

THE NATION'S CAPITAL.

SEVERAL SENATORS ANXIOUS ABOUT THE FALL ELECTIONS.

The Farmers' Alliance Whetting Their Knives for Senatorial Scalps—Intelligent Colored Witnesses—Senator Beck and the Reporters—Miscellaneous Capital Gossip.

WASHINGTON, April 14.

Easter Monday is a great day at the Capitol. It is the great annual national children's picnic day following a custom formed years ago when the babies used to roll brilliantly decorated eggs down the terraces at the Capitol grounds and then roll after them. Upon the completion of the park surrounding the President's mansion the scene of these gay festivities shifted to the White House grounds, and now every year thousands of women and children gather on these beautiful lawns with baskets of luncheon and gayly decked Easter eggs, chatting and singing and having a regular picnic of a time.

On last Monday the nation's little ones began thronging in at the gates loaded down with baskets and paper bags, and by two o'clock there were fully ten thousand of them—black and white, from the color of wax to the blackest of black. Race lines, police lines, and car lines were all obliterated, and joy and laughter reigned supreme.

At 2 o'clock the famous Marine Band took its position in the center of the park, and for two hours the youngsters nearly went wild dancing and prancing about to such spirited if not classical music as "McGinty," "Bazzle-dazzle," "Where Did You Get That Hat?" "Suwanee River," and "Listen to My Tale of Woe." It was at this period that the President and his family appeared upon the portico and smiled upon the attendant thousands. Baby McKee and all the other White House babies were held up for the admiring gaze, and a howl of welcome—for it truly was a howl—went up from ten thousand throats.

Outside of the grounds, on every side, fakirs and peddlers of every description plied a most encouraging Easter Monday trade in eggs, pies, cakes, bananas, balloons, lemonade, pickles, pears, and peanuts. The hokey-pokey man was out in all his glory. It is one of the sights of a life-time to see this grand display of youth and beauty out on a frolic, but what a sight when all had gone. The magnificent lawns were literally strewn with egg-shells, paper bags, withered bouquets, and half-eaten sandwiches.

This year will witness one of the most important elections, from a strictly Senatorial standpoint, that have taken place in a great many years, and it may not be surprising if some of the most noted figures of the present Senate would disappear from public life forever. Probably the most prominent man who goes back for re-election is Senator Ingalls, of Kansas.

It is claimed, and with considerable emphasis, that since the recent action of the Farmers' Alliance of his State, declaring war upon him, the opposition to his return has so crystallized that it is doubtful whether he can overcome his enemies. The most important personage on the other side of the chamber is Senator Vest, who will ask the people of Missouri for another six years' leave of Senatorial life next fall. Vest will have a powerful antagonist in the person of Hon. Jeff Chandler. It is asserted that the latter has the warm regard of the Republicans of his State, and that rather than see the present Senator return they will join with enough Chandler Democrats to defeat him and elect Chandler. Wade Hampton, of South Carolina, has a hard row to hoe this fall. The Farmers' Alliance and Labor Unions want his seat bad; but Hampton's fences are in much better condition than Vest's. Brown, of Georgia, and Vance, of North Carolina, will have strong opposition in their own party, and it may be they will go under. New York will, in all probability, elect a successor to William M. Evarts other than himself. Indeed, it is no secret that the veteran statesman has no desire to succeed himself. Senator Morrill, of Vermont, is eighty years old and has been in Congress for thirty-six years—twelve years a member of the House and twenty-four in the Senate. It rests almost entirely with himself whether he comes back again next year, as the people of his State express no desire to throw him aside after so long and honorable a career as has been his. But it is not at all unlikely that the venerable gentleman will step aside for a younger man and retire to his home to rest in peace and quiet during the few years that remain to him and his estimable wife who has remained by his side during his entire official life. Leland Stanford, the many times millionaire, of California, and Teller, of Colorado, would both like to come back, and if money is any qualification, as is sometimes charged, their chances are both good. The impression prevails throughout Washington circles that Farwell, of Illinois, has a hard fight to face in his State this fall. Murmurs of discontent in the ranks of his own party have reached the Capitol and are being made the most of by the opposition, and it is claimed that the administration is rather lukewarm in his behalf. The Senator is confident, however, that he will pull through all right. Spoorer, of Wisconsin, has opposition in his State, but it seems to be without strength or organization, and he may be considered pretty safe. Platt, of Connecticut; Cal, of Florida; Voorhees, of Indiana; Blackburn, of Kentucky; Eustis, of Louisiana; Wilson, of Maryland; Jones, of Nevada; Blair, of New Hampshire; Mitchell, of Oregon; and Cameron, of Pennsylvania, will all go back to their respective constituents and are almost certain of re-election. Besides these, the Senators from the new States who drew short terms will have to endure another campaign. These are Pierce, of North Dakota; Allen, of Washington; and Moody, of South Dakota. Taken all in all, with the gigantic effort the Democrats will make to again secure control of the lower branch of Congress, this year will be a most exciting one, politically speaking.

"Why the Solid South; or, Reconstruction and Its Results?" is the name of a new book now in press and which is looked for with great interest by the public men at Washington. The book is edited and the preface written by Representative Herbert, of Alabama, and contains articles from the pens of Senators

Vance, of North Carolina; Pascoe, of Florida; Vest, of Missouri; Representatives Turner, of Georgia; Hemphill, of South Carolina; Stewart, of Texas; Wilson, of West Virginia, who was recently unseated; ex-Representative Barksdale, of Mississippi; and such well-known gentlemen of the South as W. M. Fishback, of Arkansas; Ira P. Jones, of Tennessee; and B. J. Sage, of Louisiana. It undertakes to narrate fairly and impartially and dispassionately the history of reconstruction governments in each State, and the present prosperity of the South. The book will speak of Abraham Lincoln's death as an appalling calamity to the South, and argues that Johnson followed strictly Lincoln's plan of restoration, and that if Lincoln had lived he could have defended the plan against the assaults of Congress. Each chapter is signed by its author, deals with the race question, contains educational and material statistics of many kinds, and is dedicated to the business men of the North.

**

The testimony in the contested election cases from the Southern States is sometimes very amusing, especially that of the colored witnesses, and some of it could be used with effect by Senator Blair in another argument on his educational bill. In the case of Goodrich vs. Bullock, from Florida, the following question was asked to test a colored witness' intelligence:

"Is Congress a white man or a black one?"

"I never had hold of his paper ter read it," replied the witness. "I don't know if it was red, blue, gray or gristle."

Another witness named White, but who was black, when asked if he knew who the candidates for Congress at the election at which he voted, replied with great confidence:

"Oh, yes; Bob Ingersoll, 'Publican, an' John Sherman was the Democratic candidate."

In the West Virginia cases it was claimed by one party to the contest that a large number of idiots were voted. In the testimony it appeared that one of the men who claimed and was allowed to exercise his privilege as an elector, when questioned by one of the judges, replied in the most earnest manner possible that he was "Jesus Christ," that he had been "taking a lay-off for several days, but was going to work again in a few days as soon as he had hung Jeff Davis."

**

A joint resolution has been introduced in the House providing for the election of Senators by the qualified voters of the several States. This is the first move of the kind that has been made in either branch of Congress, and it would be interesting to have it passed in the lower house if nothing more than to see how it would be received in the Senate. The question, of course, will have to be settled finally by amending the Constitution.

**

A bill has been reported favorably in the House from the Committee on Alcoholic Liquor Traffic providing for the appointment of an alcoholic liquor traffic commissioner. The ostensible purpose of the commission is to make an honest, intelligent, impartial and thorough investigation of the liquor traffic in all its phases. The report of the committee calls attention to the charge that all facts and statistics thus far brought to the notice of the country are not gathered from an impartial standpoint, and indicates that the liquor traffic causes four-fifths of all the crimes committed, wastes one-half of taxation, causes the expenditure of \$800,000,000 a year in drink, incapacitates mentally and physically half a million people for labor and business, causes three-fourths of the pauperism of the country, is responsible for the fearful increase in insanity and imbecility, and does no good to anybody. On the other hand, these statements are denied, and pronounced hallucinations of a diseased brain. Therefore, says the report, let us have a full investigation by an authorized commission, and let the world know the truth or falsity of these assertions.

**

A number of leading ladies in the Senatorial circle, headed by Mrs. Hearst, Mrs. Stewart and Mrs. Stanford, have organized a society, the object of which is to raise the money to erect a statue to some noted person to be presented to France in return for the statue of Liberty given to the United States.

**

Senator Vance, of North Carolina, is the most amusing talker in the United States Senate. In his argument on the Montana election case he kept the galleries in a ripple of laughter from beginning to end, and the usually grave countenances of the dignified Senators took on a broad grin as he related some amusing story and applied it to the case at hand. He knew, said Vance in conclusion, that the flat had gone forth. He knew that the Republican claimants were to be seated. But in the wise regulation of the moral world there was compensation for all things. Republican Senators would be sicker over the thing before it was over than he was now. He had heard of an old fellow who went out to Ohio to speculate in hogs. He bought a big drove of them and shipped them to New York. When he got to New York he found that hogs were cheaper there than they were in Ohio. So he shipped them back and sold them. He met a friend next day, who said:

"Jim, you made a bad speculation." "Yes," said he, "I lost a good deal of money, but I had the company of the hogs both ways."

So he thanked God that in all future denunciations of the South for the suppression of colored voters, Southern Senators would have the company of the hogs. [Great laughter.]

**

Senator Beck, of Kentucky, says there will be a wholesale funeral among the newspaper reporters if they get him into more scrapes, such as he is now trying to get off his hands. The reported rumor of his resignation has brought down upon him an avalanche of letters from not only his own State but prominent men all over the country, and he says he has to answer almost every one of them. He claims that not only had he never thought of resigning but was trying to satisfy his constituents that they would give him another trial when his time is out. And so, if all the people in his State who write to him beseeching him to reconsider his intention of resigning, vote for him, he will be sure to get there. So thinks the Senator.

JAS. C. MOODY.

THE COPYRIGHT LAW.

A SUBJECT THAT INTERESTS WRITERS AND PUBLISHERS.

Certain Legal Forms Must Be Observed to Secure Proprietary in a Literary Production—Importance of a Clear Understanding of the Subject—A Word About "Literary Syndicates."

[Not copyrighted. No rights reserved.]

The word "copyright," like its first cousin, "patented," has always been a good deal of a bugaboo. This is no doubt chargeable to a species of reverence for the magical word which indicates that the strong arm of the law has been invoked to retain a property interest in that which has been published broadcast to the world, and also to the circumstance that there is a deep and widespread ignorance, even among those who write, or aspire to write, for publication, as to the practical workings and legal effects of the copyright law.

To destroy respect for printed matter is the very last undertaking in which a publisher would think of engaging; but to enlighten his readers on all dark and intricate, if important, subjects is his special province.

Like all laws, that relating to copyrights has been quite generally misunderstood, even among those who suppose themselves well posted. Not a few publishers are deterred from copying articles which they have a perfect right to reproduce, through a misapprehension of what must be done to secure the exclusive right of publishing anything.

A comprehensive and practical idea of how to secure a copyright, and the extent to which it operates as a protection to its legal owner, can be conveyed without printing in full the law, which is quite verbose, and which can be obtained by any author or publisher, free of charge, by addressing the Librarian of Congress at Washington.

To secure a copyright, substantially this must be done: Before the publication of the work to be protected, the author or publisher, as the case may be, must send to the Librarian of Congress, whose name need not be mentioned, its printed title. This must be on paper of the size of commercial note or larger, and may be in typewriter print. The letter which accompanies the title must contain fifty cents to pay the Librarian's fee, and a like sum in addition if a certificate of copyright is desired. It must give the full name and address of the proprietor and claim copyright. After this preliminary has been attended to the publication may be delayed any desired length of time.

When the book is published every copy must contain either on the title page, or the one following, the words: "Copyright, 1890, Richard Roe," or "Entered according to Act of Congress, in the year 1890, by Richard Roe, in the office of the Librarian of Congress at Washington." The law which gives an option of these two forms is strictly construed, and the slightest variation or omission invalidates the copyright. The words "copyright," or "copyrighted," alone have no force or efficacy whatever, the claimant's name and the date being both absolutely essential. Within ten days after the actual publication of the work, the proprietor, to render the copyright complete, must send to the Librarian of Congress two copies of the best edition, if more than one is issued, upon which he must prepay the charges. If the two copies are not sent, the copyright is not only void, but a penalty of \$25 is incurred.

The Librarian does not acknowledge the receipt of the two copies; indeed, no communication will be received from him at all unless some irregularity occurs, or the author has remitted the 50 cents for a certificate of the deposit of the title page. The right to translate the work into another language, or dramatize it for the stage, may be secured by printing in each copy, below the notice of copyright entry, the words: "All rights reserved." This notice, as a matter of course, applies only to original works.

It seems to be generally understood that the copyrighting of a newspaper or other periodical is a different process from the one above described. This is a mistake. All literary composition, with the exception of something to be enacted on the stage, like a play or an opera, must be copyrighted as a book; and this applies to a newspaper article, no matter how brief. The mere entering of the general title of a periodical, apart from its contents, furnishes no protection under the copyright law. This has been judicially decided. Each issue must be separately entered to secure protection, but the applications need not to be sent separately. The printed titles, with accompanying fifty cents fee, may be sent at once to the extent of a whole year, if desired, and this method is generally adopted by publishers.

The Librarian of Congress possesses no judicial powers whatever. In his circular letters he gives applicants such information as he is able, but does not attempt to pass upon the validity of the copyright, which question is left for the courts to decide. He does not even decide whether a title has been copyrighted before. He acts as recording and certifying officer only, and places on record any title of a proper character, where the forms of law have been observed and the fee paid. On receipt of 50 cents he will advise the applicant whether a given title has been entered in his office in Washington. Such information, however, amounts to very little, as it is only since 1870 that the entire business has been transacted at Washington. Before that time entries were made in the various offices of the United States District Courts, more than fifty in number. To an inquirer for information on this point, the following circular letter is sent:

I have to advise you that, by the general tenor of judicial decisions, copyright protects the substance of the publication entered, in connection with the title, and not the mere words of the title itself. Most titles have been used many times, and cannot be made exclusive property by copyright or otherwise. This office can give no positive answer to inquiries, whether a given title has ever been entered for copyright, there being countless varieties in the wording of titles. Moreover, there were more than fifty distinct registers of copyright prior to the removal of the entire business to Washington in 1870, and most of their records are without index.

A "happy" or "taking" title has often more to do with the sale of a book than the character of its contents. From the above circular it becomes evident that it must be an exceptional case where an author can obtain any recompense in the way of damages from one who has appropriated his title, that is, if the piracy does not extend to the contents of his book.

But it is in the matter of infringements that the greatest interest in this whole subject centers. What constitutes an infringement, and when can a proprietor be said to have abandoned or lost his exclusive ownership in a copyrighted book or article?

To settle this matter a prominent Chicago publisher recently submitted certain questions to a well-known attorney, who had for years made a specialty of copyright law, and received the following reply, now for the first time published:

It is firmly settled by the courts, both in the United States and England, that all right to protect the monopoly of publication in literary matter which has once been published with the consent of the author or proprietor must be obtained by a compliance with the copyright laws, and that, without such compliance, publication is an abandonment of all right in such literary matter which is then freely become public. After such a publication any person who chooses to do so may freely print and publish the whole or any part of such literary matter, and may use the title bestowed upon the publication by its author or proprietor. *Clemens v. Bedford*, 11 Blis. 519; 14 Fed. Rep. 78.

The drift of the decisions of our courts is plainly in favor of upholding these rights, when secured, to their full extent, and as different cases arise and are considered, upon the different facts submitted, the drift or tendency of the decisions upon the questions involved exerts an important influence upon any particular case presented to the court. On the other hand, there is no tendency to relax the rule requiring a strict and literal compliance with all the requirements of the statute to secure copyright, and this, too, is important in its results upon any given litigation.

Question 1. Can an article or illustration be published for the first time simultaneously in a number of different newspapers or periodicals without previously depositing each title, and also depositing copies of each of the different publications in which it is to appear?

Answer. No. Each original publication must comply with all the statutory requirements to secure copyright, and of course wherever the article or article subsequently appears, it must be under its original title, and must bear the prescribed notice of copyright.

Question 2. If the proprietor of a copyrighted article authorizes the republication of such article and such publisher omits the copyright notice, can another publisher, who has no notice of the copyright, reprint such article without liability?

Answer. Anything less than the legal notice will be fatal to the copyright, but if such notices should be wrongfully or fraudulently omitted by a publisher without the knowledge of the proprietor and without notice to him, actual or implied, there might be some doubt about its effect upon the copyright. If the proprietor knew in fact, or from his previous course of dealing, was bound to take notice, that the copyright notice would be so omitted, then the copyright would be lost without question. I think such would probably be the result, whether the proprietor had notice of the omission or not, whatever the rights of an innocent third party were involved.

Question 3. In the case of an illustrated article being copyrighted, does that copyright cover the illustrations without that fact being indicated upon the face of the cuts when the same are published in a newspaper or of general circulation not wholly copyrighted?

Answer. Yes; so far as the printing and publishing impression of such cuts is concerned.

Question 4. Does the mere word "copyrighted" at the top or bottom of an article appearing in a newspaper fit the requirements of the copyright law?

Answer. No; it has no effect whatever. The copyright notice must be strictly complied with. The statute prescribes the words: "Entered according to Act of Congress, in the year 1890, by Richard Roe, in the office of the Librarian of Congress at Washington," or at the option of the person procuring the copyright. Copyright, No. A. E." It was held, Nov. 8, 1890, by Judge Blodgett, United States Circuit Court for Northern District of Illinois, that "Entered according to Act of Congress in the year 1878, by H. A. Jackson," was not a sufficient notice under the law, and that no copyright existed in the book. Jackson v. Walkie, 2d Fed. Rep. 15.

Every publisher, and every deserving reader, for that matter, has seen, particularly in recent years, no end of articles in newspapers with "copyright," or other words less than one of the two forms prescribed by law, appended or prefixed. As has been conclusively shown, this is absolutely no protection at all, farther than it effects in frightening those who are not properly informed in the premises.

There have sprung up of late in different cities so-called "literary syndicates." These purchase and copyright various articles which are published simultaneously by the different papers, or other periodicals in the "pool." In addition to this, the right to produce certain articles is often sold to publishers outside the combination. These syndicates naturally do all they can to prevent their articles from being copied by those who have not paid for the privilege, expecting thereby to extend their patronage.

It is not an unusual thing for a newspaper publisher, after having reproduced an article, and given due credit to both the publication from which he copied it and the author who wrote it, to receive from the "manager" of one of these so-called "literary syndicates" a letter demanding compensation for the alleged "piracy," and threatening an appeal to the majesty of the law if it occurred again. And this where there was no legal notice of copyright appended to the article, and where it had been published through an arrangement with the syndicate. The writers of such letters well know that, by permitting them to be published without full notice of copyright as required by law, they have lost all manner of right to control them. They assume, what is unfortunately true, that many publishers and editors are not well informed on the subject, and expect, by a process of bulldozing, to keep in practical force the right which they have lost through the failure of the party to whom the article was sold for publication to observe either of the prescribed legal forms.

The fact is that the newspapers in the pool refuse to publish the legal copyright notice. In case they did so the name of the real proprietor would have to appear, and every reader would at once understand that the article had been published elsewhere, and was not the result of any particular enterprise on the part of the local publication. By using the single word "copyright" they not only deceive their own readers, but get credit from those publishers who copy such articles where it is due to the syndicate which produced them. This is very like sailing under false colors, and reflects, when properly understood, no very great credit upon some so-called "leading and influential journals."

In this connection one of the circular letters of the Librarian will be of interest:

In reply to your communication of —, I have to advise you that the only legal forms for announcement of copyright protection will be found inclosed. It is probable that an anonymous notice of copyright would operate to prevent infringement; but if infringed, you could not recover damages without a literal compliance with the law.

A correct understanding of this matter would seem to be of considerable importance to all publishers, to the end that they may know their rights and protect them, and be able to make the proper replies to badgering letters, and not to allow themselves to be disturbed by threats which cannot be carried into effect.

CAN the man whose glance speaks volumes talk like a book?

CYCLONIC DEVASTATION

HAVOC BY FIRE AND WIDE-SPREAD STORMS.