

“ United States Circuit Court of Appeals for the Third Circuit, at the City of Philadelphia, this third Tuesday of June, 1891.

“ **IT IS ORDERED** that, when it shall be necessary in order to make a full court that a District Judge should be assigned for that purpose, the District Judges of the Circuit shall be assigned in rotation according to the date of their commissions respectively, beginning at this present term with Hon. William Butler, the Judge oldest in commission ; and each Judge shall be assigned for an entire term ; and if at any time during the term, two District Judges shall be required, then the Judge next in order to the one already assigned shall be assigned for the purpose ; and so in like manner if three of such Judges shall be required ; and if any Judge assigned to sit in the **Court** shall be incompetent to sit in a particular case, the Court may assign any other District Judge to take his place for the hearing of such case, and the cases on the docket in which any Justice or Judge of the Court is incompetent to sit may be arranged in a separate docket, to be heard when the Court is properly constituted for the purpose. And if at any time, in consequence of the absence of any member of the Court, an additional Judge is required to make a full Court, the Court may assign and call in any District Judge to sit for the time being in place of the member so absent.

“**IT IS FURTHER ORDERED,** that there shall be two stated terms of this Court in each year, to commence and be held respectively on the third Tuesday of March and the third Tuesday of September, at the City of Philadelphia.

“ **IT IS FURTHER ORDERED** that William V. William-

son be, and he is hereby appointed the Clerk of this Court, and that Abram D. Harlan be, and he is hereby [appointed the Marshal of this Court.

"IT IS FURTHER ORDERED that the rules hereto [annexed shall be the general rules of the Court."

This order is agreed to by the other members of the Court, and will be recorded by the Clerk in the minutes.

It is unnecessary for me to read the general rules adopted by the Court. They are modelled upon the rules of the Supreme Court of the United States, and will be changed should circumstances require. The name adopted for the Court is "The United States Circuit Court of Appeals for the Third Circuit." The terms have already been referred to, two terms a year to be held at this city. I may add that the law constituting the Court authorizes it to be held at other places than Philadelphia, but this being a very compact circuit, and there being always inconveniences attending the removal of the minutes of the Court and in travelling about with the records to other places, it seemed to us best for the public interests, and quite as much for the public convenience, to have the Court always held here.

There are two or three rules to which I will call your attention. One is of most interest to members of the Bar, and is as follows: "All attorneys and counsellors admitted to practice in the Supreme Court of the United States, or in any Circuit Court of the United States, shall become attorneys and counsellors of this Court on taking an oath or affirmation in the form prescribed by rule of the Supreme Court of the United States, and on subscribing to the rule, but no

fee shall be charged therefor, and all attorneys and counsellors of the Circuit Court of the United States for the Third Circuit shall be attorneys and counsellors' of this Court without taking any further oath."

Therefore the attorneys and counsellors of the Circuit Court may consider themselves as attorneys and counsellors of this Court. It would be a useless ceremony to require a further oath or affirmation from them.

There are rules with regard to bills of exception. Of course, these will be in the hands of the attorneys and will be carefully examined by them.

The rules which are here appended are adopted by the Court, and they will be recorded in the minutes.

Mr. Justice Bradley then administered the oath to William V. Williamson, Clerk, and to Abram D. Harlan, Marshal.

Mr. Justice Bradley then spoke as follows :

It must be conceded that the organization of this Court and similar Courts in the other circuits is a very important event in the history of the jurisprudence of the United States. This Court is clothed by the statute creating it with a large portion of the appellate jurisdiction heretofore exercised by the Supreme Court, and, in some cases, in fact, in the majority of cases, the decision of this Court is to be final, with the exception of the right of the Court to certify any questions of law to the Supreme Court for its instruction, and with the further exception that if this Court does not make such certificate when it is applied to for it, the Supreme Court may issue a certiorari to this Court requiring causes to be certified to it for hearing on appeal. This last

power given to the Supreme Court will probably be a cause of considerable anxiety to that Court, for, in most of the cases where this Court shall refuse to grant a certificate, application will probably be made to the Supreme Court for a certiorari, unless by the consideration and fair judgment of counsel the multiplication of such applications is avoided.

The cases in which the decision of this Court is to be final are, first, all the cases that arise under the State laws, that is to say, all the cases in which the jurisdiction of the Federal Court depends on the citizenship of the parties. In all such cases it is the State law that applies, and not the Federal law. Heretofore that department of the jurisdiction of the Supreme Court has been very extensive, and complaints have sometimes been made that the Supreme Court has not followed the line of decisions of the State Courts, which are generally the primary exponents of the State law. I think, however, that the Supreme Court has generally, if not always, manifested a strong desire to follow the lead of the State Courts with regard to State jurisprudence where it could do so without what appeared to it an obvious departure from sound law. The rule by which the Federal Courts are governed in this respect was attempted to be laid down by the Supreme Court in the case of *Burgess v. Seligman*, in which it was held that where the local law had become settled by a reasonably uniform line of decisions, the Federal Courts would not, and indeed could not, depart from them, because it is their duty to administer the law as it is, and the law, when it has become settled by a course of decisions in the State Courts, must be

accepted according to those decisions. But where the State Courts have not come to any definite conclusion upon a particular point of law, or where there have been vacillating decisions on the subject, the Federal Courts have felt it to be their duty and their prerogative to judge for themselves what the State law is, because the clause of the Constitution which extends the judicial power of the Federal Government to controversies between citizens of different States was intended to give them an impartial tribunal for the decision not only of the facts, but of the law ; and, therefore; it is the duty of the Federal Courts to judge for themselves what the law is in all cases where they have jurisdiction by virtue of the divers citizenship of the parties, as well as in other cases.

Now, this Court will be the tribunal for the final determination of all such cases, unless questions arise which the Court may deem it right and proper to certify to the Supreme Court for its instruction; and it will undoubtedly be governed by the same principles which have been adopted and followed by that Court.

The finality of the decisions of the Court is extended, also, to all cases arising under the patent laws, under the revenue laws, under the criminal laws (that is to say, in cases of inferior crimes which cannot be carried directly to the Supreme Court), and in admiralty cases. These branches of jurisprudence embrace almost all the-jurisdiction of the Court. Very little is left of the class of cases that will come to it which can be carried to the Supreme Court except by certificate or certiorari.

Of course we cannot forecast the rules by which the Court will be governed in making such certificates,

but we can say that it ought to be cautious about making them, and counsel ought to be considerate in demanding them, for the Court must, in the end, depend very much upon the Bar for the manner in which justice shall be administered.

I look upon this as a very important period in our history with regard to the administration of justice in the Courts. When we see the turbulence that exists in some portions of the community, people taking the law into their own hands and exercising what is called Lynch law, without reference to the Courts of Justice or to the Government of the country, it is a sad spectacle to every man who has the good of the country at heart. Why is it? Does it arise from the nature of our population or government, or does it arise from defects in the administration of justice by the Courts? In my judgment, it is greatly due to the latter. If the laws were administered with firmness and promptness, there would not exist such a strong disposition on the part of the people to take the law into their own hands. There would be two reasons to prevent it; their fear of the law against themselves for the unlawful act, and the fact that justice would be done by the Courts without their interference.

How, then, can this evil be remedied by the Courts so far as it depends on their mode of administering justice? There is only one way, and that is to be more firm and prompt in its administration. We have an example before us in the administration of justice in England by which we might well profit. There we do not see, as with us, such endless controversies raised out of a particular case and carried through all the Courts. This is not the fault of the Courts alone.

There is ground for condemning the Bar for insisting upon minute points and refusing to accept the decisions of the Courts of first instance, and seeking an appeal to the Court of last resort in every case on every trivial question. The Bar, in justice to itself, should seek reform in this regard. Could such a state of things exist in England ? Assuredly not. The barristers of England would feel a blush of shame to carry before the Courts of Appeal such cases as are constantly urged before the Courts of Appeal in this country. Why ? Because there is in them a love of justice created either by their education or their surroundings that makes them more regardful of the honor of the Court and their own.

We can, if we please, through our Bar Associations and other influences, reform this evil, and it ought to be reformed.

The Courts themselves are not free from blame in contributing to produce the evil complained of. They betray a want of firmness and of loyalty to the demands of justice. In criminal cases they give way too much to their sympathies. They partake too much of the feeling of the community, which, after a time, always sympathizes with the guilty instead of sympathizing with those who have been injured by them. And in civil cases there is often a want of conscientious performance of duty. It not infrequently happens that important cases are submitted without argument, or only formally argued, before an inferior Court, and formally decided by that Court, for the mere purpose of carrying them up to the Court of last resort. This is all wrong. It turns the Court of Appeal into a Court of original jurisdiction. It takes

from the inferior Court that sense of responsibility which it ought to possess, and lowers it in the estimation of the Bar and the public. Every Court ought to give to each case presented to it as full and as grave consideration as if no right of appeal existed. This would often, and should much oftener than it does, end the litigation ; and if an appeal is taken, it would give the Court of Appeal the benefit of a full consideration of the subject by the inferior Court.

Perhaps in these remarks there is too great an appearance of 'what might be called judicial scolding, but it seems to me, and it has long seemed to me, that they are founded in truth.

This Court and the other Courts of Appeal organized to-day are destined to exercise an important influence on the jurisprudence of the country ; for notwithstanding the occasional supervising influence which may be exercised by the Supreme Court, practically these Circuit Courts of Appeal will be the courts of final resort in all cases of Federal jurisdiction, except those directly appealable from the District and Circuit Courts directly to the Supreme Court.

It will not probably be my lot to continue long in assisting to carry on the business of the Court, but I hope and believe that by the aid of an intelligent and honorable Bar, the Court will be a blessing to this community and to the country.

I believe we have no business before us to-day, and when we adjourn we shall probably adjourn for the term. Any business required to be done during the vacation can be done by a single Justice or Judge.

Hon. Wayne MacVeagh then spoke as follows :

May it please your Honors : The Bar of this city,

and our brethren of other districts who are to be associated with us hereafter as practitioners at the Bar of this Court, felt that it was due to testify, at least by our presence if nothing more, the profound interest we feel in the Court which has just been organized and the expectation of great good which we cherish from its future history. No assurance of mine of the extent of the interest of the Philadelphia Bar in the organization of the Court which has just taken place could equal the assurance given by this very large and representative assembly of its members. And I know I speak for every one of them in saying that they have been thrice repaid for coming here if nothing else had been offered them but the privilege of listening to the remarks of the Associate Justice of the Supreme Court of the United States, who is, by law, the presiding officer of this Circuit Court of Appeals of the United States for the third Circuit.

There has, indeed, been nothing in what he has said which does not meet with the hearty approval of this Bar, I am sure, except **one** thing, and against that we enter our vigorous, our united, our earnest protest : that there shall be a long period yet in which justice in this Circuit Court will be administered, by the favor of God, with his assistance.

Your Honors may be sure that the Bar of Philadelphia has never for a single day since the organization of the Federal Judiciary, been in the slightest danger of undervaluing it. It began its life here. Some of its most illustrious members had previously, given the benefit of their learning and character to this Bar. We have contributed to its distinction

and honorable history ; and in all that long period of more than a hundred years there has never been an hour when a member of the Federal Judiciary connected with the administration of justice in this Circuit has not had, not only the respect, but the affectionate reverence of the members of the Philadelphia Bar ; and they quite agree with Mr. Justice Bradley in thinking that there never were days in the past more likely to ascertain and establish the ultimate value of the Federal judicial system than the days of the immediate future. And we know very well that if justice is to be administered in America hereafter to the satisfaction of the great body of our fellow-men, it must be prompt and certain and pure, all within reasonable limits of human infirmity, and that in the securing of **such** promptness and certainty and purity, the Bench must almost entirely rely upon the Bar; and, for one, I have no doubt that the Bar will answer the demand upon it in the future as it has answered it in the past.

No doubt, in the hurry and turmoil of professional business, we have fallen away somewhat from our former high estate. We are more commercial and less judicial ; we are not quite up to the standard even of our own selves of thirty years ago ; but that is because in the great material development of a great and growing country, standards not quite as worthy as the old ones have, to some extent, displaced them. That is only a passing phase of American history, and will disappear with other evils which have marred our progress. As that phase disappears, the members of the Bar of America will be worthy of the illustrious names which gave **such** distinction to its past history ; and, in the meantime, speaking for the Bar,

may I venture to suggest that there is one way in which the Bench can greatly help us to be more worthy of our opportunities and our traditions ? and that is by a little more endeavoring to recognize us as barristers, and a little less regarding us as attorneys only. If you would think of us a little more as we really are, your brothers, sworn to the same fealty to justice as you are, whose time is as valuable to us as yours can be to you, whose opportunities of knowing when and how justice can be properly administered are at least as great in any particular case which we have studied long as yours can be hearing of it at the moment. If you will only consider that a lawyer is a sworn officer of justice and not likely to disregard his oath, and that, therefore, when we come before you, the humblest and the youngest, especially the humblest and the youngest, we ask you to receive us upon the presumption that we will not waste a moment of your time or of our own, that we will not trifle with any of the rights belonging to anybody else any more than we will willingly suffer our own to be betrayed; and that in all ways we are your helpers as well as your brothers in the administration of justice.

And, then, too, we must ask you occasionally to forget that you are upon the Bench, and to remember that you are living in America and at the close of the nineteenth century, with the telegraph, with the telephone, with all the innumerable activities of modern life pressing upon everybody, and, therefore, when no lawyer competent for important legal business can always be at your call. He wishes to be, but if in any important question he is competent to advise you, he owes his first allegiance to the Supreme Court of

the United States ; he owes his second allegiance, in my theory, to the Supreme Court of his own State ; and his third allegiance he owes, I admit, to the Circuit Court of Appeals for the Third Circuit. Now, if you will recognize the order of these obligations, and if you will have patience with us, we will endeavor to be a little more worthy of your confidence and regard.

I listened with great pleasure to what Mr. Justice Bradley said when contrasting the English Bar with ours ; but I could not help thinking while he was speaking, that a recent judicial experience in England could have no parallel here. We have no court of justice, which, if any man was on trial for his honor, could be changed into a pleasure ground, as was done there ; and no ladies, high born or otherwise, would be allowed to amuse themselves while a tragedy was being enacted which possibly was to doom many people to misery and one to dishonor. And yet we have many things to learn here ; many changes we hope to make ; many improvements we hope to witness. In them all we will never lose sight of the inexpressible debt of gratitude we owe to the Federal Judiciary, for to it we signally owe, in my judgment, and especially in the last twenty-five years of its history, the final establishment of the true doctrine that the American Government is “an indestructible Union of indestructible States.” That Court and this Court and our own State Courts will all, I trust, in the future as in the past, continue to teach the American people the one lesson they need always to gather in their hearts-and that is, that the only liberty worth having is liberty regulated by law.

Hon. Anthony Higgins, Senator of the United States from Delaware, then spoke as follows :

With submission to your Honors, I have been requested to say a word on this interesting occasion on behalf of my brethren of the Bar of the District of Delaware, some of whom are here in person, to testify to that deep interest which all feel on this most important occasion, one which has been truly said by his Honor, Judge Bradley, to be an event of the first moment.

It will not be out of place to recall a word of the history of the enactment of the statute under which this Court has been organized. As the bill passed the House of Representatives, it was structurally different from its final shape. The Judiciary Committee of the Senate entertained profound differences of opinion as to the true form that the act should take, and it ended in being left substantially with Mr. Evarts and Mr. Hoar to determine what that should be, and especially to Mr. Evarts; and the bill in the shape as they approved of it with the minor amendments was adopted by the Senate, and then through circumstances that are measureably obscure and need not further be referred to, final action was postponed until a few days before the end of the session, when the only possibility of the bill becoming an act rested in the adoption of the bill as it passed the Senate by the House, and in that form it was passed, and so it came about that this most important act received its final shape from the hands of one of the most eminent members of the American Bar.

The action thus at last taken by the Government for the relief of the suitors in its Courts was in

great measure due to the agitation of the subject by the American Bar Association, upon whose committee were, among others, Mr. Francis Rawle, of Philadelphia, and Mr. George I^r. Bates, of Delaware ; and a large part of this honorable effort was made by other members of the Bar of this Circuit, who were upon the committee in charge of it, and especially, Hon. Henry Reed, and Mr. Samuel G. Thompson, of Philadelphia.

The idea that impresses me most to day is that, during the judicial history of this country, the Supreme Court of the United States has discharged the great function of being the governor, the directing agency, in the final determination of the law on that wide scope of commercial and other questions, questions not of Constitutional law, which have now been taken from that jurisdiction and conferred upon the Circuit Courts of Appeal. The momentous consideration resting before the members of these Courts throughout the country is that this great function, this great discretion, this great power, is now vested with them very largely, subject, of course, to cases being carried by certificate to the Supreme Court either upon the initiative of the Circuit Court or by the order of the Supreme Court itself, but as that can only happen in a few cases in the substantial administration of justice, this great power is now with this court.

As we look back over one hundred years, and in our imaginations bring up the day when the Supreme Court was first organized, and then go along through these hundred years and realize that the history of America, "more than in the story of its politics, of its wars, of

its territorial aggrandizement, has been in the judicial evolution of its domestic and Constitutional law, we stand with reverence here to-day at the opening of this new chapter of our national and our judicial history, and I can only speak for myself and my brethren of this Bar in our feeling of absolute confidence in the honor, in the capacity, and in the respect for the great traditions of the law, that we feel are held by the members of this Bench.

Mr. Justice Bradley then adjourned the Court until the Third Tuesday of September.

THOMAS HOBBS.

Born at Melmesbury, April 5, 1588. Died December, 1679, in his 92d year.

I bought his works December, 1879. For his autobiography in Latin, see Vol. I, Latin Works and "Auctarium" thereto by R. Blackbourne, and an autobiography in Latin verse. Also see Appleton's Encyclopedia of Biography, Art. Hobbes, by Professor Nichol, 1854, highly appreciative.

Allibone's Dict. of Authors, where is a list of his works, and quotations from a catena of authors respecting Hobbes and his writings. To Allibone, a free-thinker is like a red rag to a bull.

Hobbes was acquainted with Lord Bacon, and assisted him, as Aubrey says Hobbes told him, in taking down his notions, and turning some of his essays into Latin. This must have been about 1620, when Bacon was Chancellor, and Hobbes 33 years old. (Montague's Life of Bacon, Vol. I, p. 257. Note 3 I to life).

Amongst his friends were also Ben Johnson, Edward, Lord Cherbury, Lord Clarendon, Gallileo, Mersenne, Gassendi, Des Cartes, Selden, Harvey Chillingworth, Cowley, Chief Just. Vaughan, Sir W. Davenant, Sam Butler, Auth. A. Wood and Aubrey.

When Bacon's sixtieth birthday was celebrated, 22d January, 1620, at York House, Ben Johnson wrote a poem on the occasion, and, no doubt, Hobbes was present. (Montague's Life of Bacon 259). Bacon must have been surrounded by a galaxy of young men

of genius. He liked to have Hobbes' assistance because he could understand him better than the others could, At 20, Hobbes, after graduating at Oxford, went as tutor and companion to the son of Wm. Cavendish, Lord Barkley, afterwards, Earl of Devonshire, and remained in the family for the greater part of his long life. He travelled in France and Italy in 1610 with his pupil, and again in 1634 with his son.

In 1640, after the action of the Long Parliament indicated the approach of the civil war, he returned to Paris and staid there until 1652, part of the time mathematical tutor to Charles II. He returned to England, however, in 1652, because Charles withdrew from him his protection on the appearance of the *Leviathan*.

His life in the Devonshire family, when not engaged in the duties of tutor, was spent in study and philosophizing in the summer at their country seat, in winter, at their house in London.

His principal works are :

Translation of Thucydides, published 1628.

De Cive, Paris, 1642.

De Natura Hominis, London, 1650.

De Corpore, politico, London, 1650, English.

Leviathan, London 1651.

De Corpore, 1655.

De Homine, 1657.

Liberty and Necessity, 1654.

Translations of Homer, 1674, 1675.

Behemoth, 1679.

And many pieces on Mathematics and Rational Philosophy, He was undoubtedly the most original thinker of England in his time. His style is perspic-

uous and free from ornamentation, exactly suited to philosophical disquisition. His notions are regarded as very heterodox, for he acknowledged no authority but reason.

AGE OF EGYPTIAN CIVILIZATION.

In the years 1851–1854 Mr. Leonard Horner (brother of Francis Homer), under the patronage of the Royal Society of London, made a series of excavations across the valley of the Nile in the latitudes of Memphis and Heliopolis, to discover, if possible, the character and age of the alluvial deposit. He found that the base of the Colossal Statue of Rameses II, which was erected about B. C. 1360, was covered by nine feet four inches of the regular accumulation of alluvium, making for the average from B. C. 1360 to A. D. 1854 (or 3,214 years) $3\frac{1}{2}$ inches for each century. His excavations near the same spot showed that the deposit of mud below the base of the statue was 30 feet, and he found fragments of pottery, and other works of man, to the very bottom. This would indicate the presence of human civilization in the Nile valley for a period of 10,300 years before Rameses II, or 11,600 years before the Christian era ; for 30 feet contains 360 inches, and this divided by $3\frac{1}{2}$ inches gives 103 centuries. Homer's Report was published in the Transactions of the Royal Society for the year 1858, pp. 53–92. The results are stated in Bunsen's "Egypt's Place in History," Vol. III. Preface, pp. Xxiii, etc.

(See also Baldwin's "Prehistoric Nations," 303).

Bunsen deduces the same result, as to the antiquity of the early inhabitants of Egypt from the form of the Egyptian language as compared with other languages to which it is related.

For a flippant review of Homer's report in connection with Bunsen's "Egypt's Place in History," see *Quarterly Review* for April, 1859 (Vol. CV, pp. 230-232, Amer. Ed.), and see Bunsen's reply in Vol. V of "Egypt's Place in History," p. 122. See also "Wilkinson's Egypt," Vol. I, p. 8, note.

MACAULAY.

They say Macaulay was not a critic ; that he had great memory, but little of the reasoning faculty. IS not he the best critic who can analyze without rules ? Who sees through a thing, and reports its essence without taking it up by parts and pieces ? As Carlyle said of Mirabeau, " A man not with logic spectacles, but with an eye " ; or as Coleridge said of Wordsworth, " His soul seems to inhabit the universe like a palace, and to discover truth by intuition, rather than by deduction."

The greatest critic of modern times was Lessing, whose logical faculty and power of analysis, as well as healthy, sound judgment, were of the highest order, and whose ideas have laid the foundation of the best modern criticism.

HISTORY.

Macaulay's "History of England" from the accession of James II (1685), which, in its unfinished state, as he left it, extends only to 1700, makes us wish that a complete history of England could have come from his hands. So far as he went, his work is so complete, so picturesque, so entertaining, and so instructive, that it has all the charm of romance with all the accuracy of annals. A tolerably continuous history of England and portions of Europe may be made up from his reviews, written in a style equally animated, and perhaps, somewhat more rhetorical. I have made an arrangement of these so as to present in chronological order the periods discussed, with the exception of one on the papal history, which may be regarded as an appendix to the rest. Some of the articles have relation to literature ; but they illustrate the periods to which they relate. Of course, this list does not contain all Macaulay's reviews, but only such as constitute monographs on important epochs or leading events in English History.

Macaulay's historical articles in the *Edinburgh Review*.

| | PERIOD. | WRITTEN. |
|---|---------------|------------|
| Review of "History," | | 1828 |
| Hallam's Constitutional History of Eng- | | |
| land, | | Sept. 1828 |
| Burltigh and His Times, , | Elizabeth, | Apl. 1832 |
| -Lord Bacon, | James I, | July 1837 |
| Hampden (Memorials of H.), , | Charles I, | Dec. 1831 |
| Milton (Puritan and Cavalier), | Commonwealth, | Aug. 1825 |
| Cowley and Milton (Dialogue on the Rebellion), , | Essays. | |

| | PERIOD. | WRITTEN. |
|--|---------------|--------------------------|
| Sir William Temple, | Charles II, | Oct. 1838 |
| Revolution of 1688, by McIntosh. (Here read Macaulay's history itself). . . | James II, | 1838 |
| The Spanish Succession, | William II I, | Jan. 1833 |
| Addison, | Anne, | July, 1843 |
| A tterbury's Life (Encyclopedia Brit., 8th ed.) | | |
| Horace Walpole, | George I, | Oct. 1833 |
| Lord Chatham, | George II, | { July 1835 Oct. 1844 |
| Frederick the Great, | George III, | Apl. 1842 |
| Dr. Johnson (Boswell's Life, by "Croker,") | George III, | Sept. 1831 |
| Dr. Johnson, Life in Encyclo. Brit., | George III. | |
| Lord Clive (Establishment of Indian Empire), | George III, | Jan. 1840 |
| Warren Hastings (Enlargement of do.), | George III, | Oct. 1841 |
| William Pitt. Life (Ency. Brit., 8th Ed.), | George III. | |
| Mirabeau. French Revolution, | George III, | 1832 |
| Barere's Memoirs, | George III, | Apl. 1844 |
| Madam D'Arblay, | George I I I, | Jan. 1843 |
| Sir J. McIntosh, | XIX Century, | July 1835 |
| Lord Holland, | XIX Century, | July 1841 |
| Leigh Hunt, | XIX Century, | Jan. 1841 |
| Ranke on the Popes, | Appendix, | Oct. 1840 |

Whoever will read these articles, generally more interesting than a novel, keeping before him any common outline School History of England, for the purpose of keeping right in dates, reigns and principal events, and personages, will master English History in the most charming way, and will have such striking pictures of those events stamped upon his mind, that he can never forget them. Of course, the formal work quoted at the head of this memorandum should also be read at the proper place, after reading the review on Sir James McIntosh's History of the Revolution.

I earnestly recommend this course to my children. To it should be added "Green's History of the Eng-

lish people," and "Molesworth's History of England from 1830 to 1574." (Instead of Molesworth, there is now a more entertaining book-McCarthy's History of Our Own Times. j

For American history, Hildreth's is the most complete, as to the time covered by it. After reading Hildreth, Bancroft's more elaborate work, as recently condensed in six volumes, should be read. Bancroft has taken infinite pains to be accurate, and has altered, added and corrected every successive edition. But his work only comes to the close of the Revolutionary war. (1882. It now embraces the History of the Constitution).

For general history, I still adhere to Tytler ; though he must be dull to a young person, and read as a task. However, I know of no other original work comparable to his. There is a pictorial "History of the World," in one large, thick volume, which is very full and complete.

Dr. Russell's Ancient and Modern Europe is very readable and useful.

Of course, no person can claim to be intelligent without reading the great standard works on history which adorn English literature ; such as Hume, Robertson and Gibbon. Clarendon and Burnet are complete as to the seventeenth century, Grote, Ferguson, Merivale on Greece and Rome, and Froude on Elizabeth, and Allison on the French Revolution, among English writers, and Prescott, Motley and Irving among Americans ; with good translations of Herodotus, Thucydides, Polybius, Livy, Tacitus and Cæsar among the Greeks and Romans ; and of Father Paul, Davila, Sully, Voltaire and Thiers among the Italians

and French. Of course, this enumeration is very incomplete, and does not include many masterpieces which any one laying any claim to scholarship should read and master.

(NOTE.—A good consecutive History of England, elegant and entertaining, will be found by reading successively, 1st, Hume ; 2d, Macaulay ; 3d, Stanhope (Anne), Mahon (1713–1783), McKnight and McCarthy).

CARLYLE'S " FRENCH REVOLUTION."

Carlyle's " French Revolution," is wrongly entitled, " The French Revolution," a " History," it should have been entitled, " The French Revolution," a " Poem"; not because it is a fiction, or a romance in the sense of fiction, but because its whole frame and cast and filling-in are poetical and nothing else. All it wants is the common poetical garb of verse to make it a complete poem in form as well as substance. Look at that incomparable vision described in the fourth chapter of book IV, entitled " The Procession of the States-General." Is there anything more poetic in Homer or Virgil ?

LELAND ON THE GYPSIES.

SEPTEMBER 12, 1878.

I have just read Leland's " English Gypsies and Their Language," and his article in the *Edinburgh Review* on the same subject. He is about to publish a vocabulary. His conclusions are, that the Gypsies

were originally **pariahs** of the Natt and Dom tribes in the West of India, who were encouraged to emigrate to Persia to furnish amusements to the people, and who, being expelled thence for their thieving propensities, moved westward through Armenia, Syria, Asia Minor, Greece and Hungary, to Western Europe. Here they first appeared in the Hanse Towns A. D. 1417. Their language shows traces of the countries through which they passed, though its groundwork is "Hindustani," or an old cognate dialect coming from the "Sanskrit." Many words are pure "Sanskrit," and they still retain many customs, notions, proverbs and sayings that betray "Sanskrit" or "Hindu" origin. The names "Rom" and "Romany," by which they call themselves, Mr. L. thinks, are derived from "Dom," "Dommany," being a mere corruption of pronunciation, common among them. They call Europeans "Gorgios," which may be a corruption of "Georgi"; the first Christians, perhaps, whom they met in their progress westward. And is not their custom of eating the flesh of animals, which have died a natural death, derived from the institutes of Buddhism, by which the killing of animals is forbidden. Driven to great straits for food, may they not have compromised with a principle inherited from of old and deemed it advisable to eat the flesh which had not been killed, but had died from natural causes? Subsequent intercourse with other nations, it is true, may have caused them to forget the original institute, and to eat meat however killed; but the remaining custom of eating the flesh of animals, dying a natural death, may be indicative of experiences through which they had passed.

STOWE.

The first settlement in Stowc, Vt., was made by Oliver Luce, April 16, 1794, a mile north of the village, on the west side of the road leading to Morrisville, a little south of the fork made by the road that leads to Morrisville and that which continues northerly.

Oliver Luce was born in Martha's Vineyard, July 5, 1765, and died at Stowe, December 2, 1852. His monument was erected by the town over his grave in the old burying ground. His wife, Susannah, lies buried by his side. She was born at Plainfield, N. H., March 29, 1764, and died August 9, 1826. Their son was the first child born in Stowe. Joseph Fuller, now (1875) 82 years old, residing at Stowe Hollow, informs me that he came to Stowc 1809, twelve years of age. At that time there were only three houses in the village, viz.: a log house at the corner, opposite Squire Butler's, a frame house opposite the hotel, and one further down near the Methodist Church. Four farm lots, of one hundred acres each, originally centered at a comm⁴₃ point about thirty feet west of the hotel, thus:

| | |
|---|---|
| 4 | 1 |
| 3 | 2 |

 1 and 2 belonged to Dr. Thomas B. Downer ; 3, to William Utley ; 4, to Nathaniel Russell. Dr. D.'s monument states that he was born at Coventry, Conn., in 1773, and died at Stowc, 1851. His lots embraced the Butler cottage and Sunset Rock, which was called Dr. Downer's ledge. He practised physic at Stowe to the close of his life. When Fuller first came to the place (1809) the grist mill was owned by Asa Raymond, who built it. His tombstone states that he, was born at Middlebury, Mass., in 1772, and died in

1843. Several of the early settlers came from that place. Raymond bought out Caleb George, who built the first mill in the lower village, near where Pilic's saw-mill now stands. Lemuel Thomas had built and was running the carding and fulling mill in the lower village. Fuller says Capt. Robinson (now 90 years old) came to Stowe before he did. Mrs. Raymond tells me that Asahel Raymond, a cousin of Asa, built the old hotel, near the present hotel, which still forms one of the back buildings ; and that the present hotel was built in 1863, an addition being made in 1874 or 1875. Asahel's sons conducted it a while after his death, and then sold out to the Mount Mansfield Hotel Co., got up by Bingham and others. A man by the name of Peter C. Lovejoy built the brick hotel below (now owned by the company), which was afterwards purchased by a Mr. Churchill and converted into a tavern. Churchill formed the design of a road to the top of the mountain, and an auxiliary hotel there, and commenced the work, but, failing in business, his property was sold under mortgage and purchased by the Mt. Mansfield Hotel Company. She says that Bingham (W. H. H.) was brought up by Asa Raymond and studied law with Mr. Butler and became Raymond's executor, who left half of his estate to the Methodist Church, the other half to his wife's relations. Mrs. Raymond's husband was a nephew, and son of William Raymond. Asa left no children. Bingham's mother and Mrs. Bingham's mother (she was Alice Camp) were sisters of Capt. Robinson.

HISTORY OF WASHINGTON PARK, NEWARK, N. J..

The mistake made by those who claim Washington Park for a market place is in supposing that it was a gift from the Proprietors to the town. It was no such thing. The patent of December 10, 1696, granting to the town the "training place," the "market place," the "watering place," the "burying ground," the "parsonage lands" and "all the streets of the town," was dated thirty years after the settlement of the town, and after all these portions of land had been laid out and set apart by the town people themselves. The Newark settlers bought the land from the Indians, with the license of the Proprietors, and laid out the city and outlands to suit themselves. After they had been several years in possession, the Proprietors set up a claim to quit-rents, and denied that the people had any title. The controversy lasted a long time and with great acrimony. Finally, the people, one by one, in order to have no doubt resting on the title of their lands, began to take patents (no quit-rents, however), and as this was an admission, in form, that the title must emanate from the Proprietors, the latter were satisfied to get out of the scrape in that way. Near the end of the century, it was also thought best to have a sweeping patent for the general balance of land that belonged to nobody in particular ; and hence the patent of 1696 to trustees named by the town.

This historical review evinces this fact ; that the common lands (embraced in the patent) belonged, in truth, to the town, as much after as before, and as much before as after, the grant, and, when not affect-

ing private rights, such as adjacency to streets and highways, the town could dispose of them for such purposes as it saw fit. The action of the town has always been in accordance with this view. The watering place which lay on the south side of Market street between Harrison street and the foot of the hill, and extending nearly to William street, but somewhat gore shaped, being no longer needed for its original use, was left out and finally sold to the tanners of the town for the location of the tanneries ; and in that way has contributed immensely to the prosperity of the town. The burying-ground, not being all needed for that purpose, and the north-east corner being a pond, or marsh, and unsuitable for it, the town and church let out lots around the margin, which greatly benefited the appearance of that part of the town, multiplied business facilities, and contributed to the public finances ; without any public detriment. The court-house and jail were erected on lots granted to the county along Broad street, south of the old church, which stood about where the engine-house now is, and neat and tasteful stores were erected between the meeting-house and Market street. Nobody was injured ; the town was benefited ; the public good was furthered. Then the training place, being no longer wanted for that use, as there were hundreds of places in the vicinity much better fitted for it, was converted into a public park, and planted with the beautiful trees that adorn it ; first, those grand old elms were planted about the beginning of the present century, and the interior trees were set out in 1838, many of them being brought from Prince's nursery, on Long Island, and

-finally, the park was enclosed with an iron fence. Nobody has been injured by it ; everybody has been benefited ; the beauty of the city and the public good of the town have been subserved. And as the land really belonged to the city, that is, to the town people in common, no man, no court, had a right to interfere with this modified use of it, deleterious to no one, and more subservient to the public interest. The Chancellor would be very prettily engaged, to be sure, in ordering the fence and all the trees to be taken away, and Trinity Church, too, in order that companies of soldiers could have a little better room for evolutions ! Then, again, the market place, Washington Park, was deemed to be of more use to the health and beauty of the city by making a public park of it, than by using it for a marlict. It never has been used for a market for now two hundred and twenty years. The first market that was built for the town was not built on Washington Park, but in Market street, on the margin of the burying-ground, in a low spot where no graves could be dug. It was the only marlict that the town had for many years. It had a hall above in which meetings were held, and when the old court-house at the corner of Broad and Walnut streets was burnt, the courts were held in the upper part of the old market-house. They were held there in 1835, 1836 and 1837, whilst the present court-house was being built. When this old market became too small, what next ? Did the city authorities (the' collective representatives of all the town's people) go uptown and take Washington Park for a market place ? No. They purchased the present site over the Morris Canal because it was more central and more convenient to the people, and

because Washington Park had been converted into, or rather, had never been used for anything else than a public park, and property had been purchased and residences built around it on the faith of that appropriation. An Academy (" a fine two-story stone building ") was erected on it in 1774, which was burnt and destroyed as far as it could be, by the British and Tories in their savage raid of January 25, 1780. From that time to this the planting of trees, the erection of fences, the laying of walks have been in accord with the actual uninterrupted appropriation of this ground to the uses of a public ornamental park, during the entire history of the town. The courts, or the City Council itself, would have no more right, now, to deface it, and convert it into a market place, than they would to sweep away all trees and structures from Military Common, or from the Watering Place. And why ? Simply because, upon the faith of the acts and conduct of the town for over two hundred years, rights have grown up which cannot be disregarded and overthrown. The plea that these acts and conduct are in violation of the Patent of 1696 has been already considered. It is based on a false idea, namely, that the public lands, commons and streets of Newark were the free donation of the Proprietors ; whereas historic truth is different, and shows that this common property belongs to the town's people themselves, to be disposed of by them for the public good as they deem best, and not to the private injury of the citizens. This is the sound, sensible view of the subject, and law is never found, in the end, to be at war with sound sense and reason.

TRUTH.

1. *Statement of truth* is brief. Demonstration of truth is long. Confutation of error is both long and arduous.

2. The masters of philosophy, those who propound the great thoughts on which human conduct hinges, are never prolix, never discursive. They are usually sententious, epigrammatic, delivering their lessons in aphorisms, proverbs or parables. They see truth so clearly, and value it so highly, that their principal anxiety is to announce it, and impress it upon mankind. They have not the time or patience to stop and argue.

3. The most solemn and profound truth that man can utter, and which has the greatest influence on his life, is expressed in four words. *There is a God.*

4. All the great lessons of life may be comprehended in a few simple propositions, understood by the simple, whilst the wise are lost in the maze of their own discussions.

5. The true office of discussion is to clear away error and establish truth.

6. Truth is simply *that which is* ; error is the affirmation, or belief, of that which is not.

7. That which *is* may be either an existence, or an event. The former *continues* ; the latter *happens* and is ended, becoming a thing of the *past*.

8. But existences, as well as events, may belong to the past, the present, or the future ; to the natural, or to the spiritual (or moral) world.

9. He who sees through the phenomena of being most clearly, and appreciates that which is most substantial and enduring, most essential and important, has the clearest view of Truth.

VARIETY OF INTELLECTUAL CAPACITIES.

There is nothing more true than that to different persons the same words suggest different ideas. Words are used by men of all descriptions, characters and habits of association, and the peculiar circumstances of each man go to stamp the complexion of the ideas he attaches to words. Men of genius, who have many more ideas than other men, yet having only the same words to convey them, or represent them which *they* have, must necessarily attach many more ideas to the same term than others do. Some of these ideas are perhaps so evanescent and refined that other men are incapable of comprehending them. It is the prerogative of the man of enlarged capacity and ready wit, to comprehend and enjoy the most delicate and refined touches of sentiment, which the writings of genius contain, as well as the more gross and obvious conceptions of ordinary men.

There is, perhaps, not so much difference between educated minds as is generally estimated. A peculiar kind of talent or tact is required to succeed in the 'accumulation of wealth, honor and power. Not an extraordinary share of mind. Yet the possession of one or other of these external accidents is one of the commonest principles from which the world judges of the **extent** of a man's capacities. The truth is that every educated mind contains, in itself, a world of wondrous powers and capacities. The principles and springs of humanity, possessed in common by enlightened men, are in themselves an ocean, compared with which the **differences** between them dwindle into insignificance. Like the arms and inlets of the sea, which

compared with each other may seem to present wide disparities, but each, in turn, claims to be connected with, and but a part of the boundless main. So with the differences between men. They may seem great, until we reflect that each is connected with the ocean depths of a common humanity, which, all alike, enjoy. The Andean summits do not all peer above the obscurations of clouds and storms, but all rise far beyond the reach of animate nature. There is so much to admire and venerate in the resources of every immortal spirit that I dare not speak disparaging of any. The humblest son of science has so much in common with the most successful suitor of renown, that I dare not speak of the difference between them as worthy of comparison with the vastness of the mental capacities and resources of either.

WILL : SELF-CONTROL.

It is said by some philosophers that “ the *will* is the man.” It is this that determines our actions. Our actions determine our characters and destinies. What we *are* is answered by what we **do**. This distinguishes men from each other, the wise and prudent from the unwise and volatile-this distinguishes men from brutes.

The highest office of the will is *self-control*. Brutes’ are governed by their appetites and impulses. Savages are but little removed in this respect from brutes; Brutish men and coarse natures are mostly led **by** their impulses, appetites and passions. The true nobility of our nature is evinced by self-control, which restrains, governs and subdues the impulses, appetites, passions and desires.

Self-control, under the names "*Εγκρατεία* " and "*Σωφροσύνη*" in Greek and *Temperen tia, Continen tia, Modestia* in Latin, is ranked as one of the four cardinal virtues, Justice, Temperance, Courage and Fortitude. Of these the parent virtue is temperance, or self-control.

He that best controls himself in all things is most noble and God-like. " He that is slow to anger is better than the mighty, and he that ruleth his spirit than he that taketh a city." (Pro. 16 : 32). " He that hath no rule over his own spirit is like a city that is broken down and without walls." (Pro. 25: 28).

EXPERIENCE, OR SELF-IMPROVEMENT.

It is the duty and high privilege of every human being to endeavor to improve himself. Effort at self-improvement is the definition sometimes given for religion. It may relate to our actions or to our convictions. In our actions we should aim at goodness ; in our convictions, at truth. [This is the essence of the teachings of Confucius).

One of the best means of arriving at just conclusions, or truth, is to record our best thoughts. By clothing them in words we make them more precise, determined and fixed. For this purpose it is a good plan to keep a set of books somewhat analogous to the Journal, Day Book and Ledger of the tradesman. The Journal should be always at hand for recording the first rough form of our thoughts, including the suggestions, reasons and conclusions

which occur to our minds on any subject in which we take an interest, which may thus be caught and secured whilst fresh and before they are dissipated and forgo tten, and perhaps forever lost. In certain moods and frames of mind we have glimpses of truth, which, followed out, may lead us to interesting conclusions, but which, once displaced by other things, can never again be recalled—at least, not with the same vividness and strength. The second book, analogous to the Day Book, is to be used for copying out, with abridgements or improvements, such of the rough entries in the Journal as, on subsequent reflection, seem to be worthy of the labor, collecting together under a single head all the observations which we have made on one subject. The third book, analogous to the Ledger, should be employed for a last and final recording, in the most accurate and finished form, of the thoughts and conclusions at which we ultimately arrive on a given subject or point, after having read and re-read the previous entries, and sought such other information and light from books and men as our opportunities have permitted.

By proceeding in this manner, and drawing the pen across the entries in the Journal and Day Book respectively as fast as they are used and carried forward into the succeeding book, a man of ordinary reading and reflection will, in the course of a few years, find that he has amassed a rich fund of experience, which, to him at least, will be of inestimable value. The result will be as near an approach to wisdom and truth as his opportunities and talents are capable of.

PRINCIPLES SHOULD BE FIXED.

When a young man arrives at the age of twenty he looks around him in the wide world and discovers that opinions, sentiments and principles of action are very various and different. With respect to each subject presented to his consideration, and each course of conduct offered to his choice, he can take but one course, or else he must remain in a wavering, undecided state. Indecision is the bane of healthy conduct. Hence it behooves every one to choose some particular course to pursue with regard to his opinions and systems of conduct as they individually present themselves. And, if, by further investigation, he finds that he has adopted the wrong course, let him choose the right one. In order to make a proper choice of the stand which he will take, much research and reflection will be necessary. Let him, therefore, examine one subject at a time, and having made his decision respecting that, let him go on to the consideration of something else.

For example, let him investigate the subject of Slavery and its influence upon our country, etc., until by a careful comparison of the arguments that each sect and party on the subject of Slavery bring forward, he is able to decide according to the merits of the case what ought to be done in relation to Slavery. Then, having once satisfied himself, he will always be ready with a reason for the opinions, to urge upon those who may differ from him, and if he is ever called upon to act in relation to the subject, he will know how to act, and will not act blindly. Truth and utility combined ought to be the object for which we

seek in every investigation. Many have an **opinion** respecting such subjects, but do not know how they came by it-possibly their father or friends think so-and, therefore, they think so also ; possibly their own interest is concerned and biased their judgment ; possibly they have latent prejudices that decide them, but whatever it be, unless they have carefully investigated and impartially judged the subject, they are not fitted to converse on it in promiscuous society, nor are they safe in adopting the conduct which their opinions shall at any time dictate.

After having examined and disposed of one subject. let him proceed with another, until the more important of those which are agitated in the society of which he is a member have been canvassed by him.

He will generally be able to find materials and facts to guide his investigations in the publications that the subject elicit and in the perusal of history. With these data and sound sense for his guides, he will generally deviate very little from the road to truth, safety and ultimate honor. (October 17, 1835).

P. S.-I might add a list of subjects on which a young man would do well to decide in the present times. Some follow Abolitionism, Colonization, Consolidation in Policy, Democracy, Intemperance, Benevolent Associations individually, Methods of Education; Religious equality, Extension of Liberty of the Press, Utility of Monopolizing Associations, Lotteries, etc., etc.

FAMILY HAPPINESS.

How much the happiness of life depends on refinement in taste, and the cultivation of those accomplishments which gives a charm to the domestic circle ! If I wished to depict a happy family, I would describe it as one, not only in which general intelligence and virtue prevails, but in which the arts of taste are sufficiently cultivated to be appreciated and enjoyed ; in which vocal and instrumental music is practised, and conversation is varied by narration and discussion, and ever improves in expression and tone ; in which poetry, painting, sculpture and architecture are subjects of intelligent study and comment ; in which the courtesies and amenities of life are never forgotten, and religion and morality are never slightly mentioned, and in which affection, mutual forbearance and gentleness form the habitual atmosphere. How can anything bad or deformed come from such a source ? It is the seat and fountain of social order and goodness ; of noble character and honorable achievement .

(1875).

HOME, DEFINED.

The English word " Home " cannot be fully defined by a single word or phrase. The following is an attempt at a definition made forty years ago, which I find on the fly leaf of one of my old hymn books.

Home, the liouse and place where a family permanently dwells ; where they bring together the comforts they can command, and where their family attachments and memories center.

The language is not precisely accurate, and may be modified thus :

Home, the house where a family permanently dwells, collects its comforts, and forms its attachments and memories.

November 14, 1876.

HAPPINESS.

Happiness is the result of the harmony of all the faculties in their co-existence and operation. It is thus in the animal ; it is thus also in the moral nature of man. Discord in the operation of the animal functions produces pain ; in the moral, dissatisfaction, mental uneasiness-greater or less in proportion to the disorder that prevails. Perfect health is the perfection of animal nature, and the basis of the greatest physical enjoyment. Perfect harmony of the mental faculties produces contentment, peace of mind, happiness. In this the whole moral nature must combine-the intellect, the affections and passions, and the conscience. If either is disturbed, the man is disturbed. As in the body, if every organ is perfect, except the heart, and that is disordered, the whole system suffers. So in the soul. If every part is in perfect activity except one of the passions, and that is disturbed by undue excitement or improper exercise, the whole man is distressed and unhappy.

The principle is universal and invariable in its application. Like gravity in the physical world, which pervades the universe, and is always felt and **only** felt when resisted.

A man is most happy when he is most perfect, and he is most perfect when all his faculties are proportionately and harmoniously developed. Thus developed, nature and art and society supply him with a thousand sources of enjoyment. Neither his taste nor his moral feelings, any more than his intellectual faculties, can be neglected without detriment, and without diminishing his enjoyment of existence. The ear should be tuned to harmony, the eye educated to the perception of beauty and grace, and the heart instructed in the precepts of duty and religion ; and these should all be graduated and correlated to each other. With a body well developed and trained to healthy exercise and agreeable recreations, a mind cultivated and stored with useful and various knowledge, an educated taste and a heart formed to love and follow all that is good and generous and exalted, the result is physical and moral health, and the purest and most perfect happiness which the earth affords.

The acquisition of an accurate and easy conversation, of some skill in music, and in pure and healthful diversions, are of great benefit in fitting one for social intercourse, in which one of the greatest sources of pleasure is found.

The active and cheerful performance of every duty, the assumption and discharge of every proper relation in life, are also necessary to the perfection of the man.

Such a man brings with him and spreads around

him, wherever he goes, a glow of cheerfulness and welcome, and the production of happiness in others reacts in multiplying his own.

His home should be the center of this beneficent influence, and from thence it should spread to every portion of the society in which he is known, and which forms the sphere of his activities.

February 11, 1877.

TIME.

The immense importance of time in all human affairs and human experience can never be fully appreciated. One man, by order and diligence, may almost be said to command time and become its master. Another, by negligence and procrastination, becomes time's slave, and finds his affairs in confusion, his opportunities lost and his purposes unaccomplished. The former leads fortune by the hand, and partakes her choicest favors. The latter, with weary steps and flagging spirits, finds himself far in the rear of fortune, and the victim of discouragement or despair. This is one instance of the importance of time.

But it affects us in ten thousand ways, and often without any ability on our part to prevent it. It affects men's characters, talents and destinies. In studying closely the laws which govern observations in astronomy, and other professions which require an accurate note of phenomena, it has been discovered in the last half century that every man has what is called a personal equation, which defines his capacity for accurate observation. No man can

instantaneously perceive what passes before his senses, as, for example, the conjunction of two planets, or the first contact of two heavenly bodies. It would seem that this belongs to omniscience alone. And 110 two men have exactly the same capacity for immediate perception. The difference between them depends on their respective organization of brains, nerves and organs of sense. This equation has been found so important in observations requiring the greatest accuracy as to render it necessary to ascertain by experiment, and to record, the relative personal equations of the different employes of our Coast Survey.

The fraction of a second, which each requires for perception, is measured, and is always deducted from his recorded observations. Wonderful as this discovery is, it is not more wonderful than other things in human experience to which attention has not yet been directed. For example, a certain instant of time (almost infinitesimal, it is true), occurs between the conception of an idea, and for the word which stands for and represents it. The ease and fluency with which one man can express his ideas, and the difficulty, tardiness and hesitation which is experienced by another, depends respectively on the infinitesimal instant, in each case, required for calling up the words which represent their ideas ; in other words, they depend upon the rapidity of association which the two men respectively possess. Other circumstances, of course, contribute largely to make up the difference between them. The different degrees of familiarity which they have with the forms of expression, dependent upon their relative culture, education and experience, have much to do with it. One man may have

cultivated the use of language all his life ; and the other may have neglected it. But supposing them to be equal in this respect, there will still be all the difference in the world between them in their respective powers of expression and utterance. One will be brilliant, ready and interesting ; the other tedious and drawling. The one will hold crowds hanging on his lips with bated breath ; the other will disperse them with equal facility.

In all things, time is an essential element. Electricity requires time to execute its effects. Light requires time to traverse the regions of space. Thought requires time to grasp its objects, and time again to clothe them with expression. And he, who, in all things is most nearly the master of time is master of the world.

February 10, 1877.

THE TEACHING OF CHILDREN.

In teaching, regard must be had to the faculties possessed by the pupil. In childhood, memory ; in youth, the understanding ; in mature life, the reason, is the predominating faculty. If either of these is unduly exercised out of season, injury is sustained by the violence, and the powers in condition for exercise are unjustly repressed and never regain their proper tone. Modern school books and methods of teaching often disregard these fundamental principles of our nature. The attempt to teach spelling and etymology, and even natural philosophy at the same time, and in the same lessons, to a child of eight or ten years, is absurd, and

will fail in every direction. The rules of arithmetic, to be properly and usefully learned, must be learned by heart, without attempting to stuff the mind with their reasons. But memory may be aided by mechanical means. Spelling may be fixed in the mind by the chimes of sound, and the harmony of rhythm striking on the drum of the ear. By this means, long columns of words having the same number of syllables, the same accent and a succession of like vowel sounds, will become indelibly fixed on the sensorium so that the slightest deviation in letter or sound will send a repulsive thrill through the nervous system. Rational spelling—that is, spelling by reason and rules—can never compare in practical accuracy with this mechanical spelling printed upon the memory and the brain in childhood.

FIT EXPRESSIONS.

Solomon says, "An apple of gold in a cushion of silver, is a word spoken in season." Prov. XXV, 2. The translation of this proverb has had many variations. The "Septuagint" says, "A golden apple in a setting of cornelian, is a sentence well spoken." The Latin Vulgate, "It is apples of gold on beds of silver, when one speaks a word in due season." "Coverdale," "A word spoken in due season, is like apples of gold in a silver dish." "Cranmer," "A word spoken in due season is like apples of gold in a graven work of silver." "The Geneva," "A word spoken in his place is like apples of gold with pictures of silver." "The Bishop," "A word spoken in due season is like apples

of gold in a graven work of silver." "The Authorized," "A word fitly spoken is like apples of gold in pictures (or baskets) of silver." In another passage, Solomon breaks forth in this wise : "A word spoken in due season, how good is it !" Proverbs, XV, 23. Here is an attempt to express an important truth-to wit, the masterly power and beauty of fit expression. The great truths of humanity only require proper enunciation to secure acceptance. No labored proof is necessary. When clothed in exact and appropriate expression, they address themselves to the intuitive consciousness and are recognized. Like a well fitting garment which reveals the graces of the person, and is itself unnoticed, so apt and proper expression carries truth home to the understanding and heart without diverting the fancy. But it must be clear, perfect and free from redundancy. It must also be striking ; tame words are unheeded, and leave no impression. The strong, nervous forces of the language are requisite.

A truth sometimes lies on the mind for years before it can find fit utterance, but when at last fitly uttered, it tells. The word then spoken cannot be forgotten. It finds a lodgment in every heart.

This power of fit expression is a wonderful moral force. It moves senates ; it moves nations ; it moves the world. A mistake is often made by the young in neglecting its cultivation. They cannot duly appreciate its value. Only the experienced can fully do so. They are apt to suppose that the thought, facts, ideas, are the main thing to acquire, and that words will come of themselves. Facts and ideas are essential, but no more so than the power of correct and forcible expression. They are like unemployed capital ; like

arms laid up in store, until the power to use and wield them has been acquired. They may benefit their possessor individually, but they give him no power over others until he has learnt the art of communicating them in strong and beautiful language.

An art, it certainly is, requiring for its acquisition careful study and constant exercise ; and this study can never be remitted. It is as necessary at fifty as at twenty-five ; in a speech to the senate, as in a Sunday school address ; but when acclured, how transcendent is its power ; how glorious its effects !

This study and constant use are as necessary to a writer as to a speaker. Nothing tells but excellence ; nothing is excellent but what is the result of labor.

STOWE, 1877.

ELOQUENCE.*

“ The impression which every person, whether on the platform or in conversation, makes on his fellows, is the moral resultant, not of what *he says*, but of what he has *grown up* to be ; of his manhood, weak or strong, sterling or counterfeit ; of a funded but unreckoned influence accumulated unconsciously and spending itself according as the man is deep or shallow, like a reservoir, or like a spout, or an April shower.” Prof. Matthevs, in “ Getting On in the World.”

The above observation is so true that the wonder is, it has never been made before. We have approaches to it in such proverbs as “ Actions speak louder than

* See Bolingbroke's “ Spirit of Patriotism,” Works, Vol. IV, p. 224.
Ed. 1809. Description of Dexnosthenes and Cicero.

words," etc. I would make but one alteration in it, namely, by adding the words " so much " after the word " not," so as to read " not so much of what he says, as of what he has grown up to be," etc. An insignificant man may utter words as wise as even Solomon uttered without producing the slightest impression ; whilst the same words spoken by one whom we have learned to reverence and look up to, will be drunk in with delight, and produce a lasting influence upon our lives. The one is not preceded by **any** preparation on our part to appreciate him ; whilst the character of the other has already made a lodgment in our minds which disposes us to pay the strictest attention to his speech, and to give it the fullest effect. It is in us, not in the speaker, that the cause of the difference of impression lies. The effective speaker has already, by his previous reputation, affected us in his favor. We listen to him as a master, because we have come to regard him as such beforehand. This weight of character which thus fills out and gives due effect to a man's utterances, may be partially, though but partially, supplied by the favorable presumptions which arise from his appearance, air and manner, which presuppose, or give reason to presuppose, those characteristics which command our confidence, when we know, or believe them to exist.

STYLE.

The perfection of style consists in the use of the exact speech necessary to convey the sense in the fewest words consistent with perspicuity, at the same time having regard to appropriateness and harmony

of expression. Its greater excellencies are directness, accuracy, appropriateness and perspicuity. When these qualities are accomplished with a clear and well modulated enunciation, the thoughts of the speaker go straight to the understanding of his hearers, keep their attention fixed, and leave no time for inclination to wander, criticise, or even to notice the manner in which they are conveyed. The desired effect necessarily follows, whether it be conviction or the excitement of the emotions or passions. When mind speaks directly to mind, spirit to spirit, it gives to the communication the greatest possible power. Redundancy, circumlocution, inappropriate diction, cloud the senses, divert the attention, produce weariness and deprive the effort of any useful effect.

In a public speaker, besides the above qualities of style, fluency is also necessary, by which I mean the power of readily calling up the exact words which the style requires. When these excellencies are all combined and the thoughts are vigorous and impressive, the effect is irresistible. The mind is carried along, as with a whirlwind to the point which the speaker desires.

This talent of effective speaking was possessed in an eminent degree by Lord Bacon, by Vice-President Burr, and by Mr. Judah P. Benjamin. The secret lies, not in fluency merely, but also in the exact and appropriate selection of words and phrases to convey the whole sense and nothing more. Of course the thoughts must be worthy of the occasion.

“ When Atreus’ son harangued the listening train,
Just was his sense, and his expression plain,
His words succinct, yet full without a fault,
He spoke no more than just the thing he ought.”

Pope's Iliad, ZZZ, 275.

August 21, 1879. (STOWE).

METAPHYSICS.

"He knows what's what, and that's as high as metaphysic's wit can fly."—*Hudibras*.

Metaphysics. Metaphysical writers do not seem to me to be exact enough in their accounts of the *Human Mind*. Locke refers the origin of all our ideas to *Sensation* and *Reflection*. Stewart, meaning the same things, to **Perception** and Consciousness. They tell us that the mind is conversant about no other ideas than what these two sources furnish. But is it so? Let us see. We have a knowledge of eternal things by *perception*, and a knowledge of *Perception* by **consciousness**. Thus one faculty of the mind contemplates the load-stone, and is itself immediately reviewed by another faculty of the mind. Now, in contemplating the load-stone, we cannot expect that we are acquainted with all its properties, or know all about it, and so, by analogy, we **would** immediately be led to suppose that in contemplating the power by which we perceived the load-stone, I would rather say the act of the mind in perceiving the load-stone, we are unable to grasp all the properties that appertain to that act. By consciousness we know there was a battle at Bunker's Hill; perhaps we know the number of killed and wounded, yet ten thousand little circumstances of valor and distress, which we have every reason to believe happened to individuals in that battle are known nothing of. I say by *analogy* we would be led to suppose that many things appertaining to the operations of the mind wholly escape our observation or elude the grasp of consciousness. But I think that

we have more than analogy to support this. When I have stood on a mountain and witnessed the setting of a calm summer's sun—the waters irradiating different parts of the wide landscape, and the fields, some yellow, some green, some brown, checkering the view like a rich carpet of nature ; the gently nodding trees, the songs of evening birds, the lowing of cattle in the distance, and the bleating of flocks, all conspiring to enchantment, my emotions for a brief hour have been *indescribable*, and, in any other circumstances, *inconceivable*. My spirit so rapt, my enjoyment so exquisite, my thoughts so sublimated, that I would give myself up to the torrent flow of those intoxicating ideas. At such times I am sure that I have passed many minutes without a thought of watching the operations of my mind or emotions—my mind ? That was quite absorbed in drinking delight from the exhilarating draught, and after the spell had passed away, I had but a faint idea, an indistinct recollection of the enchanting dream. I did not make the attempt to grasp the feelings of my mind, or to watch them by the power of consciousness. I had no time to watch the workings of my mind. So completely absorbed was I in **feeling** the enjoyment of the scene, that I had no opportunity of **watching** that **feeling**. I afterwards knew in general, that I had felt, and that I had felt indescribable—nay—almost inconceivable sensations. But to endeavor, then, to get up such a conception of those sensations from the scattered fragments of consciousness which I **did** exercise at the time, would have been as vain as an attempt to cut a robe from the sky and trim it with the rainbow. And yet, in the case both of **perceiving** the load-stone

and of **feeling** the delights of the evening scenery, every modification, quality and property of such perception and of such feeling ; in short, every mental circumstance by which they were attended, was an **idea** of the mind, however many of them may have escaped the notice of consciousness, and many of them, in my opinion, did so escape. If so, then we certainly have ideas which do not owe their origin immediately to perception or consciousness. As there are many external objects which we do not perceive, so there are many internal workings of the mind of which we may not be conscious. If we say that we have no ideas except what we perceive, or are conscious of, we make the perception or consciousness of our idea necessary to its existence, which I do not believe.

UPHAM ON THE MIND AND ITS DISORDERS .

Professor Upham, in his treatise on “ Imperfect and Disordered Mental Action,” arranges his subject according to the analysis of the mind in its natural state and operations—considering, in order, the imperfections and diseases which affect each faculty.

His classification of mental operations coincides in the main, with the old division of the mental capacities, into the **understanding**, the *affections* and the **will**. The nomenclature which he adopts is **intellect**, **sensibilities** and **will**. The intellect he subdivides into exterior and interior, corresponding, in most respects, with Locke’s division into sensation and reflection. The exterior intellect derives knowledge from the outward world through the medium of the senses; the interior derives it from a consciousness of the mind’s own operations, from original suggestion, **relative**.

suggestion or **judgment**, and reasoning. To **original suggestion**, he assigns the origin of our notions of **time, number, motion, memory, sameness, personal identity, present existence**, etc., which Stewart, after Dr. Reid, attributes to common sense.

Now, it seems to me that a more simple analysis may be made of the operations of the mind. I find no fault with the general division into understanding, affections and will. The mental operations, or states indicated by these three designations, are entirely distinct in their nature, and seem to comprehend all of which the human mind is capable. We **perceive** things, facts, truths. This is the operation of the understanding ; and is a matter of pure intellection. We can conceive of beings purely intellectual, who might be endowed with this capacity, without being subject to any emotions or affections. But we are differently constituted. We are also *affected* by our perceptions. Hence the **affections or sensibilities**, which form a distinct and component part of our mental structure. The understanding and the affections constitute us perceptive and passive or affective beings. We are thus rendered capable of **knowledge** and **emotion**. But our nature does not end here. We are not only perceptive and passive, but **active**. We are capable not only of **knowledge** and **emotion**, but of volition. We not only understand and feel, but we **will**. Hence the third and last great division of mental operations—the **will**.

When we come to subdivide the operations of the understanding, it seems to me that the perception of the ideas of time, space, number, motion, etc., belongs to precisely the same category as the perception of outward objects does. It is true we do not perceive

these things immediately by one of the five external senses, but there is a **sixth** sense by which we **do** perceive them. *They belong to the framework and constitution of this outward world into which our Maker has placed us, and I consider the formation in the mind of a comprehension of this outer world and the things therein contained, of its constitution, its manner of existence, as a source of knowledge, homogeneous in its character, and appreciable by a department of the understanding which is one and indivisible.* Call this the exterior intellect if you will. Names are not things, but I think the **understanding** is a better word to denote the power or capacity of the mind to comprehend the world as it is, nature, or the exterior universe, than any other that can be chosen.

There is an exterior or more transcendental intellect, I admit, which is cognizant of ideas that the senses do not reveal, and that the outer world does not even suggest. Those ideas are the spiritual ones on which our moral nature depends—such as justice, purity, faith, sincerity, generosity, or, perhaps, personal identity, present existence, etc., belong to this class.

(Memo.—Think further on this subject.)

I think Prof. Upham's arrangement of the subject of mental disorder very philosophical and correct. Disorder is the correlative of order in all departments of nature and life. The physician considers the human system under three aspects—that of physiology, pathology and therapeutics. The lawyer divides his science into rights, wrongs and remedies. The divine treats of religion under the heads of holiness, sin and redemption. In like manner, the true division of mental philosophy is into mental physiology, pathology and treatment of the insane, etc., etc., etc.

THE HUMAN MIND.

The mind of man may be compared to a bird ascending with her eye fixed upon the sun. Her light form is successively borne in contrary directions by the shifting winds as she passes onward and upward through the various strata of the atmosphere. So, the mind, as it rises in its progress toward fixed and eternal truth, the centre and ultimate object of all its inquiries, is, at first, borne along with the various prejudices and opinions of the world, often in conflict with each other. At one stage of its progress, it adopts notions and views that are often modified or entirely changed by more information, or an acquaintance with new or more plausible expositions, and it is only when it; acquires sufficient strength and courage to mount above the floating current of popular thoughts, and out of the reach of the breath of public opinion, that it can pursue, with eagle speed and unflinching eye, that straight and luminous path which leads to the pure and immutable sources of intellectual and moral perfection.

The general influence which the several sciences naturally exert upon each other, is a truth too commonly known to merit a remark here. But some of the particular instances of this influence are striking and worthy of a passing notice. I was lately forcibly struck with the influence of the discovery of the art of making paper in the eleventh century, and the art of painting in the fifteenth century, on all the departments of literature and science. There had been giant minds in the darkest ages, but their wisdom could never be

recorded-perhaps they themselves were ignorant of letters, and so all died with them that might have benefited and enlightened the world.

May we not also compare a man's individual mind to the literary and scientific mind. A man may be possessed of a large and capacious mind, may start many brilliant thoughts, and give great promise of becoming useful and great, but if he suffers his mind to rest on its own extemporaneous energies-never exerting himself to store his memory with formulæ of truth-that man will be like the dark ages. His startling thoughts will be lost in the flux of events—he makes no progress in the net amount of knowledge at his command, but as fast as he receives knowledge, he negligently permits it to pass out of his mind. This, I fear, is in some measure the case with ———.

September 9, 1837.

THE ENGLISH GUTTURAL Ũ, AS HEARD IN BŮT, HŮT.

To show the proclivity of English-speaking people to drop into this guttural, the following sentence will show every vowel pronounced in that way :

“ The Editor will insert the burning of the Martyrs in his next circular.”

Here we have *ar er **ir or** ur* and *yr*, all pronounced in the same way ; and indeed, it is almost impossible for an English speaker to pronounce *er* or ***ir*** otherwise than if spelled *ūr*. And yet we have great difficulty in learning to pronounce the German *ö*, as in *G&he*, although it has nearly the same sound as the English

short u, though more prolonged. One not accustomed to German, would come very near to the true pronunciation of ö in Gœthe, if he should pronounce it as though it were spelled Gurty, leaving out the sound of r. The difficulty is in prolonging the sound sufficiently to give it the true German effect. With us the sound is always, or generally, short. We give it greater length in ***hurt*** and *worth* than we do in *put* and *but*. Accustoming ourselves to uttering the long sound without pronouncing the r, we could soon very nearly acquire the German ö.

December, 1880.

ER, BY, NEAH.

Er and *Ere* is the Saxon termination from *wcr*, *were*, *a* man, equivalent to the German pronoun *er*, *he*. As a termination, it signifies an agent, or actor. Thus, *bake*, *baker* ; *dig*, *digger* ; *sing*, *singer* ; *train*, *trainer*, etc., meaning respectively a man who bakes, digs, sings, trains, etc., as much as to say, *bake-man*, *dig-man*, *sing-man*, *train-man*, etc. We naturally and almost unconsciously add this termination when we wish to express the actor who does anything ; thus, we naturally say *dynamiter*, *photographer*, when we wish to denote a person who uses the new substance dynamite, or who performs the new process of photographing.

By, *Bye*, is the Danish for town, village, etc. Hence in that part of England where the Danes settled, we find plenty of towns ending with that termination, as *Wetherby*, *Thirkleby*, *Selby* ; in Yorkshire, *Derby*, *Denby* ; in Derbyshire, and perhaps a hundred places

in Lincolnshire, the local map being filled with them. It may come from *Bya*, *Byan*, to inhabit, or from **Bi**, near, in the vicinity of. For, as the people lived* in towns, or vills, those who were collected together, **Bi** each other, always made a vill.

Neah, Anglo-Saxon for near. *Neah-bi-er* would be the near-by-man, hence, our word, "neighbor."

FREEDOM OF THOUGHT.

In scientific and historical, especially archæological investigations, the mind should be free from all bias and open to the reception of truth and the exact result of the evidence presented, no matter what idols are overthrown by it. "Bacon," in his *Novum Organum* (B. L. XXXIX-XLIV), says there are four species of idols which beset the human mind—Idols of the tribe, Idols of the Den, Idols of the Market and Idols of the Theatre. 1. Idols of the Tribe are inherent in human nature, and the very tribe or race of man—the tendency to look at all things from the central stand point of self and the senses. 2. Idols of the Den are the peculiar mental obliquities of the individual, arising from his disposition, education and circumstances. 3. Idols of the Market are those erroneous impressions derived from intercourse with other men, from the loose conceptions attached to words and common speech. 4. Idols of the Theatre are the dogmas and theories of sects and parties in religion and philosophy which attract us, or fetter the operations of our minds. The influence of these Idols constantly operates to cloud the understanding and to

shut out the rays of truth. If the remains of a human being are found in a geological stratum, or locality which indicates the lapse of many ages since that being lived, and if those remains show a low type, pointing to a great intermediate development of the race, the whole religious world, frightened at the bearing the discovery may have on the accuracy of the book of Genesis, bears down upon the obvious deductions of the evidence, with indiscriminate and blind denunciation. But the man of true scientific instincts will regard this commotion with contempt, and will give full play to his reason, and accept the teachings which the discovery suggest. He will not shut his eyes to the evident facts, but will regard them with fairness and candor, as if the book of Genesis had never been written. This freedom of thought is repulsive to ninety-nine hundredths of men, because it sets at naught their cherished opinions, prejudices or dogmas.

Freedom of thought was the great object for which Spinoza contended, and many other great men.

RELIGIOUS AND MORAL.

JUDGE BRADLEY ON RELIGION IN THE CONSTITUTION.

Among the letters received by Rev. Mr. McAlister, Secretary of the Association which recently held a convention in Cincinnati for the purpose of urging an amendment to the Constitution, which shall acknowledge God, was the following from Judge Bradley, of the U. S. Supreme Court. It shows his own conviction of the necessity of religion as the basis of civil government, but it must reside not in the written Constitution, but in the people themselves, and cannot be forced into them by legislation :

WASHINGTON, December 7, 1871.

REV. D. McALISTER.

DEAR SIR : Yours of the 2d instant has been received, requesting me to unite in the call of a convention favorable to an amendment of the Constitution of the United States, which shall acknowledge God as the author of the nation's existence and the source of its authority, Jesus Christ as its Ruler, and the Bible as the foundation of its laws and the supreme rule of its conduct. As you have done me the honor of writing me a special letter on the subject, I feel bound in courtesy to answer it.

I have never been able to see the necessity or expediency of the movement for obtaining such an amendment. The Constitution was evidently framed and adopted by the people of the United States with the fixed determination to allow absolute religious freedom and equality, and to avoid all appearance even of a State religion, or a State endorsement of

any particular creed or religious sect. Various oaths of office and of fidelity to the Constitution are prescribed in the instrument itself, but always coupled with an alternative privilege of making an affirmation instead of an oath. And after the Constitution in its original form was adopted, the people made haste to secure an amendment that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. This shows the earnest desire of our Revolutionary fathers that religion should be left to the free and voluntary action of the people themselves. I do not regard it as manifesting any hostility to religion, but as showing a fixed determination to leave the people entirely free on the subject.

And it seems to me that our fathers were wise ; that the great voluntary system of this country is quite as favorable to the promotion of real religion as the systems of governmental protection and patronage have been in other countries. And whilst I do not understand that the association which you represent desire to invoke any governmental interference, still the amendment sought is a step in that direction which our fathers (quite as good Christians as ourselves) thought it wise not to take. In this country they thought they had settled one thing at least, that it is not the province of government to teach theology.

Therefore, whilst no person in your association places a higher estimate than I do on the great importance and absolute necessity of religious training and religious convictions to the stability of any government ; I do not believe that the end will be at all

subverted by the proposed Constitutional amendment. Religion, as the basis and support of civil government, must reside, not in the written Constitution, but in the people themselves. And we cannot legislate religion into the people. It must be infused by gentler and wiser methods.

Respectfully, your obedient servant,

JOSEPH P. BRADLEY.
