LIFE IN PARIS.

LETTER FROM ARSENE HOUSSAYE.

& DE REMUSAT—M. THIERS'S MOONLIGHT—THE TEARS OF M. SIMON—VICTOR HUGO AS AN ORATOR—CONTRAST OF LIFE AND DEATH—A TWO-WIVED CHINAMAN—THE AUTOGRAPH MANIA—EMILE DE GIRARDIN PAINTED BY HIMSELF.

[FROM A REGULAR CORRESPONDENT OF THE TRIBUNE.]

PARIS, June 16.—Was the Comte de Rémusat, who has just died, a freethinker, or simply a skeptic? Did he believe anything, or did he doubt everything? At all events he has set out for the other world with a passport in due form from the Curé of his parish. He did not choose to end in impenitence. The last moment is the psychological moment, as the Prussians said when they bombarded Paris. The Catholics rejoiced over this Christian end. The freethinkers accompanied the body to the Madeleine, but would not enter the church.

M. de Rémusat had well chosen his time to die. It was the finest weather in the world. The public mind was at rest. The funeral, therefore, was an imposing spectacle. It was like a Spring promenade in the Champs Élysées. The Madeleine was decorated as for some great festival. Was it not in fact the fête of the immortality of a philosopher? M. Thiers, with Paul de Rémusat, walked first after the hearse which bore his political and literary associate. The moonlight went before the sun. M. Thiers was much moved. Those who did not know him imagined that he was mourning over his own near prospect of death, since he is 78 years old, like his deceased friend. But he was only weeping over the separation, without thinking of himself. He feels, besides, that he has not yet finished his allotted task, while M. Rémusat had finished his. There is in M. Thiers a force of life which still assures him profitable years. "I have no time to die," said he to M. Mignet, another cotemporary: "do like me, begin two or three books; you will see that death will give you time to complete them."

After a mass in music they conveyed M. de Rémusat to Picpus, where the guillotined of 1793 were buried, among others André Chénier. There M. Jules Simon wept an oration about the political virtues of this statesman, who only passed by power, once under the Citizen King and again under the royalist republic. M. Simon would have done better to read these beautiful words of Victor Hugo on the immortality of the soul. "It is a misfortune of our time to place everything in this life. In giving to man for his sole end and aim the life of earth, you aggravate all his miseries by the final negation. And that which was only suffering, that is to say, the law of God, is changed to despair, the law of hell. The duty of all of us, legislators, bishops, poets, is to help raise all faces toward heaven, to direct all souls toward the future life. Let us say, with high confidence, that no one has suffered unjustly or in vain. Death is a restitution. God appears at the end of all. It would not be worth while to live if we were to die entirely. That which alleviates labor and sanctifies toil is to have before us the vision of a better world through the darkness of this life. That world is to me more real than the chimera which we devour, and which we call life. It is forever before my eyes. It is the supreme certainty of my reason, as it is the supreme consolation of my soul."

Is not that the finest of funeral orations, from whatever orator, over whatever tomb? The Catholics reproach Victor Hugo with the civil burials of his two sons. The faith in the immortality of the soul is not the Catholic faith alone. The admirable historian of Notre Dame de Paris does not love the Church, and believes his salvation possible out of it. Since all roads lead to Rome, why should not all roads lead to heaven, if the traveler is righteous?

M. Thiers said fifty years ago to M. de Rémusat, "I will never do anything without you;" and he has kept his word. Twice he has come to power, and twice he has called M. de Rémusat to his side. And this is why I called M. de Rémusat a political moonlight. A prominent man has said that M. de Rémusat must have renounced upon his death-bed that amiable and playful skepticism which was his pride, because he foresaw that the Radicals would be at the head of the procession, and that the crowd which thronged about the Madeleine would come much less to honor the dead than to read in the features of M. Thiers how the ancient Nisus of politics would bear the death of his Euryalus. Certainly there was a great deal of curiosity at this funeral, but there was also a sentiment of public mourning. Such as he was, M. de Rémusat, a man of wit, a man of talent, a man of eloquence, was a French character of the 19th century; not sharing the radiance of the great historic figures, but rather the demi-tones of those celebrities who survive through their actions and their works. M. de Rémusat was not one of those who aspire to power and to literary renown through a vulgar vanity. He believed that there was something good to do and good to say, and such things he has done and said. It would be well if the avenues of politics and literature were fuller of such men. It may be said that I am not disinterested in speaking of M. de Rémusat. A long time ago he asked the king to give me the cross for my "History of the Eighteenth Century." I never knew him till I went to thank him. I found him the most courteous of gentlemen, always more interested in others than in himself. He recalled to me that day a charming saying of M. de Salvandy, to whom a suitor was saying, "You cannot refuse me the cross, because every one has it." "Yes," cried M. de Salvandy, "everybody has it, and everybody is asking me for it."

There is another place vacant at the Academy. The Duke de Broglie said, "There is one vote less for Jules Simon, but one chair more for him." You know that at the Academy the votes are all political, Republican and Monarchist. At the last elections M. Jules Simon and M. Dumas had the same number of votes; both were postponed for six months. Two academicians usually die each year. After the Republican academician, the next may be a Royalist to reëstablish the tie between the two candidates.

To distinguish M. Dumas from Alexandre Dumas *fils*, people say, "Dumas the savant." Dumas *fils*, therefore, signs his letters "Dumas the ignorant." Which is the more ignorant of the two? Is it he who understands the human heart and places it on the stage?

At the very hour when they were chanting the Miserere for M. de Rémusat, they were marrying at the Madeleine the Prince de Broglie, nephew of the statesman, to Mdlle. Say, niece of the Minister of Finance. Mdlle. Say, who has twenty millions of dowry, had a fancy to marry a prince. She will be a princess, but perhaps she does not understand that she is only an Italian princess. Many of those who came to the funeral of M. de Rémusat were also invited to the marriage of Prince Broglie. They witnessed both ceremonies without leaving the church, thus killing two birds with one stone; perpetual antithesis of life and death!

While the Empress of China was dying of grief at the death of her imperial spouse, fashionable Paris was interesting itself with the misfortunes of Tin-tun-lin. Who is Tin-tun-lin? He is a Chinaman, of course, and when I say he is a Chinaman have I not described him? as every Chinaman resembles every other Chinaman. A philosoper has said, "All women are alike," which is only true of English women. He might have said, all Chinese are alike in face as in spirit. Tin-tun-lin believed himself predestined. He was predestined to go to jail because he married in France as he had married in China; a simple poetic distraction, for our Chinaman was a poet. Look at these pretty verses:

"The dew is like the modesty of the Chinawoman. It comes mysteriously in the twilight when the nightingale is singing.
"The dew is like the modesty of the Chinawoman. It casts over nature a spotless robe by night.
"The dew is like the modesty of the Chinawoman. It only shines by day to mount to Heaven."

Tin-tun-lin came to France without well knowing why. Perhaps it was to get away from his Chinawoman. He had the good luck to fall one day like an aerolite under the eyes of Théophile Gautier, who made a pet of him as others do of a parrot or a peacock, a monkey or a poodle. Théo. had at that time two daughters who did not know French, and so, of course, he had them taught Chinese. The first publishes nothing now but Chinese stories, the second contents herself with painting Chinese fire-screens. Tin-tun-lin could not console himself for the lack of his Chinawoman. He thought that it might not be impossible to Chinafy a French woman. So he assumed the bonds of matrimony a second time, without troubling himself about the mortuary record of his first wife, who had no idea of dying of his neglect.

But the second wife did not become acclimated to Chinese poetry, because Tin-tun-lin beat her every Sunday. This was probably to mark the cadence of his poetry. She lodged a complaint against her husband that he had another wife. On this futile pretext, Tin-tun-lin was arrested and dragged before the judges by two gendarmes. "Oh, august tribunal," he cried, "it is not I whom you should condemn, but my two wives. You will say, 'Why hast thou two wives?' but the Emperor of China, Tong-Chi, who died at nineteen, and who was my Emperor, had seventy-two wives, more or less legal, while I have only one in France and one in China, and these are of little comfort, for while my latest advices from China announce a regular increase of family there, I have as yet given no citizen-son to the Republic of France."

The tribunal laughed and was disarmed. Tin-tun-lin was set at liberty, and strictly charged at the same time not to marry a third wife. He dropped into poetry again, and here is a song which he has just sent me:

THE SAGE'S DANCE.

"On my flute I played a song for the loves, but the loves did not understand me. For the snow descended upon the earth like a cloud of butterflies.
"But my songs sown under the snows, like golden grains, will be roses when the Springtime comes. And lovers in the sunshine will gather my songs in bloom to make nosegays of them.
"And I will raise my flute toward heaven, and direct my song to the sages who are there. And, like young maids on a holiday, the sages will rejoice, and dance upon the clouds."

So Tin-tun-lin is becoming a celebrated man, all for having married two wives. The journals which scorned him yesterday are all asking him for Chinese songs. His portrait is to be published, and collectors are squabbling for his autograph.

You know what a mania there is for the collection of autographs. This is not hard to understand. The writing and the face of the writer are the character of the man. Show me thy handwriting, and I will tell thee who thou art. The pen gives a thousand physiognomies. One needs not be very wise to discover in it the secrets of the heart and of the mind. My cousin d'Aguesseau said: "Give me two lines of your enemy and I can catch him." One might say, give me two lines of a woman and I will predict the fate of her husband, not from the text, but from the script. Autograph sales are more and more frequent and prove that the autograph hunters are growing keener. Here are some of the prices of the last sale: The painter Boucher, 180 francs; Bossuet, 165 fr.; Massillon, 180 fr.; Montesquieu, 200 fr.; the Marquise de Pompadour, 165 fr.; the Abbé Prevost, 200 fr.; Voltaire, 101 fr.; Washington, 220 fr.; Weber, 115 fr.; Racine, 250 fr.; Lavater, 155 fr.; Louis XIV., 100 fr.; Luther, 320 fr.; Franklin, 100 fr.; Greuze, 200 fr.; La Fontaine, 545 fr.; Cimarosa, 230 fr.; Lucrezia Borgia, 205 fr.; Vergniaud, 351 fr.; Spinoza, 450 fr.; Rameau, 403 fr. It is easy to foresee that as the amateurs of autographs increase, prices will rise still higher, because the letters of the dead do not increase. In the letters of the living there is still a margin. Nevertheless those who extort a letter from Victor Hugo have done a good day's work, but what mistakes are made in regard to our other cotemporaries, who are only the counterfeit of glory. Myself, for example: I am asked for autographs every day, but those who get them will be sold.

There are many people who are better known by their faults than by their good qualities. Sainte-Beuve said of M. de Rémusat: "He only needed one fault to make him famous;" while yesterday Emile de Girardin said to us at dinner, at his house: "I am only known by my faults." He meant by that, the great misunderstood publicist, that he was born to do great things, if he had come to power, which is in my opinion beyond doubt; but this valiant sword has always remained in the scabbard. The only thing which has prevented Emile de Girardin from being a great statesman, is that he has not been a statesman.

ARSENE HOUSSAYE.

NEWPORT.

THE BEACH—BATHING UNFASHIONABLE—NEW COMERS—A WEDDING.

[FROM A SPECIAL CORRESPONDENT OF THE TRIBUNE.]

NEWPORT, July 20.—Newport has one of the finest beaches on the New-England coast, but as is the case at many other popular Summer resorts, it is not patronized so extensively as one would naturally suppose. The ladies seldom bathe on the beach. The bathing-houses number about 150. In the rear there are a few which are far superior to those in front, and which are used by families. A suitable dress costs one 15 cents, and the use of a bathing-house 15 cents in addition. A mounted policeman patrols the beach. The wise leave their watches at the ticket-office, without charge, and the unwise in years past have had occasion to report the loss of watches, money, jewelry, and other property. No robberies have occurred this season. The beach is one where no danger needs be feared, as the undertow is not very strong. No person has been drowned here for many years. Contrary to practice at many other places, no one is employed to keep a lookout for the safety of the bathers, and in fact no one is needed. Children may daily be seen in the surf, and they are as unmindful of danger as though they were in their bathing-tubs at home. The proprietor of the bathing-houses is Thomas Crosby.

The schooner yacht Resolute, N. Y. Y. C., which arrived here a few days ago from Cape May, has been undergoing some minor repairs, and will leave Newport to-morrow with a large party for the Isle of Shoals. She is owned by A. S. Hatch, but is used this season by Rufus Hatch of New-York, who with his family has arrived at the Hodges Cottage, on Catherine-st.

A pigeon match of considerable importance will take place here in August, at the private grounds of the Narragansett Gun Club. The contestants are Mr. Grunde of Philadelphia and John G. Heckscher of New-York, one of the cottagers here. The stakes are announced as $2,250 a side, and the number of birds to be shot at is 50. This will bring a large number of visitors from New-York, Philadelphia, and Baltimore.

Senator George S. Boutwell of Massachusetts is in town as the guest of W. W. Tucker of Boston, on Bellevue-ave. Charles Anderson of New-York has arrived at the cottage of Mrs. Waldron Pell of New-York, on Greenough-place, and Mrs. Marianne Power of New-York at the villa of Frank Squires, on Tuckerman-ave. James Gordon Bennett's horses, carriages, servants and baggage arrived this morning from New-York, and he is expected at the Cushing villa in a day or two with his sister.

Among the New-Yorkers who have recently arrived at the Ocean House are R. R. Ames, W. R. Stewart, Lispenard Stewart, J. J. Vail, C. G. Ellis, jr., R. G. Ellis, J. S. Kloes, J. D. Smith, L. G. Douglass, Albert A. Manick, J. A. Grettel, Dr. T. Ehrenberg, A. L. Miller, T. L. Snead, Dr. L. Libnar, and J. L. Peters. Among others are A. M. Dobmeyer, Cincinnati; Gennaro Placci, Florence; C. H. Otis, T. Otis, Samuel Hutchinson and wife, Brooklyn; Viscount Woolerschert, Portugal; A. Stickembach, New-Orleans; H. Gasspee and wife, Passaic, N. J.; C. McCormick, Cleveland; J. W. Vance, G. W. Heins, Philadelphia; H. P. Filot, Dr. Booth, F. G. Frothingham, Daniel Sharp, jr., Mrs. May, L. Morse, Horatio Harris, Frank Reed, S. W. Harding, Louis Kingsley, G. W. Smith and wife, A. P. Browne, J. W. Layton and wife, G. H. Campbell, S. A. Dennis and wife, J. W. Field, G. C. Winsor, Boston; J. C. Bartlett and family, H. C. Stickney, W. D. Erskine, Louisville; S. A. Coale, jr., St. Louis; J. K. Minor, Evansville; C. L. Draper, Dansville, Ill.; James Campbell and wife, Charleston.

The Spanish Minister has returned from Washington and rented the Barclay Cottage on Clay-st., which he will occupy at once. E. T. Tefft of New York, who has been at the Ocean House during the week, has rented the villa of H. A. Wright of New-York, on Rhode Island-ave. His son, C. G. Tefft, with his family, will also live in the same house. This estate was occupied last season by the late Judge B. R. Curtis of Boston. Mr. De Grasse Livingstone of New-York, who for several seasons past has had apartments at the Ocean House, has rented the Redford Cottage, on the Bath-road. Misses Kennedy of New-York have rented one of H. T. Livingston's new cottages on the Cliffs, and the prospect, in view of the prevailing warm weather, is that several cottages will be rented here this week. Miss Elizabeth Stuart Phelps is at Mrs. Gorton's, on Brinley-st. Col. Mosby, the Rev. Phillips Brooks, D. D., of Boston, the Hon. Gideon Welles, and D. Philbrick of Boston, are here. E. P. Dutton of New-York is at the Cliff Cottage Hotel, with the Hon. R. D. Hubbard of Hartford. J. Hammond Trumbull of Connecticut is the guest of Prof. W. B. Rogers of Harvard College, on Gibbes-ave.

The first fashionable wedding of the season occurred last Thursday evening. The bride was Mrs. Ida P. Morrell, widow of the late Edward Morrell of Philadelphia, and the bridegroom Mr. John G. Johnson, a lawyer of Philadelphia. The ceremony was performed at the residence of Samuel Powel, a brother of the bride. They will pass the season at the bride's villa in Bellevue-court.

Count de Rochefoucauld of the French Legation has rented the Vose cottage on the Bath-road.

JOHN PAUL'S VACATION.

NATURE, POETRY, AND FINANCE.

DOMESTIC HABITS OF THE FISH-HAWK—HACKMEN OF THE AIR AND THE BRANCH—FIFTY OF THE SAME—THE YOUNG WOMAN AND HER SHIP—TWO CAPITALISTS ON INFLATION—SECRETS OF HOTEL MANAGEMENT AT LONG BRANCH.

[FROM AN OCCASIONAL CORRESPONDENT OF THE TRIBUNE.]

LONG BRANCH, July 14.—This is the fish-hawk:

He roosts him not upon the sands,
But up above their grasping hands—
Your Jersey man he understands.

The soldier-crab beneath him sprawls,
But not on him my wise bird falls,—
For breakfast he prefers fish-balls!

He's a born Brancher. Perched on a high and dry limb you may see him, as the cars whirl you over the wild sands at the reckless speed of seven miles or so an hour. He seems to be a male and a brooder. That nest of his, by the way, is a wonderful creation. It was built by day's work, not by contract, and long before the war. Material was lower then than it is now, all that driftwood and cordage, which go to make it up, was never before so high. 'Tis a raft up a tree, but rafters it has not. Neither has it many rooms, and here you see a wise provision of Providence. The head of this family is never tempted to go spooking round from one apartment to another, looking for a soft spot whereon he may lay his head. Neither, in such event, could the female bird be moved to follow him solicitously with a pillow; the readiest thing to hand is a sharp stick, and with that she'd be after him if with anything. Another good thing about the Hawk House is that there are no stairs to go up; on a similar plan of architecture I intend to construct my cottage. It shall all be down stairs, with vestibule and hall door on the roof; no cellar-kitchen, no dumb waiter, for me. I don't see how a dumb waiter can ever answer; if in the wide, wide world there be one that does, let us hear from it.

The fish-hawk is not an eagle. Mountain heights and clouds he never scales; fish are more in his way, he scales them—perhaps regarding them as scalywags. For my bird is pious; a stern conservator is he of the public morals. Last Sunday a frivolous fish was playing not far from the beach and Dr. Hawk went out and stopped him. 'Tis fun to watch him at that sort of work—stopping play—though somehow it does n't seem to amuse the fish much. Up in the air he poises pensively, hanging on hushed wings as though listening for sounds—may be a fish's. By and by he hears a herring—is he hard of herring, think you? Then down he drops soon and has a Herring Safe. (Send me something, manufacturers, immediately.) Does he tear his prey limb from limb? No, he merely sails away through the blue ether—how happy can he be with ether!—till the limb whereon his own nest is built is reached. Does the herring enjoy that sort of riding, think you? Quite as much, I should say, as one does hack-driving: the hawk is but the hackman of the air. Sympathize with the fish? Not much. Nor would you if you heard the pitiful cry the hawk sets up the moment he finds that his claws are tangled in a fish's back. Home he flies to seek domestic consolation, uttering the while the weeping cry of a grieved child; there are tears in his voice, so you know the fish must be hurting him. The idea that a hawk can't fly over the water of an afternoon without some malicious fish jumping up and trying to bite him!

If a fish wants to cross the water safely, let him take a Fulton ferryboat for it. There he will find a sign reading: "No Peddling or Hawking allowed in this cabin." Strange that hawking should be so sternly prohibited on these boats, when every Brooklynite is chronically blinded with catarrh!

Why did they not have the regatta here at Pleasure Bay (a sort of tender to the Branch), instead of at Saratoga? 'Tis the most famous place for catching crabs in the universe, and that's about all the young oarsmen seem to do when they "regat." The row, too, that they made over the catching! Was the apple of discord a crab apple, I wonder?

Besides Pleasure Bay there are numbers of other pleasant places within easy driving, almost within comfortable walking distance of the Branch.

I know a Red Bank where the wild thyme grows,

and thither a young lady and myself walked yesterday morning, not for the purpose of having a wild time, at all, but merely for the walk. The bank where the wildest time can be had is a faro-bank, I fancy. When I hazard this hypothesis, however, do not think that I belong to the Fancy.

At the Branch it is held that to walk is human, to drive about divine. If disposed for a drive all you have to do is to call a hackman, and tell him exactly how much money you have—all the rest is easy. After passing over your pocket-book, unhooking your gold watch and chain, and giving a bond and mortgage on your property at Metuchin, N. J., the rest of it is plain sailing; you can go without further let or hinderance to Eatonville, Branchport, Rumson Neck—which is necks to t'other place—Tinton Falls, or Deal. Or, you can find a deal nearer to the West End—whether or not it is a square deal, I can't tell you. Thirst you for the tiger? There is the jungle. The leopard may not change his spots, but that your ten-spots will change hands, if you tempt the lay-out of his lair, is more than likely. If you lose, go for sympathy to the same man with whom you would have divided the "pot," had you chanced to win. But I scarce think the first letters of that man's name would spell out any human initials.

Oh, a golden comb for golden hair,
And milk white pearls for a neck as fair,
And silver chains and all for me,
The day my ship comes home from sea.

So sang the maiden, sitting on the shore, and watching the coming and going of the tide, the seafoam as it blew like fluffs of wool, across the beach. At her feet, strewn by the lavish sea, lay shells and shining pebbles. Weird wrinkles on the beach showed where each successive wave, ambitiously climbing to reach higher than his fellow, had spent itself. Here you saw the splintered end of a spar protruding—part of a mast, perhaps, that had danced some brave flag high aloft, now lying prone and all but buried in the sand. There lay a piece of oaken bulwark, a fragment to which a mother with a babe may have clung, torn from some stout ship's sides. But a few feet out from the shore the gaunt ribs of a wreck loomed black in the moonlight, bobbing up and down in the black water like ghastly bathers. Yet still the maiden sat and sang of her ship to arrive, and with the light fingers of fancy strung her neck and filleted her forehead with the pearls and gold with which fond hope promised her it came freighted. Alas, poor girl, she knew not that even then her ship had sunk at sea, that down, down, many score fathoms down, its white sails were mildewing, and that already the mermaidens were making sport of her treasures! She read not the omens which lay round her aright—better, perhaps, that she should not; for she may forget the ship at sea, never remember that it has been long, long overdue, till fancy has freighted another for her. Are there no underwriters for human hopes?—for the most precious of interests is there no insurance?

Better by far, though, that a ship should sink far out at sea than go down alongside of the wharf when harbor has been safely reached, erecting its gaunt and stained timbers in your sight, a perpetual remembrance of the dead.

A plague upon this poetry; it will be the death of me yet! But what shall one do when the fit is on him and the stars and the sea swing in rhythm together! "Bring me a harp-shell, quick, that I may strike it," I shouted. Alas, but a bell-boy and not a muse—not even a sea-mew—responded.

"For practice knocks theory higher than a kite." That is what Mr. Sage remarked to Mr. Sherman last evening.

The conversation was on Finance, a subject with which I am popularly supposed to be familiar; so there was no impropriety after all in carrying it on in my presence. Mr. Sherman is a "bear;" he sees no prospect of a bettering of business in the immediate future; on the contrary it is his opinion that things will go from bad to worse, that we stand on the threshold of hard times, that soon the door will swing wide open and that then we shall see—that which we shall see.

Mr. Sage, on the other hand, considers the present business depression as only temporary, brought about mainly by over-production in connection with a lessened demand, an unfortunate state of things in which our country by no means stands alone, but a state of things which will right itself naturally, and without any great shock or convulsion—at least at present. Both men are redemptionists, holding very similar views as regards the inexpediency of inflation, but differing as to the business outlook of the moment. Mr. Sherman's idea seems to be that specie payments are less distant than is generally supposed, that the public, tired of currency, will not base transactions on it; hence the general stagnation, a refusal to make any ventures. Insensibly the public, he says, is already adjusting things on a specie basis. If a man go to a capitalist to borrow money on a piece of property, he has not the assurance to ask for much more than half as much as he would have demanded two years ago, nor could he borrow it if he did. The impressions of both borrower and lender have undergone a change as regards values. The question of specie payments has in great measure gone out of the hands of conventions and the people; rapidly as possible it is resolving itself, and with little outside help. A similar struggle is going on in other countries, and a similar solution may be reached simultaneously. At present gold and silver are demonetized in France, Italy, and Austria as well as in the United States, being a commodity merely, and not money. In consequence specie has flowed out from these non-specie-paying countries to those where there is a use for it. The instant these countries resume specie payments, back to them it flows again; here you have an immense contraction in fact, and immediately the shoe begins to pinch. About this time look out for breakers—to say nothing of brokers and bankers.

It is very possible that I have got Mr. Sherman's ideas a little mixed with my own, for to tell the truth it does puzzle me dreadfully at times to decide just where my own ideas end and other people's begin. If so, I ask his pardon for the misrepresentation; certainly there was only sound sense in his talk, however I may have translated it. This is certain, however: he looks for no let up in the present business depression, holding rather to the view that in comparison with what is to come we may eventually look back and consider these as very tolerable times indeed.

Mr. Sage says theories are all well enough, but the best frequently fail in practical application. That navigation never comes to a perfect standstill because some apprehensions may be entertained of a squall, and that people are not going to stay in doors all day because it looks like rain. He says that Mr. Sherman has been talking in this way for ten years now, but that all this while instead of planting himself on a rock with an umbrella permanently hoisted with both hands above his head, he has moved around and done business and made some money. That he thinks there is still room to make a few profitable turns before the world comes to an end, and that a business man always has to take certain chances. All of which seems so sensible to me that I'd be willing in the future to trust him with twenty pieces of gold without counting it, to say nothing of letting him pass up my stage fare (from his own pocket) forever.

Mr. Sherman's talk seemed sensible to me, too—the most sensible of any I have heard for some time. And he talks with knowledge, understand, with facts and figures at his fingers' ends, and can give you a reason for everything he says. What is one to do when two such men differ about the future? Really I don't know, unless you follow the guiding rule of my life, and of two sensible men choose the less.

But now let me get my own oar in just once. It seems to me that a deal of liquidation has been going on which is not felt as yet. The liquid is getting pretty low in some reservoirs, in fact, and let people but discover just how low it is, and there may be music of a most unpleasant character in the air. To illustrate what I mean: Here at Long Branch is a cottage which with its grounds cost $47,000. Last Summer a resident of the place—no wise interested in the property—urged a capitalist with whom I am acquainted, to buy it as an investment for $45,000—at which price it was offered. This Summer the property was bought in by the mortgagee—a life insurance company—under a foreclosure for $27,000. And they have approached my friend several times to urge him to take the property off their hands at that price—the bare amount of the mortgage. But he does not see it, exactly.

Let our life insurance company be compelled themselves to sell that property—as the chances are that they will be before they're done with it—and what would it bring? Probably not the half of what they have been obliged to purchase it at. Now, here is but one individual instance. If you doubt that the bulk of savings bank money, and other moneys which may be suddenly wanted some day, is loaned out on just such fancy property, appraised originally at just such fancy valuations, just you go and make a few inquiries in a quiet way. And then come back, and tell me if a good many saving people should some day take it into their heads that they'd like to feel of their own money, and ask for it, what would be the result? Where would fancy property go to? And where would the few who had a fancy for buying a piece of fancy property, at what seemed low figures, get the money from to buy it with, notwithstanding that their bank-books showed a balance?

There is nothing like having a financial head on one's shoulders, unless one has two financial heads on one shoulder. I do not know what there is in my face which marks me out for a statistician, fond of figures, given to estimates, thirsty for all sorts of knowledge. But at very few hotels in the land have I ever stayed where the landlord has not volunteered to show me around, up and down the kitchen, through the laundry, into the meat safe, to make me familiar with all the penetralia of the establishment, in fact, but the money-drawer. It must be that I somehow look like a man who is fond of crawling through cellars and climbing over soap boxes, and stretching out his limbs in the shady recesses of a refrigerator. The gentlemanly proprietor of the West End is the last one who has taken me in hand. For some days I had noticed him studying my face curiously. At last he made a dive forward this morning, and seized me by the hand. "All right, Sir; the desire of your heart shall be gratified." I had a very sharp-cut presentiment of what was coming, but followed on in silence. In five minutes I was in the fish house, in six I was in the scullery, in seven I was in the soap-room, in eight I was in—but why enumerate further? I was shown everything before we had done with it, but the bar-room. Likewise I was made acquainted with the admirable system of accounts, a system by which a check is kept on every one about the house but the head chambermaid—no system for checking a chambermaid has ever yet been devised. Thus, a piece of beef coming in is charged to the proprietor, he charges it to the steward, the steward charges it to the cook, the cook charges it to the pantry-man, the pantry-man charges it to somebody else, and then a guest steps forward and pays for it.

I have gathered items of information about the quantities of things consumed in hotels, which will be of enormous use to me in after life; items which will make me in the future a wiser and a wetter man. For instance, at the West-End there are 21,000 toothpicks and one bottle of anchovy sauce consumed in a week. A bar of soap doesn't last much more than a day. The average daily cost of feeding a guest, taking one day with another, is ten cents a head. And so it goes on; all expenditure, little or nothing coming in. Enough to discourage any man from keeping a hotel, unless he have either Mr. Hildreth's good nature, Mr. Presbury's respectable appearance, Mr. Leland's bank account, or the patience of

JOHN PAUL.

THE CHICAGO MARKET.

To the Editor of The Tribune.

SIR: Why do you so often omit Chicago in your daily domestic market reports, when really it is the most important on the continent. For quotations of that market I am compelled frequently to refer to other morning papers.

SUBSCRIBER.

New-York, July 17, 1875.

[These quotations are never omitted, though the lateness of the hour at which they are received sometimes compels us to place them on a different page from the bulk of the market reports. Late telegraphic dispatches—often made late solely by the dilatory service of the telegraph and Associated Press—are the bane of efforts at a systematic arrangement of news.—*Ed.*]

HISTORY OF COPYRIGHT.

III.

LETTER FROM MR. CHARLES READE.

COPYRIGHT AND STAGE-RIGHT BASED UPON TWO OLD RIGHTS OF COMMON LAW—THE CREATION OF LITERARY PROPERTY AND THE PRINCIPLE OF DIVESTITURE—OUTLINE OF THE COPYRIGHT LEGISLATION OF ENGLAND.

To the Editor of The Tribune.

SIR: The Greeks and Romans and Saxons had no printing press, and no theaters taking money at the doors. It is idle to search antiquity, or even medieval England, for Copyright, or Stage-right, or my right to my Cochin China hen, and every chick she hatches. *Boni legis est ampliare jura;* common law, old as its roots are, has at every period of its existence expanded its branches, because its nature is such as permits it to apply old principles to new contingencies: to bloodhounds, potatoes, straw paper, the printing press, each as they rise. Copyright and Stage-right, and many other recent rights, grew out of two old principles of common law; and these two old principles laid hold of the printing press and the theater *as soon as they could, and how they could.*

THE GOVERNING PRINCIPLES.

The first old principle I allude to is this—productive and unsalaried labor, if it clash with no property, creates a property. To expand this a little—if A, working with his own or common materials, produces a new thing, he creates and acquires a property; only, if he does this for an equivalent paid by B, and with B's materials, or open materials, he compounds his title, and the new property is B's. Example—all the uncaught fish in the sea belong to the public. Yet every caught fish comes to hand private property, because productive labor, when it clashes with no precedent title, creates property at common law. But if B pays A a sum agreed, to fish the public sea, the caught fish are B's.

The second old principle is this—Law *abhors* divestiture, or forfeiture of property. From time immemorial the law of England has guarded property against surmises and surprises, by defining the terms on which it will permit divestiture. They are two: "Consensus" and "Delictum;" that is to say "clear consent" and "long neglect," each to be proved before a jury.

By the first principle, viz.: that productive labor not clashing with property creates property, a writer or his paymaster acquires the sole right to print the new work for sale. All lawyers out of Bedlam go thus far with me.

By the second the Proprietor acquires nothing at all; he merely retains forever that sole right to print, which he has acquired by productive labor—unless, indeed, he divests himself by "clear consent" or "long neglect," to be proved before a jury.

Transfer to another individual is "clear consent." To leave a printed book fifty years out of print might possibly be "delictum" or long neglect—*if a jury should so decide*—and that would make the right common.

But to print and reprint one's own creation is to exercise the exclusive right, and exercise is the opposite of "delictum;" it is the very course the common law has prescribed from time immemorial to keep alive an exclusive right acquired under principle No. 1.

FIRST EFFECT OF THE PRINTING PRESS.

So much for the governing principles. Now for their operation in point of fact.

The first effect of the printing press was to discourage original compositions. This is known to few, and sounds strange, but the reason is simple; the world was in arrears; it hungered for its great old masterpieces, famous, but accessible to few. The Bible, the Prayer-books, the classics, and translations—these claimed circulation before doubtful novelties. The writers that profited by the early presses were scholars who could collate Greek and Latin MSS., or at all events correct the proofs. The medieval publishers were substantial printers, who could pay scholars for this work. Hence arose a sort of equitable though arbitrary restrictions: printers who had paid the compositors to set up a Greek or Roman text from manuscript, and also paid a scholar to correct the proofs, thought it hard that a mere mechanical printer should come after them next day, and print on their print at half the expense; so they used to petition the State for the sole right to print that particular text for a year or two, and they petitioned not as assignees of an author, which is the only road a modern statute knows, but on much broader equity. They urged that where one man has sown another ought not to reap that same year. At that time Europe was full of little Kings, Dukes, Princes, Podestas, and Seigneurs, and these potentates took a larger share in legislation than nowadays. They often granted these short exclusive rights to such printers, but with discretion. The term is sometimes five years, but often not more than two. The printers were to be encouraged to print noble books, but ancient learning must not be bound too long in modern chains. These poor princes lived in a rude age. Alas, the hotbed of civilization had not yet reared that choice exotic, the canting thief, who steals, as he says, for pure love of the public, and then turns round and *sells* the public his stolen goods, but argues as if he *gave* them. In other words, justice was in those days often misled by ignorance, but was not "stone blind, high gravel blind," with Equivoque and popular Cant.

These short restrictive titles, founded on Equity and confined to some single book, must not be confounded with the literary patents cum privilegio, or monopolies in a whole *species* of books, which were, at a later epoch, granted, and were very objectionable, *and always adverse to copyright*, as is proved by their collisions in open court. (Stationers' Company agt. Carnan, and Roper agt. Streater, etc., etc.)

When the Bible and the classics, etc., were in print, living authors got their turn; and those short restrictive rights disappeared, for nobody in that day seems to have doubted that the copyright of a living author, or of his paymaster, was an everlasting property that needed no special interference of authority. Accordingly, you never find a patent cum privilegio granted to any living author, or the printer of his work. The universal law of property protected live labor.

LICENSE TO PRINT.

No French or Dutch jurist disputes that intellectual property was the product of his national law, though afterward regulated by statutes, and that alone is a reply to the metaphysical sophists who argue a priori that common law could not recognize a property so subtle. However, a little fact is worth a great deal of sophistical conjecture. So let us examine fact keenly and candidly. In England the early history of the property has to be read, subject to a just caution; we must assign no judicial authority to unconstitutional tribunals, but only glean old facts from them, and that discreetly. From the infancy of printing till the year 1640, an Englishman could neither print his own book honestly, nor his neighbor's dishonestly, without a license from the Crown. Its principal agent in this iron rule was the Star Chamber, a tribunal whose deeds and words are not worth the millionth of a straw *judicially*. But, as *historical* evidence, especially on any matter irrelevant to its vices, its records are as valuable to a modern as any other ancient official memoranda of current events. The original word for "copyright" was "copy," and the Star Chamber used this word in very early times. This proves a bare fact, that copyright existed of old in printed books, and that, under the Tudor sovereigns, it was an antiquity, since it had even then lived long enough to take the technical name "copy," whereas literary *monopolies, granted by the Crown, were invariably*, and with just discrimination, *called "Patents;"* and "Stage-right," whose existence (in unprinted dramas), by common law, at this time, is not doubted by any Anglo-Saxon lawyer, had no name at all, direct, nor roundabout.

THE STATIONERS' COMPANY.

The Stationers' Company were first chartered in 1556. In 1558 they enter copyrights under the names of their proprietors; and the entries continue in an unbroken series until 1875. In 1582, there are entries with this proviso, that the Crown license to print should be void, if it be found that the copyright belonged to another person. This shows how Englishmen, when not corrupted by pettifoggers, gravitate towards law and the sanctity of property.

The Stationers' Company was chartered by the Crown, and invested with some unconstitutional powers; yet in a very few years they make the Royal license bow to a precedent title of proprietorship, that could in 1582 have no foundation but in common law.

In 1640 the Star Chamber was abolished, and for a while every body printed what he liked; thereupon, as free opinions differ, some wrote against the Parliament. Straight the two houses of Parliament took a leaf out of the book of Kings, and passed an ordinance forbidding any work to be printed without a formal license; and then, as pirates, relieved of the licenser, had begun their game, the same ordinance forbade printing without the consent of the owner of the copyright, on pain of forfeiture of the books to the owner of the copyright. Thus the Commonwealth, in protecting copyright, went a step beyond the monarchical governments that preceded it, which please make a note of, Brother Jonathan.

November, 1644, Milton published his famous defense of unlicensed printing, and attacked that portion of the aforesaid ordinance which infringed common law liberties; but he sanctioned very solemnly that portion which protected common law rights. That great enthusiast for just liberty did not advocate lawless license. He used these words, "the just retaining of each man his several 'copy' (copyright), which, God forbid, should be gainsaid."

COPYRIGHT IN THE REIGN OF CHARLES II.

Anno 1662. Act 13 and 14 Charles II. prohibited printing any book without consent of the *owner*, upon pain of certain forfeitures, half to the King half to the *owner*. This statute followed the wording of the Republican ordinance. I need hardly say that in any Act of Parliament "owner" means the "legal owner," not the claimant of an impossible or even doubtful right. Under this statute a leading case was tried, that might be entitled Property agt. Monopoly. "Streater" held what our ancestors with a scientific precision their muddle-headed descendants have lost till this day—but I will not allow it to be lost—called "a Patent;" he was law-patentee, i. e., he had from the Crown a sole right to print law reports; and *that*, you poor muddle-heads, Yates and Macaulay, was "*a monopoly in books*," if you like. Streater reprinted Judge Croke's reports. Roper sued Streater under 13 and 14 Charles II., proving his legal ownership by purchase of Croke's copyright from Croke's executor. Roper's title was at common law; for the statute of Charles II. never pretended to confer ownership; it only protected the existing legal owner by special remedies. Streater (monopoly) pleaded the King's grant; Roper (property) demurred. This brought the question of law before the full Court of Common Pleas. It was given for the plaintiff against the King, by judges who were removable at the will of the Sovereign, and more inclined to stretch a point for him than against him. Opposed to a Royal grant, had Roper's title at law been doubtful, they would have swept him out of court with a besom.

Successive licensing acts protected the common-law owner of copyright until 1694, when the last act expired; but, as another was threatened for five years, a dread hung over piracy. This being removed in 1699, the pirates went to work with such fury that the proprietors of copyright began to cry out, and in 1703 petitioned Parliament for protection. For six weary years they besieged hard hearts and apathetic ears; one of the petitions survives, and therein the petitioners, though it was their interest to exaggerate their case, and say they had no remedy at law, do, on the contrary, *admit* there is a remedy at common law. But they say it is inadequate; that, in an action on the case against a pirate, the jury will give no more damages than can be proved; and how can a thousand piratical copies be traced all over the country? "Besides the defendant is always a pauper, etc., etc." Cited from the journals of the House, 4 Burroughs, 2,318.

A LINK IN THE HISTORY OF COPYRIGHT.

In 1709 the Legislature took pity on authors and honest publishers, and passed an act, the words of which and their cotemporaneous interpretation are necessarily the last great link in the history of copyright before that creature of the common law became the nurseling of statutes. The preamble of a statute is not law but history: it relates antecedent facts, and declares the cause and motives of the enactment to follow. Instead of comments I put Italics:

"Whereas, printers, booksellers, and others, have *of late* frequently taken the *liberty* of printing, reprinting, and publishing books and other writings, without the consent of the authors, or *proprietors*, to their very great detriment, and too often to the ruin of them and their families—for preventing therefore such *practices* for the future, be it enacted, etc." 8th Anne, Cap. 19, Sec. 1.

In the body of the act thus prefaced, the old word "copy" for "copyright" is used six times in precisely the same sense as it had been used for ages, and, so far from inventing even a new protection to old copyright, as dreamers fancy, the act, in that respect also, is a servile imitation of the various licensing acts. As the monarchical licensing acts and the Republican ordinances found *owners* and *proprietors* of "*copy*," so this act finds *proprietors* of "*copy*;" and, as the Republican and Monarchical acts protected the existing owners or proprietors of "copy" by confiscation of the piratical books, so this act protects the existing *proprietors* of "*copy*" by confiscation of the piratical books; and, to any man with an eye in his mind, this deliberate imitation of preceding acts, that had recognized "copyright" at common law, and protected it by penalties, is not only a recognition of the *property* but a recognition of the recognitions and the penalties. Dreamers always confound dates. They forget that many of the Parliament men, A. D. 1709, had themselves in person passed the licensing acts. Even the one apparent novelty, the curtailing clause, was a bungling attempt to arrive in another way at the temporary feature, which was the characteristic of the licensing acts. The bill, we know, went into Committee an act protecting property *forever* by penalties. In committee it encountered old members, and these with a servile double imitation of the licensing acts, *which were penal, and only passed for a term*, fixed an imitation term to the imitation penalties, but so unskillfully that by the grammatical sense of their words they shortened the days of the sacred everlasting property itself. Subject to a saving clause, which afterwards proved too obscure and feeble to combat the spoliation clause, they fixed a term—of a book already printed—21 years; of a book to be printed, 14 years; but 14 more should the author survive the first term.

CONSTRUCTION OF THE STATUTE.

Such to a reader of this day, when the application of the lying term "Monopoly" has blunted the understanding and the conscience, is the apparent sense of the statute. But you must remember that in 1709 the word "Monopoly" had never been applied to "copyright" by any human creature, and so rooted was all common-law property, and the sense of its inviolability, in the English mind, that neither the laymen nor the lawyers of Queen Anne's generation read the statute as curtailing the sacred property. Honest Englishmen, not blinded by cant, know no difference of sanctity in *property*. From a hovel to a palace it is equally sacred. Curtailment of an Englishman's *property* is spoliation in futuro, and spoliation, without a full equivalent, is a public felony Englishmen were slow to suspect the State of. Queen Anne's Parliament sat at Westminster, not Newgate; and therefore the curtailing clauses were interpreted to apply to the new penalties, not to a thing so inviolable as the ancient property. Authors continued, after this statute, to assign their copyrights forever, and publishers to purchase them forever, just as they did before the statute; and for 40 years, at least, while the cotemporaneous exposition of the statute was still warm, equity judges, *who had conversed with members of both Houses that passed the act, and with lawyers who had framed it*, and had means of knowing the mind of Parliament that we can never have, granted relief by injunction to several plaintiffs, who by the lapse of time had no legal claim to any benefit from the statute, but only from the precedent common law right.

In 1769—Millar agt. Taylor—the judges of the King's Bench, by a majority of three to one, decided that Queen Anne's statute had not curtailed the ancient right, but, like its models, the Licensing