

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

for his vivacity and probably also for his knowledge of their language. Surely he was not put up as a candidate on account of his "nationality." In the Legislature he made many warm friends and was considered an able reasoner and debater. He had studied law probably before he came to Illinois, continued it here, and was in fact very well grounded in the principles of law—rather more so than most of his rivals then at the bar. He argued closely and to the point, was much stronger before the court than before the jury, as he had not the gift of the gab, and hardly ever tried to be rhetorical or pathetic. When he did try, it was generally a bad failure. His language was always chaste and grammatically correct. He had a subtle and logical mind, though his impulsiveness made him sometimes act very illogically. He was ambitious, so much so that many people judged him to be too selfish. I, however, know of a great many instances when he acted very generously, and forgetful of himself. Very few ambitious men are free from the charge of egotism. He was careless about money matters and not the least avaricious.

In 1837, at the instance of the late A. W. Snyder, then a member of Congress, who had taken a great liking to Shields, he settled in Belleville, Illinois, as a lawyer, and, forming a partnership, entered on a very successful practice. Traveling the then very large circuit, he became well known in all southern Illinois, and his sociability, warm temperament, sprightly and intelligent conversation made him hosts of friends. While he himself delighted in being flattered he took occasionally good advantage of the same weakness in others.

In Belleville he soon made many friends, particularly amongst the educated Germans, who found his conversation interesting and cosmopolitan. There were few Irishmen then in that county, and he was not particularly popular amongst those few.

His election for State Auditor in 1840, by the Legislature, was owing to the fact that he knew most of the members personally, to his social qualities, and to his reputation of an able and honest man. It is just barely possible that his nationality may have had some influence with some of the politicians; but it was his tact, and the friendship of Douglas, who was then Secretary of State, and of other leading Democrats, such as General Whiteside and Colonel W. H. Bissell, late Governor of Illinois, that made him successful.

As regards the contemplated duel with Lincoln, the biographers remark very rightly: "We have reason to think that the whole affair was excessively distasteful to Lincoln. He did not even enjoy the ludicrousness of it, as might have been expected." It could not fail that the noble-hearted and eminently just Lincoln would, as soon as he was out of the hands of his ill-advising friend, most deeply regret this episode of his life.

The articles, for which Mr. Lincoln had made himself generously responsible, "covered," as the biographers themselves say, "Mr. Shields with merciless personal ridicule." But they also charged him, together with Governor Carlin and Treasurer Campbell, who had instructed the Collectors of the State revenue not to receive the almost worthless bank paper for payment of State taxes, with the most sor-

did motives. No man of the least spirit could have taken those insults without seeking satisfaction, even by arms, if necessary. Dueling, particularly amongst public men, had at that time not so much faded out of fashion, either in England or in our country, as at present, and is not yet sunk into entire oblivion. The provocation was of the strongest, and no blame attached to Shields at the time. It is no proof of Shields's irascibility. He was a young man who had his reputation for honesty at stake; and to have in addition his personal features and peculiar habits ridiculed in a small but select society in which he daily moved was more than even a saint could have borne. But there was another reason why, as the biographers say, "Lincoln would have been glad to banish the matter from his memory." Both parties had been very unfortunate in the choice of their "friends." General Whiteside was a very brave man; he had seen some service in the Black Hawk war, and was a good Indian-fighter. But he was no better qualified to manage an "affair of honor" than Black Hawk himself. Whatever the pretensions of Dr. Merryman might have been, he certainly was equally ignorant of the "code of honor," the first and foremost rule of which is that the combatants should, as much as possible, meet on an equal footing. Air and sun must be equally divided. Mr. Shields was just about of medium height, of light weight at the time, by no means strong; while Mr. Lincoln was of towering height, heavy, and long-armed, and of almost superhuman muscular strength. In this respect the choice of arms, "cavalry broadswords of the heaviest caliber," undoubtedly suggested by the Doctor, was an unfair one. The only excuse for him, and after all a bad one, might have been this, that as a friend of Lincoln he wanted to prevent a duel at all, and so he would propose such a sort of a fight as would bluff off Shields. But if he thought so, which is a mere surmise of the writer, he did not know the man Shields. But it would have been the duty of Whiteside to decline peremptorily such a combat, and to insist on pistols, a weapon with the use of which both parties might have been supposed to be somewhat acquainted, or with which by a few days' practice they could have familiarized themselves. Another rule of the code is that no unusual weapons must be used. Now, outside of army officers or students on the continent of Europe who are more or less trained in fencing-schools, the saber, or even the small sword, is never resorted to in dueling, and even with those classes pistols are the more customary arms. Amongst civilians it is an unheard-of thing. I am almost sure that Mr. Lincoln never before had handled a heavy cavalry sword; I am certain that Shields never had. If the duel had taken place, it would have been a ludicrous as well as a brutal affair. In the hands of novices a somewhat crooked heavy cavalry sword becomes no better than a flail or a stick. The strokes intended to cut head, shoulder, or breast in nine cases out of ten fall flat, and may knock a man down without ever drawing blood.

The blame of this opera-bouffe affair falls properly on the seconds. It is plain, however, that none attached to Shields.

The letter to Judge Breese referred to is clearly indefensible. It was the worst mistake in Shields's life, though, strange to say, it did not hurt him with his con-

stituents; for while he was rejected by the Senate on account of lack of constitutional qualification when he first offered himself in March, 1849, the moment that disqualification ceased, October, 1849, he was reelected Senator by the Legislature, called at a special session for that purpose.

He seemed to have lost his head entirely on that occasion. He had been naturalized in 1840, in September, I believe. At the December session of Congress, 1849, he would have been a citizen of nine years' standing. But he hastened to Washington soon after his election, and presented his credentials in the Senate, which had been called for an extra session for Executive purposes after the 4th of March. An objection was made to his qualifications and sustained. The letter was written to frighten off Judge Breese from having the objection raised. Whatever his motive he committed an abominable error.*

When in 1844 Governor Ford appointed Mr. Shields one of the Judges of the Supreme Court to fill a vacancy, it was surely not on account of his being an Irishman. Ford was not that sort of a man. He never cared about popularity. He only looked to the qualification of his appointees. Shields filled the office to the satisfaction of the people, and the few opinions he wrote during his short stay on the bench are lucid and forcible.

As Logan in the civil war, so Shields in the Mexican war, was the most distinguished volunteer general. Severely wounded, when leading his Illinois Brigade at Cerro Gordo, he led the Palmetto and another regiment with distinction at Contreras, and received at the storming of Chapultepec a most painful and slowly healing wound in his right wrist. In the civil war he was again wounded in the arm by a ball at Winchester. He was not a great strategist, nor even a tactician; but he was always found in front, and the soldiers liked to follow him.

He may in older days have indulged too much in reminiscences of his former feats of arms, but there are few old soldiers who are not guilty of such a charge. The writer was very near him for several years after the Mexican war, and is not aware that he ever unduly prided himself on his military performances.

He was naturally very much opposed to slavery. It was with great reluctance he voted for the Kansas-Nebraska bill. But Mr. Douglas, his colleague in the Senate, had much influence over him, Douglas having always nobly supported him. He had taken the view which Mr. Webster had promulgated in his celebrated speech, that slavery could not exist in either of the territories, from climatic and other causes that nature had ordained, and that therefore the repeal of the Missouri Compromise could do no harm.

Earthly goods he never acquired. Before the generosity of Congress, not long before his end, relieved him, he spent many years in actual poverty. His mind, while eccentric, sometimes erratic, was essentially of a lofty nature. He could not have risen to all the high

stations he filled except by some intrinsic merits. Were it otherwise, not he, but those who elected him, would have to bear the blame.

BELLEVILLE, ILLINOIS.

Gustav Koerner.

The Cantata and American Composers.

By using very little of your space may I try to modify the impression which the letter on "The Cultivation of the Cantata" published in the January number of THE CENTURY has probably made? When Mr. Barnard, after saying that the cantata occupies a middle ground between the oratorio and opera, that American writers have been more successful in this form, cites Mr. Root's "Flower Queen" as an example, I am led to believe that he is not informed of the present trend of American music. To encourage Americans to compose is a leading topic among writers on music at the present time in the United States, and the cantata is one of the most desirable forms to have cultivated; but have we not outgrown the era which accepted the compositions of Mr. Root as standard in that department? Would the Handel and Haydn Society pay one thousand dollars for the counterpart of "The Haymakers" or "Esther"? Certainly it would not. Mr. Barnard, however, implies that it would, and the non-musical reader of his letter will seek for no higher values in this form of native musical achievement than these compositions represent. Such pieces are styled cantatas. So is "Pinafore" an opera, but "Orpheus" is one also. There was a time when practice of "The Haymakers" and "The Flower Queen" in uninformed and slow-moving districts was quite general; clergymen recommended such to their Sunday-schools; but the men who at present are writing what is making a name for American music did not so much as taste this fount of inspiration.

I would mention George E. Whiting and his "Tale of the Viking"; W. W. Gilchrist and his "Forty-sixth Psalm"; Dudley Buck and his "Golden Legend" and "Columbus"; Arthur Foote and his "Hiawatha"; H. W. Parker and his "King Trojan"; G. W. Chadwick and his "The Viking's Last Voyage"; Prof. J. K. Paine and his "The Nativity"—these men are cultivating the cantata. Certain of these compositions were written under such conditions as Mr. Barnard recommends. I do not take issue with Mr. Barnard's idea; I uphold that. We diverge at what constitutes the cantata. A retrograde movement among writers of music in the United States would be deplored on every hand. There is already plenty of music among us, suited to uneducated taste and an unfiltered desire for tune. Composers of this sort of music may not do very much harm; but theirs is not the best music of which Americans are capable. It is to establish this fact and show the general reader that there is already grounded among native writers a style infinitely better, the product of real art, that this letter is ventured.

BOSTON.

George H. Wilson.

* Another correspondent (Mr. R. I. Holcombe) interprets the expression in the letter to Breese, "he should never have profited by his success," to mean merely that he would represent the means employed by Breese to achieve success in such a way to his associates at Washington that his influence would be seriously impaired, if not destroyed. It should be said, however, that our

correspondent does not explain the context.—Mr. W. J. Onahan also writes to us in praise of General Shields, calling especial attention to General Scott's testimony as to his gallantry and efficiency in the field; as well as to some cordial words spoken in his behalf by General Logan.—EDITOR.