

Copy-right No. 3.

Dec - 17. 1830

Mr Ellworth from the
Committee on the Judiciary,
to which was recommended
the Bill (H. R. No. 145) to amend
and consolidate the acts respect-
ing Copy-rights, made the
following report -

(530)

The Committee on the Judiciary, having had under consideration, the laws relating to copy-right, present to the House, for its adoption, the bill accompanying this report.

At the second session of the first Congress a statute was passed to secure to authors the copy-right of their books, charts and maps. In 1802 a like statute was passed to secure the copy-right of prints. In the provisions of these statutes there are discrepancies which call for a remedy, and in both of them there are these statutes there are provisions which are ^{unnecessary} and burdensome, and in which there are discrepancies. If ^{any} ~~any~~ ^{discrepancies} ~~discrepancies~~ ^{have} ~~been~~ ^{been} ~~claimed~~, and it seems to your committee, with propriety, that the law

of copy-right ought to extend to musical compositions: ^{as does the English law.} It has been the aim of your committee in preparing the accompanying bill, to bring the two statutes into one and to make that free from the obligations ^{alluded to} ~~mentioned~~, but chiefly to enlarge the period for the enjoyment of copy-right, and thereby, to place ~~the right of~~ authors in this Country ^{more nearly} upon an ~~equal~~ ^{equal} footing with authors in other countries.

The power of securing the rights of authors, by giving them a copy-right, is by the Constitution exclusively vested in Congress, and your committee think that ^{the object contemplated} ~~that~~ ^{is a subject} will worthy

of the consideration and legislation of Congress.
While, for the most obvious reasons The United States
ought to be foremost, among nations in encourage-
ing science and literature, by securing the fruits
of intellectual labor, she is, in this thing, very
far behind them all, as a reference to their
laws will show.

In the United States, by the existing laws, a
copy-right is secured to the author, in the first
instance for fourteen years, and if at the end of
that period he be living then for fourteen years
more: but if he be not then living, the copy right
is determined, altho by the very event of the death
of the author, his family stand in more need of
the only means of subsistence ordinarily left to
them. In England the right of an author to the
exclusive and perpetual profits of his ~~name~~ books
was enjoyed and never questioned until it was
decided in Parliament, by a small vote, in the case
of Miller v Taylor, in the year 1769, and contrary to a
decision of the same case in the King Bench, that the
Statute of them had abridged the common law
right, which it was conceded had existed, instead
of merely guarding and securing it by forfeitures
for a limited time, as was obviously intended.

But Parliament feeling the injustice of the Statute
of them, thus construed, afterwards passed a Statute
which is now the law of that Kingdom, securing to
an author a copy-right for ~~eighteen~~ ^{twenty eight} years and if
he living at the end of that period, for his life. In
France ^{before 1826} a copy-right ^{was} secured to the author for life
to his widow for her life, & then to his children for
twenty six years. In 1826 the King appointed a nu-
merous board of Commissioners to revise the law

of literary property. They reported a bill extending
the period of enjoyment to fifty years after the
death of the author: ~~which is now the law of France.~~
~~but in France it is held to be perpetual.~~ In Prussia a copy-right is
secured for life and twenty years afterwards. In
Germany, Norway and Sweden, the right is held
to be perpetual.

It is believed that this comparison shows that
the United States are far behind the States of
Europe in securing the fruits of intellectual
labor and in encouraging men of letters.
Your Committee believe that the just claims
of authors require from our legislation a protec-
tion not less than what is proposed in the bill
reported. Upon the first principles of proprietorship
in property an author has an exclusive and per-
petual right, in preference to any other, to the fruits
of his labor. This the nature of literary property is
peculiar, it is not the less real and valuable. If
labor and effort in ~~making~~ producing what before
was not possessed or known will give title, then the
literary man has title, perfect and absolute and
should have his reward: he creates and he labors
as conspicuously as does the mechanic or husband-
man. The scholar who ~~secludes~~ ^{secludes} himself, and wastes
his life and often his property, ~~if he has any~~ ^{if he has any} to
enlighten the world, has the ~~best~~ ^{best} right to the
profits of those labors: the planter, the mechanic, the
professional man cannot prefer a better title.
Now is there any doubt what the interest and
honor of the Country demand on this subject.
We are justly proud of the knowledge and virtue

of our fellow citizens. Shall we not encourage the
spread of that knowledge and enlighten that virtue
so necessary to the security and judicious exercise
of civil and political rights. ~~at the low standards~~
~~at present we invite authors to go abroad and~~
~~instances have occurred of manuscripts sent~~
from this Country to England for publication
whereas they ought to present every reasonable inducement
to influence men to conserve their talents
to the advancement of science. It cannot be for the
interest or honor of our country that intellectual
labor should be depreciated ^{devoted to research} and a life of ~~study and~~
~~laborious study terminate in disappointment & poverty.~~
~~instances of impoverishment and suffering.~~

Your Committee do not perceive any reason
for ~~withholding from~~ ^{denying to} authors, their protection of
the law, to the extent proposed. There is no serious
danger of a monopoly. The question is whether the
author or the book seller shall reap the reward.
It is for the interest of the author to supply the
market upon such terms as will ensure the
greatest sale. And he will always do this.

This bill ~~pro~~ secures to the author a copy-right
for twenty eight years in the first instance, with
a right of renewal for fourteen more, if at
the end of the first period, the author be living
or shall leave a family. It is believed that the
provisions of the bill are not too liberal and
that Congress ought not to do less than is proposed.
It is less than is done ^{in any one of} ~~than in any of~~ the
European States referred to.