NEW PUBLICATIONS.

Hearth and Home, No. 5.—Editors, Harriet B. Stowe and Donald G. Mitchell.

Mrs. B. Harding Davis gives point and character to the fifth number of *Hearth and Home* by the beginning of one of her pungent and generous stories, the title is "The Pembroke Legacy," and so long as it lasts it will be a cyclonure. Harry Stephens illustrates it. Mrs. Stowe, in her motherly and familiar style, points out to young writers the literary rocks that lie most directly in the way of their improvement. Col. T. W. Higginson begins his "Letters to Young Boys." These interested in laying out or beautifying country-seats will find in this issue a plan of the place of one of the Rothschild family, which will give them many valuable suggestions. There are enough practical agricultural papers to define the speciality of the paper, which continues to be at once bucolic and academic—rural and classical. This is a periodical which praises itself better than we can praise it; a single inspection of its open and handsome face attracts one irresistibly to the subscription office. Fetteugill, Bates & Co., 37 Park Row, N. Y.

ART ITEMS.

Arranged for Putnam's Magazine by Howard Taylor.

In Weimar, on the 13th of November, died Buonaventura Genelli—an Italian in name, a German in nationality, an ancient Greek in genius. His grandfather was a Roman painter who came to Berlin during the reign of Frederick the Great. He was born about the year 1800, went to Rome as a young man, and spent ten years there; settled finally in Munich, where, during the best period of his life, he saw inferior men patronized and himself left to work in neglect, and finally, summoned to Weimar a few years ago, a brief period of success and cheerful activity crowned his life. In all the history of art there is no such instance of a powerful and original genius remaining so unappreciated. Rethel and Doré are known all over the world, while Genelli, greater than either, has scarcely been heard of outside of Germany. His outline illustrations of Homer and Dante show a power of imagination, a force of expression, a purely epic treatment, which have rarely, if ever, been matched. His "Anger of Achilles," "Death of Achilles," and "Polyphemus hurling the young Hercules to the breast of the sleeping Juno," are so grandly conceived as perfect as compositions, so pervaded with the genuine Greek fire, that one cannot stop to notice the occasional slightness, hasty and inaccurate drawing. Genelli was also an admirable colorist, but he was so completely neglected during the greater part of his life that his frescoes and easel-pictures are now, with the most striking exceptions of outlines is entitled "The Life of a Witch."

Humboldt, it has lately been ascertained, devoted considerable time, between the years 1795 and 1795, to the study of art. None of his drawings are now to be found, but two etchings still exist—one a head from Raphael's "School of Athens," and the other a head from Rembrandt, both of no artistic value. He also tried his hand at portrait-painting, and with better success. Among his other attempts is his own portrait in crayons, made in the year 1814, which is said to be an admirable likeness.

Edward Hildebrandt, the famous German aquarellist, died on the 25th of October last, in Berlin. He was the son of a portrait painter, in Dantzic, where he was born in 1816. As a youth, he had two equal passions—painting and music—but his love of art was enabled to gratify both. He was first a marine-painter, studied under Achenbach, and was encouraged by Humboldt, and at the age of twenty-five was enabled to commence his travels. He first visited Italy, the United States and Brazil, then the Canary Islands, Barbary, Egypt, Nubia, Syria, Greece, Norway and Lapland, Java, China, Australia, Japan and California. He brought home hundreds, if not thousands, of water-color sketches of these journeys. The most of them were purchased by the King of Prussia. His reputation rests on his wonderful rendering of air and light. While his drawing is often careless, he never fails to give the characteristic atmosphere of the lands he illustrates. The well-known picture of "Humboldt in his Library" was painted by Hildebrandt, in 1856.

A new landscape by Andreas Achenbach, in the Berlin exhibition, is much praised. It is called "After the Rain," and represents the sun breaking through flying clouds upon an October landscape. The sandy foreground and are still dripping, a mill-pond is ruffled by the wind, but the houses of a little village brighten cheerfully against the surrounding gloom.

From Paris we have the reported discovery of a new picture by Raphael. It is a St. John in the Desert, a naked, youthful form, sitting upon a mossy log, beside a spring that from under which a fountain gushes forth. The same original form is purchased by what is called a Raphael up to the year 1752. Having been injured by attempted restorations, and allowed to become very dirty, it finally came into the catalogue of "works by unknown masters." Meanwhile, no one knew where it placed upon it, that on the petition of the Duke de Malite, it was presented to a small church. Here it was at still further remove, and the Duke took it away and kept it himself. After his death it was purchased by the art-dealer, Lacain, for fifty-nine francs. A careful cleansing has revealed its genuine value, and the Museum of the Louvre has laughed at a suit for its recovery.

This picture was rejected and exposed to the Jury of the Salon, at its last Spring. It shows two painters at their easels at the background, of the days of coste-oforme, he heraldry, whatever it was having been erased. It is certainly disputed by the critics of Paris, who have taken to copy it with such enthusiasm that it is often difficult to approach the pictures on account of the easels surrounding it. It is one of the loveliest examples of the Madiet type of beauty, forming a rival to the Saint Margaret in the branch-gallery near by. It is a poetic dream of whiteness—the curves and voluptuousness of the sensitive Sacchini. Its coloring is delicate and tender and agreeable for Raphael.—Rev. Bellevia.)

Hermann Lungg, the German poet, recently published an epic, *Die Vollendung des Heroen* (the Migration of the Races), which has been received with great favor by the critics. The poet's brother, a lady artist, has also made a series of outlines illustrative of the poem. The large hall contains eight cartoons, seven feet in height, representing "Rome," "Germany," "Alaric at Rome," "Odoacer entering Ravenna," "Attila to Theodoric," the Frank, Caldwig, the Lombard, Alboin, and other chief personages and events of that picturesque era. The other chambers are to be similarly decorated. How long will it be before the merchants and cashiers of the United States reach the same point of taste and culture?

Kaulbach's last picture, "Charitas," is much praised, although his conception of the subject is the conventional one of a mother giving the breast to a group of young children. The picture has been purchased for twenty thousand florins ($8,000), by an American gentleman—a resident of Cincinnati, we believe.

Grome's last picture is entitled: "General Bonaparte, as Commander of the Expedition to Egypt." It represents the chief, riding alone in the Desert, his head in shading against an atmosphere of light and heat.

(From the description of this picture by a person who has just seen it, we learn that the figure of Napoleon is not absolutely "alone," his servants having prevented as waiting in the middle distance. "The Pyramids must be somewhere against the sky. In fact, of course, in the person of Napoleon, at the epoch so much affected by artists—Napoleon, himself, and, by remote intellectual connection, Bulletin.)

"Alma-Tadema's last are also Egyptian—"The Mummy," and "An Old Egyptian Game."

Something of a sensation has been produced in the art-circles of Munich by a new picture by Marckart, a pupil of Piloty. It is named "The Plague in Florence"—the subject being taken from Boccaccio's introduction to the Decameron. The picture is divided into three parts, the first representing a company of reckless revellers taking possession of the outer hall of a palace, the second a riotous and licentious banquet inside, and the third the maidens dying in the chambers-beyond. There is but one judgment as to the power of the new artist, and his subject could not be more so than he chose for illustrations for which Giulio Romano is famous.

A DAY WITH THE DUCHESS OF SUTHERLAND.

BY HARRIET BEECHER STOWE.

"A day at Dunrobin Castle was spent much in this fashion. Between eight and nine o'clock the guests began assembling in a charming little boudoir adjoining the grand drawing-room, where the breakfast was always served. Here the Duchess, always fresh and radiant, and with something appropriate and kind to say to each one, walked for a few moments before leading the way to a room where the servants of the house were seated and ready for family worship. On the entrance of the Duchess and her guests all rose respectfully, and remained standing until they were seated; after which the Duchess read the morning prayers, concluding with the Lord's Prayer, which all joined audibly. Breakfast, which immediately followed, was on the whole the most charming meal of the day,—the table being spread in the brightest and airiest room in the house, whose windows overlooked the sea on one side, the forest and the blue waters of the German Ocean. It was a meal of unrestrained talk, towards of cheerful bits of information gathered from them, formed a very pleasant feature in the hour. After breakfast there was a little season of chatting and lounging in the parlor, when the Duchess arranged the order of her friends a thoughtful programme for the day, which included provision for the comfort and amusement of her awkward ones. The arrangements being understood, the Duchess could command her time until luncheon at one o'clock.

The gentlemen of the family, as a general thing, were supine. After coming down to the open air, so this was the shooting season.

After lunch was the time for more general recreation, and spent the afternoon in excursions to different points of interest in the surrounding beautiful country, returning in season for an hour of rest and refreshment before the dressing-bell rang for dinner.

Dinner at eight o'clock, and the grand reunion of the day; all, however divided in pursuits, were expected to meet then, and nitts of our grandmothers is well-trodden ground to her at sixteen.

How can it be otherwise?

She finds not only men, but women, whose names are tainted, among leaders of fashionable society; she sits beside her mother, and sees her smile at the bald indecency of the open-bosomed dress, simply as the fashion grown corporation, there is no necessary or natural evil in it. Society provides it from fashion; and the chaste as faithfully as it could before its invention. In fact, it is a law of nature that complainants have no concern whatever or any kind with the remedy. If the remedy is administered, the *cestui que trust* or the sovereign are required to counsel to compel a "proper conformity."

In the case of Vidal (2 How. 19), the Supreme Court say that "if the trusts were in themselves valid in point of law, it is plain that neither the legislature, nor any other private person, would have any right to inquire into or control the use of the property of the corporation, to take the property or execute the trust; this would exclusively belong to the State, in its sovereign capacity, and *parens patriæ*, and its sole discretion."

This is plain assertion that the Legislature, as *parens patriæ*, may interfere by retrospective acts to exercise the cy-o-pres power, which has become so odious, from its application in England to the Jesuit estates, and sometimes in this State (Vernon); and other similar cases, cannot be precedents, even if they were agreeable to the state of mind, and the principles of the time in which trusts all dissent as superstitious. But it cannot admit of a doubt that, if the Girard trust is valid, the corporation, in trust for charitable purposes, unaffected by any question as to the validity of the trusts, and in addition, the sovereign may interfere to enforce the execution of the trust, by changing the administrator, if the corporation should refuse, or by appointing a receiver, changing its franchises, provided the trust be not perverted, and the corporation be not dissolved. Where the trusts in a corporation; no modification can be made in the charter, or in the corporate its identity remains, can effect its rights to hold property devoted to its charitable uses. The sovereign, as trustee, in trust, lapse or become forfeited by any misconduct in the trustee, or by abuse of the franchises, or by acts of others vs. The City of Philadelphia, and Mr. Grier delivered the following opinion in the U. S. Supreme Court yesterday:

The case of Vidal vs. The Executors of Girard, 2 Howard, 17, has put an end to any doubt as to the validity of the trusts and the power of the city to execute them.

Some of those who are complainants in this bill pretend to call in question the matters finally and conclusively settled by that case. The facts which are supposed to rehabilitate their claim are immaterial, and cannot change the decision. Admitting that the will of Stephen Girard entirely excluded the corporation of the city of Philadelphia, for the question, they now contend that the Consolidation Act of 1854 has made it impossible for any one to execute the trusts for municipal purposes, and, as a consequence, the heirs are entitled to the residue of the estate appropriated by the testator for such uses.

If it shall appear that the effect of the Consolidation act is not that which the bill alleges, it will be unnecessary to discuss the question whether, if it were, the consequences assumed would follow as a legal deduction. The will directed after ninety bequests to his relatives and friends. He then made specified charities, amounting ($3X) his great and favorite charity to be the establishment of a college for the education of poor orphans. It then proceeds: "Now I give, devise, and bequeath all the residue and remainder of my real and personal estate," &c., unto "the Mayor, Aldermen and citizens of Philadelphia, in trust, for the several uses, intents and purposes hereinafter mentioned and declared."

The statute to restrain the alienation of the realty, being inoperative, cannot affect the validity of the devise to the city. After many and specific directions as to the college, its construction and government, and further directs that two thirds of the personal estate be appropriated to the building; and if this sum should not be sufficient, the remainder should be taken "from the first moneys that shall thereafter accrue from my estate," and which is found in the 24th section, as follows:

"And as it regards the remainder of said residue of *my personal estate*, to invest the same in good securities, and in like manner to invest the interest and income thereof, from time to time, so that the whole shall form a permanent fund, and apply the income of the said fund—

"First, to the further improvement and maintenance of the aforesaid college, as directed in the preceding paragraph of the twenty-first clause of this my will.

"And I direct, that the Corporation of the City of Philadelphia to provide more effectually than they now do for the security of the trusts committed of the said city, by a competent police, incredine a sufficient number of watchmen, specially for the purpose; and to this end I recommend a division of the city into watch districts, as the police now exists in the city.

"*Third*.—To enable the said corporation to improve the unimproved property, and the greater piece of the city itself, and in effect to diminish the income of the estate, now and hereafter, especially on those who are least able to bear it.

"To all which objects the property of the city and the health and comfort of its inhabitants, I charge the said real and personal estate, and hereby incorporate it to be applied yearly, and every year forever, after providing for the college as hereinbefore directed, as my primary object."

The realty had before been devised to the trustees of the will, and considering this portion of the fund as already invested in the best manner (as appears from his following directions), the income of the whole is then devoted to these three objects, the college being the "*primary object*," so long as any portion of this income shall be found necessary for its "improvement and maintenance," or the plan and to the extent contemplated in the will, the control of the objects can claim nothing. The bill admits this to be a valid charity, and does not question its validity after that is satisfied. Now, it is admitted (for it has been or decided), that the Corporation of the corporation was vested with a complete title to the whole residue of the estate of Stephen Girard subject to these charitable trusts, and consequently, at that date, his heirs at law and next of kin, title not even to a succession in the same; but the bill alleges that the act of the Legislature of that city, commonly called the "Consolidation act," which purports to be a supplement to the original charter, incorporating the city, has either dissolved or destroyed the identity of the original corporation, and that it consequently unable any longer to administer the trusts. Now, if this were true, the only consequence would be, not that the charities or trust should fail, but that the Chancellor should appoint another trustee.

It is not insisted that the mere change or substitution of trustees has destroyed or affected the identity of the corporation. The bill even admits a small addition to the territorial limits of the corporation has not had that effect; but that the annexation of twenty-nine boroughs and townships has smothered it to death, or rendered it utterly incapable of administering the trusts now committed to it when its boundaries were Vine and South streets, and the two rivers.

There is nothing to be found in the letter or spirit of this act which shows any intention in the Legislature to destroy the original corporation, either by changing its name, or by adding to its territory, or diminishing the number of its corporators. On the contrary, "all its powers, rights, privileges and immunities" are continued in full vigor and effect." It provides, also, that "all the estate, real, personal and mixed, of the corporations united by this act, shall be held "upon and for the same uses, trusts, limitations, charities and conditions as the same were then held."

By the act of 4th of April, 1832, the corporation was "authorized to exercise all such jurisdiction in respect to all such orphans, and to do and execute all such acts and things whatsoever, as may be necessary for the faithful and entire acceptance, execution and prosecution of any and all the powers, duties, trusts and provisions contained in said will." It may also "provide, by ordinance of such officers and agents as they may deem essential to the due execution of the trusts created and created by the will of the late Stephen Girard."

It is manifest from the act quoted that the Legislature had not the power to appoint another trustee to execute the trusts devised the corporation to continue the rights, duties, trusts, &c., in the incorporated corporation. It has done so, and has given the widest powers to the trustee to administer the trusts and charities according to the intent of the testator, as declared in his will.

The Legislature may alter, modify, or even annul the franchises of a public or municipal corporation, although it may not impose burdens on it, without its consent. In this case the corporation has consented to accept the charges, assume the burdens, and perform the duties imposed upon it, and it is difficult to conceive how they can have forfeited their right to the charities which the makes it their duty to administer. The objects of the testator's charity remain the same, while the city, large or small, exists. The trust is an existing and valid one; the trustee created, by law, with the duties and the powers to execute it.

Whatever the fears or fancy of the complainants may be, as to the further influence of the city's growth corporation, there is no necessary or natural evil in the objects specified in them; indeed, making due charity as faithfully as it could before its incorporation. In fact, it is a matter of history that complainants have no concern whatever or any kind with the remedy. If the remedy is administered, the *cestui que trust* or the sovereign are required to counsel to compel a "proper conformity."

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HENRY D. GILPIN, Att'y Gen. U. S.
GEO. HARDING,
PHILADELPHIA, December 30th, 1868.

I concur in the above opinions of Edmund Burke and Geo. Harding, Esqrs.
HENRY STANBERY, Att'y Gen. U. S.
NEW YORK, December 30th, 1868.

I have examined the title of the Girard trust to the foundation of the city, and fully agree with Mr. Burke and Mr. Harding in the opinion that the power to preserve the fund involves the right to control the application of the income. JEREMIAH S. BLACK.
CONCURRED: *Stanbery prepared the final opinion and* OTHER EMINENT COUNSEL.
NEW YORK, December 30th, 1868.

We concur in the foregoing opinions of Messrs. Burke, Harding, Stanbery and Black.
WM. M. EVARTS, CHAS. O'CONOR.
NEW YORK, January 6th, 1869.

We concur in the foregoing opinions.
STEWART BROWN & WOODFORD.
67 BROADWAY, N. Y., January 7th, 1869.

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TELEGRAPHIC SUMMARY.

THE LONDON *Times* lauds highly the new treaty between Great Britain and China.

GREECE is expected to accede to the terms of settlement proposed by the Conference.

STAMP earthquake shocks have been experienced in Iquiqui.

THE Legislature of South Carolina has passed an act to establish a State Orphan Asylum.

AN earthquake shock occurred at St. John, N. B., on Saturday morning.

THE Democratic members of the New York Legislature have nominated Henry C. Murphy for the United States Senate.

THERE is a determined opposition to the election of Lieutenant-Governor Cumback to the United States Senate, in the Indiana Legislature.

A FIRE in Louville, Lewis county, N. Y., on Saturday night, destroyed $40,000 worth of property.

THE Florida Senate yesterday refused to concur in a resolution of the Reinsetz to fix the 2d election for U. S. Senator.

TWO specimens were buried in an excavation at New York, yesterday, and one was finally inclosed.

AN express train was thrown from the track of the New Jersey Central Railroad, near Round Brook, yesterday, by a misplaced switch. No injuries are reported.

A SCHOOL in the case of typhus fever and small pox have occurred in tenements in certain localities in New York, and several deaths are reported.

THE body of Wash. Hendly, who eloped with Susan Jones, as reported on Saturday, was found near Bartlett Station, Tenn., yesterday, perforated with pistol balls.

THE Sublime Porte has instructed its ambassador at Paris to protest against the assembling of the great Powers.

A correspondent French Bayou, Arkansas, computes miles above Marion, reports that a body of Indians are encamped on the Arkansas River, yesterday. The officer in command told him they had been tried by court-martial on the charge of being accessories to the