

Art. 445. Original paintings, engravings, drawings, sculpture, etc.
(a)--Tariff act of 1930, paragraph 1807 (free list):

Original paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen, ink, pencil, or water colors, artists proof etchings unbound, and engravings and woodcuts unbound, original sculptures or statuary, including not more than two replicas or reproductions of the same; but the terms "sculpture" and "statuary" as used in this paragraph shall be understood to include professional productions of sculptors only, whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, or alabaster, or from metal, or cast in bronze or other metal or substance, or from wax or plaster, made as the professional productions of sculptors only; and the words "painting", "drawing", "sketch", "sculpture," and "statuary" as used in this paragraph shall not be understood to include any articles of utility or for industrial use, nor such as are made wholly or in part by stencilling or any other mechanical process; and the words "etchings," "engravings", and "woodcuts" as used in this paragraph shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools and not such as are printed from plates or blocks etched or engraved by photochemical or other mechanical processes.

(b) Invoices covering works of art claimed to be free of duty must show whether they are originals, replicas, reproductions, or copies, and also the name of the artist who produced them, unless upon examination the appraiser is satisfied that they are originals, replicas, etc.

(c) The following evidence shall be produced:

(1) Certificate of the artist who executed the article, showing whether it is original, or, in the case of sculpture, a first or second replica; and in the case of etchings, engravings, or woodcuts, that they were printed by hand from hand-etched or hand-engraved plates or blocks.

(2) A declaration of the seller or shipper, if shown that it is impossible to produce the certificate of the artist.

(3) A declaration of the importer on customs Form 3309.

(d) The certificate of the artist or the declaration of the seller or shipper in lieu thereof may be waived upon satisfactory explanation of the failure to produce the same, but the declaration of the importer is required in all cases.

Art. 445 (Contd).

(e) The collector should satisfy himself that paintings, drawings, sketches, sculptures, or statuary, are not articles of utility nor intended for industrial use before permitting free entry under paragraph 1807.

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