

fore, have the postillion lappets behind. Over-skirts are exceedingly *bouffantes*, and are made with short apron-like fronts, with which the long, looped back breadths are gathered on either side.

Bonnets are of indescribable shape, big, high, unsheltering, with trimming perched directly on the top. They are unbecoming to almost all faces, and it is to be hoped that as the winter advances something less outrageous may be introduced. Hats incline to the turban form, and seem likely to regain their old popularity.

And, to conclude, there is really not a fashion which is noticeably different from or an improvement on last Winter's. So why not bravely wear our old clothes, and remembering, to quote the excellent words of a writer in one of our weekly papers, that "on this keen west wind that is blowing there comes a cry from fifty thousand women, homeless and well-nigh naked, what if the money we save from new trappings be invested in that sweet old fashion of charity, which shall be still at its freshest when all other fashions of this world have passed away?"

CULTURE AND PROGRESS ABROAD.

THE periodical flare-up in England against the Yankee has this year been apropos of the copyright. One of the habitual grumblers of England having let off his growl at the "Yankee pirates" of copyrights, an American replied, denying the fitness of the term *as American*, and declaring that the true enemies of the copyright between the two nations were the English publishers. This set the whole London press in agitation, and epithets and objurgation have run their course in delightful ignorance of facts and causes and effects. The rash Yankee who ventured to dispute the right to abuse was buried in abuse, and government, public, and publishers of America were alike relegated to the abyss in which pirates revel.

Your Englishman rarely can generalize or comprehend an abstraction—he can never put himself in any one's place, and all matters are judged from his peculiar interest. He looks neither backward nor forward, but estimates the supreme good as that which conveniences him for the moment, and is as exclusive as a Chinaman in his standard of excellence or of what should be determined. His mental map of the world is like that of the Chinese, in which their country is a great central island, and all others little outlying atoms inappreciable in their value. Civilization is the development of British influence, and true law and political organization that which England has (or is about to have); all other systems are spurious and other interests fungoid. In all the discussion of the copyright question no English paper considered that the English publishers pirate American and other books without question. To steal English books is piracy; to take American, a matter of course. Nor did one of them ever think, any more than in the old slavery question, that whatever abuses might be in America came from English law and English practice—practice, too, from which their hands are barely clean yet in reference to all continental nations. For years they have plundered the whole world and brought us up in the practice; and now it suits their interest to be honest, and no sentence of moral obloquy is too bitter for the Americans, accused of doing just what they have always done, and, so far as we are concerned, do now.

But, in a deeper sense still, England and English

law are responsible for the false position of the copyright question. Her forms of legislation practically deny that an author has an absolute right of property in what he writes. It concedes him, as an act of grace, protection in the use of it a certain time, as an act of policy to encourage literature; it concedes to authors of reciprocating nations the right, under certain other conditions, to hold their property in England. All this is but temporizing with the question, and while it makes property by legislation, it permits all other nations to refuse to do the same. If England had long ago declared that an author's right to his work was as good as a blacksmith's to his, the question would have been settled in all civilization which had relations with England; but, having taught that there is no property, inherent and absolute, in thought, she has made it impossible that people should recognize its sequestration as theft; and if thought-property has not its due protection in America, it is because our system of jurisprudence is founded on the English, which has never recognized the principle of right in such property.

Yet the history of civilization is but the record of the development of the rights of property, and the very subtlety and spiritual nature of the right has alone, perhaps, prevented it from being recognized in modern legislation. If there is no property in the result of one's mental labors, what production of human industry or enterprise can claim property rights? That obliquity of public opinion which, in Homer's day and long since, permitted the kings to indulge in piracy and devote the tithes to the gods, which almost to our own day recognized the slave-trade as a means of civilization, was directness compared with that which consents to the theft of an author's book; because, while the merchandise may have been gotten by piracy, and the slave may have been redeemed from a worse slavery to a better one, the book robs no one, but consents to the rights of all—that which it gets freely from others, it gives to others again; its individuality, its form distinguishing it from other books are its own—the result of the author's peculiar life, training, and labor are his as absolutely as any form of labor can be—in spite of every artificial and conventional law.

The legal maxim that property is the creation of law is then simply a legal definition of the thing, and has the same relation to the fact that a statute has to the justice of which it is the formal recognition,—the right of property and the right to justice being equally inherent conditions of all human organization, the one being as imperative a condition of social coherence as the other is of civic. And yet, while the statement of these truths in reference to real estate seems to most people platitudinous, the application of them to that which is of all things most indisputably proper and personal—the work of a man's brain—is so incomplete that society and the State as an act of grace permit, in certain cases, an author to retain the use and benefit of his own ideas and the expression of them, and by the very conditions of permission and restriction deny his right of property.

The legal maxim alluded to is in effect a legal falsehood. Law does not create property or any right to property; it simply recognizes what the community have decided must be recognized. Law is the embodiment of public opinion, and statutes which are not portions of that opinion never pass beyond the effectiveness of the dead letter. At one time law made slaves property; made the goods of one man who was weak the property of any one who was stronger; the ship and its lading of the citizen of one State became the ship and lading of any citizen of another who was able to make individual war successfully on the former; it now makes, in the same erroneous acceptance, the goods of every French peasant the property of the first Uhlan who saw fit to confiscate it. Yet no civilized person hesitates to call individual war in Malay waters piracy, slavery the worst of crimes against "property," or Uhlan-confiscation sheer robbery; though African law permits one, Malay law another, and European law the other.

When, then, civilized legislation bases a copyright law on the principle of the absolute right of a man to what he has produced, instead of on the quick-sand policy of doing something for the author, to promote book-making, the moral sense of the community, enlivened by the presence of that principle, will find a reason for a copyright treaty which is not at present recognized.

THE MUNICH CONGRESS, with its thousands of learned and enthusiastic attendants from all parts of Europe, has placed the great religious movement of Germany on an entirely new platform. It has now become one of reform, notwithstanding the earnest protestations of its venerable leader. Dollinger was most anxious to keep it an "Old Catholic" protest against the innovations of the new dogmas, but he was largely outvoted by those who loved him and respected his general judgment, but could see no very beneficial results to accrue from standing still. This is clearly a revolution in the church, and revolutions neither stand still nor go backward. It is the old story of history, that the flock runs ahead of the shepherd who has assembled it. The Congress was decidedly in favor of forming new congregations with a

creed so modified that all evangelical sects might look on it favorably, and many associate with it without violence to their convictions. The learned Professor Froschammer has now taken the field in favor of a thoroughly active and liberal movement that will not be at all satisfied with the unfortunate appellation of "Old Catholic." His platform would expel the Jesuits, abolish monasticism, permit marriage to the clergy, and the choice of its pastor to the congregation. He would do away with auricular confession and image worship, and all the distinctive traits of "Old Catholicism," and introduce a veritable reform. And this is doubtless the popular standard just now.

ALL GERMANY seems to have gone mad on the subject of Congresses during the last few months. The world is familiar with the famous ecclesiastical conventions of Heidelberg, Mayence, Fulda, and Munich fighting the battle of old and new Catholicism, but there have been many other Congresses.

In Stuttgart the German jurists met for consultation regarding a revised judicial code for the new Empire, while in Lubeck there was a gathering of the agricultural experts of the land, and in Bamberg a session of the practicing attorneys. In ancient Nuremberg a grand convention of all the trades-unions of Germany held an assemblage that lasted several days, and ended with a festive banquet, at which were made some of the most impressive and significant speeches on the matter of labor reform that have ever been uttered on German soil. These have effected another great meeting in Berlin, to bring the agitation to the very steps of the throne, and force the government to notice the matter in an official manner. And even now the excitement in this regard is so great that Bismarck finds it more troublesome than the war and peace questions. Even a "Fashion Congress" has had its meeting in Berlin, and has resolved that the Germans are able to invent their own fashions, and are determined to free themselves from the tyranny of France in this regard. Numerous delegates appeared from all parts of Germany, and they resolved on founding a "Fashion School" and appointing teachers with fixed salaries. The fall and winter fashions were decided on, and a list of premiums offered for handsome and acceptable models and patterns.

NUREMBERG is rejoicing in the success of its great German National Museum, which for seventeen years has been rapidly increasing in every department. This old town has been selected as the seat of this monument, because it, more than any other in the Fatherland, is a representative center of all that is peculiar to German art and literature. Nearly every city and every prince in Germany is represented in some way, first by annual contributions to its treasury, and then by everything that can contribute to give it variety and completion. All political and religious professions unite on its platform, and a great effort is exerted to make it so national as to rise above the atmosphere of contention. Radicals and conservatives, progressives and ultramontanes, free-thinkers and orthodox, all

join hand in hand. Catholic bishops and Protestant clergy join with savans, merchants, soldiers, and artisans, to adorn its apartments and make it the genuine expression of German science, art, and culture. The enterprise has received a new impetus with the unification of all German lands, and the Nuremberg National Museum now bids fair to be one of the most interesting collections in the world.

THE JESUITS appear to have received orders along the line to attack the Freemasons. The ultramontane journals of all Europe have begun a fearful and united crusade against them, especially those of Austria, Prussia, Bavaria, and Baden. They vie with each other in the most violent outbursts of temper and serious accusations. They are called a "most dangerous league of rascals for the mutual protection of criminals." This campaign of the Jesuits seems to be set in motion because of the increase of lodges attendant on the quasi rebellion from the Catholic Church. The Masons are making great accessions to their numbers in all parts of Germany, and the Grand Lodge enjoys the protectorate of the Emperor. Wherever ultramontanism has been strong, there new lodges have been established, as in Augsburg, Munich, Bamberg, and Wurzburg. The Grand Lodge of Italy has transferred its seat to Rome, and there will shortly be held in that city a general assembly of all its Masons, under the very eyes of the Infallible Pope. The battle between the Masons and the Jesuits is waged perhaps with even more acrimony than that between the ecclesiastical antagonists.

THE RUSSIANS seem to be waking up to the matter of school and military training since the late war, and even the military officers are engaged in gathering statistics of school attendance in the different districts of the realm. The *Military Archives*, a journal of St. Petersburg, after giving the rate in the old Russian provinces and those of the Southwest and Siberia, calls attention to the fact that attendance is very much greater in Poland and the Baltic Provinces than in any other part of the Empire. This is mortifying to the Old Russians, but they acknowledge the superiority of the Polish and German subjects, and are now calling

on the Russian Provinces proper to wake up to their deficiency in this respect.

IN FRANCE, Leduard has just published a pamphlet entitled *Our Disorders, and the Means of Remediating them*. The work is a pretty good mirror of the "Disorders," but fails entirely in its promise of the means of applying the remedy. In the same line we find by Testut an essay on the origin, history, and true character of the famous association known as the "International," which is just now the bugbear of Europe. And the trial of Rochefort led the public to relish a relash of his most bitter and cutting sayings in the form of a collection from the *Lanterne*, evidently in the intent of hurling at Thiers the weapons forged for the late Emperor.

But nothing is so suggestive of the perplexed state of public opinion in France as the extreme variety of the political effusions; the publishers evidently find it difficult to count on their public. An edition of the political manifestoes, letters, and effusions of the Count de Chambord lately appeared; but the venture fell so dead that the proprietor of a circulating library complained that his one copy still lay on his shelves with leaves uncut. And yet Thiers and Henry the Fifth still hold their place side by side in some of the printshop windows. The "Man of Sedan," however, has undoubtedly done one favor to his countrymen, by leading them to study rather than to despise their enemies. The French indifference to everything foreign seems now about to cease, and an inclination to study the language of their hated conquerors is actually growing among them. In the show-windows of the most elegant bookstores may be seen lying broadly and proudly among the novels of Sand or of Feuillet, a German Dictionary, and Ahn's *German Grammar and Exercises* smile on the passer-by, not as barbarians, but as teachers. Even the *Political Letters* of the great German radical, Vogt, have been translated into French, and evidently find readers. The influence of these teachings is observable in the fact that the government now dares to talk about compulsory education and universal military obligation, after the manner of their German enemies.

CULTURE AND PROGRESS AT HOME.

OPERA IN NEW YORK.

THE prosperity which has attended the various operatic ventures this year is remarkable. Those of us who gravely questioned if the expensive luxury would ever become profitable or popular, or, indeed, could ever be enjoyed at all in the American Metropolis, without the sacrifice of managers and money, may now change our tune. Opera has succeeded. Nor has it been the solitary annual experiment fought out through tribulation, but a triple visitation proffering English, German, and Italian opera almost simultaneously—each company provided with new artists, and two of them at

least equipped with chorus and orchestra of extraordinary magnitude and excellence. Everything seems to have been propitious at last. The stockholders of the Academy were unusually liberal; the public came generously at the bidding of Parepa-Rosa, and Wachtel, and Max Strakosch; the choruses sang without striking; the prima donnas withstood the climate; the press was lavish of praise. And all this looks as if our metropolis had passed through that social or aesthetic condition in which opera is a snare and a delusion. The impresarii with full treasuries will not need to be congratulated. If felicitations are in order, let us bestow