

P.S. An important fact omitted in this, lastly, outlining is that under the present scattered system of Copyright business, no one knows or can know what are the Copyright publications issued in the U.S. By requiring the Librarian to make annual report to Congress, a highly important & interesting class of facts would be added to our national statistics.

Library of Congress,

Washington, April 9/1870.

Hon. J. A. Leaches;

Chairman Committee of Patents & Copyrights;
Dear Sir,

Permit me to bring to your attention some leading reasons why the transfer of the entire Copyright business and books to the care of the Library of Congress would promote the public interest.

1. Under the present system, although this National Library is entitled by law to a copy of every work for which a Copyright is taken out, it does not receive, in point of fact, more than four-fifths of such publications. It is made the duty of the Librarian to make demand from delinquent proprietors of Copyrights of a copy for this Library. To do this, I must have authentic evidence of every Copyright that is issued in the United States. Now there are forty-four judicial Districts, the Clerk of each of which issues Certificates of Copyright. It is made the duty of all

of them to transmit to the Patent Office a transcript
of their Copyright records, at stated intervals. Yet less
than one third of the District Clerks make any return
at all, either of the Record, or the publications deposited.
Those who do transmit them, do it at such long intervals,
and at a time so remote from the issue of the publications,
as to render their records, even if full, of compara-
tively little value & use in making requisition for
the books. The most extensive Copyright District in
the Union is the Southern District of New York. The trans-
cript of Copyright Certificates sent to Washington from
this office is always many months in arrear, and moreover the
titles of the works, ^{and their authors & publishers} are so abbreviated in it as to render it
practically useless as a basis for an official demand
of delinquent books. I am compelled to spend several
days every year, in transcribing the useful memoran-
da from the original books in the Clerk's office, where
the entries, moreover, are of late from three to six months
in arrear of the Copyright certificates issued. I
mention this not to reflect upon the efficiency of
the Clerk, whose office is continually crowded with
business of all sorts, - Admiralty business, Internal
Revenue business, Custom House business, criminal
business, &c, & who undoubtedly does all he can with
the very limited clerical force allowed him. But

is not this state of facts a reasonable ground for the District Clerks of the United States should be relieved of this increasing Copyright business?

There are many other offices of ^{the} District Courts in which considerable entries of Copyrights are made, which have made no returns whatever to the Patent Office for years. From some of these I have succeeded in obtaining, by correspondence, transcripts of the records, at a considerable expense to the Library fund. And I have found it indispensable to visit personally the offices of the District Clerks in Boston, N. Y. Philadelphia & Baltimore, once or twice annually, to secure authentic evidence of Copyrights whose proprietors fail to transmit their publications to the Library of Congress. This is ^{and loss of time} an expense which could be wholly saved were the Copyrights issued in Washington.

2. The transfer of the Copyright business proposed would concentrate and simplify the business, and this is a cardinal point. At present, there are forty four separate and distinct authorities for issuing copyrights. The American people are annually put to great trouble and expense to find out where to apply, in this complicated system of District Courts, several of them frequently in a single State, to enter titles for pub-

lication. Moreover, they are required to go to the expense and trouble of transmitting a copy after publication to the District Clerk and another copy to the Library of Congress. If both copies were mailed to Washington, this double duty would be diminished by half. Next, the books would be received at Washington while fresh from the press, instead of as at present, several months after issue, or not at all. Then the Copyright Records would be constantly on hand where the publications to which they relate are stored. This would simplify and facilitate reference to the greatest possible degree. In the present complicated and heterogeneous system, a person seeking to establish the validity ^{of} or to invalidate a Copyright, must go to three or more widely separated localities to verify the various points of evidence, and will probably fail at last, from the very imperfect manner in which the law regarding Copyright entries and deposits is executed. Let the whole business, from the initial point to the final deposit of the publication be placed in the charge of one single responsible officer, and an infinitude of expense, trouble and insecurity would be saved to the proprietors of Copyrights and to the legal profession.

3. The advantage of securing to our only National Library, a complete collection of all American Copyright publications can scarcely be overestimated. If such a law as that proposed had been enforced since the beginning of the Government, we should now have in the Library of Congress a complete representation of the product of

the American mind, in every department of science and literature, as represented in books. Many publications which are printed in small editions, or which become "out of print" from the many accidents which continually destroy books, could owe to such a Library their sole chance of preservation to posterity. Even a collection of school books, denominated "trash" by many persons, is found in the progress of time to possess an unforeseen value as an exponent of educational progress. We should have one comprehensive Library in the country, and that belonging to the nation, whose aim it should be to preserve the books which other Libraries have not the room nor the means to procure. And it is well worth considering, in discussing the details of the scheme proposed, whether we may not have reached a point where the Library of Congress should receive a more truly national designation. In the first general Catalogue of that Library, issued in 1815, immediately after the purchase by Congress of the Library of Mr. Jefferson, the collection was thus termed: "Catalogue of the Library of the United States." Might it not be exercising a wise discretion to return to this comprehensive designation,

in view of the fact that what is now called
in the statutes "The Library of Congress" is built
up and maintained by the taxation of the whole
people, and is largely recruited from the copy-
tax re-enacted in the bill under consideration?

4. This consideration assumes additional weight
when it is considered that the Library of Congress
is freely open to the public throughout the
year, and is rapidly becoming the great
reference library of the country, resorted to
not only by Congress and the residents of
Washington, but by students and writers
from all parts of the country, in search of
references and authorities not elsewhere
to be found. The proposed consolidation within
its walls of ^{all} the accumulated Copyright
publications now stored at the Patent
Office, thus utilising both to their proprietors
and to the public many thousands of volumes
so long completely buried from view, would
render it still more emphatically the Library
of the United States. Its complete Catalogue
system alone lends an additional value to
its stores, such as they would no where else possess.
The advantage of having all American publications

thoroughly catalogued in print in an annual volume, carefully edited and authoritatively issued from the press of the Government, is one which it may require some reflection fully to appreciate, but which would be an invaluable aid to thousands.

5. The proposed reform of the present unsatisfactory methods of recording and perfecting copyrights would take away all the objections now so freely brought against the law. It is complained of by authors and publishers, (and with much reason) that they are put to much trouble and some expense to secure a privilege of no certain value. There are so many points required to be complied with to perfect a copyright title, and these points are so subject to the mistakes & omissions of many officials concerned, as well as to those of the proprietor, that it may be said of most copyrights taken out, that they rest under a cloud which an ingenious or unscrupulous person may take advantage of to invalidate them. And what motive have the publishers to use more zeal in complying with the law and transmitting copies of their publications through the District Clerks to the Patent

Office, where they see that the books are thenceforth lost and buried so that not even their authors or the owners of the Copyrights can get sight of them again? What is the deposit at the Patent Office but a sheer waste of valuable material, taking up expense, room and time, with no resulting benefit to anybody? Even were the books properly shelved and cared for, it would only be duplicating, so to speak, the same collection at the seat of Government now required by law to be preserved in the Library of Congress.

6. The last consideration I will note is that the proposed change would be a great economy for the Government. It would save the Patent Office the trouble, expense and room of providing for a great library of material which it cannot use, and does not want. It would leave its officers and its space free to be concentrated upon the great & rapidly growing inventive activity of the Country. A Copyright is not an invention or a patent - it is a contribution to literature. It is not material, but intellectual, and has no natural relation to a department which is charged with the care of the mechanic arts. It belongs rather to a Government library system than to any other department of the civil service. The ^{responsibility} ~~expense~~ of caring for it would be an incident to the similar labors already devolved upon the Librarian of Congress, and the receipts from Copyright certificates would much more than pay its expense, thus leaving the Treasury the gainer by the change.

With high respects
A R Spofford
Librarian