

In the same article, after showing how the power of appointment has been virtually usurped by the senators and representatives, and the just powers of the executive crippled, and pointing out the injurious influence upon the members of the legislative branch of the Government themselves of being made seekers for office for their constituents, General Garfield said:

"To sum up in a word: the present system invades the independence of the Executive and makes him less responsible for the character of his appointments; it impairs the efficiency of the legislator by diverting him from his proper sphere of duty, and involves him in the intrigues of aspirants for office; it degrades the civil service itself, by destroying the personal independence of those who are appointed; it repels from the service those high and manly qualities which are so necessary to a pure administration; and finally, it debauches the public mind by holding up public offices as the reward of mere party zeal."

So far, the record of General Garfield on this subject is clear and bright. No member of Congress had studied the matter so thoroughly, or had expressed himself about it so courageously. His later well-remembered utterances, in his letter accepting the nomination to the presidency and in his inaugural address, were, however, regarded as hesitating and uncertain. Doubtless the practical difficulties in the way of carrying this reform through Congress looked large to him; he knew the temper of the legislators in both houses, and he had not, we must remember, that aroused public sentiment behind him which has been evoked by his death. If his movements were somewhat cautious, we need not wonder.

His proposition to fix the tenure of the minor offices was, it must be owned, not much better than a make-shift. The suggestion that in making appointments, "the Executive should seek and receive the information and assistance of those whose knowledge of the communities in which the duties are to be performed best qualifies them to aid in making the wisest choice," was hailed by the official dispensers of patronage as a concession to their claims, but it is not certain that they would have gained much by it. A very large number of the minor offices, including three-fourths of all the post-offices, may have to be filled, even under a reformed civil service, by some such method. The suggestion, it will be observed, does not apply to the Government offices at Washington. One remark, found both in the letter and in the inaugural, should be well remembered,—that the aid of legislation is required to render any reform of the service effective or permanent.

The settled beliefs of General Garfield appear in the passages quoted above; and although his later outgivings may have been somewhat dubious, it is reasonable to suppose that when he had found his feet, and had begun to wield a little more deliberately the great powers intrusted to him, he would have used his resources of leadership in making effective the principles to which he had so fully committed himself. Those who had good opportunities to know, assert that this measure was regarded by him as tentative. This is confirmed by the nature of the situation. Garfield was in no sense of the term a representative politician. As he himself said, he was interested in conflicts of minds, and not in conflicts of men. This indisposition

to the work of the trading politician, and the fact already mentioned that he had no political debts to pay, kept him, as a Congressman, singularly in ignorance of the partisan forces with which, after his election to the presidency, he had to contend. There is reason to think that he underestimated the opposition "limited tenure" would be likely to meet from the politicians, and that toward the last he saw how inadequate would be a measure which, while it might somewhat reduce the bulk of the partisan pressure for office, would not to any great extent remove its causes, and would chiefly alter the times at which such pressure would occur.

One service that he did render to this reform must not be overlooked. He slew that dragon named the Courtesy of the Senate. He had denounced it, years before, in his place in the House; upon the threshold of his administration he destroyed it. It was the deadliest foe of reform, and he attacked it in its lair. The weapons with which he struck were not the weapons of civil service reform; but they did the business. President Garfield regained, for the Executive, powers which had long been usurped by the Senate. It is to be hoped that none of his successors will surrender what he won at the cost of his life; and if the prerogatives of the Executive are vigorously maintained, the way will be clear for civil service reform.

#### Communism in the Book Trade.

WE Americans have always been prone to take comfort from the imperviousness of our society to socialistic, communistic, or agrarian ideas. Where property is so widely distributed, where the common people are land-owners, and often, in a small way, money-lenders—communistic theories make no deep impression. The New York beer-garden socialists may smoke their pipes and spend their breaths in saloon oratory, but Americans see, in all their yeasty talk, only a diverting farce. The agitation of such questions is foreign to our atmosphere. In this country it is a growth as strange as a well-developed *Victoria regia* would be. A communist in America is something to be put under glass, protected from chilling winds, and kept for observation and wonder. This is why the reporter, who sniffs the strange and abnormal as quickly as a hound does a fox, runs after every dying wave of European agitation that breaks into froth upon our shores. The local socialist leaders, with the help of the newspapers, make a sensation, without making an impression—such a sensation as that made by the two-headed girl and the Chinese giant.

But there is a many-sidedness, a plausibility, an insidiousness about anti-property notions, and we cannot be too sure that they will not make headway in some form among us. Such theories are harmless enough so long as they are heard only in the oratory of the beer-garden, but when in a modified way they make their appearance, as they have done of late years, in the thought and practice of a most respectable and important branch of trade, it is time for us to feel less secure in regard to the economic foundations of American civilization. Book-sellers and publishers constitute a guild that has always been remarkable for the intelligence of its members. If not a learned profession, book-publishing is at least a business in which

general knowledge is important. Perhaps we might call publishing a learned trade. It would be difficult for a man to hold relations with books so intimate as are those of a publisher without becoming a man of information. When, therefore, clear-headed publishers, in a matter pertaining to their own business, adopt a theory and use arguments whose only logical result is communism, there is occasion for inquiry into the soundness of our theories of property.

The tendency we are marking is but another illustration of the warping influence on the understanding of an injustice long practiced. Just as the confiscation of Irish estates, the plundering of monasteries, and the capture by privateering expeditions of richly laden Spanish caracks, tended to obscure the sense of property-right in the English of Elizabeth's time, so has the long-continued injustice of our copyright law warped the public conscience itself, until the simple principle of ownership of that which a man has produced—the groundwork of all property-holding and commercial civilization—can no longer be applied to the highest products of diligence and intelligence. We have been told that copyright is not a natural right; but that it is good public policy to remunerate an author, and that the most practicable way of paying him seems to be to give him a monopoly of the sale of his book for a limited term of years in his own country. Of course under this formula the author has no rights. We only pay him because we think it wise to encourage him. The foreign author is another affair; we may make all we can out of his works, since no public policy obliges us to "encourage" English writers by paying them for their labor. We have thus rigged a very nice and plausible bit of unadulterated communism, under which we can do as we please with the painfully wrought product of a scholar's life, and snap our fingers in the face and eyes of the ten commandments.

The phrase is ingeniously worded—the words "public policy" and "monopoly" are handled with skill—and, like other communistic utterances, the formula has, at first sight, a seeming fairness. But a homely old English proverb reminds us that goose and gander may be eaten with the same sauce. A principle which has so many possible applications as this should not be confined to men of letters. It is so big with blessings to mankind that it would be a sin to give authors a copyright "monopoly" of its inestimable benefits. It ought to work both ways, in school phrase. A. has written a book, after years of thought. It is the ripe fruit of his life. He has spent money in collecting a library preparatory to its production. He has traveled far and observed much. The book represents his time, his money, his intelligence. B., who is a publisher, says: "I do not grant you any ownership in this book. But it is probably good public policy to remunerate authors, and I propose to allow you a monopoly of the sales for a limited term of years and over a limited area of territory. In all other countries and beyond a certain period, the book-trade and the public will enrich themselves at your expense and drink to your health out of the profits derived from your toil." B., the publisher, at length builds a house, into which he puts, in differing proportions, just what A. put into his book, namely, time, money, and thought. It is now the turn of A. to speak philosophically: "I also

recognize the fact that it is good public policy to remunerate the man who uses his time, his money, and his intelligence. There seems no better way to recompense one who has built a house than by giving him a partial monopoly of it for a limited time. I propose that the parlor, the kitchen, and two sleeping chambers be granted to you for twenty-eight years. The remainder of the house belongs to whoever can first succeed in occupying it, and after your monopoly expires, you having been sufficiently remunerated, the house will belong to the public."

But we are told that copyright is not a natural right. If by that is meant that in a "state of nature" there was no such thing as copyright, one may grant it. There could be no need for copyright until the modern facility for multiplying copies made it possible for unscrupulous people to make unjust profits out of another man's toil. In a "state of nature," or barbarism, there are no well-defined rights of property. The Indian hunter must divide his newly killed deer, according to well-known rules, among those who arrive after it is killed; to each his portion, in the order of his coming. Barbarism is communism. Every lazy man in a village of wigwags can claim food from the store of any provident tribesman. Thus barbarism perpetuates itself by refusing to industry its natural recompense.

As civilization advances, the house comes to belong to the builder, the fish to him who caught and dried them, the corn to the household that planted betimes, and at length the intellectual offspring of intellect is also secured to the producer. The logic of civilization is inevitable—either the rule of property in what a man makes is universal, or it should be wholly abolished. Some of our intelligent and upright publishers made haste to recognize this fact, frankly and fully, before the vulgar and sweeping piracy of the lowest rank of book-venders partially shifted the interest of the reputable houses to the right side of the scale. If a book does not belong to him who wrote it, then a horse does not belong to him who bred him, or a ship to him who built it. The question is not between the author and publisher, but between civilization and barbarism, sound economy and communism. Either copyright is the author's honest and equitable right, or the beer-garden philosophers are the angels that proclaim the millennium of general division and redistribution.

The treaty now being agitated is the half loaf better than none, but until American publishers and English publishers—who have been as unwilling to see the whole truth as those upon this side—recognize the fact that a man's right to the work of his brain is something deeper than a question of trade and expediency, there will be no just and final settlement.

#### A Forgotten Obligation to the Ministry.

A LARGE obligation sometimes puts out of sight a smaller one. There is an incidental service rendered to society in this country by the Christian ministry, which is more likely to be forgotten than the obligation due to them for their own immediate work.

Emerson has somewhere said that quiet and studious lives are the chief corrective of a money-making

The desire for adjacent territory was a natural one in the early history of the country, when Florida and the mouth of the Mississippi were held by foreign powers. But the policy of annexation is likewise a survival. We have no need of territory. To begin to annex islands or provinces filled with an uncongenial people would be to enter on a career fatal to our system of government. We have no machinery appropriate to the management of remote provinces, as the English have. Our attempt to handle Mormonism under a provincial system shows how difficult it is for a republic like ours, which has no prime minister, all powerful and wholly responsible, to govern in this way. Our system is not suited to schemes of conquest. This republic ought to make its citizenship so desirable that States beyond its limits would seek admission to it. But there should never be a single foot of ground in it peopled by subjugated inhabitants. We are strong enough and remote enough to enforce easily the non-interference of Europe. We do not want any "strategic points," however much they may be desired by American speculators and jobbing corporations. It is a good time to put a new doctrine alongside the Monroe doctrine, namely: that this republic does not wish to annex any territory but that which seeks annexation, and that it does not want any people who are not capable of autonomy under our federal system. All others are only a weakness to us.

#### Authors' Rights.

THE question of international copyright has so often approached a settlement, and so often failed to reach one, that our hopes for a favorable issue of the present movement are not glowing. We venture to predict, moreover, that so long as the question is taken up from the wrong end, so long as the rights of authors are essentially ignored, just so long will the question remain virtually unsettled, no matter what treaties are made or what statutes are passed. For it is idle to call the proposed treaty a scheme for the protection of authors. It is notoriously a scheme for the protection of publishers; and authors are by it protected only so far and so long as the proposed protection is supposed to be for the benefit of publishers. The treaty has been recommended to the authorities by a long list of American authors, but let no one suppose that authors as a class acquiesce therein, except as a compromise of their rights, and as "the half-loaf that is better than no bread."

Now we hold it to be self-evident that, in a question of absolute right, there can be no compromise that will last. The history of slavery in this country is a proof of this; and we do not hesitate to say that it was easier to frame a plausible justification of slavery from the Bible itself, than it is to justify the theft of literary property allowed under our laws, and justified by our law-makers. We do not lose sight of the fact that there have been and are English as well as American pirates, and that generous sums have been paid, for many years past, by all the principal American publishers to foreign writers. But it still remains true that American publishers, as a class, have been from the beginning opposed to any legislation which would put the English author on a par with other holders of salable property.

If it is denied—and it certainly is denied by many—that, under all circumstances, it is best to do right; and if it is found necessary to argue questions like this upon a lower plane—even in this case, the arguments of thrift lean to the side of justice. If all the leading publishers of the United States had long ago insisted, as a few of them did, upon a just and honorable international copyright law, in the interests primarily of the producers of literature, they would all at this moment have been in the undisturbed enjoyment of the most valuable modern literary properties, both at home and abroad, instead of being driven to the wall by the small fry of piratical publishers. Events have proved that publishers have been blind to their own interests in the past—we believe they are blind to their own interests in the present—in not insisting upon a more liberal, that is to say, a more just, convention between England and America. They propose to set up a convention through which the English publishers can, it is believed, drive a coach and four; and they call upon the British Government to "protect" English printers from their American rivals!

During generation after generation a gigantic wrong has been perpetrated by the Government and Congress of the United States upon the authors of both America and England. Against this injustice one great writer after another, in these countries, has risen up, and protested, and passed away, embittered in mind and comparatively poor in property—poor, while others have helped themselves on the road to wealth from the fruits of his labors. By reason of this injustice, the literary production of our own country has been cramped and well-nigh crushed.

But, at this late date in an unfortunate history, somebody suddenly finds himself hurt! Is it the author? No, for he was bruised, spat upon, and driven out-of-doors long ago. Is it the paper-maker? No; for he is doing a thriving trade. It is the "legitimate" publisher whose toes are at last trodden upon, and who now asks the governments of two great nations to devise some alleviation for his miseries! To our minds this is not a dignified spectacle. We respectfully suggest to Mr. Frelinghuysen that the first concern of the treaty should be the outraged rights of the producers of literature in America and England. It is a question whether the Administration cannot better afford to "fail" in the pursuit of absolute justice, than to "succeed" with a compromise.

#### On a Recent Social Phenomenon.

ADVENTURERS, dead-beats, frauds, impostors, charlatans, social pretenders, conscienceless cranks, and the whole tribe of the morally deficient would have comparatively little opportunity to do harm in this world, and would meet with but few of the emoluments and rewards which they crave, were it not for the weak and good-natured acquiescence of the upright. Just as, in the narrow circle of what is called society, if a person has been consistently rude and neglectful of polite obligations throughout a life-time, he or she is, though perhaps somewhat avoided, yet still generally forgiven,—so in society at large, if a man has once achieved the reputation of being morally crooked, his irregularities are more easily pardoned because they are numerous than they would be if they were ex-

parties. The American people are determined on a career of progress. Already their material progress has been wonderful, and intellectual and moral progress will not be long delayed. They demand, therefore, a progressive policy on the part of their rulers, and the party that will pursue such a policy is the party that will rule the country in the future. Politicians, then, would do well to give heed to this fact. It is of slight importance, comparatively, which party wins the election next autumn; but it is a question of no little interest what party will take its stand in the path of progress in the years to come. If party leaders are wise, therefore, they will look beyond the present year and the conditions of immediate success, and will adopt a policy that will bring their party into harmony with the progressive tendencies of the people, and make it a potent agency in promoting the national destiny.

But after we have said this, we are inclined to add that the present condition of affairs has its compensations, and that there are, moreover, indications that the old political order may be to some extent passing away. Perhaps, after all, even political reforms may be accomplished in the future in America without the identical partisan methods which heretofore have generally been thought necessary. There are many reforms to be made in the system of government, and in our national and State legislation, which can be, perhaps, quite as well accomplished by those intelligent on these subjects inside the various established parties. This way of doing things is now in great favor, and may be more and more useful, perhaps even necessary, as our population increases and extends, especially in a country covering such an enormous area as ours, and with such varying exigencies and social interests. At any rate, while we are waiting for the great reform party of the future, each citizen can be his own party of reform, and "make himself felt" not only individually, but by acting in concert with others who are with him interested in special reforms.

#### The Dorsheimer Copyright Bill.

WE trust that before this reaches the eyes of our readers Congress will have removed the stain of literary piracy from our national honor, by the passage of Mr. Dorsheimer's excellent International Copyright Bill. It would be curious to imagine on what grounds Members or Senators can longer resist the petitions on this subject of the writing classes of the country, which at various times for *forty-seven years* have protested against the iniquitous disregard of the rights of intellectual property. If these classes are not to have weight in our legislation, especially on a moral and non-partisan question, it is difficult to see the use of education. Here is a measure, the principles of

which have been advocated in the past by Clay, Webster, Everett, John Quincy Adams, Rufus Choate, and Charles Sumner, and by every American author of note, and are now being urged upon Congress by the entire guild of authors, some six hundred in number, known as the American Copyright League, including the presidents and members of faculty of Harvard and Johns Hopkins Universities, Yale, Columbia, Princeton, Williams, Dartmouth, and other colleges in all parts of the country, by the body of the daily and weekly press, and by the leading clergymen and ministers of different denominations; and advocated, mark! almost with unanimity, as a *measure of justice*. These principles, moreover, have the indorsement of the Administration, as expressed in the wise and statesmanlike letter of the Secretary of State to the Executive Committee of the League. They are cordially indorsed by most of the leading publishers, and it is announced will not be opposed by the others; while even of the piratical reprinters the two most prominent have announced their conviction that the bill is a desirable one. Against this array of advocates are the other "pirates" and a few theorists who are playing into their hands. And the civilized world, which for half a century has pointed the finger of scorn at us for this tolerance of wrong-doing, is looking on with little expectation of an honest issue of the contest.

As we write, the opponents have raised as a cover for their greed the cry that the bill will make books dear, as if it were a function of Congress to keep commodities cheap (in this case, by authorizing theft), and not, first of all, to establish justice. One of the opponents of the bill has much to say of the unwillingness of the public to give themselves the "luxury of doing justice," if English books are to be made dearer, as he exaggeratingly assumes they will be made, by the bill. We think too well of the American people to assume that they deem justice a luxury, and not a necessity. Said Daniel Webster in his oration on Judge Story, in 1845, "Justice, sir, is the great interest of man on earth." Many friends of the reform, disheartened by hope deferred, will not believe that it is likely of accomplishment even now; but we cannot imagine that any body of Americans will deny such a righteous and widespread demand by the best classes of our citizens, merely on the ground that justice may cost something. Justice always costs. Indeed, if it cost nothing to be just, then the honest man were no better than the rogue. It is because the interests of national honor and morality, which are largely in the special keeping of Congress, are paramount to business interests (or in this case to *assumed* business interests) that the list of names of those who vote for the Dorsheimer Bill, as it has been reported to the House of Representatives, will be a roll of honor forever.

sion of heat with little light into motion, and reconversion of motion into light with little heat. Many experiments were made to show the transmission of power by electricity, including the driving of machine tools, printing-press, sewing machines, and a short line of railroad.

The necessity of getting rid of poles and wires in city streets has led inventive talent into this field of work, and a number of new underground systems were represented by models. Among these was at least one that is in actual operation, carrying both telegraph and telephone wires for some distance through the streets of Philadelphia. This system employs a wrought-iron tube carrying a cable formed of insulated copper wires braided together and laid loosely in the pipe, the pipe being kept full of oil slowly moving through the pipe under pressure. A more recent system consists of a brick conduit to be laid in the street, with man-holes at intervals. Within the brick tube are arranged on each side brackets carrying troughs in which the cables or bundles of insulated wires are laid. A track is laid in the center of the conduit between the brackets, and on this track runs a car, having a standard supporting arms that extend over the brackets on each side. This car is drawn through the conduit from one man-hole to another and serves to deposit the wires in the troughs. It is intended that the various wires, or cables, shall lie in the troughs, and to assist the insulation it is designed to have the conduit air-tight, and to fill it at all times with dry air under pressure. To accomplish this, an air-compressor is to be placed at some point of the line, and a tank containing some hygroscopic chemical to dry the air will be placed in connection with the conduit and kept full of compressed air. Safety-valves will also be placed at intervals to relieve the conduit from undue pressure. The aim of this invention is to keep the conduit free from moisture by an excess of dry air, every leak being rendered harmless by an outflow of air that would prevent the entrance of moist air. The system has not yet been tried on a commercial scale. Another more simple system employs a square tube of wood designed to be buried underground. Within the tube are cross-pieces for the support of insulated telegraph and telephone wires. When all the wires are in position an insulating material is poured into the tube, completely covering all the wires from one to six inches, and soon hardening into a kind of artificial stone. The material seemed to be hard and durable, though no tests were offered of its insulating value. Telegraph cables for streets were also shown, one system, at least, being already in use. Sections of the system used with incandescent lights in this city were also shown, consisting of copper rods bedded in insulating material in iron pipes. Other street systems were also shown in models, but seemed to offer no special features of novelty, except in one instance where a sheet of glass perforated with holes is used as a support for the wires in the conduit.

In the application of electricity to railroad work there seems to be some progress in increased efficiency in signaling. Perhaps the most novel is the use of a small dynamo on the engine, constantly kept in motion while the locomotive is running. The engine is insulated from the tender, and the wires from the dynamo are connected one with the engine

and the other with the tender, so that the current flows down the wheels of the locomotive, along the rails to the wheels of the tender, and through these wheels to the other wire. If now the joint between any pair of rails and the next pair is separated by some insulating material, the circuit will be broken for the instant when the wheels of the engine are on one pair of rails and the wheels of the tender on the other. This breakage of the circuit through wheels and rails may be used to ring a bell or sound the whistle. It is easy to see that a wire connected with the rail on one side of the insulated joint might be carried any distance and connected with a switch or the lock of a draw-bridge, and then carried back to the rail on the other side of the joint. In the normal position of the switch or the bridge this wire would be a closed circuit bridging the broken joint, and the engine passing the joint would not be affected. If now the switch or draw be opened, the circuit will be broken, and the current as the engine passed the joint would be interrupted and the signal made to sound. In this manner the movement of any switch, bridge, etc., could be made to signal automatically to an approaching engine while still at a considerable distance. By a reversal of the plan, the engine could be used to transmit in advance a warning of its approach. This is, however, already accomplished by other methods. The novelty appears to be in the automatic signaling to the engine by the movement of a distant switch or draw, or from any cause whatever, a washout, breakage of culvert, fire on bridge, or other accident.

The most important application of electricity to railroad work was a combined pneumatic and electric switch and signaling system. The design of this system is to control all the switches and signals at a junction by means of compressed air. The system consists essentially of a compressor and air-reservoir to supply air under considerable pressure to the pipes that extend from the signal-station to each switch and signal-post. At each switch and signal-post is placed a cylinder having a piston and piston-rod, and so arranged that the movement of the piston will control the switch or the signal. In the signal-station is an annunciator connected with distant points on each line of rails. On the approach of a train a bell is rung and the position of the train is shown by the annunciator. All the signals of the system are in their normal condition of danger, and to prepare the lines for the passage of the train hand-levers are turned and air under pressure is admitted to the cylinders controlling the proper switches and signals. This, at the same time, locks all other signals and displays on a board in the hut the exact position of every switch in the system. A full-size model of the switch and signals was shown in operation, and seemed on examination to work with certainty and precision.

*Charles Barnard.*

#### The Present State of the Copyright Movement.

THE American Copyright League was formed in May, 1883, with the object of obtaining a reform in our copyright law which should secure to foreign authors the right of property in their works in this country.

Early in the last session of Congress, Representa-

tive William Dorsheimer, of New York, introduced a bill intended to attain that object. The League knew nothing beforehand of his proposed action, but its Executive Committee at once decided to ask Mr. Dorsheimer to modify his bill, so as to grant the foreign author copyright for forty-two years, instead of twenty-five, with a limitation in case of death, as at first proposed. This change having been adopted, the League went on to give the bill all the support it could. The measure was referred to the House Committee on the Judiciary,—one of the most thoughtful, conservative, and impartial committees within the Speaker's range of appointment,—and was reported favorably by that body, without a single adverse vote. It was placed on the calendar, with only ten bills (and those unimportant) in advance of it.

On Monday, February 18th, Mr. Dorsheimer moved to make the bill a "special order" for February 27th; that is, to take it from the calendar and discuss it until a decision of the House could be had upon it. This motion required a two-thirds vote. There were 155 given for and 98 against it; so it was not carried. But the vote in favor fell short of two-thirds only by fourteen. This shows that a large majority of representatives wanted to give the bill a hearing. Besides, several supporters of the bill were absent, and a few others voted "No" simply because they wanted to show their disapproval of the rules of the House, which make it impossible to consider any bills—except those on tariff and appropriations—unless a day be fixed for their discussion.

Mr. Dorsheimer, for the Judiciary Committee, made a report in which he showed that the United States is the only civilized nation which withholds property rights from alien authors. The report said:

"The policy by which States refused rights of property to foreigners has long since been reversed. . . . It is manifest that the ancient discriminations grew out of ignorance and prejudice. . . . It is believed that if the bill is passed, American authors will receive great and valuable advantages. They will then be able to obtain copyrights in England and in the English colonies, so that when they successfully address all the English-speaking people, they will receive the compensation to which their genius and industry may entitle them. . . . The Committee earnestly commend this measure to the House, in the full belief that its passage will work a high and enduring benefit to the people of the United States, and contribute to the civilization and enlightenment of the world."

It must not be forgotten that Henry Clay, Daniel Webster, Charles Sumner, and many others urged in the strongest terms a measure of this kind. The subject has been under discussion at intervals for fifty years. When I went to Washington last winter to see what were the prospects for Mr. Dorsheimer's bill, I found the sentiment of members friendly toward it, with a few exceptions. I had been told that the "wild West" would develop a bitter opposition; but, on the contrary, most of the Western members whom I met were extremely liberal in their view, and showed a fine enthusiasm for what they considered an act of simple justice. They also manifested a hearty appreciation of American authorship, and a desire to give it fair play by relieving it from the unjust and ruinous competition with uncompensated foreign literature, which a contemptible habit

of theft forces upon us. Some of the highly cultivated Eastern members, on whom authors relied as intelligent adherents, proved to be weak-kneed, because they tangled up the question with inapt, illogical tariff and manufacturing considerations. On the other hand, all but fourteen of the Southern members voted for consideration, and many, including the whole of a large delegation from one of the Southern States, pledged themselves without question to support the bill. Let me add that, in common with other gentlemen of the League who consulted members as to their views, I was careful to talk also with representatives who were thought to oppose international copyright; for it was our desire to have a fair and open discussion on both sides.

Why, then, did the bill not receive a hearing? First let us review the forces that urged it. The League grew to the number of nearly seven hundred men and women—authors, editors, college presidents and professors, clergymen, lawyers, journalists, physicians—engaged in the making of books. Among these were nearly all the most distinguished literary artists of the country: *their* weight was thrown for the bill. The "Christian Union" published letters from a number of clergymen: *their* weight was thrown for the bill. The great newspapers in all parts of the country—omitting the Chicago "Tribune" and "Times"—spoke up on behalf of justice: *their* weight, likewise, was thrown for the bill. The "Publishers' Weekly," representing the whole trade of book-manufacture and book-selling, printed the statements of fifty-two leading firms, scattered throughout the Union, saying that they wanted copyright granted to foreign authors: again, *their* weight was thrown for the bill. Since then the Music Teachers' National Association, meeting at Cleveland, Ohio, in July, has come to the support of the Dorsheimer bill; and the music publishers are also reported as giving it a hearty approval.

Now let us count the opposition. Out of all the publishers addressed by the "Publishers' Weekly," only fifteen insisted that, if a foreign book is to have copyright here, it must be manufactured in this country. *Of those fifteen, seven were situated in Philadelphia.* The organized hostility came from that source; and it was based on the theory that American industry would be hurt unless every foreign author were compelled to have his book set up, stereotyped, printed, and bound in this country.

That organized hostility on the part of a small Philadelphia minority of publishers proceeded to work upon the fears of typographers and paper-makers by telling them that they would lose their occupation if copyright were given to aliens, because all foreign books would then be manufactured abroad—this despite the fact that we long ago repealed, after short trial, the law compelling foreign patentees to manufacture their machines in this country. The first answer to this is, that any book made abroad is subject to a duty of twenty per cent. when imported. Next, it must be kept in mind that our composers would still have a great deal to do in bringing out new editions of foreign works published before the enactment of an international copyright law. Thirdly, the production of books by American authors would be greatly stimulated, thus adding to the market of composers and paper-makers. Fourthly, the enterprise

of our publishers, some of whom are now on good terms with English authors, would enable them to secure books from those authors for manufacture here. "Cheap books for the people" are loudly insisted upon; but in the same breath the *Philadelphians* insist on a total re-manufacture, which frequently would double the cost, many books being now simply printed here from imported duplicate plates. No author will object to the policy of moderately cheap books, so long as he is not defrauded by it. Cheap clothing, iron, coal, food, houses, are all desirable; but no one maintains that they should be made cheap by means of theft, or the refusal to pay the producer. Only a few years ago Americans constantly bought current books — books for amusement on the cars — at \$1.50, without a hint of grumbling. Do they not still freely pay a dollar to go into the theater? In the case of foreign "stars," citizens have been known to give three dollars uncomplainingly, in return for a two-and-a-half hours' entertainment. As yet no Congressman or Philadelphia theorist has declared that the foreign actor should be forced by law to play to our audiences at ten cents a head. The case of lectures and concerts is the same. Hence, I conclude that the American people are really not so poverty-stricken that they cannot afford to pay, individually, a moderate price for a book, which yet shall compensate the author. Besides, before the epoch of pamphlet reprints, the people had a large net-work of libraries and book-clubs, by which for a small subscription — a few cents per book — they could obtain a year's reading, and reading of a good kind. The League tried to counteract the fallacies of the *Philadelphians* and the paper-makers, by printing and circulating several short documents. But a "scare" was created by the men who said that, unless the inhabitants of this republic can buy most foreign books for, say, from ten to forty cents, and unless foreign books are wholly remade here, the country will be ruined as to its paper and printing interests, and plunged into ignorance.

As if this appalling argument were not enough, they contended that an author, anyhow, has no right to put a price upon the work in which he has invested his time, labor, money, brains, manual labor,—all his capital, in short,—and that he ought to be grateful if we give him anything for his production after it is published. Ideas, they say, are common property, and no one may demand a price for an idea. True enough. But how about the *form* in which those ideas are presented? Is not that the author's own work, wrought out with toil, sweat, and often with privations? Is not the labor bestowed upon that form as worthy of proper wage as the manual skill devoted to the making of a jumping-jack? Yet no one has denied that jumping-jacks must be paid for. Besides, the law already recognizes this *form* in which an author presents his idea, and calls it property, if only the author be an American. The argument that authors have no property in the form given to their ideas falls, therefore, to the ground; and no excuse remains for denying such property to foreigners, unless we hold as valid the excuse of deliberate dishonesty.

"The Constitution of the United States (Art. I., Sec. VIII., 8) empowers Congress 'to promote the

progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings,' etc. But, by its failure to render the rights of all authors secure, Congress has practically defeated hitherto the intent of the Constitution in this respect." I quote this from a sheet which was printed and sent to every member of the House of Representatives and of the Senate of the United States last winter. Ought not the statement to be heeded by bringing up the Dorsheimer Bill for debate at the next session of Congress? Is it not decent — nay, essential — that the representatives of the people should openly confer upon the question of common honesty involved in defending recognized property; a question that vitally affects the well-being of thousands of laborers in a useful profession? It has been supposed that American citizens, even if their occupation be only that of paving streets or writing books, are entitled to have from Congress a fair consideration of their rights, if not redress for their wrongs. I venture to ask all friends of the copyright movement, whether of the literary profession or not, to press upon the members of Congress for their respective districts, immediately, the propriety and importance of at least giving the Dorsheimer Bill a prompt and fair hearing.

G. P. Lathrop,  
Secretary American Copyright League.

80 WASHINGTON SQUARE, NEW YORK.

#### Coöperative Agriculture.

DR. GLADDEN'S article in the October CENTURY is worthy the serious study of both capitalists and laborers. I have been connected with the largest labor organization in this country, and have studied the labor question. While indorsing wholly Dr. Gladden's paper, I wish to add one caution in respect to laborers. It is unfortunately the case that too many workingmen spend enough of their hard earnings foolishly in ten years to pay for comfortable homes. This is spent for needless beverages, gambling, and other so-called pleasures. While I greatly sympathize with all workingmen, I cannot but believe that intemperance is mother to half their woes.

Within a stone's throw, at this writing, live a score of mechanics. Some of them have comfortable homes — some do not. The cause of this difference is the personal habits of these men. The temperate, judicious men are thrifty, contented, and happy. The intemperate are poor, miserable, and ready to "strike" at any opportunity.

It is no less true, however, that manufacturers are grasping, and do not love their employees as themselves.

In Kentucky, as well as in many other States, agriculture is carried on coöperatively. The owners furnish land, teams, machinery, seed, and food. The laborer furnishes his labor and skill. The crops are sold and the profits divided. There is general harmony and satisfaction. No one has ever heard of an agricultural "strike."

J. W. Caldwell.

CORINTH, KENTUCKY.

jects of intellectual inquiry, the curiosities and absurdities of colonial medical theory and practice, and the efforts at literature and art. A chapter will be devoted to the French war and its influence on colonial life. And the underlying causes which tended to produce a separation from the mother country will be traced with more fullness than ever before.

The illustrations prepared for this series of papers

are among the most valuable that have ever been made for an American historical work. Though many of them are picturesque, none of them are works of fancy, but every one represents a fact of historic interest. A great amount of pains has been expended to insure the authenticity and veracity of these cuts; it is, indeed, intended to make them as valuable for historic purposes as the text itself.

## OPEN LETTERS.

### Dr. Holmes on International Copyright.

ON the 28th and 29th of April an interesting and successful series of readings was given by American authors at the Madison Square Theater, New York, in aid of the fund of the American Copyright League. George William Curtis, Esq., presided on the first afternoon, and the Right Reverend Henry C. Potter, Assistant Bishop of New York, on the second. Both gentlemen made striking and eloquent appeals in favor of the establishment of an International Copyright. Among those who took part were the Rev. Henry Ward Beecher, Messrs. W. D. Howells, Edward Eggleston, S. L. Clemens, R. H. Stoddard, Julian Hawthorne, Will Carleton, H. H. Boyesen, H. C. Bunner, G. P. Lathrop, and others. Mr. Joel Chandler Harris and Mr. Frank R. Stockton were represented by proxy, the latter by a new story. Two of Dr. Holmes's poems were read, prefaced by the following letter, which we are permitted to print for the first time.—EDITOR.

BOSTON, April 27, 1885.

MY DEAR SIR: I regret deeply that I cannot be present at the meeting, where so many of my friends will be gathered. It will be a grand rally in the cause of one of the hardest worked of the laboring classes,—a meeting of the soft-handed sons of toil, whose tasks are more trying than those of the roughest day-laborer, though his palms might shame the hide of a rhinoceros. How complex, how difficult is the work of the brain-operative! He employs the noblest implement which God has given to mortals. He handles the most precious material that is modeled by the art of man: the imperishable embodiment of human thought in language.

Is not the product of the author's industry an addition to the wealth of his country and of civilization as much as if it were a ponderable or a measurable substance? It cannot be weighed in the grocer's scales, or measured by the shop-keeper's yard-stick. But nothing is so real, nothing so permanent, nothing of human origin so prized. Better lose the Parthenon than the Iliad; better level St. Peter's than blot out the Divina Commedia; better blow up Saint Paul's than strike Paradise Lost from the treasures of the English language.

How much a great work costs! What fortunate strains of blood have gone to the formation of that delicate yet potent brain-tissue! What happy influences have met for the development of its marvelous

capacities! What travail, what throbbing temples, what tension of every mental fiber, what conflicts, what hopes, what illusions, what disappointments, what triumphs, lie recorded between the covers of that volume on the bookseller's counter! And shall the work which has drained its author's life-blood be the prey of the first vampire that chooses to flap his penny-edition wings over his unprotected and hapless victim?

This is the wrong we would put an end to. The British author, whose stolen works are in the hands of the vast American reading public, may possibly receive a small pension if he come to want in his old age. But the bread of even public charity is apt to have a bitter taste, and the slice is at best but a small one. Shall not our English-writing brother have his fair day's wage for his fair day's work in furnishing us with instruction and entertainment?

As to the poor American author, no pension will ever keep him from dying in the poorhouse. His books may be on every stall in Europe, in their own or in foreign tongues, but his only compensation is the free-will offering of some liberal-minded publisher.

This should not be so. We all know it, and some among us have felt it, and still feel it as a great wrong. I think especially of those who are in the flower of their productive period, and those who are just coming into their time of inflorescence. To us who are too far advanced to profit by any provision for justice likely to be made in our day, it would still be a great satisfaction to know that the writers who come after us will be fairly treated, and that genius will no longer be an outlaw as soon as it crosses the Atlantic.

Believe me, dear Mr. Lathrop,

Very truly yours,

*Oliver Wendell Holmes.*

GEORGE P. LATHROP, ESQ., *Secretary, etc.*

### Another Side of the Copyright Question.

THE struggle to secure the protection of our laws for literary property produced by citizens of foreign countries has been long and wearisome. To some it may seem fruitless. An ocean of ink has been spilt and a myriad of speeches have been made; and as yet there are no positive results set down in black and white in the Revised Statutes of the United States. But the best cure for pessimism is to look back along the past, and to take exact account of the progress already made. This examination reveals solid grounds



for encouragement in the future. The labor spent, although often misdirected, has not been in vain. Something has been gained. Public opinion is slowly crystallizing. By judicial decision, it is true, and not by legislative enactment, it is now possible for the foreign dramatist to protect his stage-right in the United States, and for the American dramatist to protect his stage-right in Great Britain. The means whereby this protection can be attained are troublesome and expensive; but that they exist at all indicates an increasing enlightenment of the public mind. Far more important than this judicial victory is the formation of the American Copyright League, and the massing together in a solid phalanx of nearly all American authors. This organization is ready to move on the enemy's works at once, and it is prepared to fight it out on this line if it takes all summer. It is devoting its utmost efforts to the urging of a bill which shall establish in the simplest manner the rights of the author. As soon as the people of the United States are aroused to see the justice of this bill and its necessity, it will become a law, and the question of International Copyright will be settled once for all. The Anti-slavery Society awakened the conscience of the people, and when the time was ripe slavery was abolished. The Civil Service Reform Associations cried aloud in the wilderness for months and years, until at last the hour came and the man, and the Spoils System received its death-blow. So the American Copyright League has settled down to its task, which it will stick to, without haste and without rest, until the good work is done.

The argument most generally used in favor of this great moral reform is that it will put an end to an atrocious and systematic robbery of foreign authors. That this is a strong argument no one can deny. As the law stands now we are willing to avail ourselves of the literary labors of the great English writers on science and on history, but we do not think the laborer worthy of his hire; we are willing to get pleasure and to take refreshment from the great English novelists and poets, without money and without price. The Englishman, the Frenchman, or the German may send to this country his goods for sale, his trade-marks to be registered, his inventions to be patented; but we deny his right of property in his writings, and his books are free stealing for whom will. We are wont to consider this a moral country, and we are proud to call ourselves a progressive people; but in the evolution of morality in regard to intellectual property we are at a lower stage than nations which we are glad to look on as less moral and more backward. All things considered, intellectual property is now most carefully protected in France. Not long ago Belgium maintained the right of pirating books; and the business of book-piracy was then as respectable a trade in Brussels as it is now in New York. But in time the Belgians felt the disgrace of their position, and they experienced a change of heart. Not long ago the French novelist and the French dramatist were at the mercy of the English translator and the English adapter; but the English came to see the error of their ways. The Frenchman is now no longer pirated in Belgium or pillaged in Great Britain. The world moves—and the country which lags farthest behind is the United States of America. It is for the people

of the United States to say how much longer we can afford to steal from the stranger.

A stronger argument, however, than that drawn from our robbing the foreigner is to be taken from our ill-treatment of our own authors. So long as we prey on the authors of other countries, just so long may we expect other countries to prey on our authors. While the writers of Great Britain are without protection in the United States, the writers of the United States will be without protection in Great Britain. In the present state of the case a double wrong is inflicted on the American author: (1) at home he is forced to an unfair competition with stolen goods, and (2) abroad he has no redress when his goods are stolen. In his "English Note-books" Hawthorne records a visit in 1856 to the office of an important English publishing house—he gives the name in full—where he met one of the firm, who "expressed great pleasure at seeing me, as indeed he might, having published and sold, without any profit on my part, uncounted thousands of my books." Cooper and Irving have fared as ill at the hands of the English pirate as Hawthorne did. The number of American books republished in England is increasing every year. In proportion there is as much piracy in Great Britain as in the United States. Time was when there was no sarcasm in the query, Who reads an American book? Time is when that question may be answered by saying that the English now read American books—and by the hundred thousand. A glance at a railway book-stall in England will show that a very heavy proportion of the books which cover it are of American authorship—just as a glance at an American news-stand will reveal a very heavy proportion of books of British origin. In both countries the most of these literary wares are stolen goods. Half a dozen English publishers have series or libraries in which a good half of the books are of American authorship. It would not be easy to make out a list of the rival British editions of "Little Women," of "Helen's Babies," of "Democracy," of "Uncle Remus," of Artemus Ward's books, of the "Wide, Wide World," of the "Biglow Papers," of the "Autocrat of the Breakfast Table," of many American semi-religious novels, or of many books of so-called American humor. The editions of Longfellow and of Poe are numberless. Poe is perhaps more highly esteemed in England than in America; and Longfellow's popularity was greater in Great Britain than in the United States—as Tennyson's, so it is asserted, is greater in the United States than in Great Britain. Now, nearly all these editions are unauthorized by the American author, and it is very rare indeed for him to derive any benefit from them. While the American publisher has a pleasant habit of sending an *honorarium* to the writer whose books he has captured, the British publisher generally scorns to exhibit any such evidence of delicacy.

One popular American author agreed with a London publisher that the latter should have a certain new book of the former's for a fixed sum. A rival London publisher reprinted the book in a rival edition at a lower price, and the publisher with whom the American author had dealt seized this as a pretext to break his bargain; he published his edition, and he advertised it as the authorized edition, but he never paid one penny of the sum he had promised. The

English publisher, even when he is honest and means well, is prevented from offering a fair price by the fear of a rival edition. A certain American humorist wrote a book which he believed would be popular, and an English publisher offered him a hundred pounds for it. If the American could have protected his rights in England, he would have refused this offer, and he would have insisted on a royalty. As it was, he had, perforce, to accept it. It so happened that the book made a greater hit in England than in America; in the United States twelve thousand copies were sold, while in Great Britain the sale exceeded one hundred and eighty thousand copies.

The island of Manhattan has no monopoly of book-pirates. Captain Kidd was a native of the British Isles. Hawthorne, in his "American Note-books," recorded in 1850 that he had just found two of his stories published as original in the last London "Metropolitan," and he added, "The English are much more unscrupulous and dishonest pirates than ourselves." It is true that the British literary freebooter sometimes cruelly and barbarously mutilates his American victim. An American publisher, if he takes an English book, reprints it *verbatim, literatim, et punctuatim*, with the author's name in full. But the British publisher sometimes, as we have seen, drops out the author's name; sometimes he hires an English notability as editor; sometimes he revises and amends the heretical views of the American author in religion or in politics; sometimes he adapts throughout. One of Dr. Holland's earlier novels was published in England with a multitude of changes, such as the substitution of the Queen for the President, and of the Thames for the Connecticut. One of his later novels, "Arthur Bonnicastle," appeared in England with a new ending, or, as the title-page announced in the finest of type,— "The last chapter by another hand."

Writing on the subject of International Copyright fifteen years ago, Mr. James Parton began his essay with a striking statement, as is his custom: "There is an American lady living at Hartford, in Connecticut, whom the United States has permitted to be robbed by foreigners of two hundred thousand dollars. Her name is Harriet Beecher Stowe. By no disloyal act has she or her family forfeited their right to the protection of the government of the United States. She pays her taxes, keeps the peace, and earns her livelihood by honest industry; she has reared children for the service of the Commonwealth; she was warm and active for her country when many around her were cold or hostile; in a word, she is a good citizen. More than that: she is an illustrious citizen. The United States stands higher to-day in the regard of every civilized being in Christendom because she lives in the United States. . . . To that American woman every person on earth who read 'Uncle Tom's Cabin' incurred a personal obligation. Every individual who became possessed of a copy of the book, and every one who saw the story played in a theater, was bound in natural justice to pay money to her for service rendered, unless she expressly and formally relinquished her right,— which she never has done." Mr. Parton's statement of the case is vehement, but his estimate of the loss to Mrs. Stowe, owing to the absence of any way by which she could protect her rights in foreign parts, is none too high. Because the people of the United States have

not chosen to give protection here to the works of foreign authors, Mrs. Stowe has been robbed by foreigners, and the extent of her loss is quite two hundred thousand dollars. The extent of the loss of Irving, Cooper, Longfellow, Hawthorne, and of the many living Americans whose writings are read eagerly on the far side of the Atlantic, is many times two hundred thousand dollars, and it increases every day.

B. M.

#### The Calling of a Christian Minister.

THERE is loud complaint of a famine in the ministry. The bread of life is plenty, men say, but there are few to break it. The scarcity is somewhat exaggerated, but the catalogues of the theological seminaries show that it exists. The number of men in preparation for the ministry does not increase so fast as the number of the churches increases.

Part of this disparity is due, as was recently shown by an Open Letter in these pages, to the needless multiplication of churches, under the stress of a fierce and greedy sectarianism. Not only is the demand for ministers in many of the smaller communities in excess of the real need, but the petty competitions into which the churches are thus plunged prevent many high-minded young men from entering the ministry. It is probable, also, that the theological disputations which have been rife during the last few years have discouraged some who might otherwise have chosen this work. They have seen devout and faithful pastors bearing the stigma of heresy, and even cast out of the synagogues; they have seen earnest and brave young men stopped and turned back on the threshold of the ministry; and they have shrunk from entering upon a work which appeared to be beset with so many snares and suspicions. This action may have been ill-advised, but there can be no doubt that it has been taken for such reasons in a great many cases. To doubts within, as well as to disputations without, the reluctance of some to enter the ministry must be attributed. In this period of theological reconstruction it is not strange that some ingenuous young men have become somewhat uncertain respecting the foundations of the Christian faith. To enter upon the work of preparation for the ministry with such misgivings would, of course, be out of the question.

To obstacles of this nature rather than to any lack of worldly advantages in the ministry is due, we are persuaded, the greater part of the falling off in the number of theological students. The Christian ministry will never suffer from the loss of those who are allured from its labors by the superior prizes of wealth or power which are offered to men in other callings; and, tempting as these prizes are, it is to be hoped that there are still a great many young men in this country to whom other motives more strongly appeal. If young men of this class, whose aims are not mainly sordid, and who entertain a generous ambition to serve their generation, are less strongly attracted than formerly to the work of the ministry, that is certainly to be regretted. And the reasons which lead them to decline so good a work ought to be well weighed.

Even those who turn away from the ministry because of intellectual difficulties might find, if they took counsel with some judicious and intelligent friend, an easy

post-offices. If deposits are few, but little additional clerical work would be required. If they are numerous the fees would pay for the new work, and in any case the system would be self-sustaining.

It has been feared by some that such a system of national savings-banks would seriously reduce the business of the savings-banks already established, which pay interest on deposits; but is it not quite as likely to increase it? Our people think so much of interest that many of them would be likely, whenever their deposits become considerable, to withdraw them from the non-interest-paying government banks and put them into private banks which would pay interest.

When government bonds are no longer available as securities, some modifications in existing systems of banking will be necessary; and such a system of savings-banks as is here described would, it is thought, be adapted to the new order of things.

The government should do nothing for its citizens which they can as well do for themselves; but the establishment of non-interest-paying savings-banks, with absolute security of deposits, can be accomplished only by the national government, and it is urged with great force that the system would tend to habits of economy, and to improved conditions of life, for large numbers of people.

## OPEN LETTERS.

International Copyright.

PLAIN SPEECH FROM AMERICAN AUTHORS.

In vain we call old notions judges  
 And bend our conscience to our dealing;  
 The Ten Commandments will not budge,  
 And stealing will continue stealing.

J. M. Locke.

20<sup>th</sup> Nov: 1885.

THE demand for International Copyright is based, primarily, on principles of simple justice. The right of an author to the product of his brain, like the right of the mechanic to the product of his hands, does not depend upon national or geographical conditions. I would not myself make it depend upon international treaty, or the legislation of other countries. Whatever privilege our present copyright law gives to citizens should be given to persons. America is too rich to be a pauper, and ought to be too honorable to be a robber, and should be willing to pay to authors who contribute to its enlightenment or its enjoyment a fair remuneration for their work.

But this consideration of justice is enforced by a consideration of self-interest. We protect by our legislation every form of industry except that of the brain; the industry of the brain we subject to an unequal competition. The American author, in order to

secure the publication of his book, must not only write a good one, but he must write one so much better than any that a foreign author can write, that the publisher can better afford to pay him for the privilege of publishing it than to publish his competitor's book for nothing. This system is dwarfing American literature, and would have done much to destroy it, if it had not been nurtured and kept alive by our popular periodicals. A vote for justice does not require much explanation; and I think this simple statement is all the explanation which this vote, for what I should prefer to call Universal Copyright, requires.

Lyman Abbott.

I AM heartily in favor of any effort that promises to be successful in securing International Copyright. Our present methods are disheartening to all authorship in America, and, consequently, we can never have

influence, for reaching the outside multitudes, for shaping, through its vital forces, the life of the community, they scarcely know, save as they hear them alluded to now and then from the pulpit. Now, here is an agency that ought to be most efficient in restraining the evils of society and in improving its conditions. In its origin this agency claims to be divine; but, like every other social institution, its usefulness depends upon human coöperation. The church can never be the power that it ought to be while so large a part of the intelligence and the enterprise of the community is withheld from its active service. It is not only in the management of its finances that the church needs these men of affairs, but in the development of its spiritual life and its benevolent work. A more business-like religion — one that takes hold in a practical, common-sense way of the problems of city-evangelization — is a crying need of these times.

The responsibility of the citizens of intelligence and property for the right government of the city is a tiresome commonplace. Nevertheless, it must be constantly reiterated. The power of these citizens to control the government, when they cast off the fetters of party and unite in the interest of public morality, is not doubted. So long as party lines are rigidly maintained in municipal politics, the rascals will always rule; they know how to combine, and they are thus able to control the nominations of one of the political parties, if not of both. But when the honest citizens unite, they always put the rascals to flight. This has been done in all our largest cities — in Brooklyn, in Philadelphia, in New York. The trouble arises from the fact that these uprisings of the people are spasmodic and occasional; they soon go back again to their buying and selling, and leave the field to the bad politicians. The fact to be urged upon citizens of intelligence and property is that they cannot keep the benefits of free government unless they are willing to pay full price for them. The whole duty of the average citizen cannot be discharged in the half hour that is required for the depositing of his ballot once or twice a year, nor by the check wherewith he pays his taxes. Citizenship in our American cities means more than this. Its obligations cannot be honored without devoting a great many hours in every year to study, and consultation, and difficult and disagreeable work.

#### Cheap Books under International Copyright.

CHIEF among the objections urged against International Copyright has been the allegation that it will make books dear: the people want cheap books, is the cry. The people want cheap beef and cheap bread, but this is not used as an argument for the denial of the protection of the law to the butcher and the baker. At first sight there may seem to be a certain plausibility in the assertion that the granting of copyright to the foreigner will make books dearer. The foreigner whose books we most often reprint is the Englishman, and certain kinds of English books are published originally at high prices. An English novel, for example, is generally issued in two or three volumes at from five to eight dollars; and a few of the lighter books of travel and biography are also published at a prohibitive price. This is because Great Britain is a small, compact country, with a highly organized system of circu-

lating libraries. The English publisher does not expect to sell a novel at seven dollars to a single reader; his large and sure customers are the circulating libraries, who lend it to the reader. But these high prices, even for books of this class, are apparent only and temporary. A successful novel is republished within six months in one volume at from fifty cents to a dollar and a half. And whether republished or not, second-hand copies are generally sold off by the circulating libraries in less than a year at from a quarter to a half of the published price. The English system of high prices is applied only to certain classes of books, and even as to these it is temporary. Professor Lounsbury, after an experience of years in buying for the library of Yale, declares that in the long run English books are cheaper than American books.

There is no danger that English publishers will try to impose on American readers the traditional methods of British bookselling, wholly unsuited to our tastes, to our customs, and to the vast extent of our country. The English are a book-borrowing people; we are a book-buying people; and any attempt to establish in these broad United States the English system of circulating libraries would surely fail. We have no right to assume that any English publisher who should venture to enter the American market would be so foolish as not to adopt American methods and to conform to American conditions. It would be their loss if they did not, and the loss of the English authors whose books they might publish; and they would very soon return to reason. There are now two great English publishing houses having important branches in New York, and both of these carefully adjust prices to suit the American demand and the traditions of the American trade. One of these houses has published a novel of Mrs. Oliphant's in London in three volumes at seven dollars and a half, and at the same time in New York in one volume at a dollar.

The passing of an International Copyright Bill will not make American books any dearer, nor will it in any way affect the prices of books already published; therefore the Greek and Latin classics, the great literatures of Italy, Spain, France, and Germany, the whole of English literature to this year of grace, and all that part of American literature which was in existence in 1844, will be just as cheap as it has been. There will be no change of any kind as far as these things are concerned; and exactly how great a proportion of the books worth reading are included in these various classes it is impossible to say, but it is quite nine-tenths, not to say ninety-nine hundredths. The passing of an International Copyright Bill can raise the price only of the future writings of foreign authors, and these only when they are suitable for republication here in the cheap pamphlet libraries. Now, it is only the lesser part of the work of foreign authors which is reprinted here in the pamphlet libraries at from a dime to a quarter. In the main these pamphlet libraries contain novels, and novels only. In all probability new English novels will not be quite as cheap after international copyright as before. But it is only new English novels which may be any dearer, and these new English novels cannot be much dearer, because they must be published in competition with all the great novels of the past on which there is no copyright, and with the increasing novels of the brill-

iant American school, which have frequently been sold as cheaply as fifty cents.

Rising from details like these to a consideration of the general question, it is not difficult to show that the extension of copyright will not seriously increase the price of books. France, for example, is the country giving perhaps the fullest copyright protection to authors of all nations, without distinction. Literature prospers in France, and French authors are rewarded and honored; there are perhaps half-a-dozen French novelists who can be sure of a sale of fifty thousand copies for any new novel they may write. Yet nowhere

are books cheaper than in France; and books have been cheap in France since Michel-Lévy wrought his literary revolution, now nearly half a century ago. A French novel appears generally in one volume at seventy cents, and it is often reprinted later in cheaper form for twenty cents. All the tales of that most delightful of story-tellers, the elder Dumas, can be bought in Paris for twenty cents a volume. American publishing methods are more closely akin to French than to English; and in America as in France the reading public has formed the habit of cheap books, to which no publisher would now dare to run counter.

## OPEN LETTERS.

## Christian Union.

LETTERS FROM PRESBYTERIAN DIVINES.

From Rev. Dr. Crosby.

THE Rev. Dr. Shields has prescribed a very simple remedy for church separation among Protestants; namely, union on the basis of the Protestant Episcopal liturgy. Coming from a Presbyterian, this is very complimentary to our Episcopal brethren, and very magnanimous for a Princeton man. We have heard of other easy schemes to the same end, as, for example, union on the basis of the Solemn League and Covenant.

But the plan is too easy and simple; that is, it is so easy and simple for one denomination that it would be very hard for the rest. The one denomination that would have to do nothing would enjoy the operation, but those that had to do all the changing might find it a very severe process. We only know of two Presbyterian ministers who could be counted on as venturing on this one-sided consolidation—Dr. Shields himself and my excellent friend Dr. Hopkins. I know a little about Presbyterians, and of them only I speak. They are not in love with the Episcopal liturgy. They cannot extol it in the panegyric of Dr. Shields. They like parts of it very well, and count most of it excellent English, but they object to a great deal in it, and could never make use of it.

1. They object to the breaking up of prayer into little fragments, each beginning with an invocation and ending with a formal peroration. They consider this style of prayer too artificial and leading to a mechanical worship.

2. They object to the open-eyed reading of prayer, as tending to withdraw the mind from the unseen.

3. They object to the stereotyped prayer, however excellent.

4. They object to the Litany *in toto*, as putting the believer far off from God, calling on him to *spare* him as a miserable sinner, when, as an accepted child of God, he should reverently call upon God as a dear Father near at hand, ready to bestow his gifts abundantly. The Litany has no feature suited to the "heir of God or joint-heir with Christ." Many of the features of the Litany (like the prayer against sudden death) are but relics of Romanism, and its repetitions are unmeaning.

5. They object to the absolution *declaration*, which is only a toning-down of the Roman absolution *bestowal*. No minister is authorized to pronounce an absolution on the penitent, any more than one who is not a minister. That grand truth is for everybody to know and to proclaim. The minister has no prerogative here, as this section of the prayer-book would imply. It is a remnant of the priestly idea of a Christian minister, while Presbyterians hold that all believers are equally priests, and that a minister is only an ordained leader and ruler.

6. They object to the repetitions of the Lord's Prayer, as if it were a magical formula, which was effective by frequent repetition.

7. They object to the clear remnants of transubstantiation in the Communion Service and of baptismal regeneration in the Baptismal Service—two doctrines which Presbyterians abhor.

With such objections on the part of Presbyterians (in which, I doubt not, Baptists, Methodists, and Congregationalists would largely concur), how can Dr. Shields's plan of union on the Episcopal liturgy be of avail?

The truth is that Christians cannot be made to agree on the points referred to, nor on secondary matters of doctrine and church government, nor is it desirable that they should agree. Down deep in the fundamentals of Christ's divinity, incarnation, sacrifice for sin, the gift of the Spirit, faith, repentance, the new life, Christians of all evangelical creeds and customs agree, and *on these they can unite*, but on nothing else. A visible union can be brought about only with the liberty of each Christian or group of Christians holding his or their differences in creed and custom. The union would be by periodical congress for prayer and conference, and by coöperative work in Christian associations and alliances for general effort against falsehood and infidelity. This union is feasible, and is, indeed, beginning to be a fact through more enlightened Christendom.

I am an out-and-out Presbyterian, but I find it a delight to work with my Episcopal friends in their admirable Church Temperance Society; I have worked side by side with Baptists and Methodists in City Missions and in Young Men's Christian Associations, and it never occurred to any of us to think of denominational differences; I am a member of two ministerial organizations where ministers of all the Protestant

## OPEN LETTERS.

## International Copyright on Music.

OPINIONS OF AMERICAN MUSICIANS.

[IN THE CENTURY for February, 1886, was printed a collection of opinions from the most prominent authors of the United States, to the number of forty-five, on the subject of an International Copyright Law, contributed in response to a circular from us, and unanimously demanding such a measure, in the name of justice to authors and of an honorable public policy. In the following pages we print replies to a similar circular addressed by us to American musicians. It will be remarked that these responses, like those of the authors, recognize the preëminence of the ethical issue which is involved. Looking merely at the indifference of our legislators on this and other moral questions, one might think with Emerson that

"Things are in the saddle,  
And ride mankind,"

were it not for the widespread and unsophisticated sense of right which is shown by such protests as these from authors and composers, who we are sure are in this matter the truest representatives of American sentiment. How long will it be before Senators and members will recognize that this is primarily a moral rather than an economic question; and that the conviction of large classes of thoughtful people that we are pursuing a disgraceful policy is a source of weakness in the national self-respect for which legislators individually are every day newly responsible? — THE EDITOR.]

AS TO an International Copyright Law, I should hail it with joy. At this stage of the world's progress such a legal protection should be everywhere recognized as an author's inalienable right.

BROOKLYN.

*Dudley Buck.*

THE artistic injustice to which composers are subjected for want of an adequate copyright law can scarcely be appreciated by the general public.

The recent litigation in regard to the original orchestration of Gounod's "Rédemption," and of the Gilbert and Sullivan operas, developed the fact that it is the common practice to rescore, rearrange, reharmonize, republish, and otherwise maltreat, *ad lib.*, the works of any foreign composer that may be found profitable for trade purposes. So shameless has this practice become that the defendants in one of these lawsuits actually made a point of the fact that they had altered all the chords of the seventh in the original composition to common chords in their "edition" (!) and made claim to copyright on that account.

It is a notorious fact that American composers have suffered in the same way in England. The genuine creator in music may be content to wait for recognition, and may even be reconciled to having some one else reap the benefit of his artistic labor; but that any one should have the right to distort and misrepresent his works, which happens every day to *tone* artists, is a shame which no one can endure with equanimity. Common justice demands that the artist shall have the right to the fruit of his labor. *Artistic* justice demands that his creation shall be protected from dis-

figurement and vandalism, and *common law* as well as international law ought to afford such protection.

BOSTON.

*G. W. Chadwick.*

THE first thing to determine in regard to the lack of an International Copyright Law is not the injury it may be to American composers, but the injustice it inflicts on composers of all nationalities. The laws of all civilized countries recognize and protect the right of the inventor to the rewards of his ingenuity; the patentee of the most trifling mechanical contrivance, the compounder of the most impotent "cure-all," can at small cost secure the profits of his labor in every land; but the author, whether literary or musical, is not deemed worthy of the same just protection. His work, the result of years of labor, is — by a strange irony — deemed of so much value to the world at large that it would be an injustice to the world to expect them to pay him a fair price for it. He must be content, perforce, to find his highest reward for instructing or amusing the world, in fame, and — in filling the coffers of piratical publishers. So long as American publishers can republish the best class of music produced in Europe, without cost, except for stamping and printing, just so long they will refuse equally good compositions by native authors, unless they get them for nothing.

It would seem that the mere statement of the existence of such a state of things ought to be enough in the name of justice and honesty, to end it, in spite of the "vested interests" — viz., publisher's capital, stock, etc., etc. — that are constantly referred to, when this question is agitated, as something too sacred to be meddled with; as if equity can or ought to recognize any "vested interests" in in-equity, or the success of never so many publishers outweigh the plain right of the humblest author to a fair share in the profit of his work.

UNIVERSITY OF PENNSYLVANIA, PHILA. *H. A. Clarke.*

THE absence of an International Copyright Law is working directly to the grave injury of our native composers. So long as American music publishers can reprint the most successful foreign compositions without paying a farthing of royalty to their authors, so long will they prefer doing so instead of printing American works of possibly equal merit. An International Copyright Law will encourage our composers by giving them a chance to see their scores printed. Surely, commercial equity and the interest of our musicians, nay, of musical progress among us, here go hand in hand. The absence of such a law benefits solely our music publishers; its enactment would remove one of the chief obstacles to our eventually taking rank as a musical nation.

BOSTON.

*Julius Eichberg.*

THERE is no need to argue at this stage of the controversy that copyright is property. The question at issue is now whether this property should have an international protection the same as the money a man carries abroad in his pocket. To reduce the matter

to a strictly logical basis, copyright is money. Any man possessing a copyright may sell it for what it will bring in the market, precisely as he would sell his railroad stock, or his old clothes—for there are copyrights which are worth little more. The question is, shall civilized countries recognize these facts and give copyright an international safety, or shall the inhabitants of each country still have the privilege of poaching on the mental products of other countries at their pleasure? American composers have so far had a hard time of it, and have found it a very difficult matter to introduce their works to their own countrymen. Nor is this so much to be wondered at when it is remembered that in the present state of lawlessness any publisher here can issue cheap reprints of any foreign composition at any time when he may choose to do so; he merely pays for the plates, the paper, and the printing, the composer, of course, receiving nothing. This is certainly very agreeable and nice—for the publisher; but it naturally puts American composers in the shade. Lastly, it must not be overlooked that an International Copyright Law would not only be a matter of justice, but also a stimulus to mental activity, and it would certainly tend to discourage robbery whose chief excuse seems to be that it is wholesale.

NEW YORK.

*Otto Floersheim.*

JUSTICE and expediency alike demand an International Copyright, and every educated person in the country should ask for it.

One example of the result of the present system of piracy is worth more than any amount of argument. Three years ago, in Paris, I saw a man whose music is admired and loved wherever the pianoforte has made its way,—Stephen Heller,—old, poor, and almost totally blind. If the money justly due him from publishers in the United States alone could have been made his by law, he would have been made comfortable for the rest of his life. Fortunately his friends in France and England raised an annuity for him, and so in part made up for the wrong; and his is the case of many. No American who lives wholly or in part by the work of his brains should rest until that work is as much protected as a brand of whisky or soap.

BOSTON.

*Arthur Foote.*

IN observing that in the United States the author and musical composer alone are left unprotected by the law, one might be inclined to think that America's great law-makers had all been publishers! Luckily it is otherwise. Nevertheless, so long as there is no international copyright, "*Fiat justitia, ruat cælum*" will remain in American translation: Enrich the pirates; authors may starve!

NEW YORK.

*F. Korbay.*

WHILE the present wrong state of affairs causes more injustice to European authors and composers than to Americans, it will not be long before the latter will begin to suffer more or less acutely. It may be that for many years musical composition here will bring no pecuniary reward (so far as regards the higher forms), but without an adequate international copyright this condition might exist forever.

An American composer now has to contend against

the tremendous competition that is caused by the fact that our publishers reprint, without the cost of authorship, works of every European composer of reputation. It is not only against such works themselves that our composers must measure themselves—they must face a surfeited market; surfeited, because his works have but one publisher, while the others have all. The publisher has little reason to pay for what he can get for nothing. It seems to me that there is no honorable defense for our present thievish attitude on the subject of international copyright.

BOSTON.

*B. J. Lang.*

IT seems to me that every right-minded person must most emphatically condemn the unprincipled piracy of literary, and especially musical, works, that has been continued for so many years. Why should not the products of a man's brain be as much his personal property, and therefore protected by law, as his money or anything else belonging to him? If an American appropriates an Englishman's money and is caught, he is punished; if he appropriates his book or musical composition, republishing and selling it for his own profit, he goes free. Such a state of affairs is so entirely opposed to all principles of modern civilization, that there cannot and should not be two opinions on this point. Let us have an International Copyright Law, by all means, and the sooner the better.

BOSTON.

*Louis Maas.*

MANY pianoforte and other musical compositions by Americans are at present constantly being republished in foreign countries and ordinarily without remuneration to the composers. It seems to me that the arguments in favor of International Copyright as regards works of literature, apply with equal force to musical compositions. I should, however, prefer what the Rev. Lyman Abbott, in *THE CENTURY* for February, 1886, calls "Universal Copyright,"—not as a matter of policy, but because of its broad and more liberal scope and because founded upon principles of honesty, equity, justice, and humanity.

ORANGE, N. J.

*William Mason.*

It has been said that there are two sides to every question, but from the author's and composer's standpoint there is in the copyright question only one side which contains the elements of justice.

The consuming public naturally desires to have the advantage of reprints of foreign matter, and for this advantage ought to be willing to pay a price by which the originator, who has given his time for their enlightenment or enjoyment, should derive some benefit.

Without an International Copyright we shall never develop to any extent the literary or musical talent which is lying dormant in this country; for so long as we can have the vast resources of European countries to draw upon without taxation, so long will our native authors and young composers be deprived of a working-field, and we who boast of equality in all things will have to acknowledge the superiority and supremacy of other nations in literature and art. For no enterprising American, no matter how much genius he may possess, will wholly devote his time and talents to work from which he can derive no profit

owing to the concurrence of publications by foreign authors which can be reproduced here without paying any royalty, and consequently at less expense to the publisher.

NEW YORK.

*Harrison Millard.*

MY name is at your service to help swell the number of petitioners for the passage of an International Copyright Law. In spite of my honest endeavor to find out the injury done to American composers by the absence of such a law, I must confess my inability in this direction. My only feeling is, that moral justice ought to be done to the right of property of the brain as well as to that of the purse.

NEW YORK.

*J. Mosenthal.*

EVERY American composer will rejoice when an International Copyright Law is adopted in this country, whereby the right of an author to legal protection for his published works is recognized as universal. The absence of such a law is not only a grave injury to foreign masters, but a fatal obstacle in the path of our own composers.

CAMBRIDGE, MASS.

*John K. Paine.*

ALL the arguments advanced in the controversy regarding an International Copyright Law for the protection of authors are equally applicable in the case of composers. Speaking from the standpoint of an American composer, the musical market is flooded with cheap reprints of the most popular and profitable modern European works, to the great detriment of American compositions of merit. These cannot of course compete with works of foreigners in price, since the publishers not only may, but do, take without remuneration and use with impunity what ought to be the property of foreigners. For no long argument is needed to convince any right-thinking man that the result of brain-labor is as much the maker's own property as the work of his hands. Moreover it is a melancholy fact that there is in this country at present a prejudice against American music. Given two piano-pieces of equal merit, one by an American, the other by a foreigner, probably not one teacher in ten would give preference to the former for constant use. The passing of this law would give to American composition an impetus and encouragement which it greatly needs, by tending to place the American composer, at least at home, on the same footing as the foreigner.

The whole question seems naturally to resolve itself into one of simple morality: Has a man the right to the product of his work? It is unreasonable and selfish to expect a composer, after he has labored for years and spent both time and money to acquire his ability, to use that ability merely to enrich the man who buys the paper and has it printed; while he himself who has created something to print is forced to subsist by other means, although by appropriate legislation there could be secured to him a just proportion of the fruits of his toil.

GARDEN CITY, L. I.

*H. W. Parker.*

IF it be obvious justice to a literary or artistic worker to afford him copyright protection in his own country, it is equally obvious justice to grant him similar protection in all countries that are linked with his own by likeness of knowledge and taste. Upon

general principles of fair dealing, therefore, I believe heartily in an International Copyright Law, and in a law that shall apply to musical compositions as well as to books. Hitherto, the absence of an International Copyright Law has been an injury and an injustice mainly to *foreign* composers and publishers. But within the last ten or fifteen years American music in all departments from the primary instruction-book has been commanding more and more attention in Europe, so that the evil is beginning to be felt keenly on our side also. This reciprocity of interest is certain to become rapidly more noticeable. The sharp goad of personal interest is thus being added to the slow sense of abstract justice to make most American musicians decided advocates of the International Copyright idea. It is surely disgraceful that the United States is one of the last of the great powers to accept and adopt this idea.

HARTFORD, CONN.

*Waldo S. Pratt.*

LAST summer I looked into the musical catalogue of the British Museum for English reprints of American music, where every publisher in England is expected to deposit a copy of every publication he issues, to be catalogued and kept for reference. This I did at the suggestion of a London publisher who favors an International Copyright Law, and who wished to give me an idea of the loss I have sustained by the absence of such a law. This catalogue consists of blank-books into which are pasted the titles of each author's compositions, so arranged that they are kept together and in alphabetical order and four or five on a page. My list, beginning back in the Fifties and taking in the war songs on their way to the present time, occupies twenty-three of these pages and a part of the twenty-fourth. This does not include a good many singing-class pieces and some Sunday-school and Gospel songs that appear in books by English compilers. It goes without saying that I favor an International Copyright Law.

CHICAGO.

*Geo. F. Root.*

ON most subjects there may be diversity of opinions. On the subject of International Copyright it seems to me there can be but one view, and that in favor of security to American writers, and, I may say, to all writers. As a composer of music who is, fortunately, not dependent on the material result of his publications, I do not fail to appreciate the fact that music publishers in this country have no paramount interest to push the sale of their copyright publications. The reason is, they can reprint with such facility the works of others *after* they have proved a success, and it pays them so much better to do this because they are not hampered by royalties or bonuses to European composers; thus they have not the same incentive to further the sale of their publications which English, French, or German publishers have. A successful American composer, whose works do not aspire to so-called cheap popularity, does better to-day, from a pecuniary point of view, to publish his works in Europe than in this country. This is not as it should be. It is time that wholesale stealing of, or simply voluntary payment for, the productions of the brain should be stopped.

NEW YORK.

*Sebastian B. Schlesinger.*



INTERNATIONAL Copyright is a legitimate and logical extension and application of the principles involved in our present copyright laws, and secures to the author, dramatist, or composer full and perfect recognition of property rights, in place of the partial and imperfect protection afforded by existing laws.

That our statutes signally fail to furnish to literary workers that security in the pursuit of an honorable calling to which every citizen is entitled, must be conceded, and the injustice of further delay becomes more apparent, in view of the fact that the advocates of purely material issues rarely fail in securing favorable legislation.

The comparative ease with which musical productions are reprinted, and the fact that the medium of expression is the same in all countries, render the native composer subject to a competition even more intense than that which literary workers are obliged to endure. It must be borne in mind that at the present time, when American composers are beginning to assert their right to a respectful hearing, this burden is especially hard to bear. It is significant that the association (Music Teachers' National Association) which has done more than any other agency to arouse an interest on the part of our musical public in the work of our native composers, has repeatedly and emphatically indorsed the principle of International Copyright. It was the good fortune of the writer to assist in securing an expression of opinion from the musical profession upon this question, and the unanimity with which the better class of musicians indorsed the proposed legislation proved conclusively that its necessity was fully appreciated. The manly spirit shown in demanding fair play for the foreign composer, while insisting on just treatment for themselves, indicates a self-respect which may prove no unimportant factor in developing American musical art.

PROVIDENCE, R. I.

*Albert A. Stanley.*

WHEN a young artist, or an old one for that matter, carries to the publishers a work that will compare in usefulness as well as excellence with any contemporaneous production, he is met by the question, "What is the use of my buying a MS. from you when I can get the compositions of Sullivan, Dykes, Goss, and all the best English composers for *nothing*?"

The English music unquestionably has done much good here in arousing the latent talent and energies of our American composers. We awake only to find that we have been aroused in vain. There *must* be an International Copyright, and that without delay, or American music will sink into oblivion. If any considerable number of our Congressmen knew anything about art or literature, we should have had it long ago.

NEW YORK.

*Eugene Thayer.*

THE present state of the law is an inducement to swindling and is degrading to us as a nation. An International Copyright Law that would compel American publishers to pay foreign composers for their works might also prove an encouragement to home talent by giving our own composers an equal chance with others.

NEW YORK.

*Theodore Thomas.*

I AM most decidedly in favor of an International Copyright Law, by which musical composers and authors in other arts and sciences will be protected against the outrageous doings of many publishers in America and in Europe. A man's brain-work should be respected by all, and every profit and advantage that may be gained through it should be for his own benefit, and *not* for those who furnish the paper and the ink for the reproduction of works which in most cases have taken years of study and hard labor to conceive and to execute.

BOSTON.

*Carl Zerrahn.*

COMMENT OF A CRITIC OF MUSIC.

THE musicians whose appeal for International Copyright is published in this number of THE CENTURY have in one respect a stronger claim upon the protection of their country than even the writers of books. The author of a literary work is exposed to the direct competition only of those who use the same language. But the language of music is universal; and the American composer of songs, cantatas, and operas must face the fact that the publishers of whom he asks pay can take without pay the productions of Germany, France, Italy, Hungary, Russia, and Scandinavia, as well as the countries of the English tongue. They can pillage the whole world. This is one reason why American music gains so little headway. Our historians, novelists, and poets by pluck and ability are beginning to make a scanty living; but American music, on its creative side, remains very nearly where it was a generation ago. An American cannot earn bread by composing music. The law shuts him out of both foreign markets and his own; and yet music of a high class needs the markets of all countries, because its sale, under the most favorable circumstances, is so much restricted by the difficulties of performance. We pride ourselves upon our progress in the execution and appreciation of music; but while we boast of our culture we starve the creative spirit of art, and fill our dishonored halls with ill-gotten spoils from every land where we can find anything to steal.

The Hawley Bill, supported by the American Copyright League, during the last Congress proposed a simple measure of reciprocity, placing upon a perfect equality with our own citizens, as to copyright, the citizens of every nation which should grant a parallel equality to Americans. Interesting and forcible arguments in behalf of the reform were made by Mr. Lowell and others before the Senate Committee on Patents; but to the general disappointment the committee reported a bill devised by one of its members, Mr. Chace, which nobody seems to have asked for, which authors and composers certainly do not want, and which virtually denies the principle upon which International Copyright is demanded. Whether we rely upon the moral or the economical argument, the paramount object of an International Copyright Law is to protect the creators of intellectual property against unauthorized reprinters of it. But Mr. Chace, in reporting his bill, declared in effect that his paramount object was to protect the interests of reprinters, and that he should consult the property rights of foreigners only so far as he could do so without injury to our

material profits or the "income of labor." As for the property rights of American authors and composers, he did not consult them at all, for he left out of his scheme the reciprocity clause, which was an important part of the Hawley Bill. What he did was to offer a foreigner copyright in this country provided he got out an American edition, printed here within three months of the original publication abroad. This condition failing, the copyright was to lapse permanently, and piracy to be free. In the meanwhile, and as long as the copyright lasted, the importation even of a single copy of the work was to be prohibited. The author could not send it to publishers with whom he wished to treat, and if he came to the United States he could not bring a copy with him. Take from the three months the time necessary for the shortest correspondence across seas and the time required for re-manufacture, and how much is left for negotiations? Our foreign friend's dealings with the American reprinter must be quick and sharp. This man of business has the game in his own hands. "Give me your work at my price," he can say; "it is too late to try another house. In a few days your privilege of copyright will lapse, and then I can have your production for nothing." So instead of protecting literary property, Mr. Chace has only invented a plan by which the "vested interests" concerned in reprinting can protect themselves against the competition of rivals in the business, whenever they think it worth while to pay something for that advantage. Authors of established fame and popularity can indeed make their own terms; but in the case of nine writers out of ten it would be optional with the reprinting firms, under the Chace scheme, to allow copyright or not. The time clause, which takes away a man's rights unless he can sell them by a fixed day, makes the buyer master of the trade. The situation is not essentially changed by the fact that authors might sometimes make their bargains here before the publication abroad. They could not always do that. In many cases the success of a work depends upon the haste with which it is put to press, and the manuscript must be given to the printer as fast as it is produced. And in dealing with all but the foremost authors and composers, it is probable that the "vested interests" would generally elect the piracy system, so that they could test the market for a work abroad before risking its republication in America. This would be the rule especially with musical compositions, the popularity of which cannot be judged until the public has had ample time to hear them.

The Chace Bill, therefore, does nothing for the protection of American authors and musicians abroad. It does so little for them at home that the relief is hardly worth considering. It violates the moral principle of copyright for the benefit of the capital invested in piratical reprinting; and it assumes that our paramount duty is to protect manual labor even to the extent of stealing the raw material for it to work with. This is the measure which the report of the Senate Committee on Patents has placed before the country. The American Copyright League is now striving to have the Hawley Bill reported also, that the people may judge between them. The contrast would be instructive. To show the difference between a bill for the protection of literature and art and a bill for the

protection of the vested interests employed in plundering literature and art is a telling argument for honesty.

*John R. C. Hassard.*

#### General Shields.

TO THE EDITOR: As a friend of the late General Shields, who has intimately known him from the time he made his first appearance in Illinois until his death a few years ago, I trust to your known impartiality for allowing me to make a few observations on the harsh judgment which the biographers of President Lincoln have passed on the character of General Shields in the January number of *THE CENTURY*.

Shields, while under age, came to this country, either at the instance or under the auspices of an uncle who settled in South Carolina. After reaching manhood he went North teaching school,—the beginning of so many of our most distinguished politicians and even statesmen. In 1835 or 1836 he opened a school at Kaskaskia which, though it had ceased to be the capital of the State, was still the residence of a highly intellectual and polished society. There lived the families of Elias K. Kane, then United States Senator from Illinois; of the eminent Judge Nathaniel Pope, United States District Judge; of the able lawyer David J. Baker, of William and Robert Morrison, of Governor Menard, of the Maxwells, and of many other prominent citizens.

General Shields had not received a thorough classical education; but he had some knowledge of Latin and French. He was an excellent English scholar, familiar with the best literature of England and America, and had a more than usual knowledge of history, particularly of that of modern times.

He was quick of perception, lively in conversation, ardent but by no means as touchy and irascible as the biographers represent him. His vanity was indeed inordinate, really so much so that it rather became amusing than offensive. The best evidence of his being an honorable gentleman and a man of superior parts, was that he was most kindly received and made much of in the families I have mentioned. Judge Pope was his most particular patron and spoke kindly and highly of him to the day of his death. Judge Breese, who had, however, left Kaskaskia shortly before, became well acquainted with him somewhat later, on the circuit, and formed as much of friendship for him at that time as lay in his nature. And what is a most remarkable circumstance, all these Kaskaskia people without exception were strong Whigs, while Shields was a Democrat, though never a radical one. He did not seek to rise in his party, as a great many men of small caliber do, by professing ultra views, and to a certain extent he even despised popularity.

There was a special session of the Legislature called in 1837 owing to the suspension of our banks and to the embarrassment growing out of the monstrous system of internal improvements shortly before adopted by the State.

In the representation of Randolph County a vacancy had taken place, and Shields, though a Democrat, was elected in a county then largely Whig, he receiving the support of Judge Pope, David J. Baker, and other leading Whigs. Hardly any Irishmen were then living in that county. It was largely inhabited by French people, amongst whom Shields was always well liked

their efforts to be forever thwarted by the ill-advised experiments of State legislatures, governing bodies which are removed from the city by every sympathy and interest? Nothing can prevent such a result, unless the municipal patriotism of the citizens has a parallel development, as the essential sustaining power to the new development of municipal leadership. The American city must be left to work out its own salvation, released from the meddlesome interference of the American State legislature; and the only means of attaining such a result is the development of an alert and even irritable patriotism in the city itself. When the time comes in which the citizen shall feel the same sense of personal outrage in the State's interference with his city government that he is prompt to feel in the nation's interference with his State government, the problem of the American city will be very far on the road to solution.

Human history seems to run in circles: new conditions are introduced, run their round of development, and bring the race back to a new phase of the old beginning-point. The tangible current of history began in the cities of the Orient. When fully developed Oriental despotism swept into Europe, individual liberty found its bulwark in the Greek cities; and these, in their decadence, yielded to the new type of individual power represented by the Eternal City. When this power had become a despotism, the individual still cherished his city as his main defense against the tyranny of the Cæsar. In the downfall of the great Empire, it was the cities that stood out like islands in the stagnant waters of tyrannical stupidity which over-spread the civilized world; and the cities, again, led in the rising struggle for individual freedom which has given modern history its character. We may not have all the incentives which led the Hollander to personify his city, to speak of it almost as of a mythological goddess, to count its buttresses and foundation-stones as even dearer than his hearth-stone, and to die on its walls or before its gates with all the patriotism which marked Marathon or Gettysburg. But, when one considers the importance of the American city, the increasing drift of American life into it, the magnitude of the interests, political as well as material, which hang upon its development, and the possible influence which the failure of the American city could exert upon the future history of the American people, he must believe that the field for municipal patriotism is even wider and more important in America than it ever was in Holland, and that nothing is more desirable for our political peace than the growth of an intelligent devotion of the citizen to his own city, and a personal dedication of himself to its healthy and honorable development.

#### The Seventieth Year of Our National Disgrace.

WITH the 15th of February next we shall enter upon the seventieth year of the United States Government's official license of literary piracy. It was on that day of the year 1819 that Congress formally excluded the foreign author from the protection then first accorded to the American. It may be that at that time this issuance of letters of marque and reprisal upon the literature of other nations was thought to be the best way to build up that of our own, but the protests from business interests which were made against the attempts under the

leadership of Clay, Webster, and Everett to remedy the defect in 1837 and 1838, indicate that less patriotic considerations were at the bottom of this exclusion. However this may be, the failure to repeal the excluding clause has not only dwarfed the growth of American letters and given an abnormal impetus to the spread of foreign ideas among our people, but has exposed us for three-quarters of a century to the just reproaches of the civilized world; and to-day, when the intelligent opinion of the country demands the reform—as for years it has demanded it—the indifference of our legislators to the fundamental question of principle which is involved shows the moral callousness which gathers upon a long-existing wrong. Possibly we underrate the open-mindedness of Congress on this question, but the fact that it is thought absurd to expect on moral grounds the speedy redress of so manifest and grievous a wrong is an evidence of the dangerous disrespect with which the legislative office in this country is invested. The idea is certainly widely prevalent that a question of pure morality has little chance in Congress when there is any opportunity of protest from so-called vested interests. No doubt this conclusion does injustice to many upright legislators, but it is nevertheless a conclusion for which their supineness is largely and especially responsible.

But while Congress, by its inaction, is feeding this sentiment of distrust, it is much to be said of the tone of the literary classes in this country that their innumerable appeals in favor of this reform have been almost invariably on the line of the moral argument. They would be less entitled to the respect of their fellow-men, as in large measure conservators of the ideal, were they to take a less sincere position. Better a thousand times that a copyright law should be delayed another half century, than that this ground should be abandoned for that of mere political expediency. Justice is so necessary to the continuance of the race that it often occurs that there are many reasons for doing a just thing. But it may be questioned whether the moral tone both of him who demands justice and of him of whom it is demanded is not lowered by demanding it on any ground other than because it is right. Expediency has been defined as a lower kind of right, but even admitting this, it is confessedly a *lower kind*, and the acceptance of the lower motive is particularly perilous to a conscientious nature,—character being the attitude toward evil rather than the mere accomplishment of certain conventional acts called virtuous. For surely the habitual acceptance of a ground of expediency tends toward the abandonment or suppression of the higher point of view. And yet this higher point of view is the chief distinction in morals. Who would not be insulted to be asked not to lie because it may lose him consideration, or not to steal because he can make more money by being honest? Indeed, the comparative distances of men from the point of view of the criminal classes may be determined by their sensitiveness to the affront of assuring them that "Honesty is the best policy."

American authors, therefore, do themselves honor in holding out for a settlement of the question on the plane of justice rather than on that of commercial advantage, and in declining to take responsibilities in the matter of copyright legislation which do not appertain to them and which commit them to a line of policy in

which as authors they have little or no interest. Their position has been one of dignity and self-respect; they have contented themselves with urging upon Congress what they regard as the proper remedy—a pure and simple copyright law. They stand ready to give their frankest opinions as to the probable working of any other measure that may be introduced; individually many of them favor one or another of the proposed commercial conditions, but to expect them as a body to urge the particular schemes of other interests, which as a party to the compact they would be obliged hereafter to defend, is one more indignity added to those which they have endured for nearly three-quarters of a century. They are not “irreconcilables” in this matter, and will welcome the establishment of the principle of copyright, with any conditions which, after a full examination of the subject, Congress may impose. These conditions, however, should be proposed and defended by those who profess to believe them wise; and the responsibility of determining what, if any, conditions should be imposed should be made to rest where it belongs,—with the legislative power.

#### “Constitution Day.”\*

THE reflection that it would be wise to make a national holiday of the 17th of September is one which must have occurred to many who witnessed or read of the celebration at Philadelphia of the centenary of the Constitution. A venerable justice of the Supreme Court has pronounced this celebration the greatest public occasion of the kind in our history, and those who witnessed the pageantries of peace in which shone so conspicuously the public spirit of Philadelphia—a constant quantity, it must be said—can pay no higher compliment than to say, as they do, that the celebration was worthy of the event commemorated. Its significance was enhanced by the fact that it was the first public opportunity for the whole country to unite in a reverential recognition of the supreme body of our national law, which now includes—in a settlement not alone of force, but of reason and experience—the national decision upon those differences of interpretation which, like the dragon’s teeth in the fable, sprang up into a harvest of armed men. It is not to be wondered at that so long as the Constitution meant one thing to one section and another to the other, there could be no real unity of appreciation of it: each section dwelt not so much on the grandeur of a common inheritance as on the wisdom of its own theory of government. Happily the danger in this condition of affairs is past, and we have learned from it that it is the part of statesmanship and patriotism not merely to admit but to cultivate kindly relations among all the sections of our diversified country. The serious uses in this direction of such an occasion as the Philadelphia celebration are not likely to be overrated. It has been wisely said that the quickest way to cure the quarrelsome tendencies of children is to provide them with some common ground of in-

terest, even the simplest, such as marching together; and the rule is not without value for the children of a larger growth. Merely to group about a national idea intersectional courtesies and social relations—the want of which kept us sorry strangers before the War—is an incalculable influence in making our people homogeneous and sympathetic. We cannot but think that this influence would be broadened and perpetuated by a formal recognition of the day as a national holiday.

In another aspect the day could hardly fail to have great value. We are not likely, from the nature of the Declaration of Independence, to have any serious differences over its axiomatic pronouncements of political principles; but the fact that the Constitution is likely to change with the needs of a growing country is a reason for cultivating a popular knowledge of its past benefits and an intelligent regard for its conservative influence. Future changes in that instrument—and the day would lead to the consideration of its defects—are likely to be made against the wishes of large minorities and after burning discussion, and it is well that they should have the sanction of the broadest popular acceptance *per se*—such as the later amendments could not have had without a war. Moreover the debates over such questions as the regulation of commerce between the States and the proposed national aid to State education indicate that our future political history is likely to deal largely with questions involving the powers of the legislative branch. Our people, who have the faculty of not crossing bridges till a long time after they come to them, are not less likely than heretofore to rely on chance to take them over future constitutional chasms. But we need the preventive of a broader popular study of the functions of government,—an understanding of what it may and what it may not do. The use of such a holiday would be to aid in supplying from year to year that strength of intelligent sentiment which in national emergencies is the most practical support of all law.

It is easy to say that our national holidays have become occasions for mere rest and frolic. Even thus, since the national foible is not idleness, it would be better to retain them. But aside from the direct patriotic influence of their celebration, the mere existence of Washington’s Birthday, Memorial Day, Independence Day, or “Thanksgiving” is the challenge of a great idea to the mind. The leaders of the “Labor Party” are shrewd enough to see the advantage to their cause of getting a recognition of it into the national calendar, and they are not likely to lose time in setting about it. The contrast in significance and value between “Constitution Day” and “Labor Day,” as one imagines them, well exemplifies the uses to which a national holiday may be put. If the 17th of September needs any other recommendation to the favor of the American people, it may come from the fact that upon that day also was given to the nation one of the wisest and most notable of our State papers,—the “Farewell Address” of its great, unselfish First President.

\*On the 8th of June, 1861, Mr. Charles Dudley Warner published in the Hartford “Evening Press” an editorial article favoring the establishment of two new national holidays, namely,—Flag Day, June 14th, and Constitution Day, September 17th. This project—the more appropriate by reason of the national crisis of that year—received considerable attention in the press. September 12th of the same year Mr. Warner published another editorial on Constitution

Day, and that year the day was celebrated in several places, especially in Connecticut and Ohio. On the 12th of June, 1862, Mr. Loomis of Connecticut introduced in the House of Representatives a resolution recommending the establishment of the two holidays. On the 13th, after brief debate, this resolution was laid on the table by a vote of 67 to 33. In 1877, the centenary of the adoption of the flag was generally celebrated throughout the North.

## OPEN LETTERS.

### Cheap Books.

IT is one of the assumptions of those who oppose International Copyright, either ignorantly or willfully, that this reform will raise the price of books in the United States. We are all agreed that the American people must have cheap books, yet the ordinary answer to this plausible assertion is modeled on Mr. Lowell's memorable saying that "there is one thing better than a cheap book, and that is a book honestly come by." I think it is possible to make a broader answer than this by boldly denying the assumption. The passing of the bill proposed by the American Copyright League will not raise the price of any class of books in the United States, with one possible exception. To this exception I will return shortly; in the meanwhile I wish to repeat my assertion, that books will not be any dearer in America after we have passed the copyright bill than they are now. The absence of International Copyright makes books cheaper here only in so far as American publishers are willing to take foreign books without paying for them. A consideration of the present condition and annual statistics of the American book-trade will show that the legal right to pirate is not now utilized by most American publishers, and that those who are still privateers seek their booty chiefly, if not solely, among books of one exceptional class.

From the figures published annually in the "Publishers' Weekly," the following table has been prepared to show the different kinds of books published in the United States during the past five years. (The classification is not quite that of the "Weekly," but has been modified slightly by condensation.)

	1882	1883	1884	1885	1886
Education and language.....	221	197	227	225	275
Law.....	261	397	455	431	469
Science (medical, physical, mathematical, political, and social).....	406	407	511	443	499
Theology, religion, mental and moral philosophy.....	347	390	399	460	395
History.....	118	119	115	137	182
Literary history and miscellany, biography and memoirs, description and travel, humor and satire.....	559	521	529	501	719
Poetry and the drama.....	182	184	222	171	220
Juveniles.....	278	331	358	388	458
Fiction.....	767	670	943	934	1080
Et cetera.....	333	265	329	330	379
Total.....	3472	3481	4088	4020	4676

Taking up these classes in turn, we shall see what will be the effect on each of the passage of the bill of the American Copyright League. On the first class, education and language, there would be no effect at all, as the text-books now used in American schools were written by Americans and are covered by copyright: it is hardly an exaggeration to say that the American school-boy never sees a book of foreign authorship in school-hours; — I know that I never did until after I had entered college, and then very infrequently. For-

tunately for the future of our country, young Americans are brought up on American books. The foundation of American education is the native Webster's Spelling-book. In some respects the making of school-books is the most important branch of the publishing business, and the passage of the copyright bill would not influence it in any way; American school-books would be neither dearer nor cheaper.

In the second class, law, are included a tenth of the books published in the United States last year, and from the inexorable circumstances of the case most of these books are of American authorship and are already protected by copyright. All reports, and all treatises on practice and on constitutional law, etc., are of necessity national. Now and again an English treatise of marked merit may be edited for the use of American lawyers with references to American cases, but this is infrequent; and not often would the price of any work needed by the American lawyer be increased by the passage of the copyright bill.

Of books in the third and fourth classes — science and theology — very few indeed are ever pirated. Once in every three or four years there appears in England or France or Germany a book like Canon Farrar's "Life of Christ," the American price of which is lowered by rival reprints. A large majority of these books are written by American authors; and in general the minority by foreign authors are published here by an arrangement with the foreign author tantamount to copyright. Although purely ethical considerations ought to have more weight with readers of books of this class than with those of any other, yet it would be only infrequently that the price of any book of this class would be raised by giving to the literary laborer who made it the right to collect the hire of which he is worthy.

Taken together, the next three classes on the list — history; literary history and miscellany, biography and memoirs, description and travel, humor and satire; and poetry and the drama — include nearly all of what used to be called Belles Lettres (except fiction), and they supply nearly a quarter of the books published in America. In these and in the preceding classes most of the books are of American authorship, and most of those of foreign authorship are published at just the same price as though they were by native writers. It would probably surprise most readers who imagine that the absence of International Copyright gives us many inexpensive histories and biographies and books of travel and poems, if they were to consider carefully the catalogues of the paper-covered collections which furnish forth our cheap literature. Among the chief of these collections are the "Franklin Square Library" and "Harper's Handy Series." In 1886, there were issued fifty-four numbers of the "Franklin Square Library," one of which was by an American. Of the remaining fifty-three, forty-six were fiction, and only seven numbers could be classified as history, biography, travels, or the drama — only seven of these books in one year, and they were less than one-seventh of the books contained in this collection. In the same year there were sixty-two numbers in "Harper's Handy Series." Deducting four by American authors

we have fifty-eight books issued in cheap form owing to the absence of International Copyright. Of these fifty-eight books fifty-two were fiction, and only six belonged in other branches of *Belles Lettres*,—only six of these books in one year, and they were less than one-ninth of the series. In these two cheap collections then, there were published in 1886 one hundred and eleven books of foreign authorship, and of these all but thirteen were novels or stories. Not one of these thirteen books was a work of the first rank which a man might regret going without. It may as well be admitted frankly that these thirteen books would probably not have been published quite so cheaply had there been International Copyright; but it may be doubted whether if that were the case, the cause of literature and education in the United States would have been any the worse.

In the class of books for the young there are probably more works of foreign authorship sold than in any other class that we have hitherto considered, but in most cases they are not sold at lower prices than American books of the same character. Indeed, I question whether many English or French books for the young are sold at all in America. At bottom the American boy is more particular and harder to please than the American woman; he likes his fiction home-made and he has small stomach for imported stories about the younger son of a duke. He has a wholesomer taste for native work; no English juvenile magazine is sold in the United States, although several American juvenile magazines are sold in Great Britain. We export books for the young, and we import them only to a comparatively slight extent.

I come now to the one class of books the price of which would be increased by the granting of International Copyright. This is the large and important class of fiction. Of course American novels would be no dearer; and probably translations from the French, German, Italian, Spanish, and Russian would not vary greatly in price. But English novels would not be sold for ten, fifteen, twenty, or twenty-five cents each. We should not see five or ten rival reprints of a single story by the most popular English novelists. There would be but a single edition of the latest novels of the leading British story-tellers, and this would be offered at whatsoever price the authorized publisher might choose to ask, sometimes much, generally little. English fiction would no longer cost less than American fiction. The premium of cheapness which now serves to make the American public take imported novels instead of native wares would be removed; and with it would be removed the demoralizing influence on Americans of a constant diet of English fiction. That American men and women should read the best that the better English novelists have to offer us is most desirable; that our laws should encourage the reading of English stories, good and bad together, and the bad, of course, in enormous majority, is obviously improper and unwise. A well-nigh exclusive diet of English fiction full of the feudal ideas and superstitions and survivals of which we have been striving for a century to rid ourselves, is not wholesome for those who need to be strengthened and enlightened to do their duty as citizens of a free republic. The strongest argument against novel-reading just now is that the novel which an American is most likely to read is Brit-

ish. "Society is a strong solution of books," Dr. Holmes tells us; "it draws the virtue out of what is best worth reading, as hot water draws the strength of tea-leaves." And in like manner society draws the vice out of what is least worth reading. Unfortunately under the present state of the law, society in America is far less likely to get what is best worth reading than what is least worth reading.

The passage of the Authors' Copyright Bill would tend to correct this evil: it would make English novels dearer, probably; but it would have very little effect on the prices of other books.

*Brander Matthews.*

#### Occupations of the Blind.

(EDUCATION OF THE BLIND—CONCLUDED.)

ANY person of average endowments, if deprived of sight in the early part of life, before his habits of seeing have become too firmly fixed, will be able after a few years' experience to overcome all the actual difficulties directly occasioned by loss, and to do the same work that others do in his chosen vocation and do it equally well, though it may be at the expense of rather more time and strength and by somewhat different methods. He will not need or wish to ask for sympathy or special favors or partial judgment from his patrons, but will be glad to stand alone, fight his own battles and rely on his own resources; but he ought in justice to be allowed an equal chance with his seeing competitors, to be able to demand that no discrimination be made against him without a fair trial, that his work be valued wholly upon its merits, irrespective of his manner of performing it, or of the fact that the majority, failing to understand how he is able to do it, hasten to presuppose him unable by consequence.

In reality there are comparatively few occupations in which, so far as they are themselves concerned, the blind may not compete with a fair chance of success; though among those possible, some present far greater intrinsic difficulty than others, and the amount of public credence and support to be counted on in each depends largely upon the number of familiar precedents which can be cited in that particular branch.

It may be laid down as a general rule that those departments of activity which are purely intellectual, or in which the physical elements employed are within the reach of touch and hearing, are all feasible; while those will be the most advantageous in which special demand is made upon the faculties which the blind are forced to cultivate to an unusual degree, such as hearing and memory.

To begin with manual labor: Certain kinds of farming offer an excellent opening, like market-gardening, the raising of poultry and small fruits, dairy work, and like occupations which are carried on within circumscribed limits and all parts of which may be brought within arm's-length. Besides chair-seating and broom-making, upholstery and cabinet work might be undertaken with ease and profit. Great skill with tools is no uncommon thing with the blind, and the joining and polishing of furniture can be done as well by touch as by sight. The qualities and differences in woods and stuffs could easily be distinguished by their texture and weight, and their colors would be a simple matter of memory.

suits of clothing, and gloves. The work in wood was well represented by tables, chairs, and excellent examples of carpentry.

The production of work for a regular market by the Protectory is also an important factor in promoting the efficiency and value of the industrial training. Thus, in filling an order for a certain amount of work to be ready at a stated time, many practical questions must be taken into consideration, a knowledge of which is of the highest value to the workman. So a boy is taught not only the execution of the work, but the time required for its performance; the cost of production; the quality and nature of materials; and many other practical matters which can only be learned by the production of work destined for actual use.

Boys trained in the shops of the Protectory are eagerly sought as workmen by the leading manufacturers, and many now fill positions as foremen and superintendents in large establishments in New York and neighboring cities.

*Ida M. Van Etten.*

#### The American Book.

THERE is one thing which, more than any other, would nationalize our literature. It is a question of a little common honesty — a matter of a little every-day sort of justice; and it would be twice blessed in the giving and in the receiving. We need a broadening of our copyright laws, a better protection for ideal and intellectual property, which is, after all, a more natural property than lands and corporeal hereditaments. It is a case where the ideal is most real; but it is also a property most liable to theft, most easily stolen, and least protected of all property.

It is gravely urged, in opposition to copyright legislation, that it would be wrong to force people to pay for what they can now have free—that to allow copyright to foreigners would be to pay an enormous tax for what we can have for the taking. Shoes and shirts are an enormous tax paid to decency and comfort. Shall we, therefore, in order to evade the tax, take the wares of the shoemaker and the tailor without compensation? It is the argument of Captain Kidd and the banditti. Proudhon said, "Property is robbery." America says, by her attitude on the copyright question, property in brains is robbery, if the brains are under a foreign scalp. A foreign author has no rights an American is bound to respect, and because of this theory, and this only, the converse is true in fact—that an American author has no rights in the hands of a foreigner.

We bear with composure the charge, and the fact, of being robbers in the fields of literature, but our blood runs cold at the thought of the torch of the mob applied to the tinder of a factory, or at the vision of a piece of gas-pipe, charged with dynamite, flung into the streets of a great city. We can not afford to suspend the truest maxims of our freedom at the call of interest or expediency. We can not allow our love of dollars to overshadow the future and forge fetters for our principles, nor let communism of brains emasculate our literature and make us a nation of literary beggars. There is something better than cheapness. The smuggler's goods are cheap. Is the smuggler, therefore, a great reformer and a public benefactor? The people

must read, they must educate; but to do these things shall we steal or smuggle? James Russell Lowell says, "There is one thing better than a cheap book, and that is a book honestly come by." The argument that cheapness is a national blessing largely resolves itself into an argument that is individual and selfish. If it is of any force as against international copyright, let us carry it out to its logical sequence and abolish home copyright as well, and then sit down and forecast the result.

It is true that it is the duty of the State to legislate primarily in the interests of its own citizens. But "there is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty." American progress can not be built up on cheapness alone. We sometimes buy cheap and ask no questions, glad that our wants and our purses so nearly agree; but there is, after all, a universal sentiment of honesty that is always glad to see one's neighbor come into his own. And it would seem to be the simplest possible proposition, that if one has made anything, whether a baby-jumper, or a book that is sufficiently valued by his fellow-men to be used by them, he has an ownership in his work, and is fairly entitled to a profit therefrom. Justice is better than cheapness, honesty is more to be desired than culture, righteousness is higher than expediency.

But expediency seems to be the highest reach of international law, and, abandoning any higher principle, it is full time for America to get into line with other states and nations, and amend her copyright laws on the ground of policy.

Competition is desirable, but our copyright laws put us beyond competition, and, as we have seen, into the range of pillage. Commercial monopoly tends to robbery. Mercantile competition is a matter of public policy. But an honest merchant can not compete with the pirate and the smuggler. Piracy and smuggling under governmental protection would soon destroy all home market and home manufacture, and home honesty as well. It is a regular "Stand and deliver" to all fair trade. This is just what the United States Government is doing in literary matters. It puts the American book in competition with the book for whose production nothing is paid. It is not "Chinese cheap labor," but stolen and absolutely unpaid labor!

If the alien's book is to be forever the cheapest book, it will be the book most read. American thought and action fed on foreign diet will, in time, be but an echo of foreign types. If we are to promote a national culture, we must keep abreast of our neighbors in all that tends to the advancement of a sound national literature. The state ought to have a literature in sympathy with it, for literature is one of the strongest forces in shaping social life and national character.

It is argued against international copyright that it will increase the price of books, and that cheap reading is a large factor in cheap education. Cheap reading is, perhaps, desirable, and cheap education may be a blessing, but things may sometimes be too cheap. I think the facts would be, that new foreign books would be higher in price, by reason of copyright, and new American books would be cheaper, by reason of a wider market. There is a large class of books which would not be affected by copyright, for it would not be retroactive. Year after year the books that age can

not wither nor custom stale—the books that are “immortalities”—are dropping into the common fund by the expiration of the “limited period.” Let us take these spoils of time freely and without price, under the policy of all governments, but in all justice and good conscience let us recompense the author for his work, under whatsoever skies he writes, for the statute time.

The United States, whose literature owes more to the world than that of any other nation, is, in the matter of intellectual property, behind the age. She wraps the mantle of selfishness about her and legislates for her own family only, saying to her citizens, “Thou shalt not rob thine own brother, but if there be a stranger within thy gates, thou mayest plunder him with a high hand and a free conscience.” It is one against the world, and her plunder weakens her capacity for producing work that is good at home, or work that the world will even steal. A governmental policy in copyright, that would grant common rights to others, would secure for ourselves rights which we need, and rights which would largely help us to higher standards, purer taste, and added nationality in our literature.

*John E. Cleland.*

INDIANAPOLIS, IND.

#### The Piedmont Exposition, Atlanta.

COUNTY and State fairs are locally advantageous whenever they are intelligently conducted. If planned so as to attract wide attention and induce general interest, they always arouse a spirited rivalry among the contestants for awards of merit, and such competitive efforts necessarily result in material benefit to all branches of industry and all departments of husbandry that are represented. Likewise inter-State and national expositions, when successfully managed, are proportionately beneficial throughout the wider fields of their influence. They are all eye-openers to the possibilities of energy, incentives to enterprise, and powerful factors in the creation of thrift and prosperity.

In these respects it is impossible to estimate what they have done for the South within the last ten years. Probably all of the others together are not equal in the value of their effect to the Piedmont Exposition, which occurred at Atlanta, Ga., about three months ago. It is now sufficiently a thing of the past to be reviewed calmly, with some chance of determining its practical results and substantial benefits.

It was only 104 days in course of preparation, and it lasted just two weeks. The fair-grounds, consisting of 197 acres, were farm-lands in cultivation when the Exposition was organized; and yet 104 days from that time, when the gates of the great fair were formally thrown open, all the necessary buildings and other arrangements, including an excellent race-track, stood in such admirable readiness that they seemed no less than the creditable result of many months of laborious preparation.

The Exposition itself was undeniably higher in its aim, wider in its scope, greater in its magnitude, and fuller in its success than any affair of the kind which has ever been held in the South.

If asked to express in one word the best result and most invaluable benefit of the Piedmont Exposition, I

should say—revelation! Revelation, deep and wide, of a common interest in our common country; revelation of local pride without the slightest disposition to insist upon the perpetuation of sectional lines between the States; revelation of a sincere desire for the profitable development of every resource of our broad land; revelation of that true patriotism which should make Massachusetts rejoice in the prosperity of Georgia's cotton-mills, and make Pennsylvania glad at Alabama's mineral wealth; revelation of the truth that we are one people, with no violently conflicting interests, no ground for jealous ambitions, and no cause for internal dissensions, but bound together by a union of purposes, a sympathy in aspirations, and an indestructible fellowship in destiny. These were the revelations of inter-State significance.

Locally the Piedmont Exposition was a revelation of marvelous excellence in all varieties of manufacturing industry; of surprising advance in every phase of mercantile enterprise; of vast improvement in stock and cattle-breeding; of admirable progress in methods of farming; and of an inexhaustible wealth in mineral and other natural resources.

It showed too that the Southern people “have pulled themselves together,” and so energized their ambitions as to insure a rapid march in all ways of material development and substantial prosperity. In this spirit of revived hope they are greatly sustained by the constant realization of encouragement from all the other branches of our great family of States.

It can not fairly be claimed that the immense crowd which gathered in Atlanta during the Exposition was all attracted by the exhibition of the Piedmont resources. It must be admitted that the President and his wife were incalculably strong magnets. No doubt thousands went to Atlanta to see them who never approached the Exposition grounds. But the crowd was great enough to stand a very liberal allowance for the hero-worshipping element, and still leave a balance altogether ample to attest a deep and wide interest in the purposes and success of the Exposition itself.

The visitors numbered more than twice as many as the resident population. I mean it as no complaint against the provision which Atlanta made for her guests, but only as evidence of how the city was packed do I mention the fact that several churches and other public buildings were thrown open as sleeping-houses for strangers who were without shelter. I saw at least five hundred men, women, and children sleeping on their trunks in the Union Depot; and the cold marble steps of the Kimball House, for three flights up, were every night literally packed with men who dropped down on them in absolute exhaustion and slept.

If most of these people suffered all these discomforts merely for a glimpse of the President, it argues powerfully the Southern interest in national affairs. If, on the other hand, even a fair proportion of them were simply in attendance upon the Exposition, it proves a lively awakening of interest in the vast wealth and infinite resources of the Piedmont region. The fair was the first of its kind in the South which I ever knew to be profitable. The total cost was \$199,530. The total receipts from all sources were \$209,096. Thus is shown a net profit of \$9566. In this calculation the permanent buildings and the grounds are put down in the



work. It will doubtless be some time before the proper candidates for these positions are forthcoming in sufficient numbers. The lack of rapid adaptability to changed circumstances explains why this expectation is justifiable. Yet the demand will eventually create a supply, and the trained student of nature's forces and materials will find awaiting him a field worthy of his noblest efforts.

For women there is a similar opening. Domestic economy, including instruction in the care, preparation, and constituents of food materials, and sewing, are being offered to girls just as constructive work with tools is prescribed for boys. Careful and systematic teaching is necessary if these branches are to yield the educational results hoped for, and which it is perfectly possible for them to yield. So for women teachers,—and women constitute more than four-fifths of our 320,000 teachers,—there is also an enlarged opportunity. Busy-work, sewing, and cooking will take their place by the side of arithmetic, geography, and history. Already a score or more of cities have schools in which this step has been taken. Everywhere the results are successful. The handling of things stimulates the pupil to careful observation and correct expression. It awakens interest where merely verbal exercises had brought on an intellectual paralysis. It gives power and a consciousness of power. It educates. As one reads the numerous reports on manual training from all parts of the country, New Haven and St. Paul, Albany and Cleveland, New Orleans and St. Louis, and a score more cities and towns, and becomes fully aware of the hold it has gained, he is convinced that for the healthy development of the movement not arguments, but trained teachers, are now necessary.

#### The Independence of Literature.

THE Rev. Dr. Gladden's "Open Letter" on copyright in this number of *THE CENTURY* makes a needed

explanation of the principle involved in all copyright, as no one can accept the principle of copyright and consistently oppose international copyright. The recent discussion of international copyright has shown the necessity of making clear this principle.

The fact is that the copyright method of supporting and encouraging literary activity is the modern and democratic method as opposed to the ancient feudal method. Either the author must win his living by the simple and easy means of popular sales, or he must, as in the old days, look for his support to some "patron,"—private, ecclesiastical, governmental, or what not. In claiming governmental "protection" by international copyright law American authors have asked not for "patronage" and "protection," as in the old days; on the contrary, they have merely asked for their right to gain their own living unhampered by the unnatural competition of stolen goods. They have asked not for the "protection" of the appraiser, but of the policeman. They wish to be "free" to earn their bread and butter under natural conditions. As Dr. Eggleston said in his speech before the Senate committee, American authors do not ask what several foreign governments give to their authors,—sinecure positions and literary pensions as a means of support; they only ask to be put on the same footing with other workmen. The opposition to international copyright has inevitably ended in denying the principle of all copyright. But when copyright is properly understood it will be found, as we have said above, to be the manly, honest, and democratic method as opposed to the aristocratic and feudal method of supporting the profession of letters.

The independence of literary expression needs to be carefully guarded. "Patronage" is much more out of place in this domain than in that of the plastic arts. Those who have opposed the principle of copyright have been, without knowing it, promoting a tendency which would result in a system reactionary and un-American.

## OPEN LETTERS.

#### The Ethics of Copyright.

THE debate about international copyright has raised the question whether authors, native or foreign, have any rights which the laws are bound to protect. The prompt answer of the advocates of international copyright, when they are challenged to give a reason for their demand, is that the reprinting of an author's books in a foreign country, without asking his consent or offering him remuneration, is an act of piracy; that it is simply helping yourself to another man's property. Mr. Lowell's verse sums up the common argument:

In vain we call old notions fudge,  
And bend our conscience to our dealing;  
The Ten Commandments will not budge,  
And stealing *will* continue stealing.

I confess that to my own mind this has seemed perfectly clear and obvious,—almost axiomatic. But now arise some who dispute all these assumptions. They

deny that the property right expressed in copyright is a natural right; they say that it is only a civil right, the creation of law; that a man has a right to sell his book, but not to monopolize the sale of it; that this right to control the sale is a privilege conferred on him by law; that it may be expedient to extend this privilege to authors, for the sake of encouraging literary production, but that there are no rights in the case except those which are created by the statute. Inasmuch as the statute is in force only within the territory of the State by which it is enacted, no rights are infringed when an author's books, copyrighted at home, are reprinted in a foreign country. The argument for international copyright which rests upon the equities of the case is thus opposed by the assertion that there are no equities in the case; and that while it may be expedient, for public reasons, to extend certain privileges to our own authors, we are under no obligation to extend these privileges even to them; much less to the authors of foreign countries.

The opponents of international copyright, at a convention in Philadelphia, in 1872, issued this manifesto:

"1. That thought, unless expressed, is the property of the thinker; when given to the world it is as light, free to all.

"2. As property it can only demand the protection of the municipal law of the country to which the thinker is subject."

I do not know the name of the humorist who fabricated these propositions, but he must be a very funny fellow. He says that thought can only be property while it remains unexpressed; and that as property it can only demand the protection of the municipal law of the country to which the thinker is subject. This means that a man's unexpressed thoughts are not legally his own when he visits a foreign country. The Englishman who travels in the United States has no right to the protection of our laws in thinking those thoughts which he never expresses! The American, on the other hand, may demand the protection of his own government in thinking, so long as he does not express his thoughts! Just how the Englishman's property right in his own secret thoughts could be invalidated, or the American's confirmed, by statute, this philosopher does not deign to instruct us. But it is pleasant to find this bit of American humor permanently preserved for us in the august pages of the great "Encyclopædia Britannica."

If these American opponents of international copyright are somewhat nebulous in their definitions they are, nevertheless, logical in basing their denial of this right to foreigners upon the theory that no such right exists. That no man, native or foreigner, has any right to control the product of his own mind, after it has been put in print, is an intelligible statement. Most of those who dispute the equity of copyright disagree, however, with the Philadelphia moralists to a certain extent; they insist that an author has a perfect property in his thought after it has been expressed *in writing*; that his manuscript belongs to him, and that the man who steals it from him should be punished. But just as soon as it is put in print they declare that the author ought to have no longer any effective control of it; that it is now "given to the world," and that "it is as light, free to all." "Certainly," they say, "a man has a right to the fruit of his own labor until he has sold it; but when he has sold it, his right ceases and determines." But what does this mean? Sold what? Sold how much?

Suppose that I devote the labor of a year to the writing of a book; and when it is written proceed to print, at my own expense, five thousand copies of the book. The year's labor is presumably worth something; the cost of printing the five thousand copies is, at any rate, considerable. If I can sell this whole edition, I may get profit enough on the sales to pay for the printing and binding, and to afford me some remuneration for the work of writing the book. In all probability the recompense will be very small, not so much as the year's wages of an ordinary mechanic. But, according to the theories of our Philadelphia friends, I ought not to have any legal security whatever in this undertaking. The first copy of this book that is issued from the press may be purchased by some enterprising printer, who sees that there is sure to be a large demand for the book; within a week, in the absence of copyright, he

may put an edition of his own upon the market. He can afford to sell it cheaper than I can, because all he requires is a fair profit on the cost of the manufacture. He seeks no return for the production of the book, which has cost him nothing. Thus he drives me out of the market, and leaves me with my five thousand copies unsold, and my year's work unrewarded. He takes the product of my industry, makes merchandise of it, reaps a large profit from it, and prevents me from obtaining any return for it. And in this, say our Philadelphia philosophers, he violates no rights of mine; because, just as soon as I have sold the first copy of this book, all my rights in the premises are canceled. This seems to me a queer kind of ethics. This book is my product—in a far more profound and comprehensive sense my product than is the bushel of wheat that the farmer has raised, or the horseshoe that the blacksmith has made. It is much more truly a *creation* of wealth than is any material, fabric, or commodity. That it is wealth is proved by the fact that it has exchange value—men are ready to exchange their money for it. The particular collocation of words and sentences which constitute my book is the fruit of my industry. The purchasers and readers of this book, every one of them, owe to me whatever benefit or satisfaction they may derive from the reading of this book. But we are told that a state of things might, with perfect equity, exist, in which the natural remuneration of this industry would be forcibly taken away from me; in which others might enter into the fruit of my labors and prevent me from sharing it; in which others could take the goods provided by me, and enjoy them, and enrich themselves by traffic in them, while I was left without reward. For myself I have no desire to be a citizen of a community in which such views of equity prevail.

That the products of one's brain are as truly his property as the products of his hands seems to me an indubitable proposition. To this the answer is made that spoken words as well as written words could then be copyrighted; that a man might claim the right to prevent others from copying or publishing a speech. Most certainly. That right is enjoyed and confirmed by law in England. A lecture or a sermon may be as distinctly protected by law as is a history or a novel. That is the English law, and the equity is as clear in one case as in another. Suppose I prepare, at the expense of a year's labor, a course of lectures which I wish to deliver at colleges and before lyceums, making them a source of income. Will any one say that a newspaper publisher might equitably send his stenographer to report these lectures at their first delivery, and publish them through his columns and in pamphlet form, thus depriving me of livelihood, and using my labor for his own enrichment? It strikes me that such a proceeding would be highly inequitable. How far the law may undertake to go in securing *speakers* against the appropriation of their utterances by others may be a question. It may be said that the case is one of such difficulty that it is not expedient to attempt the enforcement of these rights; but the equities of the case are clear, and the English law, as I have said, affirms and secures them. I think that the American law could well afford to do the same.

But the very form of the copyright law, it is alleged, shows that this right is only a creation of law; for

copyright runs only forty-two years at the longest; at the end of this time the author's control of the sale of his book is terminated by law. "How," it is demanded, "could a natural right be thus canceled by a statute?"

This question is by some assumed to be unanswerable, but it is not such a poser after all. The right of liberty is conceded to be a natural right, but we have had plenty of statutes in the course of history which canceled that right. Was the existence of the Fugitive Slave Law conclusive proof that the slaves of the South had no natural right to liberty? Suppose we put the question in this way: "What right has the legislature to deprive the author of the right to control the sale of his book after it is forty-two years old?"

It is true that the Constitution of the United States seems to regard copyright as a privilege and not as a right; it is granted, as that instrument phrases it, "to promote the progress of science"; but the Constitution of the United States is not infallible in its ethical pronouncements. What it proclaims to be a gratuity may, after all, be something more than a gratuity.

For one, I am strongly inclined to say that I desire no gratuities or subventions from the Government, and have never considered myself as in any sense the recipient of alms. The small reward that has come to me as an author, through the copyright laws, I have supposed myself to be fully entitled to, not only legally, but also morally. The fact is that the language of the Constitution embodies an unsound philosophy upon this question; it implies that authors are not producers, but paupers. Probably the phraseology of this section has had much to do in vitiating the ideas of our people with respect to this fundamental right. If the Constitution had said that "*in order to promote the raising of wheat*, farmers should be secured, for certain months in the year, against the raiding of their wheat-fields by freebooters," the notion might, perhaps, have been conveyed to the legal mind that farmers had no natural right to the wheat produced by their labor; that property in growing wheat was only a creation of the statute.

A little study of the history of copyright in England might be instructive to those who assume that statutes are the source of all such property. Long before there were any statutes on the subject, authors sued and recovered, under the common law of England, for the infringement of their right to control the publication of their own books. Finally a statute regulating copyright was passed, during the reign of Anne; and in a case arising under this statute it was decided by the judges of the House of Lords, seven to four, that the author and his heirs had, at common law, the sole right of publication forever; but that the statute of Anne had deprived him of this right, limiting his control of the publication of his book to the term of twenty-eight years. So far as English law is concerned, the author's property right was not, then, created or confirmed by statute; it has been limited and curtailed by statute.

But it is said that if the author has the same right to the product of his mind that any workman has to the product of his hands,—if literary property rests on the same basis as other property,—then the author may bequeath this copyright to his heirs forever. Undoubtedly. Such was the common law of England, as we have seen; such was formerly the law of Hol-

land and Belgium, of Denmark and Sweden. In all these countries the right of bequest is now limited, for reasons of public policy. The right to bequeath property of any sort is not a natural right; no man has a right to control his property after he is dead. For certain public reasons, it may be expedient to grant the privilege of bequest; for other reasons, it may be expedient to limit this privilege. But so far as the ethics of the case is concerned, literary property must stand or fall before the laws of bequest with every other kind of property.

In England, at the present day, the copyright is vested in the author until his death, and in his heirs for seven years after his death, unless this term of seven years shall expire before the end of forty-two years from the first publication of the book; in which case it is extended to forty-two years. A book published after the author's death by his heirs is secured by copyright for forty-two years. This is the shortest period of English copyright: while if an English author publishes a book at the age of twenty and lives to be eighty years old, the copyright of this book runs for sixty-seven years. In most other civilized countries the copyright is continued for a considerable period after the author's death: in France and Spain, for fifty years; in Prussia and Austria, for thirty years; in Holland and Belgium, for twenty years.

It is said that copyright is a monopoly, and, for this reason, ought not to be tolerated by the State. But it is not a monopoly in the ordinary use of that word. Certain publishing rights that were monopolies were granted in former days in England: to one man was given by law the exclusive privilege of printing the Bible; to another, all law books; to another, all music books; to another, all almanacs. But this is a very different matter from permitting an author to control the publication of his own books. If I write a history of Ohio, my copyright does not forbid any other man to write or publish the history of Ohio: every man in the State may write and publish such a history if he chooses. Nor does my copyright bind anybody to purchase my book, or guarantee any market for my book. It simply says, "This particular history of Ohio, which this man has written, is his property: no man can print or publish it for a term of forty-two years without permission from him; you are under no obligation to use his book; but if you do so you must make your bargain with him, or with those whom he empowers to act for him." It seems to me that this is no more a monopoly than the right of the shoe manufacturer to contract for the sale of the shoes manufactured by him is a monopoly. It is the right to control the sale of his own product.

I come back, therefore, to the ground from which I started, finding that it is well taken and strongly fortified by reason and experience. The author's property in his book is of the same nature as that of any other worker in his product. The protection of this property is not a gratuity conferred on him by the State for the promotion of literature or learning; it is a right to which he, with every other producer, is entitled. The author is not a mendicant or a pensioner; he wants no favors; all he wants is justice—to enjoy the fruit of his own labors. That he is entitled to this as long as he lives seems obvious; the law of nearly every civilized country, except America, confirms this right.

How long this property shall be extended after his death is a question of expediency; all laws regulating bequest are based upon expediency.

One reason why our legislators have been so slow to grant international copyright is found in the prevalence of the false notion that the author has no valid claim even upon his own government for the protection of his property; that the power to control the publication of his own works is not a right secured to him, but a privilege conferred on him.

Washington Gladden.

COLUMBUS, OHIO.

The Story of the First News Message ever sent by  
Telegraph.

On the morning of May 1, 1844, the Whig convention organized in Baltimore, and working connection was established for the first time by telegraph between Washington and Annapolis Junction, Professor Morse being at the former and Mr. Vail at the latter place. Morse sat that afternoon in the room at Washington, waiting for the signal from Mr. Vail, when suddenly there came an animated clicking at the instrument. He bent forward, in his eagerness almost devouring the little strip of paper that crept only too slowly from between the rollers of the register, until, the message completed, he rose, and said to the friends who were present: "Gentlemen, the convention has adjourned. The train for Washington from Baltimore, bearing that information, has just left Annapolis Junction, and Mr. Vail has telegraphed me the ticket nominated, and it is" — he hesitated, holding in his hand the final proof of the victory of science over space — "it is—it is Clay and Frelinghuysen!"

"You are quizzing us," was the quiet retort. "It's easy enough for you to guess that Clay is at the head of the ticket; but Frelinghuysen — who the devil is Frelinghuysen?"

"I only know," was the dignified answer, "that is the name Mr. Vail has sent me from Annapolis Junction, where he had the news five minutes ago, from the train that is bound this way, bringing the delegates."

In those days the twenty-two miles from the Junction to Washington required an hour and a quarter in making, even for the exceptionally fast trains, such as that which was taking the delegates to Washington.

Long before the journey was over, the newspapers — enterprising even in those days — had "extras" upon the streets, and the newsboys were lustily crying the news the telegraph had brought flashing through twenty-two miles of space. A great crowd of people was at the station. The extras, with their cabalistic heading, "By Telegraph," had whetted public curiosity to the keenest edge. Out of the train came the delegates, each one anxious to be foremost in sending abroad the inspiring news that fortune was with "Harry of the West." But consternation struck them dumb when, upon alighting, they found in type, before their eyes, the very story they had believed exclusively their own, but which had preceded them "By Telegraph," as they read in the head-lines of the journals. They had seen the wires stretching along the side of the track all the way from Annapolis Junction into Washington, and they had joked about it glibly.

The Hon. Ralph Plumb, a member of the present Congress from Illinois, was one of the delegates from Ohio to that Clay convention, and was on the train which bore the first news of the nominations, as was supposed, to Washington, and in a communication to the writer, under date of Washington, February 18, 1888, he writes: "It seems like a real romance to me to think that a son of the then young man who was sending what may fairly be said to have been the *first important message by telegraph that was ever transmitted*, is asking of *one yet alive* respecting what happened on that occasion. During these forty-four years, see what has been accomplished, as a result of this first successful effort! What civilized country is there now that has not the telegraph, and how many of them are covered by telegraph lines as by a network!"

In referring to the journey from Baltimore to Washington of the delegates to the convention at Baltimore, he says: "I remember the little shed at the Junction where we stopped on our way, and I saw the man (Mr. Vail) in it, who was ticking away upon a little brass machine. I saw him, and I talked with him, for I wanted to know what strange thing he was doing; and he answered that he was 'telegraphing to Morse in Washington about our convention,' — and he pointed towards the wire overhead, running in the direction of that city, — 'over the first wire ever erected or used for public telegraphing, and the message I have just sent is the first news ever transmitted for the public benefit.' In common with all the rest of the *real wise* ones of the day, I hailed the affair as a huge joke until we landed at the station in Washington, when, sure enough, Morse had received the news an hour or more before, and the whole city was informed of the fact that we had put a dark horse on the ticket with our hero, Clay. The evidence could not be disputed, of course. The most prejudiced of us could not presume to suggest that Morse's work was guessing; for no man alive would have imagined that Frelinghuysen could be made the nominee for Vice-President."

Mr. Vail preserved with much care the recording-register used by him at Washington and Annapolis Junction, and later at Baltimore, as a priceless memento of the days of which we have written, and at his death bequeathed it to his eldest son, Stephen Vail, by whom it was loaned, some years since, to the National Museum at Washington, where it has attracted much attention. Professor Morse, some years before his death, certified to its identity, and to the fact that the similar one used by him at his end of the line had not been preserved, and that he did not know what had become of it.

S. V.

The Postal Service.

THE postal service presents two distinct problems to the civil-service reformer: one as to the large post-offices in the cities, and quite another as to the fifty thousand small offices scattered through the country.

As to the first class, the beginnings of a solution have been made. The system of competitive examination is being applied with success to the selection of clerks and subordinate employees. We have made less progress in the selection of the postmasters themselves, the heads of the large offices; yet there has been an advance, and there is the prospect of a further

at the best, are the rewards of the architectural profession. It has recently been affirmed in the editorial columns of our chief architectural journal that probably not five architects in any one of our great cities earn, on the average, five thousand dollars a year, and that the chances of attaining to such an income are so small that Government positions assuring twenty-five hundred or even fifteen hundred dollars a year are tempting even to men well established in the profession. The statement seems astounding when we remember what success means in medicine or the law. But there is little reason to doubt its truth, and those who know the expenses which attend a large architectural practice will hardly find it difficult of belief.

A doctor may manage a very large practice with a "plant" consisting of a small office, a brougham, a single assistant, and a boy to open his door. A lawyer's outlay need not be much greater. But what are an architect's needs? It may seem very simple work to the public "merely" to design a building on paper and "merely" to supervise its erection by contractors who "do all the real work." But to design a building means to prepare, not only the little sketches and plans a client sees, but very many large scale drawings requiring much time for their elaboration, and not only artistic reflection, but long and complicated mathematical and pecuniary calculations too. And to supervise construction means frequent and extended visits from the architect or some competent assistant. All this implies very large and well-lighted and therefore very expensive offices, a numerous corps of assistants, some of whom must be men of great skill and long experience, and constant journeys often to very distant spots. Every one knows the immense commissions which Mr. Richardson received; but who remembers that he had more than a score of artists in his employ and took monthly journeys to Washington and Chicago? All architects must bear such burdens, but they fall much more heavily upon the American than upon the foreign practitioner. Rents are enormously high with us; the intense competition of Europe sends an established architect pupils who are willing to pay large premiums, while here salaries must be given from the start and must rapidly increase if good men are to be retained; and there is of course no comparison between the cost of journeys in France or England and those in our widespread territory. There are other facts which make an artist's task much harder here than in Europe and which tend to perpetuate the public feeling of distrust, but we merely wish at this moment to lay stress upon the fact that even the largest commissions on the most expensive class of buildings bring him a reward so disproportionate to that secured by an equal amount and quality of labor in other professions, that he may rank himself with the clergyman as among the least well paid of our professional men.

#### A Crisis in the Copyright Agitation.

FEW of the many friends of the International Copyright movement are aware of the critical condition of that reform. After a series of unsuccessful attempts to reach a settlement on the basis of abstract right, as embodied in the Dorsheimer and Hawley bills, the American Copyright League, representing the body of the authors of this country, last year felt it to be its

duty to give the weight of its influence to any movement that promised to establish in American law a fuller security of literary property. To this end, on an intimation from prominent publishers that such an overture would be welcome, an invitation to coöperative action was given by the authors to the publishing fraternity. Through a joint committee this coöperation was further extended to the printing and bookbinding interests, and after laborious negotiations a practical basis of union was arranged, which took form in the bill introduced into the Senate by Mr. Chace, and in the House of Representatives by Mr. W. C. P. Breckinridge. It is idle to assume that this bill is altogether satisfactory to many of its advocates; but this is an inherent defect of compromise measures, which are usually only resorted to at all as a means of escape from an unbearable situation. Among the warmest supporters of the bill as the wisest attainable measure are many authors and publishers who regret that the question cannot be settled upon a higher plane. By their efforts in great part has been achieved the present measure of success with the bill, which on the 9th of May was passed by the Senate by a vote of 34 to 10, and is now upon the calendar of the House of Representatives. To obtain special attention for it at the winter session, the copyright organizations earnestly invoke the assistance of the public.

To judge a moral question narrowly is to judge it wrongly; and the question of the security of literary property has wider relations than merely with the producers of books. The colleges of the country are alive to this, and through their faculties have warmly supported the reform. The monthly, weekly, and daily press have also borne an honorable part in urging it. Is it nothing to the clergy that numerous and honorable classes of professional men have for fifty years pleaded with unanimity against our unjust and degrading national position in this matter, with, until recently, but little help from the pulpit? Is it nothing to the lawyers, the publicists, the capitalists of America that one year after the execution of the Chicago anarchists our Government continues to deny the principle of property in its highest form? Is it nothing to American citizens that, in the opinion of the best judges, the prosperity of our literature—and through it the advancement of American ideals—is bound up in the success of this reform? Is it nothing to the reading classes that our people are more cheaply supplied with foreign literature than with their own? to the advocate of "American markets for Americans" that our authors must contend with stolen wares? to the advocates of the extension of our markets that we withhold the word which would enable our authors to secure possession of ready-made foreign markets for our intellectual goods? In the presence of such an object-lesson as is afforded by the movers of the bill,—Mr. Chace being a radical protectionist, Mr. Breckinridge a pronounced revenue reformer,—it is idle to repeat that the bill is not properly related to the tariff question; and at the close of a campaign in which each party has striven to commend itself and its revenue policy to its countrymen as being the more in their interest, it would be strange if they were not both moved by an appeal to consider the prosperity among us of a profession which has ever been held in the highest honor as the crowning glory of a great nation. To-day the profession of

letters asks no unusual privilege; but to be relieved from a disability which obtains against no other form of industry.

It is in the power of every reader of these words to aid in putting an end to the disgraceful inaction of our country, by urging upon his representative in the present Congress that he support Mr. Breckinridge's efforts to obtain consideration for the bill. Should it fail

through indifference or opposition to pass the present House,—and its secret enemies are working actively to that end,—it will again have to be pushed through the Senate, and the ground hitherto gained will be wholly lost. The committees, who have borne the brunt of the agitation at great expense of time and labor, have a right to expect the cordial assistance of all who have at heart the prosperity and honor of the country.

## OPEN LETTERS.

## More about "Lawyers' Morals"—The Responsibility of Laymen.

THIS is a matter that is much more seriously considered by reputable members of the profession than is generally supposed. It is a question of grave importance, not only to lawyers, but to the public at large. The standard of a lawyer's morals so far as his professional duties are concerned is, in part at least, established by legislation in most if not all of the States. In California, for example, the Code of Civil Procedure provides:

SECT. 282. It is the duty of an attorney and counselor:

1. To support the Constitution and laws of the United States and of this State;

2. To maintain the respect due to the courts of justice and judicial officers;

3. To counsel or maintain such actions, proceedings, or defenses only as appear to him legal or just, except the defense of a person charged with a public offense;

4. To employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth, and never seek to mislead the judge or any judicial officer by any artifice or false statement of fact or law;

5. To maintain inviolate the confidence and at every peril to himself to preserve the secrets of his client;

6. To abstain from all offensive personality, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;

7. Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest;

8. Never to reject, for any consideration personal to himself, the cause of the defenseless or the oppressed.

This section of the code fixes a standard of moral and legal duty which if lived up to in practice should place the profession above just reproach. It is simply the embodiment, in legal form, of what is the lawyers' code of morals without legislation.

In an article in *THE CENTURY*<sup>1</sup> it is said that "it is apparently the popular opinion that lawyers' morals are of a different type from those of ordinary human beings." A great deal of the trouble lies in the very fact that popular opinion, and not the opinion of the profession, rates the standard of lawyers' morals below what it should be and below what it really is. It is believed that not only popular opinion, but the conduct of the public in its treatment of the profession, has tended more than all other causes to reduce the standing of individual members below the standard recognized by the profession. No lawyer of any standing believes that the moral standard of his profession should be below that of any other, or of any business or calling in life. But popular opinion has apparently established a lower

standard of morals, and is constantly tending to drag the profession down to that level. It is undoubtedly true that many lawyers fall below the standard recognized by the profession at large; but this may be said of any class of business men, and to a very great extent they are educated by public opinion, which looks more to a lawyer's success than to his professional honesty. It is not at all "presumptuous for laymen to judge their conduct"; but it should not be overlooked by the layman who treats of the ethical rules which should govern lawyers, that his standard of the morals of the profession may be far below that of the great majority of lawyers, and that he may be contributing his mite towards the debasement of its individual members, who would much rather elevate it still higher.

Certainly no one will deny that it is wrong for a lawyer to accept and attempt to win a cause which as a matter of law should be decided against his client, if he has knowledge of all the facts. The California code, it will be seen, expressly forbids this except in the defense of persons charged with crime; and so it is with the codes of other States. But it must be borne in mind that a lawyer, before trial, knows but one side of the case, while the layman who judges of his conduct has heard both sides. Not only so, but the client frequently misleads, and sometimes purposely deceives, his own attorney by concealing or actually misrepresenting the facts. No doubt an attorney would be justified in abandoning the case upon the discovery of the deception that has been practiced upon him; but almost invariably when the client has misstated the facts to his attorney he will do the same to the court under oath, and it is an exceedingly delicate matter for the lawyer to assume that his client is committing perjury and that the other party is in the right. This he has no right to do. It is his plain duty to present the case fairly to the court, whose duty it is to determine which of the parties is right. If, however, the lawyer *knows* his cause to be wrong, he violates his duty as an attorney, the law, and his oath by accepting a fee. He should unhesitatingly refuse to act further the moment he makes the discovery, if the knowledge comes to him after entering upon the case. But the distinction between *legal* and *moral* right should not be overlooked. The lawyer has a perfect right, and it is his duty, to interpose for his client any legal defense, although a layman might justly say that as a matter of moral right the client has no defense. For example, a debt may be barred by the statute of limitations. The defendant who is sued is in a moral sense still liable, as the debt is unpaid; but

<sup>1</sup> November, 1884.

## American Game Laws.

IN so extensive and various a country as this it would be impossible to fix a date even so general as the English Twelfth of August, and the "opening of the season" has varied hopelessly for different regions and different types of game. There has been, nevertheless, an apparent disposition to make the event center somewhere about September, and it seems to be increasing in strength with the growing tendency to make the opening of a season compulsory, rather than conventional or traditional.

For years, probably rather for centuries, the general American feeling with regard to the edible portion of the wilder animals was one of indifference; the supply was abundant, and it was not the business of any one in particular to impose any restraints on the desire to use the supply either for pleasure or for profit. The unhappy results of this indifference are familiar. Every one was at liberty to kill at discretion; men shot, and snared, and seined as they saw fit. The contest was increasingly unequal. The swiftest and most acute of the game animals found it continually more difficult to gain places of security against the improved weapons and transportation of their pursuers; and even the fittest for survival had an increasingly precarious tenure of existence. Fools or selfish men, if they were able to buy a ticket on a far Western railway, were thereby enabled to appropriate to themselves that to which they really had no title, except in common with the millions who were not in position to assert their claims. "Sport" became a veneration for senseless and heartless massacre, which had almost done its work before any general notice was taken of it. It is a national disgrace that one of our few characteristic animals, the bison, has practically ceased to exist. But only those far-sighted men who have invoked the shield of law against the further course of this destruction can tell us how narrowly the caribou, the prairie-chicken, and the different varieties of game fish have escaped the fate of the bison.

As such results have opened the eyes of the people, the reign of unlicensed selfishness has come to an end, and we are entering upon the era of systematic protection for game. State after State is coming to recognize the fact that the game animals eat little that could be required for man, while they may become, under protection, an important part of the national larder; and the States are becoming as willing to grant such protection as they would to the fields or factories against similar acts of folly or ill-will. Parts of the year are marked off by statute, and during these periods the game animals are not to be injured, but are to enjoy a season for race recuperation. It is none the easier for them to find holes or corners of security against modern invention; but the law comes in to give them a time limit, within which the most active or most selfish of their pursuers must let them alone. The whole change of view has been a complete one. A little more than a century ago it seemed to Franklin the most natural thing possible to declare that, rather than submit to Parliamentary exaction, he would retire with his family "into the boundless woods of America, which are sure to afford freedom and subsistence to any one who can bait a hook or pull a trigger." Already there are not many places, at least between the Atlantic

and the Mississippi, where the patriot who should seek an indiscriminate subsistence in that way would be safe from arrest and punishment as a poacher.

The American "poacher," however, will always be a very different offender from his English prototype. All that the American law will require will be a due respect for the rights of the people. Game is not to be preserved for particular persons, but for all; and during the proper time limit all men may become "poachers" so far as the American game laws will concern themselves with him. All this may seem to many quite incompatible with the fact that, even within proper time limits, no one may pursue game upon the land of another without express or tacit permission, and they may conclude that there is not to be any essential difference between English and American game preservation after all. Such a belief confuses two different things, land ownership and game protection. If we are to have land ownership, the owner must be owner altogether, and his ownership must cover the live stock on the estate, be it wild or tame. But this is just as it always has been. It is true that there is an increasing unwillingness to grant permission for the intrusion of others in pursuit of game; but the permission has always been legally necessary, as a part of land ownership, and should not be attributed to the new system of game protection. The change is merely a corollary of the country's development; the permission to hunt or fish, which was once valueless and was given with corresponding liberality, is now valuable and must be paid for.

It would not be fair, however, to leave even an implication that the change, legal as it may be, is withal an injury to the people. When one tract of wild land after another is taken out of the market and reserved as a hunting or fishing park, when the people of successive neighborhoods find that the lakes, brooks, and forests over which they and their fathers have fished and shot from time immemorial are now closed to them, it is easy to suggest to them that they have been injured in some way. One must take the development as a whole, not in parts. The case is not one in which powerful barons have entered by force and ousted the people from their natural privileges. It is merely that the lake, the trout-brook, or the shooting-ground has acquired a new value from a general development which, in another part of it, has enriched our tables with fish and game from the most distant parts of our own country and with food products from all over the world. The parts must go together. He who wishes to turn back the years, and fish and shoot as freely as his grandfather did, cannot surely expect to enjoy the Northwestern salmon, the Southern berries, the Florida oranges, the California figs, the Western beef, the tinned or glass goods from all over the world, for which his grandfather possibly would have been glad to barter all his meager privileges of the chase. Such details of development are enough to show that, while there is always a scale of popular loss, it is altogether outweighed by the scale which represents the popular gain.

## Progress in the Copyright Reform.

WE commend to our readers the perusal of Mr. Hayes's Open Letter in the present number of THE CENTURY, recalling the confidence of the literary men

of 1837 in the speedy passage of a bill to prevent the theft of literary property, and suggesting whether a similar confidence felt by the literary men to-day may not be misplaced. But the reader must be careful not to miss the significance of the record. The very consideration which seems to imply the hopelessness of the cause is indeed the fortress of its strength. Fifty years of steadfast adherence to the demand of their predecessors is a star of the first magnitude in the crown of American men of letters. Their hands, surely, are clean: the robbery of their fellow-writers of other countries is not of their procuring; the incidental robbery of themselves is not by their consent. They have never been remiss in protest against both, but with singular unanimity have borne their testimony for the national honor even against its official custodians, and still the protest goes on. Were this sense of outrage dulled by years, were the voice of the protestant less clear or constant, there would indeed be reason to despair of the result. As it is,

Time but the impression stronger makes,  
As streams their channels deeper wear.

Besides the solidarity and the wide-spreading influence of American authors, there are other reasons for thinking that we are not far from a settlement of the question. Within five years, through the agitation of official organizations, the movement for a just law has acquired a momentum which has carried a copyright bill through one house of Congress and past a committee of the other. That it did not wholly succeed was due, not to the will of the House of Representatives, but to an extraordinary abuse of the rules of the House, an event not to be foreseen, nor, if foreseen, prevented. On the eve of the renewal of the struggle, it is well to rehearse briefly the story of the past year—the most eventful and successful in the course of the agitation.

On more than one occasion when copyright legislation was sought at the hands of Congress, senators replied to the entreaties of the supporters of different bills: "This is a subject remote from our experience. Go home and agree among yourselves upon a copyright law and we will support it." After repeated attempts to make progress along separate lines, this is exactly what the reformers, by weeks of negotiation in committees, succeeded in doing. The result was of course a compromise measure, not wholly acceptable to most but cordially supported by all, the greatest sacrifices being made by the authors, most of whom would prefer a pure and simple copyright, free from conditions. This bill Mr. Jonathan Chace had the honor to introduce in the Senate, Mr. W. C. P. Breckinridge in the House of Representatives. To the support of the measure the joint committees of the American [Authors'] Copyright League and the American Publishers' Copyright League gave unremitting and exhausting efforts, assisted by official representatives of the printers' unions. The bill was successfully urged before committees of each house, and the personal solicitation of members was patient and thorough. Realizing that the chief point was to secure the attention of legislators, a series of readings by prominent American authors was given at Washington in April last, being the third series organized by the Authors' League in aid of the cause. On the 9th of May, after a considerable debate,

Mr. Chace succeeded in obtaining in the Senate a vote on the bill, which was as follows: yeas 34, nays 10.

Much has been said, and justly, about the supineness of our lawmakers on this subject, but it must be remembered that no copyright bill has ever been rejected by them—in fact, if we mistake not, this was *the first direct vote upon the merits of an international copyright bill ever taken in the American Congress*. The names of the senators voting in favor of the bill deserve to be recorded. They were:

Allison,	Edmunds,	Morgan,
Bate,	Evarts,	Paddock,
Blair,	Farwell,	Pasco,
Blodgett,	Faulkner,	Payne,
Bowen,	Frye,	Quay,
Brown,	Hampton,	Sawyer,
Butler,	Hawley,	Spooner,
Chace,	Hiscock,	Stockbridge,
Chandler,	Hoar,	Turpie,
Cullom,	Ingalls,	Wilson of Iowa,
Davis,	Mitchell,	Wilson of Md.
Dolph,		

Senators recorded as paired who would have voted for the bill were:

Blackburn,	Hale,	Platt,
Colquitt,	Manderson,	Plumb,
Dawes,	Morrill,	Sabin.
Gray,		

Senator Vest made an able speech in favor of the principle of copyright pure and simple, but felt obliged to vote against the bill on account of the "manufacturing clauses."

Twelve absent senators were not paired, including, however, several who were known to favor the bill. But omitting these 12 the record shows 44 votes for and 20 votes against the bill.

The preponderance of the affirmative vote greatly inspired the friends of the measure and their efforts were redoubled among the Representatives. Many measures—chiefly the Mills tariff bill—combined to postpone the consideration of the bill, and it was not till the 6th of February that an opportunity offered to call it up. It was agreed that on this day a vote should be taken on the motion to suspend the rules and fix a day for its final consideration. It was feared by the opponents of the bill (whom a careful canvass of the House showed to be largely in the minority) that an effort would be made to suspend the rules and pass the bill without debate. This programme, however, was never entertained by the friends of the bill; and assurance to that effect being given, a number of its opponents agreed to vote for its consideration. It was now thought beyond question that the motion would prevail by the required two-thirds, and that with the advantage of the open debate the bill could be passed a few days later by a majority vote. But a new kind of opposition now presented itself—the opposition of the filibuster. This weapon, heretofore employed only to protest against the political oppression of majorities, was now used to postpone the redress of a form of oppression the most indefensible. Against the will of the House, which was at the mercy of one member, Mr. Lewis E. Payson of Illinois, the bill could not be reached, and thus died without a vote. It has been urged in defense of the action of Judge Payson, that his opposition was directed against other measures, which it was feared might be considered on that day. It is to be hoped that this is the fact. If so, there will be abundant opportunity to demonstrate



it at the coming session. For, that the contest will be continued on the part of those who advocate a just and honorable national policy is a matter of course. The traditions of the Senate may be depended upon for the passage of the bill by that body; and so intelligent have Representatives become, that, in our opinion, nothing but filibustering can defeat the bill in the next Congress, as certainly nothing else could have defeated it in the last. It is only a question of time when the judgment of legislators will be convinced to the point of making odious any attempt to defeat the will of Congress by that unfair and un-American device.

What a series of paradoxes does the copyright question reveal! Intensely "American" country papers countenancing the defeat of the will of the majority of the

House for the privilege of spreading without compensation English sentiments and opinions! A government based on the equality of all men before the law invoked to defend the robbery of foreigners! Members of Congress, sworn to defend the Constitution, virtually nullifying the clause providing for the encouragement of literature and the fine arts! And, chief of all, the works of foreign authors considered so valuable to the country, not that they must be paid for, but—that they must be stolen!

The history of the American agitation for international copyright is, in the words of Æneas to Dido, "a long and intricate tale of wrong," and the next Congress owes it to itself and the country to bring the disgraceful record to an honorable conclusion.

## OPEN LETTERS.

### International Copyright: a Literary Montezuma.

FAR away in the barren and sunlit land of New Mexico, and on that ancient and wonderful road the Santa Fe trail, stands the old Pecos church. Every morning, just as the king of day sends forth the rays which announce his coming, the poor, patient priest leaves his half-ruined quarters and, with a pathetic faith, undaunted even by protracted and crushing disappointment, looks to the east, as have his predecessors for ages, for the coming of Montezuma, the Great Deliverer, the beneficent father of his people. Just so in these times of what Mr. Lowell calls "reckless and swaggering prosperity" do certain sanguine and optimistic souls watch for the dole of a small measure of justice to the literary brotherhood. Does any one suppose that this earnest desire, this eager anticipation, are recent things? On the contrary, I read on the stained and faded editorial page, now before me, of the "Knickerbocker Magazine" for February, 1837,—more than *fifty-two* years ago,—as follows:

INTERNATIONAL COPYRIGHT.—The advocates of this measure, we are glad to see, have begun to bestir themselves, not only with the political laity, but with the delegated priesthood of Congress. This is well. We look now to behold the steady advancement and profitable discussion of the matter. There are stores of argument in reserve that can be produced with wonderful effect in disquisitions on the question.

*Fifty-two* years of disappointment! In that half-century every material interest in this country has been mightily fostered and developed; a great war has been fought; the threatened disruption of the Union has been averted; slavery is dead—and international copyright, the literary Montezuma, still cometh not. The poor watchers were hopeful in 1837; they are hopeful in 1889; how will it be in 1937?

A. A. Hayes.

### Free Kindergartens in New York.

ONE of the peculiarities of the philanthropy of the present time is the emphasis it gives to the value of preventive work. Never before has so much attention been given to childhood or so much importance been attached to the formative period of life.

VOL. XXXIX.—23.

Statistics show that the country is producing more criminals in proportion to the population, and younger ones, than it produced twenty-five years ago, and the cause of this alarming state of things is found to be in the neglect of childhood. It is seen that the tendencies of infancy, whether for good or for evil, crystallize into the character of maturity, and the philanthropist, weary of fruitless efforts at reforming, is seeking for means of forming wisely and well.

The home is the proper place for beginning, but in many cases there are practical difficulties in the way, and thoughtful people are turning with hope to the mission kindergarten, which, whether regarded from the standpoint of the educator, the social reformer, or the Christian teacher, contains possibilities of prevention and upbuilding not to be found in any other available agency.

It is adapted to children of three years of age, thus meeting the demand that in some way the years below school age shall be utilized for the highest educational purposes. The training of the kindergarten includes the whole child. For his hands there is delightful occupation, through which he learns to love work and to respect himself as a producer of that which is useful and beautiful; there is well-directed activity for the busy brain; and, above all, the higher faculties of love, joy, sympathy, and reverence are brought into constant and healthy exercise.

During the last decade interest in the mission kindergarten has been growing, until there is now in the country scarcely a city that has not one or more such institutions. More than ten years ago Mrs. Quincy Shaw began the work in Boston by establishing in the worst quarters of the city about twenty kindergartens, into which the children of the lowest classes were gathered. Well-trained teachers were employed, and the whole enterprise was under the wise and efficient superintendence of two kindergartners. It is the testimony of the police that the moral aspect of whole neighborhoods has been improved by these institutions. That the system is believed to have a high educational value is proved by the fact that after so thorough a trial it was last year adopted as a part of the public-school system of that city.

In Philadelphia, a few years since, a similar movement was started as a result of the thorough work of the Society for the Organization of Charity. It was found that, in the homes and haunts of the pauper and criminal classes, children were growing up in appalling conditions of ignorance, idleness, and vice. As it was felt that the only radical remedy for existing evils and the only hope for the future lay in vigorous preventive work, kindergartens were established in every ward of the city, and the satisfaction they gave led to their adoption as a sub-primary department of the public schools.

In San Francisco, mission kindergartens, established as an offset to the hoodlumism which threatened the safety of society, are now the most popular of all the philanthropies. In Chicago, St. Paul, Cincinnati, and Brooklyn there are efficient associations of this kind, and in St. Louis the kindergarten has for several years been a part of the school system.

New York has many of these missions; but with a tenement-house population of 1,100,000, of whom more than 142,000 are under five years of age, and with a constant influx of the lowest class of foreigners, it is felt that this is a time of emergency to meet which extraordinary efforts are necessary, and a movement has been started looking to the establishment of kindergartens throughout the city.

Angeline Brooks.

#### "The Use of Oil to Still the Waves."

READERS of the article under the above title in this magazine for March, and of the Open Letter on the same subject in the August number, will be interested in the following extract from the log of the steamship *Chattahoochee*, from Savannah to New York, April 7, 1889:

At 5 A. M. gale (from northeast) burst upon us with velocity of eighty miles per hour—the sea and wind something terrible; at six a sea came over the bows, end on, doing considerable damage, knocking in pilot-house windows and flooding same; ten to twelve began to board us on port-quarter, knocking in saloon and flooding same; at eleven I had oil bags put in port and starboard water-closets forward, and port one aft. When they were in working order I reluctantly stopped the engines, and, to my heartfelt desire, the ship fell off to southeast by south and took a position of her own, and was as comfortable as could be reasonably expected, shipping little or no water to speak of, so that the crew could work with the utmost safety in repairing damages.

This all done in the middle of one of the worst gales I ever encountered in thirty-three years' experience at sea. Every ship should have oil for an emergency. It is all it is recommended to be. The action of oil upon the water is upon the crest of the wave: the oil forming a slick upon the surface breaks the crest, in which is all the danger. It has no effect upon the great undulating motion of the ocean during a gale.

The quantity used in this case was about forty-five gallons in eleven hours; it took about five gallons to start each bag, and about eight quarts per hour to feed the three bags.

From 5 A. M. to noon ship drifted about three miles per hour to the southeast; from noon to 11 P. M. three per hour to south.

Ship's position at noon, by d. reckoning, latitude 36° 38', longitude 74° 41'.

At 8 P. M. gale began to moderate.

At 11 P. M. started ahead.

Oil used, five gallons raw linseed oil, ten gallons lard, thirty gallons cotton-seed. Used separately—no mixture.

[A similar instance is recorded in the case of the Norwegian bark *Alsylvia*, from Perth Amboy, Sep-

tember 3, 1889, with a cargo of 5300 barrels of paraffine oil for Copenhagen, which encountered a hurricane in latitude 70°, longitude 38°. The account of her rescue by the Clyde steamer *Yemassee* off the Delaware Breakwater, given in the "New York Times" of September 14, contains this statement, attributed to Captain McKee of the latter vessel:

The *Yemassee* sped to the assistance of the *Alsylvia*, and then lay to within about one hundred feet of her. Every time the bark made a plunge several barrels of oil were shot out of her hatchways. Oil was oozing all over the vessel, and had covered the surface of the water for quite a distance around. This waste of oil had proved the salvation of the bark's captain and crew. The water if not quiet around was free from breakers, and the boats rode the waves with ease. Had it not been for the oil, ship and boats would have been smashed long before help arrived. As it was, the bulwarks were breaking up.—EDITOR.]

#### A Speech of Lincoln's.

THE closing paragraphs of the biography of Abraham Lincoln in the August number of THE CENTURY MAGAZINE recall a memorable scene at the White House, which is now given to the public and makes a suitable appendix to the record of "Lincoln and the Churches." It occurred after an anniversary of the United States Christian Commission, which was held at the Capitol in the hall of the House of Representatives, some time in the winter of 1863, in the presence of a great assembly, in which the President was a silent and deeply interested auditor. With characteristic modesty he declined a seat upon the platform, and the only public demonstration that he made during the evening was by a request, penciled on a slip of paper and handed to the presiding officer, that Mr. Philip Phillips, who was one of the sweet singers of the war-time, would sing the hymn entitled "Your Mission," which was a favorite of the President. This request was announced and the piece was sung with wonderful effect.

After the anniversary, arrangements were made for a private reception of the delegates by Mr. Lincoln at the White House the next morning, with the distinct understanding that nothing that took place should be made public. This put all persons at their ease and the promise of privacy was well kept. It was a time of great anxiety and of long suspense; one of those critical periods when decisive battles were expected, and when news from the front was scanty, and slow in coming.

At the appointed hour the delegates were ushered into the President's office. Soon afterwards Mr. Lincoln came in slowly and looking careworn, sad, and anxious. In brief remarks by men representing the various work of the Christian Commission, he was told that we had no requests to make, no favors to ask, no offices to seek; that we were there only to assure him of our profoundest respect, sympathy, and loyalty to the Government and to himself as its head, and of our intention to carry on the philanthropic and spiritual ministrations of the Commission in the army and navy, with the continued sanction and help of himself and of the military and naval authorities. It was also said that "behind all the political and patriotic forces of the Union there was a vast Christian constituency in the homes and churches of loyal States which would never fail him with their prayers and consecration to

## TOPICS OF THE TIME.

### An Object Lesson in Municipal Government.

THERE is much to interest thoughtful Americans in the article upon the city of Glasgow and its government which we publish in this number of THE CENTURY. A graphic picture is given therein of a model municipality, ruled and guided by its highest intelligence and morality for the health and benefit of all its members. It is scarcely necessary to say that this method of government is diametrically opposite to that which prevails in the large cities of America. Municipal misrule in the United States is a byword the world over, chiefly because intelligence and morality as guiding forces give place to political chicanery, cupidity, and ignorance. Our cities are not ruled wisely and economically for the benefit of all their inhabitants, but unwisely and extravagantly for the benefit of the politicians and political organizations. We can hope for no municipal reform which shall be radical and lasting till we change our leadership to the European models.

Mr. Shaw gives the explanation of all the benefits which Glasgow has reaped from her many years of Town Council rule when he says early in his paper that the "councilors come chiefly from the ranks of men of business, and are upright, respected, and successful citizens"; that "party lines are seldom very sharply drawn in municipal elections"; and that "an efficient councilor may, in general, expect reelection for several terms if he is willing to serve." What American city would fail to prosper under the rule of a body of fifty of its citizens of like character? The Glasgow council of fifty have absolute control of all branches of the city government, the streets, water-supply, sanitary arrangements, police, fire department, markets, gas-supply, street railways—everything. They manage all upon strict business principles, with precisely the same results which competent business men everywhere secure in the management of their private concerns. The streets are cleaned every night, and the private courts of the thickly settled quarters are cleaned once and sometimes three times a day. The care and paving of the streets, the construction and regulation of sewers, and public construction of all kinds have been for forty years in charge of one of the most distinguished of British architects and civil engineers. The health department has for nearly or quite as long a period been in charge of an equally distinguished member of the medical profession. The clerk of the town, who occupies much the same position as city attorney or corporation counsel in an American city, has held the office for many years, and is a high authority upon all questions of municipal history and law. So it runs all through the municipal organization. From top to bottom there is intelligence and character in every party. The result is the model city which Mr. Shaw describes.

The primary results set forth by him are similar to those attained in other British cities, like Manchester and Birmingham, in which rule by Town Council has

proved so beneficial, and in Berlin, whose affairs are managed by a municipal assembly of 126 of its most eminent statesmen, scholars, and merchants. In each case the rights and welfare of the citizen are protected and advanced in every possible way. He has clean and well-paved streets, cheap gas, excellent public schools for his children, every precaution taken to preserve his health and that of his family, public libraries and picture galleries for his education and delight, perfect police protection at all hours of the day and night—all secured for him at the lowest possible cost. In fact, the poorest citizen of Glasgow, or Birmingham, or Manchester, or Berlin is as well guarded and his interests are as well protected as if the city were his club whose officers and servants had no other duty than to minister to his best welfare and comfort. His expenses are reduced in every direction; his burdens from taxation are put at the minimum point; his household is not only thus reduced, but the character of his dwelling is improved at the public expense; and the streets are straightened and widened, also at the public expense, to give him better air and light.

The contrast is striking between this situation and that of the average inhabitant of an American city. The latter, instead of having all his rights protected, comes in most cases very near to being in the position of having no rights which the municipal authorities are willing to respect. He is ruled by ignorance and cupidity, and he pays heavily for this rule. There can be no relief till the character of the rulers can be changed, and how to secure that change has been a problem for discussion for many years and will continue to be for many more. Our greatest obstacle is the enormous influx of European immigration, which puts our proportion of ignorant voters immeasurably beyond that of any of the European cities whose model governments we have been considering. Next to it is the pernicious habit of intermingling State and national politics with municipal affairs, thus dividing the intelligent portion of the voters into two nearly equal parts and giving the balance of power to the ignorant elements. There is no city in the United States in which the intelligent and upright voters do not outnumber the others, and in which they could not by uniting secure and maintain complete control of the municipal government. Sooner or later such union will be effected, for the instinct of self-preservation, aroused finally by constantly increasing public scandals, by insufficiently punished crime, and by the accumulation of municipal indebtedness, will compel it.

### Our Sins against France.

At the breakfast given in New York by American authors, artists, and publishers to the Count de Kératry, as a representative of the sentiment of French literary and artistic societies in favor of international copyright, and at which Bishop Potter presided, Dr. Edward Eggleston, after some preliminary remarks, spoke as follows, referring to the address of the Count:

"A more admirable and dignified presentment of the right of the author to the product of his own labor is hardly to be imagined. A nation engaged in wholesale highway robbery was never before rebuked for its sins with so much politeness. The address of our guest was couched in terms so courteous as almost to reconcile one to the fate of being an American; for an American may well blush to confess his nationality when he considers that ours is the only nation of the civilized world that permits the foreign man of letters to be plundered with the sanction of its laws.

"We are here presented with a novel phase of the copyright question. We have been so intent heretofore on the evils of our copyright legislation with reference to English literature that it is with a shock of surprise that we hear ourselves charged with robbing our ancient ally, France. The Count de Kératry has reminded us of the fact that the French language resounded on the battlefields of our Revolution. But our debt to France goes back of that. The very seeds of our democratic institutions were sown by French thinkers in the eighteenth century. If our first great group of statesmen had not been readers of French literature our institutions would not have been what they are. And now comes French literature to remind us that we have repaid all our obligations by a legalized pillage of French authors. The French nation, to whom we owe so much,—the nation which in civilization, refinement, and artistic power leads the world,—reproaches us for our long-continued injustice. We have praised France without stint. But I am reminded of a scene in a comedy of Racine. It is more than thirty years since I read it, but if I misquote it, I shall hope that you, gentlemen, do not remember your Racine any better than I do. In this comedy there is a little lad employed to carry the document-bag of a great advocate. As he enters the courtroom at the heels of the lawyer, he laments the fact that his wages are not paid. 'Nevertheless,' he reflects, 'I have the honor of carrying papers for a famous advocate.' But he quickly adds, 'Mais, l'honneur sans argent, c'est une bagatelle.' I ought to translate that, not for the benefit of the Americans present, who all know French, doubtless, but I fear that some natives of France who are here may not understand French as spoken in America. I will render it not into English, but into American. For I fancy that what France says to us to-day is what the lawyer's errand-boy says in 'Les Plaideurs,' which, in modern American, is about as follows: 'A little less taffy and a little more honest pay, if you please!'"

Beneath the pleasantry of the speaker in these words there resounds a profound sense of national shame and degradation in the wretched state of the copyright laws which has permitted the appropriation, without compensation, of the results of the labors of foreign men of letters. And though Dr. Eggleston proceeded to show why we had lagged behind other nations, and to break the force of our national reproach, as far as possible, the United States stands to-day the last of all civilized nations to refuse justice to brain-workers.

It is all very well for American authors to spend their days in trying to remove this reproach. But it is really the affair of the whole people. Every man and woman interested in literature to any degree ought to write a letter to his or her congressman, beg-

ging him to exert himself to correct this great wrong by the passage of a law in keeping with the intelligence and honesty of our people. For Americans, as a mass, are not in love with dishonesty, and are not insensible to national dishonor. We protest against the leaving of this whole movement to the people interested in book-making. Every American shares in this disgrace, and we are glad that the movement for its abolition has come more and more to be a movement of the intelligent people of the whole country.

#### University Extension.

"A REPUBLIC has no need of *savants*," said the French terrorist Fouquier-Tinville; and agreeably to this theory the revolutionary government abolished the Sorbonne, and degraded the Collège de France into a mere high school—and a poor high school at that. Much as this declaration has been decried, it was dictated by a sound instinct. The ancient universities were hostile to the spirit of democracy. In Germany, as in England and France, the predilection for feudal institutions and the half-sentimental bias in favor of the mediæval spirit of caste have always found their ablest spokesmen at the universities. The great institutions of learning, glorying in their scholarly seclusion, have been wont to gather up their garments carefully, for fear of being contaminated by contact with the unlearned herd—the *ignobile vulgus*.

No one who is familiar with the history of such institutions as Oxford and Cambridge will deny that this has until recently been the dominant spirit. But the leaven of democracy, which is causing a mighty ferment in all strata of English society, has now actually reached these venerable seats of learning. About five years ago a movement was started, known by the name of University Extension, the object of which was to extend the usefulness of the universities—to utilize for the benefit of the people at large the vast intellectual capital which was then lying idle. The fellowships at Oxford and Cambridge, or at least the great majority of them, had until then been virtual sinecures. The fellows drew a certain sum of money annually, with the understanding that they were to devote themselves to scholarly pursuits and keep the lamp of learning brightly burning. But most of them rendered no actual service in return for their stipends. When the idea had once found lodgment that it was a desirable thing to "make learning common"—to arouse the interest of the public at large in the work of the faculties—the great body of fellows was at once found to be available for this mission of the democratization of the higher knowledge. The governing bodies of the various colleges put themselves in communication with committees of responsible citizens in the different cities who were willing to guarantee the expenses of the lecturer and a modest compensation for his labors. A representative of the college, usually a fellow of distinguished ability, was then sent to Birmingham, Manchester, Leeds, or Liverpool, or wherever his services were demanded; and in almost every instance the interest aroused and the financial success of the lectures exceeded the expectations of the committee. University Extension is now fairly well established in England, and the results of the work so far are conceded to have been beneficial.

This ought not to surprise any one. In the first

## TOPICS OF THE TIME.

## International Copyright Accomplished.

IN every compromise there are two points to be considered: its propriety, and its wisdom or necessity—first, Is the concession to be made in the interest of a higher good? and, secondly, Will the concession, as a matter of probability, be likely to effect that good? The passage of the Copyright Bill, accomplished as it has been by concessions at one time or another on the part of nearly all concerned,—last of all, by the representatives of the Typographical Unions,—is a full justification of the Authors' League in uniting, four years ago, for the advocacy of what was substantially the present law. Had the measure failed, the authors would still have been conscious of their own devotion to the principle of the bill; as it has succeeded, they have the additional satisfaction, in having made a sacrifice of their preference, of having redeemed the literary fraternity from the charge of being "dreamers" and "impracticables."

Mr. Lowell, the President of the League, writing under date of February 19, 1891, accurately stated the position of American authors in general in saying:

I still remain of the opinion that it is wise politics to accept the good that is possible under the circumstances, secure that the mission-work of its practical application will give us something nearer to our ideal. The great thing is to get the principle admitted in our national legislation.

Both before and after the passage of the bill the difficulty has been to get attention to what the bill will accomplish rather than to what it will not. Ill-advised editorial utterances in England have already denounced the new law as a "fraud" and a "sham," as a measure wholly in the interest of American manufacturers, and of little benefit to English authors. Let us see.

First. The bill extends unconditional copyright to the producer of any map, chart, dramatic or musical composition, engraving, cut, print, painting, drawing, statue, statuary, or model or design intended to be perfected as a work of the fine arts. It is easy to forget that artistic property is not less important or sacred than that of the author. For a time during the campaign it was feared that adherence to a false analogy might lead the Senate to persist in its first thoughtless denial of copyright in artistic property, and it is not a small matter for congratulation that this calamity has been avoided. After July 1, Sir Arthur Sullivan, Mr. Burne-Jones, M. Saint-Saëns, and M. Gérôme will be as completely protected by our law as Mr. Dudley Buck, Mr. St. Gaudens, and Mr. Shirlaw.

Again, copyright is also granted to all producers of foreign literary property, upon a condition which, though it must be confessed to be a limitation upon the ideal right of property, is practically not an onerous condition upon the foreign author. The unsolved doubt in the English law as to whether the American author must be on English soil at the time of the publication of his book, and the requirement that the publication of the book in England must precede its appear-

ance in any other country—these conditions are also limitations on the ideal right of property; and so, for that matter, is the term-clause in nearly all copyright law. In the "evolution of copyright"—to quote Mr. Brander Matthews's suggestive phrase—it is difficult to determine where the principle of security to literary property merges into a question of public policy. But the main fact to be borne in mind is, that by the new law, if the English author choose, he can prevent the piracy of his book in the United States. *Our law no longer tolerates the literary "pirate."* This is the heart of the whole matter, and it would be sheer hypocrisy to pretend that because the American market for foreign books here copyrighted is in the main reserved for American workmen, there will not be substantial security to the literary property of foreigners. A little more of that most serviceable attribute of the mind, the sense of proportion, would have saved our English critics from this headlong error.

The gain to American letters and American prestige is incalculable. By doing justice to the foreign author the American spirit in literature will be reinforced, and before long a better day may be expected both for the author and for the reader. The main value of the law is that it raises a barrier against materialism by the encouragement it offers and the dignity it adds to the production of things of the mind. Art, music, and literature are no longer outlawed of our statutes, and may have a freer range of activity among us, with a fuller promise of admirable native products. Where before all seemed neglect or indifference, now

The astonished Muse finds thousands at her side.

The accomplishment of the reform, as Mr. Maurice Thompson has well said, "draws the nation into the atmosphere of honor in literary affairs." It arrests a widespread moral deterioration in the direction of a dishonest communism which had begun to affect many well-meaning people. It stimulates American patriotism by removing a just grievance which American authors have always felt against their country, and makes it unnecessary longer to apologize for our exceptional position as a nation. The friends of the reform may be felicitated upon its success, while its opponents may sincerely and without irony be congratulated on their failure to defeat a measure which is in the interest of the whole country and of a higher civilization.

## Lobby Evils and Remedies.

THE most thoughtful students of the lobby evils as they exist in our national and State legislative bodies are convinced that effective remedial legislation must be of two kinds—first, in the direction of general laws for the control of special legislation, and, secondly, in the direction of enforced publicity of the acts of the lobby agents and their employers. The experience of England in this, as in many other political reforms, is of great interest and value. Fifty years ago the lobby, as we understand the term, was as pernicious an influ-

No one can study this subject and not reach the conviction that, instead of declining, the use of the bicycle is destined to increase. Fifteen years ago the total sale of bicycles in this country in twelve months was only ninety-two. It was not till 1886, when the perfected modern "safety" made its appearance abroad (it appeared in this country a year later), that the marvelous modern development of the passion began. It grew slowly for a few years; but within the last three years its progress has carried all before it, till now the man who does not ride is an exception whose life is a burden under the weight of advice which the devotees of the sport pour upon him. That the effect upon us as a people of such healthful exercise in the open air will be most beneficial cannot be questioned, and from that point of view alone the practice should be encouraged. Many a boy will start in life with a more vigorous constitution because of his bicycle, and many a man who was growing old too fast by neglect of active exercise will find himself rejuvenated by the same agency.

A direct and salutary effect of the great popularity of bicycle-riding will be to spread abroad the gospel of good roads. Every bicycle-rider is a natural and eloquent missionary of scientific road construction, and every cyclist club is perforce a good-road club as well. There is thus growing up, in all parts of the land, an organized body of road reformers who will, before many years have passed, be powerful enough to make their wishes law in many States.

#### No Backward Step in Copyright!

It was not to be expected that the International Copyright Bill of March 3, 1891, would be entirely satisfactory to all of its friends—much less to its enemies. When it is remembered that in the conferences between the House of Representatives and the Senate in the last hours of an exciting session it was virtually pulled to pieces and put together again, it would be astonishing if its language did not present ambiguities, or if its workings should be altogether smooth. These are objections, however, which concern all legislation, and it is remarkable how little actual friction has characterized the operation of this law; it is indicative, also, of the growth among us of the sense of justice toward literary property that nearly all the criticism of the act has been on the ground that it does not go far enough in the protection of authors' rights.

The first tangible evidence of organized hostility was the introduction in Congress by Mr. Hicks of Pennsylvania, in the closing days of the last session, of a bill to limit copyright in etchings and engravings to such as are manufactured in this country, and in fact to remove from the security of the law all such articles so far as their publication in a daily or weekly newspaper is concerned. The absurdity of the first provision is as transparent as the effort to obtain by the second provision the support of the daily and weekly press.

This bill is not rightly named. It should be called "An Act for the Forcible Importation of Foreign Artists." Not only is the deprivation of existing property rights to extend to foreign etchers and engravers,—to great artists such as Gravesende, Hamerton, or Flameng,—but to any American artist working abroad. If these gentlemen wish to have their property secured

in this country, they can easily do so by taking up their residence in the land of the free! If Mr. Whistler wishes to etch a view of the Grand Canal, by all means let him come to the United States to do it! If Mr. Pennell wishes to make etchings of French cathedrals, what better point of view than, let us say, the suburbs of Philadelphia! If Mr. Cole wishes to continue his matchless series of engravings from the old masters, what more convenient spot for his work than the mountain region of middle Pennsylvania! It is too absurd for serious consideration. *To offer copyright to an artist on impossible terms is to offer him no copyright at all.* This whole question was fought out in the Senate in 1891, and Mr. Hicks's bill is not more likely to find favor in a Congress which has lately honored itself by removing the barbarous duty on paintings and sculpture.

Another obstacle to the withdrawal of the security given by the United States law, is that such action would be in the nature of a breach of existing understanding with other countries. The present law is the basis of reciprocal arrangements with Great Britain, France, Germany, Belgium, Denmark, Switzerland, Italy, and Portugal, according to which our engravers and etchers are among those whose rights are secure in those countries. Is the American artist to be prevented from accepting the remuneration which foreigners offer for his work, because somebody in the United States does not wish to pay for the use of foreign art? Certainly the art-producing countries of Europe are not likely to sit idly by while we recant any part of the honorable professions of the Copyright Bill.

Nor is this new form of piracy likely to obtain support from the American press, which won such credit by its advocacy of justice to intellectual property, and made possible the passage of the present law. Even the piratical classes soon discovered that the bill conferred benefits upon them by giving them security in purchased rights, when before they had only the instability of a general scramble. Honest journals do not need to be convinced of the wisdom of the policy of paying for what they print, and there is no reason whatever why a monthly magazine, a weekly illustrated journal, or a daily newspaper, should be exempted from the obligation of paying for the use of illustrative material. To do them justice, we know of none that advocates the exemption. Such a policy would be bad enough, but if, in addition, weeklies and dailies are not to be permitted to acquire property rights for which they are eager to pay, then is chaos come again, and the reversion to the old days of piracy but a question of time.

It is incredible that Congress can be induced to pass a measure so objectionable from the points of view of morality and the public interest, and so injurious to literature and art.

#### The Growth of Civil-Service Reform.

In a large sense all progress toward good government by the selection of able and honest men is a triumph of the principles of civil-service reform; but the past year has been productive of other and striking evidences that the people realize the value of the merit system as an indispensable means to good govern-

expression that seem to imply a peculiar responsibility on the part of democracy for the corruptness of some of its officials, for the desire of some of its citizens to make other citizens pay disproportionate taxes, and for the tendency of many citizens to regulate other men's business instead of minding their own. Both critics seem at times to forget that these weaknesses are not peculiar to any single age or form of government. Frary is more discriminating. He maintains that the modern demagogue, who wins by flattery the favor of the sovereign people and abuses their confidence for his selfish ends, is simply the seventeenth-century courtier in nineteenth-century costume; and while he recognizes the inclination of French democracy to state socialism, he rightly attributes it to a faith in «l'état providence» inherited from the Bourbon régime.

Mr. Lecky, like most conservative Englishmen of the present time, has a great admiration for our written constitutions, and especially for the protection they afford to personal liberty and to property. But neither he nor any other Englishman, unless it be Mr. Bryce, has fully grasped the peculiarity which chiefly distinguishes our system of government from that of Europe—from that of republican France as well as from that of monarchic Prussia. The difference lies in the extent to which we are accustomed to look to private initiative and private association for work that in Europe is commonly done by government. Society attains its ends in all countries partly by government and partly through liberty, but in no other country is the field of governmental action so closely circumscribed and the field of liberty so little limited as in the United States. This is still true in spite of the tendency of some of our latter-day legislators to exalt their office, and in spite of the tendency of our courts to give undue extension to the conception of «the police power.» It behooves us to see that it remains true. Democracy does not entail, as some of our foreign critics seem to think, a special risk of over-government; but we must not delude ourselves into thinking that democracy alone gives any safeguard against it.

#### The Attempt to Revive Intellectual Piracy.

ONE would have thought that any prudent man, with the slightest regard for his reputation, might have detected in the long agitation for international copyright which culminated in the act of 1891, the existence, among the classes that direct American public opinion, of a widespread impatience with the form of robbery known as intellectual piracy. Whatever extenuation there may have been for such offenses, the offenders as a body are doubtless ashamed of the old record. But there seem to be a few persons, chiefly among the publishers of music and of engravings, who betray a rash willingness to stand once more in the public pillory. This willingness is likely to be gratified, for we much mistake the temper of the cultivated people of the country if, five years after a new and honorable record has been made on this subject, they will be content to go back in any detail to the old disgraceful state of affairs. Indeed, the passage of the Treloar bill would be a greater disgrace, since it would involve actually taking away property rights that exist, instead of refusing to confer those which ought to exist.

The main proposition of the copyright bill of Mr. Treloar, a representative from Missouri, and himself recently, if not still, a publisher of music, is to rewrite the law of 1891, so that the condition of manufacture in the United States, which, in order to obtain from Congress any copyright reform whatever, was made to apply to books, chromos, lithographs, and photographs, shall now, when no such emergency exists, be extended to music, engravings, cuts, prints, etc. This is advocated ostensibly in the interest of the American workman, who, in all the years of agitation before 1891, did not raise a voice to demand it, and who in this matter is so nearly non-existent as to be, even in the matter of votes, a negligible quantity. It is really advocated in the interest of publishers of music and engravings, who hope, by making an impossible or onerous condition, to prevent composers, both American and foreign, from taking out copyrights, and thus to throw into the «public domain,» which now contains every note of music published before July 1, 1891, the further reinforcement of a large body of contemporary work. The obvious result would be the enrichment of such publishers, some of whom have already made fortunes on the unremunerated product of other men's brains. These, and these alone, are to be the beneficiaries of the proposed class legislation.

Now at whose expense is this bounty to be bestowed? First, of all foreign composers and artists; secondly, of all American composers and artists; thirdly, of the American public; and fourthly, of the entire system of international copyright, which under the present act has been laboriously built up with nine countries of Europe, to wit: Great Britain and her colonies, France, Germany, Switzerland, Belgium, Denmark, Italy, Spain, and Portugal. Against the proposal protests have been sent to Congress by the Manuscript Society of New York, representing the musical profession, and by over two hundred individual composers and musicians; by the Fine Arts Federation, representing ten societies of artists, of which six are of a National character in distribution of membership, and by the American Copyright League, representing the writers of the country. Why are not these protests conclusive? If any American industry is to be built up, why not that of producing music and art, instead of that of distributing them? Are not these civilizing influences more valuable to the country than the building up of a few colossal fortunes? The producers, moreover, are not asking special privileges; only the continued freedom of the present law to get the return which they may for their work.

But suppose that Congress, for a false idea of consistency, were willing to sacrifice the producer to the distributor, will it also sacrifice the privileges which the present law gives to Americans in the nine countries of Europe above enumerated? Or is anybody so foolish as to suppose that the passage of the Treloar Bill would not cause prompt reprisals by foreign countries? Will they be shrewd about pork and wool, and not about art and music? Are they not already restive under the inequality of what they give as compared with what they get through our present law? Excellent as it is in most respects, it is in some undeniably a source of hardship, and in the case of countries of a different tongue it is chiefly useful to their citizens by reason of the ideal

security which it affords to music and art. Shall all that has thus been gained for an honorable understanding with the world be thrown away by subjecting these two items to restrictions which will well-nigh nullify its benefits? To do all this would be to turn back the wheels of progress; and to do it for the sordid reasons which support it would be a most ridiculous and unpatriotic form of that materialism which is being continually nourished in Congress, and against which all the forces of our civilization have perpetually to contend.

At the notable conference in favor of international arbitration, held in Washington in April, our copyright

relations with other countries were cited by one of the speakers as being the most successful approach that we have yet made to a practicable international institution, forming as they do a system of agreement on the part of widely divided countries mutually to do justice. In the face of the great demonstration of human friendliness and respect for law which that conference represented, it would seem to be a bad year to interrupt the continuity of a system of reciprocal fair-dealing which, whatever its defects, has brought us, as a nation, so far as this question is concerned, from barbarism into civilization.



**American Musical Authorities against the  
Treloar Bill.**

THE contributions which follow, from the professors of music in Harvard, Yale, and Columbia Universities, who, moreover, stand in the front rank of American composers, were written in response to the following questions, which accurately set forth certain provisions of the Treloar Copyright Bill, now pending in Congress:

1. Are you in favor of amending our present international copyright law by providing that copies of the musical compositions of American composers can be copyrighted only when the type is set up, or the plates made, or the copies manufactured, in the United States, and prohibiting the owner of the copyright from having the composition printed in England, Germany, or elsewhere and importing the copies for sale in the United States upon payment of duties?

2. Are you in favor of a copyright law which will compel the foreign composer to have his works printed in the United States in order to obtain copyright here; although the country of such foreign composer permits copyright there, without any such restrictions, of the composition of an American.

3. Are you in favor of a copyright law which will compel a foreign publisher, who arranges with an American composer to publish the latter's work, to print the work in the United States and sell here only such copies as are printed here?

4. In your opinion will it promote the progress of the art of music, will it promote the quality of music, and the use and enjoyment of music by the public, to require, as a condition of copyright in the United States, that the copies must be printed and manufactured in the United States?

5. Is such a requirement, in your opinion, beneficial or injurious to the interests of the composer?

*From the Professor of Music in Harvard University.*

I AM utterly opposed to any attempt to make the copyright of musical compositions conditional on their being printed in the United States. I believe that such a law would defeat its own object, for eventually it would restrict both the musical market and production of musical compositions; it would work injustice to our composers, publishers, printers, and the public alike.

The requirement that the works of foreign composers must be printed in the United States in order to be copyrighted is lacking in the *reciprocal* element which should be prominent in an international copyright law. Neither England, nor Germany, nor any other country so far as I am aware, requires as a condition of the copyright of the work of an American author or composer that such work be printed in England or Germany, etc. In European countries there is international copyright without reference to place or manner of printing. I am informed that, wherever there is free trade, copyright publications, with the consent of the owner of the copyright, may be imported free of duty. Where there is protection, copyright composition, with consent of the owner of the copyright, may be imported on payment of duties. Reciprocity requires similar provisions in the United States international copyright laws. Anything less would tend to develop, sooner or later, retaliation against Americans, and would be inimical to the growth of the art of music in America.

The proposed amendment would work grave injury to our rising American composers, who are beginning to find European recognition a very important factor in the development of native music in a young country. Our general public is not yet sufficiently advanced in musical taste and intelligence to appreciate independently the native talent now struggling to attain a higher ideal. The passage of the proposed amendment would retard half a century the time when America can take rank with European nations in creative music.

Within the last few years certain American composers have had orchestral scores and parts printed in Germany and England, either under the auspices of an American or a foreign publisher. Such publication has led to performances of these works abroad, where they have found recognition. This wide extension of the American composer's field of appreciation from *local* to *international* reacts favorably on the American public by procuring here readier performance and higher estimation. It should be understood that Germany, and particularly



Leipsic, is the center of the musical world so far as regards the publication of works involving orchestral scores. Such works issued at Leipsic have a far better chance of becoming known throughout the musical world than if published only in the United States. In fact, so far as my knowledge goes, not a single orchestral score of an American composer has yet been engraved in the United States. The only published orchestral scores and parts of native composers have been engraved and printed in Germany. To engrave a double set of plates for such scores and parts would be quite out of the question. Orchestral scores and parts have a limited sale, but without their publication *somewhere* the works cannot be made known to the musical world. If this law were passed, the future orchestral works of American composers would probably remain in manuscript, and have a most limited performance and appreciation.

In the case of short compositions of foreign composers, it is generally understood, I believe, that the necessity for printing them over again in the United States would prevent a great majority of such compositions from being copyrighted in the United States. Whenever any such composition becomes popular it will be printed, reprinted, and sold in the United States as a matter of course, and neither the foreign publisher nor the foreign composer will obtain the fruits of the composition. This is an obvious injustice arising from a lack of proper reciprocity in an international copyright act. Even if the foreign composer is not to be considered, the effect on the American composer is equally unjust and injurious; for such piracy of uncopyrighted foreign musical compositions produces an unfair competition with the works of the American composers, especially when the European composers have already established world-wide reputations. The rising talent here has great difficulty in getting a hearing or market on account of these unfavorable conditions.

It is obvious that music cannot justly be classed under literature. In the development of the refinements of civilization it should be recognized as a distinct and separate art, and should be encouraged in this country by a reciprocal international copyright, free from mechanical restrictions which would legalize injustice to both the American and foreign composer, and retard or destroy the international recognition of American compositions. Music is more international than literature, for the latter has natural circumscribed territorial limits. There is as yet no universal spoken language. Literature is English, French, German, Italian, Russian, etc., according to the country in the language of which such literature is written. Music has no territorial limits. The musical composition of an American composer may be performed and understood alike by German, French, Italian, or Russian musicians without translation; for its symbols are not words addressed to the verbal reason, but tones addressed to the esthetic sense of beauty and to the emotions.

If copyrighted musical compositions are accorded by Congress the same international freedom which exists in respect to *patented* mechanical inventions, it may well be that in another century America may acquire a rank in the musical world as high as she has attained in the mechanical world under our patent laws.

John K. Paine.

*From the Professor of Music in Yale University.*

I BEG to answer, «No,» to the first three of your questions.

As to the fourth: I think the proposed requirement will act distinctly against the progress of musical art in this country, by doubling the expense necessary to protect expensive, and therefore important, works.

It will also encourage the stealing of short works from European publishers, which practice has already done great harm to composers here and elsewhere.

I call it stealing, since it is taking that which belongs to some one else. That the law does not protect the composer's or the publisher's property does not change the character of the act of acquisition morally.

The above remarks apply also to question 5. I think the simplest possible legislation, securing to every composer, of whatever nationality, the fruits of his labor, will be that most beneficial to the entire country, composers and others. If we are at liberty to steal other nations' property, they can hardly be expected to frame laws to protect ours. If the question is, «Who has the most stealable property?» I admit we have less than most European nations, and a consequent slight advantage.

There is no doubt in my mind that the highest possible standard of international honesty in copyright matters will be our best policy.

Nor do I see how, in a question of copyright pure and simple, the interests of laborers or mechanics can in honesty be considered at all.

Horatio W. Parker.

*From the Professor of Music in Columbia University.*

In my opinion, any legislation compelling publishers and writers of music to have their works printed in the United States, under penalty of forfeiting their copyright, would be a very serious blow to the advancement of music in this country. Such legislation would increase the expenses of publication (owing to the necessity for several editions), and narrow the market, besides being both unjust and eminently un-American. Why should an American's work belong to him only when he prints it in America? Why should a law be passed to protect his property only when it is manufactured in the United States? If an idea, musical or otherwise, is not palpable property, then the Patent Office is an absurdity. If engravers and printers are to be given such a monopoly, why should not other trades—say, for instance, watch-makers—demand that the theft of any watch not made in the United States be unpunishable in law. I understand that most of the music engravers in the United States are foreigners. If the proposed amendment to the copyright law of 1891 be seriously considered, I would propose that none but either American-born citizens, or at least citizens of, say, twenty years' standing, be allowed to engage in the printing of music in the United States. Also that all tools used in printing be made in America from metal mined or material produced here. If there is to be a monopoly in the engraving of music, let it be given to Americans working with American tools made of American materials.

The tools of the writer of music are his compositions.

If he is to be compelled to have these manufactured in the United States, let the rule hold good for other professions also. Instead of putting a duty on foreign manufactures, let us prohibit them altogether by withdrawing from such property all protection of the law.

To your list of questions I say emphatically, «No» to 1, 2, 3, 4; to No. 5 I have answered at length above.

E. A. McDowell.

#### The Failure of the Hampton Conference.

WITH UNPUBLISHED LETTERS FROM JEFFERSON DAVIS AND R. M. T. HUNTER.

ON the third of February, 1865, upon the waves of Hampton Roads, near Fort Monroe, Virginia, Abraham Lincoln, President of the United States; William H. Seward of New York, his secretary of state; Alexander Hamilton Stephens of Georgia; R. M. T. Hunter of Virginia; and Judge J. A. Campbell, then of Alabama, met for informal conference on the United States transport steamer *River Queen* in a conference looking toward a cessation of hostilities in the civil war.

They were not «warriors old, with ordered spear and shield,» but men from whose faces the war-paint had been temporarily washed, and whose war-clubs had been temporarily buried. Their objective point was peace, but by predetermined paths, which could not, like «mountains, converge in a single ridge.» For four hours these great men debated great questions. Messrs. Lincoln and Seward supported one side, the remaining three gentlemen pleaded for the other. The actors in this important drama of the war are dead. It was agreed that their conversations should be confidential, and many of their utterances have been closely guarded.

Six months prior to this council of peace, Horace Greeley induced Mr. Lincoln to write a letter stating the terms upon which his soldiers would lay down their arms. In a communication dated July 18, 1864, addressed «To whom it may concern,» President Lincoln proclaimed that the «integrity of the whole Union, and the abandonment of slavery,» were the corner-stones upon which to construct the temple of peace; that liberal terms would be granted on collateral points; and that any person who was armed with authority to talk on such a basis should have safe conduct inside his lines «both ways.» The South was not fighting for slavery, but to make two republics grow in this country where only one grew before. «The integrity of the whole Union,» and not «the abandonment of slavery,» was the condition which prevented a response to that communication.

Lincoln was preëminently in disposition and character kind-hearted and benevolent. War disturbed him. He recognized that though the progress of military events was slow, that of his armies was steady, and that the chances at that time of a restoration of peace upon his terms were favorable. He deeply desired what he prayed when about to take the oath of office for his second Presidential term, «that this mighty scourge of war may speedily pass away.»

Horace Greeley's failure to bring about negotiations between the belligerents did not deter another eminent citizen from making a similar attempt. Mr. Francis Preston Blair conceived the idea that possibly commis-

sioners might meet representing their respective sides, and the armies *ad interim* stack arms; that the peace feeling would then spread, and terms of settlement be reached. Greeley had tried Mr. Lincoln; Blair sought Mr. Davis. In February, 1865, Seward wrote to Mr. Adams, minister to England: «A few days ago Francis P. Blair, Esq., of Maryland, obtained from the President a simple leave to pass through our military lines without definite views known to the Government.» However that may be, Mr. Blair made his appearance in Richmond, and persuaded Mr. Davis to write him a letter which he could show to Mr. Lincoln, in which he should state that he was willing to send commissioners to confer with the Union President, if he could be assured they would be received; or, he would receive any that might be sent to him. With this letter Blair retraced his steps to Washington, showed Lincoln Davis's note, and induced the former to write him a letter which in turn he could show Davis, in which he should say that he had read Davis's note to Blair, and that he would receive any commissioners Mr. Davis might send to confer informally with him, «with a view to the restoration of peace to the people of our one common country.»

Again Blair went to Richmond and showed Davis what Lincoln had written, whereupon Messrs. Stephens, Hunter, and Campbell were appointed the commissioners on the part of the South. Observe the diplomacy exercised. Lincoln would not write to Davis, or Davis to Lincoln, but both wrote letters to Blair, each to read that of the other. So far everything was progressing favorably. Blair was doubtless delighted, while many others had an indefinite idea that those accomplished Northern and Southern statesmen would find some means to stop a war between people who «read the same Bible and prayed to the same God.»

Lincoln's companion and colleague in the Peace Conference was an enthusiast on the slavery question. A quarter of a century before, when governor of New York, Seward had proposed to extend suffrage to the negroes of that State, and had appealed to a «higher law.» He was balanced between the integrity of the Union and the abolition of slavery, but would not have objected if the scales had tipped toward the latter. At one time, as a Whig, he was a great friend of President Taylor; afterward he became a Republican and supported Frémont. He named the coming war «an irrepressible conflict,» and was willing to let it rage if its results were the abolition of slavery. He served eleven years in the United States Senate and became the logical candidate for secretary of state, because he was Mr. Lincoln's strongest opponent for the nomination for President in 1860, securing more votes on the first ballot. Seward was in advance of his party, in 1861, in the effort to secure a peaceful solution of the questions at issue, and for policy's sake advocated the evacuation of Fort Sumter. His great knowledge of public affairs, and his commanding intellectual ability, made him a capable adviser to his President.

Mr. Davis's selection of commissioners was probably as good as could be made under the circumstances. Not one of the three was a «die-in-the-last-ditch» man; all had great public experience, and required no introduction to the Union secretary of state or to his President. Stephens was born, and was buried, in Georgia. He