Assignments and copies		Indexing transfers of proprietorship		Notices of user		Search fees	Total fees applied
	Number	Fees at \$1	Number	Fees	Number	Fees at \$0.10	Number	Fees		
1939										
July	75	\$75.00	282	\$1,122.00	840	\$84.00	42	\$42.00	88.00	\$26,157.00
August	168	168.00	272	638.00	877	87.70	6	6.00	73.00	27,906.70
September	87	87.00	257	700.00	1,116	111.60	61	65.00	80.00	24,803.60
October	92	92.00	280	894.00	1,711	171.10	1	1.00	74.00	27,562.10
November	122	122.00	259	654.00	703	70.30	52	52.00	129.00	24,189.30
December	63	63.00	290	828.00	1,725	172.50	50	54.00	93.00	24,816.30
1940										
January	57	57.00	307	1,012.00	1,034	103.40	40	43.00	157.00	28,444.40
February	81	81.00	242	666.00	830	83.00	57	57.00	118.00	24,502.00
March	212	212.00	430	1,102.00	1,257	125.70	50	50.00	194.00	27,644.70
April	204	204.00	340	1,244.00	2,325	232.50	23	23.00	202.00	28,787.50
May	302	302.00	290	1,026.00	1,078	107.80	45	45.00	181.00	27,971.80
June	127	127.00	294	958.00	1,273	127.30	75	75.00	265.00	27,325.30
Total	1,590	1,590.00	2,533	10,844.00	14,769	1,476.90	504	513.00	1,654.00	320,082.90

EXHIBIT C
STATEMENT OF GROSS CASH RECEIPTS, YEARLY FEES, NUMBER OF REGISTRATIONS, ETC., FOR 43 FISCAL YEARS

Year	Gross receipts	Yearly fees applied	Number of registrations	Increase in registrations	Decrease in registrations
1897-98	\$61,099.56	\$55,926.50	75,545		
1898-99	64,185.65	58,267.00	80,968	5,423	
1899-1900	71,072.33	65,206.00	94,798	13,830	
1900-1901	69,525.25	63,687.50	92,351		2,441
1901-2	68,405.06	64,687.00	92,978		627
1902-3	71,533.91	68,874.50	97,979	5,001	
1903-4	75,302.83	72,629.00	103,130	5,151	
1904-5	80,440.56	78,058.00	113,374	10,244	
1905-6	82,610.92	80,198.00	117,704	4,330	
1906-7	87,384.81	84,685.00	123,829	6,125	
1907-8	85,042.03	82,387.50	119,742		4,087
1908-9	87,065.53	83,816.75	120,131	399	
1909-10	113,662.83	104,644.95	109,074		11,067
1910-11	113,661.62	109,913.95	115,198	6,124	
1911-12	120,149.51	116,685.05	120,031	5,733	
1912-13	118,968.26	114,960.80	119,495		1,486
1913-14	122,639.92	120,219.25	123,154	3,659	
1914-15	115,594.55	111,922.75	115,193		7,961
1915-16	115,663.42	112,966.85	115,967	774	
1916-17	113,808.51	110,077.40	111,488		4,529
1917-18	109,105.87	106,352.40	106,728		4,710
1918-19	117,518.96	113,118.00	113,003	6,275	
1919-20	132,371.37	126,492.25	126,662	13,559	
1920-21	141,199.33	134,516.15	135,280	8,718	
1921-22	145,396.26	138,516.15	138,633	3,353	
1922-23	153,923.62	149,297.00	148,946	10,313	
1923-24	167,705.98	162,544.90	162,694	13,748	
1924-25	173,971.95	166,909.55	165,848	3,154	
1925-26	185,098.29	178,307.20	177,635	11,787	
1926-27	191,375.16	184,727.60	184,000	6,365	
1927-28	201,054.49	195,167.65	193,914	9,914	
1928-29	322,135.82	306,963.80	161,959		31,965
1929-30	336,980.75	327,629.90	172,792	10,833	
1930-31	312,865.41	309,414.30	164,642		8,150
1931-32	284,719.20	280,964.90	151,735		13,907
1932-33	254,754.89	250,965.30	137,424		14,311
1933-34	258,829.53	251,591.50	139,047	1,623	
1934-35	269,348.81	259,881.70	142,031	2,984	
1935-36	293,149.82	285,206.90	156,962	14,931	
1936-37	295,313.24	280,541.40	154,424		2,538
1937-38	326,326.67	298,779.60	166,248	11,824	
1938-39	330,468.37	306,764.40	173,185	6,937	
1939-40	341,061.35	320,082.90	176,967	3,782	
Total	7,182,948.42	6,896,649.00	5,713,618		

REPORT OF THE REGISTER OF COPYRIGHTS

EXHIBIT D

NUMBER OF REGISTRATIONS MADE DURING THE LAST 5 FISCAL YEARS

Class	Subject matter of copyright	1935-36	1936-37	1937-38	1938-39	1939-40
A	Books:					
	(a) Printed in the United States:					
	Books proper.....	11,748	11,344	11,635	11,612	11,976
	Pamphlets, leaflets, etc.....	30,827	29,147	32,706	33,081	34,687
	Contributions to newspapers and periodicals.....	7,082	7,551	8,195	9,543	13,926
	Total.....	49,657	47,942	52,536	54,236	60,589
	(b) Printed abroad in a foreign language.....	3,853	3,841	3,646	4,086	2,504
	(c) English books registered for ad interim copyright.....	1,239	1,272	1,177	1,122	958
	Total.....	54,749	53,055	57,351	59,744	64,051
	B	Periodicals (numbers).....	38,418	38,063	39,219	38,307
C	Lectures, sermons, addresses.....	617	732	1,034	1,135	1,276
D	Dramatic or dramatic-musical compositions.....	6,899	7,176	7,399	6,800	6,450
E	Musical compositions.....	33,250	31,821	35,334	40,961	37,975
F	Maps.....	1,444	1,198	1,200	1,596	1,622
G	Works of art, models, or designs.....	2,977	3,002	3,330	3,419	3,081
H	Reproductions of works of art.....	0	0	59	130	445
I	Drawings or plastic works of a scientific or technical character.....	2,806	2,981	3,309	2,963	2,817
J	Photographs.....	2,327	2,191	3,174	3,150	2,590
K	Prints and pictorial illustrations.....	4,117	3,875	3,010	3,126	4,699
L	Motion-picture photoplays.....	808	793	873	825	800
M	Motion pictures not photoplays.....	900	958	1,016	932	811
R	Renewals.....	8,180	8,589	9,940	10,177	10,207
	Total.....	156,962	154,424	166,248	173,135	176,997

EXHIBIT E

NUMBER OF ARTICLES DEPOSITED DURING THE LAST 5 FISCAL YEARS

Class	Subject matter of copyright	1935-36	1936-37	1937-38	1938-39	1939-40
A	Books:					
	(a) Printed in the United States:					
	Books proper.....	23,489	22,350	22,846	22,842	23,982
	Pamphlets, leaflets, etc.....	61,494	58,295	65,416	66,162	69,374
	Contributions to newspapers and periodicals.....	7,082	7,551	8,195	9,543	13,926
	Total.....	92,065	88,196	96,457	98,547	107,282
	(b) Printed abroad in a foreign language.....	3,853	3,841	3,646	4,086	2,505
	(c) English works registered for ad interim copyright.....	1,239	1,272	1,177	1,122	958
	Total.....	97,157	93,309	101,280	104,755	110,745
	B	Periodicals.....	76,836	76,106	78,498	78,414
C	Lectures, sermons, etc.....	617	732	1,084	1,135	1,277
D	Dramatic or dramatic-musical compositions.....	7,883	7,833	8,217	7,825	7,082
E	Musical compositions.....	40,822	38,690	42,634	46,010	46,132
F	Maps.....	2,855	2,396	2,434	3,114	3,242
G	Works of art, models, or designs.....	3,030	3,227	3,879	4,084	4,014
H	Reproductions of works of art.....	0	0	92	177	647
I	Drawings or plastic works of a scientific or technical character.....	3,702	4,169	4,661	3,813	3,931
J	Photographs.....	4,256	4,025	5,731	5,544	4,408
K	Prints and pictorial illustrations.....	7,786	7,097	5,118	5,677	7,136
L	Motion-picture photoplays.....	1,686	1,571	1,731	1,638	1,583
M	Motion pictures not photoplays.....	1,743	1,839	1,945	1,751	1,533
	Total.....	247,663	240,894	257,234	263,937	272,041