

THE YOUNG DEMOCRACY.

THE Indiana Democratic State Convention of Wednesday week was, all things considered, the most significant event in the political development which has occurred since President Cleveland's inauguration. In its composition and in its action there was clearly perceptible the remarkable transformation in character which the Democratic party is undergoing as the reform leaven does its work, and which is alike the most interesting and the most important change in partisan relations that has happened since the war.

Indiana has long been notorious as a State given over to political Bourbonism. Both parties have been infected by the curse, but the Democratic has suffered most severely from it. Old leaders have controlled the organization and have clung to antiquated issues. New ideas have been frowned upon, progressive men have been snubbed, reformers have been ridiculed. The conventions have been for the most part assemblies of old fogies, with an admixture of the rowdy element, and there has seldom been anything in their often disorderly proceedings calculated to attract young men into the party. A more complete contrast to all this could not be imagined than that which was presented by Wednesday's Convention, the most prejudiced Republican critics being witnesses. The Indianapolis *Journal*, as bitterly partisan a Republican organ as is published in the country, says:

"The Convention had 1,231 people in it, with credentials to vote for the Democracy of the State in selecting a ticket, and there was not a delegation that did not impress one with the wisdom of the constituency that sent it. There was an absence of the 'rounder' element—that of the average heeler and the troublesome bummer. If liquor was used in promoting friendliness, it did not carry away common sense. The delegates were of a class who, if they drink at all, do it in moderation. In the entire three days of excitement and interest about the hotels, and especially at the hall yesterday, not a drunken man was to be seen."

All observers agree upon this point. The Indianapolis *News*, an Independent newspaper, says: "The personnel of the Convention compelled favorable comment. The Convention was better looking, better dressed, and more intelligent than any State Convention of the Democracy in modern times." Mr. J. W. Tindall, a Mugwump long familiar with Indiana politics, testifies to the same effect:

"In twenty years' observations of State conventions I have never seen so dangerous a body of men gathered together as that which has just dissolved. In appearance, manner, and subdued heat of enthusiasm it reminded me of the Republican conventions in the good old days when nearly all the well-dressed men went to Republican conventions, and when it was a cardinal belief that 'the earth is the Lord's, and the fulness thereof hath He given to the Republicans for an inheritance.' On the whole, to-day's convention was the best-looking, best-mannered, best-united that I remember to have seen since the aforesaid days of Republican ascendancy."

It was the large infusion of young men which chiefly contributed to this change in the personnel. "It was noticeable," says the *Journal*, "that the young man has a chance in this new era of State conventions." Says the *News*: "There was a marked absence of the old-time bosses. Young men were most prominent, and new voices and faces were in every district. The mossback element, for once, apparently, had lost control of the Indiana Democracy. Here and there the 'gray-

beards' of lean chaps and hungry appearance were to be seen. But they felt, no doubt, as they looked, both lonesome and willing to play a minor part." A leading Democrat remarked to a reporter: "I never saw a gathering of our party where young men acted with such force and judgment as they do to-day. If you were to take the ages of the delegates, you would find that half of their number is under fifty years."

The young men among the delegates secured the nomination of a ticket composed almost entirely of young men, one candidate being 35 years old, another 34, a third 33, and only one of the eight past 50. The nominee for Superintendent of Public Instruction, in accepting his nomination, spoke of the great benefits of the free educational system, and reminded the delegates that it had enabled one who was driving a cart in the streets of Indianapolis only eighteen years ago, to be now a candidate for this responsible office, and apparently an excellent candidate, for he taught a high school some years and has been School Superintendent of his county for eight years.

The new element left no doubt as to its feeling toward the President. "Senator Voorhees failed to touch the house," says a writer in the *News*, "till he named Cleveland, and then it stormed." The Senator's tribute to the President was in itself a concession to the young and progressive Democrats, for everybody knows that he has always been personally in sympathy with the Bourbons and the spoils-men. Even a man of Voorhees's great personal popularity could not have withstood the reform current, and he floated along with it. The strength of this current is shown by some remarks of delegates which Mr. Tindall quotes: "Win this year, and let the advanced Democracy leaven opinions for 1888," said a strong man from the Twelfth District. "People will understand Cleveland better two years hence than they do now," said another; "he is our trump card for the next convention."

The change which is thus manifested in Indiana is not an isolated phenomenon, nor is it confined to the Northern wing of the party. Last week the Democrats of Tennessee met to nominate a candidate for Governor. The chief rivals were George G. Dibrell and Robert L. Taylor. Dibrell is a man of sixty-four years, who was a "Confederate brigadier," and whose supporters were described as being "compact and organized just as the old Dibrell brigade was organized nearly a quarter of a century ago, by which they made for themselves and their gallant commander a name which is enrolled high up on the ladder of fame." Taylor is a man of only thirty-six, who was a mere boy during the rebellion and had no war record of any sort. Dibrell was commonly alluded to as the "old man," and his supporters were chiefly men of his own generation, including the larger share of the veteran wire-pullers and pipe-layers. Taylor's backers, says a report of the Convention, were "composed in the main of young men who have never had much political experience, but are full of enthusiasm and energy." The Nashville *American*, the leading Democratic newspaper at the capital, says: "The young Democracy of the State were especially enlist-

ed in his behalf, and young men were present in unusual force in this Convention, active, vigilant, tireless, and aggressive in their devotion to their favorite candidate." The young Democracy won, and a man whose brief record in public life is that of an open opponent of the old fogies and Bourbons, was nominated amid the greatest enthusiasm.

Such incidents as these are typical of an organic revolution which could only come about by the operation of time, and which surely betokens a new and a better era in our political being.

THE LATEST COPYRIGHT DECISION.

In order properly to understand the importance of the decision rendered July 3 in the Circuit Court for the Southern District of Ohio, in the copyright case of the Henry Bill Publishing Company vs. Smythe, it is necessary to have a clear understanding as to the facts in the case. The book in controversy was Mr. Blaine's 'Twenty Years of Congress,' the copyright of which belongs to the plaintiff. The plaintiff sold the book only by subscription to individual buyers, employing agents to solicit such subscriptions and to deliver copies to subscribers, each agent having assigned to him a certain territory, and being obliged to give his bond not to sell or deliver in any other mode than that directed by the plaintiff. It had been publicly advertised that the book would be sold only in this way, and it seems to have been generally known to the trade that it was sold by this method of individual subscriptions taken, and the books delivered, by persons acting solely in the capacity of agents for the plaintiff.

Such an agent of the plaintiff, in New York, had copies sent to him to deliver to certain subscribers procured by him, but instead of delivering them to such subscribers he sold them to a bookseller in Troy, who in turn sold six copies to the defendant at Columbus, O. He in turn parted with five of them at a profit, one copy remaining unsold when the suit was instituted. The plaintiff's authorized agent at Columbus notified the defendant that he was such agent for that section of territory, and that the book was to be sold only by actual subscription, and warned the defendant not to sell the copies he was offering to the public; not knowing, however, how the latter had obtained them. Suit was then brought to enjoin the defendant from selling the copies, from selling the book at all in the future, and for an account of such as might have been sold.

Judge Hammond apologizes for his delay in rendering a decision in this case, explaining that his unfamiliarity with the law of copyright made him unwilling to give an opinion without an investigation. The result of his researches is set forth in an opinion of unusual length, and it is summed up in a ruling, which we give in his own words, as follows:

"If the owner of a subsisting copyright seeks to enjoy his exclusive right of selling the published work by making sales directly and only to individual subscribers, the statute protects his plan of sale from interference by other dealers offering surreptitiously obtained copies of the genuine work without his consent, unless there be something in the circumstances of the particular case to estop him from relying on the privileges of his monopoly."

He claims to have derived support for this ruling from a mass of cases and authorities bearing on the nature and incidents appertaining to property in copyright, but acknowledges that he has failed to find a single case directly in point, though he refers to that of *Hudson and Goodwin vs. Patten* (1 Root, Connecticut, 133-134), as very nearly a direct precedent for the judgment rendered in the one under consideration. Judge Hammond admits that when listening to the arguments in the case, he thought it a startling proposition—as stated in his own words—that the dealer in copyrighted books “must deraign his title to each copy from the copyright holder with all the particularity of real estate, if not more inexorably, and that no right to use or sell a copy could be acquired without his consent”; but professes to be now unable to see how the monopoly of sale granted by the statute can be secured without a principle almost as broadly stated as that, and expresses it as his opinion that from the essential nature of copyright itself would spring this principle of exclusive sale, because in printed books there is, aside from the material property in them, a peculiar, intangible, and incorporeal right pertaining to the authorship—a property created by the statute—requiring a further protection. This protection can be adequate only when it is understood, in the Judge's words, “that no one can read this book, buy it or sell it, or otherwise use it, or any copy of it—either that which is piratically or that which has been lawfully printed—without the consent of the author or copyright holder; and the basis of it is,” continues the opinion, “that a moneyed or other valuable consideration must be paid to the author, and he has a right to receive value for any use of the product of his labor. Protection in the monopoly of sale for the lawfully-printed copies is just as essential to the value of the right of property created by the statute as protection against piratical printing, publication, and sale of the book.”

It is to be understood, however, that the authorized sale of a copy of a copyrighted book transfers to the purchaser the right to read, otherwise use, or sell that particular copy. The distinction between the rights acquired by such purchaser and the copyrights of the author, and the relation of these rights to each other, are well set forth in the following paragraph:

“The owner of the copyright may not be able to transfer the entire property in one of his copies, and retain for himself an incidental power to authorize a sale of that copy, or, rather, the power of prohibition on the owner that he shall not sell it, holding that much as a *modicum* of his former estate, to be protected by the copyright statute; and yet he may be entirely able, so long as he retains the ownership of a particular copy for himself, to find abundant protection under the copyright statute for his then incidental power of controlling its sale. This copyright incident of control over the sale, if I may call it so, as contradistinguished from the power of sale incident to ownership in all property—copyrighted articles like any other—is a thing that belongs alone to the owner of a copyright itself, and as to him only so long as and to the extent that he owns the particular copies involved. Whenever he parts with that ownership, the ordinary incident of alienation attaches to the particular copy parted with, in favor of the transferee, and he cannot be deprived of it. This latter incident supersedes the other—swallows it up, so to speak—and the two cannot coexist in any owner of the copy except he be the owner at the same time of the copyright; and, in the nature of the thing, they

cannot be separated so that one may remain in the owner of the copyright as a limitation upon or denial of the other in the owner of the copy. A genuine copy, owned by the owner of the copyright, carries with it the ordinary incidents of alienation belonging alike to all property, and, if he parts with the copyright, he retains with the ownership of the particular copy this power of sale; or if he sells a copy to another, having, as owner of the copyright, authorized a transfer, the purchaser takes the copy with the ordinary incident of alienation belonging to all property; and that copy is no longer under the copyright law.”

Applying this reasoning to the case in hand, it will be seen that the copies sold by the defendant, having been surreptitiously obtained from the copyright owner, did not carry with them the ordinary incident of alienation which goes with genuine copies, properly obtained, and therefore left the copyright proprietor what the Judge has termed the “copyright incident of control over the sale,” and their sale by the defendant became an “interference,” to use a convenient expression, with the copyright, because, it will readily be seen, the copyright owner was as much injured by the loss and subsequent sale of these genuine copies as he would have been by the manufacture and sale by the defendant of five pirated copies.

(The case of *Clemens vs. Estes* (22 *Federal Reporter*, 899-901) is distinguished in the opinion, it being pointed out that in that case the agents had purchased the copies of Mark Twain's book directly from the copyright owner, and therefore had a right to sell them as far as the copyright went, the only limitation upon that right being the agreement not to sell except by subscription, which agreement was not within the domain of the copyright statute; and redress for a breach of such contract could be sought in any court of competent jurisdiction.)

A decree was awarded the plaintiff for the small amount of profit testified to, with interest, and the defendant was adjudged to pay the costs of the suit, and enjoined from selling the copy of the book undisposed of by him. In regard to this remaining copy the Judge doubted whether the Court could, under the Revised Statutes, declare a forfeiture of it, but thought the defendant ought to be enjoined from every conceivable use of it as a literary production, even from reading it—until he had paid the author for that privilege—and certainly from lending it, and thus cutting off possible buyers of the book; and leave was therefore granted the plaintiff to apply for an extension of the injunction if the defendant should refuse amicably to surrender it.

HALIFAX.

THERE are at least seven different ways of going to Halifax from the States, each of which has its peculiar attractions. The most direct, as well as the least expensive, is by sea, either by the steamers of the Allan Line from Baltimore, the Red Cross Line from New York, or the Prince Edward Island boats from Boston. An alternative all sea route is by steamer from Boston to Yarmouth at the southwestern end of the Peninsula of Nova Scotia, and from thence by the Halifax boat, which, as it touches at the prominent towns on the seaboard, gives the traveller an excellent opportunity of enjoying the beauties of a coast, like that of Maine, deeply indented with bays and thickly strewn with islands. If the weather should prove unfavorable for this coast trip, Halifax can easily be reached by land

by the way of Digby. A pleasant combination of sea and land is obtained by going by boat from Boston or Portland (touching at Eastport) to St. John, and thence by rail to Halifax, or by boat across the Bay of Fundy to Annapolis, which is in direct rail communication with the city. This is by far the most enjoyable route, since the traveller passes through the Digby Gut (a narrow passage between high cliffs through which the tide rushes with such force that at times the boat seems to be ascending or descending an inclined plane) into the beautiful landlocked Annapolis Basin, at the head of which lies the interesting town of the same name, and from whence the road to Halifax lies through the very garden of Nova Scotia. We should strongly advise travellers, however, to take this route on their return, as the beautiful sunny meadows and orchards of Grand Pré, the Evangeline country, and the Annapolis valley will seem far more beautiful from the contrast with the sterile and fog-haunted Atlantic coast, than if one came to them direct from the States. It should be mentioned that there is also a boat direct from Boston to Annapolis, and, during one season two years ago and possibly this, a boat from Mt. Desert to the same place. Of the all-rail line by Bangor and St. John it is unnecessary to say more than that the scenery is generally tame, with the exception of some twenty miles on the St. John River, the building of a railway bridge across which, thus obviating the disagreeable ferry and carriage transfer, has added much to the comfort of the traveller by this route.

Halifax presents an attractive appearance from a distance, whether one approaches it by sea or by land, though naturally the view is far finer from the steamer's deck as one comes up the harbor—under the noble cliff from which frown the batteries of York Redoubt, past the grassy slopes of McNab's Island, dotted with the tents of the soldiers' summer camp, by the beautiful park, with its virgin forest of pines, into the inner harbor—than one gets from the car window as the train winds along the pebbly shore of Bedford Basin. As in many other places, however, these first favorable impressions prove deceptive as one goes to his lodgings from the steamboat wharf or the railway station. The dirty, ill-paved streets are lined with dingy, often shabby houses of a uniformly unprepossessing appearance, attributable in great measure to the soft coal which is universally burned. The eye seeks in vain for any attractive point, there being barely half-a-dozen buildings with any pretence to architectural design. There is a prevailing air of seediness, an out-at-the-elbow look, so to speak, which makes one feel as if the place had seen its best days. This impression grows stronger on closer observation, for though there is considerable bustle and animation in the principal streets, many of the wharves seem deserted, and the harbor, but for the war and cable steamers, would often be nearly empty. The “Haligonians,” as they style themselves, are much inclined to attribute the decline of business mainly to the union with Canada, and to think that prosperity will return if Nova Scotia resumes its independent position. However this may be, the fact is that Halifax is too far out of the way for a large carrying trade. Then the country back of it and along the coast is sterile and uncultivated, with a very sparse population (the nearest town of any size being nearly fifty miles distant), so that it cannot be a distributing port. In fact, there is no town in the Province which is not on the sea or on a navigable river. With the fish, which have largely deserted the Nova Scotian waters, has gone the West Indian trade also, the chief source of its former prosperity. Still another cause, not infrequently mentioned by the older inhabitants, is the unfavorable influence on busi-