

the Articles of Confederation; but the Constitution placed the usurping States back again in their proper position of subjection. The course of things since 1789, he holds, has lowered still further the position and powers of the individual State. Its present position between the two "natural elements" of our system, the nation and the municipality, he regards as precarious and in the long run untenable. In proof of this he compares recent State constitutions with those of the early days, and finds that the powers of the State Legislatures and Governors have been greatly abridged. The fallacy of this reasoning consists in the assumption that the powers taken away from the State Legislatures have been lost to the States. The fact is, that the restrictions imposed on the State governments are in the main wholesome restrictions suggested by experience. Many of them would probably have been imposed on Congress also if the process had been as easy and simple as it is in the case of the State Legislatures. Further, if the people of any State have imposed limitations on the powers of their representative bodies, they are free to remove the limitations at any time. Such restrictions surely imply no loss of power or dignity on the part of the State itself. As well might one argue that the limitations and restrictions placed on the action of Congress lessen by so much the sovereignty of the United States.

—The widow of Wendell Phillips died in Boston on Saturday evening, at the age of seventy-three. This event will cause only gladness in those who have known the forlorn condition in which the wife of the great orator and philanthropist was left, when he was taken away from her who had no other solace and support. Long years of invalidism had made her nearly bed-ridden, and, between her real sufferings and her apprehensions, her life for the past two years has been pitiable in the extreme. Mrs. Phillips, whose maiden name was Ann T. Greene, was related to the Chapman family, of which the late Mrs. Maria Weston Chapman was a member by marriage, and at the house of Mr. Henry Chapman she was married some fifty years ago to the young lawyer whose life-work she was largely to determine and to support. The Chapmans were already deeply involved in the anti-slavery movement, and after the Boston mob of October, 1835, Mr. Phillips was ripe for the dedication of his genius to the same cause. The result was a social isolation which Mrs. Phillips's feeble health only emphasized, but her sick chamber became a well-spring of cheer and inspiration to her husband's anti-slavery zeal and activity, to which he bore many touching testimonies in public and private. Her benevolence in other ways ran parallel with his own, and no memorial to him would be complete which denied her an equal share of human sympathy, self-denial, and even courage. That she should outlive him seemed not only contrary to nature, but to the perfect union which subsisted between them.

—Persons whose attention has not been specially directed to the philosophy of the subject, after supposing consumption to be inherited and agree to depend on swamps, group diseases generally under two heads: those that are "caught," like measles and scarlet fever, and those that "happen," like apoplexy and heart disease. Beyond that is mystery. Such will find 'The Pedigree of Disease,' a course of six lectures on temperament, idiosyncrasy, and diathesis, delivered before the Royal College of Surgeons by Mr. Jonathan Hutchinson, and beautifully reprinted by Wm. Wood & Co., attractive and instructive. Although addressed to a professional audience and presupposing a professional acquaintance with certain fundamental facts, the style is clear and easy, and the general reader will probably

be led by its fluency to think he understands it all, while really absorbing a part of it by mere intellectual contact. Such observations as these any one would be interested in: "The comparative immunity of those who use the fish oils as articles of food, and the prophylactic virtues of cod-liver oil among ourselves, are, I believe, established facts, and their lesson is of considerable importance in reference to the dietetic causes of scrofula" (p. 64). "Just as a man who has yielded to intemperance is in danger of becoming a drunkard, so it is with the tissues. The oftener they yield to any special process of inflammation, the more prone are they to yield again" (p. 81). "The occurrence of great difference in color between the eyes and the hair, the eyes being much lighter than the hair—as, for instance, black hair with blue eyes—is probably an indication of delicacy" (p. 14). "The rufous complexion is due not merely to deficiency but to peculiarity in quality, and is probably usually the result of a mixture of dissimilars" (p. 14). These are heterogeneous sentences casually selected.

—Dr. Julius Göbel, who has recently concluded a course of twelve lectures upon German literature at Johns Hopkins University, has contributed to the *Deutsche Schriftsteller Zeitung*, Stuttgart, for March 1, a letter upon "Amerikanisches Piratentum," which may be recommended to German readers in the United States for thoughtful perusal. The writer, who gave evidence of his earnest desire for the best future welfare of his kinsmen in this country in a series of letters addressed to Prof. Karl Biedermann, and published in 1883, under the title, "Ueber die Zukunft unseres Volkes in America," contends, in this article, that the answer to the question so often propounded in Germany, Why is there no original German-American literature developed in this country? must be sought for in the absence of honest relations between the authors of Germany and the piratical publishers of this country. The present "robber system," as he calls it, is denounced as a shame which should be suppressed as quickly as possible. The flooding of the country with dishonestly obtained and consequently cheap reprints, against which the native-born German authors cannot successfully compete, renders it impossible for the latter to earn a livelihood by literary work; and this suppression of home authorship tends to check the healthy growth of the German language in this country:

"Because," Mr. Göbel thinks, "whoever is clear-sighted will probably admit that it is not sufficient for the preservation of the German language in this country to simply import enough German books. Our American-Germans rightfully demand that their own world here, with its joys and sorrows—which is a very different world from that of our fatherland writers—should, sometimes at least, be presented to them in the mirror of art. Especially is this required by our native youth, who will only in this way understand German speech and manners and learn to love them, whereas now they turn mostly to works in the English language, because they do not understand the authors of Germany, and our own fail to satisfy this need."

—A convention for the protection of literary property, therefore, not only would be advantageous to the authors of Germany, but would benefit the German people in the United States. In the meantime, so long as no convention exists, Dr. Göbel suggests that the prominent publishers of Germany enter into negotiations with the more respectable American booksellers either to send over to the latter stereotype plates, or, through a common agent, arrange for the publication of a simultaneous authorized edition. This method would undoubtedly give the authorized American publisher the advantage incident to being first in the field, but Dr. Göbel is in error in believing that such an edition could obtain un-

der our copyright law such protection as would enable the authorized American publisher to pursue and enjoin piratical reprints. He has been misled by supposing that the claim of "copyright" made upon the pirated editions published by George Munro, whose case he cites in illustration of the financial feasibility of his plan, secures to the publisher any rights which would be protected by our courts. Our copyright law does permit the publisher of pirated books to mark his own name upon the stolen wares, but does not protect books so marked as the rightful property of the thief. The case related of the fraudulent action of the publisher of a projected journal whereby the editor and designer was dispossessed of his literary property, demonstrates the need in this country of what the Germans call "Verlagsrecht," that is to say, a more clearly defined law of contracts governing agreements of all kinds between authors and editors upon the one side and printers and publishers upon the other.

ANOTHER DIARIST.—II.

Remarks and Collections by Thomas Hearne.
Edited by C. E. Doble, Master of Worcester College, Oxford: for the Oxford Historical Society. Oxford: Clarendon Press; New York: Macmillan. 1885.

FOR books, printed and written, Hearne's eyes and ears are, we may be sure, very sharp, for his own sake, for the sake of letters, and for the Bodleian Library's sake. Sometimes he gives us a glimpse into rare volumes at what has caught his own eye. Thus he has seen a folio volume "in French, fairly written and curiously illuminated, containing the History and Deposition of Richard the Second. What I value it most upon," he says, "is the several Habits of that Age, which are to be known from it. Amongst the rest there is an Irish King, without Stockings, and in a very odd Bonnet upon his Head. 'Tis there said that his Horse cost him 400 Cows. Remember to ask Mr. Cherry for a Sight of this Book." No one, we think, with the least tincture of the antiquarian in him, can keep himself from sharing the wish to see it, and perhaps some of us may be so happy as to find it in the 'Chronique de la Traison et Mort de Richart deux Roy d'Angleterre,' of the British Museum, or in some translated shape, illustrations and all. Hearne's was a well-guided eye. Among "the several Habits of that Age," what chiefly struck him was the head-gear of the royal barefoot, which was "very odd"; while we, who have seen a thousand times as many Irishmen as Hearne ever saw (very many of them descendants and heirs of kings), wonder first at "the Habit of that Age" of giving 400 cows for a charger, for in our day three or four pretty good cows ought to be worth a pretty good horse. We see that this kingly steed is as far out of proportion as the horse made by the doleful Danaans, which frightened Laocöon, and Capys, and many another Trojan man of sense. To bring the proportion right, one might have inclined to propose the shrinking of the kine into those other milch cattle, strong of head and strongly smelling, which follow the fortune of transplanted Irishmen in the outer streets of our large cities. For the queer-looking bonnet, one might at once have offered a bold guess that it was made of what remained of the stockings so conspicuously wanting to the King's feet. Hearne's staid enthusiasm lays a timely check upon any hasty critical suggestions.

It is curious to find ourselves abreast of "the IId. Edition of Psalmanazar the Formosan's Book giving an Account of his Country," and it is comfortable to find our Hearne (apparently) gratified that he was "still counted a Cheat in London." At the same time, so great and so ready were

Psalmanazar's abilities and learning, that it was no shame to be taken in by him, as many clever and learned men were. It is interesting, too, to stumble upon a critical correction of the text of Shakspeare, before the days of "folios," and "quartos," and Colliers, made in a very purpose-like way. In an account 'De Nomine & Familia Barnes,' we find that one eminent member of the family "in Tragoedia *Macbeth* per errorē dictus est Steward, pro Siward." Whoever now looks at the list of characters of that play will find the name written rightly.

Mentions of books are endless, and glimpses into them abundant. Of those of that day which made a stir, Hearne's own party friends wrote their share. Leslie, known to many still as author of 'Short and Easy Methods' (with the Deists, with the Presbyterians, etc.), was busy in political as well as ecclesiastical writing. He was at Oxford at one time as Mr. Smith. Dodwell, a layman, learned as Hearne was, but engaged, as Hearne was not, in the burning discussions of the time, comes up here incessantly: he had been an early friend and had been a teacher of our diarist. One book of his was 'Epistolary Discourse, showing, from Scripture and the first Fathers, that the Soul is a Principle naturally mortal, but immortalized actually by the Pleasure of God, to Punishment or Reward, by its Union with the divine, baptismal Spirit; wherein is proved that none have the Power of giving this divine, immortalizing Spirit, since the Apostles, but only the Bishops.' This was attacked fast enough and sharply enough to keep its author warm with work. He believed "the Air the Receptacle of all souls, good and bad; these, till the Day of Judgment, being under the Power of the Devil, the Prince of the Power of the Air," who "can inflict on the souls of really good Men only some Disquietudes and Molestations, wherein they may be relieved by the Prayers of the Living."

The ticklish temper of the times in which so many pillars of the state were shaky, and none knew which were not, and in which the great body of the clergy were dissatisfied and apprehensive, is curiously shown in the case of a single pamphlet which figures in these pages almost as a living being, raising commotions, now in one place, now in another a great way off. This was 'The Memorial of the Church of England; wherein divers Intrigues of a great Minister of State are discovered, and the Designs of the Whigs for destroying the Church are manifested.' "The Messenger of the Press is ordered, if possible, to discover the Author, Printer, and Publisher of *The Memorial of the Church of England*, there being several things in it that give great offence at Court, whilst those of the other side are wink'd at, as *The History of the Court of Poland*, etc." Here a man was suspected of having written it; there another was taken up on that charge. Now it was "said that some great Men have given Bayle upon Mr. Stevens the Printer's appearing Evidence against them"; now several were under arrest. The Duke of Buckingham is at one time said to have written to the Lord Treasurer Godolphin to search no further, as he himself acknowledges the authorship, and is prepared to defend every statement; at another Mr. Lesley (Leslie) is said to have been required to give bail in one thousand pounds to answer for it. There was a 'Vindication of The Memorial,' and it was answered "paragraph by paragraph." The Memorial was presented by the Grand Jury, and burned by the hangman at sundry places. A Sir William Pittet, or Mr. Pettiss (qu. Petty?), is "discharged from custody" for a pamphlet in connection with the burning of it. At length the Memorial goes out of the way of living men, like those once famous, evermore forgotten books of Don Quixote's library. Before that time our

Hearne had comforted himself with Leslie's discovery that "the Author of *The Memorial of the Church of England* is for the independent State of Nature, & all Government to have its Original from the People, . . . an evident token that 'twas writ by . . . the Whiggish Party, and fathered upon the Honest men, on purpose to bring an odium upon them; just as Mr. Stevens (that notorious Whigg & Fanatick) his Letter . . . was layd upon High Church Men," but "was written by De-Foe, who was pillar'd for it, & glories in it, to this day."

But Hearne's sharpness of eye and ear in matters of Church, and University, and affairs of state may be judged of by his expressions in every direction. It may be granted that his party was pure, as persecuted parties are proverbially said to be. Bishops, priests, and people in it had suffered deprivation. Of the busy writers, Leslie had lost high preferments in the Church; Dodwell, a professorship at Oxford; and so with the rest. Hearne's pen puts things (about non-jurors and their opponents) strongly, and we must make some allowance for him, but cannot allow everything. Bishop Burnet, of course, comes in for suspicion and censure: in one case they are outrageous. Others, too, we may believe, get sometimes more than they deserve of praise or blame. Few English, Irish, Welsh, or Scottish people ever came under his eye without their party color, and certainly party spirit ran high and party lines were strictly drawn. It was such a time that "The Archbishop of Canterbury, 'tis said, will suspend the Prolocutor [Speaker of the Lower House of Convocation (or Synod)] next Convocation, if they continue obstinate, as the last"; and "when the Lower House . . . were ordered by the Bishops to assent to the Address to her Majesty, of their drawing-up, or else give their reasons, the Lower House, instead of giving Reasons for their Dissent, drew up Reasons why they should give none." They were standing for their rights to act and speak freely, if they acted and spoke at all. Convocation (the representative body of the Church) was near the edge of that arbitrary suspension by the state which kept the Church of England, for one hundred and fifty years, without corporate action, or deliberation, or voice—the most enslaved church whose slavery was ever called "establishment."

In one funnily-grave case (which was thoroughly worth an illustration by Hogarth), Hearne seems to be trying to administer a prosaic justice without regard to his non-juror instinct at least, if not without partisan feeling for his own university. Three Oxford dons, the Master of University, the President of Magdalen, and the Provost of Queens, had had a mighty cloud of evil speaking raised about them. They ("and perhaps some others"), says our author, in answer to Dr. T. Smith, an Oxford man in the country, "had stay'd till 9 of the clock, one evening, at the Warden's of New College," but, as to any story of their having been lighted home with nothing but silver tankards taken by mistake for lanterns, and not having found this out till it was found out for them, an ill-savored story of this sort is not to be accepted. "'Tis highly scandalous to say that they drunk to excess; the Warden of New College not being in a very good state of Health, & neither of the others noted for being hard drinkers. However, 'tis true that [the Master of University's] boy . . . instead of carrying the Lantern, took away a Silver Tankard, which was not perceived till they came home; because the President of Magd. & Provost of Queens accompany'd him & their men had Lantern's at the same time." Whether this judgment of our author in favor of the three Oxford great men is as satisfying or as fair as Robie Burns's in his own case,

"We are na fou: we're no that fou,
But just a drapple in our e'e."

the reader shall determine after taking in one more fact from Hearne: "THE BOY . . . (who has been guilty of other such crimes) is since turn'd off." Did any reader ever know the guilt clapped on the wrong shoulders?—especially a master's upon a servant's? At any rate, we shall all agree, perhaps, that Hogarth could have made as good a thing of this as of any doing of his "rakes" and revellers.

Coming volumes will be fuller.

RECENT FICTION.

A Girton Girl. By Mrs. Annie Edwards. Harper's Franklin Square Library.

Two College Girls. By Helen Dawes Brown. Boston: Ticknor & Co.

Markof. By Henry Gréville. Philadelphia: T. B. Peterson & Brothers.

Roses of Shadow. By T. R. Sullivan. Charles Scribner's Sons.

Stories from Provence. From the French of Alphonse Daudet, by S. L. Lee. Harper's Handy Series.

A Country Gentleman. — A House Divided Against Itself. By Mrs. Oliphant. Harper's Franklin Square Library.

A Cardinal Sin. By Hugh Conway. Henry Holt & Co. (Leisure Hour Series.)

Lester's Secret. By Mary Cecil Hay. Harper's Handy Series.

'A GIRTON GIRL' and 'Two College Girls' would seem at first sight to furnish the means of comparing the English and American students, but the first title is a misnomer. 'A Would-be Girton Girl,' or 'Why Marjorie Bartrand did not go to Girton,' would have been more exact, for she gets no nearer to it than a Cambridge lodging-house. Nevertheless, we have a pleasant story of the idling life of English people in the picturesque setting of a Channel Island. Tutor and pupil present almost too obvious a combination in the first chapter, but their fortunes are so closely and cleverly interwoven with those of another pair, an artist and the beautiful wife to whose charms he is absurdly blind, that the reader has the chance for a good deal of speculation before the happy ending. The work is not so fine, so well proportioned, as Mrs. Oliphant's. The difference is most marked in the attempt at bad characters. Not that the adjective here means anything more than the universal distinction between good and bad: vanity and selfishness are the worst traits with which Mrs. Edwards has to deal; but the minor vices are the most difficult to set forth naturally. Neither the artist nor the lady who tempts him away from his wife is strongly done. She is not attractive enough to justify his inclination for her, and his conduct to his wife in that regard, as contrasted with what we are told of their former life, is nothing less than cowardly. In point of style, and still more of incident, the book is bright and attractive; far surpassing, in that last respect, American books of its class. Ours seem in contrast, to use one figure, thin, or, in another, patched with bright bits, but with long spaces of dull hue between.

In certain important respects 'Two College Girls' offers a pleasing contrast to some previous novels of the same general purpose. The author has hardly a style of her own, but she tells simply and entertainingly the story of four years of life in a college which she does not name, but which the reader will need no help from the reviewer to identify. Her heroines are chosen on the old plan of foils, and are true to the old conventional types in such stories. The unsophisticated country girl off brains and ambitions, with