

not now regarded as sinful or harmful by the majority of the wisest and best men of all civilized communities. But here he is at us again with his "opium den" and lottery illustration, and his criminal and "guilty" and "inhuman" and "unpatriotic" distillers, brewers, and dealers; and wants to know how it is we do not agree that the total destruction of their property without any compensation would be "less than exact justice for them," and why we wish to see them taken better care of than the people whose business is incidentally injured or ruined by legislation.

Well, the reason is, briefly stated, this—that in the cases Mr. Turnbull mentions, such as the gas companies injured by the electric light, the manufacturer injured by the tariff, and the butcher by his exclusion from the city limits, the loss is caused by an improvement effected, with or without the aid of the State, in the very business in which the sufferers are engaged. Gas companies suffer from electricity because electricity gives a better light; the manufacturer suffers because the lowering of the tariff gives the consumer his goods at a lower rate; the butcher suffers that his customers may have better meat; the stage-owner, to use an illustration of our own, because the railroad furnishes better transportation. In almost every case in which incidental injury is inflicted on property by legislation, the injury is due to the recognition or support by the Legislature of some better way, some way more conducive to public safety and comfort, of doing the business in which the injured property-holders are already engaged. For this every rational man who goes into a business of any kind must be and is prepared. The introduction by others of improvements on his processes, which may ruin him, is one of the risks of his calling which he always has in mind. But for the prohibition of his business as a public nuisance he is not prepared, and ought not to have to be prepared, and against this risk the Constitution protects him.

Now, applying this rule to the Kansas distillers and brewers, and warning Mr. Turnbull that we will not submit to having them treated as notorious criminals, for whom total confiscation is even leniency, what do we find? Why, that a business which has been carried on from time immemorial, with the approval of all civilized communities, and with the full sanction and protection of the law in this one, and in which large amounts of capital have been invested, is suddenly and directly stopped by law. The law does not injure the brewer or distiller "incidentally," by encouraging some better mode of making beer or whiskey, or by encouraging the production of some equally attractive and more wholesome drink. It simply tells them that the State has come to the conclusion that their trade is injurious and must cease, and offers no compensation for the deception caused by the long period of State approval. Nothing of this kind has ever been done to any other calling pursued through long periods with general approval and believed by the bulk of Christendom to be in itself harmless. The State may have a right to change its mind suddenly about any man's lawful business, and prohibit it, but it has no right to change it at his expense, and cannot escape its responsibility to him by call-

ing him names or telling him ruin is too good for him.

HOW THE FASHIONS ARE STARTED.

EVERYBODY knows how powerful is the influence of fashion in matters of dress; how rapidly an article which has ceased to be fashionable gets to look odd and even ugly in the eyes not only of fashionable people, but of people who care little or nothing about the fashions; and how surely, even if slowly, a decided change in fashion forces its way even among the humblest and most secluded. When trousers came in as a substitute for breeches they exposed the wearers to the utmost ridicule, but they not only held their own in the fashionable circles in which they first appeared, but finally drove the breeches out of the remotest hamlets and farm-houses, and a man in breeches, until the recent knickerbocker revival, felt very foolish or bashful. Courts have until lately always been the primal source of fashion. The dressiest king or queen in the leading court—that of France until lately—showed the dressy people of the world what they ought to wear every season, by wearing it, though its material and make-up were doubtless always settled in consultation with or on the suggestion of a tailor or dressmaker. The French court never since the Revolution exercised such an influence on female fashions as during the Empress Eugénie's short reign. She loved dress, and spent enormous sums on it, and under her there arose that new and striking social phenomenon, the male dressmaker, who tells women what will suit them and gets it ready for them. Since her dethronement, dressmakers and tailors in Paris have been thrown on their own resources, having no official personage to try their devices on. President Grévy hardly cares what he wears more than President Lincoln cared, and somewhat the same thing may be said of his wife. As regards the leading politicians in France, it may be said in general terms that they are considered in the Paris clubs to be among the worst dressed men in the world nowadays.

In England the Prince of Wales has been for the last twenty-five years the great promulgator of fashions for men and the Princess for women, and he has succeeded in some degree in bringing Frenchmen within his jurisdiction. English fashions are, in fact, more or less "the rage" among the pleasure-seeking portion of French society, which cultivates monarchical traditions and "le sport." But the French tailors and dressmakers do not succumb to any foreign influence, and still try valiantly to maintain the old French influence in matters of dress. A writer in the *Temps* has recently been giving an interesting account of how they do it. The leading tailors in Paris appoint a committee every season, whose duty it is to get up a "fashion plate," and this settles, both for the Parisian tailors and those of the provinces, what changes are to be made in men's clothes for that season. But the dressmakers in Paris have no organization like that of the tailors, and do not meet and provide fashions through a committee. Nevertheless every season witnesses the most startling changes both in the material and the cut and the ornamentation

of women's clothes—changes far more complicated and difficult than any which take place in those of the men.

Under the Empire a fashion was started by trying a dress on the Empress, or one of her immediate circle, the Princesse de Metternich, or the Duchesse de Morny, the Maréchale d'Albuféra, or the Comtesse de Hon, at a ball or a court reception. If it was liked, it set the fashion for the season, and the court ladies wore it as a sort of livery. Nowadays the same thing is done through a circle of about twenty fashionable women, who employ the same dressmaker and meet in his "salon d'essayage." They are of all parties: Legitimists of the Faubourg, Imperialists, Orleanists—in fact, a little of everything except Republicans—and they sink their differences when they meet at the dressmaker's, to discuss his proposals. What they adopt carries the season. Occasionally they succumb a little to the influence of foreign courts; for instance, it is announced that orange is to be the dominating color in female toilettes during the coming season, owing to the fancy for it felt by a Russian princess of the blood. And the soft woollen stuffs which French women have been lately wearing are an importation from England, started by the Princess of Wales to encourage the suffering woollen industries of the North.

The fashion once set in this way, its diffusion among all classes and conditions of women now takes place with a rapidity formerly unknown. This is done through the intervention of the great stores, known as "Magasins de Nouveautés." A dress, for instance, has been approved of and worn by a well-known fashionable woman. All her set soon get the same thing. The society papers describe it and the smaller dressmakers of the capital copy it, and it makes its way among the dressy well-to-do people of lower social grades. But this, after all, carries it but a very small distance. It has to penetrate to every town and hamlet in France, and be seen within six months on every shop-girl, and maid-servant, and seamstress, and even peasant girl in the more populous districts. This is brought about by the Magasins de Nouveautés, which, when a dress is once fairly in vogue, order from the manufacturers immense quantities of stuff resembling it, but at about half the price, and the manufacturers supply it often at a loss, fearing to lose other orders. Copies of the dress are then turned out in such numbers and at such prices that every woman who cares for "the mode" soon has one, at a cost which a sewing-girl can afford. By the time this comes to pass, we need hardly say, the women of the world have dropped it.

MISERY, DISCONTENT, AND AGITATION IN ITALY.

LENDINARA, January 4, 1886.

It is generally held that a revolution to effect a change of government would be fatal to the interests, probably to the very existence, of this country. Yet with such we are threatened, not by organized socialists or conscientious republicans, but by misery such as I verily believe does not exist anywhere else on the face of the civilized globe. The poorest class of workmen in the cities are badly enough off, but a roof over their heads, a pavement under their feet, and wooden

or stone walls around, they do find, albeit the overcrowding is fearful, viewed from the point of health, decency, and morals. But if you go to the outskirts of any town or city in Tuscany or the Marches, where the division-of-profits (*métayer*) system exists; you will find numberless families crouching together on the bare muddy soil, with Indian-corn canes for all wall and roof. Some few of these hovels have a brick chimney, others no fireplace at all. When you inquire what is the food of the family, you will find that it consists solely of *polenta* (Indian meal), often of very inferior quality, or damaged by damp and mildew. The water, drawn from the nearest ditch, full of animal and vegetable matter, is not only hurtful to the health generally, but, combined with *polenta*, produces the fearful disease known here as *pellagra*. Statistics have been compiled, inquiries made, fierce discussions held as to the origin of this comparatively new and awful scourge. I can pretend to throw no new scientific light upon the subject, but from minute researches extended over various provinces, in one case for ten years, I can affirm that I have never seen man, woman, or child affected with *pellagra* (save in the case of hereditary disease) without finding that the patient had been living exclusively on *polenta* and water, good, bad, and indifferent. Asked by a friend of mine, a member of Parliament, to assist him in collecting information for a new code of health for the rural districts, I accepted those of Venetia, Padua, and the Polesine, and, as far as *pellagra* went, every new inspection confirmed the *polenta* theory. As for the dwellings, "from bad to worse" must be the verdict. In the outskirts, and even within large cities such as Adria, I found Naples in miniature, minus the underground grottoes: two, three, and even four families stived in a room, six and even eight in a hovel; no drains of any sort; human and animal filth accumulated at the door; scrofula, consumption, asthma prevailing, and records of annual diphtheria and smallpox. But where the use of wheat or rye bread prevailed, or, as in some parts of Venetia, barley-and-rice soup, *pellagra* was absent; and when you remember that those affected by this fell scourge go through every form of madness—melancholy, imbecility, idiocy to raving lunacy—it will be understood that exemption from *pellagra* almost sounds like health.

As the friend—a medical man—at whose request I had undertaken the tour was extremely anxious on this head, we revisited together most of those places where *pellagra* specially prevailed. One set of cases struck him especially. Dropping down (literally) from a broad, white, high road along one of the embankments of the Adige, we came upon some hovels scooped out just below and brought forward on the level. There were no pavements, but the walls were of bricks and the roofs tiled. The *medico-condotto*—that is, the parish doctor who accompanied us—told the story of each family. He was at that moment in search of the wife of the landlord, if such a dignified name can be given to the owner of the hovels, and, as no one could find her, it was supposed she had drowned herself, having attempted this every time she had been removed from the lunatic hospital at Venice: the husband himself and the children were all *pellagrosi*. In another house there were two idiot children who had inherited *pellagra*; in another an old man lay, not mad enough to be sent to the hospital, nor yet sane enough to be allowed to go out to beg alone, in sad contrast to his healthy young son, a conscript just returned for a holiday! All these people that I have mentioned lived exclusively upon *polenta*; there was but one healthy family in the row, consisting of a husband and wife and five children of various

ages, and it turned out that the father of these was a fisherman, who told us that he and his boy, obliged to stand in the water every morning; drank a "dram" (which you must understand is about a halfpenny worth of *sciampagnin*, a horrible concoction, but distilled, I believe, from the very rags of the grape-skins). Then they told us that they ate up all the fish they couldn't sell. So, considering that every other surrounding of misery, dirt, and nakedness was alike, as these alone were exempt from *pellagra*, here is another piece of strong circumstantial evidence that *polenta* is the guilty party.

Another decided proof of the fatal effects of exclusive living on Indian meal may be deduced from the fact that in all the hospitals where the doctors are allowed to treat their patients as they choose, "regardless of expense," they simply put them on a diet of meat, raw or very slightly cooked, white wheaten bread, and a certain amount of spirits or good red wine or Marsala; and invariably, when the case has not reached the last stage of lunacy, in a few months; and often in a few weeks, the patient recovers, to relapse again as soon as he returns to the old régime. In one commune that came under my knowledge, the doctor, a rough-and-ready sort of fellow, tired of the constant grumbings of the municipal authorities every time he went to them for an order for a patient to go to the hospital (the daily cost of each person being about a franc), made them an offer to send no more patients to the hospital (save those too far gone at that moment to be treated at home) if they would undertake to allow him to supply common wine and white bread (for there was no butcher in the town) to those in the first and second stage. The authorities agreed, and the plan has succeeded perfectly—the doctor, whose parish is not a large one, seeing himself that the patients in question do eat the bread and drink the wine themselves. If further proofs be wanting, they may be found in the fact that after the inundations of 1882 *pellagra* decreased at least fifty per cent., because the poor inhabitants, though compelled to live in their damp and tumble-down dwellings, were fed on soup, white bread, and meat twice a week during the four winter months.

Now, I am treating of general misery and of this special form of it in normal times and seasons, when, saving two months in the year, the agricultural populations can reckon on earning eightpence a day a man, sixpence a day a woman, fourpence a child (women and children, though, are only used for hoeing, weeding, plucking corn-cobs, grapes, and tending silk-worms in the mulberry districts). But take such an exceptional season as this: before all the corn could be sown heavy rains set in, then snow, then thaw, then snow followed by frost, and then snow once more. With the exception of chopping wood, no work has been done in these northern fields since a week before Christmas Day. Such slight jobs as could be done are performed by the ploughmen and herdsmen resident on the soil. Though these are by no means in an enviable position, still they have a house over their heads, and a certain portion of wood, maize, and wheat is allowed them; but the day laborers who live from hand to mouth, what can they have been living on for the last six weeks? Savings they cannot have possibly; work cannot be performed, out-door relief there is none—only in the very large towns are there soup kitchens, and these rarely gratuitous. Monks and friars have been stripped of their possessions, there is no State charity and precious little private; therefore, in order to live, these multitudes must either go daily from house to house begging for scraps of broken food, or they must steal, and the fact is they manage to keep body and soul together by a judicious combination of both systems. But perhaps some one will

ask, Are there not such things as congregations of charity? There are such, but they are a disgrace to the name even as are the so-called Monti di Pietà, or pawn-shops. I have examined their accounts, being authorized to do so, and have felt shame that wealthy municipalities should assign such a miserable pittance to be doled out by unwilling distributors; and these small sums, after all, even if properly distributed, only reach poverty-stricken widows or young and helpless orphans. How, then, can any one be surprised that crime is not only on the increase, but that Italy carries off the unenviable palm of standing first on the crime-list after Spain in Europe? Often and often when visiting the Neapolitan prisons of Naples, on finding the same prisoner in the same ward after an interval in which I knew he had been released, the same answer to my question, "What have you been and gone and done again?" has been proffered: "Ho fatto una piccola mancanza tanto da dormire e mangiare" (I have committed a very little fault just to eat and sleep). So I suspect do others than Neapolitans during these hard times, but these are only the very poorest and the most ignorant.

Englishmen have often said to me, "Why don't your people do as we do, agitate and agitate and agitate until they get the vote and can then make their own laws?" and most surprised they are to learn that fifty per cent. of those who possess the vote don't use it. Nor is this abstention confined to the clerical party, for, if the truth be known, the Catholics do vote under the rose, nor has Leo XIII. taken any special measures to prevent them; on the contrary, his attitude seems to be, "Vote where you please as long as you vote for the right persons; only don't ask me to sanction your so doing." It is the working classes and peasants who don't take the trouble to go to the urn, who say, "Whether Tom, Dick, or Harry is elected deputy, whether the Liberal, Retrograde, or Moderate party are in a majority, I find no difference either in the amount of taxes I pay, or in the protection I get from the police—which is none at all—or in the administration of justice, if ever I have the ill-luck to need it. By going and voting I only make enemies, for it is nonsense talking about the vote being secret: everybody knows how everybody votes, and you can't please everybody, let alone yourself." These convictions are so deep-seated that no reasoning or persuasion can alter them. Only on special occasions, when the populace has been wrought up to an unusual degree of wrath, can you get such a vote as was given to Professor Sbarbaro lately in one of the quietest, most highly cultured cities of Italy, Pavia. There, "just to spite Depretis," who was supposed—and the suspicions are grounded on many precedents—to have secured the absolution of the most fraudulent bankrupt that the Italians have known, and the severe punishment of a half-cracked professor (who showed up the minister's young wife and the wife of another minister, both of whom make and meddle too much in politics), over nine thousand votes were given to the said professor, then in prison for libel. He was duly elected, and immediately released, and has now taken his seat in the Chambers.

The reason that lies at the bottom of contempt for parliamentary institutions may be found in the fact that Parliament passes no laws which people care about in their daily life. Were an Italian Dickens to arise, certainly his first theme would be the Italian Parliament, which has outdone any Anglo-Saxon institution in the art of "how not to do it." With all the gaunt misery which I only hint at and don't attempt to describe, just imagine that not one single act of Parliament has been passed to better the condition of the absolutely poor or the working classes, not even to "give unto the poor that which is

his." Twenty-five years ago the reform of charitable institutions was promised, and their wealth is far more than enough to open hospitals for the *pellagrosi*, and to enable the communes to feed such as may yet be saved, to create orphanages, alms-houses, and places for the absolutely destitute who are too ill or too old to work; to open industrial schools, really popular loan banks, to assist mechanics and small farmers whom a little capital would save—to do everything, in short, that is necessary to alleviate the inevitable suffering created by the sins of omission and commission of the whole community, and to give such moral training and technical education as shall render it impossible for future generations to show such a hideous list of crime and of misery.

A law which weighs most hardly upon the poorer classes, and which was pointed out as a crying abuse in the good old days of Cavourian Piedmont, is the law that allows a stupid or revengeful policeman or prætor or magistrate, or who not, to cast a man, woman, or child in prison, to keep him there weeks, months, and years without ever bringing him to trial, very often without his knowing what he is accused of. There are at the present moment, according to the latest statistics, taken previous to the agrarian agitation, 20,000 untried prisoners in the various parts of Italy; you may be quite sure that not more than half, if so many, will ever see the inside of a court of justice. Now, apart from the injury and injustice done to these people and their families, it should be noted that each individual costs the state a franc per day, without, of course, calculating the expense of prisons, jailers, and the ordinary outputs of such establishments. So another seven millions goes in wasteful cruelty. This system of preventive imprisonment was to have been abolished in 1860, but it suits Government and often private individuals to get persons put away "for a convenient season"; and as ministers and authorities are irresponsible, no action can be brought for false imprisonment by the unfortunate victims when they are set at large.

At the present moment two political trials are creating considerable sensation. The first is being held at Rome, eight individuals being there on trial for a "republican conspiracy." Now the authors, one very old and one very young man, Count Marini and Francesco Albini, are two of the most harmless mortals imaginable, but aggravated by the present state of things; and, a paper in which they wrote having been suppressed, they took to the old system of conspiracy, made plans of prisons in order to liberate the *future* members of the Universal Republican Alliance, and distributed inflammatory pamphlets in the barracks. Only one thing prevented their transforming monarchical into republican Italy, and that was that they could not get a single person of note, even among the "Puritans," to listen to their silly schemes. When such people as Aurelio Saffi, the old Roman triumvir, the stanch and devoted disciple of Mazzini, with his band of enthusiastic followers, will have nothing to do with secret conspiracies, but maintain that the republic will come of its own accord when the majority want it, you may be quite sure that the throne and Constitution are in no danger. If, on the discovery of the inflammatory proclamations, the authors had been arrested, tried, and punished, no one would have felt any interest in them save compassion for their absurdity, while every one admits that a crime it is and will remain to conspire for the forcible overthrow of a Government established by popular will. But you see these eight men, of whom only two are concerned in the plot, have already suffered a year's imprisonment, and hence are regarded as victims.

A far more serious trial comes on in Venice, and that is of the supposed chiefs of the agricul-

tural agitation in Mantua and Verona. If your readers can call to mind Mr. Arch's career from the time when he was considered the chief of the peasants' rebellion to the present, they will understand what these twenty to forty men have been *hoping to begin to do*, namely, by combination to raise the scale of agricultural wages, without having, poor souls, the slightest notion how to set about it. First, they had no funds, but they held a few meetings, talked very fiercely about their misery, wrote some fierce articles in two newspapers unknown to fame, advised all the peasants who listened to them not to work for less than a certain sum of wages, and threw out hints that there would be fresh strikes at reaping time. I must add that the revolutionary work distributed by the leaders was Mazzini's "Duties of Man," which evidently the public prosecutor has never read, or assuredly never would have included it in his "acts of accusation." Be that as it may, syndics, proprietors, prefects, commanders of military corps, heads of police, met in council to devise some means of averting the awful catastrophe threatening property and the state. Of course all the culprits and their suspected accomplices were seized, handcuffed, and thrust into prison. Several hundreds were arrested, but, no fault being found against them, and it being impossible to invent one, by degrees they have been let out, and in the course of a year (for it is a year also since these preventive arrests were made) the numbers have dwindled down for the Mantuan province to about twenty-two, for the Venetian to about ten. This trial is indeed creating great excitement, the absurd "act of accusation" being published by all the newspapers. In any other land than Italy every one of the accused would be absolved, but here it is still a crime, punishable with two years of imprisonment, to concert in order to raise the price of wages unless it be proved that such rise is necessary. Now, as all who are called upon "to prove" are paymasters, the poor men may come badly off. This calamity is due, like the rest, to the failure of members of Parliament and successive governments to abolish the present law on strikes and to substitute a fair one of masters and men. Can you wonder, therefore, that in a large meeting of workmen delegates held at Mantua, it was decided unanimously that workmen should keep clear of all political parties, and carry on their work of resistance and emancipation on their own account, and without any interference or assistance from Government? J. W. M.

Correspondence.

INDEMNITY FOR PROHIBITION.

TO THE EDITOR OF THE NATION:

SIR: The principle underlying Judge Brewer's recent decision in the United States Circuit Court at Topeka, Kan., that the State is bound to indemnify individuals for losses resulting from the passage of a prohibitory law, which is so thoroughly endorsed by the *Nation* in its last issue, is, at first sight, an equitable one; but if examined closely, it will, I think, be found to be entirely too broad for any consistent, equitable, or practicable application.

The principle is that if the State practically, though not actually, confiscates private property through any legislation for the public safety, or advantage, or convenience, it is in all cases bound to make reparation to the individual the value of whose property has been thereby depreciated or destroyed. Is this principle sound either in morals or economics? And does its violation amount to "legalized robbery by society in its organized capacity"?

It is admitted that if the State *actually* takes and uses or destroys the property of an individual for the public benefit, as when a dwelling is demolished to make room for a street or other public improvement, the individual is to be indemnified. But where the injury is consequential, and not direct, it is impossible to lay down any rule of compensation that is equitable and at the same time practicable. In morals, no distinction can fairly be drawn between prohibitory legislation, so called (though all law is prohibitory in some aspect), and merely regulative legislation, which has the same effect in destroying the values of private property. A few changes in the tariff would as certainly destroy the value of certain manufacturing plants and industries as an enforced prohibitory law would destroy the value of breweries and distilleries. In the one case, as in the other, the public good is the motive and the justification of the law—the destruction of private property values only an incidental, but an inevitable, result; and in the majority of cases it is not a result of which the Legislature or the courts are bound in morals to take any cognizance. Society in its corporate capacity has never entered into any contract with the individuals composing it to maintain all economic and social conditions unchanged, so that private property rights may remain unimpaired; and it violates no principle of justice in its constant legislation, which is all the while practically confiscating the property of some individuals, so long as the legislation is honestly designed for the public good, and is carefully considered, and the injury which results is inevitable and indirect. The Emancipation Proclamation destroyed at one stroke untold millions of property; but though in this case the injury was direct, it was never proposed by the advocates of abolition to compensate the owners of slaves, even in the loyal States, or where the owner was loyal. The laws suppressing lotteries, which were once legal in several of the States, bore disastrously on many individuals, but no one suggested that the State should make good their losses. The *Nation* probably approves the prohibition of opium dens, but I should be surprised to learn that it had recommended that the worthy proprietors of these establishments should be reimbursed their sunk capital.

The legislation which authorizes the building of railroads throughout the country in every instance destroys or greatly impairs the value of vast amounts of private property by changing the channels of trade. The city ordinances requiring the use of electric lights depress gas stocks. The prohibition of butchering within municipal limits has ruined many a butcher. A law, such as has been proposed, requiring cattle to be carried in a certain class of cars, would destroy an immense capital invested in the present transportation trade. Similar cases are almost innumerable; but there is no practical remedy for private losses brought about in this way, and the victims have to content themselves with their individual share in the benefits which result, or are supposed to result, to the public from the legislation which works such havoc with their property interests.

If the principle approved by the *Nation* was to be allowed, how could it be equitably and consistently applied? If the brewers and distillers are to be compensated for losses, so must be all the dealers in drink, wholesale and retail, all the hop, rye, wheat, and barley farmers, all the machinists, the coopers, and the various subordinate industries which depend upon the death-dealing trade. And if all these are to be indemnified, why not the lottery merchants, the opium vendors, the owners of disused turnpikes, and of depreciated gas stocks, and of railroad stock ruined by competing lines authorized by the Legislature; and all

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