

with the Constitution of Vermont, which provides that "the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure"; forbids warrants unsupported by oath, or not directing a particular officer to make search, or directing the seizure of persons or property not particularly described. Nor is such a law consistent with the Constitution of the United States. It conflicts with the article forbidding unreasonable searches and regulating warrants, and with the article prescribing the method of criminal prosecutions. Under this statute a complaint need allege only that the respondent sold liquor "at divers times," and it was not necessary to specify the kind or quantity of liquor, "nor the nature, date, or place of the offence."

It might seem that such a statute would have satisfied the most fanatical. It disregarded the most cherished traditions of our race; it introduced paid spies and informers; it employed inquisitorial methods of trial abhorrent to the common law; it imposed enormous fines; it enabled an inferior court to imprison citizens for indefinite periods; it even provided heavy penalties for failure on the part of the officers of the State to exhibit due zeal. Under it, offenders owning property were reduced to poverty; one impecunious wretch was sentenced at the age of sixty-seven to pay fines which were infinitely beyond his ability, or be imprisoned for nearly fifty years.

But the fanatics were as insatiable as the supporters of the Holy Inquisition. They were enraged to find that drunkards, when compelled to inform on oath, perjured themselves; that constables and State's attorneys made corrupt agreements with liquor-sellers; that grand jurors refused to indict and petty jurors to convict. Men were tried for ten offences, all proved by the same evidence, and juries found them guilty of but one. The possession of a United States license was made evidence of violation of the State law, and juries with the licenses held before their faces acquitted the prisoners. In their desperation, the fanatics overleaped all Constitutional restraints. They passed a law authorizing any constable to stop men and women on the highway and search their persons, whenever he "suspected" that they had the accursed thing in their possession. They passed another law forbidding the payment of their compensation to the officers of the State unless the judges of the Supreme Court were satisfied that they had discharged their duties with zeal. And, finally, in direct defiance of the Constitution, they abolished the right of trial by jury.

This step was taken by the prostitution of the Court of Chancery. Every place where liquor was unlawfully sold was declared a nuisance, to be abated

by a proceeding brought by the attorney for the State, or by the Chancellor, of his own motion. That officer is now directed by statute to proceed, in term or in vacation, with or without affidavits, against such persons and places as he thinks fit, or on such complaints as he regards as satisfactory. "General reputation" is declared by law to be presumptive evidence of a nuisance, and the maintenance of the nuisance is to be enjoined as a contempt of court. The Chancellor may, therefore, hale before him whom he pleases, without indictment or specific complaint, enjoin him, fine him not less than \$500 for contempt, and commit him to jail. And this in the face of the Constitutional provision that in all prosecutions for criminal offences the accused has a right to be tried by an impartial jury of his peers, without whose unanimous consent he cannot be found guilty. No wonder that when this scandalous perversion of our institutions culminated, as it did recently, in a homicide by a spy and informer, the wrath of conservative citizens boiled over. Such excesses, committed in the name of temperance, have created a determination to do away with the present statutes, no matter what is substituted. They are enough to make all men sympathize with the good bishop who declared that if the choice must be made between England free and England sober, he should give the preference to freedom. But the subversion of the safeguards of liberty in Vermont has not brought with it sobriety.

RECITATION OR CANTILATION?

Whether poetry should be recited in the speaking or chanted in the singing voice is matter of old debate, and precedents enough could be cited for either view. The matter comes again within the range of public interest through the recent controversy between a distinguished Neo-Celtic poet, Mr. W. B. Yeats, and an eminent symbolist, Mr. Arthur Symonds. Mr. Yeats has proved his convictions by having "psalteries"—some simple form of musical notation for the reciter—prepared for his poems, which are now being cantilated in England by an accomplished elocutionist. Mr. Symonds demurs to this method, on the ground that a musical arrangement of pitches for recitation greatly limits the range of individual interpretation. As if to confirm Mr. Symonds's doubts, Herr Possart's renderings of poems to the musical settings of Richard Strauss have recently failed signally in London, despite the justly great reputation of this renowned tragedian. But this only proves that the British public is indifferent to this form of musical declamation, which, in many persons' opinion, would be a strong argument in its favor.

The matter concerns all those who

find pleasure in poetry, for the chanting method promises a higher enjoyment than can be had from recitation in the speaking voice. Now it must be recalled that declamation upon a few simple modulations and with an instrumental accompaniment is no new thing. We have it for a very special use in the intoning of the church service, in recitative passages in opera, in the chanting delivery of certain orators and actors—the elder Bellew was a striking exemplar of the method. So much for its æsthetic uses, which are all, it will be felt, of a very restricted sort. Furthermore, cantilation is a favorite expedient of melodrama and pantomime. No villain pursues a heroine except to a tumultuous accompaniment; and no just, or merely repentant, person expires except to slow music. Similarly in pantomime, when the benevolence of the Good Fairy becomes too emotional for mere song or mere speech, the orchestra intervenes, and such throbbing lines as—

"Fair Princess, I will guard thee well,
Fear not Malvino's fatal spell!"—

are invariably recited in a third manner, which can only be described as cantilation, with a close regard for some reminiscence of Handel's Largo—the incidental music. But it must be said that such effects are not greatly valued by the judicious.

Better witnesses to the value of chanted verse would be the considerable success of the recitals of Shakspeare and Tennyson by Mr. Riddle and Mr. Lang, the very poignant effect of, say, Yvette Guilbert's crooning of popular songs, and the personal practice of certain notable poets in delivering their own lines. Tennyson, as every one knows, groaned and rolled out his own verse in modulations which the cynical found intolerable and the simple-minded vastly impressive. Swinburne, an acknowledged master of rhythmical English, is said to affect a similar orotundity. But most men, and even poets, are notoriously bad counsellors in their own affair, and one would be reluctant to derive a general principle from a personal idiosyncrasy due possibly to embarrassment.

Of course Mr. Yeats and Herr Possart and Mr. Riddle might appeal to the universal custom of antiquity. There was a time, probably, when all poetry was sung to tunes as simple as those which are still heard in "traditional Irish singing." In fact, the recitation of poetry without music presupposes almost as advanced a civilization as does the reading of poetry. But it should be remembered that this is a very different matter from the reform proposed by Mr. Yeats. The ancients and the Irish peasantry had quite distinctly in mind either song or speech—never a third mode which lay between the two and was used for the rendering of poetry. If the traditional ballad tunes

are of the simplest kind, it is not to favor a theory of Mr. Yeats's, but merely because the composers of these tunes knew no more elaborate music. It cannot be too strongly urged that the real successors of the singing poets are Schubert and Mozart and Wagner—the great song-writers and opera-composers. Whenever poetry needs the enhancement of music, the composers will claim it for their own. The example of Richard Strauss's elaborate recitative compositions will hardly encourage them to revive among us "the traditional Irish singing."

Like many other well-intentioned movements, this revival of "speaking to music" is merely an amusing bit of archaism, which cavalierly disregards the reasons for things as they are. When poetry filled a large social function, was recited before audiences, and was practically never read, it naturally required the aid of music. Now that poetry has become an individual enjoyment—a matter chiefly for the closet—it has largely dispensed with melody. Meanwhile long generations of refined social intercourse have probably greatly improved the speaking voice; and in our own time, in the case of Booth at least, and in Bernhardt before her mannerisms overtook her, we have heard a declamation so varied, so subtle and harmonious, that beside it any form of intonation—anything, in fact, but the most perfect melody—must have seemed crude and inartistic. We are no longer a singing people, and the fact is to be deplored; but our regeneration lies along the lines of perfected music and of intelligent declamation, not along those of an archaistic return to outworn musical modes. Cantilation, at least, will not win us back from prose to poetry.

BRET HARTE.

An interesting and unusual circumstance to be noted in reviewing the literary career of the late Bret Harte is the survival of his fame in spite of his indifference about writing up to it; indeed, in the face of what sometimes seemed a reckless impulse to write it down. His work easily divides itself into two periods—a short one, during which he wrote a score or so of tales whose freshness, force, and vivacity have never been excelled; and a long, prolific one, during which he does not appear to have received a new impression, or to have made a new observation on life, or to have profited for reflection by the varied experience of the passing years that should bring wisdom.

The quality of his creative faculty was similar to that of a highly concentrated essence, good to produce marvellous effects in a short time, but losing its efficacy through constant use. We may plausibly infer from the subjects and title of his last volume, 'Openings in the Old Trail' (Houghton, Mifflin & Co.), his own recognition that, in all his life, he had had a clear vision of but one trail—the steep

trail leading from the world beyond down the Sierras to the river turbid with golden sands. As discoverer of the trail, no one may dispute his claim. He struck it, blazed it, exploited it; it was and must ever remain absolutely, brilliantly, his own.

His actual discovery was Nature in an aspect always grand, sometimes awful, at a moment when her primeval solitude was invaded by a host that had cast human relationships behind, and came surging towards an unknown land, all under the sway of a devouring passion—the thirst for gold. Following the line of literary tradition, such an inspiration should have provoked rather splendid romance. So far, however, as any manifestation of the human mind is original, Bret Harte's use of his situation was original; and it is by this originality, which defied precedent and dared failure, that he won an immediate success and permanent high rank in American literature. He used the most romantic stuff literally—that is, as a realist. He presented the fact, humorously, ironically, pathetically, cynically, and always for its own sake, apparently without any desire to idealize, or any perception of symbolical value. This is not to say that his work was a plain statement of facts, but that almost nothing beyond or beneath the external fact came within the range of his impressionability. He was not a contemplative man; he had no curiosity about things invisible to the natural eye; he was not interested in pointing a way to higher things. He accepted the world as he saw it, and sought to reveal it in the most effective manner, unconcerned to censure or to praise. He was not, in fact, a great man, and therefore could not be a great writer. To be original in literature, consciously to owe little to predecessors, is to be remarkable, to be memorable, to make for one's self a place conspicuous and apart; but it is not to be great. Greatness in letters implies possession not so much of qualities that are different from the common, and dazzling, as of those which humanity has long agreed to regard as the most enviable.

Bret Harte was, for his time, different and is still dazzling. In the early seventies the American public had a taste in fiction of confirmed respectability. Vice was tolerated only to defeat itself and by way of enhancing the virtue of being virtuous. When half a dozen tales concerning a community of ruffians (thieves, gamblers, and prostitutes) dwelling beyond the Rockies were introduced to the reading East, literary conventions were demoralized, and the claims of virtue to exclusive representation in fiction were, so to speak, knocked into a cocked hat. The author, in his own person, shared the indifference as to morals that distinguished his characters. Like his Colonel Starbottle of Siskiyou, he seemed to assume personal responsibility. At all events he made no attempt to evade it by interpolated sermons or by a plea that he described the immoral for the purpose of being moral. "Cherokee Sal's" baby (father unknown) is born in Roaring Camp. Outside the door, groups of men, of imperturbable demeanor, apparently passionless, grimly ironical, make bets, two to five, that Sal will pull through. But when the door was opened by "Stumpy,"

Sal "had climbed, as it were, that rugged road that led to the stars, and so passed out of Roaring Camp, its sin and shame; for ever." The narrator of the incident makes no effort to improve the occasion. The chances were all against Sal; so, in a perfectly natural way, she died. That is the tale; take it or leave it as you please. Thus peremptorily he appears as a rejector of the didactic motive, and his rejection goes to show his instinct for story-telling, and allies him with such ancient masters of his craft as Boccaccio and the narrator of the adventures of Aladdin.

Though the matter of his tales was revolutionary, the form was classical. He aimed at an effect of the whole, and this he achieved by the most careful selection of detail, and probably by equally scrupulous rejection. He was not insensible to physical nature, but he used it only as a background for drama or for purely rhetorical intensification. "Tennessee" makes a desperate dash for liberty, shoots right and left at the crowd surrounding the Arcade Saloon, speeds thence up Grizzly Cañon, is captured, tried, and condemned to die; and "above all this, etched on the dark firmament, rose the Sierras, remote and passionless, crowned with remoter, passionless stars." Similar imaginative sentences appear mechanically, for scenic effect, and can hardly be taken to mean that the author wishes to intimate a profound appreciation of the real insignificance of human tragedy. Still, in 'The Outcasts of Poker Flat,' such an intention is discernible, and it lends to the incident the dignity of a nobler literature.

There is every reason to believe that Bret Harte arrived instinctively at perfection of form, and that he did not proceed deliberately, in conformity with known æsthetic law. This instinct was not enough for the construction of novels or for the prolonged development of character. No more incoherent novel than 'Gabriel Conroy' was ever written. There are excellent scenes, sharply defined individuals, but, on the whole, the novel is a monument to the author's limitations and defects. The women express supremely his low and vulgar view of women and his appalling unconsciousness that the view was either low or vulgar. He emphasizes throughout his remoteness from true romance, his confusion between pathos and sentimentality, and his delight in glaring theatrical effects. He suggests, indeed, quite pitifully, that there was nothing in himself to serve as a touchstone for the representation of honorable men and decent women.

Nothing in his work has been more severely criticised than the habit of attributing to passably worthless people a single and signal virtue; but the virtue is generally a primitive one, and is rarely either inconsistent or improbable. After all, the denizens of Roaring Camp and Red Dog and One Horse Gulch (incomparable names!) were men, not brutes; and it is not ranging them with the angels to say that they stood by each other in calamity, or that one could give his life for a friend, or for a child, or even for a woman whose improprieties were flagrant. In nothing, it seems to us, was Bret Harte more successful than in saving his heroes from the heroic pose. The keynote of his characterization is concealment of emotion. Certain gamblers, it will be remembered, calmly continued their game "the day that French Pete and Kanaka Joe