

buildings, in which sittings are bought and sold with a heavy brokerage to the sexton, at enormous prices, and reserved for occupation by the owner as jealously as his private parlor; in which the music is hired at the cost of an opera troupe in a small German city, and discussed in the same temper and with the same standards that people apply to Patti or Nilsson. It is impossible to persuade a poor man that these are really religious organizations, and that they are really meant to show mankind the way to heaven. Nor can they "corner" a poor man by asking him, as some church-goers do occasionally, how it would be possible to "run the church," human nature being what it is, without selling the pews at high rates, if not, as in some cases, to the highest bidders. He will not argue this point. He says it is for Christians to find out how to make room for him at God's altar, and he makes merry over spiritual insight which is unequal to the solution of this extremely earthly problem. In short, the attack on "the Bohemian Element," and "the Italian Element," and "the Colored Element" must begin in the churches themselves by the display of greater simplicity and of greater indifference to money, and by some approach, for at least one day in the week, to the asceticism which once conquered the world.

Two or three Protestant churches have made a step in this direction, and we know of nothing in the religious worship of the city which is half so moving as the spectacle they present when crowded on Sunday with a plainly and even shabbily dressed multitude, who truly know what that weight of care is

"That crushes into dumb despair
One-half the human race."

But the two or three which have turned over a new leaf work under great disadvantages as long as the majority, a few blocks away, continue to carry out the club idea, and pastor and people give Satan full swing during the hot summer months, when the poor swelter and their children perish in the tenement-houses. There cannot be two standards of fitness in Christian life. If the free church be the real thing, there must, the poor man will say, be something wrong with the club-church; and what kind of creed is it which covers both with its blessings and promises? In short, if religious organizations are to make any impression on the masses of ignorance and barbarism which are accumulating in New York, they must work under a common discipline, and with the same outward signs of sincerity and good faith.

THE SILVER QUESTION IN ENGLAND.

THE final report of the Royal Commission, charged to investigate and report upon the silver question, has reached us. As is already known, the Commission were equally divided on the question whether any steps should be taken to promote international bimetallicism, six members being opposed to such steps and six favoring them. In the former list are the names of Lord Herschell, the Hon. C. W. Fremantle, Sir John Lub-

bock, Sir T. H. Farrer, Mr. J. W. Birch, and Mr. L. H. Courtney, all of whom are more or less known on this side of the water as men of weight in politico-economic discussions. The only names on the other side which have any recognized standing outside of their own country as masters of these questions are Sir Louis Mallet and Mr. J. A. Balfour. In addition to the double report, Sir Louis Mallet and Mr. D. Barbour make supplementary reports on their side of the controversy, which is the bimetallic side, intimating that the line of reasoning employed by their colleagues is not entirely satisfactory to them. The other side, the monometallists, recommend efforts to "sustain silver" by the issue of ten and twenty-shilling notes or certificates, based on silver at its market value and redeemable in that metal. From this project Sir John Lubbock and Mr. Birch dissent.

It is considered in England that the equal division of the Commission leaves the whole question exactly where it was in the beginning, and as though no investigation at all had been held. We think it will do rather more: we think it will impress most people who take pains to read the document with the idea that the subject is beyond the ken of all but Omniscience, and that, where so much mist and confusion are found, or can be produced, by twelve men vested with authority to send for persons and papers, it would be highly inexpedient to do anything. Without undervaluing the weighty arguments and judicial tone of the report signed by Lord Herschell and his colleagues, or the importance of the facts they have brought together, it seems to us that they have not laid proper stress upon the strongest argument that makes for their side of the case, viz.: that the monetary function of government is simply to give the force and sanction of law to that which business experience has evolved and put in practice; in other words, to agree that whatever is the law merchant shall be the statute law also; that when the former changes, the latter shall change, but no sooner.

The gold standard has come to pass in the way of nature. It was not foisted upon civilized mankind by any act of Parliament, or Reichstag, or Congress; nor could any of these, or all of them together, have so foisted it if it had not come upon us before they took notice of it. The thing being here, it is presumptively a good thing. The presumption is, also, that any attempt by Parliament, Reichstag, or Congress, or all combined, to do away with it, and to substitute something else for it, would be pernicious in the extreme, or would only be prevented from being so by the utter futility of the attempt—the utter impossibility of changing, by the mere alteration of a statute, a course of events which does not depend upon any statute, and which has come about naturally. To declare what shall be legal tender is a very different thing from prescribing what estimation mankind shall put upon silver and gold respectively. It is this estimation that makes standards of value, and unmakes them when they cease to be serviceable and satisfactory. The six

bimetallicists decline to discuss the ratio at which gold and silver should be coined, looking upon that as a matter of detail. So it was considered by the two monetary conferences held in Paris in 1878 and 1881, but the conferences always adjourned just before reaching that interesting point in the debate.

The *Economist* condemns *in toto* the project for issuing silver certificates in England. This is the weakest part of the Herschell report. It is part of a vague idea entertained by the Commissioners of holding silver up by the tail, another part being a general missionary effort to induce foreign countries to use more silver than they find for their advantage. What economic science demands, above all things, is that silver be allowed to find its own level, so that production and consumption, as in other things, may balance each other.

THE 'LITTLE LORD FAUNTLEROY' COPYRIGHT CASE.

THE official report of the copyright case which arose out of the unauthorized dramatization of Mrs. Burnett's 'Little Lord Fauntleroy,' has recently been published (Warne & Co. vs. Seebohm, *Law Reports*, 39 Chancery Division, pp. 73-83). This suit presents some points of more than usual interest. Mrs. Burnett published her work in the *St. Nicholas*, and arranged with Warne & Co. for its simultaneous reproduction in England, where the British copyright was registered by the plaintiffs. Neither in the arguments of counsel nor in the opinion of the Judge is it mentioned that the author is not a subject of Great Britain, nor is any notice taken of the fact that she was not at any time during the publication of her book within the territory of the United Kingdom. This is of importance to American authors, as going to show that simultaneous or first publication in Great Britain, together with registration there, will of themselves enable the author to maintain suit in defence of the copyright; and that the expense of a journey to Canada or other British territory at the time of publication may be omitted without jeopardizing the protection given by the English courts.

The defendant, Seebohm, dramatized Mrs. Burnett's story in a three-act comedy, and wrote to the author for her sanction to its representation. This she refused to grant, being under the impression that she had legally reserved to herself the right to dramatize her own work. But the domestic copyright legislation of England does not enable the author to reserve this right. Any one may dramatize another's novel and publicly represent it without the least regard to the wishes of the author of the original. The defendant, therefore, was within his legal prerogative in producing his drama on the stage; and this was conceded at the trial, the counsel for plaintiffs admitting that it was "not sought to interfere with the representation of the play." Mr. Seebohm, however, seems, in his dramatization, to have made more than "a fair use" of the original, the evidence going to show that the

principal situations in the novel were reproduced in the play, and the plot of the latter was in all its salient points identical with that of the former, while all the principal ideas were taken from the novel; a considerable portion of the dialogue was copied word for word, and explanatory and descriptive passages in the story were introduced into the play in the form of dialogue. It was also in evidence that four manuscript or type-writer copies of the drama had been made, one having been sent to the Lord Chamberlain, and the other three having been retained for the use of the actors. The plaintiffs claimed that this imitation of the original, together with the multiplication of copies, constituted an infringement, and suit was brought for an injunction and a surrender of the copies. Damages were not asked for.

Justice Stirling rendered an opinion on May 10. After having made a comparison, he concludes that the play copies from the novel to an extent which would render it an infringement in case it had been printed and distributed. But the act of 1842, still in force in Great Britain, defines copyright to be "the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied"; and in previous decisions, as the Justice points out, it has been adjudged that the gratuitous distribution of copies may constitute an infringement. "This being so," he continues, "I am unable to see that the multiplication of an indefinite number of copies of a play (which, if printed and published, would be an infringement of copyright), for the purpose of enabling that play to be publicly represented, can be otherwise than an infringement," and he holds that what has been done and was intended to be done by the defendant does constitute an infringement, no less than if the latter had printed and published his play. A perpetual injunction is therefore granted to restrain Seeborn from "printing or otherwise multiplying copies of his play containing any passages copied, taken, or colorably altered from the plaintiffs' novel." But in keeping with this qualified injunction, an order for the cancellation of the existing copies, requested by the plaintiffs, was denied, upon the ground that it may not be impossible for the defendant to sever the passages which he has extracted from the novel from the rest of his work; and in order that he may have an opportunity of doing so, he was required (1) to state on oath what copies exist, (2) to extract from them and cancel all passages "copied, taken, or colorably imitated from the plaintiffs' book," and (3) to satisfy the latter that all such objectionable parts have been extracted from his drama.

How much weight this decision may have in subsequent cases turning upon the dramatization of novels is a matter of interesting speculation. But a careful reading of the official report of Justice Stirling's long and cautiously worded opinion leads to the belief that conclusions based upon early and imperfect newspaper reports of the case claimed more than was warranted. It is

clear that this judgment does not decide that an unauthorized dramatization of a novel for representation is not permissible under the English copyright law; nor does it forbid the making of such copies of the play as are necessary to produce the representation. The copies in this case were not ordered to be confiscated, but simply to be expurgated of the matter contained in them which infringed the copyright of the novel, the statement being distinctly made in the opinion, that "so long as he does not print or otherwise multiply copies of the novel, any person may dramatize it, and may cause his drama to be publicly represented." But the decision will certainly have the good effect of forcing the dramatist to use greater caution in preparing his play, and will check the unjustifiable wholesale appropriation of the original writer's work; and it is to be hoped that when the long-called-for codification of the jumbled mass of English statutes which relate to copyright is accomplished, the author will be definitely secured an equitable control over the dramatization as well as the translation of his work.

LONDON SOCIALISTS.

LONDON, November 12, 1888.

To any one who has been in London for the last four or five years it has been a curious study to watch the development of Socialism, or, as William Morris and his associates would call it, the Social Revolution; for the movement, slight in some ways, is important enough in others.

Four years ago, if one went to Kelmescott House on the Upper Mall in Hammersmith, one heard Morris give lectures to a few friends from the Upper Mall, to Walter Crane from the other side of London, and to a handful of long-haired men from no one knew where. In the old studio, lighted by a few oil-lamps, with the designs of Morris and Burne-Jones on the walls, more in those days was said about the ancient Sagas than Socialism, except, perhaps, at the end of the principal discourse, when one of the long-haired men—comrades, Morris called them—would get up and talk social equality and economic liberty with ineffectual mildness.

I used sometimes, in these early days, to see Morris at public meetings: I remember especially the great Social Purity meeting in Hyde Park, of which Mr. Stead of the *Pall Mall Gazette* was the hero. Almost at the end of the procession of societies on foot and societies in drags and vans, there came a wagon, decked with a red flag, in which sat William Morris with his daughter, who wore the red cap of liberty, and the same friends from the Upper Mall. When the speeches began, I found John Burns in one part of the park, holding forth with his usual eloquence to a great crowd, who, as he cried down the vices of Marlborough House and praised the virtues of the workingman, listened attentively even while they laughed. In another corner was William Morris—for already these two Socialists had agreed to disagree—haranguing his daughter and the friends who had come with him. No one else stopped to listen.

But by degrees there was a decided change in the Sunday evenings at Kelmescott House. The Sagas were forgotten, and Socialism won the day. Well-known Socialist leaders came to lecture. It was there I first heard George Bernard Shaw argue with that logical coolness

which occasionally makes a convert among educated men, and always fails with the people. Hyndman and Champion sometimes spoke; distinguished foreign Socialists, like Stepniak, were invited. There was usually an animated discussion after the lecture, in which both sides of the question were set forth with equal fairness. But soon William Morris himself began to take the principal part, and this meant another change in the character of the little Hammersmith meetings. For, many as are Morris's accomplishments, there is one thing he cannot do—he can neither argue nor endure argument. That he is sincere in his Socialism, no one can for a moment doubt; but that Socialism appeals to his emotions, rather than to his intellect, is as unquestionable. He is an enthusiast, or, I should say, a fanatic. His sympathies are strong, his temper quick and hot. He is so carried away by the thought of human misery and the picture of what might be under certain impossible social conditions, that he cannot stand contradiction, he cannot listen to reason. For him there is but one side to the case. His eyes have been so well opened to human wrongs, he is blind to human justice. His own lectures are wild, incoherent ravings; when he does not lose his temper outright, his favorite argument in answer to his opponents is, "My friend does not believe what he says in his heart!" This is not an argument which appeals to men whose opinions, whatever we may think of them, are the result of serious thought and study.

It seemed to me that each time I returned to Kelmescott House after an interval of absence I found fewer conservative Socialists, if I may so call them in want of a better name—I mean those who believe in working out socialistic reforms by constitutional means—and a greater number who, though they might not accept the name, were Anarchists rather than Socialists. There was less quiet reasoning; what sounded very like rank treason was talked; capitalists—a class, by the way, to which William Morris himself belongs—were threatened, the millennium announced. There was a disposition to fight even upon the slightest provocation. One evening I went there with two or three Americans who were curious to hear Morris lecture. Almost upon our arrival a fiery German Socialist cried out against the gentlemen who wear white ties and tall hats and abuse Socialists behind their backs, but, brought face to face with them, have nothing to say.

Even at this time, while Morris's influence was lessening with people of his own class, he seemed to make no headway with the masses for whose emancipation he was working. Sometimes on Sunday afternoons in Hyde Park, I would find Champion surrounded by workmen, to whom he was talking in plain, strong, and very sensible language. John Burns was sure to draw a crowd, as he is still. But William Morris, despite his red flags and violence, rarely attracted more than a dozen or so listeners.

It is now just a year ago since Morris publicly, through the press, protested against the execution of the Chicago Anarchists—martyrs, he called them. Yesterday a great meeting, it was announced, would be held in Hyde Park, after preliminary meetings in other parts of London, to celebrate the anniversary of their martyrdom, and, at the same time, to commemorate the famous 13th of November, when thousands of Socialists were routed by a handful of police, and Trafalgar Square was held by grenadiers and life guards. As Mr. Shaw said to me, since both the executions in Chicago and the defeat in the Square meant the failure of