

WATSON'S MAGAZINE

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THOS. E. WATSON, EDITOR

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History of the 'opes

Conclusion of Letters to Cardinal Gibbons

The Blind Owl of Grave's Mountain

Editorial Notes

Selections, Miscellaneous

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Oklahoma:

Robert Toombs, Lawyer and Statesman

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Vol. XVII

SEPTEMBER

No. 5

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B.

JOSEPH SARTO

THE PAPA OF ALL THE "TRUE FAITH" HOLY ROLLERS

Joseph, as you can see, is elaborately arrayed in Persian rugs, bed-quilts, window-curtains and mother-hubbard

Watson's Magazine

THOS. E. WATSON, Editor

Why Is It That No Record Has Ever Existed of the Pretended Early Popes?

(A continuation of *The History of the Papacy and the Popes*)

IN the History of the Popes, by DeCormenin, we are told that "the best and wisest laws are corrupted, whenever they grant too much power to a single individual; and the institution of the episcopate offers us a striking proof of it." Even so. Trite as the remark is, it cannot be too often emphasized.

DeCormenin continues—"The bishops of the city (of Rome) commenced, towards the close of the second century, to claim for themselves a jurisdiction over other churches; which they had not received from the apostles; and in the third had already abandoned the precepts of humility taught by Christ."

Thus, the record shows that it was nearly 200 years after the Christian church was founded, before the bishops of Rome began to elevate their own heads above the heads of neighboring bishops. And it is perfectly apparent that it was the removal of the Roman Emperor to Constantinople that gave the bishop of Rome his temptation and his opportunity.

Julius Cæsar, long before he became the foremost man of all the world, remarked one day as he rode with his attendants through a small Alpine village, "I had rather be the first man of that little town, than second man in Rome."

Somebody always wants to be first

—first in the rowing-match, first in the foot-race, first in the hunting field, first in the target practice, first in the ball game, first in the Army, in the Navy, in the State.

Sadly cynical Carlyle compared mankind to a lot of vipers, confined in a jar, each trying to get its head above all the others.

Now, when the Emperor and the great officers of State moved away from Rome, *who* was to be the first man of the Eternal City? Who was to fill the place left vacant by the imperial abandonment? Who was to keep alive the Western pride in the old capital of the Consuls, the Roman Senate, and the Cæsars?

Into the immense void created by Constantine's desertion, the Christian bishop was drawn, not suddenly, not violently, but gradually, almost imperceptibly, like the growth of some great reef in mid-ocean.

Almost as by a silent, invisible law of nature, the bishop of Rome came to be recognized as the first man in Rome; and he would not have been human if he had not made the most of his peculiarly favored position.

Had Constantine never forsaken Rome, it is practically certain that the bishops would have continued to be the dutiful servants of the Emperor, and mankind would have been spared the thousand years of ignorance,

crime, superstition and the debasement of women, known to history as The Dark Ages.

The successor of Victor was Zephyrinus, and the Romanist chronicler blasphemously declares that the Holy Spirit, in the form of a dove, appeared on the scene in behalf of the candidacy of Zephyrinus for the bishopric!

Nevertheless he had no stomach for martyrdom, and when persecution commenced anew, he abandoned his flock, and hid himself until the danger had passed. In spite of this, however, the pontifical writers include him among the martyrs. He is supposed to have died in the year of our Lord 221.

Callistus the First, is the next bishop on the list; and of him DeCormenin writes—"The actions of Callistus remain in the most profound oblivion." It may be asked, therefore, how we know that any such person ever lived.

Next in the catalogue is Urban the First, of whom *history* writes—

"Nothing is known of the commencement, duration, or termination of his pontificate."

Therefore, it is safe to conclude that Urban and his god-ship on earth are a myth, manufactured to fill a gap in a fence they were building back to Simon Peter, the married Apostle.

Pontianus is number 19, in the inventory of Popes: and he is said to have abdicated his office, when condemned to exile by the Emperor Alexander Severus.

After spending "some months" in Sardinia, he returned to Rome "in order to receive the crown of martyrdom, and expired under the scourge toward the end of the year 237."

The pontifical writers who tell us of Pope Pontianus, also tell us of the Cappadocian woman who flourished

at the same time. This wicked woman pretended to be a prophetess and was of a surety possessed of a devil. By miracles which seemed to be of the genuine sort, but which were evidently nothing more than fakes, frauds and optical delusions, she led away many simple folk from the true prophets and from the workers of true miracles. Even a priest named Rusticus, and a deacon whose name is not furnished, were carried off into folly and delusion by the devil which possessed this woman of Cappadocia. So far did the devil lead the woman that she baptised converts to Christianity, and administered the Lord's Supper.

To put an end to the great scandal which the devil in the woman was causing, "a man of great piety"—name not given—publicly maintained that this woman was possessed of a devil, and by his prayers drove from her the demon, Astaroth, who escaped, vomiting fire upon the assembled people."

We are not told what became of the woman after Astaroth was evicted "from her;" nor are we told whether any of the assembled people were injured by the fire which the angry demon vomited upon them.

To Pontianus succeeded Anteros, who is believed to have been martyred in the year 238.

Next in order comes Fabianus, who was also selected by the Holy Spirit, appearing in the form of a white dove.

The repeated appearance of the Holy Spirit in that particular shape, suggests the possibility of a pious fraud—pigeons being the "doves" of the European world.

It is said that there was a vacancy in the "Holy See" after the death of Fabianus. During the persecution which was the cause of this interregnum in the bishopric of Rome, a great miracle was worked in favor of St. Gregory of Neocæsarea and his deacon. Pursued by the persecutors, they were about to be taken and slain, when

they were changed into trees, and were thus saved.

A shepherd was a witness to this miracle, and it so wrought upon him that he fell at the feet of the whilom trees, now changed back into the Saint and his deacon, "and demanded to be baptised." The name of this shepherd has not come down to us.

After having been vacant for a year and a half, the Roman bishopric was filled by the election of Cornelius the First.

He was accused by another bishop, Novatian, of having taken communion with bishops who had sacrificed to idols; also, of the more serious offense of having denied his Savior to escape the rigors of persecution.

Novatian set himself up in opposition to Cornelius, and drew after him "many confessors and a large number of the faithful."

There is no evidence that Cornelius suffered martyrdom, although St. Jerome, following a tradition, says he was beheaded.

Lucius, the 23rd on the list of Roman bishops, appears to have been a historical personage. He died in the year 253, the year of his elevation.

DeCormenin says—

"The bishop of Eucratius having consulted him, in order to know if he should refuse the communion to a play actor, who continued the practice of his art, although he had embraced Christianity, the holy man replied: "Drive this actor from the temple of God! The divine law prohibits men from clothing themselves in the garments of females, and imitating their steps and gestures.

"This impious person must cease to play the part of courtesans and shameless queens upon the stage, or remain separate from the communion of the faithful."

In those days, women did not appear upon the stage at all as actresses. The feminine parts were impersonated by

lads, or lady-looking men. The Pope does not seem to have denounced the acting itself, but the public appearance of men "in the garments of females." Lucius declared that such a disguise of masculinity was forbidden by the divine law.

We must assume, therefore, that the Pope himself did not at that time dress like an old woman, and that his clergy were as yet guiltless of the female attire which has long been the fashion in Roman Catholic haberdashery.

It was during this, the third century after Christ, that "holy females who, having taken the vows of virginity, pretended to exercise themselves in conquering the spirit of evil, by sharing their beds with young priests and deacons."

St. Cyprian having been consulted upon this delicate subject, gave it as his opinion that it would be better if the virgins should, in future, be content with less dangerous proofs.

This admonition you will observe, is addressed to the "holy females:" the young priests and deacons do not appear to have been admonished at all: nor were they even advised what course to pursue in the event the "holy females" persisted "so dangerous a proof" of their conquest of "the spirit of evil."

Stephen the First is the name which follows that of Lucius; and the church was sadly torn by factions during his troubled reign. He was accused by his bishops of tyranny and crimes, of the most insufferable pride and arrogance, of being "the enemy of Christians, the defender of heretics, and of preferring human traditions to divine inspiration."

This fearful indictment against Stephen was brought by no less a person than St. Cyprian, and his opinion of the Roman pontiff was that of the Eastern bishops, generally.

In our own day, when Tradition has

almost entirely submerged the Bible in Roman Catholic ceremonial and worship, the charges which the bishops of the third century brought against Stephen have a valuable historic significance.

At that time, it would seem that the bishops were determined to rely upon Holy Writ, and that the Roman pontiff was showing a disposition to get away from it.

Stephen probably died in prison, though some hold that he was beheaded. (A. D. 257.)

Following him, came Sixtus the Second, who is inventoried as the 25th pope. He probably suffered martyrdom during the persecution of the Emperor Gallienus.

It was at this era that the most blessed St. Dennis was beheaded. This most adorable Saint, after having his most blessed head cut off, picked it up in his hands, "and carried it during a journey of more than a league, even unto the chapel, which at this very day bears the name of this illustrious martyr."

So well and widely was it known that St. Dennis took up his head after it had been cut off, that the saying became current, even among swashbucklers, so that when one of these swift men of the lawless sword suddenly and by surprise decapitated some other Christian, the swashbuckler would remark pleasantly to the headless trunk of his enemy, "Pick up your head, my friend"—of which you may read a diverting account in Balzac's "Droll Stories of the Abbeys of Touraine," some of which stories are very droll, indeed.

After Sixtus the Second had passed, and after the illustrious St. Dennis had deposited his head in the chapel which at this very day bears his name and attests the miracle, there was another vacancy in the office of Pope. For a whole year, there was no official God-on-earth.

To this dismal period belongs the most venerable story of St. Lawrence and the gridiron.

Lest I be accused of levity and inventon, I will copy the narrative of DeCormerin, who describes how the wicked Roman prefect, Cornelius, caused the most blessed Saint to be put to death.

"Then he ordered the executioners to bring a bed of iron, under which were placed half-extinguished coals, in order to burn the martyr more slowly. They despoiled Lawrence of his garments, and fixed him on the gridiron. * * * When he was cooked on one side, Lawrence said to the Prefect * * * 'Agent of the Devil, cause them to turn my body on the other side!'"

When this was done, he, Lawrence, had the stoical courage to say to the Prefect, 'As I am now cooked, you can eat me!'"

This most veracious story is one of the most edifying evidences that has been wafted down to us on the winds of venerable traditon.

To this very day, you may see the veritable gridiron upon which the most adorable St. Lawrence was cooked. The priests will show it to you, even as they will show you the phials of milk that came from the Virgin's bosom, and the baby clothes which Jesus wore when a child.

In a valuable work entitled "Constantine, the last Emperor of the Greeks," Chedomil Mijatovitch, former Servian minister to Great Britain, quotes at some length a description of the sights and scenes in Constantinople, written by Chevalier Bertrand de la Brosquiere in 1433. After mentioning the ports, the straits, the walls, and the palaces, the Italian traveller, refers to the churches, chief among which is that of St. Sophia, built by the Emperor Justinian. The Chevalier, a devout Roman Catholic writes—

"This church, I was told, possesses one of the robes of our Lord, the end of the lance which pierced His side, the sponge that was offered Him to drink from, and the reed that was put into His hand.

"I can only say that behind the

choir *I was shown the gridiron on which St. Lawrence was broiled, and a large stone in the shape of a wash-stand, on which they say Abraham gave the angels food when they were going to destroy Sodom and Gomorrah."*

Campaigning With Stonewall Jackson, in the Valley of Virginia

PRESIDENT ZACHARY TAYLOR'S son, Richard, was a General in the service of the Southern Confederacy. Although he was the brother-in-law of President Jefferson Davis, he was kept, or kept himself, very much in the back-ground during the Civil War.

After the surrender, he published a book, called "Destruction and Reconstruction."

Gen. Dick Taylor was a trenchant writer, and his pictures of men and episodes are vivid. His description of the carnival of corruption in Congress, Washington City, and the public service generally, has not been surpassed.

But it is in Gen. Taylor's daily memoranda of his movements in the Valley Campaign, when he rode with Stonewall Jackson on the march, fought under his eye by day, and slept with him in the tent and by the camp-fire at night, that are the most valuable portions of his book.

The volume has long been out of print. Its material has not been used in any of the literature, of the War period, so far as I know.

Stonewall Jackson is now recognized universally as one of the world's Great Captains. The simplicity of his character, the purity of his life, and the splendor of his military genius have given him a place in history which is absolutely unique.

To see such a man, at close range, in the daily making of his record and his fame, is surely worth while.

In the next number of the Magazine, therefore, we will give some of the personal glimpses of "Stonewall" that are furnished by the narrative of General Taylor.

The Massacre of St. Bartholomew's Day, in France

THE story of this frightful occurrence will be written by the Editor for the next number of this Magazine.

All your life, you have been hearing of the Massacre of St. Bartholomew's. Few of you know the facts.

In *Watson's* for October, you will learn.

Open Letters to Cardinal Gibbons

(CONCLUSION)

CARDINAL,

IN your paper which the North American Review published, you solemnly assured the world that your church prefers our form of government to any other, that you admire our institutions and the spirit of our laws, that you accept our Constitution without reserve, and without any desire to see it changed in any feature.

Yet, Cardinal, the greatest historic fact of modern times, since Luther defied your putrid Italian hierarchy, is, that our forefathers created this self-governing Republic as an escape from the foul, debasing partnership of Popes and Kings. Our ancestors fled from the Old World to establish a government which would not be cursed by your despotic methods and your detestable doctrines.

Cardinal, the very soul of your system makes for slavery—slavery of mind and spirit and body, slavery which renders to self-appointed masters the toil of the physical man; slavery, which surrenders to self-chosen masters the god-given light of reason and conscience; slavery, which robs the pitiable serf of the freedom to see with his own eyes, to hearken to the voice of his own intelligence, and to make for himself the golden strand which links his faith to the Eternal.

Cardinal, the whole record and energy of your infernal organization of fraud, hypocrisy and imposture makes for ignorance, superstition and despotism: your supreme theory is, that there shall be *one man* at the head of the State, and *one man* at the head of the Church; and that these two shall divide between themselves the dominion of the universe.

Cardinal, the underlings of the

world have risen, in spite of you. Never did the banner of *your* church float over the shining legions of "Liberty, Equality, Fraternity." *Never!*

The iron sceptre of the brutal King and his ferocious feudal lord was broken, in spite of you. Never did *your* church lift a finger to lighten the load of the feudal serf and to send a ray of hope into his squalid hovel.

The brain of the world escaped bondage, the voice of the scholar and the patriot broke silence, the pen of the Idol-breaker leaped to life, waking nations to freedom—in spite of you. Never did *your* church have ought but the dungeon, the rack, the fagot, the headsman's block for the Spartan torch-bearers of enlightened civilization.

All history bears witness against you. Your own horrible record damns you. The voice of patriots, scholars, soldiers, lovers of humanity and liberty, choking with blood, denounce you. If the men and women of today had not been falsely taught by just such sly deceivers as yourself, an involuntary burst of scorn and execration would have greeted your statement that *your* church heartily approves the spirit of our laws and accepts without reserve the principles of our Constitution.

Cardinal, *when and where* has your church favored the separation of Church and State?

When and where, has your church sanctioned freedom of speech, of press, of conscience, and of worship?

When and where, has *your* church pretended to support a democracy, a republic—any other form of government than a monarchy?

When and where has *your* church helped the under dog, stood for the

rights of the wife and the child, demanded fair treatment for Labor, proclaimed the emancipation of Woman?

When Kings and hereditary aristocrats laid the scourge of intolerable pillage and forced labor upon the miserable white slaves of Europe, your church's whip-cords drew blood even as did the lash of King and noble!

When wives had no freedom, no voice, no house of refuge from slave-driving husbands; when even the babes they had borne were snatched from their bosoms, and the State gave no redress, *your* church gave none.

Whenever oppressed humanity rose in desperation, striving to throw off the yoke of serfdom, there was *your* church ever found, ready and eager and pitiless, with book and bell and candle, to consign everlastingly to hell the victims who sought escape from tyranny.

Is it not so, my Prince?

Did not *your* church exploit the slave, throughout the mediæval ages?

Did not your church merge the wife's existence into that of the husband, and divest her completely, first of her estate, and then of the fruit of her womb?

Did not your church sanction, for priest and lay lord, the feudal right which gave *the first night, the bride and the bridal bed*, to priest, or noble?

Did not your church bless the swords which tried to beat down the Dutch Republic? Did not your church savagely make war upon the cruelly-burdened peasants of Germany?

Did not your church lay its anathema upon the Great Charter which Englishmen wrung from a Norman Conqueror?

Did not your church, by written deed, convey Ireland to Norman marauders, stipulating for a share of the loot?

Did not your church ruthlessly per-

secute every free thinker who dared to deny that the earth was flat, that there were other worlds than this, that science could cure where relics could not, and that the wine and the bread of the last supper remained wine and bread in spite of the Latin words of a stupid priest?

Cardinal, do you really flatter yourself that you can persuade the American people that *your* Italian pope is not the same old Italian pope, heir of the same old system, successor to the same old pagan impostors who so long capitalized the inherited superstitions of mankind?

Do you truly believe you can convince our people that *your* Ethiopian can change his skin; *your* leopard, his spots?

Cardinal, I laugh at your attempt. You will fail. As your two-faced church always has done, you will fail. True, you got a good start. Owing to our inclination to let matters drift, and to be over confident *that what happened in Europe can't happen here*, you have made astonishing progress.

We are a liberal people: we don't like to hurt feelings: we naturally shun disagreeable subjects; we are prone to let things rock along in their own way. It takes great provocation to rouse us; but when we are aroused—look out!

Cardinal, this country is not going to be ruled from Italy, by a lecherous lot of chemise-wearing dagoes!

Don't you think it—not for a moment.

This country is not going to be taken back to the Council of Trent, nor to the Castle of Canossa. This people are not going to have their blood-bought liberties submerged by papist hordes from popish Europe!

Cardinal, when you wrote that your church heartily endorsed the spirit of our laws and the principles of our Constitution, you uttered a barefaced, monumental falsehood! Being a

Jesuit, *your* morality encourages you to *deceive*.

With you Jesuits, there is no such thing as a morality that frustrates the aims of your order and your church. Your morality sanctions duplicity, mendacity, any sort of crime, if thereby the interests of the organization be served.

Is it not so, my Prince? *Demand that I prove it, AND I WILL!*

Let us not waste time over ancient history: let us recur to your own times and your own ministry, to discover whether you could have been honest, in telling our people that *your* church approves our institutions and our laws.

(1) One of our institutions is, our Public Schools. Have not you, yourself, denounced *that* institution? Have not all your higher prelates done so? Did not Archbishop Messmer, of Milwaukee, threaten to excommunicate those of his church who patronized the Public Schools?

In that respect, *he faithfully obeyed the papal law, as laid down by Pope Pius IX.*

(2) Another of our institutions is, a free press. Did not your infallible Papa, Gregory XVI., denounce all those who maintained the liberty of the press; and did he not use the most ferocious epithets in his denunciation? Did not your Papa Pius IX., in 1864, do the same thing?

Sworn to obey the Italian pope, and

to *persecute to extirpation* all those fellow creatures of yours who are *not* foot-kissers, how can you decently contend that you heartily approve the American law and institution of the free press?

(3) Cardinal, you cannot be ignorant of the fact that Pius IX., in 1861 and again in 1864, fulminated savagely against liberty of speech, and of conscience, and of worship!

How, then, dare you to contend that your church favors our American law of free speech, free conscience, free worship?

(4) Cardinal, you know very well that your church claims the right to fix the line between civil and religious authority; that she claims the right to employ force; that she claims the right to supremacy in her own sphere, *she herself being the sole judge of the limits of that sphere.*

You know that *herein* lies the fatal germ of ecclesiastical despotism, as boundless and as dangerous as it ever was thundered in the Dark Ages.

Yet, you tell us to rest at ease: there is no cloud on the horizon: there is no significance in the current that slowly makes its circle, *on the outer rim of the maelstrom!*

Does the same tree always bear the same fruit? Does the sowing of dragon's teeth always portend the upspringing crop of armed men? Shall any man deceive himself as to what the serpent will do, when once it has been warmed into life at our hearth?



The Blind Owl of Graves' Mountain

IN Doctor Oliver Goldsmith's obsolete book, "The Earth and Animated Nature," we learn as much about owls as most people care to know.

He tells us of the Great Horned owl, the Hudson's Bay owl, the White owl, the Common brown owl, the Great Brown owl, the Little Brown owl, the Barn owl and the Screech owl, whose "voice was always considered among the people as the presage of some sad calamity that was soon to ensue."

In this last sentence, Dr. Goldsmith, author of "The Deserted Village," "The Vicar of Wakefield," and other classics, fell into very slipshod English, but as he was speaking of nothing more important than the Screech owl, and its "voice," one must not be hypercritical.

Concerning the owl whose voice is *not* so lugubrious as that of the little presager of sad calamities that are soon to ensue, Dr. Goldsmith says that the usual place where it breeds "is in the cavern of a rock, the hollow of a tree, or the turret of some ruined castle."

The versatile Goldsmith also states that the owl sees best "in the dusk of evening, or in the gray of morning," and *not* "in the darkest nights as some have been apt to imagine."

So much for the information to be gathered from that delighted old book which taught former generations all that was known and believed about the living creatures whom the Almighty had called into life when the earth took its present form, and the stars fell into line for the Grand March of the Ages.

On a clear day, we can plainly see from my home the tops of Graves' Mountain, called by some "the last spur of the Blue Ridge." In the distance, it cuts the sky line with three pinnacles, about which the mists and the clouds weave the cerulean drapery

which obscures the details and beautifies the view.

It is some twenty miles away, to the North and East, and it rises amidst a community where conditions remain pretty much as they were "before the War." The people live simply, primitively, as their forbears did. The farm, the country store, the school, the church, the Justice-court, the Big court are to the dwellers in Lincoln county the same in all material respects that they were in the days when the old doctor rode his rounds, with saddle-bags beneath him; and when the backwoods preacher, taking his text from Revelations, preached with terrifying eloquence about the pale horse and the never-dying worm.

It is a peaceful, old-fashioned community; and a better people are not to be found in all this land.

A man who has long lived at the foot of the Mountain, came by chance to learn a very curious thing—something that he had never read of in the books, nor heard of in the talk of the people. So extraordinary was the discovery, that he could hardly believe his own eyes. Naturally he was eager for his neighbors to see the sight—the strangest sight that he had ever beheld.

So, one afternoon, between sun-down and dark, Tal Ross and Jim Hudson lay in ambush, near the summit of Graves' Mountain, waiting to see what they should see. Ross had not told his friend and neighbor what it was that they *would* see: therefore, when Hudson espied an owl, on a nest in a cavity of the rocks, he raised his gun to shoot.

"Hold on!" said Ross: "Wait awhile."

So, the two men sat in the growing dusk, concealed by the bushes.

The owl at the nest could be plainly

seen; and around it were the remains of dead rats, birds and rabbits.

Presently, another owl was seen, flying to the nest, with prey in its claws. Again, Hudson raised his gun to shoot.

"Hold on!" said Ross: "Wait awhile."

The owl, not seeing the men, lit at the nest, left the rabbit it had brought, and flew away.

Soon, another owl was seen, coming from a different direction, and winging its way toward the cleft in the rocks.

"Wait! Don't shoot!" said Ross.

And the two men waited and watched, while the owl put down, at the nest, a rat which it had brought from some distant field—and then flew away into the deepening gloom.

A third owl was seen, and still another, each coming from a different quarter, and each bringing food to the owl at the nest.

Then the two men went close to the lonely bird, and examined it at leisure.

It was stone blind!

Fully grown, and perfect in every other respect, it was perfectly helpless;

and, apparently, had never ventured to leave the cranny of its birth.

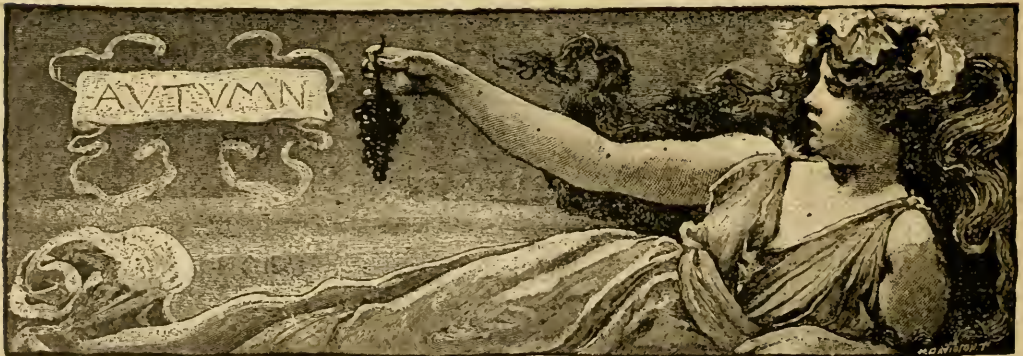
Did the parent birds continue to feed it? Did these two enlist the pity and the help of the other owls? How long had this voluntary charity been doing its kindly office? How long would this charity have continued its service? What sort of an idea did these owls have in their heads? What *feeling* was it that moved them to work for and feed a helpless fellow?

No one can say. Several owls were regularly providing food for the blind one, when the discovery was first made by Mr. Ross. They had continued to do so, up to the time when Mr. Hudson was taken into the secret.

Unfortunately, a Wilkes county boy, out hunting on the Mountain, soon afterwards happened upon the blind owl, and shot it.

Otherwise, keen naturalists might have been deeply interested in this remarkable case of Bird Brotherhood, and might have made it a study.

(Note: The facts can be gained at first hand from James T. Hudson. Amity, Ga.)





Editorial Notes



THE present Administration would have saved itself some trouble and embarrassment, had it steered clear of the Roosevelt theory of the Treaty power.

If, by a treaty, Japan can introduce yellow children into the white schools of California, Morocco and Liberia might in the same way force black children into the white schools of Virginia and Texas.

If by treaty Japan has the power to deprive a State of this Union of the reserved right to regulate its domestic affairs, then by treaty every State can be robbed of its sovereignty.

When Japan made its treaty with the United States, it was conclusively presumed to know the complex nature of our Government. By necessary implication, our mixed form of popular and national government became a part of the Treaty.

Therefore, Japan was bound to know that our Federal Government has no authority to interfere with the land laws of a State, so long as those laws did not violate some clause of the Federal Constitution.



BEFORE our Independence was recognized by Great Britain, the title to land in this country was in the Crown. All of the original deeds emanated from the King, and bore his great seal.

When the Rebellion of 1776 succeeded, and Great Britain acknowledged our independence, each of the original thirteen colonies was separately named *as a separate State*.

There was no recognition of the independence of any Federal Government—none whatever. The present Federal Government had not yet been called into existence.

It was the independence of the separate States which Great Britain acknowledged, and these separate, independent, sovereignties—*each a complete government in itself*—afterwards created the present Federal Government, granting it certain specified powers.

But the States did not surrender to the Federal Government the title to the land within their borders. The King's title vested in the States, each State taking the rights of the Crown to such lands as had not been granted by the King to his subjects.



HENCE, in each State the title to land is in the State, not in the Federal Government. Consequently, each State is strictly within its rights when it puts restrictions upon the ownership of land.

The State may deny to aliens, of all nations, the privilege of acquiring its soil.

Otherwise, it is conceivable that *the integrity of a State government might be destroyed by a foreign power*.

If Japan is permitted to buy one half of California, why may it not buy the other half?

Would it be a happy state of affairs, if foreigners of wealth were allowed to own the controlling share of the land in a number of the States of this Union?



CONSIDERING all of this, you would be justified in thinking that Messrs. Wilson and Bryan were badly advised when they adopted as their own the crude, unconstitutional and unstatesmanly theory of President Roosevelt touching the Treaty-making power of the Federal Government.

JUDGE WILLIAMS of the Supreme Court of Oklahoma contributes a timely and most interesting article to this number of our Magazine.

He quotes at length from the antebellum speech of Robert Toombs, in which that profound lawyer and statesman discussed the question of the Treaty power and State-rights.

After having heard Toombs make this speech, one of the Abolition Senators turned to William H. Seward, and asked—

“What is the answer to that argument?”

“There isn't any answer,” Seward replied.

But there *was*: it was gun-powder and guns—the only possible answer.

* * * * *

IN the Idaho cases, where editors and publishers were sent to jail and fined for contempt of court in excess of the penalties prescribed by the legislature, the judges, *trying their own case*, held that the power to punish for contempt was “inherent in the court.”

They decided that this inherent power was supreme, not dependent upon the legislative, and not to be limited by it.

If *that* is good law, every court is an empire, every judge a czar, and every constitutional guaranty of free speech, free press, free meeting and free petition is mere waste paper.

If one court has an inherent power which towers above the statutes and the Constitution, all the courts have it.

Therefore, our highest law should be construed as though it read as follows:

“The Writ of Habeas Corpus shall not be suspended, except by the Courts which adjudge that they have been treated with contempt.”

“Congress shall have no power to abridge the freedom of speech or of the press; but courts, which are the

creatures of Congress and of State legislatures, may do that which their creators may not lawfully do, and may send all persons to jail, for such length of time as may please the courts, when such persons publish anything, or say anything, which the courts may please to consider contemptuous.”

* * * * *

ONE George F. Cottrell, Mayor of Seattle, armed himself with what is fashionably called Martial Law, and suppressed a newspaper, whose name is, *The Times*.

For the last several hundred years, it has been supposed that no man can be legally deprived of his life, or his liberty, or his property, without due process of law.

Due process of law has been supposed to mean, *legal proceedings in the court house*.

We have been educated to believe that it required twelve jurors, and at least one judge, to take a man's property away from him, or to condemn him to involuntary servitude, or to put him to death.

But this old fashioned notion is rapidly “vanishing away.”

Under the fashionable recent importation of Martial Law, from Siberia, the Chinese interior, and Huerta's Mexico, we now kill unarmed civilians for stepping across invisible dead lines; imprison them for long terms of years by extemporized court-martial, without warrant, indictment, jury verdict, or judicial sentence; and we confiscate property by municipal proclamation!

* * * * *

WE have outlived Magna Charta and the English Bill of Rights.

We have outgrown the Constitution of 1787.

We have discarded the Hamiltonian doctrine of implied powers, and have advanced to the shoreless regions of inherent powers.

We are doing our best to live up to the conception of General Sherman Bell, who at a celebrated crisis in the history of Colorado, eloquently said:

"To hell with the Constitution!"

UNLESS this newly imported Martial Law—fresh from Siberia, Mexico and hell—is given a heroic dose of *Constitutional law*, we will soon be so far advanced toward military despotism that no power on earth can check us. If West Virginia can be Russianized, every State can. If Civil authority can be overthrown for six months, it can be overthrown for six years. If there is such a thing as the Martial Law now being enforced in every section of the Union, then our Constitution is *not* our highest law, and every one of our guaranteed liberties is at the mercy of military officers—who make their own rules, enforce them without regard to Civil law, adjudicate their own cases, and arrogate to themselves, the power to set aside Civil authorities, judges, and juries.

This so-called Martial Law, is the murderous usurpation of corporate wealth, using the soldier to crush the civilian.

THE recent news from the Philippines reveal the progress of "benevolent assimilation."

Two thousand of the natives were slaughtered because they wanted "to keep and bear arms."

While our organic law safeguards that privilege to *us*, it by no means follows that we can extend it to people who have been drawn, much against their own inclination, into the process of benevolent assimilation.

Our soldiers slew 2,000 of these recalcitrant Moros who desired to keep and bear arms; and among the victims were 196 women and 365 children.

The Moros, surrounded by our troops, held up, as shields to their own

naked bodies, their wives, their sisters, their little children. But the bullets of our Christian soldiers riddled these human shields, and the men, the women and the children all died together.

THE Currency-reform bill which President Wilson and Secretary Bryan have endorsed is, in its essential particulars, the measure prepared by the late lamented J. P. Morgan, through the late lamented Senator Aldrich—who was described by President Taft as a friend of the people. Mr. Taft himself was a friend of the people. The late Commodore Vanderbilt was likewise a friend of the people. So was Jason Gould. So are Thomas F. Ryan, and John D. Rockefeller and his brother William. So are Charles Schwab, Jacob Schiff, and the Guggenheim brothers. So are Henry Cabot Lodge, Senator Gallinger and Reed Smoot. So, likewise, is the Man who corrupted Hadleyburg and struck Billy Patterson.

So is Dr. Cook. Charles Murphy of New York is also a friend of the people. So is Gaynor. And Tumulty. Also, the patriots who form the National Association of Manufacturers.

THEREFORE, you need not pretend to be surprised at the contents of the currency reform bill now pending. It is very simple, innocent and truly rural.

All it proposes to do to anybody, is—

(1) To renew the charters of those chartered robbers, the national banks:

(2) To furnish a few robbers the money to buy bonds with, and then pay interest on the bonds, while the robbers make the people pay interest on the money: thus enabling the robbers to get interest *twice*, on no net investment whatever!

(3) To grant to a few Wall Street

robbers the authority to issue money on their rotten Wall Street stocks and bonds, which do not represent any value, save that which class-laws put into the Special Privilege of the specially privileged.

(4) To make an endless chain of directors, *that will link every national bank to every other*; and thus perpetuate the godless reign of the Money Trust.

(5) To create a legal institution that shall absorb *the powers of centralized government*, and inevitably become more powerful than the government itself.

(6) To legalize and entrench the most hateful aristocracy ever known to oppressed humanity—the aristocracy of specially privileged wealth.

PAT QUINLAN, Irish and Socialist, made a speech in Jersey City advocating the election of a Socialist mayor.

Pat Belford, Irish and Catholic, made a speech in Brooklyn, advocating the stopping of Socialists "with bullets."

Quinlan was arrested, tried, convicted, sentenced to a term in the penitentiary, and marched through the streets chained to a negro burglar.

Belford was not even arrested. He is roaming at large, inciting violent Romanists to murder Socialists—and the violent men, *hired by lawless corporations*, have been doing it.

In Jersey, in Seattle, in West Virginia, the violent men have used "bullets" on the Socialists, just as priest Belford encouraged them to do.

This is a great country, and it is growing!

WE are to pay Nicaragua \$3,000,000 for her independence, and for the blessed privilege of bottling up *the best inter-oceanic canal route in the New World*.

Nicaragua sold herself cheap—dirt cheap.

Secretary Bryan says that we must exercise over Central America "a mild and gentle domination."

Something akin to McKinley's "benevolent assimilation."

HAD we let Panama alone, no canal ever would have been put there. The cost of the enterprise was a sufficient prohibition. Where France had failed, no other nation would have tried, particularly if we had gone ahead with the Nicaragua Canal, as our Government had already decided to do.

The \$40,000,000 which Cromwell, Buneau-Varilla and their Senatorial accomplices got out of us, was a mere bagatelle to what we will lose eventually, on account of that change in our original plan.

HONEST Injun, being seized and possessed of \$500,000, wishes to start a Modern Robbers' Cave, by organizing a national bank.

Honest Injun associates with himself two equally honest men who invest ten cents, each.

For simplicity and unity of narrative, we will eliminate the latter two, and proceed with the original Honest Injun.

He goes, let us say, from Jerusalem down to Jericho, to fall in among the other thieves who are at Jericho to buy bonds.

Honest Injun produces his \$500,000 and asks for bonds. An official of the best government the world ever saw, hands out bonds to the amount of \$500,000 (or thereabouts) and rakes in the Honest Injun's pile.

But immediately Honest Injun demands that money to the amount of \$500,000 be issued to him on his bonds: also, that a year's interest be paid him, in advance, upon the bonds so recently purchased.

The best government at once heeds this importunate request, pays \$100,000 interest and issues \$500,000 in brand new money, and assures Honest Injun that such is the treatment which all such Romans as himself receive at Rome.

Honest Injun having arrived in Rome with \$500,000, departs with \$600,000, besides a batch of 2 per cent bonds, not taxable.

Thus Honest Injun turns loose \$500,000, and receives in exchange \$100,000, plus \$500,000 in money, plus \$500,000 in bonds bearing interest and exempt from taxation.

By the swap, Honest Injun makes \$600,000 clear; and what *he* makes, the people lose, for the people pay the interest on his bonds, and also on his \$600,000, in cash, when he lends it out.

In this manner, does the best government the world ever saw, maintain the best banking system on earth.

And it *is* the best government, and the best banking system—but for whom?

◆ ◆ ◆ ◆ ◆

THE Secretary of State says that he cannot live on \$12,000 a year: hence he must lecture during school-hours, leaving others to study the intricate questions that are pending before the Department.

The "others" who must attend to Mr. Bryan's duties, while Mr. Bryan is careering around among the chatauquas, have to live on less than \$12,000 a year.

But Mr. Bryan's fixed charges are large, he having a fine home in Nebraska, another fine home at Miami, Fla., and another in Washington City whose rental alone is \$4,000 a year.

We fear that Mr. Bryan, after all, is a plute.



The Treaty-Making Power: State Rights: Some Old Arguments and Some Recent Cases: Robert Toombs, Statesman and Lawyer

Justice R. L. Williams
Of the Supreme Court of Oklahoma

ON February 23rd, 1854, the Honorable Robert Toombs, then a Senator from the State of Georgia, whilst the Nebraska and Kansas bill was under consideration, spoke in part as follows:

"He (Senator Seward, of New York) says Congress may reject new States, and therefore Congress may place conditions upon the admission of new States. Admit the premises, and the conclusion by no means follows. The right to admit and reject does not include the right to put an unconstitutional condition upon admission. This is the very question at issue which the Senator is compelled to take for granted to make his proposition logically correct. There is no express power to prohibit slavery in the Territories; it has not been attempted to be shown that such a power is necessary to carry out any express grant in that instrument. If these two simple propositions be true, the argument in favor of the unconstitutionality of the restriction is complete. But I am willing to place it on the most advantageous position which can be claimed by its friends. If the power to legislate for the Territories was expressly granted by the Constitution, it must, if possible be so exercised as not to conflict with any other power granted to the Government, or right reserved to the "States respectively, or to the people." That such an exercise of the power is possible, is not denied. It is just what the Territorial acts of 1790, 1798, and many

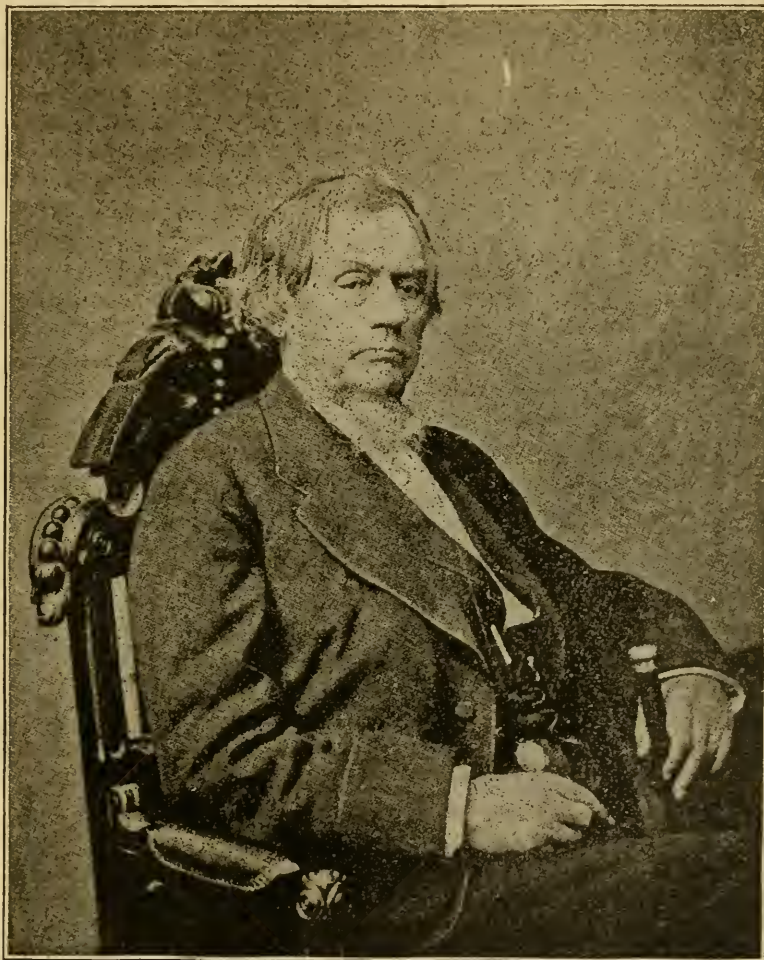
others, including these of 1850, have done, and precisely what the bill proposes to do. To hold that an undefined power expressly granted would necessarily, in a limited Constitution, absorb all other powers, would of itself be a monstrosity in construction; but the Senator from New York attempts to clothe with this attribute an implied disputed power. The Republican party, through all the exponents of its opinion, have not only held that this Government possessed no power but that which was expressly granted, or which was necessary and proper to carry out a granted power but that express grants of power must be controlled in their exercise by other grants in the Constitution. They utterly denied the whole doctrine that undefined powers, whether express or implied, were necessarily unlimited powers.

"This great principle was ably and elaborately discussed by the fathers of the Republic in 1796, in Jay's Treaty. Then the principle was asserted by General Washington—whose great name and just consideration with his countrymen gave great strength to any position he might assume—that the treaty-making power, being undefined, was unlimited. A debate sprung up on that question in the House of Representatives which lasted two months. Mr. Madison closed that debate on the side of privilege against prerogative; and when the vote was taken, it was found that there were fifty-four in the affirmative and

thirty-seven in the negative upon the question, that, although the treaty-making power was undefined, it was not unlimited.

“There was a plain grant of power to the President to make treaties, by and with the consent of the Senate. It was

by treaty, exercise any power which was granted by the Constitution to other departments of the Government. This is a very important principle, and one which I shall have occasion to discuss before the close of the session, in regard to a treaty which is



ROBERT TOOMBS

an undefined grant. There were no express words of limitation upon it. Still, the Republicans of that day, with Mr. Madison at their head, (even when the power was assumed by the Father of his Country,) declared that, though it was an undefined grant, it was a limited one, and that you could not,

said, by the public prints, to have been negotiated, and to be before the Senate.

“I hold to this construction of the Constitution; and if you depart from it, where are you to stop? If, by a Territorial bill, you can regulate one domestic institution of the people, you

can regulate another, unless limitation is found in the Constitution. If you can go beyond the plain express grant of power, may you not say that new States shall have but one Senator, and but half the number of Representatives that the other States have? If you adopt such a principle, you would have a great Confederacy composed nominally of equal, sovereign, and independent States, 'but whimsically dove-tailed, and crossly indented,' so that the States themselves could not understand their respective rights; and they would have to refer to laws passed by Congress to find their constitutional rights. Then, sir, I appeal to gentlemen to stand by the landmarks of the Father of the Republic; leaves the States where the Constitution leaves them—sovereign and independent equals; leave our fellow-citizens who seek home in the distant Territories all the rights of freemen, and they will discharge to you and themselves all the duties of freemen.

"Senators, I have endeavored thus far to commend this bill to your consideration, on the ground that it is in strict conformity with our Constitution. I have said, also, that it is wise, expedient and just. Justice is the highest expediency, the supremest wisdom. Applying that test to the principles of this measure, I say that no fair man in any portion of this country can come to any other conclusion than that it establishes between the people of this Union, who are bound together under a common Constitution, a firm, a permanent, and lasting bond of harmony.

"What is it that we of the South ask? Do we make any unjust or unequal demand on the North? None. Do we ask what we are not willing on our side to grant to them? Not at all. We say to them, 'Gentlemen, here is our common Territory. Whether it was ceded by the old States, whether it was acquired by the common treasure, or

was the fruit of successful war in which we have all fought, we ask you to recognize this great principle of our Revolution; let such as desire go there, enjoy their property, take with them their flocks, and their herds, their men servants and maid servants, if they desire to take them there; and when the appropriate time comes for the exercise of the dormant sovereignty of the people, let them fix the character of their institutions for themselves.

"This demand on the Government is nothing more than to perform the duty of all Governments. It is wise and just in all Governments to defend every citizen in the peaceful enjoyment of his life, his liberty and property. It is the life blood of a Republic; it can do no injustice that will not recoil upon it. Resting upon the people, upheld and defended and administered by them a Republic is impotent in a career of injustice, therefore such a policy is as foolish as wicked.

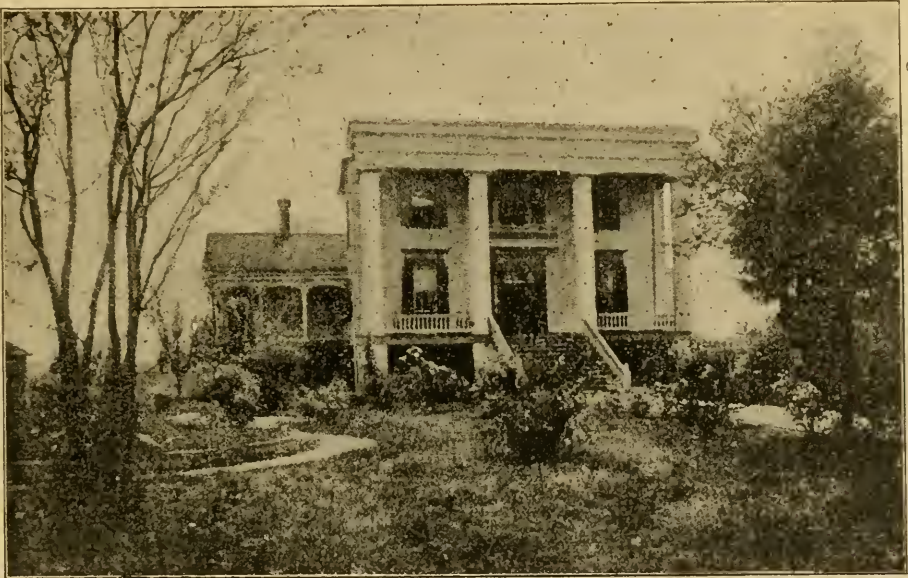
"I feel that I need spend no more time in defending the principles of the bill on your table. Neither their constitutionality nor expediency have been successfully assailed; but their opponents have relied upon other considerations to sway the judgment of the States. They are sanctioned by the all-pervading principles of the Constitution, which is a bond of equality or burdens, binding together these States and all others that may hereafter be added to them. Strike from it the features of equality and State sovereignty, and instantly it perishes; some States will be dependent, and some will be independent, and masters of the rest. I appeal to you, then, to preserve that equality which the Constitution was intended to perpetuate. Under it, little Delaware, with a small population, asserted the rights of an equal, and is treated as an equal here. She stands here today, with her one hundred thousand popu-

lation, to confront in debate and argument, on a footing of equality, the Senators from New York, with three millions at their back.

"When the people of Utah make their organic law for admission into the Union, they have a right to approximate as nearly as they please to the domestic manners of the patriarchs. Connecticut may establish polygamy tomorrow—the people of Massachusetts may do the same; how did they become possessed of greater

"Every citizen of each State must conform to the laws of the State in which he resides, and this position strengthens rather than weakens the position assumed by us—that each separate community has, and of right ought to have, the power to regulate its own institutions, subject only to the Constitution of the United States.

"You may imagine as many cases of what you may choose to call abuse of power as you please, but you cannot crush out popular sovereignty



RESIDENCE OF ROBERT TOOMBS, WASHINGTON, GA.

rights in this, or any other respect, than the people of Utah? The right in both cases has the same foundation—the sovereignty of the people.

"The Senator from Massachusetts adverts to the same fact which so greatly disturbs the Senator from Connecticut, and has made the profound discovery, that if Brigham Young carried his many wives to Pennsylvania he would not be permitted to practice polygamy there. That is very true, but why? Simply because the sovereign power of Pennsylvania forbids it, and for no other reason whatever.

to get rid of its abuses. It will outlive you, and your follies, and prejudices. It is strong in the strength, and rich in the vitality, of truth. It is immortal. It will survive your puny assaults, and will pass on and mingle itself 'with the thought and speech of freemen, in all lands and all centuries.'

Fifty-nine years ago this great man asserted in the greatest legislative body of the world that all assaults upon the sovereign rights of a State would fail; that such rights would survive and continue "with the thought

and speech of freemen in all lands and all centuries;" that the rights as to purely State matters, not of Federal cognizance, could not be impaired by the Federal Government, even as to new States when admitted in the Union.

When we examine the adjudication by the Supreme Court of the United States, the greatest judicial body in the world, we conclude that this great Senator spoke not only with a prophetic vision, but also a precision and comprehension of the organization of this Republic that is insufferable.

In the *Dred Scott* case, 19 Howard, 393, the Supreme Court of the United States held that "Congress has no right to prohibit the citizens of any particular State or States from taking up their home there (in the Territories), while it permits citizens of other States to do so. Nor has it a right to give privileges to one class of citizens which it refuses to another. The Territory is acquired for their equal and common benefit—and if open to any, it must be open to all upon equal and the same terms.

"Every citizen has a right to take with him in to the Territory any article of property which the Constitution of the United States recognizes as property.

"The Constitution of the United States recognizes slaves as property, and pledges the Federal Government to protect it. And Congress cannot exercise any more authority over property of that description than it may constitutionally exercise over property of any other kind.

"The Act of Congress, therefore, prohibiting a citizen of the United States from taking with him his slaves when he removes to the Territory in question to reside, is an exercise of authority over private property which is not warranted by the Constitution—and the removal of the plaintiff, by

his owner, to that Territory, gave him no title to freedom."

This decision has never been modified except by the Thirteenth and Fourteenth Amendments to the Federal Constitution. (*Slaughter House cases*, 16 Wall, 36; *ex-Parte Virginia*, 100 U. S., 339; *Elk vs. Wilkins*, 112 U. S., 94; *Bond vs. Thayer*, 143 U. S., 135; *Delina vs Bidwell*, 182 U. S., 1; *Downs vs. Bidwell*, 182, U. S., 244.)

Also, when he said that "When the people of Utah make their organic law for admission into the Union, they have a right to approximate as nearly as they please to the domestic manners of the patriarchs. Connecticut may establish polygamy tomorrow—the people of Massachusetts may do the same; how did they become possessed of greater rights in this, or any other respect, than the people of Utah? The right in both cases has the same foundation—the sovereignty of the people,"—he stated a legal fact.

In this, like the great and brave man he was, he stated, from the standpoint of the public opinion and public conscience, the strongest conceivable case against himself. It remained for over a half century to lapse, when the last State should be erected out of the Louisiana Territory, through whose boundary the Missouri Compromise line ran, which was then sought to be wiped out, for the question to arise, the determination of which verified the prediction of this great man.

Congress, in passing the Enabling Act for the erection of the State of Oklahoma out of the Indian Territory and Oklahoma Territory, provided that the people of the proposed State, through its Constitutional Convention by ordinance irrevocable should bind themselves that the capital of this State should remain at the City of Guthrie until January, 1913. After the erection of the State the people of the State, through their proper gov-

ernmental agency, repudiated this compact on the ground that the Federal Government had no such authority to bind the State, and removed the capital to Oklahoma City. The Supreme Court of the State of Oklahoma sustained the contention of the State in *Coyle vs. Smith*, 28 Okl., 121, 113 Pac., 944. The Supreme Court of the United States in the same case (221 U. S., p. 559, 55 Law Ed., p. 853) affirmed the decision of the Oklahoma State Supreme Court, thereby sustaining the contention of Senator Toombs as made by him over a half century before. The syllabus of that case is as follows:

"The power of Congress under U. S. Constitution, article 4, paragraph 3, to admit new States into the Union, extends only to their admission on an equal footing with their sister States.

"The constitutional duty of guaranteeing each State in the Union a republican form of government gives Congress no power to impose restrictions in admitting a new State into the Union which deprive it of equality with the other States.

"A condition in the enabling act of June 16, 1906 (34 Stat. at L. chap. 3335, p. 267), for the admission of Oklahoma into the Union on an equal footing with the original States, that the capital of the State shall temporarily be at the City of Guthrie, and shall not be changed therefrom previous to 1913, although accepted by an irrevocable ordinance, ceased to be a valid limitation upon the power of the State after its admission, and cannot override any subsequent repugnant State legislation."

It is unfortunate that the Civil War deprived this Nation of the benefit of the great intellectual powers of Senator Toombs when he had hardly passed his prime. After the war, on account of his devotion to the ideals of the past, thereby declining to take the oath of allegiance and readjusting himself to the new order of things, his State and the Nation were deprived of the benefit of his great genius and power. Subsequent events have shown that as a lawyer, on the great question involved in that discussion, he spoke with a masterly comprehension.

Rest Time

Stokely S. Fisher

'Tis autumn now,—
 Let life drift free from ills long borne and flagrant:
 'Tis autumn now,
 And easful hours the season should allow.
 Oh, long the strife against the wind's will vagrant—
 Calm, let me rest amid old memories fragrant;
 'Tis autumn now!

Alexander Hamilton and Implied Powers; John Marshall and the Rule of Reason

Fontaine T. Fox

IN the Central Law Journal for February 14th, 1913, I find a very remarkable essay on "Reform and Uniformity of Judicial Procedure," by Thomas Wall Shelton, of Norfolk, Va., to which I desire in this writing to offer my dissenting opinion.

The first division is "The John Marshall Epoch." What about John Marshall and his epoch which still lives in all its pristine vigor?

John Marshall was, after being made Chief Justice, only the exponent of Alexander Hamilton's legal and political principles—that, no more or no less. And today the American people in law and politics are still under the domination of these men. Neither of these men were ever American in the true and patriotic sense of that word. Both soldiers in the Revolution, they fought for the independence of the Colonies, but only to be independent of England politically and then when the Colonies were free, their hope, their desire, and their ambition was to build up a government in this country so consolidated and centralized in its organization that in time it would develop into a limited monarchy under a Republican form. It has nearly reached that point. Alexander Hamilton was born a British subject and never ceased to be one in his mind, principles, and objects. John Marshall's grandfather was a Royalist and he showed the taint in his blood as soon as he was made Chief Justice. I recognize it to be true that each had a Master Mind, but Mind is not character—character can be found only below the shoulder-blades.

What are the facts as to the Burr trial? During its progress Marshall

issued a rule against Jefferson as President to produce certain of his private letters in Court to be used in the trial—he had it served. Jefferson treated it with contempt. Why did not John Marshall then issue his attachment and bring Jefferson personally before the Court? He knew he had no right to issue that rule, why then did he issue it? It was simply to show his implacable, malicious and devilish hatred of Jefferson. When the trial was concluded John Marshall was burnt in effigy, but in that only.

Take his course in the Dartmouth College case. Look at facts stated by Shirley in his history of that case and by Senator Lodge in his life of Daniel Webster. If Lodge states facts, Daniel Webster was one of the most accomplished rascals ever produced by this country, and John Marshall ought to have been impeached for malfeasance in his office.

To sustain this strong statement as to Daniel Webster, I make this quotation from Shirley's History of the Case, page 86. "In June following, Wheelock personally consulted Webster with reference to his troubles with the trustees, retained him, and had paid him therefor." Page 89, "Webster failed to appear and Wheelock, with but a day and a half in which to procure counsel and prepare for it, went on with such assistance as he could obtain."

The initials "D. W." were used in letters during the controversy and as to them, I quote page 90, "Every boy who knew that 'D. W.' meant Daniel Webster and that Wheelock was the man to be put down." That this letter correctly represents Mr. Webster and

his purposes, and that they were precisely the reverse of those entertained by Mason, is not open to doubt.

Page 94. That Thompson wrote the truth to Adams admits of no doubt. That Webster did not meet the issue caused by that letter squarely is too plain for cavil. The key to this course lies in the fact that Webster's most devoted friends and political adherents were hostile to Wheelock. Their personal influence and political complications and considerations detached him from Wheelock in the teeth of his sympathies and against his convictions. Webster was severely criticised for retaining the money and acting covertly and afterwards openly for the other side. For obvious reasons he did not afterwards appear for the College in the suit brought against it by Dr. Allen and Mrs. Wheelock for the money due his estate, and for his personal services. This explosion ended the "professional" relations between Dr. Wheelock and Mr. Webster and in the belief of the writer added by construction another provision to the Constitution of the United States and changed the Public Law of the Union.

This disreputable conduct by Webster was due solely and exclusively to the mental domination of Jeremiah Mason, over Webster, who made him his tool in this great suit. Senator Lodge makes no allusion to the fact that Webster took fees on both sides in this case and kept them.

If such criminal misconduct in his professional practice had been brought to the consideration of the court in a legal way, Webster ought to have been disbarred.

The entire court differed from Marshall, and he held back his opinion until by political wire pulling and chicanery the Judges agreed to silence and he delivered his opinion. But Justice Duvall would not, and never did agree to that judgment. No one knew better than John Marshall that an act of a

State Legislature passing a charter of any sort or for any purpose is not and cannot be a contract. Gabriel Duvall is the first judicial hero ever produced by the American people and yet they have not erected a monument to his memory. The facts stated by Senator Lodge are indisputable proofs that John Marshall was actually unprincipled and unscrupulous in this case. I have sometimes thought that this distinguished Senator did not appreciate and realize the probative value of his own facts.

Alexander Hamilton was a member of the convention that formed our Federal Constitution and knew that the right and authority to create a corporation was actually denied and prohibited to Congress. When he was Secretary of the Treasury he sent his official report suggesting the establishment of a National Bank by means of a corporation, giving as a reason that he desired to create a moneyed class to control the common people. In the McCullough case, John Marshall decided that such an act was constitutional under Hamilton's doctrine of implied powers, but "Old Hickory" reversed that decision when he broke up the Bank by the removal of its deposits.

What is the doctrine of implied powers? In England it was called the prerogative of the King and cost Charles I. his head, and drove James II. from the throne and country. While in France, Louis the XIV. called it, "I am the State." Where did Hamilton get it? I quote the conclusion of the section defining the powers of Congress,—“To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all others powers vested by this Constitution in the Government of the United States or in any department or office thereof.” Under this clause Congress can pass only such laws as granted under the

specified powers nor can any officer or department of the government go beyond it. And yet this general clause is the woman from whose womb Alexander Hamilton—with his rare surgical skill delivered his bastard boy, the doctrine of implied powers.

If his construction which has been adopted and expounded by the Federal Supreme Court is correct, this clause is our entire Constitution under and by means of which that court has annulled the Constitution. If a power actually prohibited to Congress by the Federal Convention can be exercised by Congress, what and where is the limitation to this doctrine or to the implied powers of our new government?

What is the doctrine of implied powers? This doctrine of implied powers is the chameleon of history in every country, changing its form and color to meet the nature of every trouble as it arises and adapting itself to all situations as the occasion demands. It is indeed and in truth only the exercise of a power based upon usurpation of authority not granted by the Constitution of the Government. Search the annals of the human race, pagan or civilized, and then designate the people or nation in which this doctrine has not been the cause, the origin and the source of all its troubles and revolutions in every department, executive, administrative or judicial, of its government. Though dead in England and in France, in this country it is alive and growing daily in strength, power and omnipotence. I quote from Mr. Shelton this sentence, "Yet Chief Justice Marshall and his associates and their successors have created a body of rules of conduct answering both the *rule of reason* and the call of convenience, under which the States and commerce and society with slight sacrifices of individual rights have thrived to the extent of becoming the marvel of the world.

As to these judicial laws there was no appeal or repeal."

Admit the doctrine of implied powers to be a true principle of Constitutional interpretation, under a written Constitution, then these questions assert themselves and demand an answer: 1st. What power cannot be implied? 2d. By what Court can the limit be fixed so as to prevent the implication of others or rather of any or all others? 3d. How can a limitation be fixed to these powers unless by a Court? The answer to the last question is this and none other, by denying the right in any Court to imply any powers not granted; otherwise this doctrine by its exercise is the whole government.

"Rule of reason"—"the call of convenience"—"slight sacrifices of individual rights"—"there was no appeal or repeal." Let the man who reads this essay by Mr. Shelton read it, not with his memory but with his mind, and then give it a critical analysis and an impartial consideration.

The rule of reason: what is it? When and where was it established and brought to the use of man in his government? I will quote from Sir Robert Filmer's "Patriarcha or the Natural Power of Kings," published in London in 1649, and which John Locke in his two Treatises on Government murdered in cold blood and unprovoked, and which slept in its grave until resurrected by our Federal Supreme Court, Anno Domini, 1912, 273 years after its burial, when it was thought no human being knew the date of its burial and the location of its grave. And when its second birth or resurrection took place, Justice Harlan (Thank God) a Kentuckian in birth, in raising and in education, uttered his heroic and patriotic protest, and by that act made himself the second hero known to the judicial history of this country.

Filmer, page 56, "Diversity of

Cases are infinite and impossible to be regulated by any law and therefore we find even in the Divine Laws which are delivered by Moses, there be only certain principal laws which did not determine but only direct the High Priest or Magistrate whose judgment in special cases did determine what the general law intended. It is so with Common law, for when there is no perfect rule, judges do resort to those principles or common law axioms whereupon former judgments in cases somewhat like have been delivered by former judges, who all receive *authority from the King* in his right and name to give sentence according to the rules and precedents of ancient times; and where precedents have failed the judges have resorted to the *general law of reason and accordingly given judgment without any common law to direct them*. Nay, many times where there have been precedents to direct, they upon *better reason only, have changed the law* both in causes criminal and civil, and have not insisted so much on the examples of former judges as *examined and corrected their reasons*: thence, it is that some laws are now obsolete and out of use, and the practice quite contrary to what it was in former times as the Lord Chancellor Egerton proves by several instances." There you have Sir Robert Filmer's greatest son, red-headed, freckled-faced and cross-eyed. When will our Supreme Court announce another rule of reason or rather the rule of another reason?

Can it be possible that our Federal Supreme Court is ignorant of the greatest outstanding fact in all human history—that our Federal Government under its written Constitution formed by a Convention in solemn assembly and by delegates elected and authorized by the people for that express purpose, is the first government of the kind known to the human race with all its powers and authority defined

in express terms for its organization and operation in all its different departments, and setting forth the rights of the people and the limitation for their exercise?

The people of England have no Constitution today, in this, the 20th century. Its government is a statutory government, resting on certain statutes enacted by its parliament. Whenever England undertakes to form a government with a written Constitution in the manner and mode in and by which our government was created, it will be the end of the English monarchy. The people will rise in their might and dignity, and asserting the personality of man, will be the King of that country.

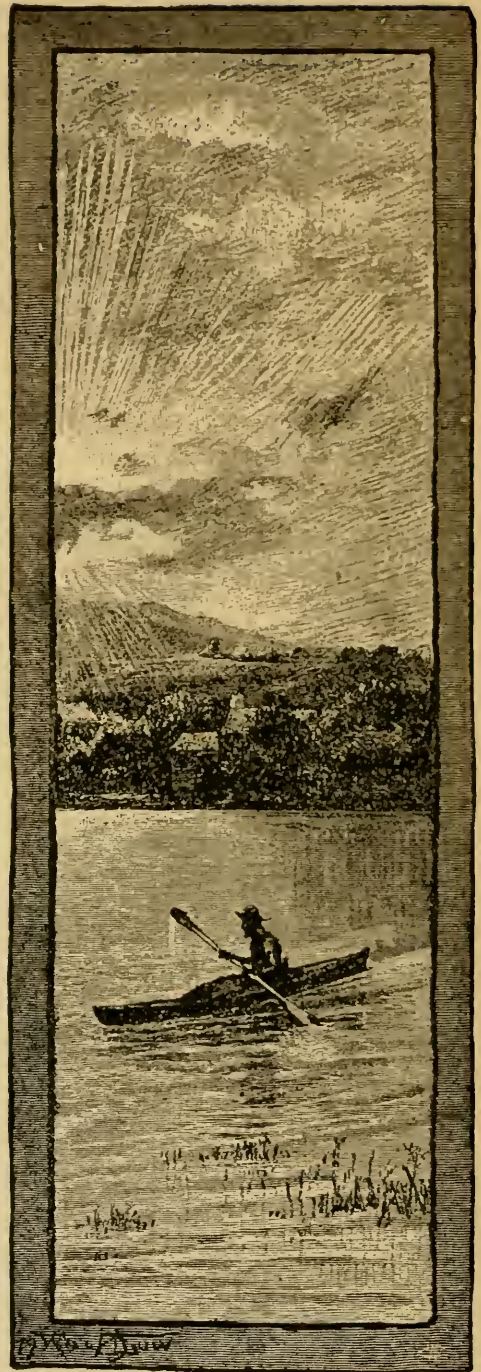
The personality of man asserts itself and exists in his demand of the right of citizenship in the country of which a resident and the exercise of the right of suffrage therein, regardless of all division in the social and political classes under and in the government which claims and exercises the authority, the power and the right to demand and compel him as a citizen thereof to defend his country and its government at the risk of his life in the event of a war. His rights of suffrage and his duty to defend his government are correlative and inseparable rights, the one coming from the other.

The doctrine of implied powers in full power and sway and the rule of reason just resurrected and announced by our Supreme Court, *where is our written Constitution?* "Pray, gentle shepherd, tell us where?" Where is our government outside the judicial opinion of this Court? Can a search warrant find it?

Alexander Hamilton and John Marshall have planted in this country the seeds of a revolution which have already begun to sprout and which is approaching us day by day. And I say, let it come, and when it bursts forth, compared with it, the horrors

of the French Revolution will be the prattle of little boys over a game of marbles. But, when the troubles are at an end, the American people can re-announce its Declaration of Independence and be actually and in fact, independent, of Great Britain and free of England socially, legally and politically. They will also have wrenched their Constitution from the treasonable grasp of Alexander Hamilton and John Marshall. Then will our Federal Government no longer be Alexander Hamilton's "frail and worthless fabric." Nor our Constitution John Marshall's foot-ball nor the plaything of his judicial successors.

Some few years ago Henry Watter-son wrote and published in his paper an editorial, the title of which was, "Back to the Constitution." It was brilliant in thought, powerful in its logic, and opportune in time. It deserved to have been republished and discussed throughout this broad country. If the politicians and political editors of this country desire to stop that revolution, let them fling their banner to the breeze inscribed with these ominous, but patriotic words, "*Back to the Constitution,*" and appeal to the agricultural men, the wage earners, the working classes, and the common people—to rally around that banner; if not, then let the Initiative, the Referendum, the Recall of Judges and Government by Commission, enlightened and guided by the rule of reason prevail throughout our land. What then becomes of that judicial trinity—the doctrine of implied powers, the rule of reason and judicial legislation, so dear to the heart and conscience of our Federal Supreme Court? They will vanish, *perhaps*, like the Myths of the Pagan Religions.



John Howard Payne: A Strange, Eventful History

MILTON E. ALLES

ON the very crest of Oak Hill, picturesque city of the dead, there peacefully sleeps, in the bosom of his own "Home, Sweet Home," all that mortal remains of John Howard Payne. Far down steep declivities, marked by long terraces of swelling mounds, is Rock Creek, winding tortuously among the rugged hills to the North. Southward, the broad Potomac rolls "in solemn silence to the ocean," while to the East the great dome of the Capitol glistens white in the sun. Near by is old Georgetown—in this day called West Washington, but still sufficiently marked as belonging to another age by many a steep, moss-grown roof and dormer window. It is here, at the National Capitol, that a few years since a home was prepared for the wandering poet, whose ashes so long lay in the little cemetery of St. George, at Tunis, Africa.

Unfortunately, there has been some misunderstanding as to the place of Payne's nativity. Even the marble tablet which rests above his dust bears a false inscription. Thereon it is recorded that he was born in Boston. It has been indubitably shown, both from statements of the poet himself and from family records, that he was born at No. 33 Pearl Street, New York City, June 9th, 1791. His early childhood was spent, however, at the old homestead, East Hampton, Long Island. In 1838, when Payne was a resident of Washington, he contributed to the *Democratic Review* several articles, among which was one entitled "Our Neglected Poets," in which he described East Hampton and vicinity. Mr. Gabriel Harrison, one of Payne's biographers, has said: "If he was thinking of any one place on earth

when he wrote his song of 'Home, Sweet Home,' it was of the 'lowly cottage' at East Hampton." And, among many minute details, this is what the poet himself says of the place: "The sweet solitude of East Hampton is inevitably destined to interruptions from the city, and many an eye, wearied with the glare of foreign and domestic grandeur, will, ere long, lull itself to repose in the quiet beauty of this village. It will revel in its day-break ocean sports. It will delight in its summer sunsets, which as the gazer from the rising ground at the western extremity looks down the long and ample street, flings giant shadows upon the grass, and gilds the treetops and the nearer windmill, and the chimneys, and the academy cupola, and the little meeting-house spire opposite, and the distant tavern sign, swinging between two posts in the center of the road, and the far-off windmill; while the geese strut with slow and measured stateliness to their repose, and the cottagers, upon the benches projecting from before each side of many of the cottage doors, talk news or scandal, or pertinaciously bicker away about politics and religion, though they are said never to have voted but upon one side, and never to have listened to a sermon out of their own sect. Such, then, was East Hampton."

In 1796, his father, with his family, removed to Boston, where he was connected with an academy, his principal occupation being that of a teacher of elocution. While a youth in Boston, the future poet organized a boys' military company, of which he became captain. The incident is worthy of note because of the fact that another boy member of that youthful company

lived to achieve renown by writing a tender and enduring song of home. It was Samuel Woodworth, author of "The Old Oaken Bucket."

John Howard Payne, as a child, was extraordinarily precocious. Before he was fourteen years of age his genius had manifested itself to such an extent that he was looked upon as a prodigy. Under the guidance of his father, he had become an accomplished elocutionist and, indeed, was already assistant instructor in the school. His successes in private theatricals and school exhibitions began to attract attention, and, conscious himself of the fact that he possessed dramatic talent, he set his hopes on becoming a rival of the famous Master Betty, the youthful Roscius of England. So completely was he absorbed by his ambitions that his father became alarmed, and every effort was made to smother them. His brother, William Osborn Payne, who was a member of a mercantile firm in New York, having died, it was conceived to be a good plan to place the youthful aspirant for histrionic honors at a desk in the counting-house. But the moth will go back to the flame, and so, within a few weeks, we find him secretly publishing a little paper called *The Thespian Mirror*. The extraordinary merit of this little paper soon attracted the attention of observant literary men, who were astounded upon learning, by accident, that the author was but fourteen years of age. Mr. Coleman editor of the *New York Evening Post*, met him about this time and, concerning an interview with him, said:

"I found that it required an effort on my part to keep up the conversation in as choice a style as his own. I saw him repeatedly afterward, and had not only the circumstances of his extreme youth confirmed, but, what was more astonishing, learned that three years of his little life had been, as it were, blotted out of his existence by illness,

so that he really could be considered scarcely more than ten years of age."

The boy was now lionized by the cultured people of New York, and some of the acquaintances made became valuable friends. There were some who realized that over-attention would spoil the talented youth, and these devoted friends prepared the way for him to enter a school at Schenectady. At this school he took a prominent part in the literary ventures of the students, and started a little paper called the *Pastime*, which was a great success. Payne was now sixteen years of age, and up to this time his sorrows and disappointments had been no more than those ordinarily met with by every boy whose environment seems to be opposed to his ambition. But now came real sorrow. June 8th, 1807, his mother died. This sad loss virtually ended his college career. Writing to his father, he said: "Since mother's death all nature seems speechless; the flowers have lost their color and their perfume; the heavens are black, and the trees seem motionless." The father suffered keenly in the loss of the wife, and in his depression more than ever neglected his already failing fortunes. He was soon a bankrupt. And now became a necessity what had before been the son's fondest choice: he must resort to the stage in order that he might relieve his father's distress.

His successes were marvelous. His first appearance was on the evening of February 24th, 1809, when, being in his eighteenth year, he assumed the part of *Young Norval*, a character in the tragedy of "Douglas," very much in demand at that time. New York, Boston, Philadelphia, Baltimore, Richmond, and Charleston were visited in rapid succession, and each appearance was made the occasion of brilliant success.

January, 1813, he turned his face toward England, and thus became, as he himself has said, the pioneer American dramatic adventurer. His London

appearance, although under trying circumstances, was an instant success. He appeared in various English cities as *Romeo*, *Hamlet*, *Petruchio*, and *Young Norval*. His repertoire also included such prominent parts as *Octovion* in "Mountaineers;" *Zaphna* in "Mohamet;" *Tancred* in "Tancred and Sigismund;" *Edgar* in "King Lear;" and many others. But, while he was at first successful, "as an actor he did not grow with his audience, and lacked the genius to hold a place as a start upon the English stage."

But his experience as an actor gave him an acquaintance with stage methods, and laid the foundation for the really successful work of his life, that of a dramatist. He possessed a genius for adaptation, and was employed by London theatres to remain in Paris for the purpose of observing the French stage, and of transmitting instantly such of the French successes as might seem best fitted to the wants of London theatres and their patrons. A long list of successful plays followed his endeavors, the construction of some of which entitled him to high rank as a playwright. His "Brutus" was, and is, the only really successful play of the many essayed on that subject. It was produced year after year in England, and for years it was one of the standard plays in this country. Notwithstanding the complete successes made by many of his plays, he seems always to have been unfortunate in the matter of remuneration for his work, and therefore during his residence of twenty years abroad he gained but little pecuniary advantage. He failed as a manager to such an extent that he landed in the debtors' prison some \$7,000 in debt; but "Therese," a remarkably successful adaptation of Victor's play, won him his liberty.

It will not serve the purpose of this article to follow his various dramatic successes and financial sufferings. We are mostly concerned with his opera, "Clari." The success of "Therese"

brought him only short-lived relief. He now returned to Paris, in behalf of the Drury Lane Theatre; but his employers were neglectful and dilatory in money matters, and Payne was soon in financial distress. About this time Charles Kemble undertook the management of Convent Garden Theatre, and he immediately sought the services of Payne. The latter, in pressing need of money, dispatched a bundle of manuscript plays, asking for the whole £250. One of the plays was a drama which was subsequently produced under the name of "Clari." It was this drama which Payne offered to Kemble for £50. It was Payne's opinion that the piece contained material which would make a good opera, and, if it met with Mr. Kemble's wishes, he would have his friend, Sir Henry Bishop, arrange the music for it and he himself would make such alterations as were necessary. The £50 was paid and charged as a credit on the bundle offered for sale at £250.

The opera of "Clair" was a tremendous success which may mostly be accounted for because of the instant admiration won for it by the introduction of that feature for which it will long be remembered, Payne's immortal song, "Home, Sweet Home." The poet's biographer, Mr. Gabriel Harrison, has written: "This song has had a more universal circulation than any other song written before or since. It is a fact that upward of one hundred thousand copies were issued by its publisher in London in less than one year after its first publication. The profit yielded over two thousand guineas. It at once became so popular that it was heard everywhere. Whether in the streets, or the concert, or the theatre, it was always welcome to the ear. It has been heard in the cottage and the palace, it has been sung constantly by the humblest peasantry, and sanctified by the sweet warblings of a Pasta and a Malibran. 'It has been quoted in sermons and sung, with slight alterations, in places of divine worship. It is a

favorite song of the exile, and is not unfamiliar in the desert wilds of Africa.' This one effort has so much of the 'touch of nature' in it, that the whole world becomes akin in acknowledgements and love for its author." The music of the song is by Sir Henry Bishop, and the melody is very similar to an old Sicilian air. It is related that when Payne was in New Orleans in 1835, he gave the following account of the origin of the music to a friend, who questioned him on the subject: "I first heard the air in Italy," said the poet. "One beautiful morning, as I was strolling alone amid some delightful scenery, my attention was arrested by the sweet voice of a peasant girl, who was carrying a basket laden with flowers and vegetables. This plaintive air she trilled out with so much sweetness and simplicity that the melody at once caught my fancy. I accosted her, and after a few moments' conversation I asked for the name of the song, which she could not give me; but, having a slight knowledge of music myself, barely enough for the purpose, I requested her to repeat the air, which she did while I dotted down the notes as best I could. It was this air that suggested the words of 'Home, Sweet Home,' both of which I sent to Bishop at the time I was preparing the opera of 'Clari' for Mr. Kemble. Bishop happened to know the air perfectly well, and adapted the music to the words."

The opera was produced at Convent Garden May, 1823, and the song was first sung by a Miss Tree, sister of Ellen Tree, afterward the wife of the celebrated actor, Charles Kean. Of course there have been various accounts as to the conditions under which "Home, Sweet Home" was written. The one given seems to be thoroughly authenticated. One story has it that "one stormy night beneath the dim flickering of a London street lamp, gaunt and hungry, and without a place to shelter his poor, shivering body, he

wrote his inspired song upon a piece of a ragged paper picked from the sidewalk."

During Payne's long absence in Europe, his name had been kept alive in America by the constant repetition of his plays on the American stage, and, while they had been a source of great profit to managers and actors in this country, Payne had received no compensation whatever for the use made of them. Friends at home, knowing of his embarrassments earnestly insisted that he should return. Assurances were given him that a generous public would respond in liberal measure for the entertainment he had so long and well given them. July, 1832, he arrived in his native city of New York. At that time, the cholera scourge had paralyzed all activities, and the city was well-nigh deserted. As soon as the dread disease was stamped out, arrangements were made for giving the poet a benefit. This was done at the old Park Theatre, and the undertaking resulted in conspicuous success, the receipts for the evening exceeding \$7,000. The character of the entertainment provided may be judged from the fact that among the participants were Charles and Fanny Kemble and Edwin Forrest. The bill for the evening included "Brutus," written by Payne, the comedy of "Charles II.," also one of his successful productions, and "Katherine and Petruchio." "Home, Sweet Home" was sung, followed, in full chorus, by the finale to Payne's opera of "Clari." Similar benefits were given in Boston and New Orleans during the course of the next two years.

About this time, Payne became interested in a project for the publication of an international magazine, with the result that, while investigating questions growing out of difficulties with the Cherokee Indians, he took up his residence with that tribe. He became their counselor and defender.

In 1838 he went to Washington, and at the capital he formed the acquaint-

ance of the leading statesmen of the day. In 1842, through the efforts of Webster and Marcy, he was appointed by President Tyler consul to Tunis, at which post he arrived in May, 1843. Here he found much material to satisfy his gifted imagination. Tunis very nearly occupies the site of ancient Carthage. Here he could review on the spot the story of Aeneas's adventures, and the woes of the unhappy Dido. Here might be pointed out the shores upon which the hero's fleets were wrecked, and there the place where stood the sorrowful queen "with a willow in her hand, upon the wild sea banks, and wafted her love to come again to Carthage." For three years he performed very ably the duties of consul; but there were mutations in office then as well as now, and late in 1845 he was recalled. Something of a controversy took place over the question of his reinstatement. His friends in Washington were many, and among them such powerful ones as Webster and Marcy. It was not until 1851 that Webster secured his return. When he bade farewell to the country of his heart for the last time in 1851, his health had already begun to fail.

July 25th of that year he sailed for Tunis on board the United States ship Commodore Morgan, from Marseilles. It was to this Mediterranean port of France that Honorable Horace A. Taylor, now Assistant Secretary of the Treasury, brought the body of the poet some thirty years later. His second incumbency of the office of United States Consul at Tunis was to be of short duration. He entered upon the work of the consulate eagerly, and with the energy of his earlier days. Early in the winter of 1852 he was afflicted with rheumatism, he sought to entertain several American visitors to Tunis and Carthage in March by personally conducting them to interesting places. His strength was not sufficient to the task, however, and he suffered a relapse, from which he did not recover. He

died at six o'clock on the morning of April 9th, 1852, in the sixty-second year of his age. The marble slab placed by the Government over his grave unfortunately contains the erroneous statement that he died April 1st. "So," says his biographer, "ended the singular and constantly varying life of John Howard Payne, unquestionably a man of genius but who failed to accomplish a very high position in any of the several professions of poet, dramatist, or actor, from the want of exclusive devotion to some one of them."

The remains of the dead poet were laid to rest in St. George's Cemetery, Tunis, where they were destined to find repose for over thirty years, or until 1883. The United States Government authorized the placing of a marble slab over the grave, and this same stone now rests above the poet's ashes in Oak Hill, Washington. The inscription may be read by reference to the illustration. It was written by Hon. William Penn Chandler, who succeeded Payne as consul at Tunis. Mr. Chandler has acknowledged that he was in error concerning the place of Payne's birth and the date of his death, but attributes these mistakes to want of information.

In connection with the return of the body of the author of "Home, Sweet Home," to be sepulchred in the soil of his own native land, there is a story that possesses a charming interest. It is said that in 1882, when Lieutenant (now Rear-Admiral) Melville, of the unfortunate *Jeannette*, arrived in Washington, the Marine Band welcomed him to the city with the strains of Payne's immortal song, and that the late W. W. Corcoran, a citizen of great public spirit and wealth, heard the sweet harmonies wafted through the trees of Lafayette Park to his home. He was inspired then and there with the desire to bring the body of the poet to his own country. It is true, nevertheless, that Mr. Taylor, once Assistant Secretary of the Treasury, was instrumental in bringing to the attention of

the people of the United States the fact that the body of him whose song of home had thrilled the hearts of millions lay buried in a far-away foreign land. Mr. Taylor was United States Consul at Marseilles in the early eighties.

During a trip through Northern Africa in the winter of 1881 he went to Tunis. After visiting the grave of Payne, he wrote an article describing it, and giving some incidents connected with his life, writings and official career. This article was widely published throughout the United States. It quite likely attracted the attention of Mr. Corcoran, who then became impressed with the idea that the remains of Payne ought to be transferred to this country.

In any event, Mr. Corcoran, October 14th, 1882, applied to the Secretary of State for permission "to disinter the remains of our countryman, John Howard Payne, which now rest in a grave near Tunis, in Africa, that they may receive more appropriate sepulture in the bosom of his native land. It has seemed to me," wrote Mr. Corcoran, "that the precious dust of an American citizen, who sang so sweetly in praise of 'Home, Sweet Home,' should not be left to mingle with any soil less dear to him than that of the land which gave him birth, and which, by the beauty of its home life, gave to him his best poetical inspiration." The Secretary of State replied that the proposal met with his warm approbation, and promised his readiness to do what he could in rendering fitting tribute "to the memory of one whose touching verses have so endeared him to his countrymen." James Russell Lowell was then Minister to England, and in the absence of any consular representative of our Government at Tunis, Mr. Lowell was requested to obtain the assistance of the British Government in obtaining from the Government of the Regency of Tunis permission to exhume the remains. Accordingly, Mr. Thomas F. Reade, Her Majesty's Agent

and Consul General at Tunis, was instructed by his Government to carry out the wishes of the United States.

The exhumation took place at twelve o'clock, noon, January 5th, 1883, there being only a few persons present, most of whom had come at the request of the British Consul to act as witnesses. Two were present who had been at the funeral more than thirty years before—one, Mr. Pisani, a friend, and the other the old and faithful native servant of the poet. The coffin was with difficulty kept from falling to pieces, owing to its state of decay. An eye-witness says there was "little else than the blackened skeleton left. Traces of the colonel's uniform in which Payne was buried were distinguishable—some gold lace and a few buttons." After the body was put in secure coverings, it was conveyed to a little Protestant church near the cemetery, where it remained during the night of the 5th under guard. A newspaper correspondent, who was present, wrote: "When the body was carried into the church, an English gentleman at the little American-made organ played the air, and a sweet-voiced American lady sang the immortal song of the dead poet; and as the tender words tremulously floated through and filled the holy place, hearts swelled, eyes were suffused, and 'a charm from the skies seemed to hallow us there.' Tongue cannot tell nor pen describe the effect of that song, sung under the circumstances stated. The gloaming of the coming evening had crept into the chapel; and the 'dim religious light' that Payne's poetic temperament could have understood and absorbed, bathed all, both living and dead, in its mellow radiance. The twilight came on apace; and we left the poor remains to lie there until the morrow, guarded by the faithful dragoman who, in life as in death, was stanch and faithful to the last." The sweet-voiced American lady was Mrs. Worthington, wife of the United States Consul at Malta.

The remains were shipped to Mr. Taylor at Marseilles. "When the casket containing the body of Payne arrived," says Mr. Taylor, "I was informed by the agent of the steamship company which had transported them from Tunis to Marseilles that unless I made some arrangements to take care of them the health authorities would seize the remains and bury them again.

"In order to avoid any trouble with the health authorities, I hired a barge, had the casket put upon it, and anchored out in the bay a long distance from shore. Notwithstanding this precaution some days later, while I was waiting for the ship to sail for New York in order to ship the body, the health authorities in some way learned of the fact that I had caskets containing human remains anchored out in the bay, and they proposed to seize them and have them properly interred. I had the caskets opened and found that the body had absolutely 'returned to dust.' The bones, even, were only ashes. Mr. Payne was buried in his uniform, it would seem, as there were streaks of bright gold running down each side of the casket, which undoubtedly came from the gold stripes on his trousers. After numerous conferences, and many and very emphatic expostulations, I prevailed upon the authorities to allow the remains to stay where they were until I could get them shipped.

"Another annoying circumstance delayed the shipping. The day before the vessel was to sail, upon which the body was to be shipped, I received notice from the agent of the company that the contract for shipment would have to be cancelled. He said it had become current rumor that the ship was to transport a 'corpse,' that several passengers had cancelled their passages, and quite a number of the crew deserted on that account. I called his attention to the fact that the corpse consisted of but a little dust. I insisted that the contract to take the body be

carried out—and, by the way, I was compelled to pay 1,000 francs, double first-class passenger fare, for the transportation of the remains—but all my arguments were fruitless. The company would not accept the shipment, and I was obliged to make other arrangements. There was another ship sailing in a few days, and I made a contract with them. The box containing the casket was taken on board in the night and stored away in the hold, and in this way the body was shipped to New York. During the time that the remains were waiting shipment, I received a cable message from the Department of State at Washington, telling me to hold the casket until the stone which covered the tomb of Payne in Tunis could be procured and shipped at the same time. I sent a messenger to Tunis to secure the stone, but the authorities there refused to let it go. It seems that, after the remains had been removed, the tomb had been fixed up as before, and this stone placed upon the top of it, so that the appearance was precisely the same as when the body was resting there. At the time, although the French were in possession of Tunis, and were the real rulers there, the ostensible head of the government was the Bey, the Arab ruler. He objected to the removal of the stone. After considerable negotiation with my messenger, who was my son, Willis A. Taylor, and considerable correspondence, I succeeded, through the friendly intercession of Mr. Reade, of Her Majesty's Government, in inducing the authorities to allow the stone to be removed. It was shipped with the remains, and now lies at Oak Hill Cemetery, near the tomb of Payne."

March 22d, 1883, the *Burgundia* arrived in New York harbor. John Howard Payne was home. Not far away on Long Island was "the lowly cottage" at East Hampton, and close at hand was the very street where he was born. The casket, covered with the

American flag, lay in state at the City Hall, New York, for a day, and at four in the afternoon Gilmore's Band attended and played "Home, Sweet Home." From New York the remains were brought to Washington by the representatives of Mr. Corcoran, reaching the capital, Saturday, March 24th. Without ceremony, according to Mr. Corcoran's wish, they were conveyed to the cemetery and placed in the chapel. June 8th, 1883, they were removed to the Corcoran Gallery of Art, there to lie in state. The following day, June 9th, the ninety-second anniversary of the poet's birth, with great pomp and ceremony, his honored dust was conveyed to the spot where he now sleeps. The President of the United States was in attendance the members of his Cabinet, and many distinguished persons,

both in official and private life. The ceremonies were conducted with admirable taste. As the start was made for the cemetery, the celebrated Marine Band, under the leadership of Sousa, played "Home, Sweet Home," and at the cemetery, at appropriate moments, the Philharmonic Society sang stanzas from the tender song. There was an oration, and the venerable Bishop Pinkney conducted the religious services. It was late in the day, quite seven o'clock, when the ceremonies were concluded. The sun, low in the west, gilded the June leaves of the tall oaks. Then, while the Marine Band softly played "Safe in the Arms of Jesus," the distinguished gathering dispersed, leaving the sacred dead to their own peaceful solitudes, and John Howard Payne—home at last!

Reaction

Ralph M. Thompson

*Let him who trifles with a heart,
To cast the paupered waif away;
And him who plans with cunning art
To taunt a jealous soul at bay—*

*Remember ere his final breath
He yet may plead, a shackled slave;
For honest love's as strong as death,
And hate as cruel as the grave.*

Another Chapter in the Wonderful Story of the Presbyterian Hospital of New Orleans

Rev. J. C. Barr, D.D.
(For the Christian Observer)

MANY friends in New Orleans and throughout the South show by repeated and loving questions and substantial gifts that their interest in the welfare of the Presbyterian Hospital of that city is real and lasting. These know something of its previous history—of how it was *begun five years ago* when a few believers belonging to the Woman's Home Missionary Union of New Orleans Presbyterian took fifteen dollars which they had contributed, to God in prayer, and asked Him who had fed the five thousand with five loaves and two small fishes, to multiply their little handful of silver and build with it a great Hospital where, in the Name of Jesus, the sick would be healed; of how these prayers were heard and when the fund grew to five hundred dollars the Hospital was organized and a free clinic for the poor was opened at 628 Carondelet Street on January 14, 1909; of how, when this clinic prospered and outgrew its original quarters, efforts were made to locate the Hospital more advantageously; of how *bitter persecution* sprung up; of how the Hospital through a weary year was *kicked* from one end of New Orleans to the other, and denied a permanent location anywhere; of how in the direst hour of its need the door was opened to a splendid future by the purchase of the New Orleans Sanitarium 719-739 Carondelet Street; of how within a year the purchase price of \$50,000 was raised; of how the Hospital *then entered on a period* of surprising prosperity.

But, of course, unbelief has not been quiescent in the presence of this glorious victory for Christ. New Orleans, is *largely Roman Catholic* and infidel.

There is reason to believe that many things the Presbyterian Hospital has had to suffer have been *inspired by Jesuitism* aided by irreligion. Whether this be true or not, the *following facts* can not be successfully questioned.

Hardly had the Hospital entered into its permanent quarters and equipped its free clinic for the poor at 730 Baronne Street, when, a few days before the clinic was to have been opened in December, 1910, *vandals entered* the building in the night time and *wrecked all its furnishings* and tore out the *gas fixtures*, leaving the gas pouring out for several hours. One shudders to think what would have been the fate of the nurses who were sleeping in the upper story of the building, had even a match been struck there during these hours. Although the matter was *reported to the police*, no clew which would identify the miscreants who were guilty of this dastardly deed has ever been found.

After we had entered our new quarters, the board of managers decided to *invite in turn all Protestant ministers* who would co-operate to assist in holding services in the nurses' parlor every Sabbath afternoon. In a beautiful spirit of fellowship this invitation was cordially accepted. The nurses and convalescent patients were freely accorded an opportunity to hear the Gospel. One, not knowing conditions in New Orleans, would think that such an arrangement, which was purely voluntary, and put no compulsion on either employes or patients to attend such services, would be taken as a matter of course. But not so. Word came *just about this time*, or shortly thereafter, that *there was great restlessness*

among the nurses. Finally, when an investigation was made, definite information showed that *two of these* were particularly out of sympathy with the management and were disturbing discipline. Thereupon, the board of managers promptly *dismissed both of them*. One we learned later, was a Roman Catholic and the other a Protestant. The Roman Catholic nurse entered proceedings against the Hospital in the civil courts. The judge in the lower court ruled in her favor on every point. The Hospital's lawyer then had the case *carried up* to the Supreme Court, where a hearing was had last spring, and an *order given* forbidding the lower judge to proceed further with the case. Had our lawyer not so splendidly succeeded, the discipline of the Hospital would have been as thoroughly wrecked as was the interior of our clinic building.

In the *meantime*, with the permission and hearty agreement of the board of managers, the Woman's Auxiliary placed a fine *Oxford Bible* in every room in the Hospital. Then we began to *hear of restlessness* among the physicians. A crisis was reached last July when several of the medical board *resigned*, and, in spite of the contract made when the Sanitarium was purchased from them and their fellow stockholders in 1910, took their good will away from the Hospital.

They had previously *been paid* their own price of \$50,000 for that good will and other assets of the Sanitarium; but, nevertheless, with great moral callousness they withdrew the patronage for which the money was given. Then a *very hurricane of hatred* burst loose against the Hospital. The city and countryside were filled with the noise of adverse criticisms so diplomatically disseminated and so widespread that only a well drilled organization could have accomplished what has been done along these lines.

The adverse rumors ran in three

general directions and were repeated by so-called friend and foe alike.

(1) It was said the Presbytery of New Orleans had never recognized the Presbyterian Hospital.

(2) It was reported that all the doctors had *left the Hospital* and that it was closed for want of patients.

(3) It was *bruted abroad* that the Hospital *could not meet* its financial obligations and that it would not be able to *pay the interest* on the bonds which would be due December 2, 1912.

All these rumors are best answered by the *following facts* which are herewith given, not so much to answer evil rumors, as to show how God takes care of His own through evil report as well as good report, and to add another striking chapter to the already wonderful history of an institution founded by faith and built by the Most High in one of the *most wicked cities* in the world.

(1) However some who have consistently fought this Presbyterian Hospital from its inception may wish it otherwise, the official minutes of the Presbytery of New Orleans contain unequivocal commendations of this Presbyterian Hospital. These actions have been taken in successive years in response to reports sent to Presbytery by the Woman's Home Missionary Union. That Union itself adopted the charter of the Hospital which was patterned after a number of the greatest and most successful Presbyterian Hospitals in Europe and America.

When in the spring of 1909, the Union reported that the Hospital had, at their request, been organized by a group of representative Presbyterian men whom they had personally invited so to do, and submitted full data concerning this organization, including the charter of the Hospital (all of which data are still on file in the official records of the Union), Presbytery said: "The report of the Women's Home Missionary Union presents

many encouraging evidences of the consecrated zeal of our women. . . . Presbytery would speak a word of commendation for them in every department of the work they have undertaken. . . . It is also a matter of pleasing information that they have established a free clinic which they hope will develop into a Presbyterian Hospital." (Printed minutes of the Presbytery of New Orleans, April 20-22, 1909, page 289.)

Again in 1910 Presbytery spoke as follows: "The Presbytery notes with pleasure the earnest Christian spirit and continued progress of the Woman's Home Missionary Union. The Union is greatly interested in the work of the Presbyterian Hospital of New Orleans and has done much for it. We believe that there is need in our midst for the work contemplated by the Presbyterian Hospital, and commend that institution to the moral support of the Presbytery." (Printed minutes of the Presbytery of New Orleans, April 21, 1910, page 23.)

Again in 1911 Presbytery said: "We note with much pleasure the splendid work still being done by the Woman's Home Missionary Union. Their activities extend along various lines, notable among which is the great work they have done and are still doing in connection with the 'Presbyterian Hospital,' an institution which seems to have before it a future of great usefulness and which we commend to the moral support of this body." (Printed minutes of the Presbytery of New Orleans, April 18-20, 1911, page 102.)

(2) In response to the second evil rumor that all the *doctors have* left the Hospital and that it is closed are the following facts: Dr. J. M. Batchelor, one of the greatest surgeons in the South, for a number of years house surgeon of the Charity Hospital of New Orleans, has been chairman of the medical advisory committee of the Presbyterian Hospital ever since the

old medical board was abolished. He has with him as *fine a corps of physicians* as can be found anywhere, and some of whom were with the former medical board and who refused to leave the Hospital when some of said medical board withdrew their patronage from the Hospital. The report of November, 1912, shows that 49 physicians had patients in the Presbyterian Hospital during that month. This number exceeds that of any similar period in the history of the institution. The following comparative report of the pathological department prepared up to December 1, 1912, is equally eloquent as to the number of the patients being treated by the Hospital. In 1912 the surgical examinations number 238, in 1911 there were 230; in 1912 the bacteriological examinations number 567, in 1911 these were 403; in 1912 the urinalysis examinations number 2,065, in 1911 these were 1,311. The clinic for the poor during last October broke all previous records, furnishing nearly 1,000 treatments free of all cost.

(3) No more pointed answer can be given to the *false reports* concerning the *financial standing* of the Hospital than the explicit statement, herewith made, that on the second of December, 1912, the *obligations then falling due* were, as heretofore, *promptly met*, and that there is now a *large balance* in bank to the Hospital's credit.

Thus God is taking care of His own and defending His glory. Because the Presbyterian Hospital is founded in faith in Jesus Christ and is brought to Him in daily prayer, and is the constant recipient of loyal service, its future is assured.

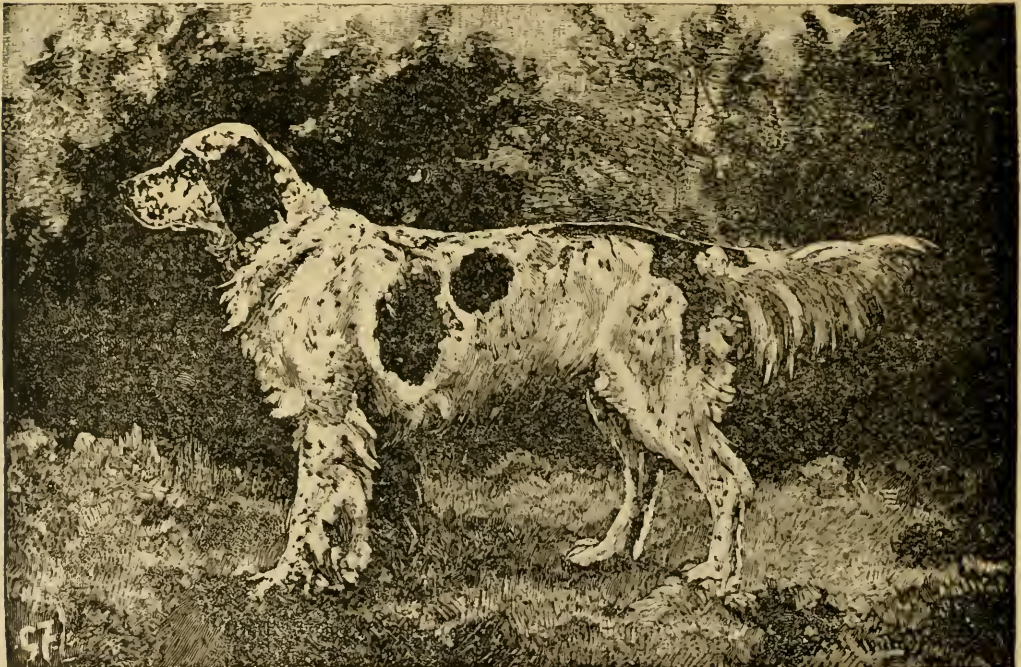
The need for such a Hospital in New Orleans is simply overwhelming. To meet the pressure of these needs we must soon have a modern fire proof building. This will cost at least \$250,000. We also need increased charity wards. At present we have an indoor

charity department of only three beds. These are the Weiss Memorial Charity Bed and the W. R. McKowen Memorial Ward containing two charity beds. These have accomplished and are doing a splendid service for suffering humanity. While this charity work is largely supplemented by the contributions of the Woman's Auxiliary of the Hospital, the demands for such service are constantly increasing; \$10,000 will endow in perpetuity such a charity bed. We need other donations ranging from \$5,000 to \$2. The former amount will name in perpetuity a private room in the Hospital; \$1,000 will purchase permanent equipment or retire a bond; \$100 will care for seven sick people for a week; \$2 will purchase an individual tea service.

Another important feature of the Presbyterian Hospital is its Training School for Nurses. Through it forty *young women* are receiving a thorough

scientific training for a beautiful life work. Two of those at present in training have volunteered for the foreign missionary service. We need more nurses and will upon application to the superintendent, furnish full information about the course to those who may desire it.

In conclusion, the earnest appeal is hereby sent forth to all who may read these lines, and who believe in God and the coming of His Kingdom, to pray constantly for the Presbyterian Hospital of New Orleans. Of course, as long as this Hospital remains loyal to the Gospel, it will be traduced and attacked by those who, in their hearts, hate the Christ whose command to "heal the sick" it is striving to obey. But with this continued blessing, for which prayer must be insistently offered, this work will forever be secure and will, as heretofore, flourish and grow stronger through the very activities of its enemies.



Miscellaneous

HOW DAWSON "LANDED" ON LITTLE
ALEC STEPHENS.

WHEN Andrew H. H. Dawson of Georgia was a young man, great things were expected of him. He was elected to Congress, was a favorite stump speaker, and ranked as "a coming man."

On one occasion he met Alexander H. Stephens on the hustings.

In reply to Mr. Stephens' appeal that the South should support Mr. Buchanan for the presidency, Mr. Dawson said:

"Fellow citizens, we once had a great Whig party, and in this State, Mr. Stephens was its great leader. The Whig party has gone to hell.

"We now have a great Democratic party, and in this State, Mr. Stephens is its great leader. If he will only lead the Democratic party where he led the Whig party, I shall be perfectly satisfied."

Dawson afterwards settled in New York City, and practised law there. He became assistant District Attorney, or something of that sort.

I remember being at the house of Maj. Geo. T. Barnes, in Augusta, Ga., about the year 1888, when the Major was commenting upon a letter just received from Dawson. It seems that Maj. Barnes had solicited from the assistant District Attorney and ex-Georgian, a contribution toward a monument to Mr. Stephens.

Dawson had written a lengthy, eloquent, reminiscent reply, stating that he would not make any contribution just yet: "later, it will be larger," Dawson wrote.

Maj. Barnes repeated this phrase of "later, it will be larger" with considerable disgust, and remarked to me—

"He will never give a cent."

If he ever did, I never heard of it—though of course many strange things happen that I never hear of.

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THE ROMAN CATHOLIC INQUISITION
AND THE ALBIGENSIAN CRUSADE.

Innocent the Third, a pope as enterprising as he was successful in his enterprises, having sent Dominic with some missionaries into Languedoc, these men so irritated the heretics they were sent to convert, that most of them were assassinated in Toulouse in the year 1200. He called in the aid of temporal arms and published against them a crusade, granting, as was usual with the popes on similar occasions, all kinds of indulgences and pardons to those who should arm against the Mahometans, as he styled these unfortunate men. Once, all were Turks when they were not Catholics.

Raymond, Count of Toulouse, was constrained to submit. The inhabitants were passed on the edge of the sword without distinction of age or sex. It was then he established the scourge of Europe—the Inquisition; for having considered that though all might be compelled to submit by arms, numbers might remain who would profess particular dogmas, he established this sanguinary tribunal solely to inspect into all families, and inquire concerning all persons who they imagined were unfriendly to the interests of Rome. Dominic did so much by his persecuting inquiries, that he firmly established the Inquisition at Toulouse.

Not before the year 1484, did it become known in Spain. To another Dominican, John de Torquemada, the

monks of St. Medare de Soissons pretended to operate miracles. He asserts that this pretension is as chimerical as that of several persons, who believed they possessed the navel, and other parts less decent—of the body of Christ!

A monk of Bergsvinck has given a history of the translation of Saint Lewin, a virgin and a martyr; her relics were brought from England to Bergs. He collected with religious care the facts from his brethren, especially from the conductor of these relics from England. After a history of the translation and a panegyris of the saint, he relates the miracles performed in Flanders since the arrival of her relics. The prevailing passion of the times to possess fragments of saints is well marked, when the author particularizes with a certain complacency all the knavish modes they used to carry off those in question. None then objected to this sort of robbery, because the gratification of the reigning passion had made it worth while to supply the demand.

A monk of Cluny has given a history of the translation of the body of St. Indalece, one of the earlier Spanish bishops, written by order of the abbot of St. Juan de la Penna. He protests he advances nothing but facts, having himself seen or learnt from other witnesses, all he relates. It was not difficult for him to be well informed, since it was to the monastery of St. Juan de la Penna that the holy relics were transported, and those who brought them were two monks of that house. He has authenticated his minute detail of circumstances by giving the names of persons and places. His account was written festival immediately instituted in honor of this translation. He informs us of the miraculous manner by which they were so fortunate as to discover the body of this bishop and the different plans they concerted to carry it off. He

gives the itinerary of the two monks who accompanied the holy remains. They were not a little cheered in their long journey by visions and miracles.

Another has written a history of what he calls the translation of the relics of St. Magean to the monastery of Villemagne. *Translation* is in fact only a softened expression for the robbery of the relics of the saint committed by two monks, who carried them off secretly to enrich their monastery; and they did not hesitate at any artifice, or to lie, to complete their design. They thought everything was permitted to acquire these fragments of mortality, which had now become a branch of commerce. They even regarded their possessors with a hostile eye. Such was the religious opinion from the ninth to the twelfth century. Our Canute commissioned his agent at Rome to purchase St. Augustine's arm, for one hundred talents of silver and one of gold, a much larger sum, observes Granger, than the finest statue of antiquity would have then sold for.

Another monk describes a strange act of devotion attested by several contemporary writers. When the saints did not readily comply with the prayers of their votaries, they flogged their relics with rods, in a spirit of impatience which they conceived was proper to make them bend into compliance.

Theofroy, abbot of Epternac, to raise our admiration relates the daily miracles performed by the relics of saints, their ashes, their clothes, or other mortal spoils, and even by the instruments of their martyrdom. He inveighs against that luxury of ornaments which was indulged in under a religious pretext; "It is not to be supposed that the saints are desirous of such a profusion of gold and silver. They wish not that we should raise to them such magnificent churches, to exhibit that ingenious order of pillars that shine with gold; nor those



The Merger of East and West

*"But there is neither East nor West, Border, nor Breed, nor Birth,
When two strong men stand face to face, tho' they come from the ends of the earth!"*
—KIPLING.

In the "Ballad of East and West," Kipling tells the story of an Indian border bandit pursued to his hiding place in the hills by an English colonel's son.

These men were of different races and represented widely different ideas of life. But, as they came face to face, each found in the other elements of character which made them friends.

In this country, before the days of the telephone, infrequent and indirect communication tended to keep the people of the various sections separated and apart.

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rich ceiling, nor those altars sparkling with jewels. They desire not the purple parchment of price for their writings, the liquid gold to embellish the letters, nor the precious stones to decorate their covers, while you have such little care for the ministers of the altar." The pious writer has not forgotten *himself* in this partnership with the saints.

The Roman church not being able to deny, says Bayle, that there have been false relics, which have operated miracles, they reply that the good intentions of those believers who have recourse to them, obtained from God this reward for their good faith. In the same spirit, when it was shown that two or three bodies of the same saint are said to exist at different places, and that therefore they could not all be authentic, it was answered that they were all genuine, for God had multiplied and miraculously reproduced them for the comfort of the faithful.

When the Reformation was spread in Lithuania, Prince Radzivil was so

affected by it, that he went in person to pay the pope all possible honors. His holiness on this occasion presented him with a precious box of relics.

The prince having returned home, some monks entreated permission to try the effects of these relics on the demoniac who had hitherto resisted every kind of exorcism. They were brought into the church with solemn pomp, and deposited on the altar, accompanied by an innumerable crowd. After the usual conjurations, which were unsuccessful, they applied the relics. The demoniac instantly recovered. The people called out "a miracle!" and the prince, lifting his hands and eyes to heaven, felt his faith confirmed. In this transport of pious joy, he observed that a young gentleman who was the keeper of this treasure of relics, smiled, and by his motion, ridiculed the miracle. The prince indignantly took the young keeper of the relics to task, who on promise of pardon, gave the following *secret intelligence* concerning them: in travelling from Rome he had

Statement of the Ownership, Management, Etc.

of Watson's Magazine, published Monthly at Thomson, Ga., required by the Act of August 24, 1912.

NAME OF—	POST-OFFICE ADDRESS.
Editor, Thos. E. Watson,	Thomson, Ga.
Managing Editor, Alice Louise Lytle,	Thomson, Ga.
Business Manager, Thos. E. Watson,	Thomson, Ga.
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Owners: (If a corporation, give names and addresses of stock holders holding 1 per cent or more of total amount of stock.)
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Known bondholders, mortgagees, and other security holders, holding 1 per cent or more of total amount of bonds, mortgages, or other securities:
 None.

THOS. E. WATSON.

Sworn to and subscribed before me this 15th day of July, 1913.

[SEAL.]
 (My commission expires August 5th, 1916.)

C. F. HUNT,
 Notary Public.

lost the box of relics, and not daring to mention it, he had procured a similar one which he had filled with the small bones of dogs and cats and other trifles similar to those that were lost. He hoped he might be forgiven for smiling, when he found that such a collection of rubbish was idolized with such pomp, and had even the virtue of expelling demons. It was by the assistance of this box that the prince discovered the gross impositions of the monks and the demoniacs, and Radzivil afterwards became a zealous Lutheran.

The Elector Frederic, surnamed The Wise, was an indefatigable collector of relics. After his death, one of the monks employed by him solicited payment for several parcels he had purchased for his wise (?) elector; but the times had changed. He was advised to give over this business; the relics for which he desired payment they were willing to return; the price had fallen considerably since the reformation of Luther, and they would be more esteemed and find a better market in Italy.

Stephens in his Treatise of Herodotes says: "A monk of St. Anthony, having been at Jerusalem, saw there several relics, among which were a finger of the Holy Ghost, as sound and entire as it had ever been the snout of the Seraphim that appeared to St. Francis; one of the nails of a Cherubim; one of the ribs of *berbum caro factum* (the word made flesh); some rays of the star which appeared to the three kings in the East; a vial of St. Michael's sweat when he was fighting against the devil; a hem of Joseph's garment which he wore when he cleaved wood, etc.; all of which things," observes the treasurer of relics, "I have brought very devoutly with me home."

Henry III., who was deeply tainted with the superstition of the age, summoned all the great in the

kingdom to meet in London. This summons excited the most general curiosity, and multitudes appeared. The king then acquainted them that the great master of the Knights Templars had sent him a phial *containing a small portion of the precious blood of Christ*, which He had shed upon the Cross, and attested to be genuine by the seals of the Patriarch of Jerusalem, and others. He commanded a procession the following day, and the historian adds that, though the road between St. Paul's and Westminster Abbey was very deep and miry, the king kept his eyes constantly fixed on the phial. The monks received it, and deposited the phial in the abbey, "which made all England shine with glory, dedicating it to God and St. Edward."

Lord Herbert, in his Life of Henry VIII., notices the great fall of the price of relics at the dissolution of the monasteries. "The respect given to relics and some pretended miracles, fell; insomuch, as I find by our records, that a *piece of St. Anthony's finger*, (covered only with an ounce of silver) being laid to pledge by a monastery for forty pounds, was left unredeemed at the dissolution of the house; the king's commissioners who, upon surrender of any foundation undertook to pay the debts, refusing to return the price again."

That is, they did not choose to repay the forty pounds (about \$200,) to recover a piece of the finger of St. Anthony.

About this time the property of relics suddenly sunk to a South Sea bubble; for shortly after the artifice of the Rood of Grace, at Boxley, in Kent was fully opened to the eyes of the populace, and a far-famed relic at Hales in Gloucestershire, of the blood of Christ was at the same time exhibited. It was shown in a phial, and it was believed that none could see who were in mortal sin; and after many trials

usually repeated to the same person, the deluded pilgrims went away fully satisfied. This relic was *the blood of a duck*, renewed every week and put in a phial; one side was opaque, and the other transparent; the monk turned either side to the pilgrim as he thought proper. The success of the pilgrim depended on the generous donations he made; those who were scanty in their offerings, were the longest to get a sight of the blood; when a man was in despair, he usually became generous.—From "D'Israeli's Curiosities of Literature."

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OLD MASTER RUNS AWAY.

We have never seen this story in print. It is attributed to Colonel A. S. Colyar, of Tennessee, and is illustrative of the force of habit:

A well-to-do farmer, is one of the best counties of Middle Tennessee, owned a large number of slaves, and

among them one old darky about his own age, and whom he had known all his life. In fact, he was one of the "old family negroes" brought out from Virginia. Old "Sam" was a faithful, docile creature, a great favorite with his master, and a sort of privileged character in the plantation. The old fellow was industrious and exemplary in his behavior all the year round, except during the period dating from the time when roasting-ears begin to ripen and the earliest appearance of frost. Sam was invariably seized at that period was an invincible desire to "run away." It recurred as regularly as a fit of "hay fever," was as incurable, and like that unpleasant disorder could only be treated by change of air and locality. Sam, understanding this, preferred to take his case in his own hands and administer the treatment in his own discretion. Of course, in such a case, the usual punishment inflicted on "runaway niggers"

THE LIFE AND TIMES

OF

NAPOLEON BONAPARTE

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Travelers in France, who ask for the best one-volume Life of Napoleon, are shown Watson's.

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Mr. Watson has bought out the rights of his original publishers, the Macmillan Co., and his work is now published solely by

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THOMSON, - GEORGIA

was not to be thought of. Remonstrance was unavailing. Sam declared, "He jes' couldn't he'p hissef," and it became a settled and understood arrangement, that he should go, and that the neighborhood should condone his raids on corn-fields and potato patches. After many such escapades, his old master asked him on one occasion, when the matter was under discussion:

"Sam, do you really enjoy running away?"

"Deed, Marse John," said Sam, "I does. Hits de moas' fun in de wurl'. Coon huntin' aint no whars to hit."

"Well, then," said Marse John, "just let me know the next time you take a notion to start, and I'll go with you, and try it awhile myself."

Sure enough, in due season Sam came up, saying:

"Old Marse, de time's mighty nigh when I 'bleedged to lite out. Ef you gwine wid me, you better be gittin' reddy, for when de time comes I got to go quick."

"Old Marse" kept a bright lookout, and when Sam started he was on hand.

They had a delightful time. They fished occasionally, caught 'possums, robbed orchards and watermelon and

potato patches, picked blackberries for recreation, and haunted the greenest and shadiest nooks of the forest, all of which Sam knew well. "Old Marse" had never enjoyed a summer so much. In fact, he was so much pleased that regularly afterward he accompanied Sam when the latter went into annual retreat. At length Sam died. The old master grieved for him sincerely. He was sad also over the reflection that his summer pastime would in future be denied him. But, to the amazement of all his friends, and not less his own, when roasting-ear time came again, the fit seized him as strong as ever, and he ran away by himself.

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MORE DANGEROUS THAN MORGAN.

Among the queer characters, so numerous in the Confederate army, was a certain Captain ——, of the First Kentucky Cavalry (Helm's old regiment), who will be readily recognized by any reader of this sketch that belonged to that gallant command.

Captain —— was really a fine looking man, but his inordinate vanity and bombastic style made him a laughing-stock for the regiment. While it was patent exaggeration to say, as was often said, that he habitually put on three white shirts a day, it was a fact that the sleeves and collars of his uniform carried enough gold lace and filagree to decorate a brigadier-general and his staff.

Just after the fall of Fort Donelson, and during the retreat of the Southern troops to Alabama, it will be remembered that the gallant Morgan began to make his reputation by bold and astounding dashes into the Federal lines, in the vicinity of Nashville, and wherever detached bodies of the Federals were to be found. So common had these "raids" become, that the very name of "Morgan" was enough to keep the entire invading army in a state of trepidation, and the wildest stories of

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his exploits gained ready credence. About this time the Federals were cautiously feeling their way "down South," and while the main body of our troops had crossed the Tennessee River, our cavalry hung in the rear, and occasionally skirmished with the enemy's advance-guards.

It so happened on a certain occasion that a body of Yankee cavalry and a portion of the First Kentucky had a brush, on the line of the Nashville and Decatur Railroad, when the Yankees got considerably worsted and a lot of them were cut off and surrounded. Their commanding officer, seeing the tide of battle going against him, called for quarters, and riding up to our Bombastes Furioso, who sat his horse with all the dignity of a Wellington, politely tendered his sword, saying:

"I believe I have the honor of surrendering to Captain John H. Morgan?"

"No, sir! no, sir!" thundered the conqueror, "You surrender to Captain _____" (giving his full name), "a much more desperate and dangerous man, I assure you."

☐ ☐ ☐ ☐

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Of the noble hero band
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For the life of their native land,

*This war-song was written by Robert Falligant, of Savannah, Ga. It was sent to the Southern Bivouac by an old comrade of the writer, believing it would be interesting to readers.

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 As they drove the boasting foeman back
 On that glorious 12th of May, boys,
 That glorious 12th of May.

CHORUS:

Then Hurrah! while we rally around
 The Hero of that day!
 And a nation's grateful praises crown
 The man of the 12th of May, boys,
 The man of the 12th of May!

Whose mien is ever proudest
 When we hold the foe at bay?
 Whose war-cry cheers us loudest
 As we rush to the bloody fray?
 'Tis Gordon's! Our reliance!
 Fearless as on the day
 When he hurled his grand defiance
 In that charge of the 12th of May,
 boys,
 In that charge of the 12th of May.

Chorus.

Who! who can be a coward!
 What freeman fear to die
 When Gordon orders "Forward!"
 And the red cross floats on high?
 Follow his tones inspiring!
 And we'll see the foe retiring,
 On! on to the field away!
 As they did on the 12th of May, boys,
 As they did on the 12th of May!

Chorus.

This is no time for sighing!
 Whate'er our fate may be,
 'Tis sweet to think that, dying,
 We will leave our country free!
 When the storms of battle pelt her,
 She'll defy the tyrant's sway,
 And our breasts shall be her shelter,
 As they were on the 12th of May, boys,
 As they were on the 12th of May!

Chorus.

X X X X

I REMEMBER, I REMEMBER.

I remember, I remember,
 The house where I was born,
 The little window where the sun
 Came creeping in at morn:
 He never came a wink too soon,
 Nor brought too long a day;
 But now, I often wish the night
 Had borne my breath away.

I remember, I remember,
 The roses, red and white;
 The violets and the lily-cups
 Those flowers made of light!
 The lilacs where the robin built,
 And where by brother set
 The laburnum on his birthday—
The tree is living yet!

I remember, I remember,
 Where I used to swing;
 And thought the air must rush as fresh
 To swallows on the wing:
 My spirit flew in feathers then,

That is so heavy now,
And summer pools could hardly cool
The fever on my brow!

I remember, I remember,
The fir trees dark and high;
I used to think their slender tops
Were close against the sky:
It was childish ignorance,
But now 'tis little joy
To know I'm farther off from Heaven
Then when I was a boy.

—*Thomas Hood.*

✠ ✠ ✠ ✠

PATRIOTISM.

Breathes there a man with soul so dead
Who never to himself hath said,

"This is my own, my native land!"
Whose heart hath ne'er within him
burn'd,

As home his footsteps he hath turn'd,
From wandering on a foreign
strand?

If such there breathe, go, mark him
well!

For him no minstrel raptures swell;
High though his titles, proud his name,
Boundless his wealth as wish can
claim—

Despite those titles, power and pelf,
The wretch, concentered all in self,
Living, shall forfeit fair renown,
And doubly dying, shall go down
To the vile dust from when he sprung,
Unwept, unhonor'd and unsung.

—*Sir Walter Scott.*

✠ ✠ ✠ ✠

TWO ANECDOTES OF A KIND.

First, in Scotland:

A Scotchman was strolling through the market-place in Glasgow one day and close at his heels followed his faithful collie. Attracted by a fine display of shell and other fish, the Scot stopt to admire, perhaps, to purchase. The dog stood by, gently wagging its tail, while its master engaged the fish-monger in conversation.

Unfortunately for the beastie its tail dropt for a moment over a big

basketful of fine, live lobsters. Instantly one of the largest lobsters snapt its claws on the tail, and the surprized collie dashed off through the market, yelping with pain, while the lobster hung on grimly, though dashed violently from side to side. The fish-monger for a moment was speechless with indignation; then, turning to his prospective customer, he bawled:

"Mon; mon! whistle to yer dog, whistle to yer dog!"

"Hoot, mon," returned the other complacently, "whistle to yer lobster!"

Second, in Georgia:

The late David E. Butler, of Madison, introduced into the gubernatorial campaign of 1880, the following story, which Gen. John B. Gordon immediately appropriated and used all over the State:

A vicious dog made an attack upon a farmer who was at work, pitchfork in hand.

"The situation was a critical one"—as all the hunter-tales would put it,—and the farmer had to do something. He did it so promptly that Sir dog was impaled upon the teeth of the fork. Result: a dead canine. Also, the furious appearance of the owner of the dog who bellowed his indignation at the death of his cur.

"But he was about to eat me up!" exclaimed the farmer. "I was *obliged* to use my pitchfork!"

"You ought to have used the other end of your durned fork?" bellowed the owner of the dog.

"Well, then, why didn't your durned dog come at me with *his* other end?"

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