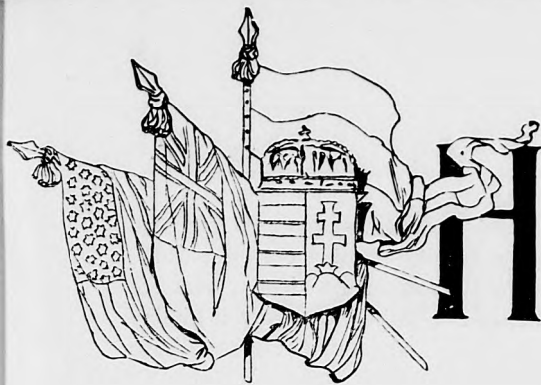


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The Lord of the Seas.

THE wild breakers which dash unceasingly against the rocky shores of England sing now in unison a fearful song, freezing the blood and thrilling the soul of mankind with horror.

Before the war, when peaceful merchantmen plied their trade to and fro in the Channel, or when the monster battle-ships proclaimed with harmless roar of unloaded cannon that the surface of the waves might tremble to another sound at some future time of peril, the sea remained mutely patient and apathetic. Through long years it heard from East and West the thunder of great guns. In the West they thundered out the cry that Buckingham Palace is the home of the Lord of the Seas, and from the East came the answering roar, «It is not so».

The dialogues were long repeated, always short and terse, filling the air and pervading land and sea, above and below. Meanwhile the water smiled serenely, for the voice which screamed across its surface—though fearful with omen and fraught with stifling fumes and terrifying colours—possessed no strength. The cannon lacked the hard grain, the baneful charge.

Nor had the sea any cause to meddle in the dispute as to who had the right to declare himself Lord of the Seas. She was not asked, and she contradicted neither the voice from the West nor the voice from the East.

Then came the war, the death-bringing year, and the fruit hardened in the throat where once was only empty sound. The grain ripened, and cannon



Countess ALBERT APPONYI,
born Countess CLOTILD MENSENDORFF-POUILLY.

ploughed the waves as the husbandman the fruitful fields. Now every word issuing from the cannon's throat carried weight. The weight crashed into the flank of the debate, and this was smashed and yielded to the force of the argument, or passed on haughtily, shaking off the splinters of the grain, as the wanderer on the high-road shakes off the dust.

During two long years the adversary swerved to the right and to the left, away from the murderous arguments, now from the West, now, more rarely, from the East. Two years was flung across

the great expanse of waters the fierce cry «We are the Lords of the Seas», and yet there was no response from those forces which alone could decide the dispute.

Thousands of brave men sank in the deep, thousands of heroes found rest in a watery sepulchre. In vain the fiery spirit of Weddingen and his comrades hovered by night above the unconscious foam. This question of lordship over the waves remained ever the cause of all the vast blood-shed on land and sea.

And suddenly it seemed as if there came an answer to the question, as if the sea responded, although unasked, at a time when the voice from the West again reverberated through the world, proclaiming that the Lord of the Seas dwells in Buckingham Palace.

When ships had to be saved and the cry for help arose from thousands of nameless heroes, who cared a jot whether the true Lord of the Seas was in the East or in the West?

When the jaws of death flew open with a crash and the waves swallowed up the exponent of the principle of absolute lordship over the seas and the suffocating mass of salt water stiffened the features of the cold, hard face, when the waves drew the helpless earthly force into the embrace of death, the question was not asked, but yet the sea herself gave the answer.

«I am Lord of myself. You, weak mortal, may swim, may roar, may dispute upon me, but if I open my mouth, you are swallowed up, buried, cast into oblivion as if you had never been. You shall never rule over me, shall never be my Lord. I am your adversary from all eternity, and so long as land and water endure you shall never be my conqueror. I shall remain ever the Lord, the most powerful of all.»



Italian War-Music.

By Professor Desiderius Járosy, of the Royal Hungarian Music-Academy.

IN THE kaleidoscope of problems for which future civilisation will demand a solution, the new ways and means of national development in Art will form the subject of keen and universal interest. The European war has plunged into antagonism nations which but recently were affectionately united in the work of promoting civilisation. It has produced an eruption in the theory and conditions of exchange and has afforded striking instances of cultural isolation such as have scarcely been known hitherto in the course of the world's history. Civilisation itself has been drawn into the battle-line, although the strategical conditions have in this direction naturally exercised a continuously-moderating effect. Many of those who at the outbreak of hostilities were inflamed with enmity and prejudice and breathed anathema against the cul-

tural institutions of the enemy-nations, have been driven to their Canossa by hard necessity and the exigencies of life. It cannot be denied that the antagonism has cast a light into many a hidden and unknown recess of historical culture. Above all, it has disintegrated the products of civilisation and a principal chapter of hate among the nations is prone to treat of the comparison of Teutonic and Latin culture. It is far from us to discuss the principles of this litigation among civilised nations. Every Art finds its own particular method of contributing its share to the life of the world. Whatever may be the terms of reconciliation the memory of the antagonism will not be effaced from our brains, and this bitter lesson in world-history will long keep open the problem of national development in Art. The real battle of civilisation will ensue with the conclusion of peace. Now we must struggle for existence, hereafter we must fight for ideals.

Some forecasts of this battle of civilisation already appear dimly outlined on the dark and war-clouded firmament. During the war the work of Art has not germinated in the form of productions, but who would venture to assert that we already feel a fore-taste of the great battle and say woe to him who does not perceive that the preliminary skirmishes have already begun? Change of feeling is the first condition to a change in confession of Art-principles. The deeper the hate, the wrong and the suffering which separate two nations, the more violent the boycott which stretches along the whole line of civilised life between those nations, short as the line may perhaps be. Thus the question is essentially in accord with the view that change of feeling gives rise to the most absurd positions, converts old friends into enemies and produces monstrosities of which a civilised man would not dare to dream in time of peace. And in this sea of confusion everything creates prejudice and blindness, so that it will assuredly be difficult to restore the confidence and harmony which existed of old.

Among the Arts during the war the most noteworthy revelations have been in the land of musical productions. In most countries plastic Art and Music alike stand under the limiting aegis of Italian Art, and where this is not the case, thousands proclaim with song and harmony that the living Art of Music is an integral element of the truest and noblest culture. And as this is an ancient mark of culture, the same conditions prevail with regard to it almost everywhere even during the war. The Opera-houses continue to work with limited repertoires, schools of music develop a corresponding activity and apart from some solo-concerts, musical performances take place now as usual.

In connection with the circumstances of music during the war, the point in which our greatest interest is centred is the Italian music. A reason exists in explanation of this problem of the war,

Between no two nations is so bitter and sharp an animosity as between us and the Italians. The Balkan den of crime, Servia, might have been spoken of as a civilising medium. There at least some frivolous flirtation with a sort of French culture might have been perceptible, but this was only servile imitation without any intrinsic value. Changed relations placed the French and Germans likewise on an inimical footing, but the French and German culture always remained in action and bound each nation to the exercise of chivalry. The Italian remains our newest and most depraved enemy. This sharp antagonism naturally produces its mark on our cultural conceptions. The great historical past of Italian music makes it easy to understand that in criticising the Art of the Italians, I exhibit the artistic soul of the people in its naked state.

A consideration of the past and present of Italian musical art enables us to recognize the peculiar psychological traits of Italian war music. Italy boasts with traditional pride that she is the cradle of music, that not only the babe but the child and the youth have frequented her school. She asserts unflinchingly that she possessed the hegemony at all times both in the plastic arts and in music. Her mistake lies in the fact that the hegemony long ago slipped from her hands, and lion's claws will not suffice for her to grasp again the leadership. Heaven in vain endowed her with volubility in song and music; the heavy German «Leitmotiv» of Wagner has overpowered the exhausted Italian champions. In vain they drag forward the traditions of the old Palestrina school. No civilised Catholic nation has prostituted church music in such a disgraceful fashion as the Italian nation. In symphony it is barren, and its light operas and relatively small number of wandering soloists afford but small compensation for this. But this nation has also sinned against its past, the greatness of which renders its ingratitude all the more painful and offensive. There exists no nation so perfidious as the Italian, which, blinded with accursed catch-words of futurism, has so deeply betrayed its past. This Italian baptism of blood of the progressivists has adopted a radical profession of faith which is in every respect identical with the idea of anarchy. None can deny that a great artistic past has raised two great defects in the Italian people, cultural inactivity and a propensity for slovenliness and half-complete work of dubious worth. But a more expeditious method of destroying these two cankers could have been found. A mistaken self-knowledge has, however, rendered them incapable of clear-sight. Futurism has not only made them enthusiastic for a more beautiful future; in the interest of the beautiful future they have abjured the bright star of the past. This unripe civilisation did not reckon with the possibility of losing all through the vicissitudes of a war. The nation has cast its past into the mire, and its future is nought but hopelessness.

After the declaration of war, the Italians in their unbounded self-conceit, subjected the musical works of Central Europe to a general boycott. In the great concert-halls of Rome interest was devoted exclusively to French and Russian symphonies and the blood-thirsty, treaty-breaking «civilised» people of Italy wished to prove that a repertoire was possible without Bach, Beethoven, Mozart, Brahms and Wagner. These shortsighted people forgot that, since the time of Bach the pillars of the international cult of music have been German, and if the roots of the tree are cut its flowers are doomed to fade. The same thing happened here as in England, where, however British pride was speedily broken and compelled to submit. The boycott by the Italians, however, did not attract much attention. The fixed rules, the imperative logic and consistency of symphony were never compatible with the nature of the Italian people. The rhapsodical superficiality which always characterised the music of the Italians, exercised a twofold effect; it made the Italian composers incapable of completing any great symphony and made the Italians quite unable to entertain a passive understanding for symphony. With this ineptitude for symphony was joined quite naturally a lack of appreciation for chamber-music and every serious and worthy criterion for the understanding of true musical art. But still greater conceit characterises the Italians in the matter of opera-music. In this branch they are swollen not only with the thought of the historical but also of the present hegemony, and constantly claim the first place. This conceit of the present time, however, melts away into pure illusion. For Mascagni and Leoncavallo with their single-acts of fabulous world-wide success the Italians have themselves provided certificates of poverty. The Italians are directed by the blind caprice of the mob. As the last rascal, acting in virtue of his ancient natural rights, whistles down a singer in the Teatro Costanzi, so the mob pronounces judgment on living and dead alike. But once it judged rightly. After a transient success the two composers were only fêted as a matter of fashion, and the world-wide popularity of the third composer, Puccini, will not rescue the hegemony for the Italian opera of these days. In the eyes of every unprejudiced musician. Puccini's phraseology has reached the point of barrenness and decadence. His music is a thing of fashion and his opera, the *Girl of the West*, presents the sad picture of an autumn decline.

In vain he has become associated during the war with the operette-figure, D'Annunzio, whose discredited muse will not suffice to raise Puccini again to the glory of past days.

This dishevelled muse, condemned to death even by fashion, desired to isolate itself from German influence. Only in the beginning could it withdraw itself from the eternal spirit of Richard Wagner. Later the Verdi, Donizetti and Rossini reprises became insipid and dull, and now the immortal

of Bayreuth is re-instated in spite of the fact that the market still stands on the Doberdo. To prove that these phenomena during the war are in fact symptoms of cultural weakness, it is sufficient to refer to the last Congresses for International Music and International Church-Music held in Rome. The latter I attended six years ago. The programme of the congresses consisted of two parts, one devoted to academical discussions and the other to a series of concerts. In the International Congress the musical knowledge of the Italians had small weight, and their musical performances were also weak. Apart from the Verdi-performance in the Teatro Constanzi they could offer nothing of any value. There was no mention of church-music. All that has been produced there under the modern renaissance of church-music, is simply a copy of the Cecilian epoch of the Germans. The performances of church-music were still in their infancy.

In their defiant attitude towards music the Italians took lessons from their brethren of the Entente. They forgot, however, that the French and Russians have greater claim to haughty isolation. The Gallic spirit remains «esprit» and the Russian Beethoven, Csajkovszky remains an individuality with a school, and followers growing like weeds. Still one point of interrogation to the last strophe of this sketch of Italian war-music. Don Lorenzo Perosi, the world's most envied choir-master (with little work and great salary) has again presented his card. This time not in the Sixtina where he appears every year only as a rare guest-conductor, but in the new oratorium literature which brought so much fame, so many laurels to the young Monsignor. Residing in a style due to his world-wide fame and his handsome royalties, in his villa near Florence where he is wont to seek repose for his over-strained nerves, he has completed during the Church days-of-mourning, a grand oratorium, an elegy on the war. We know of this sensational artistic fact only by way of report. But we know that his world-wide fame has helped Perosi to his present eminent pedestal. A distinguished and self-sacrificing firm of Leipsic published his greatest works and thus brought him success and recognition. The able composer was at that time most fostered in Vienna and in Germany. Because of the historical antecedents of his career we are inquisitive to know if in his retreat at Florence in the midst of the war he has thought of his debt of gratitude to other nations, if he has written a chauvinistic oratorium or an international, universal catholic oratorium — in that villa built of bricks collected in German and Austrian concert-halls.

And whatever may be the refrain of this last strophe, there stands unswervingly, as our point of observation towering above all else, the Höfer Report, now dominant with elementary force, though often considered doubtful as a promoter of the cult of music.

Germania docet!

The Prolongation of Patent-Rights.

THE WAR, which has continued for an unexpectedly lengthy period, has materially depreciated the value of rights granted for a definite term of years, especially in cases where such rights, in consequence of some cause due to the war, cannot be exercised and enjoy no fruition.

The owner of such a right has prepared his calculations on the assumption that he would remain undisturbed in the enjoyment of the right during the whole term of its duration, and has devised the scheme of amortisation for his investments and his manufacturing plant, and has, in general, made all his business calculations on the strength of exercising the right for the whole period. It is therefore evident that, in so far as the war has rendered the exercise of the right impossible, as, for example, in the case of patent rights which cannot be exploited in consequence of the cessation of certain branches of industry, the war is, in reality, paramount to a shortening of the duration of the right.

It is true that the owners of such temporary rights usually make provision in their calculation for unfavourable eventualities and periods, and not only for favourable conjunctures; but it must be conceded, on the other hand, that war, and especially this war which lasts so long and is accompanied by such great industrial and commercial disturbance, could not possibly be made a subject of calculation. This fact was recognised by the legislative and judicial authorities when in different ordinances and judgments they declared the war a *vis major*, preventing the fulfilment of a variety of obligations.

In this country, patents and trade-marks are the trade proprietary-rights which are limited in point of time, the maximum term for the protection of patents being 15 years, and for trade-marks 3 years.

The war has undoubtedly had a bad effect on the exploitation of these trade-rights, for in those branches of industry which ceased work in consequence of the scarcity of raw-material or of labour, the patents and trade-marks not only ceased to be a source of revenue, but also no longer yielded interest on the capital invested in them.

When therefore the legislature and judicature recognised the war in general as *vis major*, it can readily be supposed that the owners of temporary rights would wish to be compensated for the loss suffered in the war in consequence of the enforced cessation of the exercise of their rights by a prolongation of their rights in accord with the duration of the war.

This view seemed especially well-founded in the case of trade-marks, already reduced to a third of their value by the stagnation in trade occasioned by two years of war-fare.

In consideration of these circumstances, the Hungarian as well as the Austrian Government provided

for the prolongation of trade-mark rights and issued ordinances to that effect, long ago.

It will appear but natural that the general stagnation in trade and the prolongation of trade-mark rights should arouse in the owners of patents the desire for a similar regulation with regard to their rights, for although the much longer term enjoyed by the owners of patents might enable them to recuperate the losses incurred during the war, it cannot be denied that the war has adversely affected the exploitation of their rights and the business calculations therewith connected, especially in the case of patents with but a short time to run and remaining unprofitable in their last years, which usually are the most fruitful.

The demand for a prolongation of patent-rights cannot therefore be said to be entirely unjustifiable. Under the circumstances the societies interested in trade property could not remain indifferent to the desire of industrial circles and accordingly brought forward the question for discussion.

In Germany recently the Society for the Protection of Trade-Rights took up the question and a meeting was held in the Berlin Patent-office, in which the Ministers of Justice and for the Interior, the Imperial Patent-office, and numerous industrial and commercial societies and corporations were represented.

In the memorandum submitted by the Patent-Commission of the German Society for the Protection of Trade-Rights, it was pointed out that the war had rendered the exploitation of some patents quite impossible, and consequently the owners were not only deprived of the fruits of their intellectual labour but were also compelled to pay dues without any return during the war. Although these losses could not be said to be exceedingly great when compared with the sacrifices incurred by all classes of society for the father-land, it was still necessary to consider whether the material losses suffered in this respect could not be avoided or at least considerably diminished.

For this purpose two proposals were submitted to the meeting. One proposal was that the life of the patents should be prolonged with the length of the war's duration and the supplementary period required for the re-commencement of work. The second proposal was not for a general prolongation, but only for a prolongation in case the patent-holder petitioned for it and proved that the war had made it impossible for him to exercise his patent-rights.

The experts at the meeting discussed the proposals in every detail, but they almost all, with very few exceptions, adopted the view that there existed no imperative necessity for the prolongation of patent-rights.

The meeting came to the conclusion that, although numerous valuable inventions remain unexploited and considerable damage thereby results both to the patent-owner and to industry in gene-

ral, there yet exists no sufficient reason for the prolongation of patents. A prolongation which would extend, without exception, to all patents would be unjust, for in this way, those patents which continue in operation during the war as usual or are perhaps exploited to an increased extent, would acquire a prolongation which they do not deserve. If therefore prolongation could be accepted in principle, this could be effected in practice only by granting the prolongation to patents which could be proved not to have been exploited.

It is however, advisable to avoid the prolongation of patents not exploited during the war, for prolongation would entirely upset the free movement and development of our home industry. Apart from the fact that, in the absence of a suitable organ for the purpose, the public would scarcely repose confidence in the judging of petitions for prolongation, the prolongation of individual patents is not desirable because industrial life has already been so arranged that on the day when, as is publicly known, a patent lapses, it becomes public property, and this circumstance has been especially taken in calculation in the planning of industrial works. If now such a patent were prolonged, industrial circles which have reckoned on its becoming public property, would be compelled to relinquish their plans entirely.

Moreover, it must be taken into consideration that the legal course of the patent rights, their maintenance and alteration may involve the interests of several persons, for instance, the interests of persons who have acquired the right to use an invention in return for the payment of a certain fee. Therefore, in connection with the prolongation it would be necessary to regulate the legal relations of these interested persons, a procedure which would be accompanied by almost insuperable difficulties and would yet open a wide field for abuses.

If the owner of a patent receives royalties for the use of the patent also during the war, it is clear that he has no claim to a prolongation, since his patent is a source of profit for him during the war. But the patent-owner, in order to obtain the advantages of prolongation can attach to the cession of using the patent a condition to the effect that, in case he acquires the prolongation, he will remit the royalties falling due during the war but increase the charges for the remaining years. Thus the patent-owner would receive, through the increased charges, the amounts due in the course of the war, and would also participate in the advantages of prolongation.

It must furthermore be taken into consideration that a patentright, although limited in time, does still exist for such a length of time that the owner is able to recuperate the loss occasioned by the unfavourable conjunctures of war-time. It would also, as a matter of principle, be highly pernicious if the opinion should gain ground that industrial stagnation is sufficient reason for the prolongation

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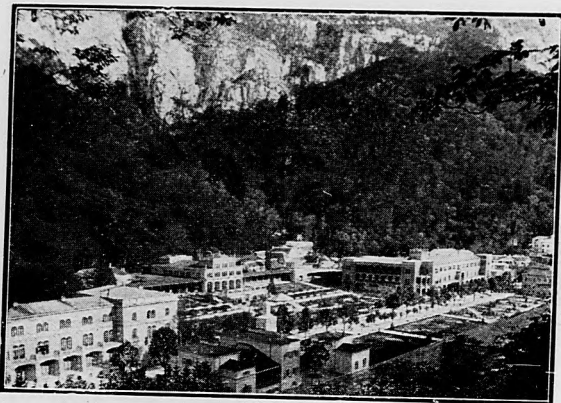
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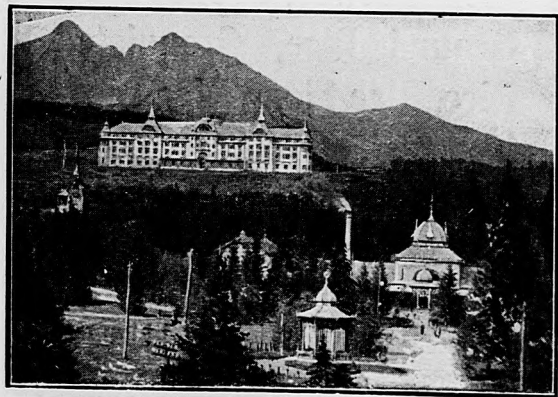


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