SKELETONIC REPORT
OF MID-WINTER MEETING OF THE COUNCIL OF THE
AMERICAN LIBRARY ASSOCIATION,
Chicago, Illinois,
December 29-30, 1931

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REPORT OF PROCEEDINGS OF THE AMERICAN LIBRARY
ASSOCIATION COUNCIL AT MID-WINTER MEETING HELD ON
DECEMBER 29 and 30, 1921, AT SHERMAN HOTEL, CHICAGO,
ILLINOIS.

FIRST SESSION

Thursday, December 29, 1921.

The meeting was called to order by President Root, at 10 o'clock, A. M., December 29, in the Crystal Room, Hotel Sherman.

THE PRESIDENT: I think a quorum of the Council is now present, so that we can begin with the program. The first item of business is a report from the special committee which was appointed in connection with the affiliation of state associations.

The report of the committee was presented by Mr. Edward D. Tweedell, as follows:

(Insert)
THE PRESIDENT: You have heard the report. Are there any remarks upon it? If not it will be received. There will be still a number of states, probably, represented on the old basis. If there are duly accredited delegates on that old basis I hope they will understand that this is still the year 1931 and therefore they are entitled to represent their respective states. Have you any other business, Mr. Milam? The provision of the Constitution is that state, territorial or regional chapters of the American Library Association may be established by the Council. Therefore I presume this report ought to be formally voted on by the Council. Unless there is objection we will consider the report of the Committee is a motion and the question is before you. Will you establish these chapters?

MR. SANBORN: I was on that committee that wrote the By-laws and I am sure it was not in our mind that one state should be represented by two associations, and I notice that Indiana has both the Trustees Association and the Library Association applying for membership. It is possible the By-laws have nothing to cover that, but I was rather surprised to see both of those associations there.

MR. TWEEDELL: The By-laws say each state association.
The Committee adjudged that the Indiana Library Association was a state association and the Indiana Trustees Association was a state association.

THE PRESIDENT: The language of the Constitution is as follows:

"State, territorial or regional chapters of the American Library Association may be established by the Council at the written request of ten members."

MR. SANBORN: I don't see how there can be more than one state chapter of an association. It is probably slipshod work on the part of the Committee on Constitution and By-laws, but it seems to me there should be but one chapter in each state. That was the intention.

The motion, having been duly seconded, was thereupon duly carried.

THE PRESIDENT: What other business have you? Has any member of the Council any other business? Other members will be now invited to come in. Mr. S. H. Ranck will present a report on the subject of Library Revenues.

LIBRARY REVENUES

MR. S. H. RANCK: Mr. President, members of the Council, the resolution for discussion, I think, has been sent to all members in advance. It probably is not necessary to read it at this time. I might say that
the committee on this subject has had its own difficulties—one member in Massachusetts and the other in California, and all the work has been done by correspondence, and with vacations and other absences it has been difficult to get together in a satisfactory way. It would have been much more satisfactory to have had a meeting where they could sit down and thrash out all these various questions. The report, as the resolution was finally adopted and sent in, was somewhat in the nature of a compromise with reference to tactics. There was a question in the minds of the Committee whether giving all of the reasons for the resolution would not make it too long and whether just the nub of the whole business should not be put out in the form of a resolution. That is a question of tactics.

There was also in the minds of the Committee two main ideas—one the question of revenues of support and the other the matter of service. It was believed by the committee that if the American Library Association adopts something in the way of what they consider a reasonable support of the libraries they should couple with it some idea of what they consider reasonable in the way of a standard of service that should go with such support. Another difficulty in a thing of this kind is the fact that the conditions vary very greatly in
different parts of the country. The purchasing power of a dollar in some communities is very much greater than in others, and to take all of these varying elements into account and to embody them in a resolution or report would make it quite lengthy. For that reason it seemed advisable, at least on the floor of the Council, to eliminate those features. We have them here and if desired we will be glad to present the steps that lead up to these various conclusions embodied in these resolutions.

A year ago the whole subject of library revenues was discussed somewhat in the light of the effect of the war on taxation and the reaction of the public mind with reference to support of educational institutions of which the library is a part, because of the greatly increased taxation, and also further because of the slump in industry, all of which have a very vital bearing on this whole subject.

I might say in this connection that there is now going on in this country an organized campaign to reduce taxation, not only nationally but locally, and it is fostered I think—I would not say definitely, and I would not care to have this go outside of this room in print, but I was at a meeting some time ago where a representative of the United States Chamber of Commerce was present
and there were some pretty wild statements made there with reference to municipal and governmental taxation. The whole idea that was presented was that all governmental functions are necessarily extravagant and wasteful, and that private business is the only kind of business that is successfully managed and economically managed, and it was part of an organized campaign of business men to combat any increased taxation, local and state, for all sorts of purposes. That was a thing that was brought out at this meeting of business men which I attended, representing the United States Association of Commerce. I have seen that thing crop out from representatives of chambers of commerce in several places in this country, the idea being that most of our present ills are due to the high cost of Government, and so forth. These things all have some bearing on the revenues of educational institutions and schools and libraries get from their communities or wherever they get them. Public opinion is being created in the minds of business men that the country has gone too far, perhaps, with reference to support; that is, that it is too costly and too great a burden on business and so on, and those are facts which we will have to deal with in our respective communities.

As I have said, the idea I gathered from several
of those meetings which I attended and read about is to
discredit governmental activities as being extravagant,
and so forth.

Another interesting phase of this is that there
is cropping out in several parts of the country, as a
part of this taxation question, a movement to tax public
properties. There is an organized movement in our own
state at this time to levy taxes on property, for instance
municipal waterworks and various other municipal activities
that have always been exempt from taxation; in other
words, to cut down the cost on general property.

So much by way of a general statement of this
problem of taxation as it relates to the subject in hand.
If you would be interested, Mr. President, I think it might
be worth while for me to state some of the points that
the committee considered as leading up to the Resolution
as finally presented. I might say that this subject was
discussed somewhat at Swampscott in the light of the
Ontario law, and going down to Boston on the train I found
a neighbor of mine, who is the production manager of one
of the largest furniture factories in this country and one
of the leading furniture designers of the country. We had
a little visit. He wanted to know whether I was going
down to this meeting to talk to or be talked to. When I
told him I was going to do something of both I sprung
this idea of the amount of money that he would consider
reasonable for the support of a library, and among other
things I said I was going to say something about one
dollar per capita would be a reasonable amount, a minimum
for library support. I said, "How does that strike you?"
He said, "I think you are very modest." Let me give you
the background of this man and how he looked at this thing.
He is a Scotchman. He came to this country to design
the furniture and other things for the Biltmore Hotel of
New York, and he was going down to New York to consult
about the designing of some other hotel furniture. He
designed furniture for the International Exposition and
interior decorations and furniture for the Shipping Board.
He has traveled around this country a great deal and sees
and knows the attitude of the laborer and what progressive
manufacturers are doing to deal with the labor question
from a protection point of view. He said, "You fellows
are modest." He said, "The thing that impresses me about
the libraries of this country"—and he knows the libraries
in Germany, in England, in Scotland and in the United
States—he said, "I always use the libraries wherever I go."
He said, "The biggest asset: the libraries of the United
States have is the spirit of service on the part of the
employees in the library work." He said, "I don't know how you get it. You don't get it with the money you pay." He said, "That is one of your biggest assets."

He said, "I go to the New York Public Library, or the libraries of Chicago, Boston or any other city." He said, "I find that spirit in the work everywhere in this country." He said, "It is the kind of thing that any commercial enterprise would be only too glad to pay for if we could get it. It is the kind of thing that the Statler Hotels advertise that they have and don't give."

That is the way it struck him. In his concern they give considerable attention to the morale of the men. He said, "Money alone will not do it." He said, "I have seen the psychology of this thing amongst men whose wages have been increased from $18 a week to $35 or $50 a week."

He said, "It does not last long so far as the production point of view is concerned," and he looked at the library in the community as doing that very thing. He said, "One dollar per capita is a mere bagatelle for doing that thing in the community." That was his idea as to what a library should be. I was rather interested in that, of course. Most people think of these things in terms of aggregates and the aggregate increase for all as now being paid
strikes them as very great.

MR. C. W. ANDREWS: What is the average now in this country? How much is the increase?

MR. RANCK: The average on one hundred libraries from taxation alone was 53 cents, but that did not take into account revenues from other sources. At Swampscott the average was worked out as 53 cents. The highest from taxation was $1.47 per capita, though the Public Library of Boston, from taxation alone, was 99 cents and a fraction, and in addition to that they have other things. There are quite a number of libraries that are getting from taxation alone over $1.00 per capita from the community.

MR. M. S. DUDGEON: Is that where the amount of taxes on property is very great, where the high rates are in existence?

MR. RANCK: No, one of the highest cities is Gary, Indiana. Another high one is Newton, Mass., a residential city, and another high one is East Cleveland, almost $1.00 for taxation alone.

These are some of the points that the Committee considered but did not put into this report. I might say that it strikes me that persons who have not gone
into this thing very much at all will probably want some additional information, and the committee will be glad to get additional information for consideration before any final statement is given out. Here are some of the points that we considered at part of this general statement leading up to one dollar per capita.

(Reading from report of Committee.)

That statement is based on an analysis of several cities that I made in applying the figures of companies like the Industrial insurance companies, the Prudential, the Metropolitan and the Old Age Pension schemes of Germany and England, where they have arrived at something like a dollars and cents value of the lives of the people in the community. As I have applied the average of these to several cities, they are what you might term the economic value, from an insurance point of view of the lives of the average persons of the community, about twice the assessed valuation of the property. For instance, in a community like Muskegon, a manufacturing town, the assessed valuation is about $50,000,000, a little over $1,000 per capita of the assessed valuation. Applying it in another way, the human value, the people would be about $100,000,000. I don't know whether that would hold in every community. There are differences in
values, but we have been accustomed to think of wealth in terms of property, in dollars and cents, not thinking of the great asset of the community, the people of the community are. For instance, if you had the people here, in Chicago, in the spirit of Chicago, it would be worth more in an economic way than all the property in the city. This human asset can reach its highest value only through the development of the intelligence and character of the people. I think there can be no question about that. The intelligence and character of the people, as they are developed, increase the productive power of the community.

This is a matter of state-wide concern rather than of merely local concern. No state can afford to allow any section of the state to grow up in ignorance because of its vital relation to all the people of the state. Good books have always been recognized as a powerful means for the development of the individual.

(Reading from report.)

That principle has been fundamentally accepted with reference to our schools throughout this country pretty generally, and legislation with reference to schools is based upon state legislation rather than merely local legislation. In other words, the state
insists and guaranties that every boy and girl in every part of the state shall get a certain minimum of education, regardless of the property values in that state or in the different communities.

(Reading from report.)

"Public libraries are an essential part of the educational machinery of the state, and of all educational agencies they are most democratic, appealing to and serving all ages and all classes."

I think we will all agree to that statement.

"It is the duty of the state to provide for the organization and adequate support of public libraries by general state laws."

Most of our states have general state laws, but they provide for little or none of what we might call mandatory support. There is in some communities, but it is very small. Most of them haven't any.

"It is the duty of the state to endeavor to equalize the educational opportunities for all the people, providing the means whereby all the people may receive certain minimum opportunities for education, regardless of the inequalities of wealth in different sections."

In a certain county in Michigan there are school districts where the taxable wealth per child is
only $1400 and in other school districts the taxable wealth is $14,000. The community that has $14,000 per capita per child pays some of the money derived from taxation on that property and it goes to the community for the child living in the district where there is only $1400. In some of the suburbs of Cleveland it was even more striking than this illustration from this Michigan county. In some places in the same county as Cleveland there was $300 in one community as against only $20 in another community in the same county. I think the American Library Association is as anxious that that principle should apply to libraries as to schools.

Another point is that the American Library Association should declare that the chief support for a public library should be from the people directly served, that is through local taxation; that is that the state as a whole should supplement such support by state grants which would guarantee a minimum of library service to all the people and the basis of support should be the number of people to be served rather than a percentage or a mill tax on the assessed valuation. That follows from what I have said before. I think the American Library Association should go before the American people and say that in all educational work libraries and schools have already
been recognized, and schools have been recognized of course, but the people to be served should be first considered rather than the wealth in a particular section or community where the people live.

Then the matter of service comes in, which is covered in the resolution which has been sent out, giving some idea in very general terms, about how much service may reasonably be expected from a given amount of money. During the last two or three months I suppose I got two or three or four letters a week from different parts of the country asking how much money I think they ought to raise to do a certain amount of work. You can't say that off hand. I had a letter from the Massachusetts Board of Education the other day saying they wanted to know what I thought as to how much money they ought to spend for books in a community now circulating 17,000 volumes a year. Questions of that sort are raised. I don't think the American Library Association should declare itself on any such a basis as that, but people who are making up budgets want to know about these things. If the American Library Association could see its way clear to declare itself, that a certain amount per capita of the population it served is a reasonable minimum it would certainly help a whole lot in the making up of
In discussing this problem of $1 per capita it is assumed there is only one library in the community. Such a statement, if you go into details, should take account of communities where there are what you might call other library agencies supplementing the work of the public library. Take Chicago, for example, with the Newberry Library, the Crerar Library, and some other libraries here are doing public work and relieving the general public to that extent of a certain amount of expense, and that should be taken into consideration.

This one dollar per capita that we had in mind as a reasonable minimum was where there is only one library in a community, taking the whole burden, and perhaps a series of resolutions should cover a point of that sort. Where there are large endowed libraries in the community, serving the public freely, the amount for the public library would necessarily not be so great as in a community where there is only one institution. Washington would be another example of that sort, with all of its wealth of library resources.

The resolutions also stated, as sent out, that for a certain type of service, where there is only one library in the community, that $3 per capita would not
be an unreasonable amount, or words to that effect. We want to be very careful that we should not in any way penalize the libraries that are now spending more than one dollar, by giving the American public the idea that that was enough, because as I said there are a number of libraries in this country that are now spending more than one dollar, that are now receiving from taxation alone more than one dollar, up to $1.50, and the idea should indicate that some kind of service that might be expected from different amounts was included in the resolution.

Mr. Chairman, this, in a rambling sort of way, is what the Committee had in mind, some of the things the Committee considered in arriving at the statement which was sent out to the members of the Council. It is a big subject. It is a complicated subject and it is a difficult subject. Yet it is vital to every tax supported library in this country. I had a letter from the Pacific Coast the other day asking for some information about this very thing. They are up against this proposition. The tax levying body feels that they must retrench and they are going about it. The librarians there seem to be happy in the thought that they are faring very well as compared to other municipal departments in getting
what they got last year; that while service has increased and other things have increased they have got to get along with what they had last year, but other libraries are cut or threatened to be cut, and this whole subject is more or less hazy in the minds of many of us, if and we can put our combined knowledge and experience together in the form of a resolution or a series of resolutions I think it will be of great service to all the libraries of this country.

MR. DUDGEON: May I ask why those libraries are being cut?

MR. RANCK: So far as I know it was the feeling that it was unimportant. Tacoma was one of the places. There is a good deal of unemployment there and it is more difficult for people to pay taxes where there is unemployment.

MR. DUDGEON: Hard times?

MR. RANCK: Yes, hard times.

MR. DUDGEON: In those 100 cities, where the income averaged 53 cents per capita, what would be the average rate of taxes in those 100 cities?

MR. RANCK: The rate of taxation is a difficult thing because of the different rates of assessment. Rates of taxation don't cut very much figure, because they are
often misleading, because of the difference in assessments, and the assessment law in Illinois and Chicago is altogether different from what we have in Michigan—that is not a fair basis of comparison at all.

MR. DUDGEON: The comparison is forced on us by every taxing body before which we appear. It has always been forced on us. What is the average taxation in these other cities? I wonder if you have the figures relatively, worthless as they may be, have you the figures?

MR. RANCK: All I know is the compilation of the census. We based it only on the terms of population per capita.

MR. DUDGEON: Theoretically that may be all right.

MR. RANCK: As a matter of fact in the census they have reduced it to a per capita basis and they recognized that that is the fair way to go about it. The libraries, so far, are faring better than some of the other institutions.

MR. ANDREWS: Isn't that generally true?

MR. RANCK: I think so. I think the libraries are in a better position before the American people today than ever before, but we all know that we have a long way to go yet to meet conditions. In most cities the library is not as well supported, relatively, as the schools are.
We are much better off than we were ten years ago, but I think a declaration from the American Library Association of what is a reasonable minimum support for certain standards of service would help all of these cities.

MR. LOCKE: I would like to point out to Mr. Ranok and you who read the Library Journal that the 50 cents that we levied in the Province of Ontario as a minimum, we did not pass any series of resolutions, but simply went up and got the 50 cents purely as a matter of democracy, and we told the Minister of Education that that was what we wanted. He said, "Do you think that is really enough?"

We are going to go as far as we possibly can. One of our problems in regard to taxation was raised by Mr. Dudgeon, and is as serious with us as it is with you. We suffer in our provinces from having too many retired farmers who have settled in our towns, and they have nothing else to do but to get on the library boards and one of our missions is to keep retired farmers off of the Boards. When we have a per capita he can't exercise very much personal control or keep us from getting larger populations in the towns, and therefore, having more people and getting more money. I have no doubt, after trying out the law for two or three or four years, we might say sixty cents, and go on from that. In some
places in Ontario we are getting much more than fifty cents. We have had only a one year's trial of it and a good many of us not only get that, but get a good deal less besides. Talk about appropriations being cut—I think the library position in our country is as Mr. Ranck says it is with you—it is better than it has been before. The library appropriation of Toronto was the only appropriation that was not cut and we hope with succeeding years that will be still more so. The fight comes in the towns. We find in towns of 15,000 and less, it is difficult to get the proper support and put the library on the same basis as the high school.

MR. RANCK: Last year we made a study of Michigan cities of 10,000 and over and only six were getting, from all sources, more than 50 cents per capita. It was in those small towns of 5000, 10,000, 15,000 and 20,000, where they were being starved to death with their library support. In many of the progressive communities business men get on the board who are new at these things and they want to do things and want somebody to tell them how, and it seems to me the American Library Association is the organization to tell them.
THE PRESIDENT: You have in your hands, thanks to the courtesy of the Library Journal, the standard which the Committee on Library Revenues recommend adopting. Will you speak to that? I don't know but that we ought to have it read. Perhaps Mr. Milam had better read that through to us.

(Mr. Ranck read the recommendation of the Committee.)

THE PRESIDENT: You have heard the resolution submitted by the Committee. Do you wish to speak to that resolution?

MISS JULIA ROBINSON: I wish that the resolution took recognition of the fact that the smaller the community the larger per capita it means. I have in mind one community in Iowa, where we have the maximum limit, five mills, and I think the balance of the year, in order to have books, the librarian was willing to suspend her salary. I am afraid that, when this matter comes before our legislature, they will say one dollar is all that is necessary. There should be, it seems to me, a grading for the different sizes of communities.

DR. ANDREWS: I can't believe that New York needs an income of $9,000,000 a year to do its work. Wouldn't it be advisable to put in a limit as a guard against misapprehension? I think a public library system
which would cover such cities as Syracuse -- and certain public libraries I am excluding, but cities as New York and Boston -- and I note a comma has crept into the second line of this, that ought not to be there.

MR. EDWIN H. ANDERSON (New York): The situation with us is very much complicated by reason of the fact that our book reference library is not maintained by the city. There are other book public libraries in New York, and this would not apply to New York at all. I did not receive this at my desk before I left New York, nothing about this at all, and Mr. Stohm tells me he did not receive anything.

THE SECRETARY: The Secretary and the Headquarters Office force endeavored to mail, and thought that it had mailed mimeographed copies and printed mimeographed copies, some two or three weeks ago -- I have forgotten the exact date -- as early as we could after the statements were received. They may have been snowed under in the Christmas rush, but they were mailed from Headquarters at least two or three weeks ago to every member of the Council.

MR. ANDERSON: What is the size of these various cities that seem to have been the basis of the estimate?

MR. RANCK: I think Hagerstown, Maryland, was one of the smallest. That was a city of some 20,000, and
from that figure up. We thought of putting into it cities like New York, Chicago, Washington, where the conditions are different and where they have the large endowed libraries. I think if you had the income of all of these it would carry it up pretty well, according to population.

MR. ANDERSON: I doubt it. It is between forty and fifty cents, and as I recall the figures now, from taxation.

MR. RANCK: I don't mean taxation alone. This per capita figure does not mean taxation alone, but all revenue.

MR. ANDERSON: It might amount to fifty or sixty cents from taxation, but I doubt if it does.

MR. RANCK: The question in the minds of the Committee was a matter of tactics, whether we should put all these matters into the report. Some of the members of the Committee thought it would make it too long, and that the main idea would not get across and it would be better to shorten it up for that reason.

MR. ANDERSON: I do not mean to oppose the resolution at all.

MR. RANCK: For Greater New York 37 cents per capita taxation, and for the three Burroughs of New York, 35.4. Greater New York 37 cents from taxation alone.
MR. WATSON: I am highly in favor of this resolution, but I hardly think it wise for New York State to include such a provision as taxes, for the reason that School Districts there are authorized to raise money by tax, and there are not over eight or ten libraries in the whole of the State of New York, to my recollection, that are raising so much per capita.

MR. BISHOP: I sincerely hope the resolution, in some form, whether amended slightly or not to meet the wishes of the Council, will pass. I think all of us have had the experience, particularly in recent years, of being asked to give definite statements of what is a reasonable amount to be expected to be raised to maintain or carry on either individual libraries or departments in libraries or certain library activities. Of course, all the factors have to be taken into account, as we all know, but one of the difficulties under which we are laboring is the absence of any statement on the part of any authoritative body as to what is a minimum. For example, if I may speak to the last paragraph of the resolution, what is a fair percentage of the income of the University to be devoted to libraries? I venture to say that six per cent of the institutions not maintaining expensive hospitals, in my judgment, would have yielded a fair amount -- I should have thought ten per
cent. would be better. That was the first time that I had seen anything in print on the subject, and it aroused immediate attention on the part of Deans of Colleges and other Ohio associations, something definite to which we can work, or beyond which we can work as being a reasonable basis for public support.

It seems to me it is highly within the province of the American Library Association to declare, and it is highly desirable to do that. I am not certain that I agree with all of the points in this resolution. I should like to be shown, for example, that reading room attendance equal to or greater than the number of books for home use should be used. A city with one million books is not likely to have very many present in the reading room, in my observation.

MR. M. S. DUDGEON: In my observation, I think there is no group of municipalities in which the struggle is keener and none in which this resolution would be more helpful than in some of the communities to which it does not apply. It seems to me the applicability of the rule to a minimum limit should be inserted, whether ten thousand or not I don't know, but I think a town of 1,000 people, you can realize how far in a northern town you could get running a heating plant, and paying
a janitor on $1,000.

MR. RANCK: That brings up the whole subject of the library administration, county service, and so on. The laws with reference to county libraries and county service are quite different in different parts of the country. In communities of that sort the unit of library administration ought to be increased. The overhead burden, I believe they call it in England, is something that we have not given sufficient attention, in all of our public institutions. That is one of the great arguments for country libraries, enlarging the unit of administration, taking in a larger population.

About the reading room attendance, and so on, my observation is that you can get a larger reading room attendance -- of course, you don't always count it -- than you can in the circulation of books, if you have the reading rooms sufficiently numerous, a good deal more in the reading room than the whole circulation of books. If you have your branch libraries a considerable distance apart, people will come there once a week to get books, something like that, and perhaps read a little while, but if they are near enough to be within easy walking distance they will come two or three times a week. That has been our experience. We have 14 libraries in different parts of the city and we are
getting seven more of them, and many of them are only three-quarters of a mile apart. We find that that opens up new territory and does not cut into the old.

MR. DUDGEON: Do I understand the Committee places some limitation on the size of the city to which this is applicable?

MR. RANCK: No, we don't say that, but we put it in this way: in a smaller unit of administration, something about the overhead would make that larger in a larger population.

DR. ANDREWS: The same is true of the other side of it; the large cities don't need it.

MR. RANCK: Some of the cities have not the necessary service. I think we ought to stand for more service being put into the larger cities than now exists.

DR. ANDREWS: Some have two dollars.

MR. RANCK: Some of the large libraries already have it, but in cities the size of ours, we are going to have graduates in technology to handle the technology department, and if you have other departments, you will have to have those who specialize in such things. My observation has been that the public will stand for that sort of thing if they get the service, but
we have not had the money to get it.

DR. ANDREWS: That is what you have mentioned under the two dollars. That would increase the income in large cities far beyond anything that is possible for us to intimate as desirable.

MR. RANCK: That is something to look forward to. I thought we had that in, about looking forward to other things.

MR. SANBORN: I favor the resolution in general, but I think we are making a mistake in switching entirely from the taxation basis to the per capita basis and that we might well stick to both of them. Mr. Ranck says 20,000 was the smallest city or town considered of these 100 libraries. In the rural communities, in the small towns which Miss Robinson and Dr. Dudgeon spoke about the per capita wealth is very much greater generally, than in a city over 20,000. As soon as a city becomes an industrial city, there are a great many people who don't add to the per capita wealth, and there you can begin spending on the per capita basis, but take a rural community on a tax basis, they could get an adequate income, but on a per capita basis they could not. It would be the same, I think, in county work. Many of the rural counties had much better be supported on a percentage basis than on a per
capita basis, because a county might be a very rich county without a large population. It seems to me that we would get a larger revenue on valuation in rural communities and in large towns a larger revenue on the per capita basis.

DR. E. C. RICHARDSON: I am personally interested in four public libraries. I would be glad to see this thing on the per capita basis in three places, especially in Princeton. In Princeton I was chairman of the Trustees from the foundation of the Library until I began to draw out of library matters last year and was very actively interested in increasing their appropriation, which is now based on a third of a mill and the possibility of the Burrough giving half as much more, if they chose. Up to the present time we have not taken more than one-third of a mill, which amounts to $6,000 in a community of 60,000 people. I am also interested in the Chicago Public Library and have followed it with great interest. I believe I have some times paid $1,000 towards its support in a year. In Princeton my taxes will be perhaps $10 a year. I am interested in two libraries in the country, at my house in the country the boundary line runs between the two towns. One of the towns is a town of 700 inhabitants and has
a very active public library, of which I have the honor to be one of the Trustees. For that I believe we get nothing from taxation, because we raise it in other ways. In the north town, where I pay one-twentieth of the taxes, or five per cent. of the taxes, it is a town of about 250 people. It covers perhaps 15 or 20 square miles. The people have a great deal of difficulty in raising the amount of taxes they raise, which is about $10,000 a year. They have worked up to about $6,000, and in modern times they have had to come up to about $10,000 in taxes, and there are 250 people there. They have perhaps twenty miles of roads to keep up with that $10,000. Two dollars per inhabitant would be about what I would pay, that is, five per cent. of the taxes of that community. Now the people have to keep up twenty miles of roads, keep them in order. The smaller communities ought to raise perhaps $4 per year in taxes. What are you going to do in such cases? There is no wealth amongst the farmers in Connecticut. Now, what am I going to say to those different people in those different places, except Chicago, where I am also interested? I believe at Princeton it would be unfortunate to have that $2 in effect. I thought, if it were
$1, we could work that with reasonable certainty on the basis of this recommendation. We have worked a great deal to get that additional possibility of raising the one-third of a mill, by a sixth of a mill additional. The thing has been discussed a great deal in the State on that basis.

What I want to say is that, in view of these different things, for propaganda purposes, I almost believe it would be better to make a minimum. You have noticed that in all of this discussion we have gone immediately to $2 apiece. They will take it as $2 apiece and they will think that they are getting too little for 50 cents. In Princeton I believe it would have that effect, and $2 would enable us to work with it as propaganda.

I am greatly interested in the resolution in the matter of adequate support for college and university libraries. I have been going into the matter of that expense a great deal lately, and, as we all know, the costs have been increasing more rapidly for college and university libraries than for others. I hope the committee is going to continue its research in this direction and I shall be glad to put at its disposal such materials as I have gathered in that di-
rejection.

MR. GEORGE T. SETTLE: One point that has not been touched on is the question of five volumes per capita. I have a shrewd lawyer on my Board and if I talked about $2 per capita, he would say, "You have not reached that five volume per capita yet, and I think you had better reach that point first." I think that very few of us have reached five volumes per capita.

MISS MARY E. DOWNEY: In some States the schools have brought about a settlement through the legislature for equal school service or amounts to spend per school child all over the State. In Utah the legislature provided $25 per capita for children of school age in every county in the State, no matter whether they lived in places where there was great wealth coming from the mines or other places where there was very little. It seemed to appeal to the legislators. It seemed to me that no great sentiment could be developed by propaganda, and if there are equal library privileges for all persons, regardless of whether they are in the cities or anywhere else, so much per capita, the whole thing to be equally divided, that it might bring about such a change as Mr. Ranck has presented, but I think the
idea of the levy of the tax is a thing that appeals to local bodies, county commissioners and the tax levying bodies.

It has been my experience also that where we have a minimum rate, we never can get beyond the minimum. It is very difficult in the small communities to ever get above the minimum if you have a minimum rate, but if we could develop the sentiment of equal library privileges to everybody, so that it catches fire, as it has done in giving equal school privileges to all the children of the State, we could do something in this direction.

Mr. Ranck spoke about salaries. There is a question of service, of efficiency in library service that we should never forget. The pay should be based on the quality, the kind of service, as well as on how much money is proper.

THE PRESIDENT: Is there any other general discussion? If not--

MR. RANCK: I would suggest that this matter be referred back to the Committee, to report back at a later meeting of the Council, to incorporate some of the suggestions that have been brought up here. So I move that this be done.
(The motion was seconded, and, on vote, was unanimously carried.)

MR. RANCK: I would be glad to have an expression as to whether there should be any of that preliminary statement put in with what I read, giving the reasons for the argument, or limiting it simply to the statement of our belief, and so forth.

MR. WHEELER: A preliminary statement could be made, including in it the figures from some of the communities, based on the tax instead of the per capita. It does not seem to me that it is going to be possible to generalize what a minimum tax should be, based on the population; but in my city and in almost every other city it has been my experience, in presenting these matters to the various tax levying bodies, it should be incorporated in a preliminary statement for use before our local appropriating bodies. We don't want to lose sight of the fact that we, as librarians, are meeting here and telling the world that we should get $1 per capita. If the librarians say that, naturally it puts out the impression that we are obviously interested. It seems to me that we might bring in some figures, such as Mr. Bowerman of Washington has made up, comparing appropriations
of schools and libraries. I don't remember his figures exactly, but he presented the figures four or five years ago to show that public libraries should get a certain proportion of the amount that the public school system receives in cities of various types. From my own experience in my own town, a statement to that effect has been wonderfully effective and it seems to me that in practically every city where the library is not up to the standard, such a statement would be very helpful, and something of that sort could be incorporated in this preliminary statement that you speak about.

DR. RICHARDSON: I thought we were coming to the point where, as the State helps the small community, in the matter of State roads and the matter of education, that the time had come to accord to the small communities their equal privileges in the matter of libraries.

MR. RANCK: That is in the preliminary statement.

THE PRESIDENT: There is a communication which I think you will be interested in which has come to the Secretary and I will ask him to read that.

THE SECRETARY: This is a letter from the National Association of Book Publishers, which the Executive
Board passed over to the Council yesterday to be read in connection with this discussion.

(The Secretary thereupon read the letter.)

THE PRESIDENT: The next topic for discussion is the subject of Copyright Legislation. The discussion will be opened by Dr. M. L. Raney, Chairman of the Committee on Book Buying.

COPY RIGHT LEGISLATION.

DR. RANEY: Copyright legislation is an old subject. There are those here probably in the audience to whom it brings up some painful memories. Without tracing it back to its European origin, it will be sufficient for the immediate purpose, if I say that the Author's claim to a monopoly of his product for a limited period of years is not only specifically covered by a provision in the Federal Constitution of 1787 and by a copyright law passed in the First Congress, 1790, but it had also been the subject of enactment by twelve out of the thirteen original States before the formation of that Constitution between the years 1783 and 1786.

Since the assembling of the first Federal Congress, there has been a more or less steady outpouring of legislation on this subject which has had
the steady tendency of increasing the number of subjects given protection and of fortifying the Author's rights; and yet there is a question, a very serious question, and it is one that involves the Nation's public morality, and it has been before us for less than eighty-four years. The question lies not in domestic authors' rights, but in our international relations, and here an unpleasant story must be unfolded in our national legislation. As long ago as 1837, Henry Clay, in the United States Senate, presented a petition, signed by fifty-six prominent British authors, headed by Thomas Moore, containing also the names of the poets, Thomas Campbell, Robert Southey, Samuel Rogers; G. P. R. James, Miss Edgeworth; both of Thomas Carlyle and others, appealing for the prevention of the piracy of their writings, alleged to be current in America.

Clay made efforts during five succeeding years, introducing his bill five times, to carry out the objects of these honorable petitioners. He could never succeed in getting any further than having his report ordered to print. From time to time thereafter, others important in the annals of state, or of letters, have made the same appeal to the national Congress, but without avail.
For example, in 1842, and again in 1852, Washington Irving, with others, made an appeal. In 1848 and again in 1866, William Cullen Bryant and others made an appeal. In 1852, James Fenimore Cooper and others made an appeal. In 1866, Longfellow and others made an appeal. On the occasion of both visits of Charles Dickens to this country, very great publicity was released in the effort to get this injustice righted, and President Cleveland sent to the United States Congress no less than three messages making a similar appeal, and in 1886, when the International Copyright Union was formed at Berne, he took the liberty of having an observer even at that early date, before the League of Nations controversy, in the hopes that the data brought back by such delegate would influence our legislation; yet to no avail. To use this record will seem astounding.

There has been but one difficulty in the way throughout this entire period, practically one preventing the consummation desired, and that was the typographical and cognate unions. What was it they objected to in giving the foreigner copyright protection in our midst as we give it to our own authors? This sentence, which occurs in the copyright law of 1870, is characteristic of our pronounce-
ments down to the year 1891:

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

Piracy was profitable, that was the reason. Among those who spiked Henry Clay's guns, for example, was a prominent law publisher of the City of Philadelphia, whose list of books was practically all English, and who, at the time of his appeal to Congress, and his successful one, was issuing a series called "A Law Library" of 104 Volumes, embracing 185 distinct English Works, without a single American author represented. Piracy was profitable.

In the year 1891, there was passed what is called an International Copyright Act, which purported to give the foreigner the right which we had thus far been denying him, but the powerful unions that had prevented any relief for a century drove a hard bargain, and that hard bargain was this: that in return for giving the foreigner his protection as to our own, he must have his work printed in the United States. He may have already had it printed abroad; he, of course, had to get the copyright there. He must do it over again, in order to continue the privilege that
the typesetters had had in the past. Nobody favored that, of those who were parties to the discussion preceding the enactment of this law of 1891 -- and the discussion ran very actively through the preceding five years, and again in 1909, when this law came out for overhauling and our entire copyright enactments were to be re-codified, the same hard bargain was driven, although at that time to the ranks of those who had been theretofore their opponents, there were actively added the librarians as well.

Now, the hard bargain, as hard bargains go, did not pay. It has not paid. They naturally, probably, expected that English authors, for example, would be so anxious to get American protection for their works that they would send here for re-setting, but the statistics of the United States Copyright office in Washington show that since 1909, about 3,000 English authors have registered in Washington and less than one thousand of this number have completed the process of printing in order to get complete protection. This is less than one per cent; and the percentage is completely negligible in the case of authors from other countries. The protection, therefore, has not been profitable. So, now they come forward to their opponents, actively represented at the present moment
by the Authors' League of America, and say "We agree to
the repeal of this typesetting clause in the copyright
law," but again at their price, and the price, this time,
is, "Support our *tariff* demands as laid down in the
Fordney bill, and we agree to the repeal." They urge
this. As given to me by the Secretary of the Copyright
League, they make it a *sine qua non*. At any rate, the
proponents, as we found in the tariff hearing last
Wednesday, before the Senate Committee on Finance,
were most actively the typographers, with the support of
the American Federation of Labor, the booksellers, the
lithographers and the toy-bookmakers, and as you now
know, the demand is that all foreign books shall be
placed upon the dutiable list and that that duty be raised
to 20% from the existing 15%.

Thus far I have spoken of the difficulties
that all have had with those who have gone into the
manufacture of books. I now turn to the question which
immediately concerns us this morning, and that is the
relations of those that buy and use books to the publishers.
When the design of the Authors' League of America to have
the typesetting clause repealed, on the basis of this agree-
ment of the typographical union, became known, the American
Publishers' Copyright League, which, the present summer,
has become the Copyright Bureau of the National Association of Book Publishers, met and passed resolutions on this proposal. To understand what that proposal is, I must turn briefly back again to the law of 1891. The bargain driven by the typesetters has been mentioned. There was at the same time, a very vigorous attempt made by the publishers to insert provisions which failed after a long and vigorous discussion and which failed again in the still longer discussions preceding the passage of the act of 1909.

The publishers sought, before 1891, before 1909 and seek still now, at the present moment, to make it unlawful for any person or institution to have the right to import a work copyrighted on both sides of the water, without the consent of the American Copyright holder. It has been asserted by the most active proponents of the publishers' measures, repeatedly, in the years of discussion, that preceded and followed this proposal, that the defeat of that design was surreptitiously effected; that it occurred late on the last night of the session preceding the enactment of March 3, 1891, without previous discussion in conference. That this is not true is easy to be proven from the Record.

In the Senate, on February 9 and in several other
Senator Sherman spoke as follows:

"Mr. President, let us go a little further. I say this is a stipulation in favor of the foreign author, the writer of the book, because it is to be presumed he has his book published in his own country, and he gets the benefit of the sale of that book wherever it is sold in our own country or in his; but it proposes to give an exclusive monopoly to the person who makes the contract for the publication of the book, and that monopoly is so exclusive that no book can be brought into this country except for colleges and institutions of learning, and then only in limited numbers. No book is to be brought into this country from foreign countries without the consent of the publishers here. Suppose an application should be made to the person who has the contract for the publication of the book here. Is he likely to consent, when that consent will interfere with his interests? It seems to me to require a citizen of the United States to ask Mr. Harper for the privilege of bringing a book into this country from England is a humiliation to which most American citizens would not submit. What right has Mr. Harper, because he has made a contract with a foreign author, to say whether I shall buy a book in England at the prices current there, subject to the payment of duty? It seems to me that the very limitation requiring the consent of the man who is most interested in my buying a book wherever I choose is a sufficient objection to this bill."

I need not go further into his remarks, which were extended. It is probably true that, in the period preceding the passage of this bill, the discussion of whether or not the importation privilege should be denied American buyers did not occur, but it must be remembered that the parties to the bill as presented were three. They were the publishers, the typesetters and the authors.
If the American Library Association was in existence at that time, it fails to appear in the record. One will read the pages of the Library Journal from lid to lid during the five years antecedent to the passage of this bill in a vain endeavor to find a single syllable uttered by any librarian. The public were not in on this deal. The deal was formed by the three parties financially concerned. One of those parties got his deal. The other two, when the purport of the deal became known, were squelched in their design by the publicity turned on in the Senate itself. The proposal then came to a conference committee and it is the contention of Mr. Putnam himself, that the bill could not have been passed had not that objectionable provision been withdrawn. When the 1909 bill came forward, five years of antecedent discussion once more took place. And so it can not possibly be alleged that there was any failure of publicity. Every conference was begun under the auspices of the Librarian of Congress and hearings were held every five years before the combined committee on patents, and this very question was extensively debated. As a matter of fact, the discussion of this question produced a very serious issue in the American Library Association itself, so serious that before the discussion was over, the
committee that had handled it first for the Association, was relieved of its duties, and another that would be more vigorous was put up in its place, and once more the publicity was turned loose and defeated the design.

Now, when, therefore, the present proposal for the repeal of the typesetting clause was vouchsafed, and vouchsafed alone by the Authors' League, the old Publishers' Copyright League published the following statement in the Publishers' Weekly of October 8th.

"In connection with the cancellation of Section 15 of the Statute which provides for American manufacture, a cancellation should be made of certain portions of Section 30. Under this modification, the substance of the section would read:

' That during the existence of the American copyright in any book, work of art, or musical composition, the importation into the United States shall be prohibited unless such importation is made with the consent of the proprietor of the American copyright... Resolved, that if the present statute can be so amended the publishers will be prepared to give their approval to the suggestion for the operation of the manufacturing requirement.'"

The Authors' League which intended to do nothing but capitalize the golden opportunity of the assembling of the Disarmament Conference, by accepting the offer of the typographers to the repeal of the provision, had to meet this objection of the publishers. The Secretary of that League, in personal conference, told me that though the
authors allowed the publishers to be their spokesmen in the two preceding controversies, they now see that the union did not pay and this time they wished an alignment with the librarians, and wish to say that they favor untrammeled importation or educational institutions of a single copy of foreign print, copyrighted on both sides of the water, and a single copy for an individual, after the payment of the duty, of course. Now, that that be inserted is the prevailing sentiment in the Authors' League, yet, so desirous is the League that this international disgrace shall be removed from our escutcheon, that they have entered into negotiations with the publishers, with the result that Mr. Bowker, negotiator for the Copyright Authors' League, has sent to me this text, which he should like to be regarded as the present offer in place of the publishers' just read. He does not say, in his accompanying letter, whether that has the consent of the publishers or not, but it is the action which he would hope we might give favor to. This is Mr. Bowker's proposal:

"That during the existence of the American copyright in any book the importation into the United States of any copies thereof, shall be, and is hereby, prohibited, except with the assent of the proprietor of the American copyright, subsequent to the registration of American publication and the deposit in the Copyright Office at Washington,
District of Columbia, of two copies of any such book: provided, however, that, except as regards piratical copies, such prohibition shall not apply:

(a) to any book as published in the country of origin with the authorization of the author or copyright proprietor, when imported, not more than one copy at one time, for individual use, and not for sale, or when imported, for use and not for sale, not more than one copy in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any stage, school, college, university, or free public library in the United States; provided the publisher of the American edition of such book has (within ten days after written demand) declined or neglected to agree to supply such copy."

DR. ANDREWS: "Publisher" means importer, doesn't it?

DR. RANKEY: I can give you some detail on that in a moment.

Provided the publisher of the American edition of such book neglected or agreed to supply such copy."

This text for the publishers does show a very considerable advance over the stated position which they have taken for the past thirty years. That stated position was that you could not import from abroad a foreign edition, whether or not that was the original edition of any work that was copyrighted on both sides of the water, without going to the copyright owner, not necessarily the publisher, but the copyright owner, and getting his consent. The copyright owner might be
abroad, he might be living at a great distance, he might be an infant, he might be in bankruptcy proceedings; he doesn't have to keep his residence recorded anywhere. So your only gateway to getting his assent would be to write to the publisher, whose name was on his book, and ask him if he would tell you what the name of the owner is and where he lives. His reply might quite properly be, "He doesn't desire to be bothered with such things." Then you are thrown back to the mercies of the publisher.

You do not in this case have to find out who the copyright owner is. You merely have to know who the publisher is, but your order for that foreign book, if copyrighted on both sides, must be sent to the American publisher. He can say whether or not he desires to supply and he must say -- that is quite an advantage -- he must give his decision within ten days time, but your order goes through him, and of course, upon his terms. You are not therefore, put in the position of being forced to do without the original copy if the publisher does not want you to have it. You can now get it, but you can still get it only upon his terms. Now, remember that this applies not merely to the foreign edition of an American author's work, but the foreign edition of the foreign author's work, if it is copyrighted on both sides of the water.
Before I go into further analysis, let me state the design of the Author's Act. It is very praiseworthy, the design of the Author's Act in getting this law repealed. It is not merely that we shall wipe out this national disgrace or of the declining to give foreign authors their due protection, but also that the United States shall now, at length, take its place formally in the family of nations and become a member of the International Copyright Union, as it is, of course, in the International Postal Union, that union that I referred to a few moments ago, when I stated that President Cleveland sent an observer to that union when that union was formed in 1886. Two or three other modifications of this agreement have been passed in the meantime, and it is now a going concern, with the only important large nations excepted being the United States and Russia. We have not in this case even the company of Germany outside, as we have in the case of the League of Nations exclusion, and one thing that keeps America out—the one important thing that keeps America out of that family is not the lack of desire of those concerned, but it is this typesetting clause, because the fundamental principle of the International Copyright Union is that when you copyright in one country, you automatically get
copyright protection without further ado in all the countries of the Union, without formality. There are certain other formalities outside of the typesetting clause, that prevent our entry, but they are apparently in a position where we could get around them. For example, we require registration, the publishing of notice and the deposit of copies. That is not required in the International Copyright Union, but an adjustment of that difficulty seems relatively easy to effect. The repeal of the typesetting clause is a major difficulty.

If this typesetting clause is repealed, and we do come, happily, finally, to become members of the International Copyright Union, the immediate effect is that when an author abroad takes out a copyright locally by complying with his own domestic law, he would automatically become the owner of the American Copyright here and would be entitled to all of the protection of our laws. Now, while under the life of the typesetting clause a very negligible percentage of foreigners did appeal for our full copyright protection, it may reasonably be supposed that the number of those who would form relations with our American publishers would go forward with leaps and bounds. The American publisher conversant with that golden harvest, wishes to make it impossible for us to get those
foreign copies except through themselves. It is a distinctly selfish proposal, because they virtually ask to become monopolistic jobbers. The booksellers, of course, are all against them, and any who buy books are against them. There is no reason in the world why an American publisher should stand at the gateway and be the only avenue of our approach to foreign buyers. He would be reaping where he had not sown.

In the Canadian law, there is inserted the proviso that while the institution can import quite freely without consent, the individual, in order to import, must get the consent of the publisher, or rather, he should give an order upon the publisher, who must obey it, but in supplying that order, it must be at the foreign price.

Now, what the American publisher would do if we gave him the monopoly of supplying all of our foreign books, it is very easy to be seen, when we see what numerous important ones of them have been doing when there is no such requirement. Those who have read the bulletins of the Book-buying Committee, have realized that certain international publishers have been charging enormous rates for their English issues, running anywhere from sixty percent (60) to one hundred and seventy-five per cent (175%)
additional cost added to the English price. A recent bulletin, whose text was virtually made up by one of those now in the audience, showed one definite invoice of English books which would cost, at the offers made by New York publishers, sixty (60) per cent more than they did cost gotten from a very well known English agent. What chance do you think we would have of getting the Buttons to bring down the cost of Everyman's Library from $1.00 a copy, if they were given the monopoly on copies brought from England as well, when the English copy now sells for two shillings six pence? He maintains it at $1.00 now, and eventually finds it profitable to keep that price, but that will be the price the libraries will pay if the publishers' provision should go through. $1.00 would be the price and not two shillings six pence. You would have no relief.

It is said by the proponents of the American publisher's measure, that America stands in a unique position, in that it fails to recognize the author's rights, or the rights of his assign to a foreign publisher, to parcel out the fields of sale and fix the terms set in those fields and prevent the crossing of them. When the hearings preceding the passage of the act of 1909 were going forward, the Committee on Patents asked the Librarian
of Congress to prepare a resume of foreign provisions on this score. In brief summary, these provisions were found to be as follows in the British law:

(1) The sub-division of copyright territory with a view to exclusive control, is recognized as a legitimate practice.

(2) Exclusion from British territory of foreign reprints thus resulting, is upheld and enforced at the instance of the British copyright proprietor.

(3) Such exclusion extends to the original foreign edition in favor of the British licensee and his reprinting where the importation is attempted for the purpose of sale or hire.

(4) Whether it would so extend against an importation merely for private use.

Now, that question came to adjudication in the year 1896 in a very important case known as Pitt against George. A certain German musical composition, originating in and copyrighted in Germany, was also copyrighted and printed in England. A certain English dealer bought in Brussels some copies of the original German edition and attempted the importation into England for purposes of sale. The question was taken before the Lord Justice and the right of the importer to bring in such original was
recognized. It was taken to the Court of Appeal and the verdict of the lower court was reversed, -- two judges against one, two for and two against as a total.

(Reading as follows:)

This involved the examination of two British acts, one of 1842 and one of 1844. The provision of the act of 1842 prohibited the importation for sale or hire of reprints made outside of the British domain, except as such importation shall be made by the British Copyright Proprietor or with his assent.

Importation prohibited of a foreign reprint of apparently a British author's work, if the purpose was for sale. The act of 1844 prohibited the importation of all copies printed or reprinted in any foreign country except that in which such books were first published. The judges held that the act of 1843 had not been superceded by the act of 1844, and therefore, the act of 1843 held, and the majority adjudged the word "Reprint" to be synonymous with "Print". But it is to be observed that they specifically said in the majority opinion that the case referred only to sale or hire. Justice Rigby, one of the judges that participated in the majority ruling, remarked that the act of 1843 "Provides only against importation for sale or hire. A book lawfully printed abroad might, so far as this act was concerned, be lawfully imported by the owner of it for his own private use, though
not for sale or hire."--

"And in referring to the International Copyright act of 1838 remarked that by it

"The importation of books otherwise than for sale, as, for instance, for hire, or for the private use of the importer, was not struck at,"

"And in considering the reasons for the enactment of 1842 said

"It may have been thought undesirable to go so far as to prohibit importations for private use from the country of origin, where many persons might be expected to purchase the book honestly and squarely for private use."

"Lord Justice Lindley said, referring to Section 17,

"This section, however, is confined entirely to printed books composed or written or printed and published in the United Kingdom. It does not apply to other books."

"And referring to both sections 17 and section 15, said

"Neither of these sections prohibits the importation for private use, but only importation for sale or hire."

So that the one case to test the legality of
importing for use into the British domain the foreign and original edition of a foreign author's work has not been adjudged, but the decision which would give the publishers the most comfort in this case carried along the opinion that the law did not apply in its prohibitory aspect to a copy imported for use. That goes back to British practice of 1842 and 1844 and as a pronouncement of the year 1896. Since that hearing and that statement of the British legal provision was made, a new copyright law has been written in England, dated 1911 and here is the provision regarding the point in question at the present time.

In sub-section 2, we read the following:

"Copyright in a work shall also be deemed to be infringed by any person who... (d) imports for sale or hire into any part of His Majesty's dominion in which this act extends any work which to his knowledge infringes copyright or would infringe copyright if it had been made into his Majesty's dominions".

What is prohibited is the importation for sale or hire. When penalties come to be named in that act, there is this provision in section 11, sub-section 1;

"If any person knowingly imports for sale or hire into the United Kingdom, any infringing copy of any work, he shall be guilty of an offense".

And so on... The provision of Canada, as brought out at that
hearing and in the Librarian's summary, I have already indicated, namely, to allow the libraries the free privilege of importing two copies, but placing upon the individual, the necessity of making his order of the Canadian licensee bought at the foreign price.

Since that act was quoted, Canada has, in the present summer, passed an act which now merely awaits the proclamation of the Governor-General, and the two provisions of the British law just read are copied identically, but to clinch the matter still further, the Canadian act inserts the following provision, in Section 9, sub-section 3:

"Notwithstanding anything in this act, it shall be lawful for any person: (a) To import for his own use not more than two copies of any work published in any country, adhering to the convention; (b) To import for use in any part of His Majesty's Government two copies of work, wherever published."

One will read the enactments of the entire world, if these reports as officially made at congressional hearings are complete, and fail to find any inhibition of the right to import for use anywhere recorded, and the question in the United States has never been, likewise, adjudicated.

I spoke at the outset of the fact that in America, the subject has been the basis of legislation
during our entire national existence. The provision in the Federal constitution, it is worth while reading at this point, article 1, Section 8:

"The Congress shall have power...to promote the progress of science and useful arts by securing for limited times to authors and inventors, the exclusive rights to their respective writings and discoveries."

The first act was the act published in the first Congress, of a bill introduced in the first session; but preceding that, as already indicated, no less than twelve of the original states had passed copyright legislation.

Now, it is highly important to have this colonial background to the first federal enactment in the second session of our national congress. Here is the typical enactment of nine out of the twelve original states that passed copyright legislation between 1785 and 1786, Delaware being the only one that did not pass copyright legislation. This is typical and I will read but one.

After allowing the author the monopoly of his work, the act provides that "no other person whatsoever, within the time granted and limited by this act as aforesaid, shall print, reprint, import or bring into the state, or cause to be printed, reprinted, imported or brought..."
that same proviso is inserted, virtually, in
the same words, in nine out of twelve of the colonies which
passed enactments. That is as follows:

"And if any person or persons within this said
time of 14 years as aforesaid, shall presume to print
or
for print, any such book, pamphlet, map or
chart within this State, or to import or introduce into
this State for sale, any copies thereof, reprinted
beyond the limits of this State, or shall knowingly
publish, vend and utter, or distribute the same without
the consent of the proprietor thereof in writing, signed
in the presence of two credible witnesses, every such
person or persons shall forfeit," etc.

It must be quite patent that the intention of
these three States was the same as that of the other twelve,
namely, to prevent commercial competition with the pro-
prietor.

Now, the first Federal act embodies phraseology
of the three instead of the nine. That act, it is im-
teresting to note, was originally introduced in the first
The first copyright enactment by the original colonies was by the State of Connecticut, and it was its text that I read as the enactment of the nine. In other words, the same state that gave us the copyright that allowed importation for use and not for sale, produced the Statesman that introduced the first bill in Congress, which, after amendment in the second session, became law.

Now, that Congress' understanding of that provision was the same as apparently the antecedent colonies had been, is shown very interestingly by the next chapter. In the seventh Congress, 1802, this first act was extended to cover certain subjects not covered by the first act, and its official title is this:

"An act supplementary to an act, entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the time therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

The Congress of 1802, extending to engravings, the protection thought to be perfected by the act of the first Congress, allows importation for use.

Librarians can, without any sense of shame, whatever, in the face of the enactments of the world and of International practice, and of some of the best
commentators on International law, adopt the resolution which I am shortly to present, which will continue to allow the librarians to import for use, and to the private student to carry for use, a single copy of a foreign edition of any work without asking the consent of the American proprietor.

The resolution is as follows:

(Insert Dr. Haney's resolution)

In conclusion, let me read once more, the provision of the Federal Constitution, which we are supposed in this case to be supporting.

(Dr. Haney again read the provision of the Constitution heretofore set out.)

The purpose is stated to be "to promote the progress of science and useful arts." That progress is supposed to be secured by holding out before the author a financial emolument and the opportunity of circulating his thought. If the American library or the American individual imports for his own use from abroad, a copy of a foreign author's work, is he harming that author whose interest the Constitution alone seeks to secure? That author gets a greater royalty on the copies sold to us through his local agent, than through one here. Are we harming his business assign, the publisher, who undertook
the original venture there by having the copy come from him rather than from a large jobber on this side who reduces the author's royalty by importing an edition of one, two or three hundred copies and keeps the bread out of the mouth of the bookseller, the normal go-between?

MR. ANDERSON: Mr. President, I move the adoption of the resolution offered by Dr. Haney.

THE PRESIDENT: The provision made is that this shall be discussed on the other side this afternoon, by Mr. Melcher.

MR. ANDERSON: Just get the motion before the council, so that we can discuss it.

THE PRESIDENT: It is now a quarter of one, we are supposed to have our afternoon meeting at 2:30. It would seem to be the sensible thing to do now to adjourn and take this up again this afternoon.

(thereupon, upon motion, the meeting stood adjourned until 2:30 o'clock P. M. of this date.)

SECOND SESSION

2:30 o'clock P. M.,

Thursday, December 29th, 1921.

The meeting was called to order by President
Hoot, at 2:30 P. M., pursuant to adjournment.

THE PRESIDENT: Ladies and gentlemen, the discussion that was opened this morning by Dr. Haney on the copyright law, will be continued by Mr. Frederic G. Melcher, Secretary of the National Association of Book Publishers.

MR. FREDERIC G. MELCHER: Mr. President, in one respect, I ought to correct you, in that the invitation to speak did not come to me as the National Association of Book Publishers' Secretary. I happen to have two or three personalities, and the invitation extended by the Program Committee was addressed to me as the Publishers' Weekly, of which I am Managing Editor. I explain that because I rather doubt whether the publishers would have selected me as the delegate. I know that you should have the most authoritative statement from the publishers, but as they are not present or as Dr. Bowker, who could, to my mind, more efficiently state the case, could not come, I accepted the invitation as an individual interested in this problem. I will explain also, in case the rumor had gotten around, Dr. Haney wrote that he was going to get after the copyright demon, whoever that is (Laughter). I presume Dr. Bowker is safely protected by one thousand miles. To use his phraseology this morning, I ought to
be compared with "the Observer", now so popular in American affairs. I happened to be stationed where the most excitement was going on, and I, in such capacity, continued these varying contacts with people who have been decidedly interested in both the theory and the process of copyright. Being near them, I know that, to the minds of many, it means contamination. I would like to be quite emphatic in denying that. Of course, my whole training has been in another camp, not yours, not the publishers, but in the last three or four years I have been thrown much closer to your group and closer to the publishers, but still I am in the book-selling camp, and specifically interested in anything that means the healthy distribution of books in this country, or internationally, and from that ground, I speak with interest.

If objecting to any part of the reservation, I should object first to the entire slant given to the argument that the people with whom I happen to be associated as publishers are to be decried as not being interested in the common welfare or not approaching this matter in any other way than in an endeavor to get a bill fairly. I believe, if no other part of your resolution is changed, that some of that slant should be eliminated, and it should have been eliminated from previous
documents.

At the forspart of the copyright discussion, there have been naturally three or four phases. The bill as now drafted, which Dr. Raney quoted and which is to be presented to Congress immediately for further discussion, that will be brought there, has been, as I have seen it, there may have been others -- have been under discussion for several months, ever since the first of July, when it was given out from the Printers' Association that they would agree to the elimination of the manufacturing clause. For three years I had heard nothing but that debate and we were very fortunate in having reached the authority in the printers' field, the man who took a very broad view of this and presented that subject ably before his constituency. After that was accepted, the discussion has been going on rapidly.

Dr. Bowker told me, writing from Glendale this summer, that Mr. Solberg had been there, and Mr. Schueler, and that he had been in correspondence with Major Putnam. If the bill to which the Association expresses our position in one detail is to be found wanting in that respect, it has, at least, passed the examination of that interested group, the group that would be far more able to explain it and defend it than I would be.
I believe thoroughly, from contact with other men, that the reason that they have agreed on it is not because of any pressure or any bargain driven (quotation marks) but because those men believe in its justice and soundness. There is no other way in which a bill could pass the chief in my office except on that ground.

In referring to the former argument on tariff of 1891, the notes of the morning will say that the libraries were not at that time in the deal; therefore, the public was not in. In continuing, I deny that suggestion, that because the libraries were not in, the public was not in. The result of 1891 was a long, hard fight by public-spirited people, and from all that I can read at that time, I give all acclaim to the copyright bill that was put through, and because it was put through was because the people did have the interest of the people in mind; it does not follow that they have never been represented, as early as 1891.

I call attention to the fact that in the various arguments, which we have just had in Washington, is the question of doubling the duty on books by means of American valuation, which means a higher price for the general public on books. If the libraries consume 10% of the books, it means an increase on the other 90%.
the booksellers and others united in protesting against that.

The statement from the Library Committee was the argument in the case of the general public may or may not be pertinent, but in the case of the libraries, it is obviously unfair. We should have all been together in that argument. If we are to represent the people, that was the peoples' interest, because nine tenths of the books that would come over would have been affected by that.

I refer also to the morning notes, to the repeated reference to the Constitution. I am, I believe, as respectful of the Constitution, as any one, but I believe we have made a mistake both in introducing it in the argument and in the text of the resolution, for this reason: The situations in the book trade, in the distribution of books in 1789 were quite different from 1911; so the conditions in transportation, so the condition in other modes of distribution. The trouble in bringing it in now is that we are carried over the same phraseology. The Constitution, as read, spoke merely of the author's rights and the resolution speaks merely of the author's rights, forgetting that 50% of the books that you enjoy using were not conceived by the author, but were conceived
by other people than the author, and that is the case over and over again. It is the proprietorship, the conceiving mind, the imagination that we want to protect, whether it be an encyclopedia, that took an organizing mind to put out, like the dictionary, or a series of books like the Statesman series, or the books for children, or books on science or anything of that kind. Let us not, when we speak of authors, use that in the specific term, because if the creative right in books is of interest to us, whoever creates those rights has an interest; and in bringing down the references to the Delaware constitution or what not, we are bringing down phraseology that does not pertain today. To illustrate that: the author's rights, if protected -- if we could go back to that happy day, how happy the author would be today, -- the author has the movie right and the dramatic right. The rights have gone to the authors, and there has been a discernment on the part of the publishers in losing those rights. If the sub-division of the rights of creative property have gone into a new era, it may be there have other subdivisions of advantage to the creative mind, to its gain, and it is for that that we have to disagree as announcing this resolution.
I want to say that it has been my business and my pleasure to read internationally all book trade periodicals from Australia to England and from Berne to Canada, and every little slant about ethics in publishing has stung me as much as anybody, and I have argued or done anything that I could to get that International mind thoroughly interested in a small way. If there is any enthusiasm that we can put back of this entrance into the Berne Convention, I am for it from the ground up.

There is just one element that makes this effort a little more crucial than some of the others. This is the first time, under the Berne union, that two great literary using and literary producing nations of the same language have made a copyright arrangement — two great literary producing and literary using nations — and the relations between those two nations are to be examined with a due interest, because that condition has not come up before. In the thirty years since 1891 there have been quite a number of changes besides the one in the 100 years period, in 1891, very shortly after that, there came into the book business, what was called a classic, or a book on which there was no copyright. I remember in the book trade, that we had a good many regretful buyers,
who begrudged the fact that they were to be gradually shut out from a contact with the classics, the last days of Pompeii and books of that nature, that could be put into the 50¢ series. The public objected to that.

Gradually, what we call classics has been closed in by copyright, so the public does not have the right to buy what they want and when they want it. People have been saying "Why can't we have an edition just as we want it, of "Captain Courageous?" Well, copyright has covered the rights to that. You can have any edition you want of "Soldiers three", -- no copyright. The fact is that restricting the area has produced the condition for the producing of the literature.

On the territorial rights we have been bound around by the manufacturing clause that made it almost impossible for the English author with a large possible sale to do otherwise than manufacture in this country. Here comes the argument which the Berne authorities state as being the right of publication territorially.

If it is not an advantage to all people, it should not have been built up. It is pretty thoroughly built up. I believe that it is an advantage to the creator to have such an arrangement, and advantage to the public, and I
believe it is a great advantage to literature. I cannot quote very many statutes about that. I will simply quote from one. Perhaps if you read the comment of Dr. D. L. Hothersberg, of Berne, surely a disinterested party, on the subject of copyright:

In seeing the first announcement of the fact that the new bill had been drawn over here, he wrote:

"The claim of the American publishers amounts to this: that they demand the effective exercise of the right of publication, territorially shared. We have suggested the same solution to the Canadian legislature in our comment on the new Canadian law, as the best means of safeguarding the Canadian legislation, and this may be conceded equally, namely, the supervision by them of their own market whenever they obtain from the author the right to publish an edition overseas."

The American publishers claim as compensation for the giving up of the manufacturing clause, a provision in effect, as long as there exists in the United States, a copyright in a book, its importation shall be forbidden unless it is done with the consent of the owner of the American copyright.

Now, to refer to the bill briefly, and why it
has seemed to those who drew it, to be both just and in line with the best copyright legislation:

In the first place, it provides for repeal of the manufacturing clause, in which we are all agreed. We hope the printers will stay agreed. They haven't said otherwise. It abolishes legislation. This, if we had the registration clause, might keep us out of the Berne convention. If the thing is properly copyrighted in England, it is copyrighted here. It protects present contracts. That is a clause which it was difficult to draw, but about which I think there will be no disagreement.

an effort to give power to continued copyrights, the investment in which was fairly entered into. The only part, then, under discussion, would be the right of the originator of the book to give territorial rights.

On the books of American origin, there is no provision for the English edition or edition coming in here, the question comes up, what books of foreign origin -- and naturally there is only one market vitally concerned in this, and that is the relation of the English market and ours, as Dr. Baney pointed out --

DR. ANDREWS: We buy 40% of foreign language books. Why is it of no interest to us? This would apply to
French, Spanish and everything else. In the way the bill was read to us, we have no control over the prices whatsoever.

MR. MELCHER: on the Booth talkington book, what control have you over the price?

DR. ANDREWS: I am talking about English books.

MR. MELCHER: It is a fatal thing that there can be no control over price. We can control the price of "Soldiers three", because there was competition, but we can't control it on "Captain Courageous."

DR. ANDREWS: I object to your statement that the English market is the only one that concerns the market of this country.

MR. BISHOP: Isn't there a provision in the act as it stands now for the registration of American copyright and does the matter of importation apply only to such works as are registered in America?

MR. MELCHER: Yes, I am coming to that.

MR. BISHOP: Would that not possibly throw out the books which are not profitable to the publisher?

MR. MELCHER: All French books on which there is no general market here would not be registered and would not be protected by custom house protection. The clause which Dr. Haney pretty clearly explained is this --
DR. ANDREWS: I am sure you said that registration of
the International Copyright Union would automatically
give copyright here.

MR. MELCHER: Yes, sir, it does, but I haven't said.
custom house protection. I was coming to the question
of customer house protection, which is different from
copyright. They are all copyrighted. I think Dr. Haney
made that quite clear. There are two things there:
there is the copyright, which has got to be International,
and of which there is no registration. Dr. Solberg was
very anxious about the registration and deposits. If
we had registration and deposit, it would be advantageous
to all of us, geographically. If it did, it would keep
us out of the Berne conference. That was a difficult
point. As Dr. Haney explained, the books which are
published in this country or which are of American origin,
are of foreign origin published in this country and
registered --

DR. ANDREWS: What is the definition of "Published?"

MR. MELCHER: For instance, we get out copyright in
England by publishing a book over there. It means put-
ting a quantity on sale --

DR. ANDREWS: Five copies, I think is the decision.

MR. MELCHER: The English have no restrictions, I think.
DR. ANDREWS: That has been decided in the courts.

DR. RANEY: The British Museum must have one.

MR. MELCHER: It has to be put on open sale in some book store in London, and I will give you the bill -- I have it here, if I have not been clear on that.

Let me return to the English market. There are, I think Dr. Haney's figures are very interesting and pertinent -- there are perhaps ten thousand books published in a year. The figures previously gathered were an extremely small number of one per cent were finally completed in copyright and 7% registered ad interim, but not completed. Suppose that there was more than that number of increase, although the tendency would be the other way, our market is going -- suppose there were five per cent of the English books that were publishable over here; that would be 5% of 10,000, or about five hundred books which would be of English origin published in this country, published in defense, the bill says. The whole ten thousand are copyright in this country. Don't let that be confused. The whole ten thousand books published in England are immediately copyrighted in this country.

DR. RANEY: That is protected against piracy?

MR. MELCHER: Yes, protected against piracy. They are
not published here unless somebody undertakes to publish them. If these figures are right, there would be five hundred books. That five hundred books anybody can bring into this country. They have never been published over here, ninety five hundred out of the ten thousand. I went through the publishers circular recently to find out if that checked up on recent books, and there was not five per cent there published over here. It is rather startling to see that our books are so different. The libraries are largely interested in the scientific and technical books. A great number of them are never published.

DR. ANDREWS: MacMillan's have a great many titles which are not published in that five per cent (95%) but will they not under the bill be subject to their control?

MR. MELCHER: They are subject to the English house control, but no one overhere can prevent you bringing them in.

DR. ANDREWS: That is the whole thing.

MR. MELCHER: Listed and promoted --

DR. ANDREWS: MacMillan's house, as we know, is one of the worst profiteers in the business, and will not Brentanno make arrangements with the French publishers in the same
MR. MELCHER: I am open to correction on my 5% statement. If 5% come over here, the other 9500 can come in. You can raise it in any way you please, but still the argument, I think, is sound, and the facts are sound. They were suggested to me by Dr. Haney this morning.

MR. WELLMAN: Is there a big difference with the manufacturing clause out?

MR. MELCHER: The manufacturing clause would govern the other way. Suppose Newlands has an Outline of Science. Under the new law, he does not have to, for future protection, look here for a publisher. He can promote it, distribute it, and do everything from London. If he has a sign book on classical antiquity, he knows the market; he has certain educational lists. Why should he search for an American publisher? He does today because of the manufacturing clause. The feeling that I have is that it will work the other way. He knows he has his market and he can market it right there. The tendency is the other way. Why should he search for an American agent when he can market it from the other side?

MR. UTLEY: Would that give one a chance to break down the price, if it were manufactured in one country instead of two?
MR. MELCHER: I shouldn't think so. It would mean about the same thing. If the English publisher covered the market thoroughly, which is expensive -- I mean that marketing costs are expensive -- it costs more to get books into Oklahoma than farther east. Their distribution costs more money.

The feeling against American books going to England is rather strong at this time, but I think that will die down. It is based on economy, which I think affects us all. There is a strong feeling against everything of American origin over there, for export into this country, but I am quite sure that is not national. It is an employment angle, which I think will cease soon.

I want to bring up in connection with that, just how it would strike certain other aspects of publishing. If there are others you think of which I have not thought of, I would like to speak on them. I do think, in referring again to the beginning, the conception of books is of interest and value to protect as well as the authorship. I should like to speak, for a moment, of a biographical series which an American publisher conceives he feels the need of and feels there would be a market over here. In two seasons of trips to London, I found the Right of the Editor -- and they all
invested in it, paid a lump sum for each book -- the conception of the series, the promotion of it was with the publisher -- and we all enjoyed the series, bought them liberally; yet there is an ethical right for him to have the reward of his efforts, which does not pertain without some protection as this, to quote Dr. Raney, "The publisher reaps where he has sown not".

Well, he had sown. He had supplied the imagination and interest. Take the Encyclopedia Brittanica, of American origin. It was promoted by Americans, printed over there. They had the right to the American market by any sort of ethics. This is not a question of exclusion, but like any other question of profits. If I bought a square mile in Gary and the community came and said, "We want a school house on the corner", and put a school house there, it would be a good reason for my objecting. "It is not a good place for a school house and not in the interest of the community."

Here the author has a laid out property by the conception of the book. He says, "You, Mr. Publisher, may have the American territory because it is to my advantage. There will be more interest in it and the thing will grow, and no one, not even the representatives of the republic, have a complete ethical right to say,
"We want to put something on the corner and it is not worth while to ask you why". I think that is somewhat to the point.

As to the obtaining of the five per cent., the first thing you will say is, "It is some trouble." I might say I don't know anything about getting books out and getting them distributed that is not some trouble. If the ethical right of the conception of the book is as it is, if he has a right to enlist the enthusiasm and interest of some one to make it go in this country, he has the right to give that privilege to some person or house, and it may be the house that conceived it. The thing is absolutely sound on that basis, and I believe that we will get better books, will get more of them, if we have people of entertaining interests promoting the sale in this country.

You might say, "Here is a book for sale in England and we will bring over 35 or 50 copies", but if intensely believing that we want that book over here, 500 will be brought here. The only channels to sell through are publishing and other methods of distribution. You might step aside and say, "All right, get the 35 over and let the others go", but
you can't get them over without knowing what publishing means. That is the intention of this bill that five per cent. and not the other ninety-five, but to see that the whole country shares in it and is interested in it and gives the originator the rights for a hearing in this country, and without those rights of a hearing the individual who deposits in a few certain places is not the whole of the book distribution.

MISS E. A. GRADY: You started to work out the distinction between the courtesy of International Copyright and the evidence of American Copyright at the Custom House.

MR. MELCHER: I slipped there. This is the bill -- it is the welding together of two interests, Mr. Solberg's interest. He was keen from the start to have deposit and registration. It makes things accurate and gives actual dates. With complete registration you can't go into Berne(?), and that was an impasse, because with complete registration for French and Italian books, you can get copyright; so it was agreed that all books published in this country must be deposited; all books published in this country of American origin and all books of foreign origin must
be deposited in Washington, and that deposit is the list on which American publishers have the market for this country. Is that clear?

MR. GRADY: Can the Custom House clear any of these books which are listed?

MR. MELCHER: No, the list which Mr. Solberg makes books of foreign origin, will be the Treasury's list, and until they get that list they have no interest in it at all. Up to the time that somebody takes the market and deposits, then that is the Treasury's connection with the Custom House.

DR. ANDREWS: Does the Bill make provision for the increased clerical force necessary under this? It is evidence that every importation of foreign books will be held up if the Custom House is going to check each one to see which is on the list.

MR. MELCHER: Those who have considered it seem to think that will be well taken care of. In getting books circulated, we have had to get ourselves bound around somehow. We give exclusive rights under copyright and it bothers us somewhat. Librarians say, "Why can't we get a fifty cents edition?" The only way to get creative force is to be bothered about it.
The only way to get creative interest in this country is to be bothered about it. The reference library wants to get books to all of the people all of the time. In Chicago you instinctively subdivide interests; the territory is subdivided instinctively.

MISS MARY E. AHERN: In what way is the importation by libraries of books free of duty going to impair the sale of those that are in the legitimate trade channels?

MR. MELCHER: Free of duty?

MISS AHERN: Yes, cancelling the present privilege that the libraries have of importing books for use and not for sale. How is that going to affect those other 9500 books that you said you want to come also?

MR. MELCHER: There is no favor in having the duty on books. I don't want to get into the tariff argument. As a book seller, I feel somewhat that the libraries could bring them in duty free and I could, but I don't believe anybody has proposed putting the duty back on. No one went to the Washington hearing proposing to put the duty back on, and it is now practically double what it was five years ago, without the American valuation.

MISS AHERN: Does not the tariff bill cancel the privilege of the libraries in bringing in books free
of duty?

MR. MELCHER: It has cancelled several things, but I am entirely on the other side of that, as you know. The publishers were represented there. We don't want foreign books, but the printers are on the other side.

MISS AHERN: If we don't have that privilege, that means that we must go to these copyright owners to get the books. It seems to me there is a relation there — I may be wrong —

MR. MELCHER: Here is the relation, that the library has an advantage, a proper advantage, over other people in bringing them in. For instance, under the present law, a librarian here can bring in an English book, not as an individual can bring it in. Mr. Holt, who paid $3,000 to have it written, can not bring it in, and he paid the whole royalties. The royalties are often paid in toto. The argument that the author continues to get a royalty over there does not hold good, because a flat royalty has been paid and the American publisher gets the royalty rights.

MISS AHERN: I was quite impressed with Senator Sherman's statement this morning, that it is un-American to ask anybody for the privilege of buying
anything that we can pay for. Now, if we can't import our books free of duty, as is the custom now, then that throws us back to the question of what we can get that the owner of the copyright in this country doesn't get?

MR. MELCHER: Yes. Well, would it be a fair question -- I want to be fair -- to ask, if you wanted library cards in Canada, you would pay fifteen cents, three cents a pound plus fifteen cents ad valorem.

MISS AHERN: I am not conversant with that, but I do know about the book.

MR. MELCHER: I know about the other things. There is no exception to libraries as to the other things that you buy.

MISS AHERN: I am talking about the ownership of the copyright.

MR. MELCHER: I am sticking to the library purchases; that the library has an exception on books which it does not have on other things, and no one is arguing against it, and I think Dr. Raney would bear me out in this. There is an exception, as Dr. Raney says. Those opposed to the letting down of the duties are the
printers. There are other ticklish conditions in Canada. They have a manufacturing clause, or they drafted it into a bill passed July 1, and it will go into effect at any time the Minister orders, and it has not gone into effect yet.

DR. RANEY: Is the manufacturing clause retained in the Canadian law?

MR. MELCHER: It is a license clause, which means you must manufacture up there.

MISS AHERN: I have not got an answer to my question.

MR. MELCHER: I have answered, and we are all on your side.

MISS AHERN: If we gain on the copyright point, doesn't that put us in the position of importing books in the hands of the owner of the copyright?

MR. MELCHER: First let me say you lose on the copyright. The publishers now have a manufacturing clause which is valuable, which they cheerfully give up because the whole discussion is led by those who believe we should think internationally minded. The publisher wants a fair clause and will take the International Copyright—
MISS AHERN: Yes, I am international, but I still think that we would have to ask the owners of the copyright to bring in the books.

MR. MELCHER: If you want to buy "Alice Adams" you will have to ask the owners of the copyright. You can't get around it. You can't bring in a Canadian edition.

MR. SMITH: I would like to ask a question. The statement of the viewpoint of the Bureau of Copyrights is in the form of Dr. Raney's resolution. Is that substantially correct from your viewpoint, the Bureau of Copyrights? "And the book publishers went on record at the last session" (quoting) -- he then put in parenthesis -- "except American copyrights." Is that practically a correct statement?

MR. MELCHER: I think that is correct. I don't recall that exactly. Immediately discussion began, almost the next day, about this, what I call 95 per cent., that group of books that were not published. If that means complete elimination of the English editions, it is not the attitude that was taken.

MR. SMITH: I think that a book -- under the Berne Convention, any book will be copyright in this country, is copyrighted of itself. Then the question is, is it
copyrighted? I ask this as a pastorate. Suppose a German publisher issues a new edition of \underline{___________}; suppose that publisher enters into an agreement with a New York dealer to take 500 copies; the New York dealer's name is put on the title page in Germany as the American publisher; then that book is registered in the United States, so that it gets Custom House protection. Does not that book, in the American market, depend absolutely upon the arrangement between the German publisher and the American publisher? Then we would not be able to import the German edition, and Brentano, entering into such an arrangement, becomes the publisher of French books. Territorially he would absolutely control the market here and the question of library importation, and isn't that a case where the foreigner publisher is going to be very much interested in protecting his territorial right and there would be a division of the "velvet"? The cost, of course, of changing your title page and printing that signature for a small edition, anywhere from 30 to 500 copies, would be very slight. Whether it is in the English or a foreign language, it becomes an American publication,
no matter where it is manufactured.

DR. ANDREWS: At what price?

MR. SMITH: He could make any price that he wished.

MR. MELCHER: Yes, he can make "Alice Adams" $3 in price if he likes.

MR. SMITH: I am speaking about English books. Don't we have an illustration in the price of English books today, not American copyright edition, but the price usually is made in England, what the traffic will bear, and when brought here the price is made what the traffic will bear. With an English book published at 32 shillings, we are surprised some times to see that that book is priced lower here, and on a book that I saw a few days ago the English price is 28 shillings and the American price $35.

MR. MELCHER: The whole theory of copyright is giving somebody some power. I would like to have it borne in mind that I have been on the side of the publishers as a bookseller.

DR. ANDREWS: Kindly tell us why we should give it to the American importer. That is the essence of this whole discussion.

MR. MELCHER: The first book that I see here (in-
dicating) is "Sellers of the State". The author thinks that he has something that he wants to market. He wants to be heard. He can best be heard by what the authority in Berne calls the "Territory of distribution". He wants somebody to push that book over here. If that book is not pushed over here, 30 or 40 libraries will see the title and order it. If the author wants to push it over here, his publisher will sell over here 500 copies of that book. In that he ties his hands, but he does himself good, does his audience good and builds up a clientele of other readers.

MR. ANDERSON: How about the bookseller publishing it himself, getting it out?

MR. MELCHER: The bookseller does not get it out. He does not stop the comment that brings out interest. The most insistent demand is for creative interest in the book. Publishing has got some motions to it besides the putting of things into a book.

MR. ANDERSON: That is publicity, too.

MR. MELCHER: If he tried to cover this, his expenses would be larger than having an agent over
MR. WELLMAN: There is no doubt, when a man creates publication he secures for himself the proprietorship of copyright, and he has all the rights that adhere to copyright. Now, what your argument comes down to is the owner of the copyright shall not only have the right to say which manufacturer shall sell the book, but which manufacturer shall sell it in different territories. That is not a question of abstract right, but a question of expediency. You say that now it should be national with a proprietor that copyrights shall show who shall market in England and who shall market in the United States and so on, because it is to his advantage. You can logically carry that further. If it is an advantage to subdivide the territory in that way, it would be equally to his advantage to subdivide the territory further, so that he shall have the right to sell in Massachusetts or New York and carry that on down to individuals. If you want to sell it to an individual who must have it, you can sell it to him, and you can sell it to a university. That question can be carried out to any extent. To my mind, it is a matter of pure ex-
pediency, pure and simple, not a matter of abstract justice. It seems to me the broad right which is given by the copyright to say who shall market the book is sufficient and it certainly is not
expedient as regards libraries to limited territorially
libraries are in a class by themselves, because they
are learned institutions and they are used for the pur-
poses of scholarship. That is a good deal of weight to
the question of expediency. Practically it makes an
enormous difference. We are all read the foreign
periodicals and English periodicals. As soon as we see
a book, we send an order for it. Under the proposed
copyright law, we should never know, without con-
siderable research whether we have a right to import
a book. We think that libraries are entitled to consider-
ation in that line of copyright. I think the resolution
should be accepted and pushed.

MR. MELCHER: The sub-division is not on the part of
anybody proposing the copyright. It is on the part of
the owner, if he thought it was an advantage to copyright,
so that the Connecticut fellow would have a distributor,
it might work out.

MISS BRADY: In regard to the so-called International
Copyright law, what you really have is an International
Copyright courtesy. If a copyright is taken out in
Germany, the copyright law of Germany will be enforced
in this country. What we propose to do in this country,
is to put on our statute books, a copyright law which,
by courtesy, will be enforced in the other countries of the Berne Union. So that this other point, then, in a measure, answers what Dr. Andrews said and Mr. Smith said, that the mere putting of notice of American publishers on the German or French editions will not secure copyright in this country. As far as local registration is concerned, they must do something in this country to effect a right which they can uphold in the courts.

MR. SMITH: Take a German publication, which would have as large sale in America as anywhere, would it be possible for a New York dealer to buy five hundred copies on which his name appears as publisher, have it duly registered at Washington --

MISS BRADY: Our statute would provide that he had a monopoly in this country, and in the protection of that monopoly, he would notify the custom house that that protection existed. So that we have at the present time, contracts of monopoly.

MR. SMITH: If we have copyright in this country, how do you get a monopoly?

MISS BRADY: Because it is contract monopoly, the courts will decide properly that it is simply a method of protecting a monopoly which might be protected by
contract. The thing to look out for is that the International copyright is a question of courtesy.

MR. BISHOP: The proposal is to have the United States become a party to the Berne convention, as practically all of the other civilized nations of the world are at the present time. The objection that we have as librarians is that our present privilege of importing books of foreign origin into the United States of America, at the foreign price, at such price as we make to our foreign agent is curtailed or removed. It is not removed except in the case of a certain minor per cent, whether that be an actual fact or not, of the total number of books published in those languages, there are certain provisions for publication. That is correct, is it not?

DR. ANDREWS: Did you say "Minor?"

MR. BISHOP: A minor portion of the total.

DR. ANDREWS: Mr. Smith and I have agreed that it would be a major portion.

MR. BISHOP: The question that presents itself to the council is practically this: As librarians, custodians of public funds, we are bound to spend our money to the best advantage of the respective communities. Is the game worth the candle? Are we losing too much to permit us to endorse the proposal to go into the Berne convention?
Are the conditions which surround it sufficiently detrimental to the librarians' interests so that we should oppose it? That seems to me to be the question.

MR. WELLMAN: Is it essential, in going into the Berne convention, that copyright editions be prohibited copyright in this country?

MR. MELCHER: We started to get the printers in line -- I should say "we." The first thing was to get the printers in line and then to get a bill that could be presented to Congress by those who took the initiative. I suppose those who took the initiative were self-appointed in a way. Mr. Schusler did hard work. Mr. Bowker did the drafting. The bill, as presented, is agreeable to them. The bill now goes to the floor of the House. There is the situation of the printers, if it can be presented unanimously, without opposition on the floor, I should think it would go through. With opposition on the floor, I should say it was rather doubtful.

MR. WELLMAN: It is impossible to go into the Berne convention without that?

MR. MELCHER: It is impossible to go into the Berne convention without a bill, and the only bill in sight is this. It covered the two principal points in the Berne convention, the limitation of registration and the manu-
facturing clause. Those two things must be in the bill to get into the Berne convention.

DR. ANDERSON: I think every member of the Library Association is in favor of copyright for the protection of authors everywhere. Personally, I would go further beyond the realm of practical politics. I am in favor of free trade in books everywhere. That is not the question before us now, but I think it ought to be understood that we all are in favor of the Berne convention, the copyright for protection of authors everywhere. Personally I am in favor of Dr. Haney's resolution. It does not seem necessary to inject into it merely a tariff privilege for booksellers and publishers.

THE PRESIDENT: A letter has been received from Mr. Bowker, which, perhaps the Secretary might read at this point.

(The secretary read a letter received from Mr. Bowker.)

MR. SMITH: I would like to ask Dr. Haney a question, on the matter that we are speaking about. Do other countries show anything similar, for instance France and Belgium, books published in Brussels and there are foreign editions, do you know whether a Swiss publisher has an outlet in Switzerland of the German editions?
DR. RANEY: That I thought of referred to in a country
MR. MELCHER: I have a draft given to me by Major Putnam before I left New York. This is his statement as Secretary of the Bureau of Copyright and not my own statement. I think part of it bears on one of the questions here asked.

(Mr. Melcher then read the statement referred to contained in a letter which he handed to the secretary.)

DR. RANDEY: To insure brevity and to secure clarity in this final statement, I want to read the following four lines as the condensation of the publishers' argument made by the most competent of them in this particular field. It was submitted by Mr. George Haven Putnam during the tariff hearings of 1908 to the Committee on Patents (Heading as follows):

"The simple question at issue is whether the purchaser of an American copyright of a work is to be protected under the law in the value of that which he has produced? The statute, which does not secure to the purchaser, the control and the advantage of that which he has purchased, secures neither copyright nor justice."

The answer to that statement, likewise briefly given, which was regarded as overwhelming and cogent with the committee and made up its unanimous decision finally, was thus submitted by Mr. William Allen Garner appearing...
in his own right before the Patent Committee.

"The publisher's argument states that the simple question is whether the purchaser of the American rights is to be protected in the value of that which he has purchased; and a statute which does not protect him secures neither copyright nor justice. This is one of Mr. George Haven Putnam's favorite arguments and his favorite way of putting the matter. He seems to be unable to understand, and probably never can, that when an American publisher buys the American rights in a foreign author's work, he buys just so much and just so little control over the foreign author's work as the law, in its sovereignty, chooses to give him, having just regard to and making just provisions for all other interests concerned in the use of the book as produced by its author. The right of the Legislature to limit the amount and degree and control over the American edition of a foreign author's work is as moral and political ethics, just as clear and distinct as is the right of the Legislature to limit a citizen in the enjoyment of any other right which is not a natural right, and copyright is not a natural right. The question is not a simple one; it is complex, complicated by the interests of the people as a whole and of the individual user of books."

That copyright is not a natural right, let me prove by the following statement of one who is respected by every one in this audience, Matthew Arnold, in his Irish essays, dealing specifically with the question of copyright. He says:

"Now, for me the matter is simplified by my believing that men, if they go down in their own minds and deal quite freely with their own conscience as so often happens with a difficult matter of dispute, so it happens here; the embarrassment, the need for drawing subtle distinctions when the right of property is under discussion, arises from one having
I built up a natural right as a wall to run one's head against. An author has no natural right to a property in one's production. What is true is, that a man has a strong instinct, making him seek to possess what he has produced or acquired, to have it for his own disposal; the instinct is natural and salutary, though it may be over-stimulated and indulged to excess, and has the sanction and assistance of the laws, so far as may be consistent with the general advantage of the community."

That the author has been given the monopoly of his work for a limited term of years is a fact and not a right. The nature of this privilege granted may vary from time to time. As democracy develops, without doubt, the contribution that will be made at his expense to the people at large will probably increase; that at the present time, under the rule of the law of practically all of the countries of the world, the right is at present accorded for the original owner of the copyright, that is the author, to parcel out his field and arrange for a handler in each of those fields, is true, but in the very decision from which our spokesman has quoted on the part of Mr. Bowker, I read to you this morning, the fact that in the majority opinion, the statement was specifically made that the question of importing for use instead of for sale was not at issue; that upon that point, he, delivering the major opinion, would be clearly upon the other side, leaving, if it were a question at that time of continuing
the right of importing for use other than for sale, a unanimous decision on the part of both courts. That is at the present time a right universally enjoyed.

Great Britain is a member at the present time, of the Berne Union. Here is what the Secretary of the Authors' League of Great Britain thinks or understands the British law to allow at the present time. Mr. Solberg, United States Register of Copyrights, gives me this letter:

"(1) If, for example, the American book is published in the United States for $2.00, retail price, and the reprint in England is sold at four shillings six pence, is it impossible for any person in Great Britain to send to America and import, for his own use in England, a copy of the American edition?

"(2) If the American book is published at $1.00 and the English reprint is sold at 7 shillings 6 pence,
then again the question is, would any person in Great Britain, if he preferred to have the original of the American edition, be permitted to import copies for his own use from the United States?

"Then the further question would be, could importation in quantity be made in either case, for sale or distribution in England of the American book?"

"In answer to your question, there is nothing whatever, so far as I can see, to prevent the importation into England of copies of the American edition, whatever price the American edition may have been published at, that is, where the editions have been published simultaneously, securing copyright in both countries."

"You talk about 'Importing copies for his use'. Do you mean by this, not for sale in the English market for sale as well? The remedy would be, of course, a remedy under the contract in the courts and not under any statute. The contract ought to grant to the American publisher a license to print and publish in the United States only and to the English publisher a license to print and publish in Great Britain, etc. There would, of course, be a
difficulty if the books were bought by a third party and them imported, as the publisher would not be responsible under his contract."

There is the clear testimony from Great Britain, a member of the Union at the present time, that the British individual, in his opinion, has not only the right to import for use an American book, but to import for sale in quantity. I think he has exceeded the powers granted in the British Copyright Act in that statement, but there is the opinion of the English Authors Club.

We are being asked by the publishers at the present time, in order to secure our very desirable membership in the Berne International Copyright Union, to do a thing that is not required by any other nation to get in. The Berne International Union specifically leaves the question as to copyright protection in the individual countries. You will not find the word "importation" explicitly or implicitly spoken of, even remotely, in the Berne International Copyright Union's fundamental Constitution. The publishers asked us to come to them in order to secure a copy of
a work that is copyrighted on both sides of the water. It is perfectly idle to figure on how many such editions there will be. One person's guess is just as good as another. It may be unanimous. There is nothing whatever inherent in the legality of the case that would prevent foreign publishers from making an individual arrangement for every single one of their works for handling in the United States, and if they did they would secure to the American handler complete control for the price, if they did, two simple things: first, register in the Copyright Office, which costs a few cents, and, second, deposit one copy. That is all that he would have to do in order to start the machinery of monopolistic control in the hands of the American publishers.

I put these questions to Mr. Bowker, as to what would constitute an American edition.

"Would the following three works, in the meaning of the present Act, count as an American edition?

"First, the foreign edition of a foreign author's work bearing on title page American Copyright notice?"
He said, "That would be an American edition."

"Second, a foreign book manufactured by a foreign author, copyrighted abroad, completely manufactured abroad, with the foreign publisher's title page either exchanged for American publisher's title page or the names of both appearing on it. Is that an American edition?" He said, "Yes".

"Third, an admittedly inferior American reprint of a foreign author's work with better type and a better paper -- would that count as the American edition in this case?"

He said, "Yes".

In any one of those three simple cases you have monopolistic control of a foreign author's works lodged in the hands of a so-called publisher, but in reality a jobber, and he has the right to fix the price at whatever amount he likes.

Now, we can get into the Berne International Union without the loss of one shade of any right the American publisher at the present possesses if he will only consent to allow us merely to repeal the typesetting clause. He will be in exactly the same position he is now in, a better position, if there
is any difference, because he will have the chance of having the opportunity to be selected as the foreign agent of works, a much greater number of titles than he now has, because in order to get American copyright, the foreign author will not have to bring his work here to be typeset a second time. The publisher is benefitted and gains more than he now possesses, if he will only consent to let well enough alone and not once more try to drive a hard bargain and have us make the sacrifice in order that he may once more, as he has twice before done in vain, clutch at an opportunity to get possession of foreign authors' works which he has not toiled one moment to produce.

I think the answer of the American Library Association will be the same as it has been on previous occasions, and I think the action of the American Congress will be the same as before. In the terms of the last paragraph --

(Mr. Raney then read the last paragraph of the resolution.)

Remember, that when you have voted aye on that proposition, you have not voted one red cent away from the man whom the Constitution specifically
says it was framed to protect and him alone.

THE PRESIDENT: The Committee submits these resolutions. Mr. Anderson moves their adoption. That has been seconded. Are you ready to vote?

(The question was called for.)

THE PRESIDENT: All in favor of adopting the resolutions will signify by saying aye.

(Those favoring the resolutions voted aye.)

MR. RANEY: I call for a rising vote.

THE PRESIDENT: All those in favor will please rise.

(Those rising favoring the resolution numbered 35 opposed none.)

THE PRESIDENT: There are none opposing the resolution. They are adopted.

FUNCTION OF A. L. A. COMMITTEES

THE PRESIDENT: The next report for this afternoon is the one on the functions of A. L. A. Committees, to be submitted by Mr. Carl B. Rosen.

MR. CARL B. ROSEN: Mr. President, this report is being submitted under rather peculiar circumstances, some of which were foreshadowed by the resolutions that were framed to be presented here by request from the Secretary's office and which are not the conclu-
sion based upon our investigations, as we were instructed to conduct them, but they were based upon conditions that were disclosed to us in our investigation of the authority by which we were appointed, from whom our instructions came. What I mean by that will become apparent from the introduction to the report as I read it. The resolutions themselves are in your hands. Those resolutions, in the first place, provide that the Council transmit this report to the Executive Board, where we think it belongs.

(Mr. Roden then read the report, as follows:-)
The present President, for instance, if he will permit me to use him for an illustration, could immediately walk into the College Section and immediately supercede the Chairman as its executive head. Dr. Andrews asks for the reading of the present Constitution on the duties of the Council.

(Mr. Rosen read the part of the Constitution referred to.)

The Council itself is called a deliberative body in one draft of the Constitution and in another draft it is termed a "Legislative body". The Constitution, which was submitted for the first time at Swampscott and is to be voted upon again next year, provides, at least in the introduction the provision is foreshadowed, to vest the Council with powers of a very much wider scope than it has ever possessed, and I think the words in that draft of the Constitution are that everything that has not been specifically vested in the Executive Board shall be in the power of the Council. Under such a provision, for instance, the Council today would be able to overturn the action of the Executive Board yesterday in fixing the meeting place for next
year, on the score that policy or library practice or some other theory of that sort would make it advisable for the meeting to be held in some section of the country where the effect of such a meaning might be more valuable or impressive. If these things are not true, or at least if it is not the intention of the Association, all that is necessary is to set out in words what the intention of the Association is. We submit this as our construction of the intention derived from the printed words. If anything else was intended, it does not appear.

We unearth not a duplication of activities but most amazing confusion as to scope and responsibility and duties of these committees, because few of them were able to trace back to proper authority such duties and authority as they possess. Some Chairman was so hazy about to whom they were responsible and how much power they had -- and I think this is possibly the reason for the appointment of this Committee on committees -- that some sort of a survey and sorting out should be had in order to have what authority there was from the body that had been delegated -- and this is our unanimous recommendation,
signed by all three of the members and by the Ex-President, the most enthusiastic of the three, that the Committee appointing power must reside in one spot, for the committees that represent the A. L. A. as a body. The Council has exactly the same right as any debating society to appoint as many committees as it chooses from its own members, to report back to itself; but, the Council can not, under the present Constitution nor the past Constitution or prospective Constitution, assume to appoint committees to undertake work in behalf of the American Library Association as a whole. That is our contention.

DR. ANDREWS: This Committee was asked to assist in the working out of a scheme, was it not?

MR. ROGEN: The recommendations were made to the American Library Association.

DR. ANDREWS: It seems to me that is a special committee, without any question involving a special function, and not venturing to speak for the Association, I want to make that plain to the Council.

MR. ROGEN: I don't see quite how it can be said that it is not functioning for the Association, if it derives its authority from or is appointed by the Association. As is said in the report, this
complete delegation of powers in special fields is entirely wise and proper and these special committees are made up of those possessing special qualifications. All that we are trying to do is to get this into some sort of legal and logical order. As our resolution presented for discussion has reference to the propriety of the whole subject as a Council topic, I prefer to stop here and rest upon the resolution as submitted, with this explanation.

THE PRESIDENT: I assume that you have in your hands the recommendations from the Committee. Do you desire to discuss the subject in general or discuss this in particular?

MR. SANBORN: I would like to ask to have the Secretary read the present by-law on committees.

(The Secretary read Section 18 of the By-Laws on Committees.)

MR. SANBORN: I asked to have this read because this report of Mr. Roden's came out before these by-laws were drawn up and were acted upon at Swampscott. We tried to do, in revising these by-laws, exactly what Mr. Roden wants done. Miss Tyler was particularly upset about the conditions of committees. I had a conference with Miss Tyler at Cleveland before this
by-law was drawn up, and this by-law was practically here suggestion, that there should be a committee on committees. So, it was to define and recommend the discontinuance or the appointment of committees as they were needed and defined their particular duties. Personally, it does not make any difference to me how that was done. I don't see why the by-law adopted at Swampscott does not do what Mr. Roden wants done, put it into the hands of a committee whose sole duty is to investigate the duties of the committees and see what they do. Mr. Roden's suggestion, that the Council's committees do nothing but what they are delegated to do by the Council; they are not A. L. A. Committees. They are appointed by the Executive Board --

MR. RODEN: May I ask you where it is stated in this Section 18 that the committees shall be appointed, including the Committee on Committees, by whom are they to be appointed?

MR. SANBORN: By the Executive Board.

MR. ROZEN: Why don't you say, "There shall be a committee on committees?"

MR. SANBORN: The present constitution provides
how the committees shall be appointed. All that this Committee on Committees has to do is to recommend to the Executive Board. The Board can appoint any other committees. This is a committee to look after committees, see what they are doing, check them up, see that they are doing the right thing, and after they cease their usefulness, that they be discontinued.

MR. ROBEN: How are recommendations for the creation of new committees to be submitted to the committee on committees?

MR. SANBORN: The Council should not have to refer to the Committee on Committees anything that it has to do. The intention was that they should recommend to the Executive Board whether these committees should be discontinued or new committees be created. I clearly do not see why it is not all provided for, but if it is not I think there should be something done to keep the committees alive, so that they may know where they are.

THE PRESIDENT: Is there any other discussion?

DR. ANDREWS: As one of the observers of conditions, though not one of the creators of the Constitution as adopted in 1909, I thought we had done
some funny things; we had done what Mr. Rozen said, but I thought we had made provision for the President to appoint all standing committees who should speak for the association. That would be my understanding, that this committee which has just reported, was to have decided what were standing committees worth continuing and give us five hours which would make provision for the new standing committees not provided for at the present time. I think, however, that the by-law just adopted would meet the case exactly, that the committee on committees would help the Executive Board in their appointment. If this resolution is to go through, I would like to move to strike out the last clause. I do not see why the Council, in its consideration of affairs, which legitimately belong to it, should be comparatively smaller, under the present Constitution, or larger under the new Constitution, should be limited to its own membership. Of course, we should see that enough members are present to have a quorum officially, but I do not see why we should confine ourselves to our own membership in getting advice and counsel.

THE PRESIDENT: Any further discussion? If not,
are you prepared to vote?

MR. ROSEN: I hold no particular brief for this report. As I said, it was partly superceded by the new by-laws and the new Constitution. I don't think that part about committees is as clear as it should be, as to from whom they derive their authority. I don't see the consistency of a Council, a subsidiary body, appointing committees of its own creation that are not members of the other body.

The chaos into which our committees have been projected through the last twelve years, as is apparent from the rest of this report, in which as many standing committees or committees of continuing activity were created by the Council as were created by the Executive Board and seem to segregate the committee creating authority. It is perfectly proper for the Executive Board to appoint the standing committee, but why not leave the appointing power in one spot? That is the only reason for this lengthy preamble to the report, which characterizes or sizes up the work of the different committees. There is very little duplication. There are very few useless committees; very
few that are not reasonably active. In a body of this sort, as we say in our report, more or less committees are essential in order to keep the work active, when there is no meeting; but there should be centralization of committee work for the effectiveness and the results of the work, either at this meeting or at the mid-winter meeting. We all know that our committees go on forever and report to no one. Some of them hand in a written report which nobody reads. They commit the A. L. A. to things, some of which are published and we are astonished. All that this report did, and it was framed before the new Constitution was adopted and it was all in print before these new by-laws were even submitted, so far as I know -- the only object of this report was to follow Miss Tyler's suggestion to try to get some light on the committee situation, to coordinate it and, if possible, see if the Fountain of authority could not be made a single instead of a two-headed institution as it is now.

MR. SANBORN: I don't understand that there is anybody that has authority to appoint committees except the Executive Board. I have forgotten whether it was
in the by-laws or in the new Constitution that we adopted at Swampscott, that when these reports of the various committees are made they should be presented at a regular meeting of the Council and they must be considered in a certain time and a report be made to the Association. This was worked out carefully with Miss Tyler. I think that we will find the objections Mr. Roden has made, when we get to operating under the new Constitution and By-Laws, are provided for; that they are provided for in the amended constitution or in the new by-laws.

MR. RICHARDSON: In regard to reports in general, I object to labeling them as "Dead matter". I think those of us who attempt to work up any particular matters in library management are continually going back to the reports, which are sources of information when we are working up points in library management. Therefore, I object to their being called "Dead material". These reports are the most important contribution that we are making to the permanent basis of development of library management. Speaking directly to the point, the importance of having this
committee on committees is the fact, not of defining the things which have grown up in a desultory way, but in taking the whole field of the needs of the library world and seeing what is provided by these committees, and taking the field in a constructive way and seeing that the whole field is covered.
there are a good many important lacks in the field of library sites, and I think the best appointment is the appointment of this Committee on Committees. I think this Committee on Committees should be a standing Committee, appointed by the Executive Board.

MISS MANN: It seems to me that there is no continuity in the work of the Committees; that one Committee will act for a year and another chairman will be appointed for continuing the same work and the work of the former committee is not properly passed on. It seems to me there is great loss there, not only of information that has been gathered, but also the material that is in the hands of one chairman and should be passed on to another. One chairman has collected documents which are merely put on her or his desk and left there, when they might be of some use to the one who is continuing the same line of work.

DR. RANEY: May I ask who, under the present constitution, has the authority to appoint special committees?

THE PRESIDENT: Section 20 reads that the Executive Board shall appoint all other officers and standing committees of the association, and that has commonly been interpreted to mean all other committees. There has never been any discussion upon it. That is in the constitution and not
the by-laws.

MR. SANBORN: The Board can appoint any other committees, as I understand. In the new draft of the constitution, we have provided for special committees and have written it in there, but it is not in the old constitution. We hoped, at Swampscott, that the whole matter of amendments of the by-laws would come up for consideration. I don't know how the present executive board feels about that report, but if it comes up again, this matter will come up again in the amendments to the constitution.

DR. RANNEY: Under the present provisions of the constitution, all committees are appointed by the Executive Board and I think there should be centralization of appointments of committees. The constitution, however, very definitely provides the policies of the association established by the council. When that policy is announced by the council, it then becomes the function of the executive board to carry it out. It will ordinarily perform that function by committees appointed, special or standing, in the preparation of the policy announced by the council, it will naturally work through committees, but it is an important function and its all important function is to define the policies of the association. There should be
no question about its right to draw its committee material
that will work, with the entire resources of the associa-
tion. I am heartily in sympathy with the suggestion made
by Dr. Andrews, that the concluding clause of the resolu-
tion offered shall be amended in the way suggested by him.

THE PRESIDENT: Any other discussion? If not, you have
these resolutions submitted by the committee. I assume
that Mr. Rogen moves their adoption.

MR. ROGEN: I move their adoption.

(Motion seconded)

DR. ANDREWS: My motion is to strike out the last
clause.

MR. ROGEN: I accept the amendment. All I want is to
get the wishes of the council.

THE PRESIDENT: I take it that Mr. Rogen's second
accept the amendment, so that that clause will be stricken
out. The question then will be on the adoption of the
entire recommendation as amended. All in favor will say
"aye" opposed "no". It is a vote.

(The report, as amended, was thereupon adopted.)

thereupon, on motion, the meeting stood adjourned
until 10 o'clock A. M., Friday, December 30th,
1931.