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Addresses and Letters of Travel

By  
Stephen G. Nye

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With a Biographical Sketch

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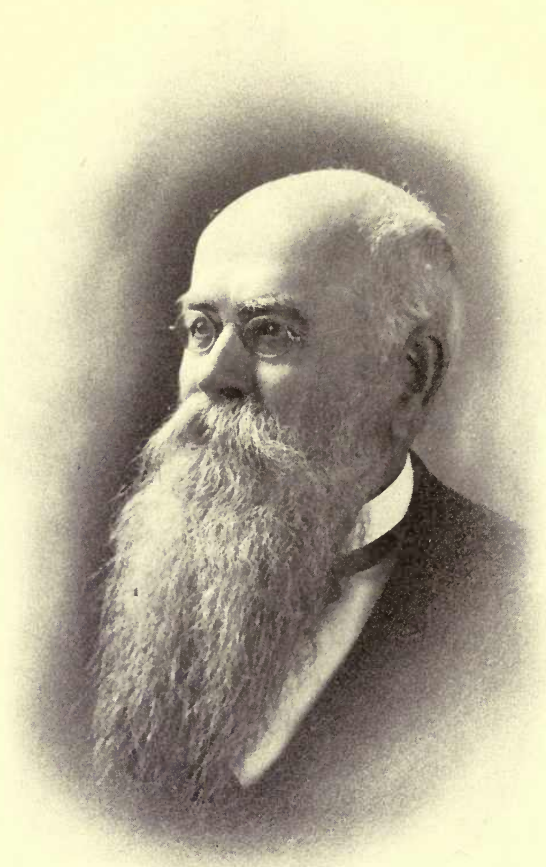
March 1908.











Stephen W. W. W.



Addresses  
and  
Letters of Travel

By  
Stephen G. Nye

With a Biographical Sketch



San Francisco  
1908

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**BY**  
**MRS. STEPHEN G. NYE**

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## Foreword

In compiling this book my first thought and intention was only to have the speeches and letters of travel of my dear husband printed in book form. I desired to have this publication as a souvenir for our children and also in order that our grandchildren, who were too young to remember him long, and the later ones who never saw him, might in coming years become acquainted with him in this way.

Learning of my intention, the Judge's old friends claimed that they, as well as his immediate family, should have a share in the undertaking, and so the work has outgrown the simple plan at first formed by me.

His letters from abroad, as will be perceived, were written to members of his own family. Had he entertained any idea that they would ever be published he would, doubtless, have given them more care, but they probably would not have been more interesting. They appear as he wrote them, and that they are thoroughly characteristic his acquaintances can testify.

I can not fully express my gratitude to the many friends who have contributed reminiscences and helpful suggestions. I am especially indebted to my friend, Hon. A. B. Nye, now State Controller of California, who has woven the material contributed into a truthful and sympathetic character sketch, in which he has embodied also his own impressions derived from a long and intimate acquaint-

## FOREWORD

ance. Without Mr. Nye's invaluable aid I fear this book never would have materialized. Though only remotely related to the subject of the sketch—both having descended from the original Benjamin Nye of Massachusetts—he was a warm friend and dearly loved by the Judge.

Also, I wish to express sincere thanks to Bishop J. M. Thoburn, to Mr. W. R. Farrington, to Mr. and Mrs. J. B. Richardson, to Mr. F. A. Hall, to Rev. J. B. Creswell, to Mr. Dudley Kinsell, to Mr. George W. Reed, to Hon. Grove L. Johnson, to Mr. F. A. Leach, and to others who have contributed such appreciative tributes of worth and affection; also, to the members of the Alameda County Bar Association for the touching memorial service; to Dr. E. E. Baker for his fitting eulogy, and to Dr. D. A. Mobley for his words of comfort; to the choir who rendered so sweetly his favorite hymn, "Lead, Kindly Light"; to the press, and to the many dear friends who sought to sweeten our grief with choicest flowers. But, above all, for the blessed husband who was vouchsafed to me for so many years, Lord, I give thanks.

*Emma M. Nye.*

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To you, O my daughters  
Myrtle and Harriet,  
do I dedicate this monument  
to your dear Father's memory,  
"more enduring than brass."  
—Mother.



Biographical and Character Sketch of  
Stephen G. Nye

By  
Alfred Bourne Nye





# Biographical and Character Sketch of Stephen G. Nye

By  
Alfred Bourne Nye

This collection of the speeches and writings of the late Stephen G. Nye may be appropriately preceded by such a sketch of his career and estimate of his character as a long personal acquaintance and the assistance of many friends and admirers of the much-respected jurist will enable the present writer to give. There could be no more grateful task than to pay a deserved tribute of esteem to one whose long life of seventy-two years was honorably and usefully spent in the service of his fellow men; but it will be the endeavor to confine this sketch to a plain recital of facts, which in this instance will be the best eulogy. The noblest benefaction to the world is the example of a good life, and the more simply the story can be set forth, the clearer the truth will shine.

Stephen Girard Nye was born in Westfield, Chautauqua County, New York, on the 30th day of January, 1834. He came of the good Puritan stock—the race which pioneered New England and fought the first battles in the War of the Revolution. His family traced its American origin to Benjamin Nye, who became a settler in Sandwich, Massachusetts, as early as 1637, and from whom all of the Nyes in this country claim their descent. Nearly a century and a half later, another Benjamin Nye, accompanied, it is related, by his six brothers, stood on Bunker Hill on the momentous 17th of June, 1775, and participated in the

patriot resistance to the assaults of the British forces under Lord Howe.

In the westward migration from New England in the earlier years of the nineteenth century, one of the grandchildren of this Revolutionary patriot, a native of Worcester, Massachusetts, whose name was John Nye, went to make his home in the portion of western New York which was embraced in the Holland Land Company Purchase. This John Nye married a Miss Harriet Ellis Smith, who, also, came of an old colonial family, of Dutch origin, which had been established in Dutchess County, New York, since the middle of the eighteenth century. Her grandfather, Noah Ellis, was a member of General Washington's Life Guard, and continued in that position until the end of the Revolutionary War. The family home was at Esopus, and the building, a substantial stone tavern, still stands, although the British in 1777 made an unsuccessful attempt to destroy it by fire.

In the home of John and Harriet Nye, amid the wooded hills, near the present town of Westfield, there were born two children, sons, who were named Stephen Girard and George Nye. One of them, the younger, became a sacrifice to the cause of his country during the great civil conflict; George Nye enlisted in the Union Army, and while serving in the Ninth Cavalry, contracted disease and died in Alexandria, Virginia, in 1862. The elder son was destined to serve his country in another manner.

The community in which these young men were reared was one in which pioneer conditions prevailed and the people were nearly all poor and struggling; but the best

American traditions existed, and nothing was more esteemed than learning. The little brown schoolhouse was there for the sons of all the farmers, and the means of attaining the higher education was not altogether lacking for those who were born with the thirst for knowledge—the means being, at least in the case of one young man, strenuous labor and self-denial. With Stephen Girard Nye it was a long struggle to gain the equipment he felt that he needed for his life work. He was compelled to make his own way from the beginning, and, of necessity, attendance at academy and college alternated with periods of teaching in the district schools. Handicapped as he was by a physical infirmity, a painful lameness, which was to remain with him throughout life, it called for a brave spirit to make the fight and win it.

His first certificate, entitling him to teach "a common school for one year," was dated October, 1849, when he was just fifteen years and nine months old. Other certificates, dated, successively, in the seven following years, attest the incessant industry which, two generations since, was necessary on the part of a poor young man who would earn an education. He taught school at intervals over a period of twelve years. During one of these periods of district school teaching he wandered away as far as Harrison County, Kentucky, to find a salaried position.

His preparation for college was made in Alfred Seminary (now Alfred University), and in 1857 he entered Allegheny College, in Meadville, Pa. Upon his graduation, which occurred in 1858, when he was 24 years of age, he took the degree of A. B., and also won the Hazeltine

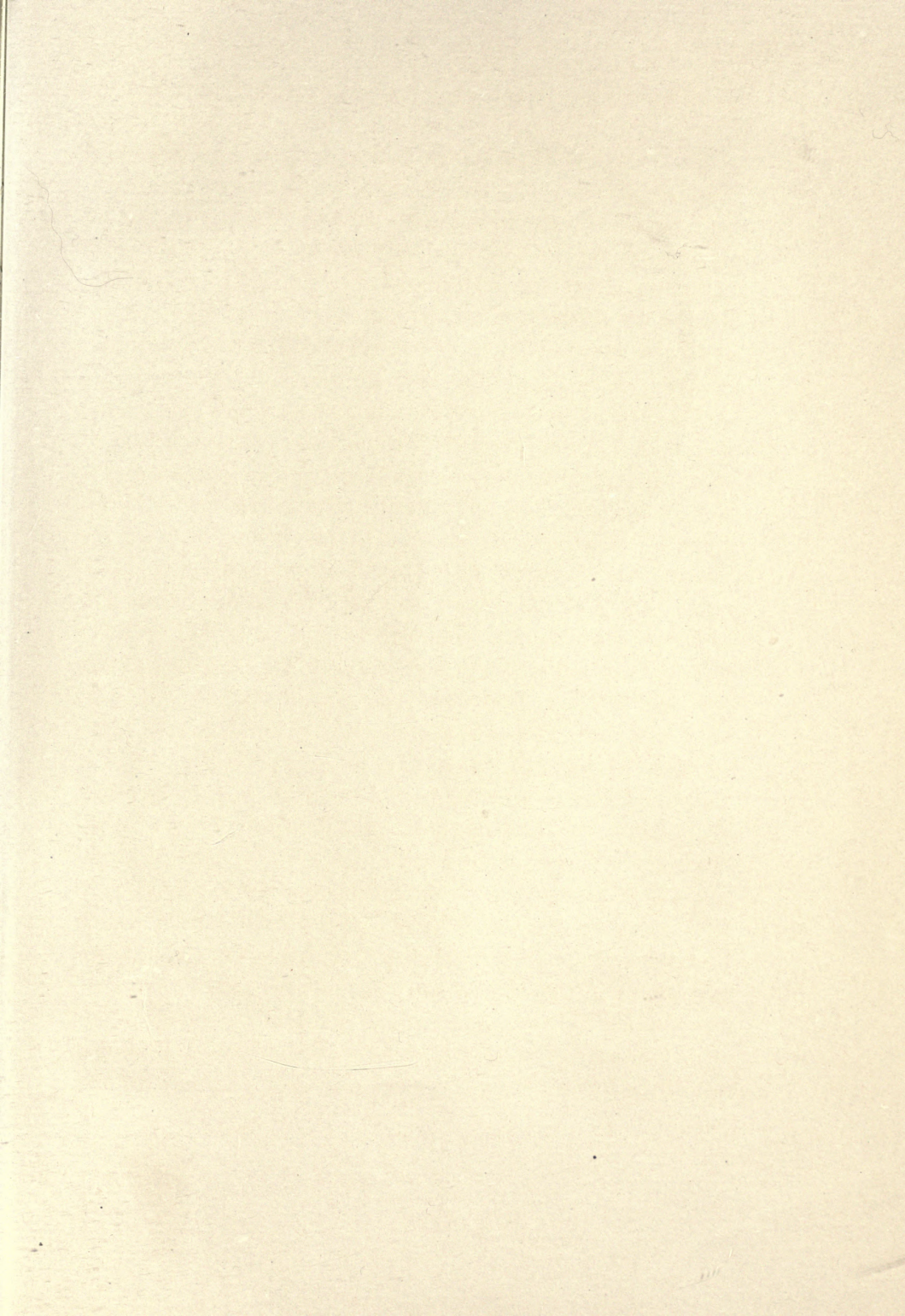
prize, a silver goblet, for the best essay upon the French and English revolutions.

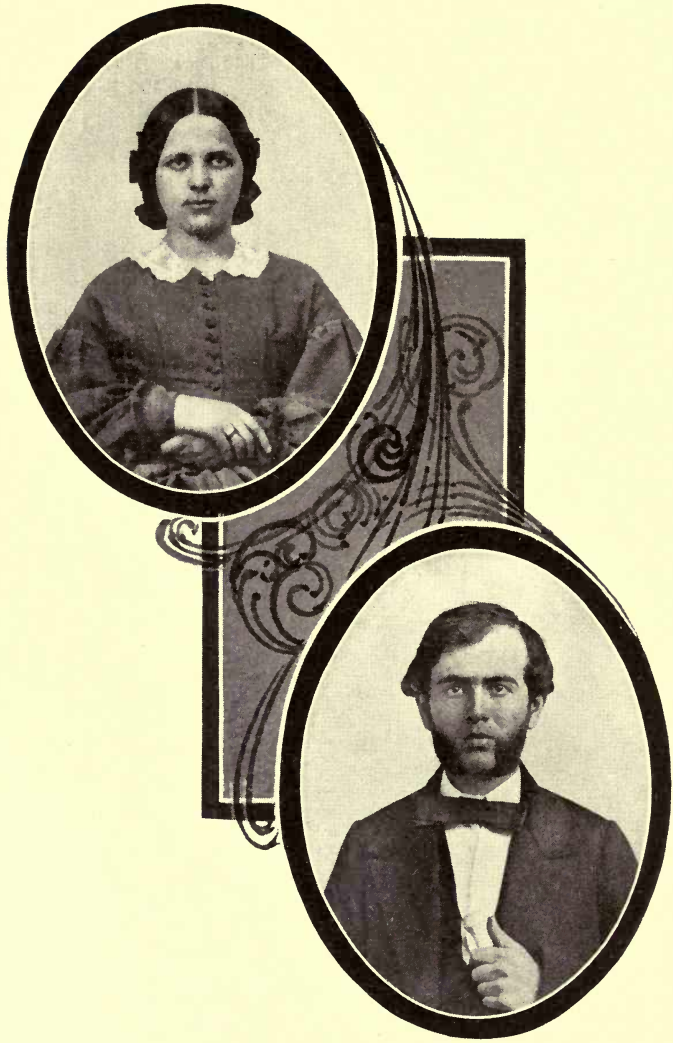
Several of his associates in Alfred attained distinction in various walks of life. The best known of his college mates in Allegheny is Bishop J. M. Thoburn, so long the Missionary Bishop of the Methodist Episcopal Church in India, between whom and Judge Nye a life-long friendship existed.

To be a lawyer was the ambition which the young man had set before him, but attainment of this end was yet afar off, and meantime he was compelled to resume teaching for a livelihood, and so for a year and a half he was principal of Westfield Academy. In his case, however, the resource of teaching, which has been a timely help in so many thousand professional careers, was no mere drudgery to be performed in a perfunctory kind of way. Stephen Girard Nye never acted perfunctorily in any duty of his life, and least of all in the instruction of young minds. It was a labor which awakened all the enthusiasm of his nature. It was the uniform testimony of his pupils that they never knew an instructor who displayed so much of the spirit of the ideal teacher—the one who is fired with his own zeal and can communicate it to his pupils. Throughout his life he retained this enthusiasm for the ordinarily dull work of the schoolroom, and the invitation which brought him the greatest pleasure was always one to address a graduating class or an assemblage of teachers.

It may be well here to introduce the evidence of one of his pupils—premising it by saying that similar testimony would be given gladly by many men and women who first







"WHEN WE WERE FIRST ACQUENT"

met him in the schoolroom and who will retain as long as life lasts grateful memories of what they owed to him. Mr. F. A. Hall of Westfield, New York, who was Judge Nye's brother-in-law, writes: "When I first knew him, he was a teacher in school. I was a young lad, and was constantly impressed with his peculiar straightforwardness. I never knew a person so severe on any form of deception. He never had occasion to use the rod, for the punishment he was able to give verbally was more severe than any that could be administered in any other form. While he was severe upon delinquents, he was particularly appreciative of originality and real endeavor. He never lost sight of a bright scholar and kept trace of many such for years."

Finally, early in the year 1860, he was able to begin the study of the law, which he did in the office of the Hon. Thomas P. Grosvenor in Dunkirk, New York. Although he had entered upon this preparation for a life career with his usual energy, he found reason, before his studies were finished, to remove to California, whither some of his friends had preceded him. He arrived in San Francisco in November, 1861, and went at once to Centerville, in Alameda County, to take a position as teacher which had been secured for him in advance of his coming. This first employment lasted but a few months, when he became a law clerk in the office of a San Francisco firm of attorneys, Janes & Lake. The same year he was admitted to practice by the Supreme Court, following which he returned to Alameda County, where he continued to make his home during the larger part of his life. As no good opportunity for the practice of the law immediately presented itself, he

again took up the congenial work of teaching, but only for a short time, as he was soon nominated and elected to the office of District Attorney.

But before this came about an event of even greater importance had happened in the life of the young lawyer. In his schoolboy days he had met the young woman who was to be his wife, and when he became the teacher of the district school upon which she was one of the attendants, an attachment commenced which continued with the usual pleasant incidents during his years at college, at last culminating in an engagement at the time he was principal of the Westfield Academy, and the young woman was again one of his pupils. In those days lovers were accustomed to wait patiently and prudently for conditions to become propitious before they married, and this engagement was of several years' duration.

After the swain had been about a year in California, he deemed himself prosperous enough to justify sending for his affianced, and that he did not prolong unnecessarily the period of waiting, or insist upon opulence as a prerequisite to matrimony, may be judged from the fact that he delayed only until he had accumulated the modest sum of \$100.00. In those days every California steamer brought out prospective brides, and every arrival in San Francisco was followed by announcements of marriages. Stephen Girard Nye was waiting when the good ship Sonora reached San Francisco, January 25, 1863, bearing among its passengers Miss Emma M. Hall of Westfield, N. Y., and he was on board the vessel before it reached the wharf. The next evening the marriage took place at the

Russ House, then the leading hotel of the city, the ceremony being performed by Rev. A. B. Clark of Skowhegan, Maine, he and his wife having been fellow voyagers with Miss Hall on the Sonora.

It was a day's journey in those times by slow ferry-boat from San Francisco to Oakland and by toilsome stage from Oakland over muddy roads to Centerville. Mr. Nye was still engaged as a teacher when he and his bride settled down for a quiet honeymoon in the little town of Centerville; but within a few months came the county election and his elevation to the office of District Attorney, causing a removal to the county-seat town, San Leandro, which remained their home for twenty-five years. There their three daughters were born—one, a beautiful child, Pauline, being taken from them by death just when her early promise most gladdened the parents' hearts—and two growing to womanhood.

In 1870, Mr. John Nye, the wife and mother having died, came to San Leandro to make his home with his son. He died there in 1875.

The term of office of the young District Attorney was two years, and there is no doubt that his duties were well performed, although he failed of renomination and a second election. Then, as now, the tenure of political office in California was the most uncertain of all things. During his two years as District Attorney he traveled on horseback to all parts of the county, and at the end of his term there were few persons, either men or women, with whom he could not claim personal acquaintance. At that date the population of the county was well distributed, and Oakland

was no more important than Washington township, while the now thriving city of Berkeley had not even been named. The District Attorney had no deputy and needed none. "It frequently happened," Judge Nye wrote, years afterwards, in giving his early experiences, "that the jail had not a tenant, and occasionally a term of court passed without a criminal to try or a case requiring the services of a grand jury."

For a few months he varied his occupations by editing the local newspaper, the "Alameda County Gazette." His newspaper career, although brief, was vigorous, and he struck out boldly at public abuses wherever he found them, regardless of consequences to himself or others. But he soon withdrew from the paper and devoted himself to his law business.

When the office of County Judge fell vacant in 1867, through the resignation of Judge Noble Hamilton, Governor Low appointed Mr. Nye to fill the place, and no one questioned the fitness of the selection. The best evidence that the appointment was satisfactory is found in the fact that a few weeks later a general election occurred, and then Judge Nye was nominated by the Republican county convention, and on October 17, 1867, was chosen for a full term of four years, beginning with January, 1868. He was re-elected in 1871 and 1875.

In those days the State's judicial system included, in addition to the Supreme Court, District Courts, and County Courts. The County Court had original jurisdiction in most forms of civil litigation, except such as dealt with land titles; it was the court of appeal from the justices of

the peace and city recorders, and before it came for trial all criminal causes except charges of treason, murder, and manslaughter. In the arcadian conditions which then prevailed in Alameda, the County Judge was the great man—the personage to whom the rural voters, summoned as jurors or witnesses, were accustomed to look up with awe in his magisterial office, although socially it was the democratic privilege of every voter to meet the judge upon a common level. No one could have better combined the magisterial dignity with the social equality than Judge Nye, who was able to appreciate the feelings of every countryman, and who really enjoyed this kind of companionship.

His first term of office had not expired before a majority of the voters were ready to swear by Judge Nye, and most of them regarded him as their fast friend. They grew to regard him as one who could be depended upon to exercise a protecting influence in all of their legal affairs. Especially was this so with the foreign-born voters, who stood most in need of guide, counselor, and friend. At a comparatively early day there came into Alameda County a large Portuguese immigration; these settlers rented or purchased small farms, and before long became an important element in the rural population. Knowing little of the language and business practices of the community, they were naturally distrustful and inclined to be clannish. They were slow to place their confidence in lawyers, but in the County Judge they recognized one whom they might trust, and boundless was the influence of Judge Nye among them after this relation had been once established.

Some idea has already been given of the primitive conditions of that early period and of the limited amount of court business. The County Judge was for some years little more pressed with work than was the District Attorney. "When I took the office," said Judge Nye, "it hardly interfered with my practice." The salary at that time was only \$2,100 per annum, and later increased to \$2,500, but as the judge was not inhibited from practice in the District and Supreme Courts, he was usually able to earn as much more in fees.

The county courthouse of Alameda County in the earlier '60s was a creditable two-story brick building, but its surroundings were rough and unkempt; no enclosure or improvement of the grounds had been made; every family in the little county-seat town kept one or more cows, and as no one thought of purchasing feed for his animals, the courthouse square was the general grazing ground. On warm days "the sleepy, ruminating cows" would collect on the shady side of the building, giving it the appearance and something of the odor of a dairy yard.

This courthouse was destroyed in the great earthquake of 1868, in which the very center of the disturbance was around San Leandro and Hayward. The heaviest shock came at about the breakfast hour, before most of the county officials had gone to their offices, but the Deputy County Clerk, a Mr. Joselyn, was caught in the falling walls and killed, while two other deputies, who were also on duty, narrowly escaped a similar fate. Judge Nye paid a wrecking party \$25 to deliver his library out of the ruins and had the satisfaction to find that not a book had been seriously



injured. The county officers and courts were moved to a Methodist Church, and the supervisors rebuilt the courthouse on the old site.

But meantime an agitation had commenced for the removal of the county-seat to Oakland, which had now grown to be the great town of the county, and at its session in 1871 the Legislature passed a bill which permitted the question to be submitted to vote of the people. In 1872 the vote was taken and the county-seat was removed, at first to East Oakland, and later to Oakland proper, where the present public buildings had meanwhile been constructed. These buildings were taken possession of for judicial purposes in 1875, but Judge Nye, while holding court in Oakland, and afterwards, while practicing law, continued to reside in San Leandro, making the daily trip back and forth by train.

It is safe to say that in some ways Judge Nye's attitude toward the duties of his judicial office differed from that of any other judge before or since, and this was particularly manifest in connection with the probate business, of which there came to be a considerable volume. It was evidence of his inexhaustible kindness and his helpful disposition that he was inclined to play the parts of both judge and attorney for the petitioner. The bereaved widow and orphan child took their troubles direct to the Judge, at his chambers, or at his home. It was no hard task to persuade him to assume the labor of safeguarding their interests. He drew the papers, or required the clerk of the court to do so, and then received them and entered the appropriate orders. It is said by the gentleman who was the clerk, Mr. George W. Reed, now a well-known lawyer of Oakland, that the Judge and

he did most of the probate work of the county for a number of years. Quite naturally, this extreme helpfulness on the part of the Judge did not commend him to the favor of those attorneys who thought of how many fees they were losing, but it was characteristic of his straightforwardness that he should expect other lawyers to be as unselfish as he was himself.

It is related that there were other ways, too, in which he was wont to vex the patience of members of the bar. Simple in his habits, and always hard-working, he sometimes forgot that the methods of work of other attorneys differed from his own. When business pressed he would hold court continuously from nine o'clock in the morning until five o'clock in the afternoon, to the great indignation of lawyers who were not accustomed to go without luncheon. Sometimes, in the middle of the day, the Judge, in his unconventional and simple way, would produce from some mysterious recess under his desk an apple or a sandwich, and proceed to eat, while the court proceedings went steadily on. But whatever he might do which sticklers for judicial dignity might not approve, he never lost the respect of the bar which his ability, impartiality, and industry had earned.

In the trial of criminal cases, and in the fixing of sentences, he was inclined to mercifulness toward the accused, and his penalties were moderate though discriminating. An incident which has been preserved will show how he reconciled mercy with justice. A vicious criminal had been tried and convicted and was brought before the court for sentence. The Judge imposed a term of imprisonment which



PAULINE



he thought adequate to the offense, whereupon the prisoner, angered at the prospect of being compelled to spend several years in confinement, and, perhaps, thinking that the Judge had shot his bolt and could do no more, burst out in a torrent of vile abuse, in which curses were heaped upon him and all others who had anything to do with his conviction.

Judge Nye manifested no anger nor excitement, such as might be expected under the circumstances. From his seat on the bench he looked calmly down, over his glasses, at the shouting and gesticulating criminal, with such an air of curiosity as one might show in examining a strange form of wild animal. When the abusive prisoner paused for lack of breath, the Judge asked the clerk if he had entered the sentence, and being answered that he had not done so, he said quietly: "Make it six years instead of five. We will give him an additional year to teach him a useful lesson."

On September 1, 1878, when he had been on the bench eleven years, Judge Nye resigned the office to resume practice at the bar. Conditions had changed; the legal business of the county had assumed large proportions and the demand for his personal service as attorney and counselor was so pressing that he concluded to enter the larger field. Efforts were made to retain him on the bench, and a movement was started to increase his salary as judge, but he discouraged the effort, and it came to nothing. That Alameda County had been enjoying the services of an able judge, not paid in proportion to his deserts, was the expressed opinion of the newspapers and of the bar when he resigned, and, doubtless, these remarks afforded him more satisfaction than he would have derived from the largest salary. His

last appearance on the bench was made the occasion of a pleasant ceremony, the county officials presenting him with a silver service and with a complimentary address.

A transition period had been reached in the history of California. Within a few months after Judge Nye's retirement the delegates to a constitutional convention had been elected, the convention had assembled and completed its work, and the new constitution was submitted to the people and was ratified. Close on the heels of this event followed the general election at which a new State administration and members of Congress were chosen. Judge Nye's Alameda County friends desired to put him up for Congress, and a solid local delegation in the district convention stood ready to vote for his nomination. But Frank Page, who had represented the district several terms, was still strong, especially with the politicians, and it appeared that a majority of the delegates would support him in preference to any one else. Judge Nye's name was put before the convention in a complimentary way, but he withdrew it, after making a speech in which he deprecated the personal attacks being made upon Mr. Page by his political enemies. When the county convention assembled, some weeks later, Judge Nye was nominated for State Senator, and his election followed in due time.

The session of the Legislature, beginning in January, 1880, was a busy and important one; to adapt the codes and statutes to the requirements of the new constitution called for a great deal of work. An unusual number of men of ability served in both Houses; in the Senate were such men as Dr. Chester Rowell, of Fresno; W. J. Hill, the veteran

editor of Salinas; General J. H. Dickinson; Theodore H. Hittell, the historian; Dr. E. H. Pardee, Judge Nye's colleague from Alameda County; Grove L. Johnson, of Sacramento, who afterwards served many years in the Legislature and also in Congress; B. F. Langford, of San Joaquin County, and Joseph F. Wendell, of Solano. It was a marked honor when, in a Senate made up as was this one, Senator Nye was given, without solicitation on his part, the most important committee assignment, that of Chairman of the Judiciary Committee. He served, also, on the Committees on Commerce and Navigation and on State Prisons. For reasons already given, the labors of the Judiciary Committee were exceptionally heavy, but at the close the other members were all ready to testify to the ability, impartiality, and patience with which the chairman guided their deliberations.

Another session of the Legislature was held the following year, and again Senator Nye was offered the Chairmanship of the Judiciary Committee. He then gave an exhibition of characteristic generosity of spirit by rising and declining the appointment in favor of Senator Wendell, one of the youngest of his associates on the committee during the previous session; Mr. Wendell's ability and fairness had made a very favorable impression on Senator Nye, and he was glad to testify to his admiration in this way. He retained his membership of the Commerce Committee, and also served on the Committee on County and Township Government. Following this second regular session there was an extraordinary session, beginning April 4th and ending May 12th, which concluded Judge Nye's legislative

service. During his membership he participated freely in the discussion of important measures, and some of his arguments attracted much attention. But never at any time in his life did he have a great liking for practical politics, and he probably felt no desire to be re-elected to the Senate. There was renewed talk at the election following that of 1879 of making him the Republican Congressional candidate, but he would not encourage it, and Mr. Page was again nominated.

Judge Nye was now engaged in successful practice of the law in Oakland, and this continued for ten years, or from 1878, the date of his resignation from the bench, until 1888, when he retired for a time. His law partner during most of this period was Mr. J. B. Richardson, and the firm enjoyed a large general practice, while making a specialty of probate law.

In all that he did or said Judge Nye possessed a distinct individuality, and this was as noticeable in his law practice as in his service upon the bench or in his personal intercourse with his fellows. In the estimation of the bar he was a careful, painstaking, and thorough lawyer, and on questions of probate law he was considered an authority. He mastered his cases, and his successes were won by the fairest of means. Hon. John Ellsworth, Superior Judge of Alameda County, paid him a high compliment when he said, "No judge ever had to be on his guard when Judge Nye was before him." That is to say, he carried into the practice of law the same perfect honesty which marked him in every other relation of life. Mr. Richardson described his methods by saying: "His mental attitude toward any ques-



tion was essentially judicial. In presenting his case to the court the cases against him were as much a part of his argument as those in his favor. If he knew that there was a case hostile to his contention which the other side or the court did not know, he would mention it and distinguish his own case from it. It would never occur to him to ignore it."

There was one book in Judge Nye's law library which he studied as few lawyers do, and that was the Bible—the embodiment of the moral law. He had a small Testament which he carried in his pocket, and it was as well thumbed as was his Code of Civil Procedure or his California Reports. In preparing a case for argument, especially in a jury trial, it was his habit to search the Holy Writ for illustrations and suggestions. He knew how thoroughly the diction of the Scriptures has entered into the language of the common man, and he appreciated the extra effectiveness which the arrow of legal persuasion gains if it is tipped with a familiar quotation or an apt reference to a Biblical incident. Moreover, the literature of the Bible had a great attraction for his own mind, although he was never a professing member of any church.

In accepting employment as an attorney, he probably gave less thought than any other lawyer in California to the certainty or the amount of his compensation. He was noted for the moderation of his charges, and there was not the slightest calculation of advantage in the matter with Judge Nye, who was so organized that he was apt to be more thoughtful of his client than of himself. The amount of absolutely unpaid service which he rendered was great;

any appeal of distress would take him away from matters of personal interest or of large importance to himself.

A couple of amusing incidents in connection with charges for legal services are recalled by Mr. Kinsell, who became his law partner in 1894. A client came in, stated the object of his call, and, after a consultation, asked to have a contract for a certain purpose drawn up immediately. Judge Nye wrote it out with the brevity which characterized most of his documents, and the client departed hurriedly, telling the attorney to send in his bill. The Judge asked his associate what they ought to charge, and the reply was that twenty-five dollars would be a perfectly reasonable fee, but the Judge protested that two dollars and a half would be nearer right, and when this view was not accepted by his junior, he finally wrote out a bill like this: "To drawing contract, \$2.50; to knowing how to do it, \$22.50; total, \$25.00."

In the other instance a client who was furnished legal advice and service by the year had asked for his bill, which was sent him in the amount of five hundred dollars. The charge was entirely satisfactory, but a request was made that the bill be itemized. Judge Nye had not kept memoranda of the consultations or services, and consequently when he undertook to make out the detail he was at a loss to account for more than half of the total. So he finished the statement of account with this unique charge: "To lying awake at night and thinking about your troubles, \$250.00."

For a lawyer to carry heart and conscience into his business is, fortunately, no very exceptional thing, although

there is a popular prejudice which inclines many to believe the contrary of this. But it is rare, indeed, for a lawyer to manifest these qualities so strongly as did Judge Nye. He possessed a fine chivalrous regard for the interests of lone women and dependent children, and whenever he detected what he thought was petty dealing at their expense, "all the man in him," as one of his friends remarks, "rose up and condemned the offender." Injustice to a wife would draw down unsparing reproaches addressed to the guilty husband. "You're a nice husband," he would sometimes say. "Now, get out of here, and never show your face again." An instance is recalled where he was attorney for the guardian of two orphan girls. When it came time to present the account in court it appeared that the funds had been poorly invested, or perhaps had remained uninvested a part of the time, and there was a very small showing of increment. This so vexed and humiliated the attorney that he put his hand in his pocket and paid the orphans the legal rate of interest, saying he was ashamed to go into court and hear a guardian give such a report of the way in which he had discharged a sacred trust.

The lady who relates the foregoing incident gives also the following: A poor washerwoman, who owed a considerable sum on a note, had saved, by severe economy, more than the interest, thinking she would be allowed to pay something on the principal before the maturity of the obligation. But when the creditor came he was very well satisfied with the loan and preferred to leave the principal as it was. Judge Nye observed the poor woman's disappointment and appealed to the money-lender to accept partial

payment. Encouraged by this, the woman added her entreaties, but all was of no avail, as the creditor refused to entertain any consideration but that of strict business. Thereupon Judge Nye, indignant at such an exhibition of indifference, offered to buy the note on the money-lender's own terms, and this bargain having been struck, he told the washerwoman that she could make payments on the principal as often as she pleased.

As a fitting conclusion to what has been said of this aspect of Judge Nye's qualities as an attorney and counselor at law, I can not do better than to quote the following from one of the addresses made at the memorial meeting of the Alameda County Bar Association: "I do not think it is too much to say that there are scores of small homes and bits of property sheltering widows and orphans because Judge Nye, with his generous heart and wise counsel, gave them the aid they needed at a critical time."

There can be no question of the quality of Judge Nye's heart. It was not merely generous; it was easily touched by the appeal for help or sympathy. A well-known lady of Oakland contributes this rather amusing illustration: "I went to hear Maud Ballington Booth, and by chance met the Judge in the lobby. I thought it a great honor that he proposed our sitting in the same pew, and I think I was rather surprised at his frequent use of his handkerchief, which was obvious and perfectly shameless. She gave her deeply affecting experiences in the slums as only a Booth can do it. When we left the church the Judge turned to me and laughed, saying: 'She is a good woman. Now I'll go home and hang my handkerchief on the line to dry.'"





THE NEW HOME AT FOWLER

During the period of his residence in San Leandro and of his practice in Oakland Judge Nye had bought a farm of 160 acres near Hayward. His love for mother earth was intense and no life appeared to him to hold pleasures so great as that of the farmer. At as frequent intervals as he could find time he would visit the farm and form plans for its improvement. He was interested in every variety of grass and in every weed which grew upon the place. After he had planted an orchard of forty acres, he felt a personal concern for the welfare of each individual tree. The letters which he wrote while visiting Europe and the Holy Land show the minuteness of his observation in studying and comparing plant growths in different quarters of the globe.

But the Alameda County property did not satisfy his ambitions as a land owner, and when the opportunity offered he sold it, and with the proceeds purchased two tracts of land in the San Joaquin Valley. One was a ranch of 1,800 acres in Tulare County, and the other a half section of fertile soil near Fowler, in Fresno County. He now determined to retire from professional work, and make his home upon one of his farms. In October, 1888, he removed to the Antelope ranch, as the Tulare County property was called; it was situated in the foothills, about eighteen miles northeast of the city of Visalia. The location was excellent, a beautiful small valley, surrounded on three sides by high hills covered with live oak trees. But the improvements were old, and to develop the property called for a great deal of energy and expense. He built nine miles of wire fence to enclose the hills for pasturage purposes; developed the numerous springs; constructed a reservoir and piped the

spring water to it for use in irrigation; built a large barn, and remodeled the house. Until this time grain and stock-raising had been the only industries; the new owner at once planted an orchard of mixed fruits, and finally, as an experiment, he set out a grove of oranges and lemons. As a theoretical farmer, he benefited his neighbors more than himself, for he taught them, by force of example, to abandon the shiftless methods of farming with which they had worn out their soils, and to resort to deep plowing and summer fallowing. But in the operations already spoken of, and later in trying to develop larger supplies of water by sinking wells, he exhausted his ready capital, and since the investment was one which did not promise to pay at an early day, he decided to return to law practice, and jokingly gave as his excuse therefor that one law office would run one ranch, yet having two ranches he must establish two offices. But he had sown seed which was to bear a rich harvest, for his orange grove, when it came to maturity, proved a great success, and this, with a few other similar experiments, led to the establishment of very large orchards in that favorable belt of land along the foothills; today every little cove in the hills is an orange grove, and the plantations extend out on the adjacent plains; hundreds of pumping plants supply an abundance of water for irrigation, and hundreds of carloads of the earliest and finest oranges grown anywhere in California are shipped to the New York and Chicago markets.

When he again resumed his law practice, Judge Nye established his home as well as his office in the city of Oakland, where he continued to reside for some fourteen



years. His old clients returned to him, and with them came many new ones. Miss Harriet Nye entered his office and became his chief clerk and private secretary, which position she occupied for a period of nine years, developing an ability that was a source of great satisfaction and pride to her father. In 1894 he took in a young partner, Mr. Dudley Kinsell, and the firm of Nye & Kinsell enjoyed a lucrative business, which endured until Judge Nye's retirement from practice in 1904.

During this period Judge Nye's participation in public affairs was only occasional, although his interest in politics remained keen and he was always ready, with voice or pen, to aid a cause which he thought called for his assistance.

His interest in the world was never bounded by a local horizon. He loved to make journeys through California, and also the States east of the Rocky Mountains. One of the most extended of these journeys was taken in 1885, when, with Mrs. Nye, and their daughters, then aged 14 and 12, he visited the New Orleans Exposition, and afterward journeyed leisurely on through the South to Florida, where they waited for the winter to pass; then proceeded northward, visiting many points of interest, and arrived in New York in time to witness the great public funeral of General Grant. One of the incidents of this journey was a visit to the old family home of the Nyes, in Barre, Mass., where many relatives were living. The return to California was made after an absence of eight months. Of the trip to Europe and Palestine, which was made in 1901, a sufficient account is contained in the letters written in intervals of travel by Judge Nye, which constitute an important part of this

volume. All of these letters were addressed to members of his family, but some were given by them to the newspapers for publication. This trip abroad, and a preliminary journey through the United States, including a visit to Washington to witness the second inauguration of President McKinley, consumed about nine months.

Few persons have a wider range of interests than was possessed by Judge Nye, and no one has ever enjoyed a more wholesome, simple nature. His manner and words bespoke the sheer pleasure of living. His sympathies stretched out on all sides to the people about him—to men, women, and children. Deep as was his interest in material nature, it was with humanity that he was most profoundly concerned, and a great number of persons with whom he was in no way related by family ties, or joined by business connections, were sharers in his friendly enthusiasms. This was especially true of the young, in whom he loved to encourage high aspirations, industrious habits, and the rule of strict integrity. To learn that a young man, the son of a friend or a client, or even the merest acquaintance, was manifesting these qualities gave him the greatest possible pleasure. He would oftentimes say to boys: "I want you to study mathematics and learn to shoot at a mark." Exactness in both matters of conduct and mental and physical labor was an essential part of his moral code.

It would, naturally, be expected that a man so thorough and at the same time so straightforward would make a lawyer who, whether upon the bench or in office work, would be direct and simple in his manner of reaching results, and such was the case. He had no love for technicali-

ties. Indirection and surplusage were alike irksome to him. It is said that the deeds and contracts drawn by him were the briefest written by any member of the bar. He regarded one clear expression of an intent as better than a score of repetitions. When he was County Judge he drew up a set of probate forms which has remained in use more or less to this day, and the distinguishing characteristic of which was its conciseness.

Something has already been said of his singular open-mindedness, and this was well phrased by one who remarked: "It was not necessary to know Judge Nye long to know him well; a ten days' acquaintance with him would enable one to know him almost as well as an acquaintance of ten years; and this was because he had nothing to conceal; his nature was so open that you were taken at once into his confidence. I think I never knew a man who was so frank."

A man who conceals nothing must reveal much, and in his varying moods Judge Nye could be abrupt and harsh-spoken, but underneath any demeanor there was always the same kindliness of heart which never varied. His soul was a perpetual fountain of benevolence and affection.

Mr. Wallace R. Farrington, the editor of the "Evening Bulletin," one of the leading newspapers of Honolulu, aptly described some of the characteristics of the subject of the sketch when he wrote: "Unfailing good nature and perfect integrity are the memories of the Judge that will stay with me while memory lasts. He was one of those men to make a deep impression on you, and one that holds for life. I never heard a petty complaining word from the Judge. He

was always on the comfortable side of life, whether things were as he wished or not. He allowed nothing to disappoint him, accepting the progress of events, not with indifference, but with an absolute refusal to permit himself to be overcome. Judge Nye was not, as I knew him, a dominating spirit in the sense the term is ordinarily used. He was determined, without making any fuss about it. He was original. He was fair and square in his dealings. And he tied himself to your heartstrings in a way that will make him remembered and his many good deeds recalled when even the names of more pyrotechnical men of his day are forgotten. He was a mighty good man."

The Hon. Grove L. Johnson, who served with Judge Nye in the Senate, wrote of him thus: "Like others of the Senate in which he served, I came to love him for his sweetness of disposition, kindness of heart, and willingness to aid others on every occasion.

"I served with him in the Judiciary Committee, and found him always accurate in his conception of the law, always ready to listen to arguments and under all circumstances fair in his treatment of questions and anxious to do that which was right and not expedient.

"He was, I think, pre-eminently fitted to be a judge, because, while unyielding in his adherence to what he deemed to be the law and the right of the case, still he was so desirous to give every one an equal chance, that if he would have erred at all as a judge, it would have been in favor of the weak and feeble.

"He was full of humor, and enlivened our committee sessions by his witty comments on matters and men and

measures that came before us, while, at the same time by his dignity, preserving good order and decorum during our deliberations.

“It was a distinct loss to the State when he declined further service in the Legislature.”

Another friend, in referring to his family and social life, said: “The Judge was singularly fortunate in all his family relations, and it always seemed to me that his life was blessed with a larger share of real happiness than usually falls to the lot of mortals. He was the star of a social gathering; where he sat was the head of the table. His fund of anecdote was drawn upon to the end and his constant humor was a joy to all who were within the circle. Not only was he the prince of entertainers, but he was a good listener. Nothing really good ever got past his notice.”

Judge Nye's appearance on a public occasion was always welcomed, because it was recognized that he would have something to say which would be at once entertaining and instructive. His abounding humor never ran to frivolity in his public addresses, which were notable for their intense earnestness.

Judge Nye's stories and anecdotes were famous, and although always telling them, he seemed never to repeat himself. His memory was a vast storehouse of such things, and only the slightest impression of a passing incident was needed to touch the spring which would bring forth a narrative both apposite and mirth-provoking. His wit was as ready as his humor was abundant; but only a single illustration of it now occurs to the writer. On one occasion,

when he was in the State Senate, an oratorical member had made a long and ambitious effort, upon which Judge Nye offered this comment: "The Senator who has just taken his seat made a most beautiful speech, but you may rub your hands all over it and you will never feel a point."

A legislative story which is worth recording is told by Mr. Clinton L. White, one of the well-known lawyers of California, who was recently elected Mayor of Sacramento. Mayor White was clerk of the Judiciary Committee of the Senate in 1880, when Judge Nye was the chairman. The full membership of the committee numbered ten; the committee's work, for reasons already given, was extremely heavy, and it was necessary to have meetings every evening. A majority of the members soon tired of this grind, and after a time only three members—Senator Nye, Senator Hittell, and Senator Wendell—could be depended upon to attend the sessions. It had been voted that a quorum should consist of whatever number might attend, and the three faithful ones carried on the work until Senator Wendell fell ill of a fever and could no longer be present. Then Chairman Nye and Senator Hittell constituted the quorum and got along very well until one night they disagreed upon an important bill and locked horns. They argued, but could not agree, and finally, as the only way to reach a decision, they said they would let the clerk vote. Mr. White sided with the chairman, whose report thus became the majority report of the committee; but Mr. Hittell was dissatisfied, and said he should file a minority report, to which Senator Nye readily assented. But next morning the historian presented his report to the other eight members of the com-

mittee and persuaded them to join with him in signing it. So, when Senator Nye presented to the Senate the "majority report" of the committee, signed only by himself, it was immediately followed by the "minority report," signed by nine members. There was great hilarity among the Senators, but it did not in the least disturb the usual composure of the chairman; he declared that his remained the majority report, and that as such it should enjoy full rights of parliamentary precedence.

In attempting to deal with the side of this remarkable man's character which more than any other, probably, impressed his nearest friends—I refer to his absolute, undeviating integrity—it is difficult to give the exact conception intended. Many men are honest in many different ways, and nearly every man is honest in at least some one way, however deficient in integrity in other respects. But the man or woman who is literally honest in all ways is rare indeed. Judge Nye was one of these extraordinary persons. Mr. Richardson, his old partner, made a fine distinction when he said: "Some men *would* not do a dishonest thing; Judge Nye *could* not do a dishonest thing. His integrity was as much a part of him as his body was." It was not in his nature to consider more than one possible way of doing a thing, and that was the simple, straightforward one. Pecuniary temptation, in the form of doubtful gain, did not appeal to him merely because he never regarded it as a possibility for him.

As he approached the end of his seventieth year Judge Nye decided definitely that he would at last carry out his long-cherished plan of giving up business and retiring from

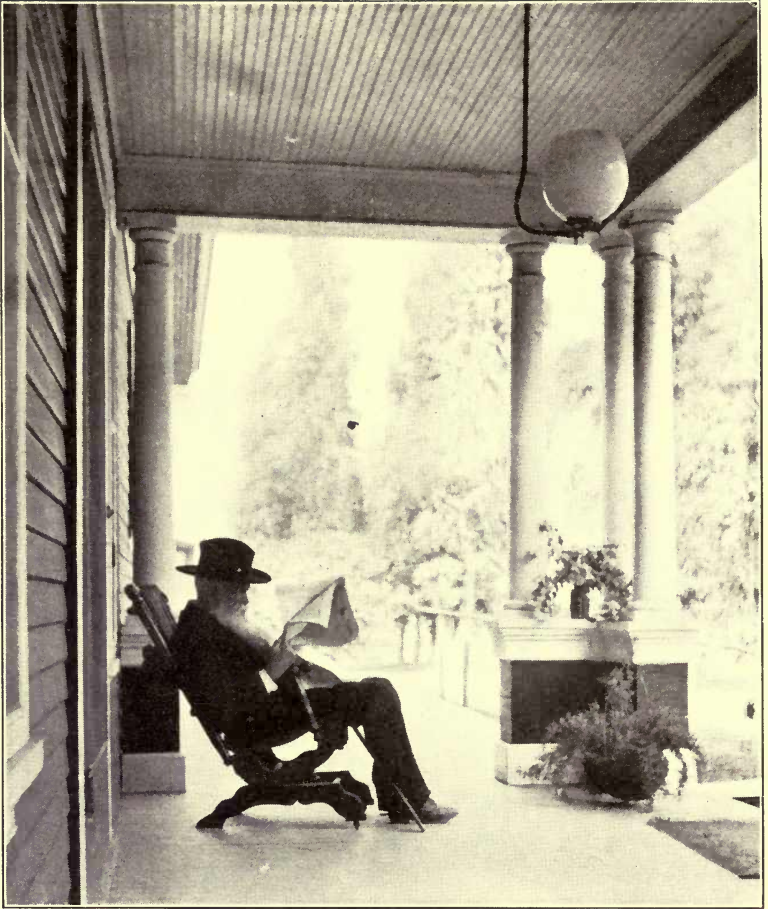
the city to the country. His farming enterprises had prospered even in his absence, and he believed that rural enjoyments would add not only to his happiness, but to his span of life. But, as events proved, he had waited too long, and his health had been fatally impaired before he took the final step.

On June 1, 1904, he retired from practice and closed his office door to clients, but remained at his post several months, closing up various matters of private trust. By October 1st he was ready to leave town for his vineyard, but with characteristic regard for duty, he waited more than a month in order that he might cast a vote for Theodore Roosevelt for President. As soon as it became known that his active professional life had closed, the Bar Association tendered him a banquet, but Judge Nye, with his natural aversion to being lionized, declined the honor. Social entertainments were showered upon him and his family by their friends, not only in Oakland, but in adjoining towns.

His new home was on the Fowler ranch, where there had been reserved a choice building site on a hill overlooking a fine landscape. A pleasant country house was built, and water and lighting plants installed. Fine shade trees and shrubbery had been established long before, and avenues of eucalyptus planted; so that when the family entered the new home it was a little country paradise. From the house, Judge Nye could overlook his more than two hundred acres of vineyards, peach and fig orchards and alfalfa and grain fields. For a brief time the happiness of the retired jurist in his new surroundings was extreme. His







ON THE VERANDA AT FOWLER

enjoyment was intense when the mocking-birds, orioles and goldfinches made merry in his trees and the meadow-larks sang in the fields just beyond.

The household at this time included, besides Judge and Mrs. Nye, their daughter Harriet. The elder daughter, Myrtle, had been married in 1892, in Oakland, to Mr. Thomas H. Davis. In June, 1905, Harriet Nye was married to Mr. Philip W. Davis, a brother of the husband of the older sister. The newly married couple made their home in Visalia, where P. W. Davis was engaged in business, while Mr. and Mrs. T. H. Davis lived on the Antelope ranch.

But the end of the life of the just man was fast approaching. In May, 1905, he suffered a stroke of paralysis, from which he recovered only partially; he was compelled to forego his usual activities, and his merry quips and joyous laugh were missed; but he still sat upon the porch of the house and listened to the birds singing in the trees, and almost daily he took a short drive. Once he visited a health resort and came back somewhat improved. In March, 1906, he went to visit his daughter at Antelope ranch, and while there his last and fatal illness overtook him. He lingered only five days after suffering an apoplectic stroke, and passed away at ten o'clock on the morning of April second.

On the fifth of April there was a private funeral service held at the residence of his daughter, Mrs. P. W. Davis, in Visalia, Dr. D. A. Mobley, of Fowler, officiating, and using as the text for his brief remarks the words, "Know ye not

that there is a prince and a great man fallen this day in Israel?"

The body was taken for burial to Oakland, and there a more public funeral was held in the First Presbyterian Church on the seventh. Dr. E. E. Baker, the pastor and friend, gave an appropriate eulogy, and the choir sang "Lead, Kindly Light," which had been Judge Nye's favorite hymn, and "Good Night, Take Thy Rest." A large concourse of friends and members of the bar attended the service. Judge S. P. Hall, J. B. Richardson, Dr. V. E. Putnam, George Payne, L. C. Morehouse and Dudley Kinsell acted as pall-bearers. The remains were laid to rest in a beautiful spot in Mountain View Cemetery.

The day before the Alameda Bar Association had held a special meeting, presided over by Judge Ellsworth. The usual testimonial of respect in the form of resolutions was offered and remarks evidencing the high regard in which Judge Nye was held were made by several of the Superior Court judges and by a number of the members of the bar.

# Tributes to Stephen G. Nye

By

Rev. James M. Thoburn

M. E. Bishop of India

Rev. John B. Creswell of Tennessee

Alameda County Bar Association



# Stephen G. Nye

By

Rev. James M. Thoburn, M. E. Bishop of India

Allegheny College is an institution established in the year 1815 at the town of Meadville in Western Pennsylvania, and having a record of good work done in the course of its successful career. Many worthy men have sought instruction in its halls, prominent among whom may be mentioned the name of William McKinley. It was my good fortune to become a student in this institution about the middle of the century which has recently closed, where still at the early age of fifteen I began to prepare for active life, and to assume the management of my own affairs. I found the college to be a little world in itself. Each student seemed to be an important factor in this world, and I scrutinized both the face and the conduct of each as I formed my most intimate acquaintanceships among them. The attachments thus formed in early youth have proved very strong and are unbroken still.

Unfortunately I was obliged to leave the college at the close of my second year, and was unable to return for two long years. When I returned in September, 1855, I, of course, found that a great change had passed over the students in attendance. A majority of them were strangers to me, and of those I did know, very few belonged to the circle in which I had formerly moved. My new classmates were nearly all strangers, and among the members of other

classes I picked out friends more cautiously than I would have done when two years younger. At that early date, before the era of college fraternities, the choice of friends at college was a task which the better class of young men did not regard lightly, and when attachments were once formed, they were apt to last as long as life itself. Many long and eventful years have passed since that far-off day, but some of the bonds of personal friendship then formed remain as real and as firm as they were fifty-three years ago. Memory ever and anon goes wandering back to those good old days, and lingers long in recalling times and scenes and associations which the years can not steal from us, and which seem to become more delightful and precious as Time relentlessly goes marching on his way.

Prominent among those whom I learned to love and appreciate in those olden days was Stephen G. Nye, of Western New York. He was a little older than myself, and unlike me in some of his tastes, and our outlook in life was along different lines, but as often happens in the making of intimate personal friendships, our very difference in temperament and in personal tastes seemed to draw us more closely together, and we formed a mutual attachment which time never lessened and world-wide space never weakened. We parted on June 25, 1857, and did not meet again until June, 1892.

In olden days it was a frequent practice to give improvised names to students, usually such as trivial events might suggest. One day a large company of students was standing on the college green and engaged in animated conversation, when something led Nye to tell the story of



the Persian ambassador who asked the King of Sparta why his city had no walls. In reply the Spartan led the ambassador out to his parade ground and pointed to his soldiers drawn up in battle array. "There," said the king, "there are the walls of Sparta, and *every man is a brick.*" The story was well told and very well received, and some remark connected with it, I have forgotten what, led some one to suggest the name as applicable to Nye himself. In a moment it became his permanent surname, to which now and then with affectionate freedom they added the word "old," and as "Old Brick," S. G. Nye is still remembered by some of the "boys" who now and then are permitted to meet on the campus of Allegheny College. He and I were never permitted to meet on that old campus again, and our paths in life led us very far apart, but the attachment which grew up between us in those far-off days was never broken and never weakened by the lapse of years.

My dear friend Nye was a "manly" man. There was nothing mean, nothing little, nothing selfish in his character or life. He recognized sincerity at its full value, and esteemed it as one of the chief elements in character. On the other hand, he was impatient with every appearance or even suspicion of insincerity. He did not hold connection with any church, and yet among his most intimate friends were some of the most active Christian workers in the college. He seemed to recognize a clear, distinct, and perfectly straight line of right which ran through the immediate world in which he lived and moved, and he rejected with utter scorn every plan, purpose or policy which lay on the wrong side of that line.

My dear friend was a man of generous impulses, one filled with a kindly feeling toward others, and to whom the word friendship meant more than a mere expression of good feeling. He had not been long in college until he had drawn around him a large number of devoted friends, and it was noted that these represented all the college classes, and all ages and social groups. He was a respecter of character but not of person. For the vile and vicious he had no respect whatever; for the poor and aspiring youth who was nobly striving to win an education and open a pathway for himself in life, he was ever ready to hold out the right hand of social fellowship, and speak a word of fraternal cheer and encouragement.

I left Allegheny College on the evening of June 24, 1857, in company with eight other students. In those far-off days we traveled by the old-fashioned stage-coach, and when we reached the crest of the hill south of the town, we were able to call a halt and take a farewell look at the town and college, with its endeared environment. A strange feeling came over me as I looked at the scene—something like a premonition that while all were leaving the familiar scenes before me, I among them all was going very far away. And so it proved. In less than two years I sailed from Boston for Calcutta to enter upon the life of a missionary to the people of India, and when the second anniversary of my graduation came around, it found me far down in the South Atlantic, enduring the rigors of a South Atlantic winter. In due time I reached Calcutta and proceeded to my station, a thousand or more miles north of that city. I was truly far away.

The years passed by; one change followed another; the cares of life, the burdens of responsibility, the weariness of toil, the pressure of care, the chastening of sorrow—all these left their impress on me, perhaps more than I myself suspected. The year 1892 came around, and in the providence of God it fell to my lot to make a brief visit to the Pacific Coast. One bright Sabbath morning I had an appointment to preach in a San Francisco church, and while waiting in the vestry I was surprised and startled to receive a card with the inscription, "S. G. Nye, alias Brick." To say that I was startled would be to state the case very mildly. I rushed out and found my dear friend of other days waiting to greet me at the door. We had a joyous meeting, and both were deeply moved. The time for beginning the service had arrived, and while I proceeded to the pulpit, my friend was given a seat well to the front. Glancing down I noticed that by chance he had been put in the same pew with my wife, and I at once went down and informed him of the fact and asked him to introduce himself to her at the close of the service, which he was only too glad to do. I was hurried away, but not until I had made an engagement to meet him again the following evening and spend the night with him and his family. I accordingly did so, and I need not say that the evening has been memorable among all the evenings and mornings of my somewhat eventful life.

Stephen G. Nye was a man of progressive ideas and liberal principles. It was easy for any one who knew him to tell in advance what side of a question he would take, what course he would pursue in a given emergency, and

what view he would adopt when a question of principle was at stake. He was a man of action. He knew the value of time when important issues were at stake, and was never tempted to court weakness by yielding to temptation to postpone action when delay involved weakness or loss. My dear friend was a life-long sufferer from a physical disability which in the case of many men would inevitably have depressed the spirits, if not indeed impaired the temper and finer feelings of the sufferer, but in his case it seemed to produce no adverse effect of any kind. He was cheerful, hopeful, and even buoyant in his temperament, and seldom failed to inspire every circle in which he chanced to join with his own irrepressible spirit of good cheer. He took hopeful views of life, believed in the progress of society, and always kept step with the advanced leaders of thought and action. He was not tempted to despair of humanity, and in his public life allied himself with those elements in society which gave best promise of reform and progress.

During my last interview with my friend, I was led to ask him why he had never entered the political field. He possessed many of the qualities which would have insured his success had he done so, and his temperament would have seemed likely to draw him in that direction, but only once had he, even for a time, consented to yield to solicitations to venture a step in that direction. Politics had few attractions for him. On a higher plane, with fewer personal interests involved and more lofty issues at stake, the result might have been different; but as public life was then viewed, political questions being confounded with partizan interests, my good friend did not feel inclined to enter upon

a career which gave assurance of much turmoil and vexation and little promise of success in any practical sense of that term. I did not feel sure that he had decided wisely, for the public needed, and still needs, men of his character all the more for the very reason that the political world is more or less corrupt and politicians prone to be governed by wrong ideals. But he had not been able to take that view of his personal duty, partly for the reason assigned by him, and partly perhaps because he did not sufficiently appreciate his own ability to become a leader of men. He could hardly have failed to achieve success had he made the political world the sphere of his life-work, and in these days when men of principle are in so great demand to manage our public affairs, men of our dear friend's class can hardly be spared from the service of the public.

The discipline of life is a subject which receives less attention than it merits. The poet has said, speaking of God's discipline, "Afflictions all his people feel." These afflictions come in a thousand forms and are often veiled in strange mystery. They do not by any means seem to be distributed with an impartial hand, and yet how do we know? "We know only in part" as yet. If we could choose our own blessings, we would no doubt make many sad mistakes, and it is well for us all that this power has not been placed in our own hands. Our dear friend belonged to the great multitude of those who know what it is to endure affliction, but his sore trial never produced either bitterness or sourness in his character. "I am of no account, anyhow," he once said to me, "but if there is any good in me, or if I succeed in doing anything in life, I shall owe it

in a large measure to the fact that I have been disabled so as not to be able to engage in an active life." His theory seemed to be that his affliction had been to him what an anchor is to a full-rigged ship—a means of keeping it from going adrift in dangerous seas. He believed in a God of providence, a God who

"Guides the zephyr and the storm,  
Who rules the seraph and the worm."

Hence he was cheerful and hopeful, accepted life with the limitations which God had placed upon it in his case, and succeeded in achieving a successful career, without wasting an hour in vain repining, or casting a gloomy shadow on the pathway of those who were his companions in life. Happy would our world be if all upon whom the hand of affliction is laid could exhibit so much of the wisdom of the sage and the submission of the Christian. Patient endurance is one of the chief virtues of an enlightened Christian life, and the quiet sufferer who illustrates its power in practical life makes his career a lesson to all who meet him and a blessing to his race. In the days of our intimate acquaintance, when the hope and ambition of youth were still active and potent, no one ever heard him complain of his lot, or lament that he could not contend on equal terms with those whom he met in the great arena of life.

It is encouraging and inspiring in our hurried age of bustle and strife to witness the career of a man of the type of Stephen G. Nye. Truly, on the broad stage of human life the race is not to the swift, nor the battle to the strong. The man of courage can win in life's battle if he keeps true

to principle, and the man of patient industry can build his life into a structure which will endure and be admired of men long after the man himself has vanished from the stage of human action. Such has been the achievement of the dear friend whose memory we commemorate. He has left behind him the record of a noble life—a record which will not perish. He will be long remembered, and in the language of the inspired writer of old, “his memory will be as ointment poured forth.”

# To the Memory of Judge Stephen G. Nye

By

Rev. John B. Creswell of Tennessee

A Member of the Party with Whom Judge Nye and Family Traveled  
Through the Orient

It is a great pleasure to have the privilege of paying a tribute to the memory of my friend of Oakland, California, a leading and noble American citizen. It was on the memorable tour of 1901 through the Orient that I became acquainted with Judge Nye. The associations and the friendships of the tour added much to the pleasure of the journey. The time of the sojourn together was limited to less than four months, but the tests of knowledge, temper, strength, and character were strong.

Judge Nye, as he was familiarly called by the party, was a fine-looking, plain-spoken man, a little abrupt in general manner, but in temperament he had learned in the school of experience to balance well his feelings with his judgment. All the necessary hardships and disagreeable phases of the tour, which were many, he met in a good-humored way, without complaining. He was ever ready to do or to endure his part in every way. In all my associations with Judge Nye on the long journey, I found him to be a most unselfish, deeply sympathetic man, ready to yield his own comforts for the sake of others. He was a very companionable traveler.



In every country through which we passed, Judge Nye noted with care the geographical, geological, agricultural, governmental, and historical interests of the country, and also the social conditions of the people. He was also a very close student of the vegetable kingdom, looking out for the varieties of grasses, trees, and fruits and comparing these with the grasses, trees, and fruits of similar climate in the western world. He was of an inquiring turn of mind, seeking knowledge wherever it could be found. No one in the party realized better than he the limitations of the human mind, but his mind was well stored, his knowledge well classified, his judgment clear, and his reasoning sound.

To him, in viewing the monumental ruins of antiquity, there appeared an emptiness to the worldly conception of human greatness that seemed ridiculous. One of the little incidents, illustrating this, which I remember quite well, was on the Elephantine Island near Assouan, Egypt. While viewing the ruins of the once great city and temple, we were suddenly brought in front of a red granite statue of Ramesses II, standing in majestic silence and loneliness, amid desolation, in the humble use of a chicken roost. The Judge looked upon the gigantic statue, in its lowly use, once representing the glory of the man in power as the ruler of a great nation, and seeing the tremendous come-down, remarked with a significant air and tone of voice, "Such is human greatness." In the shadow of the Coliseum at Rome a little street beggar appealed to him for a gift. The Judge looked a moment at the boy, and then turned loose the speech of Catiline in the boy's own tongue, with the dignity of a judge and the eloquence of an orator. The little boy

looked a moment at the venerable orator, and turned away in wonder. The Judge enjoyed the joke on the boy.

Another one of the strongly marked characteristics of the Judge, as I knew him, was his deep sense and love of justice. He believed in the "square deal." To him, justice administered in the common deals of life, was akin to the eternal justice of the great Sovereign Ruler of the universe, in whom he believed.

I had the pleasure of visiting Judge Nye in his home in Oakland, California, and found him the same cordial friend in his home that I found him on the tour through the Orient. To me, the knowledge of his honorable career, and upright life is a benediction. Even his memory is a benediction.

His venerable appearance, the knowledge of his well-equipped mind, and the belief concerning his evident struggle through great difficulties to reach the goal, with untarnished name, and leave behind a record clean, appeal to me in pathos and beauty.

## Proceedings of the Alameda County Bar Association

A meeting of the bench and bar of Alameda County was called for the purpose of adopting resolutions in memory of the death of Stephen G. Nye. The meeting was held in the court room of Department One of the Superior Court, April 6, 1906. All of the five judges were present and also there was a large representation of the bar of Alameda County. His Honor Judge Waste, in whose court room the meeting was held, presided.

The president of the Bar Association presented a copy of the resolutions which had been prepared by the committee appointed for that purpose, and asked that it be spread upon the minutes of the court. Judge Waste announced that such an order would be made and that Judge Melvin had been selected to speak on behalf of the bench.

Judge Melvin said in substance that he had known Judge Nye ever since he himself had been admitted to practice in this State, and that he had always felt toward him the respect that a younger lawyer should feel toward his superior, and testified to his regard for him personally and to his knowledge of Judge Nye's ability and honesty as a lawyer. He emphasized the quality of humor which Judge Nye possessed in such an unusual degree, and recalled an afternoon in court when a case was delayed because the parties interested were waiting for a jury to be dismissed in another department to sit in Judge Greene's court room.

Judge Nye and Judge Greene were reciting their early reminiscences of the bar of the State and county and giving a very interesting recital of their earlier days. Judge Melvin stated that he never passed a more interesting hour or learned so much of some of the characteristics of former practitioners and court methods as he did in the hour that he was listening to those two men, both of whom have now gone.

Judge Waste then said that he would call upon the oldest member of the bar of Alameda County to speak on behalf of the members of the bar of this county. Mr. Glascock spoke as follows:

“Your Honors and Fellow Members of the Bar: To the unbeliever in a personal immortality death is always horrible. The passing of the spirit, the severance of earthly ties, the journey into the unknown, is always fraught with terror. It carries with it the greatest mystery the finite mind is called upon to confront. It is the supreme tragedy. Whither has the soul gone? Has it passed into the passionless Absolute of Brahma? Has it been resolved into that great mass of organized life and activity, the all and all to the pantheist? Has it been wiped out (as if it never had been) with the materialist? Must we with the agnostic admit simply existence here, and wrap the future in the folds of the Unknowable?

“To the believer these are but cold abstractions freezing the very marrow of the human conception of the warm, living, concrete thing we call life—life with its boundless capacities for growth, its subtle intuitions and high aspirations; life, that, untrammelled of finite reason, feels within

itself the seed of futurity. There is no death. We sleep, only to wake to a new and brighter day. I hope and believe that when I shall have crossed the Great Divide I shall clasp hands with Stephen G. Nye, shall hear again his ringing laugh, and see in him the deeper and broader unfolding of a life turned and fashioned by the hand of an all-wise and loving God.

“I am minded of the human inclination to speak only good of those gone before. But here inclination and duty are one. After a friendship of nearly forty years with Judge Nye, I can safely say that the man has yet to be found who can point to a stain upon his judicial ermine or a blot on his character as a husband, father, citizen, lawyer or man. Not that he was perfect; no one is, and he would not have been the lovable man he was had he been so. But he was so sane and healthy, morally and mentally, that all who knew him are the better for his having lived. There was a noble simplicity about our friend, a transparent honesty of purpose, a clearness of moral perception, and clearness of action that spoke as with the tongues of angels. Broad and catholic in his views, abreast of the times in his professional and civic life, tenaciously faithful to interests confided to his care at the expense, too often, of his own pocket, while sternly obedient to duty as he saw it, there was a purely human side to his character that made him the most lovable of men. He was a genial, jovial, hearty man who enjoyed and told a good story; an optimist whose eye always found the silver lining of the cloud, whose laugh was always cheering and whose hand-clasp was always firm and honest. There was in him a large kindness, and a

gentle tenderness that made him unwilling to witness the pain that even duty called upon him to inflict. I never saw him sentence a criminal without turning his head away when he did so.

“All in all, he was a man to be honored, trusted, and loved, and the character that he builded has become an imperishable monument on the road of high effort. In the final analysis, character alone counts. We may amass riches; they will be taken away on the wings of fire. We may attain fame; it is but a bubble that passes away in froth. But character abideth always. It is the one thing that even God will not, perhaps can not, destroy—the sole human force that strikes the farthest shore of eternity.

“Old friend, true-hearted gentleman, splendid man, hail, and, as earth counts time, farewell! You have showed us the way of life and of passing. When the troubled waters shall close round us, may we, with as little cause of fear, meet our ‘Pilot face to face beyond the bar.’ ”

Judge Waste said that he would call upon another member of the bar who had been associated with Judge Nye for a long time, and called upon Mr. Richardson, who spoke as follows:

“If your Honors please: Judge Waste has said that I knew Judge Nye well because of long association with him. That is true, but it was not necessary to know Judge Nye a long time to know him well; a ten days’ acquaintance with him would enable one to know him almost as well as an acquaintance of ten years, and this because Judge Nye had nothing to conceal; his nature was so open that you were taken at once into his confidence. I think I never knew

a man who was so frank. His nature was not two-sided. It was always his habit of mind to look at both sides of any question presented to him; in his arguments before any of your Honors, if there was a case opposed to the view for which he contended, he presented that with the authorities upon which he relied to sustain his own position.

“Since I first learned that he was critically ill, I have several times asked myself the question, What was the most striking trait in Judge Nye’s character? And I can not be sure whether it was his absolute honesty, or his devotion to the interests of his client.

“The question of compensation for services never seemed to enter into his calculations; he was ever ready to respond to the call of the weak, or the poor, or the distressed. The resolutions speak of his knightly qualities. If Judge Nye had lived in the age of chivalry, he, doubtless, would have taken upon himself the vows of knighthood, and he was no less a knight because he served in these modern, practical days. The same qualities that prompted the knight of old to go forth in armor for the relief of the weak and distressed prompted him to go to the relief of the unfortunate, and to set them on their feet again and bid them God-speed on their way. I do not think it is too much to say that there are scores of small homes and bits of property sheltering widows and orphans today, simply because Judge Nye, with his generous heart and wise counsel, gave them the aid they needed at a critical time.

“We have said in the resolutions we have adopted that Judge Nye was an upright jurist, an honest man, an able lawyer, a true friend—what more is it possible to say of

any man if these things can be said truthfully? And of him they are literally true."

Judge Waste said that he would be glad to hear from any other members of the bar who would like to speak, and his partner, Mr. Kinsell, made the following remarks:

"May it please the Court: Upon hearing of the sudden and serious illness of Judge Nye I hastened to his bedside, which was reached but a few hours prior to his death—and while his death has so affected me that it is with difficulty I speak, yet I wish on this occasion to express publicly my love, respect, and admiration for him.

"To me, Judge Nye was more than a friend—he was my benefactor. All I have, or am, or hope to be, I owe to him. It was my good fortune to have known him in his home life and to have been intimately associated with him in business. He was a most lovable, kind, and generous soul—a liberal dispenser of charity, and withal most modest and unostentatious. His life was an example worthy the emulation of us all. In his death God has claimed one of nature's noblemen."

At the conclusion of Mr. Kinsell's remarks, Judge Ellsworth said that he had not intended to say anything, but what had been said impressed him so much with its genuineness and sincerity that as he recalled Judge Nye he wished to say a word only as to the impression that Judge Nye always made upon him, and, he had no doubt, upon the other judges, in his professional capacity. He said that whenever he saw Judge Nye come in the door of the court room he could not help feeling that there was no necessity to watch out for any attempt "to fool the Court"; that



always when Judge Nye was presenting a matter to the Court he listened and accepted the statements that he made without question. He was sorry to say that there were times when certain lawyers appeared before him when he felt that he had to be keenly alert to sift not only what was said but the law that was stated in support of the argument. No judge ever had to be on his guard when Judge Nye was before him.

The order of the Court was then made directing that the resolutions which had been adopted be placed upon the minutes of the Court, and the meeting adjourned.

The resolutions were as follows:

In Memoriam—Stephen G. Nye.

Presented by the Oakland (Cal.) Bar Association.

WHEREAS, Judge Stephen Girard Nye, the oldest member of the Bar of Alameda County, has passed away.

*Resolved*, That in his death, the bar, not only of the county but of the State, has lost one of its most honored members; that in the record of over forty years of laborious service on the bench and at the bar of the county he has left an example to the younger lawyers and to young men everywhere—a record of duty faithfully and unselfishly discharged, of honor unsullied and a character so fortified by principle that no temptation could move it. The impulses of a generous heart and the resources of an alert and well-equipped mind prompted him to make quick response to the needs of the suffering, the weak, and the distressed, illustrating in a high degree those kindly qualities which he possessed in such a rare measure.

*Resolved*, That in his passing we mourn the loss of an able and honorable lawyer, an upright jurist, a good citizen, and a true friend.

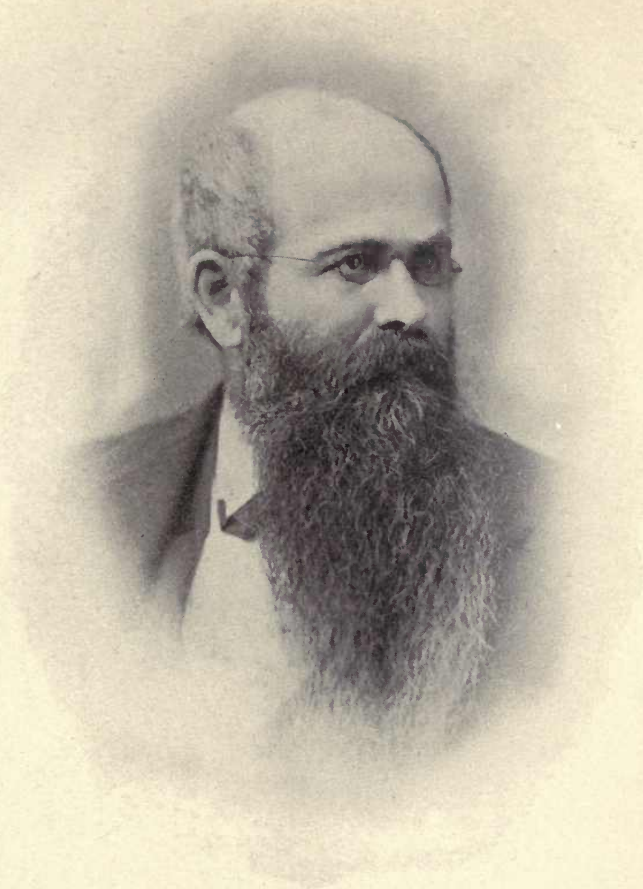
*Resolved*, That these resolutions be presented to the Superior Court of this county with the request that they be entered upon the minutes, and that a copy be sent to the widow of our deceased brother.

# Speeches and Orations

By

Stephen G. Nye





AT LIFE'S HIGH NOON



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# On the Death of Garfield\*

Delivered at the Garfield Memorial Services in Dr. Hamilton's  
Church, Oakland, California, September 25, 1881

Today the world grieves at the death of Garfield. My tribute shall be but a paragraph; and I would that I were endowed with the gift of tongues that I might seize the moment to say the fit word. There are souls so great that all the world claims kin. There are minds so magnetic that all others are attracted to them. There are natures so grand that, when the icy breath has kissed the clay and closed the temple, all earth's millions meet with muffled tread, mute in the memory of a measureless loss. Manhood is a guild of nobility. There are other poets than those whose verse we read. Thousands thrill with unuttered poetic thought. Other orators there are than they whose words wake to action. Noble deeds have sprung from noble thoughts—the children of silence. Heroic facts, more thrilling than romance, robe us all around. The heroes stand in serried ranks the world over. They are born of Him who died to save a world. They know the brotherhood. And this universal grief is not alone because, at the height of his achievement, Garfield's honor-

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\* "From the mass of turgid oratory that has inundated the land over the death of our honored and loved President, from out the watery flood of thin preacher-talk, we reproduce the following by Hon. Stephen G. Nye, as something worth preserving for its beauty of expression, elegance of diction, and purity of sentiment."—*The San Francisco Argonaut*.

able ambition begat no enmity, and his advancement no envy, but because to the world's great masses he was their high priest at the altar of liberty, the interpreter of their thoughts, their example of great manhood, and the revelation of the grand possibilities under a free government, among a free people.

The man we mourn is now a part of history. What is it? What is human history? We boast of our country and of our age; of our century's growth; of our fifty millions of people; of individual greatness. Of the fifteen hundred millions of people of the earth, how small a part are we! Earth's little day goes by; the world moves on. If the pen of history notes us at all, it has but a single line on a single page to show that even our generation has lived, and our grandest and noblest are forgotten. Human history—what is it? The measure of a moment; the record of a lightning flash.

See now nature's history: In the Mariposa Grove stand living sentinels whose childhood reaches far back toward the infancy of human history. It is but Nature's Now. Look at another page: Near us, in the Livermore Valley, every winter's rain that cuts a section of the soil tells the story of a time when jungles and tropical trees and verdure prevailed, and the elephant and the lion lived and died. It is Nature's This Morning. Look at the grand heights of Yosemite, and see how the Titans—fire and frost—in successive ages have traced, as with a diamond pen, the history of their time. It is but Nature's Yesterday.

Now, when the historic muse thus stands upon the mountain-peaks, and strides from age to age, to whom a



million years are but as the mincing step of the little girl, do you say that national and individual history fade away "like the baseless fabric of a vision"? I tell you, no! Nature's history tells us of creation and destruction; of power and intelligence; but they are of the Infinite.

Human history, however, tells the story of human kind; and when it is written, and the future shall read of the battle of right and might; how the dim perception of the right became crystallized; how men learned to love liberty, and to fight and pray for it, not only for themselves, but for their fellows, the life and times of him we mourn will fill a brilliant page. And more. I shall not tread upon the domain of the clergyman, but I may say that public life has seldom presented a purer example of faith, not only in the future of the nation, but in the future life. He is rich whose faith takes hold with unfaltering trust on the hereafter. To some, it is a born sense; to others, it comes by training and development; but I believe that to most men there never comes that unwavering faith that sees the future life as if "face to face," as did our President.

It has been the question of the ages: "If a man die shall he live again?" In the tragedy of "Ion," you remember that the prince from childhood had been educated by the priest. He had grown to noble young manhood, and between him and Clemanthe, the priest's daughter, had grown an undying love. The oracle had proclaimed that, for his country's safety, the young prince must die. He accepted his fate. Their last interview was long. At last the parting came. Clemanthe said: "Shall we meet again?" He answered: "I have asked that dreadful ques-

tion of the hills that look eternal; of the clear springs that flow forever; of the stars, among whose fields of azure my raised spirits have walked in glory. All are dumb. But as I gaze upon thy living face, I feel that there is something in love that mantles through its beauty that can not wholly perish. We shall meet again, Clementhe." His conclusion was the child of reason.

In our lives sometimes this faith is born of grief. Has it ever happened to you to hang in hope and fear over your darling, only at last to see the thread of life snap, and the waxen fingers and the white blossoms folded over the still bosom, and when the anguish of empty arms was almost too great to bear, has not the light of a future life come to you like a new sense?

And may it not be that he, whose all-grasping, sympathetic hands reached down from the highest position earth could give to the humblest citizen under his rule, shall, by the example of that pure faith which made him "so fit to live—so fit to die," take a nation by the hand and lead it to the sublime heights of practical religious faith upon which he stood? And may we not hope that when another century shall have passed, and our children's children shall stand upon the mountain heights of the world's progress, our beloved country shall blossom and fructify in all the glorious fruits of a Christian civilization? So let the nation pray; and so praying with the faith of him we mourn, the prayers shall be answered.

# The College and the American Boy

Address at the Graduating Exercises of Livermore College.

May 19, 1882

When the Roman gladiators appeared in the arena of the circus, the amphitheatre above and around them crowded with hundreds of thousands of the Roman populace, they stood with knotted muscles, facing the fierce wild beasts or fiercer men, and turning to the imperial box, they cried, "O Cæsar, we who are about to die salute you!" That was more than eighteen hundred years ago. In 1875, in another, and to the Romans, a world undiscovered and unknown, in the halls of Bowdoin College, in the State of Maine, under a new civilization, without the accessions of brutal brawn and bloody bravery, before an assemblage of the culture and scholarship of America stood the poet whom we now mourn—our beloved Longfellow. It was the fiftieth anniversary of the Bowdoin class of 1825. That band of graduates had gone out to try conclusions with the world, possessed of the daring and ambition of young manhood. After half a century the scattered remnants of the class had met again. Death had claimed his share; and of the rest, to some had come disappointment; to others, measurable success; a few wore the laurels of unstinted fame; and old age had come to all. In his snowy crown of three score years and ten, regal in the panoply of well-earned fame, the poet stood, and like a benediction from his lips, fell upon the

hushed audience the address of the gladiators: "We, who are about to die, salute you." I salute you, my young friends, not like the Roman gladiators about to die to please the bloody barbarism of a brutal populace, nor yet because the slanting beams of the western sun warn me that life's little day is nearly over, but rather I salute you from the position of life's high noon. Horace says something like this: "I am a man; and there is nothing pertaining to human affairs in which I am not interested." That is the way I feel. And in all the scope of human observation there is nothing of such surpassing interest as the sun-kissed flowery springtime of life. I have extreme respect for young manhood and young womanhood, for boyhood and girlhood.

The world is a great school, and experience is its teacher. All knowledge is but the outcome of experience. We are all scholars in the great school, and you and I are fellow students. Now, my fellow students, I want a talk with you. I have heard of you, and when I come to see you, I must say I like you. We have interests in common in this great school of life. You will soon be promoted into my department, and we with whom there are silver threads among the brown, we shall soon have to turn over the work of life to younger hands and stouter hearts, and it may be useful and I hope pleasant to have a confidential talk about the road to promotion and the prospects ahead of us. And I want to talk about it as if all ears were deaf but yours and mine. In other words, it is "our party," and all the outsiders—well, if they behave themselves, they can stay.

I should judge, to look at you, that you were a body of young people who had an honorable ambition to be some-

body; and that you had discovered the open road to that point was by way of educated brains. Am I right? If that is the target you are aiming at, you have made a center shot, and you are the kind of young people I am trying to find a chance to talk with.

I knew a couple of boys in my early life who had been led to believe the same thing—that education meant something, and they were ambitious. The facilities from the common school were limited, and the academy meant money. They lived on the beech- and maple-covered hills; work was plenty and money scarce. College-bred men were so few they were a curiosity. It took all the energies of their fathers and mothers to compel from the rugged earth a scanty living. They had heard of Bacon's philosophy, but the serious problem with them was to get bacon to eat. Their parents had good, sound, hard sense, were well informed and had good judgment, but they felt the lack of mental culture and training; they saw the immense advantage which the young man or the young woman had who had received this mental training, and who had learned to think, and they saw the great rewards of life falling into their hands, and they made every sacrifice that their children might have that better education of which their pioneer life had deprived them.

These boys were unable to hire board, so they rented a single room for fifty cents a month, put in a straw bed, two chairs, an old cooking stove—no carpets nor "tidies" nor "what-nots." A pine table answered for a study desk and dining-table, and tallow dips furnished the evening light. And thus they began life at an academy. They took jobs,

sawing and splitting wood for the neighbors at night and morning, at three shillings a cord, to pay for books and incidental expenses, and the mothers wore the "best dress" another year, and the fathers worked earlier and later, and wore patches on their knees, that they might pay the tuition bills. And so all the day and far into the night those boys wrought out the beauties of algebra and the mysteries of geometry and the declension of Latin nouns and the conjugation of Latin verbs. Their ultimate object was an academic training, such as would make them high school teachers.

Sometimes, as those boys worked on, they wearied, courage flagged, mathematics were hard, and Latin dull, and the question would come, "What's the good of it all?" On the road through the village to the academy, in the shade of the spreading maples, was a brick law-office—in the summertime always with an open door—its numerous cases stacked high with books, all owned by a lawyer named Austin Smith, and if ever there was a man entitled to the appellation of God's nobleman, he was the man—if he *was* a lawyer. He was a graduate of Hamilton College, and of thorough education. He had begun like those boys, and had wrought his own way through college; had been a teacher of district schools, that he might pursue his college studies, and was principal of the first academy in our county that he might become a lawyer; and he had that ever-ready sympathy which took into its broad grasp every young man or young woman who aspired to become greater and better and nobler and stronger. And to him or her who starts out on such a career, oftentimes alone, without the backing of

home influence or the rallying power of surrounding circumstances, how much more than untold gold is the energizing power of such a sympathy!

On their way home one day this lawyer called the boys into his office and inquired of the academy and of the teachers and the students (he was one of the trustees), and of their studies, and of their lessons of the day, and he explained the structure of the Latin verb and the errors into which students were apt to fall in regard to the study of Latin, and the different ways of demonstrating geometrical theorems and their manifold application in architecture and mechanics and engineering, and after that the Latin grammar was effulgent, and a halo of glory hung around that geometrical theorem called *pons asinorum* or the fool's bridge; and when examination came and this lawyer, by chance, called on one of these young men to demonstrate that theorem, he brought out every point in the demonstration with the confidence of absolute knowledge and fastened every corner as with the sledge-hammer blows of mathematical certainty.

My fellow students, you know what the feeling is. When you learn that to multiply one fraction by another, you take the product of the numerators and place them over the product of the denominators; and when you have learned the reason why; when you have learned that to divide one fraction by another you invert the divisor and proceed as in multiplication, and when you have learned the reason why; and when you have learned that minus multiplied by minus produces plus, and when you have learned the reason why; when you have learned any mathe-

matical truth so that you know it, and know why you know it, you have a right to be proud of it, for it is a victory. You have scaled the ramparts of ignorance, and the gates of knowledge are opening. The thrill of pleasure, the flashing eye, and the mental exaltation are a noble intoxication, which cures itself by repetition.

Another day this lawyer called the boys in and asked, "What college are you preparing for?" They told him that their plan was a couple of years at the academy, and then active life; that they had no means for a college course. "Oh," said he, "you don't want any means except such as you can earn." And then he told them of his own battle, and how it had been won, and before long he had them both converted to the college course. But what an inspiration there is in the advice and encouragement and sympathy of a large-hearted man like that! In a long and useful life, notwithstanding the urgency and pressure of professional labor and duties, he never failed to speak an encouraging word at the critical moment to every aspiring boy and girl within the range of his acquaintance. He was a home missionary. Five years ago, when I was East, I found him in the serenity and peace of years. He had not grown old; age is in feeling, not in years; and his were the feelings and sympathies of youth.

But time went on, and the roads of those two young men diverged. I will follow only one; he taught district schools in the winters and worked during the vacations, and pursued his studies the rest of the year. He entered college as a sophomore, and finally, seven years after that lawyer put the college idea in his head, he held his college sheepskin



with the degree of Bachelor of Arts. Homer says that at the siege of Troy the aged Priam, grown too old to join in the combat with the Greeks, daily sought the Scæan gate, and there, perched atop the city wall, viewed the battle-scenes below and gabbled of the valor of his fifty sons and of the prowess of his youthful days. I have been gabbling to you of my youthful days. Have I outlived my usefulness? Perhaps, perhaps; but I hope not.

I have said experience is the world's great teacher. I have given you mine. Its lesson is this: There is not one of you—no, not one—if you are in earnest about it, but can acquire a thorough college education, and if by anything I can say, I can encourage a single one of you to adopt such a course, I could talk to you all night; for I know that in so doing you would choose that better part. It may involve self-denial, toil, economy, and drudgery, but the result will sanctify them all. No egotism, no sense of self-adulation possesses me, but rather regret that life has accomplished so little; for it seems to me that if my life were mine to repeat, or had my early education been directed by more experienced hands, life's labor might have shown better results. Of one thing I am sure: Remembering the past, my sympathy and love warms toward every one whom I see traveling the same road. I have spoken of educated brains; of the importance of the trained powers of thought; of the worth of ideas. A few short years and you will be in active life, and among the factors that move the world. Do not be misled; it is thought, it is ideas, that make the moving power.

Did you ever reflect on the overmastering power of an idea? See that man with the spade tugging away lazily and

with equal effort at his little short pipe and at the work before him; he piles up his little mound of clay, with no soul in his work, no thinking powers aroused, except such instincts for food and drink and rest as come without thinking. He gets a dollar a day and it is all it is worth. Now look over here; this one takes the same clay and mixes and molds and fashions it into forms of grace and beauty, and pencils it with glowing colors and subjects it to furnace heat, and it comes forth the beautiful vase, the admiration of the world, and its value is measured by its weight in gold. Or perchance that clay comes into the hands of a Powers, or a Story, or a Miss Hosmer, and they mold it into human form, and fashion the features, and depict thereon the passions and affections of the soul, until it seems instinct with emotion, and needs but Pygmalion's prayer to make it throb with the sweet pulsations of life. The world of education and culture seeks these treasures, and wealth empties its full coffers to become owners. The laborer and the artist use the same clay; the laborer and the artist alike work; why, then, this vast disparity in the rewards of labor? The one mingles only his labor with the clay; the other mingles with the clay his labor and brains. It is thought transferred to the work before him.

"Lives Phidias in his work alone?  
His Jove returns to air;  
But, make one God-like shape from stone,  
And Phidian thought is there."

And so in every avenue of industry and in every walk in life, it is the applied thought; it is the utilized idea that

is rewarded. Look at the government of these United States. In a government like ours—a government of the people, by the people, for the people—and in which you are so soon to have a voice, it is well to consider a moment its constitution and its spirit. Our government is the outgrowth of an idea, and I will tell you what I think that idea is. It is individual growth. It is the first government on the face of the earth, so far as I have ever found, that was based on that idea. The Declaration of Independence declared that all government derived its just powers from the consent of the governed. The American charter of rights declared that “all men are created equal”; all other governments held that a few favored people called kings and popes and emperors were of better blood, and were the favored of heaven and had a divine right to own and oppress all the other people of the earth.

What did the new government mean? It meant individual growth; it meant an aristocracy of brains; it meant that they who had the great ideas would be the great men in the new government, and it has so turned out. Where else and under what institutions could have grown up such men as Henry Clay, or Douglas, or Lincoln, or Garfield? And when we talk of the genius of American liberty, it is but the genius of individual growth. And every schoolhouse that dots the hillsides and valleys, or rears its prouder form in town or city, is but the further development of this same idea of individual growth. It means that government will furnish the facilities of mental culture to her children all alike, so that no hard condition of poverty shall prevent anybody from pressing on to the highest position

that talent can attain. And whenever any insidious foe of the American idea of individual growth has aimed a blow at the free schools, or when any public man has sought his own grandeur at the expense of the masses, the frowns of the American people have stayed the hand of the former, and the latter they have relegated to the seclusion of private life. American statesmen have been honored just in proportion to their devotion to this central truth of American liberty.

My fellow students: Too long I have wearied you. Give me one word more and I am done. Ten, fifteen, twenty, twenty-five years at farthest, the farmers, the merchants, the judges, the lawyers, the doctors, the preachers, the bankers, the statesmen, the teachers, the women who are queens in a million households will be no more; or, if still living, will have stepped down from the management of the world's affairs, and you will fill their places. Shall you be ready? Shall the farms produce two blades of grass where one is growing now? Shall the wants of commerce be controlled by energy and integrity? Shall the ermine of the bench be spotless and its judgments just? Shall the bar be peopled with the defenders of the weak, and the avengers of wrong? Shall disease be treated with a cultured brain and skillful hand? Shall the pulpit ring with the "glad tidings"? Shall you who fill the halls of legislation—shall you be the fearless defenders of liberty? Shall the teachers inspire the young to know the truth, so that the truth shall make them free? Shall the women of the coming time possess all the fascinating blandishments and accomplishments of mental culture that make her the queen of our hearts in all ages and in every clime? So shall it be!

I believe in the men and women of the future. I believe that when the world is submitted to your guidance, it will blossom and bear the fruits of a nobler civilization.

“Heaven put no lack of sorrow in thy share  
Of life's allotment, and no want of care;  
No path of flowers; no smooth and easy way,  
But a stout heart, and a devoted will  
Life's foes to meet, life's battles to fulfill,  
And when burns low and dimly nature's fires,  
And life's last sunbeams court the tallest spires,  
Though dark without, within the light increase,  
And peace, the peace of God, the God of peace.”

# A Grand Army Address

At the Installation of Officers of Lyon Post, No. 8, G. A. R.,  
of Oakland, California, January, 1882

When I look upon the serried ranks of the Grand Army of the Republic, I know whereof I speak when I declare to you that every man is a "brick." Don't condemn me unheard; don't accuse me of trifling with a great occasion; don't charge me with using the stale slang of the street. As Paul said to Festus: "I speak forth the words of truth and soberness." And I justify myself because I have the warrant of the purest classics. When Agesilaus, King of Sparta, received the ambassador from Crete, he showed him his palace and his city and his soldiery and said, "What thinkest thou, O Ambassador, of Sparta?" He answered, "Sparta is well; her palaces are great; her soldiers are brave; but where, O King, are the walls of Sparta?" The king waved his hand in pride towards the solid ranks of his plumed warriors and replied, "These, O Ambassador, are the walls of Sparta, and every man is a brick!"

And when I look upon the Grand Army of the Republic, I speak by the book, and I know that they are the walls for the defense of American liberty, and in those walls every man is a brick.

Gentlemen of the Grand Army of the Republic, over your heads, and beyond you, I see, as if painted upon yonder wall, a panorama of the American history. Away in the far distance I see a little handful of people upon the Atlantic

seaboard, driven by despotic power from the Old World, seeking a place where conscience shall be free to worship God in its own way. I see them scattered through the wilderness, compelling from the rugged earth a scanty support, with the pitiless sea in front, separating them from the hope of help from the civilized world, and the more pitiless savages behind, ready with tomahawk and club to wipe them from the face of the earth. I see a people jealous of their liberties protesting against the encroachment of royal prerogative. I see them at last with arms in their hands, against fearful odds, fighting the battle of the free. I see the heroes of the Continental Congress, on the third day of July, 1776, in Independence Hall, discussing the adoption of the Magna Charta of American liberty—the Declaration of Independence. I hear from the speaker's desk ring out from that immortal document the long-forgotten and ever-to-be-remembered truth that "All men are created equal." All day and all night of July 3d, they discussed its provisions, and in the silent hush and bright sunshine of that Fourth of July morning, I see the old bellman, who has stood at his post all night, waiting for the supreme moment, tug at the rope, and I hear the old Independence Bell, true to the legend imprinted upon it, ring out from its brazen throat, "Proclaim liberty to all the earth, and to all the inhabitants thereof!"

I see at last the long contest over. "The garments dyed in blood are rolled away," swords are beaten into plowshares and spears into pruning-hooks, and there comes a material growth and prosperity that finds no parallel in the history of the world. The oppressed of all nations seek

an asylum on our shores; cities spring up as from the enchanter's wand; forests fade away, and the upturned prairie freights the white-winged messengers of commerce on every sea, and the sacred prophecy is fulfilled: "The wilderness and the solitary place shall be glad for them, and the desert shall rejoice and blossom as the rose."

But away in the far distance I see a little black cloud no larger than a man's hand—the cloud of human slavery. I hear the deprecating voice of Thomas Jefferson, when he sees it and exclaims: "I tremble for my country when I remember that God is just!" I see the cloud grow larger; I hear the clarion notes of Garrison, and Parker, and Phillips, and Gerrit Smith, and Seward, and Abraham Lincoln, proclaiming that this nation "can not exist half slave, half free"; that "between slavery and freedom there is an irrepressible conflict." The thunderbolt has come at last. Veterans of the Republic, I dare say no more. I have heard, you have seen, you can say:

"Mine eyes have seen the glory of the coming of the Lord,  
He is trampling out the vintage where the grapes of wrath are stored;  
He hath loosed the fateful lightning of His terrible swift sword;  
His truth is marching on."

The contest is too recent; the wounds are too deep; the blasted households and the aching hearts are too many. Let another generation make the retrospect.

May I call you comrades? Because unkind nature sent me forth into life's battles with a broken sword, will you shut me out from the society of the brave? I *will* call you comrades. I trust that the gratitude of a great nation shall erect a temple with noble columns and fretted dome,



with all the beauty and grandeur that wealth and art can give, where the battle-scarred veteran whom unkind fortune has left shipwrecked upon the shore shall find a home of comfort and peace. Mythology tells us that when Memnon, the Trojan hero, was slain by the hand of Achilles, the gods transformed the dead hero to a statue of black marble and there, upon the plains of Thebes, through the long revolving years, with—

“Marble eyelids closed and fast,  
- Grave, sweet lips and stirless hands,  
Straight and prone he lay in sleep,  
Brave and beautiful and slain.”

But at last the rosy-fingered Dawn, she who at early day parted the crimson curtains of the morning, and at the first faint show of whose purple the birds burst into song, and the waiting world awoke, found the sleeping hero, and knelt and caressed the cold marble until at last, in the eager longing of love, born of pity for the silent form of beauty before her, she embraced the insensate stone, and kissed the cold lips, when the hot blood thrilled through the marble veins, and he awoke to life eternal with the gods upon Mount Olympus. It was the victory of love over death. Comrades, long may you live to see the glory of this republic you fought to save. But when the final event comes to you that must come to us all, where all that is left of you is American history and storied marble, let us hope that when coming generations shall kiss the cold marble that perpetuates your deed, the hot blood of a patriot's love shall thrill every nerve, and the pride of America shall be the defenders of her liberty.

# The Legal Aspect of Prohibition

Delivered Before a Prohibition Convention  
in Oakland, California, in 1884

Some years ago, just over the Contra Costa line, lived a Mr. Carter. He had pastures well fenced and watered. Horses and colts with generations of trotting blood found their way there from San Francisco for pasturage. One colt was foaled with ten generations of purse winners on the side of both sire and dam. But he didn't grow. Mother's milk was scant; wood ticks got into his hide. When autumn came, his thin, bony, spiritless frame made him an equine reproach, and the disgusted owner gave the colt to George Carter, a boy of sixteen. The sense of ownership transformed the boy, and the boy transformed the colt. He anointed him with a preparation of kerosene and sweet oil to kill the ticks; then a thorough bath in castile soap and water; and there were bran mashes, a few oats, and the best hay, and every morning he smuggled a pint or two of new warm milk into the bran mash, and the boy proved a better mother than the mare.

Of course, thrift followed; new life and the pride of ancestry came to the colt. All winter he was stabled at night. Daytimes he ran in the pasture, reached by a level stretch of road in front of the farm, down which George and his colt tried foot-races. The colt never broke a trot. Then he was led to pasture beside a mustang saddle horse.

Not many months until the colt could outfoot the saddle horse at his sharpest run; the colt never broke his trot. Evolutions from generations of trotters had produced a wonder. At two the colt had a county reputation. At three half the State had heard of him. Gold, almost a thousand dollars was offered. George and his colt were lovers. Like true lovers, gold could not separate them.

After the colt was three years old no dust from another horse ever fell on him or his driver. Time was when a fast horse was held to be the devil's ally. It is a mistake. I believe a thoroughly good horse is a means of grace. A lady, educated, refined, religious, a public speaker, a thoroughly good woman, who has artistic taste in dress, once said, "There is a satisfaction in being well dressed that the consolations of religion don't afford." To me there is the same satisfaction in the ownership of a good horse.

One day in May haying was on; a small casting in the mower was broken. At supper the father said, "George, in the morning hook up your colt, go to Oakland, duplicate that casting and don't lose any time."

"All right, father, I'll go as quick as I can, but I won't hurt the colt."

"Hurt nothin'," was the reply; "I believe you'd go naked if the colt could wear your clothes."

The sun had not broken over the Contra Costa hills when the pair were on the road; now walking, now jogging, but all the time that long, free, open stride that seems slow but leaves behind many mile-posts. He reached the divide, then down the western slope and out the cañon to the four-mile house. There he dropped his check, gave his colt a

taste of water, and met a driver from the Oakland track giving his horse a little exercise. Horse drivers are soon friends. They neared the city limits, and there was a banter for "just a little brush, you know," and the two were at once neck and neck, straining every muscle for the mastery. The level head and machine-like stride of the colt, begotten of generations of trotters, carried the older horse off his feet. George waited until his friend had gathered his forces, and again the colt carried his contestant off his feet. This time, with the pride which is pardonable in a boy of nineteen, he let the colt go at his best speed, and the contestant was soon literally "out of sight."

While the colt was at his hottest gait, just ahead was a saloon kept by a man formerly employed by Carter on the ranch; beyond was a low building where children in the yard were throwing a ball over the roof to others in the street—a game called "heliover." A little girl of twelve or thirteen pursued the ball into the street and stooped to pick it up just as that tornado on wheels came flying up the street and went directly over her. A great groan broke from the boy's lips as he checked his colt and went back to find that the girl did not get a scratch. There was gladness and relief for the boy, and an arrest; for there was a policeman in front of the saloon—they never go inside. Never? Well, hardly ever—never, if the saloon is unlicensed.

"What am I arrested for?" said George.

"For fast driving."

"Can't I drive as fast as I've a mind to?"

"No, not faster than eight miles an hour. You might hurt somebody; you came mighty near it."

"That's a fact, but why should I be arrested when I didn't mean to hurt anybody, and didn't hurt anybody?"

He felt a little ugly, but John, the saloon man, went with him to the police court, and they explained to the judge, who was on the bench, the situation, and the boy took their advice to plead guilty to fast driving and have it over at once. The police judge was a young man, broad-headed, kind-hearted, and withal possessing a sort of natural judicial faculty, a little pedantic, perhaps, a little fond of displaying his legal learning, but altogether a most excellent police judge; perhaps Oakland never had a better. He listened to the story of the boy and the policeman and then said:

"Young man, ordinances and laws are made for the safety of the people. Now in cities, if everybody drove at top speed, as you did, don't you see how many accidents might happen? It was almost a miracle that this girl was not killed. Now the Roman law maxim was, *Salus populi suprema lex*; that means, the safety of the people is the highest law. Of course, you will not drive so fast again. Let the fine be three dollars."

John paid the fine; George got his casting and was home by noon. All afternoon he ran a horse-rake, but he couldn't forget how near he came to killing that girl; then he was glad he didn't live in a city where he could drive only eight miles an hour; then the girl and his colt going like the wind came to him; then it occurred to him what beautiful brown eyes the girl had; then that maxim of the judge rang in his ears: "The safety of the people is the

supreme law." "Why," said he to himself, "that hits lots of things."

A week later George drove his colt again to Oakland. He kept his eye out for the girl; he didn't see her; she was at school. He stopped and paid John his three dollars, and they talked the whole thing over again.

"Say, John," said the boy, "there is lots of sense in that Latin stuff the judge gave us the other morning. Didn't know I'm talking Latin now, did you? *Salus populi suprema lex*—the safety of the people is the supreme law. Why, it hits lots of things, and I ain't sure but it hits your old gin-mill here square on the nose."

"Oh, pshaw, now! what you givin' us? You ain't one o' them prohibition cranks at your age, be you?"

"Well," said George, "there's a couple of men just took a nip—whisky, wasn't it—ten cents apiece? They're working men. Did they drink before today?"

"Yes, once."

"Exactly, and will they drink again today?"

"Always three times a day."

"Precisely; that's thirty cents a day, and they get two dollars a day, and not steady work at that, and they both have families. Fifteen per cent of their wages for whisky; they can't afford it."

"Oh, well, that's none of my business," said John; "if they don't want it, they needn't come here."

"Sure," said George; "if that little girl didn't want to be run over she shouldn't get in the street. I tell you, John, that *salus populi* business is a sweeper; it hits this little shebang of yours a swat in the eye that knocks it clean out.

It made me hot the other day when that young feller, the judge, stuck me for three dollars for spurting my colt; but he's got some sense, and I've done a heap of thinking the last week, and when they get that *salus populi* medicine scattered all through, there's a lot of things will have to go besides fast driving, and the saloon is one of 'em, and don't you forget it."

"Oh, well, George, honest, I ain't stuck on the business, but it's easy, and there's a living in it, and it's lawful, but it ain't clean. I wish I was out of it. But let's drop it. How's your mother? Awful good woman, your mother is—best friend I ever had since I left the States."

"Oh, mother is all right, and she don't like it a little bit that you're selling gin."

Ladies and gentlemen, that boy in a single day got an education in political economy, in political rights, and in legal ethics, and it came through a trotting horse. Didn't I say that a good horse is frequently a means of grace? He had learned the basic principle of prohibition, and it was hammered into and through his understanding and was headed down and was there to stay. That is all there is in the legal principle of prohibition. Blackstone says it is a part of the English common law, this doctrine—public safety—the supreme law; that it existed in the unwritten law of the Saxon- and English-speaking race and was a part of their usages and customs—as the old writers quaintly expressed it, "from a time whereof the memory of man runneth not to the contrary." And in all the great volume of litigation which has arisen from legislative action to curb, restrain, regulate, or prohibit the liquor trade, the courts

have everywhere and universally sustained the right to such restrictive legislation. As the courts say, it is a police regulation.

Did you ever think how simple is a great principle? The whole world gets by the ears; everything goes wrong; war, pestilence, famine, free trade, tariff, and hard times are sometimes the outgrowth. Some master mind proclaims a simple principle, and as to the storm-tossed ship on Galilee, there comes peace, and all is still. Columbus set the court of Ferdinand and Isabella sweating how to set an egg on end; they gave it up. You know how he did it; he only had the wit to think of it.

One more illustration of the simplicity of a great principle. It goes without saying that California is a great State. We love her. She is our mother. Story, the sculptor, forty years ago chiseled his idea of California in marble. He represented her as a beautiful woman, extending in one hand a purse of gold, while behind her in the other was concealed the thorn to stab the hand of the too-earnest seeker. That was the California of '49. Not now is that the ideal. Rather she is the young matron—rich, rugged, ruddy, and robust. Her feet are washed by the waves of the Pacific; her head, resplendent in a golden crown, rests in the snow-capped Sierras that shine eternal in the summer sun, while she scatters from her luxurious lap, fruit and bread and oil and wine, not only to her children, but to the world beyond the mountains and beyond the seas.

She says: "My children, my granaries are overflowing, my barns are bursting with plenty, my orchards are breaking with fruit and the products of my sun-kissed vines where



mead and mountain meet; alas! my warehouses are too small. To the sea, my children, to the sea! Fill the white-winged ships and away to other lands! So shall commerce wait upon thrift and industry; so shall the people multiply and inhabit my plains, and they shall become rich and great, and the prophecy be fulfilled: 'The wilderness and the solitary place shall be glad for them, and the desert shall rejoice and blossom as the rose.' So shall the flag of the free wave over a land free indeed."

Well, her children came to the sea. What found they there? The Southern Pacific Railroad Company—born thirty years or so ago in Kentucky and named the S. P. R. R. Co. of Kentucky. It had neither father nor mother, no body and no soul; it was a corporation. California adopted it early in life, and it thrived; went into railroading first, then warehousing and wharfing trade and real estate speculation and into politics. It grew rich and powerful and insolent and corrupt. There were years and years when no man could hope for political preferment or official position in this city, county or State, except he first felt the pulse and found the preferences of the S. P. R. R. Co. of Kentucky. And during those years no man ever did occupy official position without the approving nod of this impersonal Jupiter Tonans, whenever it cared for a choice. It wouldn't pay its share of household expenses—refused to pay taxes. You remember that. For an adopted child, it was right peart as well as prosperous.

"Hello," said S. P. when it saw the people, "what's up?"

“We’ve got mother’s wheat and fruit down here, and we’re going to sea with it.”

“You go back and tell the old woman, *I’m* established in business here now; that I own all the railroads and ferries and wharves and warehouses and all the water-front, and if she’s going to send her truck to sea she must count me in. She’s got to go over my wharf, and she must pay toll. The essence of ownership is control, and I’ve got that, and my rule of charge is, ‘All the traffic will bear.’”

And so it was. California kicked and so did her children; and when at last the public awoke and the Oakland “Enquirer” here last year started in and hunted up the history of the water-front of this city from 1853 to the present day, it revealed a gigantic combination of official imbecility, of official dishonesty, of private duplicity, of corporate corruption that may have been equaled but was never excelled.

And the S. P. R. R. Co. of Kentucky considered itself so strongly fortified and walled-in with legislative grants and resolutions of city councils and judgments quieting title and deeds and quit-claims, that it began a suit involving title, and in part for the purpose of quieting public clamor. You remember the water-front suit. There was a jury, and three judges heard the case. It went on day after day, week after week, yes, and month after month. The rulings of the court on all vital points were for the railroad; they followed precedent.

Just here a strange thing happened. A similar suit had been tried in Chicago, where a railroad company by similar means had acquired a large share of Chicago’s water-front. The suit had gone to the United States Supreme

Court and was there decided while ours was on trial. The decision was very simple. It held that wherever the tide flows is public ground. Does the State own it? It is a public trust. Does the city own it? Still it is a public trust. It can not be sold or given away or deeded away. It is the people's property. It was *so* simple, and yet *so* strong, it melted the chains which enthralled the commerce of Chicago; and it shall melt the chains from our water-front, and Oakland shall be what God intended her for—a city whose streets shall be throbbing arteries of commerce and whose people shall be hundreds of thousands.

In 1819 was tried in the Supreme Court of the United States the famous case of Dartmouth College vs. Woodward. Daniel Webster, then thirty-seven years old, a graduate from Dartmouth, and in the prime and vigor of young manhood, was for the college. Dartmouth got her charter from the Crown of England in colony days. The legislature of New Hampshire passed laws changing the government of the college. The question was as to the constitutional power of the legislature to make the change; whether it was not an interference with contract rights forbidden by the Constitution. It is said that when Webster rose to make his argument every judge prepared himself with pencil and paper to take copious notes; but so simple and so plain seemed all he said that after hours of the ablest argument ever heard by that august body, not a judge had made a mark. *So* simple, but *so* potent is a great principle.

A consideration of the legal aspect of prohibition even for ten minutes would be incomplete without a moment's review of some of the restrictive legislation and the causes

leading thereto. You all know what is called the University Liquor Law. It applies also to the State's prisons and the Napa Insane Asylum. It forbids the sale of intoxicants within a mile of the State University and these other institutions; but I don't think you know its history. It was passed in the winter of 1876, and its author was the late Dr. Ned Gibbons, then State Senator from Alameda County,—a very learned and able man in his profession, but by no means a total abstainer. The University was then young; the Senator was its staunch friend; and he introduced the bill. It was referred to the Committee on Public Morals, of which the Senator was chairman. The committee had several meetings. The doctor said to me: "It was my pet bill, and after a while I got a majority of my committee to report favorably. But I wanted a unanimous report. One afternoon I sent notices to the members for a meeting of the Committee on 'Public Morals' at my rooms that night at nine o'clock. I got some refreshments and a full committee; and at three o'clock in the morning, by means of a gallon of whisky and a box of cigars, every man of the Committee on 'Public Morals' signed the report recommending the passage of the bill, and it passed the Senate by a large majority."

"God moves in a mysterious way,  
His wonders to perform."

Prohibition movements are often propelled by peculiar forces. Some ten or fifteen years ago, a strong temperance movement went all over the South, and, strangely enough, it began in Kentucky. Just think of it—Kentucky, where

old Bourbon in deep cellars and in moldy barrels grows mellow and smooth, and in volume enough to float a ship. Why, the popular belief used to be that there every man was a colonel with a Tantalus thirst, whose meat and drink was a cocktail and a chew of tobacco for breakfast, two for dinner, and three for supper. Men with cellars full of whisky, men with distilleries—all voted for prohibition and sent their whisky to Chicago, New York, and New Orleans. I couldn't understand it. It was my good fortune to spend the winter of 1885 in the South. I found it practically a temperance country all through. That year they framed a new constitution in Florida. On the 9th of April, in the city of Orlando, I attended a Democratic County Convention to nominate delegates to the constitutional convention. There wasn't a thimbleful of whisky in that convention. A barrel of ice-water stood in the portico. It was all the drink they had. There was one saloon in the city, but no respectable Democrat went inside; nobody but negroes and other Republicans.

A man named Randolph, a Virginian by birth, was elected a delegate. They called him out for a speech. He said in substance: "You know my sentiments on the leading questions likely to be discussed in the convention, and I think I know yours. Concerning the liquor question, my personal choice would be to debar forever in the State of Florida the manufacture or sale of intoxicating drinks. Perhaps that would be in advance of present public sentiment; but the least that can be done under a Democratic government is to embody a provision in the fundamental law, that each town or city or local community may, by vote,

permit, or forbid, the sale of intoxicants." And that Democratic audience cheered and cheered again. Shades of the great and mighty Democracy! And has it come to this? Where are the natural rights of man? Where is the San Jose Democratic State Convention of 1882 that declared against Sunday laws and sumptuary legislation?

I studied out the secret of the temperance movements in the South. Literally there was "a nigger in the fence." A large element—in many places a large majority—of the population are negroes. They are ignorant and improvident; everywhere appetite is uppermost. With an inch of whisky in a negro he is as good as a white man; with two inches he is better than a white man; with three he can lick him; with four he can kill him, and with five he does kill him. Temperance legislation was therefore necessary for self-preservation. So it accentuates what I said before that the motive power of temperance legislation sometimes comes from sources we dream not of. The University Liquor Law was begotten of a gallon of whisky and a box of cigars, and the negro regenerated the South.

One word more, my friends. What of the night? Amid the sorrow is there joy? Shall the daylight break? I don't know. I don't know. O God give us faith! Give us hope! Teach us to pray; and to work as we pray, and to vote as we work. Watchman on the mountain-tops, tell us of the night. Shall the daybreak come? It must come. His promise shall not fail. "He, watching over Israel, slumbers not nor sleeps."

Ladies and gentlemen of this Prohibition Convention: To have thus met you is an honor for which I shall be for-

ever grateful. Let me close with the words of Abraham Lincoln:

“And when victory shall be complete and there is neither slave nor drunkard on earth, how proud the title of that land which may truly claim to be the birthplace and the cradle of both these revolutions. How nobly distinguished that people who shall have planted and nurtured to maturity both the political and moral freedom of their species.”

# Address at a Flag-Raising

In San Leandro, California, February 11, 1897

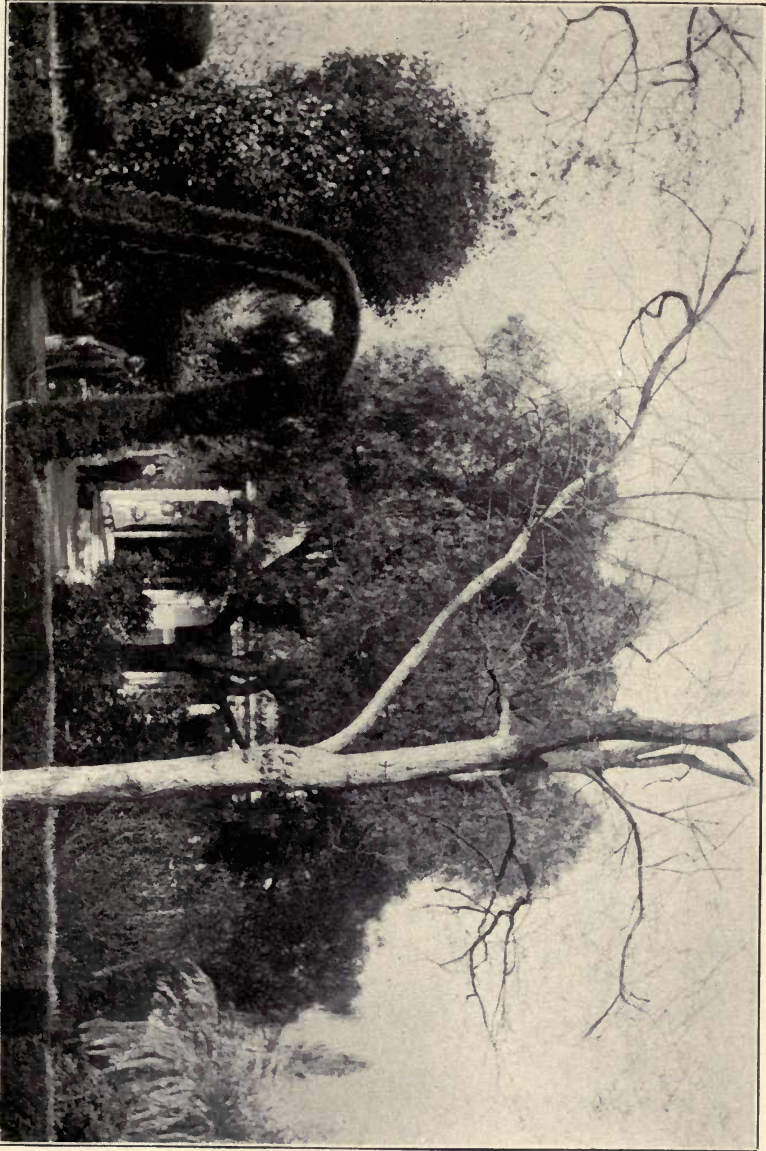
It is more than a third of a century since I first came to this city. It was no city then, nor did it give much promise of one. I was a young man; I brought a newly wedded wife. We sought a place to work and make a home. We found it. So cordial was our greeting we knew we had camped on the right trail. God prospered us and our first savings bought land and built a home, and in that modest house, up here on Hays Street, we lived for twenty-five happy years—the happiest of my life.

Our children were born and reared there, and when the white-winged angel kissed our first-born, and we drank the cup of awful bitterness which none can know save those who have tasted, how the warm sympathies of a host of friends went out to us in that sad hour, we never can forget. My father spent here the last years of a useful and honorable life, and went hence to his last rest.

In my profession I tried to merit your confidence, and you gave it unstinted. I was ambitious for public promotion, and you helped me. Once, by your aid, I became District Attorney, three times County Judge, and once State Senator—honors beyond my deserts, so it seemed to me. And so it was that you rejoiced with us when we rejoiced, and you wept when we wept.

Eight years ago we left you. But I confess to you that San Leandro seems to me now the sweetest spot on





THE OLD HOME AT SAN LEANDRO



earth, and I tell you I never visit your little city and survey her tree-arched streets, her charming homes of beauty and refinement, her orchards and gardens laden with fruits more gorgeous than the fabled golden apples of the Hesperides, that remorse does not wring my heartstrings that I ever abandoned such lovely surroundings. It is well, perhaps, that we can never live our lives over again except in memory.

But the compliment that thrills me most is this: Here, where are gathered all these schoolchildren whose fathers and mothers I have known from their early childhood, you have chosen me as one to say a fit word on this occasion.

The history of this pole and flag, I understand, is this: Mr. Hastings, one of your citizens living just outside of the city, an ardent Republican, in the last campaign made a vow that if this city should give a Republican majority, and Major McKinley should become President, he, Mr. Hastings, would ornament this city with the tallest flagpole in the State. There was a Republican majority, and Mr. McKinley is President; and our honored friend, Mr. Hastings, has fulfilled his vow. From the top of this heaven-piercing staff the sun's earliest and his latest rays shall kiss the flag good morning and good night. Ah, my friends, Mr. Hastings builded better than he knew!

Did you ever know a political campaign where partizan heat and partizan hate sometimes caused things to be said that had better have been left unsaid? I have, and the last campaign was an example. But when the contest is over and reason resumes sway, it comes to us all that above and

around and embracing all, greater and stronger than Republican or Democrat or Populist, is our common country and our beloved flag.

When Paul was Saul, don't you remember how he breathed out threatenings and slaughter against the disciples of the Lord? But, after the miraculous journey towards Damascus, where the scales fell from his eyes, and he was filled with the Holy Ghost, he became the chosen vessel to carry the Redeemer's name through all the earth.

And so it is here now. All men, regardless of party, all kindred, nations and tongues are here, together in one place, like the Apostles on the day of Pentecost, and let us pray that there be poured out upon us a blessed pentecostal baptism of the holy spirit of patriotism, to the end that a "Government of the people, by the people, for the people, shall not perish from the earth."

Surely, our friend Mr. Hastings builded better than he knew. You boys and girls of the Union School, a few years more and you will be men and women. Shall you be loyal to your country and her flag? *How* can you be loyal? Think noble thoughts. Do noble deeds. Speak the truth. Be pure and good. So doing, you shall be the pride of your country, and you shall be proud of her as well.

When Lord Nelson was bearing down upon the French and Spanish fleets off Cape Trafalgar, in that historic naval battle in 1805, with his men-of-war arranged in two lines, as previously assigned, he asked if a signal were not lacking. When Capt. Blackwood answered that he thought the whole fleet knew what they were about, up went the signal on the Admiral's ship, to be read by the whole fleet, which con-

veyed the immortal words: [At this point in the speech the flag went up] "England expects every man to do his duty." Hot was the fight and dreadful the carnage, but victory perched on England's banners. My young friends, and you who are older, the signal is up. That flag is talking to you. Do you hear its voice? Among its starry folds, in characters of living light, I read, "America expects every man to do his duty."

Will you try? I know you will. Be obedient to law. Every rioter, every law-breaker, every person unwilling to obey the law, is false to himself, false to his country, and a traitor to the flag.

If hot passions and evil counsel should ever surge around you like a flood, and would carry you from your moorings, think of your God, your country, and your flag. They shall be your anchor, sure and steadfast.

O beautiful, starry flag, emblem of our beloved country, we commit you to the love and protection of these young people, so soon to be our citizens!

# Emotional Insanity and Legal Responsibilities\*

Speech in the State Senate in the Winter of 1881

Mr. President: I think there is more in the bill of the Senator from the Eighteenth—the one under discussion—than at first sight might appear. I confess that I am in favor of this bill; but I look at it from a different standpoint.

Now, no law is of any force or effect unless its penalties can be carried out, and it is all wild theory to say that a thing ought to be so when you can not make it so. We must take society as we find it. We must take sentiment as we find it, and do with it the best we can. The optimist might say that every man should be hanged who committed murder. But so long as the voice of the people doesn't say so, we must do the best we can with it, and make such laws as shall conform to the public sentiment.

Now, sir, there is some reason in this sentiment that prevails which excuses murder—because it can be called by

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\* A short time previous to the legislative session of 1881 the famous Schroder murder case had been tried in Oakland, and one of the rulings of Judge Greene favorable to the defense had provoked the criticism of a good many members of the bar. Senator Grove L. Johnson introduced a bill intended to satirize emotional insanity as a defense in homicide cases, and in the course of the debate Senator Nye delivered this speech, which also must be regarded as being mainly satirical.

no other name—which evades the penalty of the law for the purpose of excusing the murderer. If we look back to the earliest history of crime, as laid down by the historians, I think we can arrive at some idea why this sentiment has arisen and exists as it does. Originally, before society had an existence, so far as history can tell us, family ties supplanted all others; the family existed before society existed, and when one of the members of the family was killed, something of the same sort of feeling existed toward the murderer that exists where a man has struck your person—you want to strike back; and after society had become formed and taken upon itself the punishment of criminals, we find the old idea mixed up with the new. We find it, as the gentleman from the Eighteenth has developed it, in the Bible, where it declares: “He that sheddeth a man’s blood, by man shall his blood be shed,” declaring that society should take that thing into its hands and do the work. In other places, however, we find rules laid down for the avenger of blood. Now, that was the law, and the origin of it, and the growth of it.

Among the German tribes, as Pike in his history of crime relates, murder was considered no public offense, but as something to be settled among themselves. But as the power of the military chiefs increased, they conceived the idea of compensation; that is, for every man who was killed, the family of the murdered man was entitled to a consideration in money or cattle. As civilization increased they took it in money. Before that it was in cattle or sheep. For this reason the doctrine of the survival of the fittest always made it so that the man who survived was the

strongest man, and necessarily the best fighter, and therefore the most useful to the chief; but as the condition of society changed, and it became more civilized, and when human life became more sacred, and when it was deemed necessary that it should be better protected, why then they created the laws as we find them; like the common law of England.

To prevent these vendettas and quarrels, which would result in generation after generation being engaged in the quarrel, and the loss of an unlimited number of lives, where it was considered that, for the purposes of society and civilization and the state, life was more useful, that human life was protected by the enforcing of such a law, and hence the doctrine of murder, as we find it laid down in our books. But it is plain that society has outgrown that idea. And here I want to say that reforms always come from society. They never come from the lawmakers, and it is not the first time in the history of law that reform has started in the jury-box and in the courts. It was once law of libel that the truth of a libelous publication could not be used to justify a libel; and it so existed up to the year 1800, even in America, and it remained for Alexander Hamilton, the greatest among the learned lawyers and learned counsel of our land, to first declare, in the celebrated case of the *People vs. Croswell*, that the truth might be given as justification for libel, and although the judge charged that that was not the law, the jury took it into their hands and refused to find a verdict of guilty. The reform started in the jury-box and with the lawyers. It ended by an act of the Legislature to conform to what then became evident was public sentiment, which declared that the truth might be given in evidence.



Nor is our own State free from examples of that kind. I mean judicial legislation. There have been courts that have been bold enough to take the law into their own hands and so legislate, and our Supreme Court has done it in one notable instance, creditable to both the heart and head of the judge. Now, sir, I simply advert to this to show that I am correct about it. The law prior to 1869 concerning guardianship read as follows: "The father of any child who is a minor may, by his last will and testament, appoint a guardian or guardians of such child, whether born before or after the time of making such will; and in case of the death of the father, the mother of such child may in like manner appoint a guardian or guardians, if such child shall not then have any legally appointed guardian. These and every testamentary guardian shall give bonds, and qualify, and shall have the same powers and perform the same duties with regard to the child as the guardian appointed by the Probate Court." Now, sir, I would like to know where there is a lawyer or man or woman who reading that would say a man could not make a testamentary guardian who should have control of the ward regardless of the claims of the mother and everybody else. And still Judge Sanderson, in the case of *Lord vs. Hough*, took the bit in his teeth, and in an opinion, notable for its sterling good sense as well as for its length—containing something like thirteen pages—he reasoned out the proposition that although the law said a man might make a testamentary guardian that would take a child away from its mother, that he could not do it. It was judicial legislation, and the next winter the Legislature

declared by act that to be law which the court by judicial legislation had so decided.

Sir, we are going through that transformation now, and although it may be mere theory, I think it results from an idea existing in the community that the population is getting too numerous; that there should be some means whereby it shall be decimated; that the Malthusian theory of too dense a population is correct, and juries have indicated that, although the law says that a man who commits murder shall be punished as declared by law, they have taken reform into their own hands and declared that it shall not be so. The refinements of the jury system tend to the same result. Forsyth in his history of the jury tells us that in early times men were selected for jurors who were best acquainted with all the facts concerning the commission of crime and who knew all about it, and who therefore were better qualified to decide. As the refinements of modern civilization grew up the present system has come into use, where practically no one who has ever heard of a case with sufficient common sense to form an opinion can sit as a juror. And it actually happened that on the Schroder jury was an accepted jurymen living within ten miles of Oakland, surrounded by that blaze of intelligence for which my county is noted, who had never even heard of the Schroder murder. What a boon to a poor, hunted criminal that he be tried by a jury of such profound knowledge of current events as that!

There have existed such things as fictions in law. Everybody knows that the action of trover is a mere fiction. The original action of trover in common law set out that

John Doe, a party in the case, lost his watch on the highway, and Richard Roe came along and found it. I say this to illustrate that fictions in law have arisen in this matter of murder as well as in other cases. As I said, common law, in action of trover, supposes that the plaintiff has lost his article, and that another man came along and found it, and this form of law is still used, when in fact no such losing and finding takes place; for example, when a man came and absolutely took it out of another's possession.

Now, then, this new doctrine of emotional insanity is one of those things that has arisen as a sort of fiction in the law. Emotional insanity is that a man at the moment he commits murder was insane—perfectly sane the moment after. It has been invented for the purpose of excusing men for murder in cases where public sentiment desires them to escape punishment. I refer to all cases of that character, but particularly advert to the one known as the Sickles case, where Sickles shot the paramour of his wife in one of those moments of emotional insanity, although at the very time the dereliction was going on between Mrs. Sickles and her paramour, he himself, it is said, was with a woman in like dereliction in Baltimore. That is the sort of emotional insanity that was. But that is a well-known case, followed by the celebrated Cole case, followed in our State by the notorious Laura D. Fair case, followed again by that cold-blooded murder known as the Muybridge case, followed still later, and last by what is known as the Schroder case.

Now, sir, I wish to illustrate this emotional insanity business. It is told that a very worthy Jewish widow once

had a son, and like him whom Abraham was about to offer up as a sacrifice in the land of Moriah, he was an only son, and his name was Isaac. He was one whose manly beauty and mental perfections, added to the education and training which his mother had given him, made him the apple of her eye, and, of course, she watched his conduct in every way. She finally discovered what she thought was an aberration of the mind, and she immediately repaired to her spiritual adviser, and said:

“Rabbi, my dear son Isaac is insane.”

“So great an affliction, my daughter! How does he look, and how does he act?”

“Rabbi, only yesterday I saw him eat a pork sausage like a Christian.”

“Oh! that may be a private appetite, but not insanity—certainly not insanity.”

“Ah!” said she, “but that is not all. I have a hand-maid—a servant. Her name is Sarah, and she is a beautiful girl. I traced his steps to the kitchen, and I saw him kiss her and hug her.”

“Ah!” said he, “that is not insanity. It may have been affection; it may have been lust, but not insanity. If he had eaten the girl and hugged the sausage, then you might believe that there was an aberration of mind.”

Now, sir, you take that case before a modern jury, and with a modern court, and in the method in which they have ruled in the murder cases of which I have spoken, they would have declared that that man Isaac was insane.

Now, sir, I say that all this shows that the tendency of public sentiment is against a strict adherence to the rules

for the punishment of murder as we find them laid down in our statutes. I say that in those and in all other cases we must consult public sentiment, and when we find a statute that is a dead letter upon the statute book, wipe it out, and let it conform to the improved sentiment of society.

Mr. President, on the twenty-fifth of last September there was a young man in this city by the name of William C. Brown. He was an engineer on the Central Pacific Railroad. On that day towards evening he drove his engine from this city to Oakland wharf. Behind him he drew a train of cars loaded with hundreds of human lives. It was dark when they reached the wharf, but the headlight revealed to him the fact of a misplaced switch. It gave him time to escape from danger, provided he sacrificed the lives of those whom he had placed in his charge. He did his duty; with his hand upon the lever reversing his engine, he went over the wharf and to the bottom of the bay. And every passenger was saved.

Four days later they brought what remained of that young man to the city of Sacramento, and the people stood uncovered while he was carried through their ranks to his last resting-place. There never was a nobler act of heroism. There never was a nobler hero than this young man they called Billy Brown. Long after you and I have crumbled into dust, and the little good we may have done has been forgotten, and the name that we have written in the sand has been washed away by the remorseless waves of time, future generations of young men and women will read from their books the honorable record of this hero of the overalls

and blouse. And their hearts shall thrill with a nobler impulse to the discharge of the duties of life.

If it were not for the damnable blasphemy, for the outrageous sacrilege, I would compare the discharge of duty by the jury in the Schroder case to the conduct of that young man. Neither satire nor comedy will permit it. What I mean to say is that juries do not act up to their oaths. I mean to go further, and say that even judges don't do their duty, and when a judge gets up before a jury on an occasion of this kind and says, "If you believe from the testimony before you that the man was insane at the time he committed this act, then you should acquit him"—I say that he does not do his duty, because he knows it is a fiction of law when he undertakes to declare any such thing—when he knows that there is no testimony to warrant any such charge.

# The Progress of Education

Speech Delivered at Alfred University, New York, June, 1899,  
the Occasion Being the Fiftieth Anniversary of the  
Allegheny Lyceum, of Which He Was a  
Member When a Student There

During the forty-four years that have elapsed since I left Alfred as a student, it has been my good fortune to take part in numberless reunions, college commencements, celebrations, religious, political, educational, social,—all kinds. Some were opened with an address, some with prayer, and some with a corkscrew. But with that noble serenity which distinguishes the sons of Alfred and proclaims them citizens of the world, I have enjoyed them all, and I am here to enjoy this, the fiftieth anniversary of the birth of the Allegheny Lyceum.

There once dwelt in Connecticut a devout man whom they called Deacon John. He was honest with himself and with his God, and he set his standard of integrity high. He had the habit of thinking aloud; and it brought to his listening neighbors some strange revelations. He had seasons of self-communion and soul searchings; and these were aloud. One morning, along the snowy path to the barn, he stopped short and the examination of himself began.

“Deacon John, are you a good man? Are you a truly good man? Do you feed the hungry, and clothe the naked, and give drink to the thirsty? Do you comfort the widow

and protect the fatherless? Deacon John, do you give all to the Lord? Are you truly a good man, John?"

And when the clear light of the confessional revealed how far he was from the standard of the Master, he turned his sorrowful face to the wintry sky as if to meet his Maker's reproachful gaze and sobbed aloud, "Scacely, John, scacely."

The cherishing mother has blown a bugle blast to call her children home. The loving call we heard from ocean to ocean, and from pines to palms, and along the pathways of half a century—and here we are—some of us.

Suppose we take on ourselves the Deacon's burden of self-examination—what would be the showing? John, are you a good man? Are you a credit to your Alma Mater? Have you attained the high ideals she taught? And the world—is it better for your living? And your country—what about her? Is it the party or the State you have served? Have you made of yourself all there was in yourself to be made? Are you a great man? Are you a good man, John?

Aye, the best of us must look the cherishing mother level in her loving eyes and make the Deacon's confession, "Scacely, John, scacely." What then shall we do? Pour ashes on our heads and wear sackcloth? And our song—shall it be an eternal Jeremiad? No; that is not the office of this occasion. The cherishing mother has pride and praise for her successful sons and daughters, reproaches for none—love for all. The Book tells of the man with two sons. The younger wanted his portion and got it, and went into a far country and wasted it in riot and debauchery and herded



hogs for a living, and went hungry and ragged. But when he came to himself, that is when he "got onto himself," as a free translation would make it, he went back. You know the royal reception he met and the best robe and the fatted calf, and all that. Now if the father forgives the dissolute, scampish son, what shall not the cherishing mother do? No; this is not the time for self-abasement. The everlasting moaning over imperfection stunts every aspiration for a higher life; it keeps us wallowing in the world below. The confessional is like medicine and morning bitters—to be taken as a tonic occasionally; not regularly as a diet. Perfection we may not reach. Excellence is comparative. Set the standard high. "Aim at the stars; you may hit the moon," was the pungent expression of that great teacher, Professor Kenyon. Compare what we are with what we have been and what we hope to be.

It seemed to me that I could not use the few moments set apart to me in a better way than to a consideration of that which this university represents—Education, a glance at its past, its present, and its future. It was conceded from the first that the endurance of republican institutions depended upon popular intelligence, and that must come through popular education. But how to bring that about was something to worry the wits of statesmen. Inasmuch as an educated citizenship was considered a public benefit, its cost was made in part a public charge. Inasmuch as education was a distinct private benefit to the person educated, it was made in part, and the larger part, a private charge, and this was made up by rate-bills charged to parents of children in the ratio of their number and the

number of days attendance; those who were too poor to pay being excepted.

I am still a young man, but what public education was fifty years ago is a personal memory. Cæsar said, "I write of things all of which I saw and part of which I was." That, I can say. The American college where I began my education, more than sixty years ago, was among the beech-clad hills of western New York. The country was new; the people poor. Three months' school in summer with a lady teacher, and a like term in winter with a male teacher, comprised the school year; summer wages, \$1.50 per week; winter, \$12 per month. Teachers boarded around. That is, each family sending children boarded the teacher for a time proportionate to the children sent. The teacher was always sure of variety, although for lunch he could usually count on greasy doughnuts and mince pie. The school-house was twenty by twenty-four feet; unplastered and unpainted; a single door in one end, a huge box-stove in the middle; a broad board shelf or desk extending around the sides. Its sharp edge formed a back to the backless bench in front, and a writing desk when the pupil turned his face to the wall. In front of these benches was another, lower, for the use of smaller pupils, on three sides but nearer the stove. Winters were frigid. Outside, earth was banked up to the window-sills for warmth. The ceiling was low—so low I remember one athletic teacher playfully kicked it; I have not seen its like in thirty years.

The curriculum of education consisted of the three R's, "Readin', Ritin', and 'Rithmetic." These were the staples. Polished scholarship included grammar and

geography. Teaching methods were crude; but one winter we had a new teacher, fresh from the academy, full of enthusiasm, and running over with new methods. His teaching was an everlasting interrogation point; no how without a why. That winter was the birth of an intellectual life and activity as marked as the renaissance of learning and the fine arts in Europe in the fifteenth century. Enthusiasm was at camp-meeting pitch. The pages of the arithmetic fairly glowed with light, and thrilled the nerves as with an electric current. In every family each night the candle-light shone upon open books and earnest eyes, long after older members of the household were asleep. The course of study was largely elective. Mathematics I pursued because that I preferred, and so it was when I entered Alfred in 1854, I had already completed in mathematics the college course, while the Latin and Greek I had scarcely touched.

But forty years ago there was already beginning a public awakening concerning the free school. There were cranks in those days. The crank of yesterday is the hero and prophet of today. Men were advocating on the platform, in the pulpit and the press the inherent right of every child of the State to education at public charge.

In my adopted State, when I went there, the rate-bill plan prevailed. In 1863, we elected John Swett, an able teacher, as State Superintendent. He was a John the Baptist, preaching in the wilderness, proclaiming salvation through free schools. Burning plains, roaring torrents and snow-clad mountain pass did not stop him. He met the people in every school district and pledged them, whether

Democrat or Republican, that every legislator should be elected on a platform pledged to free schools. And thus the Free School Act was passed. Two years after came the endowment of a State university. Still there was a hiatus from the grammar school to the university. The law made no provision for the high school. Now the high school is a public charge; and so it is that any boy or girl in the State, be the parents with or without wealth, may study in the same schools, from the same books, under the same teacher, from the primary to the most advanced university course, provided only he or she possesses the ambition for learning,—and all without price.

You have seen in the public journals and you have heard from the platform and the pulpit, warnings against aggregated wealth and consequent aggregated poverty, and the danger is imminent. The remedy is free education and the best. Public education is doing more than all things else as the great leveler. It puts the higher intelligence against the higher wealth, and it is an uneven contest; wealth may win for a season, but in the end wealth goes to the wall. Put the children of the rich man and of the poor man in the same schools and the outgrowth is the aristocracy of intelligence; that always comes on top. It is doubtful if wealth gives a young man or woman any advantage. In the hard conditions of early life, I didn't think so. While wealth builds walls, the universal education knocks them down.

Is the new education better than the old? The facilities for getting it are certainly more popular, therefore better because it reaches a greater number, and a greater

percentage of the entire number. But the methods of education—are they better? Whichever is more potent to create intellectual hunger, to arouse the mind to think, that is the better. It is not the amount we learn that constitutes education. Cramming is anything but that. You don't train a trotter by cramming him full of oats. His diet is a study. Day by day he gets his training, until he has the mastery of every muscle, and when the race comes, every muscle beneath the satin hide is alive, his eye flashing, his mane and tail a banner of victory—a splendid example of muscular education.

We may learn a lesson. Don't cram; you may thus make an intellectual hog, you will never thus make an intellectual athlete. The scope of view for fifty years over the college of the masses, to wit: the common school, or as we call it, the public school, shows a very distinct and a very gratifying advancement. But what of the higher education? Fifty years ago the college-bred man was a curiosity because of his scarcity. At that time personally, I knew but one. Law, medicine, and divinity—these were the learned professions; and of its members not all, not many in fact, were college-bred. Some in addition to a profession adopted literature; but in the field of politics the college man received cold encouragement. When James Russell Lowell was first talked of as an American minister to the court of St. James the practical politician pronounced him nothing but one of "them literary fellers." Later he filled that office; and it is safe to say that no minister to that court ever lent to the American name more of splendor and renown than this "literary feller."

When the fortunes of war with Spain tumbled into our national lap the Philippines, which we didn't want, and didn't expect, and didn't know what to do with, President McKinley sought the advice of a commission. Who were they? One a professor of Cornell, one a professor of Michigan University. The day of the educated man has come. The beginnings of the college in America, how small they were! Elihu Yale contributed \$2,500 for a college in New Haven, and they named it in his honor. Half the estate of John Harvard (\$3,750) was the foundation of the college that bore his name. In the beginnings, the college was a luxury not to be endowed by the State, but by the bequests of rich bachelors, childless widows, and literary spinsters. When, however, new States were formed they were settled by young men. As children grew up they could not wait for them to die for the endowment of colleges. "Why, then," said they, "should not the State endow the college as well as maintain the common school?" And it was so done. And thus it has come to pass that the most progressive communities along the line of the higher education have been found in the new States.

Then again how much has been done for higher education by the gifts of the wealthy within the last fifty years, and what diverse motives and seemingly accidental causes have brought these things about.

Stephen Girard in his day was the wealthiest man in America, but it was said of him he hadn't a friend. He married; lovely children were born to him; they died. He idolized his wife; she became insane and remained so all her days. Every domestic hope was shattered and he clung

to his bank. When the plague visited Philadelphia, he was a hero; when public health returned, he went back to his bank—unloved, unappreciated. When Stephen Girard died they found that out of that starved nature, hungry for the love and affection of paternity, had sprung his will whereby he had adopted for all time, so far as his fortune would go, every orphan and half-orphan boy in the city of Philadelphia. I visited Girard College more than twenty years ago; I found there about twelve hundred boys, clothed, fed, educated. It seemed to me that the hunger for paternity, which was never satisfied in life, had blossomed and ripened into an immortal fruitage.

Matthew Vassar made beer, oceans of it, enough to float George Dewey's fleet of battle-ships, cruisers, torpedo boats and all. He made money, millions of it. How came that wealth to be diverted to the higher education of women? A niece, a humble school-teacher, weak in the flesh, in spirit strong, was God's agent in the alchemy that transformed Matthew Vassar's beer into that noble institution on the bank of the Hudson, known as Vassar College.

George William Curtis told how Ezra Cornell and he were once members of a convention where there were many learned men; and of a learned man Cornell was a great admirer, almost a worshiper. A speaker used a Latin quotation so aptly that it brought down the house. Cornell appealed to Curtis to explain it. He did so. Bringing down his clenched fist with great earnestness, Cornell said: "I'm going to start a school where boys can learn enough so they needn't ask in a public meeting the meaning of a Latin quotation." Thereafter grew up Cornell University.

Leland Stanford had been Governor of California. He with others ventured his fortune in the construction of the Central Pacific Railroad, which should tie with iron bands the Pacific to the Atlantic coast. Few had faith. From Sacramento they pushed on towards the tawny foothills; then breasted the towering Sierras; spanned the chasms with airy bridges; dragged the iron track along the dizzy mountain crag, until the road was completed; an enterprise beside which the great road of Appius Claudius, known as the "Appian Way," must take second place. Fame came to him; wealth by millions rolled in upon him. Happy in his home, justly proud of an only child—his son who should succeed to his fortune, name and fame—what more had the world to offer? But death snatched the boy. How small seemed his millions then! How black the shadow! Yet from out that gloom and grief has grown the Leland Stanford Jr. University. In its financial endowment, in the breadth of its plans of education, in its equipment of teachers, led as its presiding genius by that eminent educator and thinker, David Starr Jordan, I do not now recall any of the new institutions of learning that have begun with such favorable auspices and such flattering prospects of usefulness. Its influence will be felt long after the railroad is forgotten and its rails are rust. Surely—

"There is a Divinity shapes our ends,  
Rough hew them how we will."



# A Fourth of July Oration

Delivered at San Lorenzo Grove.

July 4, 1875

One more year will crown a century since the Continental Congress of the thirteen colonies were assembled in Independence Hall in the city of Philadelphia, then scarcely larger than our own city of Oakland, discussing the proposition of national independence. On the seventh of June preceding, Richard Henry Lee of Virginia had moved as follows: "*Resolved*, That these united colonies are, and of right ought to be, free and independent States." This was submitted to a committee of five, with Thomas Jefferson at its head. Their report came in due time, and for several days prior to the fourth of July had been under discussion. It had become publicly known that probably the resolution would pass. On that morning Congress sat with closed doors. Independence Hall was surrounded by an anxious, patriotic throng. The belfry was surmounted by that historic bell bearing imprinted upon it the Biblical motto, "Proclaim liberty throughout all the land unto all the inhabitants thereof." Beneath, through all that July morning, sat the bellman, with his hand upon the rope, to ring out the proclamation of freedom. His boy was waiting at the doors of Congress to be the first to bear the message to his father. At length, at two o'clock, the summons ran like wild-fire through the crowd, "Ring, old man! Ring!" And, with

an energy born of long and patient watching, and with an inspiration, fit food for a painter's brush, the old man tugged at the rope; the brazen mouth and silent tongue of the old bell found voice, and, true to its inscription, proclaimed "liberty throughout all the land, unto all the inhabitants thereof." The Declaration of Independence was thereupon issued.

I need not tell you it became the constitution, the fundamental law, the magna charta of the new-born nation. Its initial sentence that "all men are born equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness," stands as the cornerstone of all our institutions, and it has shaped to a large extent the political history of other countries. It is to celebrate this day and these sentiments that we have met. And it is befitting at every recurring anniversary of this occasion, through all the broad domain of these United States, and in foreign lands wherever an American citizen is found, and upon the deck of every white-winged messenger of American commerce that the "flag of the free heart's hope and home" should be unfurled above the gathered, joyful, and happy millions whom it cherishes and protects.

I do not propose to recount to you the causes leading to the war of the Revolution. They are, or ought to be, known to every schoolboy and girl in these United States. The asserted right of the British government to tax the colonies without a representation in Parliament; the Stamp Act, the Navigation and Trade Act, the Boston Port Bill, the battles of Lexington and Bunker Hill—all preceding

the Declaration of Independence—these are now matters of well-known history, taught in your schools, discussed at your firesides; and were I to attempt to amplify, I doubt not a hundred argus-eyed critics from your public schools are here to catch me tripping on historical facts.

Beyond this, however, there is a precious unrecorded history in thousands of families—legends of what their ancestors did in the Revolution—handed down from father to son like precious heirlooms, not for their importance, but for their associations. I heard from my father's lips what he heard from his grandfather, a captain in the Continental army; how he with six brothers stood shoulder to shoulder at Bunker Hill in the hot battle of that June afternoon, three of them bearing away new muskets—trophies won from conquered foes. This unwritten history constitutes a sort of American heraldry. And yet it will not bear too devoted a worship; for the witticism is too often true, that "the family tree is frequently like the potato—its better part under ground."

The last participant in that struggle has taken his journey across that silent river whither we are all tending. In my boyhood I remember having seen many old Revolutionary soldiers, and a sort of holy awe possessed my soul as I looked upon those, to me, heroes of that bloody tragedy of war. One by one they passed away, until, at early manhood, I can not now remember any who were left. At the present time I believe there are but two persons living who have any personal recollections of that war, and they are both women over a hundred years old. Why, then, are we met here today? Simply because it is the Fourth of July,

or because a century ago our fathers whipped our grandfathers in an eight years' stand-up fight? Is it because the overgrown, spunky daughter had "flaxed out" the mother country? It can not be that. There must have been strong justification to warrant such conduct in a court of justice; and in any event it would be considered not a very creditable episode in family history.

No, it is not that. It is what we are; it is the results of the Revolution that we celebrate, and it is this alone which we have any right to celebrate. What the fathers did was their glory and what we affectionately remember. What we have done and what we are doing may be either the subject of self-congratulation or of reproach. If we have not built up a noble structure upon the foundations so worthily prepared for us; if we have not done something to aid in solving the problem of self-government submitted to us; if we are not a more prosperous, a happier, a better, and a wiser people than our ancestors of a century ago, then I say the Declaration of Independence is a practical nullity and the Fourth of July is in vain.

Now there is no way in which we can improve memorial occasions like this better than to put ourselves in the place of the actors of the Revolution and make ourselves feel as they felt, and see as they saw. What we are apt to do is to make ourselves think that the fathers of the republic saw things as we see them; that they had before them an ideal nation, whose century growth should show 40,000,000 of people stretched over a territory washed on either side by the waves of a great ocean, gathering from the cultured bosom of the earth the products of every zone; her com-

mercial arteries of railroads, rivers, and lakes, strong, throbbing with the life-blood of a rich and varied commerce; her valleys and hillsides covered with a happy, industrious, and a patriotic people; the church-spire and the schoolhouse, the college and the university, the homes of religion, of learning, and of art, standing the frequent sentinels of the new-born liberty. We invest them with the prophet's mantle. The fact is, they saw no such visions; they had no such ideal; they were fighting for the present and for principle. Their wrongs were tangible; they proceeded from the home government. They knew and loved their rights, and they knew those rights were abused and violated. As Cromwell said of his Ironsides, "They knew what they were fighting for, and they loved what they knew." They did not know what was to supplant the government of tyranny they were opposing. They did know that taxpayers should have a voice as to what taxes should be raised and how spent—a principle which their children of today are beginning to press home to the attention of their national and local governments. They did know that law, not men, should be their ruler, and that justice should come without delay, without measure, without price, and even-handed.

There is a sort of vague, unexpressed, animate, but unformed feeling with many of us that it is a greater thing to vote or to hold office under this great government of ours than to have fought the battles of the Revolution; that what they were aimlessly working for we have accomplished. But, my friends, let us compare for a moment their pioneering and ours. I honor the California "forty-niner." I honor the man who had the pluck to leave home and

friends for the tents and cabins of the gulch and the bar. I honor the man whose enterprise led him to venture health and life in the hope to pluck fortune from the floods and rocks and sands of the California mines. I honor the hero of the washbowl and rocker — independent, self-reliant, belted round with defensive knife and revolver. He paved the way for the civilization we enjoy. He was a pioneer worthy the enlightened respect of any age and any nation.

As the years roll away in prosperity we sometimes forget that every soldier who died on the field of battle in those old times, or in the loathsome prison ships, left broken hearts at home. In the nearer present, however, we have had experiences to bind ourselves with everlasting chains to our national birthday. The armless sleeve and the halting gait too often remind us of a war more recent. There is scarcely a family among us which, in some branch of it, near or remote, has not borne away its lifelong load of grief from the grave of some darling hero of the late rebellion. There are those before me who wore the blue and fought the fight. To the living and the dead I bow in reverent homage. War is sufficiently terrible at the present day; death and devastation are its accompaniments in all ages and everywhere. But the pioneering and the fighting of Revolutionary days were not like ours. It has been truly said: "There has been no pioneering in our day half as hard as theirs." No man who has pushed out into the wilderness with the United States behind him and all hope and pride of its citizenship in his heart has ever displayed anything like the fortitude of the men who settled the Connecticut valley, with nothing but a feeble colony at their backs and separated from all the

great forces of historic civilization by what was to them a vast and impassable ocean, beyond which the elect struggled hopelessly against pope and king. There has been no fighting in our day which expresses a tithe of the courage of those volunteers, who, without any recognized political organization to support them, without general officers or commissariat, and with the blackest uncertainty about the future, lined the intrenchment of Bunker Hill a hundred years ago. They fought for the right; and the right was to them a tangible and present reality—so real that not the reverses of Long Island and White Plains could swerve them from their high purpose. Not with too much pride then, not with too much patriotism, not with too deep and holy a reverence, can we approach the shrine of our worship.

Now I have said that in these centennial times we ought to make ourselves feel as the Revolutionary fathers felt—that we ought to put ourselves in their places. And this includes not only the tragedy of war and the drama of pioneering, but also the comedy of social life; how they looked and dressed, and upon what meat they fed. There is no more fascinating feature of history than what might be termed its social department. Macaulay has added a grace and charm to English history unknown before by his illumination of the daily walks of life and the habits of the people whose history he wrote. He sought his historic materials among the débris of centuries—in private diaries, in old letters, in ancient ballads, in the book accounts of shopmen, which had escaped the destroying hand of time, and in countless other avenues, requiring that skill and acuteness of research in which that historian had no equal.

Without presuming to follow in such illustrious footsteps, I call your attention for a moment to the daily social life of our grandfathers, the memory of which has scarcely passed into the domain of history. John Phoenix quaintly emphasized the difference between the present and the past where he said that "Washington, although for the time in which he lived he was a very distinguished man, yet he never traveled on a steamboat, never saw a railroad or locomotive engine, was perfectly ignorant of the principle of the magnetic telegraph, never had a daguerreotype, Colt's pistol, Sharpe's rifle, or used a friction match." And it was Washington's misfortune to have lived in what to Phoenix seemed such rude times. No less rude were they in other walks of life. Imagine a farmer gathering sheaves with sickles and cutting grass with scythes, who never dreamed of mowing machines, reapers, headers, threshers, gang-plows, or hay-presses, and you have something of the farmer of a hundred years ago. The gorgeous granger palaces within rifle-shot of where we stand would be to him an eighth wonder of the world.

Imagine your chairman of the day here, or your chaplain, entering the pulpit with wig and gown and band, and on the street wearing a cocked hat, and you have something of the exterior of the clergymen of a hundred years ago. Imagine Governor Booth and Governor Haight dining out, powdered and bewigged, a six-inch-wide stock beneath a daily shaven face, white satin embroidered waist-coat, black satin small clothes, white silk stockings and fine broadcloth or velvet coat, and after dinner, or at casual meetings, extending the snuff-box as men today extend the cigar-case,



and you have something of the exterior of the gentleman of a hundred years ago. Imagine Governor Booth's mother or Governor Haight's wife at a party dressed in those rich brocaded silks, which are yet the subject of feminine admiration, with hair powdered and pomatumed above their heads, "way up," higher than the most ambitious woman of today—at home engaged in sewing or knitting those famous silk stockings or good, honest, blue woolen ones, or assisting their black servants in spinning and weaving—who knew nothing of the luxury of the sewing machine, the kitchen stove or the French range; whose cooking was done in open fireplaces and good brick ovens—and you have something of the exterior of the lady of a hundred years ago. The gentleman and the lady then as ever compelled homage from true hearts loyal to real nobility wherever and whenever found.

The lesson of the hour is an important one. The example of the fathers shows how dear to liberty is that conviction of right which weighed "life, fortune, and sacred honor" as light in the balance against it. It shows, too, that nations no more than persons can sin and go unpunished. The avenging Deity, though he comes with tardy step and with feet shod with wool, comes with unerring certainty, "visiting the iniquities of the fathers upon the children unto the third and fourth generation." It is this sensitive conscience of justice which in later times has been fruitful of the most thrilling passages of our national history. The time has now come when slavery is no longer a political issue; where there is no divided opinion concerning its abstract or practical injustice; when it has gone into his-

tory to be judged for what it was. I refer to it now only to point the moral of the day. The truths of the Declaration of Independence are ever new and ever applicable. When Jefferson incorporated among the inalienable human rights—life, liberty, and the pursuit of happiness—so long as the nation was true to its charter, human slavery could not exist or be recognized. But it did exist and it was recognized; and the Constitution of these free United States and the laws framed thereunder were a protection to it—a compromise of right with wrong—an implied avowal that life, liberty, and the pursuit of happiness are not the inalienable rights of all men. The keen vision of Jefferson saw the fatal variance between theory and practice, and seeing it he wrote: “I tremble for my country when I remember that God is just.” Had he lived to our day he would have sung:

“Mine eyes have seen the glory of the coming of the Lord,  
He is trampling out the vintage where the grapes of wrath are stored;  
He hath loosed the fateful lightning of his terrible swift sword;  
His truth is marching on.”

The fathers were quick to know and defend their own rights, but they were too tardy in recognizing the right to liberty of their slaves. The great national spelling-book—the Declaration of Independence—was the leaven which leavened the whole lump. The entire South are paying today the penalty of their national sin in a prostrated commerce, prostrate industry, millions of people uneducated, ignorant, unused to freedom and invested with the powers of government, and whom nothing short of generations of education and civilization can promote to the condition an American citizen ought to attain. The nation, North and

South, are further paying the penalty of the national sin in the millions of national debt, in the loose morals and extravagance, the want of public and private virtue which war always breeds, and in an unredeemable currency; evils which only the careful education and watchfulness of generations can overcome. It shows, too, how important is the education of the individual conscience in respect to the national ethics. It is a duty I commend to you teachers, to you fathers and mothers, and to you clergymen, to teach your charge that there should be no compromise with conscience. Concession to wrong is always dangerous. Infuse into the young that moral backbone which stands by its convictions regardless of its results. Then shall your schoolrooms, your hearthstones, and your pulpits be thrones to govern a nation in wisdom, justice and honor. Men so taught might not submit to the ruling of the caucus or the dictum of party. The demagogue would seek other men for his purposes. "Bolting" might be common, but the world would move, and government be improved because of them.

One more suggestion and I have done. "Eternal vigilance," said Patrick Henry, "is the price of liberty." The only permanent basis of a republican government is the sleepless vigilance of an educated citizenship; because under it, every citizen is a law-maker and king. The heaviest strain upon our free institutions has been its rapidly accumulating class of ignorant voters. I have referred to the millions of ignorant blacks whose fallen manacles have been replaced by the right to vote. Besides these there are the annual hordes of ignorant foreign-born immigrants,

unused to our institutions, unacquainted with our laws, frequently not speaking our language; and yet a five years' residence and the oath to support a Constitution, which they never read or heard of, invest them with the royal robes of an American monarch. The theory of our naturalization laws is most excellent, and yet all of you who have attended courts know how loosely are conducted examinations for citizenship; no inquiry as to education, or whether he has ever read or can read the Constitution he swears to support; no scrutiny into his knowledge of the workings of the government in which he is to become a prince. Nay, often the court has before it the signature of the applicant—a cross—the shameless confession of an ignorance which ought to debar him from the privilege he seeks. And I say this not in reproach of foreigners, but only in reproach of ignorance. Our intelligent, educated, sturdy, foreign-born citizens, adopting and cherishing American institutions and American liberty, have been and are the bulwark of the republic. From their ranks we have had a Brady and an O'Connor at the bar, the eloquent and patriotic Baker, and the scholarly statesman, Carl Schurz.

Nor is our native-born citizen free from this kind of ignorance. Not long ago I was called upon in my official capacity to approve the bond of one of your county officers, appointed by the supervisors, and his oath to support the Constitution was supplemented by his sign-manual in the shape of a saw-buck. It was the hope of an English statesman, expressed in Parliament on the discussion of an educational bill, that every Englishman might be able to read Bacon; to which his witty and more practical

opponent replied that he hoped first to see the day when every Englishman might be able to eat bacon. Many of our citizens have spent their early years beyond the borders of civilization and the reach of the spelling-book and common school, where life has been an incessant contest for the bacon of commerce with no leisure to seek the Bacon of philosophy. To such, ignorance is no reproach, only a misfortune.

But among all classes we know so little of our own government. Take a canvass of the crowd around me and how many there are who can not tell the number of presidential electors California is entitled to, what is her representation in Congress, or even how the President is elected! And yet, such men are your princes, with the powers of government in their ballots! Is it astonishing, then, that your elections sometimes play such fantastic tricks?

The hope of the future is in the culture of the young. Therefore, I say, educate your children in the principles of government; teach them the Constitution in all its details; let your boys all be what the theory of your government intends they shall be—politicians—not in its grosser sense of seeking by stratagem and ways that are dark a place upon the body politic where they may feed like famished harpies upon the substance of the people; but politicians in the true meaning of statesmen. Shakespeare makes the fallen Cardinal Wolsey say to his friend Cromwell,

“Be just and fear not;  
Let all the ends thou aim’st at, be thy country’s,  
Thy God’s and truth’s.”

You admit the nobility of the sentiment. In the church and the Sabbath-school and by your fireside you teach to your children the reverent duty they owe to God; in every avenue of life you visit with infamy and shame the man whose lying lips are false to truth; and shall we neglect to enforce upon the plastic mind of youth that country, no less than God and truth, shall be life's chiefest aim?

Yea, and educate your daughters in like manner. Innovation stalks through the years with giant strides. It is within the memory of the young when the portals of every college were closed to the girls; when no medical school dared admit a woman to lectures; when anathemas emanated from the pulpit against her who preached. That day is passed. Colleges recognize no longer sex in the empire of intellect. Even at conservative old Harvard the doors swung tardily back, and brother and sister walk side by side along the pleasant paths of science and of literature. Nature's nurse of humankind receives her diploma of skill in the healing art. The church has learned that the sexless soul speaks God's truth through woman's mouth as well as man's. The day is coming, and is not far distant, when she will ask and receive the right to vote.

There are thousands of women who, by education and intelligence, are worthy the privilege. But there are hundreds of thousands who are unworthy. I tell you women of America to vote you should at least know politics from polonaise, constitution from cosmetics, laws from laces, and rights from ribbons. The lesson of the day reaches out in circles ever widening and in boundless perspective. I am

no optimist; but I believe in my country's future. Its people are today better fed, better clad, richer, more prosperous and better educated than they were a hundred years ago. The great man of today must be greater than the great man of a century ago, because giants surround him. The common school and the newspaper have multiplied a thousandfold the national intelligence. The time will come when government will be through the educated ballot and its machinery will not be held as the victors' spoils. The march of the republic is onward and upward; and if sometimes its course has been enveloped in clouds, and storms have raged around its pathway, when the tempest has passed and the clouds have lifted, it has gathered up its forces, and marched on in the sunshine of an increasing prosperity.

I believe that when another hundred years have passed away, when our dust shall have mingled with its kindred dust, and our children's children shall stand upon the mountain heights of the world's progress, they will behold here a continent prolific in all the blessed fruits of a Christian civilization.

## Society and the Saloon\*

Judge Nye Made the Speech Here Given in San Leandro  
in 1874

“This Local Option Campaign is carried on by a lot of crazy, fanatical, praying women, who don’t know what they want.”

I have been advertised to speak to you as a representative of the devil’s church—that is, the great body of people outside the Christian church, and that is the text from which I propose to preach you a short sermon. You will find it in the gospel of the license advocates. I heard it expressed in that way down here at the blacksmith shop the other day, and you will hear it repeated twenty times daily in every saloon in the State. My sermon is not addressed to the Christian church, and if there are any church members here, I say to you, my sermon is not for you; you need no conversion. It can not be, it is impossible, it is monstrous to suppose that any man or woman can believe in the Christian religion as accepted by the orthodox church—can believe that no drunkard will enter the gates of heaven; and that all of his kind must share that punishment whose eternal torments are described by the burning lake and the sulphurous smoke. It can not be that, with a knowledge of all the facts connected with the retail liquor trade, a

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\* In 1873 the California Legislature passed the Local Option Law, which was followed by exciting contests in many cities and towns for the establishment of local prohibition. After many towns had voted for the closing of the saloons, the Supreme Court declared the law unconstitutional.



Christian can be a Christian and yet favor or wink at in any way the continuance of the traffic. And how much more than impossible must it be that a man be a minister of the Gospel, a man whose every energy of body and soul is dedicated to God's service and the salvation of souls—I say how much more than impossible must it be that at the present crisis he should fail to blow the gospel trumpet and in such a manner that it give no uncertain sound! I speak to you the truth as I understand it and as I hope to make you understand it. And I say to you that my text is not true; it is not true that women and fanatics are the only parties in this fight. It is represented by priest and layman, by Catholic and Protestant, by Christian men and women everywhere; but above and beyond all by that innumerable throng of men who, like you and me, have adopted the custom of the community in which we find ourselves and take an occasional, or a frequent, social drink, but always with a mental protest against a useless, a senseless, and even a dangerous custom, and one which we feel is better kept in the breach than in the observance. And right here I wish to say, I have neither bitter words nor bitter feelings for any man, be he liquor seller or liquor drinker, be he for license or against license. That must be a weak cause which finds its support in anger and not in argument, in temper and not in talent. The law has made the retail liquor dealer my political equal, and I can not conceive how our social equality is changed, so long as you and I take a drink with him or at his bar. It is you and I who take a drink that make his business possible and respectable. He acts upon the plainest business principle. You and I create the demand; he supplies it. If any blame

attaches, does it not belong as much to us as to him? Moreover, I recognize the fact that the average saloon-keeper is as good an average man as community affords. There are scoundrels among them; so there are in every calling or profession in life. True, he is tenacious of the whisky trade; and why not? Men seek those avenues of business where the profits are large and the labor light. And when we get a good thing we keep it. You and I know, everybody knows, that the business is not respectable, not exactly the thing. Nevertheless, where a respectable community patronize the trade, though it be carried on behind screens and painted windows, beyond the sight of women and children, in these money-getting times, I can conceive that it does not require any great elasticity of the ordinary business conscience to pursue the trade as a method of making an easy living, although the ruin that it works is sometimes most glaringly apparent. They eat and drink. They pay their taxes. They love their families and feed and clothe them well. They support schools, and some, the churches; and if we feel that their perceptions are warped and prejudiced by their trade, and if some of them meet our cause with harsh words and foul language, they are nevertheless men, to be treated like men, to be met by argument, not by abuse. And to them I speak—and to men like myself who now and then take a drink, I speak.

Now, what is the cause of this "local option" movement, or crusade, as you call it? You know the early history of California. In the mines there first came the prospectors, then a mining camp; and the first institution there was the saloon, which was the merchants' exchange, the par-

lor, the clubroom, the political, commercial and social center of the camp. The family did not exist; every sale was made binding by a drink. Friendships were cemented by a drink; enmities were healed with a drink. Drinks followed deaths, marriages, and births. Drinks were the common social solvents in prosperity and adversity. California's first Legislature has gone down to history as the Legislature of a thousand drinks; and I think I am correct in saying that every Legislature since, even the last, has followed in the steps of its illustrious predecessor and emulated its reputation in that regard.

And as population and business spread out into the valleys and upon the hillsides, and agriculture and viniculture became leading and wealth-giving pursuits, the saloon followed, and even now, long after families and beautiful homes have supplanted the bachelor's cabin, we find it still the popular resort. It springs up at every cross-road and beside every blacksmith shop. It forms the home, more than any other place, of more than half the floating population of California, and upon them the California farmer has been dependent for his harvest labor. Here the facilities for cards and whisky induced drinking and gambling habits. The working man on Sunday spent all the money earned during the week for whisky, and Monday morning the farmer often found himself with harvest machinery and horses on his hands worth thousands of dollars and at a daily expense of hundreds of dollars—all compelled to be idle because one-fourth of his men were not sufficiently recovered from the Sunday's drunk to do duty on the farm. Every large farmer has been compelled to abandon white labor in the harvest

field and resort to the hated Chinaman, who as yet is too barbarous to visit civilized saloons, drink civilized whisky and play the enlightened game of sell-out.

Ask any of the numerous large farmers around here, all of them owning hundreds and some of them thousands of acres of grain, and they will tell you, every one, that that was the original cause which supplanted white labor with Chinese. And yet the loudest curses against the Chinaman come from saloon-keepers and saloon-frequenters—the very cause that shuts out the white man and gives his place to the Chinaman.

Again, men look over the last ten or fifteen years and they find vast numbers of men who have died with their boots on; and they find that they have mostly fallen in drunken broils and altercations, and within easy pistol shot of a whisky bottle. Again, they have seen our police court calendars full of cases, and more than half of them for being drunk and disorderly. They have seen men in a few years create an appetite for stimulants which their after life can never control. They get disgusted with the tyrannous custom of treating on every occasion. They have seen the saloons at each succeeding election exert a controlling political influence and corrupt the fountains of government by selling that influence for gold, and they have asked themselves, Is there no relief? Why not wipe out this useless and dangerous custom, this corrupting political power, by wiping out the retail liquor trade and all the evils that flow from it?

This sentiment finds expression in the Local Option Law. It gives to each township, city, or town the right to

say by a majority vote whether or not it will have the retail liquor trade. It was drawn by Senator Pendegast of Napa, himself a drinking man; it was passed by a whisky-drinking Senate and afterwards by a whisky-drinking Assembly; it was signed and approved by a whisky-drinking and whisky-selling Governor, and I speak advisedly when I say that so far it has been carried at the polls by whisky-drinking voters; and it does seem as if it now comes with a very ill grace from whisky dealers to complain that it is unconstitutional. It acts upon the utmost democratic principle. It seeks the greatest good of the greatest number. It says to the communities in each town, township, or city, "Choose you now whether you will have saloons or no."

I have said that the opponents of this law complain that it is unconstitutional. It is surprising what hordes of constitutional lawyers this law has begotten. They spring up in every saloon like toads after a summer shower for number, ranged, and discussing upon either side—men whom Judge Story and Chancellor Kent and Judge Cooley have failed to mention in their books as authorities on constitutional law. I do not propose to consider that question. I have never thoroughly studied and examined it; and if I had I should not consider the lecture room or the hustings the proper place *for me* to argue and decide the question. When the question comes before me in my judicial character and after a full argument and mature consideration I shall decide it as the law seems to be.

What we are called upon to determine is whether we prefer a community with a licensed retail liquor business, as it now is, or a community with no retail liquor trade at all.

It is the province of the courts to determine its legality. If they shall decide it to be constitutional, then let it be enforced. If it shall be held illegal and unconstitutional, or if we find that it can not be practically enforced, then we shall have expressed our opinion on the saloon question, and the next Legislature will be in a position to know the public sentiment and to act accordingly.

Now I propose to look at the question in its most sordid sense—as a question of coin, as a question of political economy, and as a question of social economy. I have been taught that the underlying principle of a thriving State is a community of no drones, a community of wealth-makers. The cry of our newspapers is that we lack population. Our State and federal governments take annual, quinquennial or decennial statistics of our lands, our cattle, our grain, our prices, and our population. We form immigration societies, and these statistics so gathered are published in books and pamphlets and spread broadcast throughout the Eastern States and Europe. For what? To draw hither the surplus population of those countries to develop the hidden treasures of our mines, to pile up the garnered wheat from our fertile valleys, to develop the latent wealth which exists in a thousand forms and which needs but human life and energy to utilize. Every mature immigrant represents an actual cash capital in producing value of at least \$1,500—a slave negro used to be worth that—a freeman is worth more. And hence in these United States, where we are receiving an adult immigration of, say, 200,000 annually, there is thereby added to the value of the national working capital the sum of \$300,000,000, and the countries from

which we draw that population are by so much the poorer. Hence it is that English and German statesmen look with so much alarm upon the crowded emigrant ships which weekly and daily leave their ports.

From a money point of view that immigration is valuable only so far as it is a wealth producer. When he ceases to furnish something which will feed or clothe or make better the community of which he forms a part, a man becomes a drone, an idler, and a useless incumbrance. Now in these granger times, when the middlemen and the non-producers are under the ban, let us ask what position does the retail liquor seller occupy in the body politic? You give him your bit, and what do you get in return? A thimbleful of whisky or gin; and the bit passes out and the gin passes in a half dozen times a day. And how are you better off? Is it food? Is it medicine? Are you a better or happier man for it? It is not food; every chemist will tell you so. It is not medicine; if you have got into your head any such insane fancy, just ask your doctors. They will give you a little daylight on that question.

Not a respectable graduate in medicine, even the most earnest advocate of the use of alcoholic stimulants in medical practice, but will tell you that saloon drinking, this social habit of taking a drink at all hours and on all occasions, saps vitality, is destructive of health, undermines the constitution, leaves the system subject to the virulent attacks of disease; and that when attacked, the chances for recovery are diminished a thousandfold by the fact of daily dram drinking. If you will find me a respectable physician who recommends the practice of saloon drinking, as it is carried on and prac-

ticed among us, as a life-giving and health-sustaining institution, I will send him to the insane asylum, and that, too, upon the certificate of any ten physicians he may name in the State.

And now I want to know if the State is not justified in saying, "I, the State of California, will close up and bar out a business which depletes the pockets of my citizens of their cash, and their bodies of vitality; which engenders disease and produces death." But you know that this saloon drinking engenders dissolute, idle, and spendthrift habits; that it begets an appetite which plays the imperious tyrant and will not be controlled. There is scarcely a household that has not its skeleton in some branch of the family, near or remote. And I repeat it and ask you to think of it when this evening's assembly has dispersed. Look right here in this town among your acquaintances of ten or fifteen years ago and find how many men and women, too, there were who took the social drinks; then remember how the appetite grew on them. And where are they now? First, there is a long line of graves, some grass-grown and sodded, and some on whose fresh-turned soil no summer sun ever before shone.

Then here is a man down whose throat has walked, by way of the saloon, harvest after harvest, and finally a whole farm, house, barn, and fences, besides horses and farm machinery, and he now in his old age earns his daily bread by his daily toil. Another a merchant, whose balance-sheet shows capital stock and profits on one side and a retail whisky account on the other to balance. Another with a deeply mortgaged farm, and his daily loads of gin are fore-



closing any right of redemption that may still remain more swiftly and surely than any court of equity could do.

Do you know them? I can give you names and dates—a melancholy row. The wrecks of manhood and womanhood are about us, upon our streets, seen so commonly that we forget the mournful drama by which we are daily surrounded, and the greenroom of whose theatre is behind the screens of the saloon doors that greet you many times on every business street. I remember a physician in this county—a man of culture and education, a college graduate and bearing a diploma of one of the best Eastern medical schools, a man by nature made for a doctor, enthusiastic in his profession and of extensive practice; in the mines he had fallen into the universal custom of saloon drinking, until the fate of many others became his; his appetite was his master. He had drunken sprees lasting sometimes weeks, sometimes months, followed by remorse and sobriety, until the omnipresent saloon awoke again his slumbering appetite. I remember him as a medical witness in a murder case in the District Court in this town. He came upon the heels of a spree, with bloated face, bloodshot eyes, and unstrung nerves and dared not trust his voice or memory until he had swallowed several inordinate-sized drinks. I remember the compliments dropped after the testimony at recess by the judge, the bar, and the physicians for the clearness of his evidence and the accurate professional knowledge of his case. And yet there was not a saloon in this county where he could not obtain whisky, although no gift of prophecy was needed to forecast the result. He died at the close of a prolonged carouse, and the flowers of seven

returning springs have blossomed over his grave at the Mission San Jose. Did *you* ever know of such an example in the medical profession? I have known many; I know that you have.

And now, you defenders of the retail liquor trade, sit down and count out about how much money made in that trade will compensate the world for a life like that? I knew a lawyer in this county—a man of culture and education, one whose opinion had weight with courts and whose eloquence moved juries. Saloon whisky cooked him, and he died a common pauper in our county hospital. Can you find no parallel among the lawyers of your acquaintance? The glazed eye, the swaggering, staggering step, the bloated features, and the perverted, degraded manhood obtrude themselves before you daily. And so it is in every walk and avenue of life. Will you hear the roll-call? No; the grave is a forgiving mother. I know that they were buried tenderly and lovingly. I know that there are those within the sound of my voice whose sable robes are but lately put on, whose broken hearts are buried in the graves of the loved and lost, unfortunate victims of the retail liquor trade. I have no need of story books and works of fiction to illustrate the tragedy of the trade. Fortunately, human affection clings to the unfortunate, and I would not tear open the half-healed wounds of grief by the recital of misfortunes which, but for their wholesome lessons of experience, the grave ought to bury forever.

You remember two years ago in the heart of this town we pulled from the glowing embers of a burnt building the charred remains of two men. The elements of that tragedy

may be summed up in a few words: a bar-room, a game of cards, a drunk, a night lamp, a fire, two men and two buildings destroyed, one widow and two orphans survived. And now I want to know if the State is not justified in saying: "I, the State of California, have seen not only that this liquor trade robs my people of their wealth, depletes them of their vitality, engenders disease; not only this, but it burns my buildings, it multiplies widows and orphans; it fills my land with new-made graves and my homes with mourning; I will therefore bar and close up a business which lives only to destroy."

And what are the relations of the saloon business to the criminal records of the country? Senator Pendegast, who, as I said before, has been the ablest advocate of the Local Option Law, both in the Legislature and on the stump, says that of eleven hundred convicts in the California state prison, nine hundred have been led there as the result of the retail liquor trade. Oakland has the reputation of an orderly city, not having more than its share of drunkenness; yet the police authorities inform me that on an average seven-tenths of the arrests are for drunkenness or crimes committed when drunk. From the monthly report of the police business of that city for the month of June it appears there were 38 arrests for being drunk and disorderly, and 29 for all other crimes; and how many of that 29 were directly or indirectly caused by whisky I do not know. Generally the farther you get into the country and away from cities, the less the drunkenness; and yet were you to watch the records of your justice's court, you would find that nearly as large a percentage of criminal litigation arose from the same causes.

It is a statement often made in temperance papers and in the halls of temperance organizations that three-fourths of all the crime has its origin in the retail liquor trade. It sounds like a wild statement, and I believe it is. I don't think the ratio is so large. And yet, you may take any term of our county court and you would be astonished, as I was, to find how large a proportion of criminal cases arises directly and unmistakably from the saloons.

Every vote you cast for selling whisky is a vote for the increase of crime—a vote for fresh supplies to the state's prison; men who work for ten to thirty cents a day in competition with the workmanship of your hands. How does it look to you—license or no license? And I ask again if the State is not justified in saying: "I, the State of California, have seen, not only that this liquor trade robs my people of their wealth, depletes them of their vitality, engenders disease, not only burns my buildings, multiplies widows and orphans, fills my land with graves, and my homes with mourning, but it robs my men of brains, it educates them for prison walls, it fills my jails and dungeons. I will therefore let fall my heavy arm, and bar out and close up a business which lives only to degrade and destroy."

Without fear, without favor, with charity to all, with malice towards none, in the interests of a better society, in the interests of a community of peace, sobriety, and wealth, in the interests of the largest liberty, but of no license, let us go out on Saturday next, and cast the vote that

"Falls like snowflakes on the sod,  
But executes the freeman's will  
As lightning does the will of God."

# The American Common School

An Address Given at the Dedication of a Public School  
Building in San Leandro, California, July 16, 1892

In early days when a man built a house, his friends and neighbors met and had a house-warming. In a still earlier time before the ingress of cast-iron stoves in the kitchen, when the open fireplace gave heat for family warmth and cooking and a crane swung out from the ample chimney-jaws with hooks of varied length on which to hang the kettles and the pots, when the newly married couple went to their home they had a party, and a sort of ceremony called "the hanging of the crane." It was a custom, the predecessor of the house-warming, and one of the sweetest and tenderest of all the poems written by that sweetest singer of all the American poets is based on that early custom, and is entitled, "The Hanging of the Crane."

Did you ever read it? Whether you ever did or not, get Longfellow's poems and read it, and read it again. In the prelude the poet says:

"O fortunate, O happy day,  
When a new household finds its place  
Among the myriad homes of earth  
Like a new star just sprung to birth,  
And rolled on its harmonious way  
Into the boundless realms of space."

Then the poet relates his fancies; how loving and how happy are the newly wedded pair; how the years bring a

little angel to their home, and more years bring another, and then another, and another; how they grow up to young manhood and young womanhood and go out into all quarters of the earth and build other homes, and the young pair, now grown old, are left desolate and alone. And then at length, fifty years away from "the hanging of the crane," comes the golden wedding day, when the storms of grief and clouds of care all have passed away, and children, and grandchildren, and even great-grandchildren, have come from near and distant lands to pronounce a glad benediction upon the long life and golden fruitage of that family tree planted so many years ago.

Girls and boys of the San Leandro Public School, and you, its trustees and teachers, and you, ladies and gentlemen, its patrons and friends, as we meet here to dedicate forever this beautiful structure to the uses of the education of the young, and to pledge anew our fealty to the American idea that the State owes to every child upon her soil, whether rich or poor, or in whatever condition, the duty of providing without money and without price the means of procuring the best education from the same books under the guidance of the same teachers, to the end that they may all have an even start in life, I appeal to you is it a desecration of the beautiful spirit of that sweet poem if we apply its sentiment to this occasion?

"O fortunate, O happy day,  
When a new schoolhouse finds its place  
Among the myriad homes of earth  
Like a new star just sprung to birth,  
And rolled on its harmonious way  
Into the boundless realms of space."

And when we have gone from these walls and our greetings are over and we have scattered to our homes can not we continue the poet's prophecy?

“And now I sit and muse on what may be,  
And in my vision see, or seem to see,  
Through floating vapors interfused with light  
Shapes indeterminate that gleam and fade  
As shadows passing into deeper shade,  
Sink and elude the sight.”

May we not imagine that from these walls will go the boys and girls who shall control, and own, and manage orchards and farms and factories; who shall control the marts of trade; whose white-winged messengers of commerce shall ride on every sea? This is no idle fancy. As great things have already been done. Seven years ago I saw at the World's Fair in New Orleans an electric railway, perhaps an eighth of a mile long. We all paid a nickel and took a ride, and every man of us shook his head and said: “A pretty plaything, but it isn't practical.” Did you then dream of an electric railroad at your front gate? Who was it whose trained muscle and level head and executive ability built your electric road, and made it one of the best constructed plants in the United States? Not long ago he was a pupil in this public school. We older people had no faith; we shook our heads and kept our hands in our pockets and didn't believe it would pay. He and his kind had faith; but faith without works is dead. He showed his faith by his works and set us all a good Christian example. And he is but one of a host that are worthy of mention.

The schoolhouse is the great character factory of the future; and the teacher is the master mechanic. Here will be cultivated and guided, and, in thousands of cases, will be born and nourished, the ambitions and purposes of life. "What shall I be?" Where is the boy or girl who has not asked that question? Upon you, O teacher, hangs the issue of that momentous question. Sometimes, yes, many times, the answer is framed from home and its surroundings. Sometimes, yes, and how many times, the budding energies of the child are checked and dwarfed at home. His questions, "What of life? What shall I be? What shall I do?" and the embryo dream of better things and nobler possibilities get neither aid nor sympathy from home or its surroundings. Parents frequently have not the ability to advise, and, if teachers fail, what chance is there?

On such an occasion as this it seems to me proper that all the friends of the schools should consult to the end of their better management, that they may yield better results. In what I have to say there will be much concerning myself. God knows there is nothing to be proud of; but because personal experience is convincing. Did you ever go to camp-meeting? You have heard some old saint get up and tell in his simple way how he had felt the Divine hand leading him up and out of the depths of sin, until at length the glory of the Divine life had permeated all his being and made him a new creature. By that simple recital you have seen scores of men and women come out and proclaim their own sinfulness and pray for the presence in them of that Spirit which shall change a life of sin into a life of purity and light. They call it the power of the Holy Spirit.



Well, grant it. But it is the Holy Spirit made powerful through this shining example, this human experience, that convicts and converts.

Now let me refer you to another example of the power of personal experience on the minds and hearts of men. Did you ever read "The Acts of the Apostles"? Well, of course you have, many times, and I beg pardon for the aspersion upon your piety and intelligence that such a question would seem to convey. I refer particularly to Chapter 21, and so on to Chapter 28; I have read them at least a hundred times. There is in those chapters the history of a great man, told in as good English as literature affords, and I doubt if biography can produce its equal. Some time after his remarkable conversion on the road to Damascus, Paul had gone to the temple in Jerusalem for the ceremony of purification. It took seven days. Although a Christian, he practiced and believed in the Mosaic ceremonies. Before the seven days were passed a lot of Asiatic Jews discovered him and they at once got up a mob, ran him out of the temple and were about to lynch him, when the chief of police with a squad dispersed the rioters and put Paul in jail for protection. In a few days they had him up for trial before the Council. Paul began his address: "Men and brethren," said he, "I have lived in all good conscience before God until this day." Just then Ananias, one of the Council sitting in judgment on him, full of venom and hate and prejudice, cried out: "Smite him on the mouth! Smite him on the mouth!" What majesty was in Paul's reply: "God shall smite thee, thou whited wall; for sittest

thou to judge me after the law, and commandest thou me to be smitten contrary to law?"

And then there was another riot and they got up a conspiracy to assassinate him. The police discovered it, and by night they with a force of two hundred soldiers and seventy cavalrymen and two hundred spearsmen (they didn't have muskets and bayonets at that early day) rushed Paul off down into Cæsarea, where Felix was governor. Felix was a Roman and a politician and an office-holder. He couldn't run for Congress; he was appointed governor of a province. He had about as much religion as a snake. But his wife was a Jewess; her name was Drusilla, and I have no doubt she tried no end of means to lead him to her faith. She had heard Paul and was moved by his preaching. What won't a loving woman do for the eternal salvation of those she loves!

One day Felix and his wife called Paul in to inquire about his faith in Christ. What does the record say? "And as he reasoned of righteousness, temperance, and judgment to come, Felix trembled." Why? He had heard of these things before. Drusilla had been drumming them into him ever since they were married. The personal experience of this great man Paul—that was what broke through the tough crust that covered up his dwarfed and crippled religious nature and touched it with the living coals of truth from the Divine altar. "Felix trembled." What did he say? Read the record: "Felix trembled and answered: Go thy way for this time; when I have a convenient season I will call for thee." Paul's personal experience—that was what made Felix tremble. Felix would have made a good aver-

age member of a California Boodle Legislature, for the record adds: "He hoped also that money should have been given him of Paul that he might loose him."

Things moved along in Paul's lawsuit very slowly—almost as slowly as a case in the Supreme Court of California. Paul was not in close confinement; he had the liberty of the town; he was a kind of Salvation Army man. If he had been in Oakland the police would have run him in for obstructing the streets; and if they did he wouldn't have needed a lawyer to defend him; he could defend himself. Two years ran along and still he did not get his trial. Felix's term of office expired, and Festus succeeded him. Festus found Paul a strong man. One day King Agrippa called on Festus. They talked Paul's case over. Agrippa was a Jew, but he was educated in Rome and was a good deal of a Roman. "Let us see this Paul," said Agrippa, and Paul was sent for and came. The twenty-sixth chapter of Acts tells the story of that meeting. Agrippa was born a king, had been educated in Rome, had all the haughty bearing and manner of a Roman patrician added to that of the tetrarch of Judea. Paul was well born and well educated. The record says: "Then Paul stretched forth the hand and answered for himself." Then followed a scene which for strength of character, for sublime purpose, for a faith that knows no doubt, for the convincing power of personal experience, if literature, sacred or profane, has its parallel, I don't know it.

What was the effect? "Then Agrippa said unto Paul, 'Almost thou persuadest me to be a Christian.'" What I want to impress is this: the masterful power of personal

experience. Wendell Phillips once said: "No reform, moral or intellectual, ever came down from the upper classes of society. Each and all came up from the protest of martyr and victim." How true that is! Why? The upper classes never have felt the wrongs they try to reform. He whose soul has been pierced by the iron wrong, he it is whose voice of agony can be understood by others suffering like him.

Now I come to the point. I want to speak of what may be called educational manslaughter and educational mayhem, that is, the killing of mental faculties, or the wounding or disabling through educational blundering. Am I enabled by personal experience to speak? I tell you I am myself an example of the effects of the mistakes and experiments of education. Where are the forty teachers that had me in their charge during the sixteen years or more of my educational career? Three of them stand out bright and clear like electric masts on the shore of a wintry midnight sea; the rest are forgotten. They flit like phantoms in the others' light and fade away. They three were great teachers.

But during a period of twelve years I was a teacher. Are there any educational graves along my pathway? I don't know. I wish I did. Sometimes that fear haunts me as the fancied shadow of the victim follows and startles the murderer. God knows I didn't mean any educational mistakes. But the ignorance of teachers, their failure to wake up dormant faculties—how many graves are filled because of the crimes of ignorance! I remember one, a girl, the child of penury, ignorant, stolid, no spark of mental or moral life apparent. I could wake into life no noble senti-

ments, no aspirations for better things. The grave covered the end of her shameful and sinful life more than twenty years ago. It has always been a favorite belief with me that there is no child so dark but somewhere there is a teacher who can unlock the windows and let in the light. That poor girl never found such a teacher; she groped in darkness to her death. Did my stupidity contribute to the tragedy? I don't know. Great God! If I were only sure and could say no!

I remember another pupil of mine, a boy, here in California, so listless, slothful, and lazy, apparently without capacity. And yet there were occasional exhibitions of ornamental and decorative deviltry that would have been amusing were they not alarming. I have known him to place a bent pin on a seat and watch it for hours; and when the supreme moment came of the sudden resurrection of him who sat on it, I have seen an exhibition of energetic and spasmodic joy in that boy which, if it had gone in the direction of the spelling-book and the arithmetic, would have made him the foremost scholar of the age. But I could never pierce the crust of stupidity that enveloped the boy's intellectual nature.

I left the school; that was twenty-nine years ago. My successor was a lady; she was that boy's savior. Under her tuition he became a new creature, studious, and attentive, not a bright scholar like his sisters, but he made up in tenacity any lack of quickness of perception. He finished a grammar-school course, was afterwards graduated at a commercial college and today is a respected and respectable citizen of Alameda county. Who was she? Miss Rapelje,



a noble teacher. She went to Persia as a missionary and died there. I warrant that she was a great power among the heathen. She converted one before she left California.

I have failed as a teacher where others conquered, and I know I have many times succeeded where others failed, and I believe mine to be the experience of every member of the profession.

But do you trustees think you have a thankless task? If there is anything in the warm, close grasp of the hand of sympathy that will lift you up and speed you on the path of irksome duty, surely I can help you, for I have been a school trustee; let's shake. And my experience was so instructive, and so funny, and so brief, that I think it worth relating. In 1866, I think it was, I was appointed trustee of this Union District to fill a vacancy. The board were, Charles H. Cushing, president; Jacob W. Harlan, and myself, secretary. We held meetings sometimes on a street corner, sometimes in a buggy, and if the frozen truth must be told, sometimes in a saloon, and taken altogether, we were a high old dignified board. One of the lady teachers got married not long before, then she got sick soon after I came into power, and one morning sent in her resignation to take effect at once. I looked after my fellow trustees; they were both gone for a couple of weeks, one to Santa Barbara and one to Napa, as I remember it. I assumed despotic power and put a young lady in the vacant place. I believe she is here today. Next day the principal informed me they were in need of a clock and some crayons. I again assumed the powers of a despot and went to the city, got the goods and paid for them.

Finally the trustees returned and we had a full board and a meeting. I stated with some pride how I had kept the department running in their absence. Then I found that, like the Oakland Board of Education, they had a preliminary private meeting before the public one, and I was "not in it." The result was my action was disapproved; they elected a new teacher in place of mine—put her out without notice or warning. I paid the wages of my teacher, got roundly abused by her brother for not standing by my friends, and paid for the clock and crayons. I counted it up. I had been a trustee twenty-three days; it cost me \$28.35. I had a young and growing family and a young law practice; I don't think it was very growing, and I felt constrained to resign.

About ten years later I was financially better fixed, and I offered my services to my country as school trustee of this same district. ("Offered my services to my country," that's the correct expression, isn't it?) The election came off in due time. A gentleman from Fayal was the successful candidate by a majority of about four to one, and I never doubted the wisdom of the choice. The voice of the people is the voice of God. When you know the people well you can form some approximate opinion of the character of their God.

Later on, I moved to Tulare County, and there I was appointed a trustee of the new Jefferson District. The people were poor. Rough boards, and, in luxurious abodes, cloth and paper walls prevailed in the homes of the people. I owned the only painted house in the district and that was painted only on one side—the rest were whitewashed.

Houses were scattered; my nearest neighbor was two miles away. But when you found a nest it swarmed with children. I called on my nearest neighbor one morning. It looked populous around there. Said I: "Mrs. —, how many children have you?" Said she, modestly: "Ten, I am ashamed to say." What in the world there was to be ashamed of I couldn't see. It seemed to me she had broken the record; but she has another now.

In such a fertile country, schoolhouses are necessities. Ours had been built by contribution. No elaborate ground plans, or front elevations, or Doric columns, frieze, or cornice, or lengthy specifications—none of these. One man offered for his share to furnish a six-horse team; another, their feed; another, a big mountain wagon and a trailer; the others chipped in enough to buy the lumber at ten or twelve dollars a thousand at the mountain mills forty miles away. One bright October morning the outfit started, and five days after, just at sundown, a weary, tugging, travel-stained, dust-begrimed team with the tinkling mountain bells announced the arrival of the schoolhouse, the whole of it. Two days' work of the roughest carpentry you ever saw, with two men, and that temple of education was complete. Green lumber was put up rough, unpainted and unmatched. Three weeks of hot Tulare sun opened yawning cracks in the sides through which you could almost throw your hat, and through which you could take solar observations by day and stellar observations by night. Then we wanted seats; we arranged to borrow them from a Stockton house, with the understanding that we would levy a tax and buy them. We wanted \$106. I carried through all the proceedings of



an election, and we got eight votes for a tax and none against. The board of supervisors levied the tax and it was collected, and that was where my part of the fun came in. Almost all the people were settlers on public lands, either as preemptors or homesteaders, who had not yet got title to their lands, and were therefore not taxable. My land was patented and therefore taxable. Of the \$106 of tax, my share was \$49.36.

Hence I can speak feelingly on the trials and triumphs of the school trustee. That kind of a schoolhouse is not to be laughed at. Whenever I approach a little schoolhouse of that kind I feel as if treading on holy ground. It was in such a building as that, with a ceiling so low that an athletic youth could kick it; with earth banked upon the outside right to the window-sill to keep out the cold—that was the American college where my education began, and there was where I met the first teacher who could make the pages of a school book glow with warmth and interest. I tell you, my friends, if the history of the little brown schoolhouse, its trials and triumphs, both of teachers and pupils, could be told in plain, unvarnished truth, the dreams of the wildest imagination couldn't match it.

Let me tell you a case: On the Tulare plains, four miles from Visalia, lived a boy in a plain, brown, board house, almost a shanty; one of a large family. Overgrown, awkward, bashful, long-limbed, he was the particular target for giggling girls. But he was a lover of books. That was Pete Murray. His father said of him: "Pete is the beatinest boy for books I ever seen, but he ain't wuth shucks to work. I haint no use for him." Even his mother was provoked that

he preferred arithmetic to eating. He had only six months' school a year in the little brown schoolhouse. C. H. Murphy was then principal of the Visalia public school. He and Pete met—it was love at first sight. Pete made the daily journey to school, four miles, sometimes on horseback, sometimes on foot, to be one of Murphy's pupils. And it wasn't long till the "Country Jake," as the girls called him, distanced them all.

Murphy was elected County Superintendent of Schools of Tulare County. He made a place for Pete in his office. Then there came an advertisement that in that Congressional District there was a cadetship for the West Point United States Military Academy to be filled by competitive examinations at Los Angeles. "Pete," said Murphy, "now is your chance." Pete doubted. West Point and the thorough scholarship of that great military school looked a long way off. He feared the sneers that might follow failure. One morning he told his mother he wouldn't be home for three days, but he would not tell where he was going. He went to Los Angeles, to the examination. Murphy paid his way. Three days passed; he didn't come home—four and five days; still he didn't come. His mother was nearly wild. She sat in Murphy's office and cried about it. That night just at dusk the evening train brought the "Chronicle," and the people of Visalia saw the large headlines:

### WEST POINT CADETSHIP.

COMPETITIVE EXAMINATIONS AT LOS ANGELES.

PETER MURRAY, OF VISALIA, THE SUCCESSFUL CONTESTANT

What about Murphy? He picked up the "Chronicle" in the reading-room of the Palace Hotel in Visalia, and when

he saw the staring headlines he looked sort of dazed, then tears ran down his face. Dick Chatten, a wealthy citizen of that town, saw him; he thought Murphy had lost a friend—a mother-in-law, perhaps. “Why, Murphy,” said he, “what’s the matter?”

“Look at that,” said Murphy, pointing to the paper. “God bless the boy. I knew he’d get it.” And then he skipped around the hotel like a wild Comanche at a green corn dance.

Pete realized what good fortune had come to him—a chance to obtain the best education, and board, and clothing, and traveling expenses all paid, and he improved the opportunity. He was graduated in the class of '90. When he got home to the little brown cottage I had the pleasure of making his acquaintance. Six feet in his boots, straight as an arrow, modest, courteous, his physical and mental powers trained, an athlete mental and physical, conscious of his strength, he was a specimen of magnificent manhood. Did the girls call him a “Country Jake” now? Oh, no!

It is a warm climate down there; the girls dress in white, and the Visalia summer girl looks very dainty and sweet. It would make a young man sneeze to look at her. The girls met at the postoffice. This sort of conversation went on: “Oh, Susie, have you met Lieutenant Murray yet?” “No, have you?” “Yais, and he’s just as sweet, and nice, and polite as he can be; and he’s just splendid and so handsome. And don’t you know what fun we used to make of him when he went to school here and wore overalls, and I called him a ‘Country Jake’ and said he smelt cowey, and he heard me? I reckon he’s forgotten it, or

else he's too polite to show it; but he's awful nice. I can't help thinking about him." And then the girl looks with pensive sadness away over the distant crest of Saw Tooth Mountain as if a lost opportunity had escaped and lodged beyond recall. Don't fool yourself, dear, the sting and rankle of unkind words, and jeers, and sneers, never fade.

In a teacher's life there is a tendency to degeneration. He is always dealing with an intellectual life below his own; and there is a tendency to slip back to the level of the life he deals with. When a young teacher begins, there are motives which help to overcome this tendency. He is ambitious of promotion. He is full of enthusiasm that comes of recent contact with superior minds and with his books. But when promotion has been gained or he has reached a spot where he is content or can not reasonably expect further promotion, I tell you the teacher, whether man or woman, who can brace up and overcome the tendency to degeneration and inertness and laziness, is made of sterner stuff than is commonly found in human form. Dr. Nott, for fifty years president of Union College, and Professor Kenyon, the founder and for over thirty years the leading spirit of Alfred Academy in New York, were notable exceptions.

The Arabs have a saying that the greatest enemies of a horse are fat and rest. It is much the same with a teacher. Give him a fat salary and an easy position, and ten chances to one that retrogression will begin. The good teacher's life is one of constant tension and work. He must cudgel himself to prevent falling into inertness and inanity, and he

must exercise his ingenuity all the time in the interest of his pupils.

What was it our Savior said in that great sermon delivered in the temple after he came down from the Mount of Olives? "I am the good Shepherd; the good Shepherd giveth His life for His sheep." How true this is of a teacher. He giveth his life. Have you known any such? I know you have. I don't need to be a prophet to know that we all have now in mind one, aye, more, who have lately gone from this school to answer the roll-call from the other shore.

One virtue must exist in a school or no progress can be expected in any direction; that is truthfulness. It is the basis of all the virtues, and in schools lying is the commonest vice. Did you ever undertake to teach in a school where it seemed as if the devil possessed every child to warp and twist the truth and tell a lie where the truth would serve the purpose better? I have; it was in a community of good morals in the homes—a religious community. Yet, there were plenty of boys and girls that would tell the truth at home; tell the truth on the street; but would come to the schoolroom, look the teacher straight in the eye, crucify the truth and never blush. That comes from faulty and incompetent teachers. A carping, fault-finding, snarling, suspicious, and accusing teacher, ready to believe all things evil and nothing good, will beget a race of liars as sure as a stagnant pool begets tadpoles and mosquitoes; and when that sort of teachers have succeeded one another for generations, it crystallizes the habit of lying so that it is hard to eradicate.

I remember one of my earliest teachers—a lady, who opened school with Bible reading and prayer and then watched and suspected and accused us all of all evil things. How we hated that teacher! She has been dead thirty years. I hate her yet. I remember nothing of her teaching. But the nagging suspicions that beget liars and breed contempt, that I remember; that is all. In my school in six weeks I beat the lying once and forever. I believed in them, and they believed in me. I can't stop to tell how. But one of my strongest aids was teaching mathematics. I tell you, morals and mathematics go together. You never saw a good mathematician who was a big liar. It is impossible in the nature of things. Truth is the foundation of morals; and mathematics are simply the expressions of eternal truth. Twice four are eight. Is that right? Now let's see you or anybody else lie out of it. So in every step in mathematics, you are learning the truth, and it is a truth you can't get around. You can't lie out of it. You take a boy who has learned the first half of the multiplication table and try to convince him that twice four are ten. He will have a just contempt for you ever after.

George Washington couldn't tell a lie. Why? He was a natural born mathematician, and the record shows it. Born in the Virginia woods, in a new, poor and sparsely settled country, he had no chance for the education of the schools, for there were none. He had such education as he could pick up. He could not spell well. I have seen a letter in his own handwriting; there were several mistakes; a boy in your grammar school could beat him. But at eighteen, so great were his acquirements in mathematics, he

was an expert surveyor. Such a boy couldn't lie. So if you have a primary class of liars, put in a square teacher and the mental arithmetic, and if your teacher is good for anything, lying will fade away like frost in a summer sun. And when you get further along put in the square teacher and the written arithmetic and teach them to demonstrate every step, not only demonstrate it yourself to them, but teach them to do it, over and over again, until they are themselves competent to teach. They not only cease to be liars, but they become orators.

What is the secret of an orator's success? Is it not to convince his hearers of the truth of what he says? Now tell me, what conviction is more complete than that which comes from mathematical demonstration? And you get a class up along into geometry, and they have learned to demonstrate the proposition commonly called *pons asinorum*, that the square erected on the hypotenuse of a right-angled triangle is equal to the sum of the squares erected on the other two sides. Then let them try to lie out of it. It can't be done. Mathematics and morals go hand in hand.

It is a saying of the Rev. Sam Jones that red liquor and religion don't occupy the same skin. I say that mathematics and a liar can't sleep between the same sheets. Now I say this in all earnestness. I ask you to watch and see if it be not true. I know how it will be. Some of you will think about it; most of you will say, "Oh, he's a crank; there's nothing in it, and a mathematical crank is the worst of 'em all." My friends, go home and watch your windmill. What makes it pump? A crank away at the top. And your grindstone, what turns it? A crank. And the locomotive?

A crank. Go down into the hold of a great steamship, the empress of the seas; what sends her plowing through the brine day and night, never ceasing, never tiring? It is a mighty crank. And is it not the same in the great field of thought and discovery and of business? There were Christopher Columbus, and Luther, and Melancthon, and Galileo, and Dr. Harvey, and Morse, and Wm. Lloyd Garrison—cranks every one; I disclaim the title. I am not worthy.

Many things I wanted to say I shall leave unsaid. I wanted to suggest whether the school system of California does not spread over too much surface at the expense of thoroughness. I confess to you that my suspicions are very strongly aroused in that direction. I further confess that I am not at present sufficiently informed to give a candid judgment.

Now just one word of benediction to these public school pupils. I believe in you, the men and women of the future. Our time is short. When the world is submitted to your guidance, I believe it will blossom and bear the fruits of a nobler civilization. If not, then these schoolhouses are in vain.

“Our hearts, our hopes, are all with thee;  
Our hearts, our hopes, our prayers, our tears;  
Our faith, triumphant o’er our fears,  
Are all with thee—are all with thee.”



## Memorial Day Address

In 1885 Judge Nye Visited His Old Home in New York, and  
Upon the Occurrence of Memorial Day He Was  
Invited to Deliver an Address at  
Volusia, near Westfield

Today we meet to strew fresh garlands on the graves of our honored dead. Reville no more wakes them from their "iron sleep." Time has dried the tears; sunshine gleams through rifts in the clouds; and now in this sweet springtime, when the green glories of the growing grass and budding leaves and bursting flowers have clad the earth in a garniture of beauty, we can look into each other's eyes with even pulse and speak of the noble cause in which our heroes fell, the now happy country which they died to save, and their manly virtues bequeathed to us as priceless legacies.

Almost to a man, these dead heroes of ours who enlisted in their country's cause from these beech-clad hills had been my pupils; and you whose blessed privilege it has been to have been a teacher of youth know that, after the diviner bonds of the family, no stronger ties twine around human fellowship than those that bind together the teacher and his pupils.

I had seen the bud and the bloom of the boyish mind; I had watched the broadening grasp of the growing intellect as it grappled and mastered scientific truth; I had seen how the heroes of history had imbued their minds with heroic

ardor; I had admired the flashing eye and heaving breast, as in their boyish declamations of the great thoughts of great men they applauded the right and denounced the wrong; I had seen them grow into the fruition of a manhood worthy the promise of such a boyhood. Although in the fitness of things it seems to me that this annual address should be pronounced by some one of the noble living, a comrade of the noble dead, yet, above all human dignities, I prize this privilege that, after an absence of a quarter of a century, the mantle of honor falls on me, in my poor way, to say the fitting word on this memorial occasion.

No soldiery ever stood in battle equal to the rank and file of the republic in the great conflict. Instinct teaches men to love and fight for home and native land without reasoning how, why, or what for. But among their ranks, to this instinct was added trained and educated reason; intellect stored with the political axioms of liberty and fraught with the traditions and learning of a liberty-loving people. Blot out all constitutions and governments and bills of rights and all municipal regulations for the conduct of men, and there was the constructive ability in that army without model to meet in solemn convention and frame a new bill of rights, a new constitution, and new laws, and put in play all the machinery for the thorough protection of all human rights. And if in the fate of war the entire roster of officers had been killed, the epaulettes would have fallen on shoulders in the rank and file of equal, often perhaps, of superior ability. Hence when the conflict came it was a contest of endurance. Hence, when the intelligence of the rank and file saw the blunders of their leaders, or saw men

who had never seen service placed in command of veteran regiments through the merchandise of corrupt politics, they endured and made no murmur. The educated heart and brain behind the guns were the deciding power in battle and the national healer after it.

Although the soldier never, never could forget, and never could forgive the fiendish and deliberate atrocities of Andersonville, yet, when surrender came, the blue and the gray ate from the same rations and smoked the same pipe. Nowhere else, in no other country, with no other army could this have occurred. To me it seems as if the lesson of the hour, the lesson which the lives of the heroic dead teaches, is the overwhelming power of an idea, and American history is its most astonishing illustration. We boast of American liberty, but attempt to define it and its receding boundaries elude the grasp of definition and vanish in a foggy distance. It is the liberty of individual growth.

The central truth of American civilization is that government is made for man and not man for government. And it is the only nation on the face of the earth or found in the records of history whose government was based on that central truth. The Roman republic was, perhaps, the nearest approach to it. There the citizen enjoyed the widest liberty, not because a free government made a better, a happier or a greater citizen, but because a free citizen made a strong government. Ours has a broader basis. The function of government is to give the opportunity for individual growth, and individual duty to government ends where it has given to government the power to grant equal protection to each individual. The citizen is the main

thing and the government the incidental; by that I mean equal rights to all and favors to none.

What do you say, then, when you see your government conferring special privileges; for instance, granting large bodies of land to a few men called a railroad company, while hungry millions hunt for homes in vain? I tell you it is a traitor to its trust and an enemy has its hand upon the throat of American liberty.

And what grand results in individual life have grown out of this underlying idea of individual development! It has made possible such men as Jackson, and Benton, and Lincoln, and Garfield, and a multitude whose names would fill a book. Whence came this American idea of individual growth? Jefferson embodied it in the Declaration of Independence, but the great Preacher of Judea was its author. The burden of the whole labor of His life was the individual soul and its growth, regardless of race, color, age, or sex. He preached repentance to the individual not to nations, and the condition of salvation was individual regeneration. It took the world nearly two thousand years to learn that the same principle which applies with such perfect adaptation to individual spiritual life applies as well to national and political life.

When one has studied the whole history of what I call the American idea, whether he be Christian or infidel, intellectual honesty will compel him to confess that its foundation is the New Testament. And here is one of these strange situations so often in the history of great ideas. Their grandest teachers come from the most diverse sources. Thomas Jefferson, himself an infidel, embodied in the

Declaration of Independence the grand, vital truth of the New Testament; and his strongest aid in its adoption was Benjamin Franklin, likewise an infidel. And so it came to pass that the greatest republic and the purest religion the world has ever known are planted upon the same eternal rock of truth—individual liberty, personal development. Thus “the stone which the builders refused is become the headstone of the corner.” The truth is, politically we are all Christian disciples; the trouble is, half of us fail to learn the source of light, or when we learn are too obstinate to confess it. Such was the liberty which our heroes died to defend; and ours the only government on earth, the guardian of such liberty.

What potent factors in the world's great problems, whether in nature or in politics, are the silent things of life! Large areas of my adopted State, which lie thousands of feet above the surface of the sea, are still covered with sea-shells. Some time in the remote past the earthquake's shock and the volcano's upheaval have lifted this floor of the ocean, thousands of feet below its surface, up to its present position, thousands of feet above. Yet for ages it remained a desert. It was the silent and unseen forces of nature that accomplished its redemption. The quiet but titanic power of frost dissolved the unyielding lava and the adamantine rock, and the sunshine added its potent chemistry, and the gentle rains were the pack-trains to bring together the scanty soil and make fertile spots, and birds planted seeds, until, after revolving centuries had passed, the desert plains and barren gorges blossomed in a wilderness of beauty, and the

stalwart oak and the stately pine pronounced it the fit habitation of man.

The Book tells us that after the slaughter of the prophets of Baal, and Jezebel had sent her threatening message to Elijah that another day should find him as one of them, he received the order to stand in the mountain of Horeb, before the Lord. While awaiting the divine appearance, a great and strong wind swept the mountain. The gnarled oak, whose roots for centuries had twined around the firm rocks, and which had fed upon the bosom of the storm, snapped like pipestems, and the rocks broke in pieces. But God was not in the wind. Then when the terrors of the tornado had hardly passed there came an earthquake. Its giant tread as it strode from peak to peak made the earth reel, and the granite walls of the mountain tumbled like the toy house of a child. But God was not in the earthquake. Then in the path of the tornado and the earthquake swept a fire, making the desolation doubly desolate. But God was not in the fire. All this pageantry of power failed to reach the divine element in the prophet's soul. But when, after the fire, he heard the "still small voice" he wrapped his face in his mantle; he knew the call, and went out to listen to the divine command.

We read the story; we call these things miracles; yet the same miracle is going on every day and all around us. It is the "still small voice" which reaches the heart, and convinces the understanding, and converts the world, and leads to a higher and a holier civilization, where the earthquake shock of war and the tornado of battle and the destruction by fire and the sabre-stroke leave only desolation and bitter-

ness and hate behind. The critical period in our national history was after the war; when the enemies of the republic acknowledged defeat and stacked arms in token of submission. In *form*, the Union was preserved; in *fact*, it was a union but in name. The functions of government remained intact, but among the masses at the South, especially those who had never worn the gray, there was the sting of defeat, a sense of poverty, and, above all, a lingering love for the Lost Cause. At the North, and especially among the masses who had made politics a profession, and those who had fed and fattened on the merchandise of war, and had never worn the blue, there was the exultation of victory, and a clamor for the further degradation and punishment of the conquered South. Out of this state of things could grow no "union of hearts and union of hands."

No such sentiments actuated those who had faced each other in battle. They entertained reciprocal feelings of consideration and respect. When General Lee delivered up his sword to General Grant at Appomattox, it carried with it the Confederate arms and munitions of war, including the horses. "Keep your horses," said Grant, "for you will have use for them to aid you in restoring the South," and that sentiment was echoed by every Union soldier in the service. The exhibition of this noble policy on the part of General Grant was the "still small voice," more potent than the thunder of his artillery in binding up and healing the broken and shattered Union; and be it said to the honor of our poor abused human nature, that when a few weeks since a nation hung with bated breath upon the latest news from what was believed to be the dying bed of the old hero,

the united voice of a grieving and bereaved South demonstrated that no bitterness dwelt in the Southern heart, and that the "still small voice" had been heard and had done its perfect work.

At the surrender of Appomattox the Blue and the Gray shared rations and fraternized on the spot. Looking back over the twenty years of peace, since intervening, I firmly believe that could the reconstruction of the rebel States and their rehabilitation with the powers of government, under new constitutions adapted to the new order of things, have been left to the men who wore the blue and the gray, and under the leadership and experience of men like Generals Grant, Sherman, Lee, and Johnston, many of the disgraceful and dangerous features of the reconstruction period would have been avoided; for even in the hour of the nation's sorest need, men found their way into political life and sat in the halls of Congress whose escutcheon bore the motto, "Self first; country afterwards." Administrative officers receiving appointments under the "spoils system," the friends and relatives of unworthy congressmen, appointed at their special instance, so frequently unqualified for their duties, and more frequently far removed from political or moral purity, evolved results from their control of governmental functions more disastrous than the visitations of war, pestilence, and famine, in that they vitiated that sense of public honesty without which no popular government can long endure.

The treatment of the rebel States as subjected provinces was of course entirely at variance with every principle of popular government, and however necessary it might



have been as a temporary measure, it had nothing in it which could build up a Union sentiment so vital to the life of the republic. And here again became apparent the omnipotent power of the "still small voice." It is always the unexpected that astonishes mankind; it is the simplicity of success that leaves us in wonder.

Columbus discovered a new world by sailing west. Any sailor could have done it. It remained for him to conceive it. After the war and when the republic had been living on credit so many years, wise men wrestled with the question, "How shall we resume specie payment?" The great political parties wrangled over it, and said some wise and many foolish and bitter things. Meanwhile the nimble fingers of industry and the giant wheels of enterprise were multiplying wealth. Ships dotted thickly the bosom of the deep, their prows turned to Europe, laden with the surplus wealth of the shop and the soil. It resulted that while the prophets of evil filled the air with forebodings of bankruptcy and distress specie payment resumed itself. It was the "still small voice"—the silent power of an industrious and commercial people—a voice unexpected and unheard in the din of partizan clamor, which redeemed the nation's credit.

And so it has been in the creation and growth of the Union sentiment in the South. The cementing power has come from a source modest, hidden, and unexpected. It may not have the finish of rhetoric. It may not be fashioned on what you might call the model of the classics, but I firmly believe that I state to you the sober, unvarnished truth of history, when I declare to you that the dry goods

drummer, the commercial traveler, as he loves best to be called, has done more to develop love of the Union in the South, and to draw around the reunited States, among its Southern citizens, a battalion of defenders, whose fealty can never falter, than all the cogitations of Congress and the pompous parade of political oratory which has deluged the country like a flood. In other words it is the fellowship and community of commerce; it is the intermarriage of enterprise and trade which has builded a Union on the broad foundations established by the armies of the republic, stronger and better than our beloved country has ever known.

I trust I shall not be charged with egotism if I use an illustration on this silent, cohesive, cementing power of commerce in the interest of a united country, from my recent personal observations in the South, and I take Atlanta as the example. Prior to the war, Atlanta numbered eighteen thousand inhabitants; it was something of a cotton mart, and was an important center of supplies for the Confederacy during the war. When Sherman made his memorable march "from Atlanta to the sea," he literally wiped it out. There were left three or four churches and as many private houses. Fire, shot, and shell had ruined the rest. It has been said that at the close of the war, crape hung on every third door in the city of Philadelphia, but the people of Atlanta had not even the doors left on which to hang the crape. The people of the South were poor; they were *very* poor; and if there is any stronger term denoting a deep poverty, its use would be warranted by the facts. They had not the means of living, nor the means or power of earning it.

Their country had been the foraging ground of both armies, and there was literally nothing left but the ground, and under the depleting system of slave labor, which took all from the soil and returned nothing, the ground was unworthy of ownership. They lacked the opportunity to work; many had for the first time to learn how.

Meantime Northern men had grown rich through the commerce of war. Their warehouses were bursting with the products of the loom and the shop. Commercial travelers were abroad. They found Atlanta people sitting in the ashes. They were agents for Northern capital, and capitalists came and built railroads, machine shops, forges, and factories, and Southern people filled them and worked, and learned how to work; and thus they wrought out their own salvation. Southern men are in all the administrative situations in the South. Conductors, brakemen, engineers, station men, telegraph operators, are of the best blood of the South. Factory girls and women at the looms are from both North and South. A lady in the Kimball cotton mills, an operative whose speech betrayed her Southern birth, informed me that boys and girls earned from forty to sixty cents each, and she \$1.35 per day. That told the story of a prosperous, industrious community, who had learned the divine remedy for nearly all of human ills—the blessed infliction of labor.

And now the music of the forge and the loom plays the wedding march of the united North and South. Atlanta is a beautiful city, thoroughly and handsomely built, and numbering 58,000 people, who are proud of their town. Its citizens are from the North and South; there is no jealousy

or bitterness between them. It is full of young men, born in the South, and with business instincts, who have gravitated there where business is. The Northern man with capital selects his agents and partners from among them. It is this new South and new North with broad views who have joined hands with the older men there, with sentiments like General Shields of Mississippi, who control public sentiment and political power. They are building up a common bond of union which can never be broken, "and the gates of hell shall not prevail against it."

What is true of Atlanta is equally true in all the centers of Southern commerce. Birmingham, Meridian, Nashville, Chattanooga, and Knoxville have risen like young giants refreshed from their slumbers, and have accomplished results to shame the labors of Hercules. They smite the mountains and tunnel the earth, and tardily they yield their generous treasure. The school and the church are their temples of wisdom and religion, and the arteries of commerce throb with a pure and healthful life. They may successfully challenge any of the cities of the republic to show among its young men less of indolence and debauchery, dissipation, and crime, and more of honesty, industry, energy, sobriety, and virtue. Wherever the spirit of commerce has come, even the old men who lost all, and who are yet poor, look you squarely in the face and pronounce that no such material prosperity as they now witness could have been attained under the slave system; that the new order of things has been the salvation of the young men, and that their last days are better than their first. If there be any who still hug the old delusions, and drone over

the glories of the Lost Cause, it is at the remote cross-roads, where the railway, the daily paper, the schoolhouse, and the spirit of commerce have not yet reached. Their time, however, is sure to come. But the South, the great regenerated, commercial South, unite to shout the chorus of "The Union Forever."

Already too long have I wearied your patience. Drop a pebble in the middle of the glassy lake, and the receding wave spreads onward and outward until it laps the farthest shore. So the lesson of this day reaches out, in circles, ever widening and in boundless perspective.

They whose graves we meet today to decorate and to whose high courage and patriotic devotion we humbly bow in honor, we could not forget if we would; we would not if we could.

"Forgotten? No, we never do forget;  
We let the years go; wash them clean with tears,  
Leave them to bleach out in the open day,  
Or lock them careful by, like dead friends' clothes,  
Till we shall dare unfold them without pain—  
But we forget not, never can forget."

I see before me men who survived to bear the ensign of victory where your comrades fell. What fit word can I say to you, ye heroes of the Grand Army of the Republic? Since then almost a generation has passed. The firmer tread of middle age has followed the elastic step of youth. Gray beards and scanty locks are the prophecy of advancing years. To you and to me the forenoon of life has been succeeded by the midday, and now the slanting rays of the western sun are projecting our ever-lengthening shadows towards the east.

We have all seen our beloved country, redeemed by your valor, marching on in a career of prosperity which has been the envy and admiration of the world. Upon her wide domain the sunshine ever falls; for while the dark forests of Alaska are casting their shadows athwart the mountainside in the western sun, already the glint of its eastern rays has lighted the coasts of Maine.

Gentlemen of the Grand Army of the Republic: The gratitude of a great nation is your monument, more lasting than brass. May the Great Almighty Hand that holds within It the destinies of nations have you in Its tender keeping!

# To the Settlers of Tulare County

Delivered in Visalia at the Valley Road  
Celebration, September 9, 1897

I have heard Tulare called the "God-forsaken"; not once, but often; not seldom, but generally. Rumor, lying Rumor, has given Tulare a reputation away from home which she doesn't deserve.

My friends, I am a sinner. I have sinned against Tulare. I believed what Madame Rumor said of her, but I have seen the light. I came here for the first time ten years ago. I came to scoff; I remained to pray. And now at this love-feast of the faithful will you kindly indulge me a few moments to hear the story of my conversion?

When I first came here I heard the song of the sirens; not the females that live on the rocky islands of the Mediterranean, gifted with such sweet music that the passing sailor yielded to the hypnotic spell, turned his prow to the fatal rocks and met shipwreck and disaster, rather than miss the charm of their voices. Not that kind. They were male sirens; the San Joaquin real estate agents. They sang no less sweetly than their sisters of the rocky islands of the Mediterranean. They lured me away to the foothills of the Sierras. When we came back they had my money, and I owned a ranch in Antelope Valley. I tell you, if you would avoid the fascinations of the San Joaquin sirens, you must do as Homer says Ulysses did when he sailed by

the islands of the sirens; he plugged his sailors' ears with wax and tied himself fast to the ship's mast until they had sailed far past the sirens and their fascinations.

In the fall of 1888, I moved up here with all my household goods in a Southern Pacific box-car, and paid \$63 freight. I have heard that corporation abused, reviled, railed at, and denounced for extortion, cupidity, and meanness; reaping where it has not sown and gathering where it has not strewn. I do not see why. No agency has done so much to settle Tulare with a permanent population. It takes all we have to get here. It takes all we can raise to get our crops to market, except a little for seed, and we are bound to stay. Is it not a benevolent and enlightened policy—this management of the Southern Pacific, which has settled this county with a permanent population? During the tide of emigration to the Dakotas, eastern roads made a rate of \$38 a carload from Buffalo to Fargo, a distance of 1,200 miles. I paid \$63 a carload from Oakland to Kaweah, a distance of 250 miles. I submit that those eastern roads have not learned the first principles of railroading.

That fall I began farming. At length my land was plowed and the seed sown. Heaven sent the south wind, the sunshine, and the rain. God performed his miracle of the growing grain, and harvest came, and we had about \$8,000 worth of grain, here in Tulare, the God-forsaken. Two or three years ago they had a famous revival here in Visalia. In the audience was a man who had a large experience of the world. He had sailed on every sea; he had been a miner in Australia, in Nevada, in Arizona, and in



California, and finally settled in Visalia. Everybody attended the revival, and this man among them. The revivalist painted the beauties of Paradise; and so vivid was the description that almost every one could see the golden streets, the gates of pearl, the pure river of the water of life, clear as crystal, with the tree of life on either side yielding every month the twelve manner of fruits. He painted also the other world, where hope is lost and horrors live; where regret and remorse, hopeless and awful, gnaw at the heartstrings forever and forever.

"Now," said the speaker, "all who want to go to heaven, please rise," and all arose except the miner. The audience was seated. "Now," said the speaker, "all who want to go to hell arise." No one arose. "My friend," said the speaker, addressing the miner, "don't you want to go to heaven?"

"No," said he, "I don't want to go to heaven."

The speaker paused a moment. He had never met such a man before. "Well," said he, "you don't want to go to hell, do you?"

"No," said the miner, "I don't want to go to hell."

"Where do you want to go?"

"I don't want to go anywhere," said the miner, "Tulare is good enough for me."

When I looked on that wheat crop I thought the same: Tulare, the God-forsaken, is good enough for me.

Did you ever see God's miracle of spring in the San Joaquin? If not, you have missed one of the world's greatest wonders. In the month of March, 1889, I drove from Antelope Valley to Visalia through a continuous

flower-bed eleven miles long, and on either side, as far as the eye could reach, and farther; miles and miles to the north, and as far to the south, was the same bewildering and dazzling prodigality of flowers blazing in all the colors of the rainbow, and filling the air with their perfume.

Northeast of our house in Antelope Valley was a little delta—perhaps a quarter acre—formed by the junction of two small arroyos, lively streams on a rainy day and dry at other times—too small and too gravelly to sow to grain. This spot Dame Nature seized upon to show her skill as a flower-gardener. She left no square inch uncovered. In the combination of colors, in the gorgeousness and blinding brilliancy of hues, a landscape gardener would die of envy and despair should he try to imitate them. My partner (that is, my wife) one day gathered from this flower-bed a house bouquet. There were forty-three varieties. In two or three weeks all these varieties had disappeared and their places were supplied by others, no less in variety or in gorgeousness of color. Later on came the beautiful *Mari-rosa* lily lifting her majestic head above the wheat, smiling and bowing her compliments to every passing breeze. The spring wore on; the hills grew brown; then came a blush of pink flowers all over the hillsides, and in every cañon. It was Nature's last effort to adorn herself for burial. The hot breath of the summer came; it kissed the growing grain, it turned to gold; it kissed the flower-decked valleys and hillsides, and they put on the russet robes of death. Death, death, death everywhere!

And shall death reign forevermore? And shall life come nevermore? Ah, my friends, God's miracle of

spring—we know that life and beauty shall come again. If the Good Father has touched the pulseless heart of the Mariposa lily-bulb with the precious hope of another spring, what of ourselves? If we die, shall we live again? If I had ever doubted the immortality of the soul, the experience of one springtime here in Tulare, the God-forsaken, would convince me beyond the possibility of a doubt.

I have been in every State of this Union, nearly. In Maine, first of all the States to salute the morning sun; in Kentucky, the land of fast horses and fair women, where every third man is a judge, and all the rest are colonels; in the sandy peninsula of Florida, where they boast of flowers; in Canada, among the beautiful Thousand Islands of the St. Lawrence; in Central America and in Mexico; but in the beauty and lavish luxuriance of its wild flowers, Tulare takes the cake and wears the crown.

In the month of May I rode on horseback to the top of the ridge which separates Antelope Valley from the Lemon Cove country and the Kaweah River, a rise of 800 or 1,000 feet above the floor of the valley. The air was clear. With a field-glass, valley and mountain lay before me like a panorama. At my feet to the north was the Antelope Valley, like a brilliant gem in its mountain setting; to the south, the beautiful blue Kaweah, carrying on its bountiful bosom luxury and life to the thirsty valley below; to the east and extending north and south, out of sight, range on range piled to the skies the grand mountains, surmounted at the sky-line by the snow-capped Sierras; to the west and extending north and south beyond the line of vision was the broad, fertile valley of the San

Joaquin, threaded everywhere with the green ribbon of trees and verdure where the snow-fed living waters flow. Tulare lake glistened in the sunlight. In the distance railroad locomotives with sinews of steel and breath of fire tugged and puffed at their burdens like tired giants.

The beauty and grandeur and magnificence of that scene I can not describe; perhaps human language is adequate, but I don't know how to use it. It must be seen to be appreciated. It seems to me that only the painter's brush and the artist's soul can give the scene fit expression. And wheat! The golden wheat at my feet and spreading out in never-ending vistas, bounded only by the power of vision—wheat enough to feed a State.

Another season, drouth came. The plains were naked and the mournful bellowing of starving cattle pronounced the coming famine. But Tulare has learned better things. The abundant rivers that idly sang on their journey to the sea have been harnessed and driven out in ditches and canals, and taught to do the bidding of man.

Tulare is full of wonders. Its history is thrilling and absorbing — not its human history, that is interesting enough, but I mean such history as God writes in forest and river and valley; in majestic mountains where the titans of fire and frost have left their writings in an open book.

Four years ago you had set up here in the streets of Visalia a section of a Tulare sequoia, on its way to the World's Fair at Chicago. It was twenty-eight feet in diameter, and more than twenty-three hundred years old; and it might have lived another thousand years had it not

been murdered in a green old age by the ruthless hand of man to spread Tulare's fame and sate the curiosity of a mob at Chicago. Think of the life of that tree! When our Savior on the coast of Galilee and among the Judean hills was teaching those doctrines that thrilled the world and created a new civilization, that tree was a vigorous, lusty youth of four hundred years. Empires and dynasties have been born, grown old and decayed, but the tree lived. One generation of a man's life is a little over thirty years; one generation of the sequoia's life is three thousand. They say that these are the last of their race; that four counties of this State hold all there are in existence. The man of science further says that time was when the sequoia flourished away within the arctic circle and far toward the north pole. When? When?

Eight or ten miles east of Tulare Lake they bored an artesian well a few years ago. More than four hundred feet below the ground the auger brought up chips from a redwood log. How came it there, and when? At some time the San Joaquin Valley was a gorge sloping down the Sierras on the east and the Coast Range on the west, to the bottom of a dark and yawning chasm. Later it became an inland sea. The rivers from the eternal snows of the Sierras came laden with sand and soil and with forest trees, snapped by mountain storms, and dropped their burdens in the bottom of the sea; so the sea filled up and after long ages swamps and islands appeared; then the dry land came, the rivers ran in channels and the valley became the fit habitation of man. When was this valley a chasm? When a sea? How long ago?

The sequoia is the emblem of God's This Afternoon; the building of this valley is God's This Morning. The man of science calls this valley a modern structure. In human years, how many?

My daughter strolled to the top of the mountain south of our house and returned with a piece of the petrified root of a white-oak tree. The process of petrification had been arrested, for with the point of a knife one could pick out the unpetrified fibers of the wood. Where did that tree grow, and when? Some time it had lain in mineral-laden waters until it was transformed to stone; how long, and when? How came it upon the barren mountain top? Did the volcano's upheaval lift it there from the floor of the sea? We can feel with Newton, Huxley, and Darwin the shortness of life, and the narrowness of human vision. Truly it is an infinite treasure-house of wonders—this Tulare, the God-forsaken.

Nine years ago I came here to live. The twin devils, dyspepsia and insomnia, possessed me; they called it nervous prostration. Foothill climate invigorated and energized and thrilled like rare old wine. And the day-dawns and the sunsets! Italy, the beautiful, can not rival them. The fountain of eternal youth which Ponce de Leon died in seeking, I found here in the foothills of Tulare.

In the early history of the Methodist church in Indiana, the camp-meeting was an institution. They gathered in groves and lived in tents for weeks in communion and worship. The presiding elder was a powerful man, spiritually and physically, equally competent to persuade

or compel. They had an army bugle (they called it a horn), a relic of the Black Hawk war, to call the crowds to prayer and worship; and when the presiding elder blew a blast from the bugle's throat, it seemed as if the very soul of music summoned men to repent and believe. The irreligious and the mischievous were there, and they furiously filled the bugle's throat with soft soap. So when the presiding elder blew the bugle blast it made an uncertain sound, and the air was full of soap. His wrath arose. Achilles never looked more warlike. Said he: "My brethren, I have been a humble candle of the Lord for more than twenty years; I have tried to be a consistent Christian, but by the grace of God I can whip the man that put soap in the horn!" I am no fighter; I try to be a good citizen and keep the peace. But to hear Tulare called the God-forsaken makes me "tired," and I can whip the man who says it.

Is farming in Tulare always a picnic or a summer dream? Do \$8,000 crops come every year? Not by a large majority. The most generous mother must enforce discipline. When her boys announce that hard work is played out, when they borrow money instead of earning it, and gamble on the price of wheat or land, and make mistakes; when they ride the earth to death with successive crops and never a rest, they find at last, "Earth bears no balsam for mistakes." It is then the righteous mother takes her offending offspring across her knee and lays on the hard hand where it will do the most good, and until repentance comes. You know how it is yourself. You

can not have forgotten your childhood and your mother's slipper.

That is what our cherishing mother, Tulare, the bountiful, has been giving us for the last six years, and it seemed as if she would never smile again. "Weeping may endure for a night, but joy cometh in the morning." Our night has passed; our morning has come. A bushel of wheat brings an honest dollar. What do we care about free silver? Steers sell at six and one-half cents; the Tulare mortgage-lifting hog is a gentleman; raisins are rising; wool has doubled in price within a year; orchards groan under their loads of fruit; labor finds reward, and the Valley Road has come! What more can we want? Last year we blamed the administration for low wheat; this year we know that the laws of trade control the price of wheat regardless of the administration. Experience teaches a dear school.

My time is up. I want to speak of many other things; of the argonauts of Tulare, the noble men and women who braved the torrent and desert and mountain, to settle Tulare; of the magnificent young manhood and womanhood which they have reared; of your schools and schoolchildren, for what is a country divorced from its people? The soil might run over with fatness; savages or slaves might cumber it. Some other time, perhaps, I may speak at length.

What of the future? "Eye hath not seen nor ear heard, neither hath it entered into the heart of man," the things which the future holds for us. The natural capacities of Tulare for material prosperity and wealth are not excelled



by any county in the State. When soil and water are brought together, and that time will come, every inch of her foothill and valley will be fertile and productive, and then Tulare can support the densest agricultural population on the face of the earth.

The most auspicious event for this community in a quarter of a century is what we now celebrate. It is the greed of monopoly that grinds. This is but a small beginning. The time will come when your frostless foothills will glow with the golden fruitage of the orange and lemon (they have begun it already), and here will be the world's supply of the rarest and the best. There are imprisoned giants in your mountains. Take back the bolts, take down the bars, open wide the doors, let loose these giants which have slept through ages, and electric power will move your cars, will turn a million spindles, make the furnace glow, furnish power in every form, light your cities, towns, and homes, and the plow, the loom, and the anvil will sing the glad chorus of a rich, an industrious, and a happy people.



Letters of Travel





THE ROAD TO SORRENTO



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## Naples and Vicinity

NAPLES, March 27, 1901.

Dear Uncle and Aunt:

We brought with us Mark Twain's "Innocents Abroad" and are verifying it. It is true in every word and line. There are a few things he doesn't treat of. All freighting is done on high-wheel, narrow-tire carts, with thills to which is attached a horse, cow, ox, or donkey. More power is evolved by putting on another animal to one side, and still more by putting another animal on the other side. I saw no four-wheel conveyance for any purpose except passengers. The loads those carts carry are enormous.

Freight and cab horses are very small, from seven hundred to a thousand pounds, and sell from \$15 to \$30. Carriage horses of the wealthy are large and fine. Many of the freighters are propelled by a small ox, a very small skinny mule and a still more attenuated donkey hardly larger than a jack-rabbit. Our carriage ride to Sorrento brought us over the beautiful, level farming lands drained by the Sarno. It is one wide garden in small holdings.

Cauliflower, cabbage, artichokes, carrots, onions, potatoes—everything that grows in a Portuguese garden grows in the mellow, fertile soil, including the horse bean, now in blossom, with now and then a peach tree in bloom. Beyond the gardens a fine macadamized road of good grade winds up the mountains; the view is entrancing—on one

side the terraced steep, covered with the orange, the olive, and the vine, with often a monastery perched on the highest point, while below, the beautiful, blue bay of Naples, with its graceful curves, and little towns gleaming in the sunlight from wooded promontories high above the sea, made a charming picture. Such a place was Sorrento. We were given quarters that harmonized with the scenery. Through a garden bright with flowers, up marble stairs lined with potted plants, to an entrance enclosed with trailing vines, which led through marble halls into spacious rooms, the opposite ends opening on to wide balconies, overlooking the sea way below—this was fairyland indeed in all its appointments. Three stories of balconies, one above another. The ladies went wild when they found they were camped in what had once been a palace—now, Hotel Vittoria—fourteen miles from Pompeii.

In the suburbs of this town lives Marion Crawford, the author. The next day we were given our choice either to go by sea to the Blue Grotto, thence by boat to Naples, or to return the way we came—both were tempting. It was a case of

“How happy could I be with either  
Were t’other dear charmer away,”

but we chose the carriage road.

Naples is a city of half a million. Old Vesuvius smokes serenely night and day—a perpetual menace which no one considers. History here is all around us. Cicero had a summer place in Pompeii and there wrote “*De Officiis*.” Virgil lived close by Naples, and here is his grave. Sallust had a home here. Julius Cæsar had a



summer palace on the Island of Capri here in the bay, and Augustus Cæsar lived there afterward. Tasso lived at Sorrento, and there died. It's a sort of creepy country—as if Cicero might appear, toga-clad, and begin his oration against Catiline in the ruined courtroom of Pompeii. I had the satisfaction of having a pair of able-bodied de-secendants of Brutus or Cæsar carry me in a chair through the ruins of Pompeii at a dollar an hour, but they have no religious sense of the sacredness of a contract, and I paid them each another franc for Sunday wine.

Yours,  
NYE.

## The Old and the New in Egypt

CAIRO, EGYPT, April 7.

Dear Robert:

A week ago yesterday we started for Upper Egypt, Assouan, about 700 miles from here, being the objective point. The first stopping place was Luxor, 480 miles away, where are the ruins of ancient Thebes, a city once of half a million. The valley of the Nile is from five to fifty miles wide, is very fertile, and depends solely and entirely on the Nile for irrigation. The river has a continuous stretch of 1,800 miles before it branches; one branch coming from Lake Victoria Nyanza, which it drains, and the other leading from another direction. And when the copious summer rains come in Central Africa, then the Nile, about the middle or last of July, begins to rise and continues until along in October, when all Egypt is literally and absolutely under water, except the foothills and a few swells of land in the valley. All the people move to the mud-huts at the foothills.

Egypt is absolutely rainless; a few showers occurring in a year, so scant as to evade measurement here in Lower Egypt, but in Upper Egypt none. Our landlord at Assouan had been there twelve years; not a drop of rain had he seen but twice, and then only scattering drops. In Lower Egypt are copious dews most of the year; in Upper Egypt never a dew.

At Luxor we were in the midst of wheat and barley

harvest, wheat averaging twenty bushels. Here at Cairo it is 54 cents a bushel. When the water of the Nile falls, about October or November, and the ground dries enough, they plow and sow wheat and barley, which they are now harvesting. As soon as the harvest is off, the land must be irrigated from wells by a rude kind of pump or water-wheel, and even by the old-fashioned well-sweep. The water-wheel is generally propelled by one or two cattle and discharges about 1,680 gallons an hour. The ground when wet is plowed and planted to Indian corn, which ripens in seventy days; from planting to harvest, corn requires wetting every few days, and one farmer's crop is from three to ten acres. Yellow corn, the more hardy, yields forty bushels to the acre; the largest white dent as high as seventy. By the time the corn harvest is over the Nile begins to swell; wells are as deep as the level of the Nile. Owing to the difficulty of getting water, no second crop is attempted in some portions of Upper Egypt.

The annual output of wheat and maize in Egypt is something over 24,000,000 bushels. Then there is an immense output of white Egyptian clover, of alfalfa, cotton, peas and beans, potatoes, tomatoes, and a thousand things that go to make wealth and support a dense population. The harvest is to us funny; no wagon, cart, horse, threshing-machine is in the outfit; sickles nine or ten inches long wielded by men and women do the cutting; grain is bound in bundles, and carried on backs of camels and donkeys to the common village threshing floor, each man's stack by itself; a single watchman protects the village output against theft. Cattle and donkeys tread out the grain, and in the dry, desic-

cating climate, the straw breaks up into chaff; so when threshing is over nothing is left but chaff and grain. The grain is winnowed in the wind, put into 350-pound bags, and the camel shambles his way to the river bank or train and delivers his two bags at a load.

A camel is an eternal query. I saw one loaded at Assouan for a thirty days' trip to the interior of Africa. He kneeled and squatted on his haunches in front of a store; out came a 20-gallon cask of vinegar, then a great square box of merchandise, then a 5-gallon demijohn of wine, then more boxes and bales, until on his long-enduring back rested a burden of over 700 pounds, bound for Khartoum, a thousand miles away. Every eight hours his burden is removed for rest; every three days he gets water and every five days feed. Such is the camel—the ship of the desert. For 4,000 years the wealth of Ormus and of Ind has pressed his patient back to reach its sure destination. His day is waning; English pluck and capital have pushed the civilizing railway half way from Cairo to Khartoum, and white-bearded men are now living who shall travel from Cairo to Cape Colony by rail. Egypt is waking from the sleep of centuries, and her last days shall be better than her first. God speed the day. There is a whole lot to dream about, but I started to state facts. You can do your own moralizing.

Oh, yes, one more thing—the stock; Egypt is full of it; ordinary cattle, the water buffalo, sheep and goats, which furnish the meat of the country. England has taken the management of Egypt from the Khedive; gives him a half million dollars for his personal expenses; the rest of

the income goes to pay interest on the public debt, for internal improvements, and for the betterment of the people. So that the fellaheen (the peasantry) are not only living, but saving money and putting it in live-stock.

Just as soon as the harvest is off, stock is turned on to eat the scanty stubble, and when the threshing floors are empty the chaff and powdered straw go to make fattened stock, and these reach the abattoirs of Cairo and the smaller towns and make good meat. The amount of live-stock in Egypt today is more than three times what it was ten years ago. Labor is cheap. Under the Khedive, when the canals needed cleaning, and the sediment from six inches to two feet deep had to be taken out every year, he made drafts of men according to population, and even though it was in harvest time, the poor devils had to work for nothing, getting poor board; it was hard. English rule has changed all that, paying two piasters (ten cents) a day, and there is always plenty of labor offering. Harvest hands, great sinuous six-footers, lithe and strong, get from two to four piasters and board themselves.

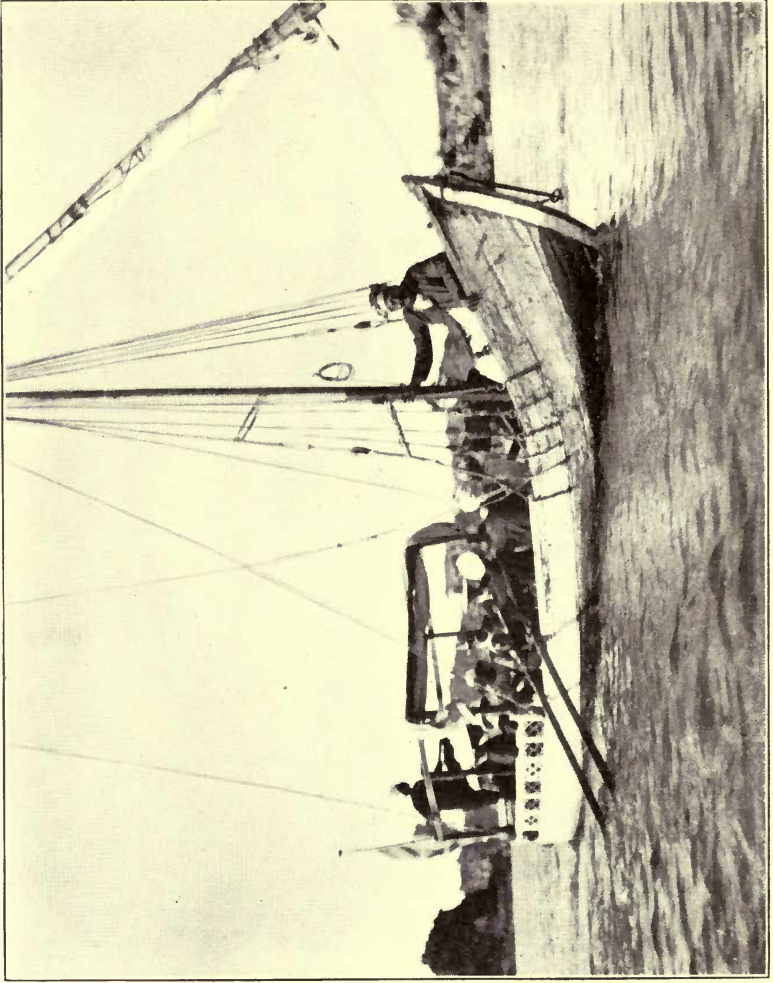
Last Monday morning at Luxor, at 4 o'clock, we took a boat from the bluffs on the east bank of the Nile and crossed to the west side, where were shallows, there to take donkeys, to see the ruined temples of Thebes. We ran into the shallows still fifteen or more feet from the shore. I stood upon the edge of the boat when a stalwart son of Cleopatra came up, shoved his shoulder between my legs, and walked off with me to dry ground and without a grunt sat me on a donkey. Dressed in a dilapidated nightgown with a turban around the head, barefooted, barelegged,

sometimes nude except the turban, fearless of sun or water, who never hunts the shade when the record is  $110^{\circ}$ —that's the man you hire in the harvest field.

Well, here we are, where history, on obelisks and pyramids and temples, goes back towards the morning of time. We are within two hours' donkey ride of Goshen, where Joseph located the old man and the boys, his brothers, so long after they played the sneak on him and put him in the pit, but repented and sold him to the Bedouin merchants going down to Egypt. Well, you read over again the story of Joseph, Genesis, fortieth chapter and on. Joseph was a brick; the brightest of the lot; was sent down by the old man to see how the sheep-herding business was getting on over in the poverty-stricken hills adjoining Canaan.

Egypt, the lower part, is as picturesque a country as I ever looked on. Wide, wide stretches of country level as a floor, dotted all over with palm trees, the golden grain in large tracts, showing the fertility of the soil, and the gardens and green pastures of alfalfa and clover, the golden sun forever shining upon the sinuous, lazy Nile, creeping to the sea—that's what meets the eye now; it was the same 3,800 years ago when the young man came here mounted on the hurricane deck of a camel, and I'll bet a hat he saw the difference between the poor hills of Palestine and this fat land which he then saw and which I now see, and he saw that the chances in the new country beat sheep-herding out of sight. What happened to him has happened to many a young fellow who was reared in small surroundings, but had the capacity for bigger things. He became Pharaoh's





CROSSING THE NILE



right bower; he got up a corner on Egyptian wheat—well, you know the rest.

Here we stand in sight of the place where all this occurred. Tomorrow we go to Goshen. There was no marvel or miracle about it. He was worthy to have been president of the Vanderbilt railroads, and would have been had he been born in the United States, say, 3,800 years or so later.

Up at Assouan we saw more old temples and palaces and ruins. We also saw in progress the most stupendous feat of civil engineering of modern times. They are damming the Nile. From mountain to mountain they are stretching a dam of solid granite masonwork one and a quarter miles long, forty-six feet high above the surface of the river, and going to bedrock below, in some places eighty feet. It will back up the river and make a lake 140 miles long. It will harness the Nile so that when the engineer touches the button the Nile will go here or there at his behest. This great body of water will be taken out in canals to give life and fertility to millions of acres of now desert waste. It will cost \$25,000,000; employs now 8,000 hands; they have had 12,000; it will not be completed for three years. I spent an evening with one of their men—a young civil engineer, English, bright, ambitious, full of his work, and a whole encyclopedia. He has been in the deserts of Africa for four years; takes each year a three months' vacation in the hottest part. He is the type that is converting the world; devoted to his profession, proud of his work, seizing duty by the foretop and going whither she leads. God bless the young Britisher!

What a civilizer and converter is the railroad! All trainmen are Egyptians and Bedouins, proud of themselves and of their acquirements; the engineer proud of his engine and of the control of it. EGYPT REDIVIVUS! In its embodiment in art, the sinewy six-foot Bedouin, his hand upon the engine's throttle, confident and proud of his power—that represents EGYPT REDIVIVUS! To the engineer it is \$50 per month, to the other trainmen \$25 per month, not ten cents a day; that means modern civilization. It is the morning herald of a new birth for Egypt.

There is a whole bookful to write, but I spare you. I get more satisfaction out of the knowledge of the people and productions of today than of all the dry mummies of Rameses and Sesostris.

We will soon continue our journey to Palestine. Here is a story Frank Crane told us as we were leaving New York: A Jew came to the Sea of Galilee and wanted to be rowed to the spot where Christ walked on the water.

“Vat ish der price?” asked the Jew.

“Ten cents.”

“Dat ish all right; I pays it now,” and out came the money. He was taken out on the water and assured that was the very spot. “Now take me back,” said the Jew. He was told there was more fare going back. “How much?”

“Five dollars, please.”

“Fife tollar! No vonder he valked!”

I'm keeping that to paralyze the tourists on the shores of Galilee. We are having a fine trip.

With love, STEPH. G. NYE.

## From Cairo to Beirut

BAY OF BEIRUT, SYRIA, April 12.

My Dear Kinsell:

How came we here? Thus: We finished our Egyptian tour Tuesday; Wednesday we came back from Cairo to Port Said (not going to Alexandria) to take steamer for Jaffa, the Palestine port for Jerusalem. We shipped at 9 P. M. Wednesday, but Tuesday came a telegram to Cairo that a twelve-year-old boy was found dead at Alexandria, and the board of health's officer, or physician, declared he thought it the black plague, and the Sultan's (Turkey) government had declared a quarantine against all vessels touching at Alexandria. Ours is an Austrian steamer (the Venus), had touched at Alexandria; therefore we must go into quarantine whenever she anchored in Turkish waters. Jaffa is no quarantine port—has no quarantine officer, and hence we came to Beirut, to "take our quarantine," which we reached last evening at 5 o'clock—twenty hours from start.

About noon yesterday faint outlines of the Syrian coast came in view; then Mount Carmel shoved her snow-capped head out to the coast; then the Lebanon range shot up in the rear of the coast range; passed the site of Tyre, the great Phœnician city, the Mother of Nations, whose ships visited the waters of all the then known seas; whose merchandise was sought by kings, and whose merchants ranked with princes—now a Syrian village of say five

thousand; then Sidon, or Zidon, once a great city, now scarcely larger than Tyre.

The sea trip was simply perfect; the cool breeze neither hot nor cold, but bracing and invigorating. We slipped around into the quiet bay of Beirut, dropped anchor, and here we are for forty-eight hours at a personal expense of about \$25 per capita, when the steamer takes us back to Jaffa, where we shall land probably Sunday at 9 or 10 A. M. Then the religious part of the party will take interest in visiting the house of Simon, the tanner, and the home of Dorcas, the dressmaker, noted for good works, who has been out of business some eighteen hundred and seventy-five years or more; and about 2 P. M. on to Jerusalem by rail. So we shall miss the great Easter of the Greek Church and all the holy show and superstitious mummery that goes with it. You see, Easter is a great day to Protestants, Catholics, the Greek Church, but as well to Mohammedans, for they look on Christ as a great prophet, not as a part of the Godhead; they are Simon-pure Unitarians. But the amount of superstition and holy sepulcher would fill a hundred volumes, and a man must be well grounded in the faith before he starts, if a visit to the Holy Land doesn't undermine his faith and send him back a determined and persistent infidel. I haven't reached the Holy Land yet, but I feel the disintegrating effect of an approach to it.

The Oriental mind is peculiar. No important fact in history, whether religious or political, modern or remote, but has connected with it an angel, a revelation, a dream, a prophecy, or something supernatural. The Occidental doesn't believe in dreams, fortune-tellers, prophecies, or

revelations; if he does, it is put down to ignorance or bad digestion. The Mormon Bible has few believers. But this digresses.

Beirut has a beautiful bay, is a picturesque town of tiled roofs and three stories high, terraced up the hillsides and apparently surrounded by tree and vegetable growth; for there is a green tinge, not only in this town but away up the hillsides.

Last night was ideal for sleep. Alameda County at her best could do no better. At 6:30 A. M. we got notice that the quarantine officer would be aboard to examine the ship's health. Instead, two hours later, after coffee, we were taken in small boats to quarantine quarters—certificates were given us of clean health and a spray of ten drops given each personally and a single squirt given to a single piece of baggage which each person or family brings along. And this concluded the official hocus-pocus. They turned us loose in a large yard where grew wild indigenous Syrian plants and grasses. They have the wet and the dry season; about thirty inches of rainfall in an average season. The hills are beginning to brown. In the quarantine yard were wide-spreading fig trees, bearing figs the size of small plums, with seats under the trees; the ground was brilliant with the yellow daisy, a sort of yellow chrysanthemum, the yellow California mustard, the well-hated wild morning glory, the plantain, the wild oats gone to seed, and the filaree or alfileria, luxuriant and abundant (but no burr clover) and a sort of bunch grass. So that, so far as vegetable growths are concerned, we might have been corralled over the other side of the bay near San Rafael.

This town is modern built and looks from this distance very neat and clean. One of its most important buildings is the Protestant Syrian College, the statistics concerning which I don't know. But I met with some of the students. Here with us, a fellow passenger, is Mr. B. T. Howraine of Beirut, one of their students in the past, talking seven languages and a walking encyclopedia as to the history and geography of Syria, Palestine, and all Turkey; most affable, and talking English so it may be understood. He is one of a large class of Syrians. They make good merchants, traders, dragomans, and guides of traveling parties.

The American mission schools are really doing quite an educational work. At Cairo and at Luxor, four hundred miles farther south, the young Arabs are very ambitious to learn English, and proud to announce that they belong to the American mission school—looking forward to their linguistic excellence to earn something better than ten cents a day.

One evening I was hunting a cigar in Cairo. In a shop I addressed a comely young woman, perhaps 18. She said: "We have no cigars, but I can give you beer"—this in good English. I said: "Where were you born?" "In Cairo." "How came you to speak English so well?" "I learned it at the American mission school." I looked up, and on the wall was the advertisement of Schlitz Milwaukee beer. Has the work of the missionary gone wrong, or is it an argument why the brewers should come down more liberally to the missionary fund?

Historically, this spot has no flies on it. Sidon and Tyre are almost in sight. Along a cañon just above, and

by the river, is the old military road along which Sennacherib, King of Assyria, marched his warlike hosts. There is a myth, or a fable, or a miracle told of this same Sennach, how he sent out against the Jews an army of one hundred and eighty-five thousand men, and one night while encamped the gas works went wrong and asphyxiated the last man of 'em, and he lost the campaign. Later on two of Sennach's boys, as I remember it, tunked him on the head, and he went out of military business altogether. I think he is dead. Twenty-five hundred years or so later one Napoleon got ambitious over the conquest of Asia, and he scooped out another road along the same route over the Lebanon range to Damascus; now a railroad takes its place.

Once more I refer to that great modern engineering scheme, the Assouan dam, which, when completed, puts a harness on the Nile and a muzzle on its mouth, and one man crooks his finger and the giant obeys the bid. It has for discharge one hundred and eighty-six gates. I rode a donkey thence in the early morning. The young Bedouin, who whacked his lagging quarters and twisted his tail, proudly informed me his (the donkey's) name was Major McKinley. After the ride I rechristened him the Dam(n) Assouan, because he had one hundred and eighty-six gaits.

There is as much difference in the climate of Lower and Upper Egypt as between the bay of San Francisco and the upper San Joaquin Valley—between Cairo and Assouan as between Oakland and Visalia; excepting one day, our stay in and around Cairo was as cool and delightful as around the bay, and drives were free from dust and heat.

Monday last we visited the museum of Gizeh, which contains so much of the wealth of the tombs and the bodies mummified of the old parties who went out of business so long ago; the carvings in wood and stone, the old boats built of sycamore, which were overwhelmed with sand from the envious desert, images, inscriptions, paintings, coins of gold and silver, ornaments, food of many kinds, crowns, etc., for the old parties had a belief that after three thousand years new life would come to them, and hence food, money, ornaments, wealth, etc., were buried with them to greet them when the long sleep should end. So far as heard from, the resurrection day has been postponed; their degenerate descendants have made commerce of their tombs and all in them.

Tuesday, by a drive of twelve miles over an elevated turnpike above the highest rise of the Nile, we drove to the site of the ancient city of Memphis—a two million town in its day—where is the pyramid of Cheops, eight hundred and thirty feet square and five hundred feet or so high. Harriet skipped to the top in about twenty minutes; the rest of us were content to look up from the base.

Modern Cairo, that is, Cairo of the last two thousand years, has been largely built from stone carried from Memphis across the Nile. There is a whole lot to say of that tract from Cairo to the mouth of the Nile, known as the Delta, its great fertility, etc., but that I will forego for now.

Yours very truly,

S. G. NYE.



# The Jerusalem of the Present Day

JERUSALEM, April 16.

Dear Ones in California:

You have already been advised by the other members of my family of our safe arrival in Jaffa, of our visit to the house of Simon the tanner, and to the church to perpetuate the memory of Tabitha or Dorcas, beloved for her good works, and to her magnificent tomb of marble, of the hotel and its garden, etc. At 1:45 we started by rail for Jerusalem, over the plains of Sharon of historic note. Beginning on the coast, the plains extend, say, twenty-five miles before reaching the foothills on either side—level and covered along the line of rail with citrus orchards. As in California, there is the wet and the dry season, and, as in California, they have a dry year occasionally, and this is one. As in California they get more rain around the bay than inland, so here the territory around the Mediterranean gets more rain than the interior.

The citrus groves seemed well tilled and were cut back quite short, but showed much dead wood among the branches. They irrigate by wells and buckets. I am told some of the more enterprising are beginning to use gasoline engines and pumps. Orchards continued for about ten miles; then came grain fields, wheat and barley of very good growth, not so rank as in Egypt, not yet in bloom, but well headed out. The lark soared and sang, as in California; the swallow skimmed the air, and the English

sparrow is everywhere. The plains became narrower and the grain smaller. Occasionally land was being plowed and sown to summer crops—two or three kinds of beans—and some of the land so plowed will go fallow until another year.

About thirty miles from the coast the country became rocky. Then the olive trees prevailed, stuck into every little spot that would furnish a peck of dirt. All rock here is limestone, and for the last twenty or more miles before reaching Jerusalem it was simply terraced layers and blocks of limestone, looking like masonry and with no twists and distortions by volcanic forces. The last part of the ride was much like a ride in the San Joaquin Valley in the late spring—hot and dry; but as the sun went down it cooled, and we slept a sweet sleep—our first in Jerusalem. Our hotel, which is outside the walls, is kept by a Mr. Howard, who was born in Syria, of a Syrian mother and an Irish father—a man of dignified appearance and military bearing, of courtly, Oriental manners, who has made himself so well liked by titled visitors that he has had conferred upon him (I think by the French government) the title of Chevalier. So when I want any favor or any special information, I address him as Chevalier, and all he knows and all he has is at my command.

Jerusalem is a city of 60,000 people. It has limestone streets, which crunch up into palpable and impalpable dust. Not a water-cart in the city, no water except rain-water caught in cisterns from roofs and paved areas made on purpose for catching it. Cisterns are nearly empty. They have had two rains. The first, according to custom, was

permitted to clean the roofs and gutters and go to waste; the later rain did not amount to much. The country around Jerusalem is hilly and stony, walled into small fields, and the roads are winding and steep, so as to require brakes on all wagons.

Down on the Sharon plains there are no houses on the farms—nothing but a wide expanse of grain. The plains are divided out to the various villages; then the village division is divided out to the families of the village. The village is built of little mud or stone huts holding from two to a dozen; so an insignificant looking little village may be quite populous.

Yesterday we visited the site of Solomon's temple in the forenoon. I'm not going to describe it, nor the great mosque of Omar, now on the site of the temple, containing, among other things, twelve columns of black marble which were in the original temple of Solomon. Thirteen times has Jerusalem been taken and destroyed and rebuilt, and it is a great wonder that anything remains with certainty. There are two or three things that can be relied on. The rest is tradition and superstition, pure and unadulterated. The walls of the city have been rebuilt so as to make it look as of old, but scholars are divided as to where the old wall was. We visited what are called the stables of Solomon, but now it is believed they are the stables of Herod, built something like 800 years after Solomon's time, and that Solomon's stables had become ruins, on top of which Herod built his stables. Religious fervor and superstition have pitched upon every possible or impossible spot visited by our Savior. For instance, there is the Church of

the Holy Sepulcher, where our Savior was laid after the crucifixion; on top of the Mount of Olives is shown a rock enclosed in a grating whence He ascended to Heaven; altogether there is that feeling of uncertainty and unsubstantiality which makes it the most unsatisfactory spot we have yet visited.

Yet what boots it where Christ was born, or where He died, or where He was buried? He taught as no other man taught; He divulged a philosophy nobler than the world had ever known, and which for so many centuries has been the model for the purest and best. Isn't that enough? But how unbelieving we are! Like that doubting Apostle, we won't believe unless we can lay our fingers in the wounded side and can see the nail-prints.

There is a great area in the temple grounds of several acres, paved over to catch rain-water, which goes into subterranean cisterns, and from the cisterns comes water which goes off in goatskins, water jugs, and pails for the people. Without rain, water will soon cost more than bread, and famine is sure to catch man and beast to some extent in Palestine. East of the temple grounds is the Mount of Olives—all divided up now and owned by different religious sects and orders, with a few scattering olive trees on its sides. Between the temple and the Mount of Olives is the valley of Jehosaphat, and at the north end of that valley is the Garden of Gethsemane, and the very rock is pointed out just outside the garden where the disciples lay down and went to sleep while the Master went into the garden to pray.

This is a dark city at night—not an electric light

in Turkey. The Sultan thinks it is a device of the devil.

I said to the Chevalier, "What a great thing if Palestine had coal!"

"We have plenty of coal."

"Where?"

"In the Lebanon mountains; the people use it for fuel."

I said, "Why is it not developed?"

"Rottenness of the government."

Oh, some day the world will get a move on and will wipe Turkey from the face of the earth, and her people will awake, and what has happened to Egypt, Turkey will experience. I believe, or begin to believe, in shotgun civilization. After tomorrow begins our camping trip.

With love,

STEPH. G. NYE.

## Bethlehem, the Jordan, and Jericho

SINJIL, PALESTINE, April 21.

Dear Children:

The camping trip started last Thursday, about 8 A. M., from Jerusalem. We went first to Solomon's pools, seven miles away, where there is a spring coming out of the limestone rock and running, I should judge, about a thousand gallons an hour. In Solomon's time there was an aqueduct carrying the water to the temple. It is now broken up, but a pipe carries part of the water to Bethlehem. There are three storage reservoirs, each one 19 feet higher than the next, and together they have a storage of possibly 3,000,000 gallons. Very little water, however, was in storage. A carriage road runs from Jerusalem to Bethlehem.

Next we came to Bethlehem, and, of course, we were shown the Church of the Nativity, with the manger where our Lord was born, and the spot where the wise men came and worshiped, and where the crusaders later on invaded and conquered, and Crusader Baldwin was crowned king. Bethlehem seems a neat, well-built town—many men employed in cutting limestone into building stone, using such tools as we use, including a steel square. The workmen looked more intelligent and the women better looking than I have seen elsewhere. Our path led all the way through limestone mountains along the brook Kedron, so often spoken of in the Bible, the channel of which runs hundreds of feet below and finally empties into the Dead Sea. From

Jerusalem to Bethlehem were many olive trees on the mountainsides; thence on growing less, until people and trees disappeared.

About an hour beyond Bethlehem we had our first lunch. Although we had all ridden donkeys in Egypt and considered ourselves somewhat saddle-wise, and although we walked every step, we were all saddle-stiff and sore and glad to dismount. We had water brought from Jerusalem, cold meats, chicken, bread, oranges, nuts, etc., under a tent spread with rugs. After lunch we were quite restored. It was the identical spot where were the shepherds to whom the angels appeared. Oh, they have everything fixed to a dead-sure thing—don't forget!

About two miles before we struck camp came a monastery and water. I dismounted so stiff and sore, absolutely I could not stand. Some miles back a vicious horse had given me a severe kick below the knee. I sort of staggered up against a wall, when Reverend Sexton of Texas rode up. Said he, "Why, Judge, you look nearly perished."

I told him if any one would ask it, I would die on a minute's notice.

"Look yer, judge, I think this will help you," and he drew forth a flask of cognac.

I took a pull, and in five minutes I had been born again. Oh, the spiritual consolation that good Samaritan administered! It was life indeed.

Here we watered our stock, for they would get no more that day. We rode two miles farther on, to find our tents all up, eleven in all, and hot tea ready and spread outdoors on the camp chests. They pulled me off my horse

like a clothes-pin, and like a clothes-pin set me down. I crawled to our tent and stretched out on my bed, and had my tea brought to me. It revived me so that a half hour later I took hold of a *table d'hote* dinner, oh, so hungrily!

I may as well tell of the camping outfit. Twenty-one pilgrims, thirty-two camp attendants, and sixty-eight horses, donkeys, and mules made up the living outfit. Tents, all were alike, octagon, twelve feet in diameter, six-foot walls lined with Turkish applique work in gay colors, two single iron bedsteads with spring mattresses, white pillows, sheets, and covers, rugs, camp stools, table, metal wash bowls, and pitchers, a center pole carrying the tent up to twenty-five feet, surmounted by an American flag. There is, also a very large dining tent.

At Bethlehem we struck the territory of an Arab sheik, through which we could pass only by his permission. Gaze paid him forty francs and he, as escort, led us for two days through his domains. He wore the Turkish bloomer breeches, military boots, the curved Turkish sword, a fancy turban, and his horse was a beauty—a chestnut stallion, hide like satin, two white hind feet, weighed about a thousand pounds, and how well horse and master understood each other! In camp the sheik hobbled his fore feet, and to that fastened one hind foot, and then the horse's watchful eyes were on the master wherever he moved. About three hours out a fox crossed the road, and the Arab took after him, also a couple of the company, but the fox was too much; he got away. Then the Arab gave us twenty minutes of horse-show which was superb and for which he begged baksheesh at the end of the second day, when we



reached the border of his domains. We slept that first night forty pounds to the square inch. Started next morn at five, still over limestone mountains until we had descended 4,000 feet from Jerusalem to the Dead Sea.

In a halt of forty-five minutes many of us took a swim. No water was ever more salt or bitter, but one can not sink in it. The river Jordan empties there. We went about five miles farther and lunched right on the river bank. It is turbid, red from the red soil, and nearly bank full. It was a good deep stream, perhaps one hundred and fifty feet wide. After lunch we rode straight for the mountains west, at the foot of which is Jericho, a modern village. South of that is the Roman Jericho, and still farther south the old Jericho that Joshua took by that remarkable military expedition with ram's horns, which has no parallel in military history. The Roman Jericho is the one to which our Savior's parable about the good Samaritan refers. We camped close to Elisha's fountain, into which it is recorded he cast salt to heal it of its bitterness. It was fine.

The next morning we saw the spring rushing out from the limestone like a river. It turns a mill and irrigates a whole lot of cucumbers and fruit trees toward and at new Jericho. We passed Gilgal, where Joshua set up twelve stones after crossing the Jordan. Nothing there now but one tree and a scanty sheep and cattle pasture in the midst of a barren plain. Next day, Saturday, we had thirty miles to make over the worst trails I ever saw. The road was full of loose cobblestones. The camp train took a short cut (everything is packed on muleback). One mule fell and rolled over and over down a precipice. It was said he broke

a leg, but they made him come into camp—now they say he dislocated a hip.

At noon we lunched at Bethel—a village of mud huts with flat roofs, a single door, no windows—like all the other little towns, with almost nothing inside, as they cook and live in the open, the houses being only as a protection from rain and perhaps to sleep in. The people are not handsome, and all know the art of begging. We reached camp on a mountaintop, the blue Mediterranean in sight and Mount Hermon, and such a restful day for a Sabbath's rest!

PAPA NYE.

# The Fountains of Palestine

ON BOARD THE RUSSIAN STEAMER NAKHINOFF,  
OFF THE COAST OF ASIA MINOR, May 7.

Mr. W. F. Boardman:

You were kind enough to explain to me to some extent your ideas concerning the origin of waters obtained by boring into hillsides near Berkeley and Piedmont and like places. On the third of May we completed a fifteen days' horseback trip from Jerusalem down to the Dead Sea, thence up the Jordan a little way, thence to Jericho; then over the mountain ranges to Dan, to Banias, to Mt. Hermon, to Damascus, to the Lebanon range, to Beirut on the Mediterranean. Jaffa is the seaport of Jerusalem, about forty or fifty miles away, as the crow flies, and farther by rail.

A broad valley lies along the Mediterranean, with rich red volcanic soil, underlaid with limestone—an orange country near the coast, with wheat, barley, and olives farther back. Thus it is for ten or fifteen miles; then come limestone hills and mountains, and these prevail all over Palestine. It is the most hopeless, barren, God-forsaken country you ever saw, where human beings ever attempted to live. Jerusalem is on high ground—not high enough to retain snow late in the season—but the Mount of Olives is visible over a large area. Springs are scarce, and water is at a premium, but farther on we come to snow-capped ranges. After reaching sight of Hermon we come to fountains. On

the site of old Bethsaida, on the shore of Galilee, is a fountain springing up out of solid limestone rock. It is warm water and flows, say, 75,000 gallons an hour. It runs a mill. Farther south and inland is Elisha's Fountain, with a capacity of 15,000 gallons an hour. Then up at Dan are two immense fountains, ice cold, running, say, 75,000 gallons a minute. They are one of the sources of the Jordan.

Farther on, at Banias, is another fountain equally large, another source of the Jordan. Over on the other side of Hermon is another fountain, which is the source and supply of the Pharpar River. Then at the foot, or near the foot, of the Anti-Lebanon Range is another fountain, probably the largest in the world, the source and supply of the Abana River, which supplies the city of Damascus and irrigates 150 square miles, with 500 canals and canalettes, and carries water to more than 30,000 gardens, making an oasis surrounded by desert.

The origin of these fountains is unmistakable. Remember, this is a limestone country. The seams between rocks become wider from age to age than in a granite country. It would result that water from melting snow would be absorbed by these interstices in the rocks at once, and there would be no cascades down the mountainsides. And such is the fact.

There is a whole bookful more to be said, but I will save it till I see you. I met a missionary at Beirut by name of Hoskins. He gets a little village of these poor, poor people out in the dry plains without water and without crops, unconscious of a soul or of a God. He goes to them with a Pittsburg well-boring plant in his right hand and the

gospel in his left, and the work of regeneration begins. In a twenty minutes' talk with him I got a whole lot of facts. We formed an immediate friendly compact. He sustains your theory. Boardman, he's great. I believe in that missionary with all my heart. More when I see you.

Yours truly,

STEPHEN G. NYE.

## Nature Studies in the Holy Land

My Dear Kinsell:

ATHENS, GREECE, May 12.

So much to be said in so little space. Our camping trip ended May 3d at Beirut, where we shipped ostensibly for Constantinople, on a Russian steamer.

The camping trip was a success in a way. For 18 to 30 miles a day on horseback seems easy. We who never rode, or, if ever, quit it twenty years ago, found it hard. Although in Jerusalem and Egypt we practiced the donkey rides, we found horseback rides twisted and pulled and wrenched and crucified an entirely new set of muscles, and the second day brought still other sources of torture; and the third day repeated all the tortures of the first two days and brought out some new ones, till then unheard of. Then came Sunday, and wasn't it welcome?

To me it has been a source of great interest to study the resemblances and differences between climate and plant life in California on the one hand, and Palestine and Syria on the other.

One kindred spirit is with us, a Los Angeles man—Deacon Cockins by name. All the rest are idol worshipers—men who expect to be inspired and enthused and thrilled for the balance of a lifetime because they have stood in the Temple of Jerusalem where Jesus is supposed to have stood; because they have touched the supposed limestone slab where He was anointed for His burial; because they have gone out the supposed gate where He bore His cross for the

crucifixion; by visiting the supposed spots in Bethlehem where He was born, and Nazareth where He was raised, and the supposed Jacob's well where He met the many-times married woman of Samaria; to tread the road toward Damascus where Saul met that wonderful conversion; to stand in Tarsus where he was raised; to stand in the Temple of Diana at Ephesus, near which was Paul's church at Ephesus; to stand on Mars Hill where Paul was arraigned and made his defense before the Areopagus.

Now, it seems to me, all our Savior left was that matchless gospel, wherein he spoke as never man spoke; and we know St. Paul as the earnest, conscientious, logical, incorruptible disciple who spoke what he believed and believed what he knew. The New Testament contains that; all this other is idolatry. We work, you see, along different lines—the birds, the trees, the insects, the plants, the grasses—these have a living, I may say a thrilling, interest for me.

A sort of leader and lecturer to our party is Rev. Dr. —, who visited the Orient two years ago. He is the author of a course of lectures on Palestine and Syria, and has a large volume of engravings made from snapshots of his own, and is now seeking green fields and pastures new for his commercial enterprise. Dr. — is a fine man, is an authority on sacred spots and ruins and the plan of salvation, but he literally doesn't know beans. The markets of Jerusalem, of Bethlehem, of all the towns that have a market, are full of the green pods of the Portuguese horse bean. The doctor didn't know what it was nor its use. Didn't know lentils. I doubt if he knows a cabbage from an artichoke.

Away up at the head of the Abana River, at the largest fountain in the world, at the foot of the Anti-Lebanon Range, we lunched one day. I found a new plant, a clover I had never before seen. I laid it down before the doctor. He said, "What's that?" I said, "Don't you see?" He said, "I see it's a plant—but what of that?" I said, "A new kind of clover, I have never seen before." "How do you know it's clover?" And then I explained how he could tell the clover family.

One day, before lunch time, the last before we reached the ruins of Baalbec, we encamped under an enormous English walnut, 24 feet 10 inches in circumference, four feet from the ground. When we all got seated, the doctor said to me: "Judge, this is the largest fig tree I ever saw." I said, "Oh, Doctor, you'll never do to send to market. You wouldn't know figs from walnuts. This is an English walnut tree." Then I explained how he could distinguish them.

On our steamer route up the coast of Asia Minor, we called at Messina, the nearest point to Tarsus, the birthplace of Paul, forty-eight miles away. By getting enough people to go, we could charter a car and bring the cost within individual reach. Dr. ——— asked in quite a diplomatic way, "Judge,-do-you-think-you-have-sufficient-interest-in-Tarsus-to-be-one-of-15-to-charter-a-car?" I said, "Yes, by all means." I wanted to be satisfied by actual sight what kind of green apples Paul stole when a boy, and what kind of grass and thistles he fed his donkey. So you see the motives for such a trip were various. A rainstorm, however, stopped the Tarsus trip.

Climate and plants are much alike in Palestine and





LUNCHEON UNDER THE WALNUT TREE



LIBRARY  
OF THE  
UNIVERSITY  
OF  
CALIFORNIA

California. All through are wild mustard, the mallows, the filaree, and a kind of mountain bunch grass, the white clover, the sweet clover, and two or three other kinds of clover. I hunted for the burr clover. The first time I found it, was beside the filaree on the site of the ruins of the Temple of Diana at Ephesus. Yesterday, here in Athens, at the Acropolis, in front of the temple of Wingless Victory, I plucked a vigorous bunch of burr clover, and in the ruins of the Parthenon, a big head of wild oats. Wild oats prevail all over Palestine and Syria, so the mourning dove, an occasional lark, an occasional sparrow, the hawk, the vulture, the stork, the lady-bug, the grasshopper, and the English sparrow wherever is the aggregated habitation of man.

At Smyrna came the news that Constantinople was under quarantine, which would detain us on board ship for two days going in and ten days coming out, so Constantinople is cut out and at Smyrna we reshipped direct to Piræus, the port of Athens, where we landed at 2 P. M., Friday. Athens is a beautiful, clean, modern city, in the midst of marble quarries and built largely of marble fronts. What we have seen is very satisfactory.

Yours truly,

STEPH. G. NYE.

## The Oriental Rug Trade

ATHENS, GREECE, May 14.

Dear Daughter Myrtle:

By the Grecian reckoning this is May Day, and today will be like May Day in California—given over to trips in the country and flowers and the like. On May Day the Greek hangs out on his front balcony a fresh wreath of flowers, and there it remains, dry, brown and withered, until next May Day. Athens, modern, is a beautiful city—clean, with 100-foot avenues and 25-foot sidewalks; other streets narrower, so many marble buildings (the mountains here are marble); Mama has gone wild on having a marble house with marble stairways and marble floors. On business streets the fronts are used for business, but away back and upstairs are homes; and now and then an open door or gateway reveals a narrow passage, and far back an open court, marble-tiled, with orange trees and bright flowers surrounding it, with a fountain in the center, and facing on the court; all around are the rooms that make the homes. It is very enticing.

A favorite shade tree in Athens is the pepper tree. Little excavations around each tree show they must be watered all summer, for climate is much like California. The air is clear, cool, and invigorating, right from the Ægean Sea. Every evening an excellent band plays for an hour on the public square in front of our hotel. The square is without grass or trees. Folding chairs and little

tables are stacked at the edge of it during the day. When music begins these are set out and occupied by the populace and coffee, cakes, and drinks are furnished from across the streets to the hungry and thirsty. The kind of drinks I do not know. I have not seen a drunken person since leaving Naples, and certainly not a man I have seen gives evidence of being addicted to hard drinks here in Athens.

Yesterday I spent the afternoon in visiting a carpet store; I found it as absorbing in interest as the Parthenon and Mars Hill. Let me tell you about it. A house here advertises The American Rug Company. I was in search of some one to tell me of the resources of modern Athens. I found there a very bright American who had traded in Philadelphia, San Diego, and in Texas in carpets and rugs—an expert. His physician had advised the climate of Athens to restore him from nervous prostration. He had a store half full of Persian and Turkish rugs, which are in fact second-hand carpets. His stock is reduced, but many thousand dollars' worth remain. They are from fifteen to over one hundred years old, worth from \$65 to \$600.

These rugs are procured from rich Oriental families all through Asia Minor, Syria, Bagdad, Afghanistan and Beloochistan. He shuts up his store in about two weeks from now, and with an interpreter, some mules and a dragoman, begins the annual quest for old rugs—the older the more valuable. The Oriental, he says, will sell anything he has, even his wife. These rugs are hand-made, from the finest wool, by the servants of some old sheik, chief or merchant, with yarns dyed so they never fade or run—a rug frequently taking years to build, and never trodden on

save by bare feet, and after years of use they take on a luster or sheen like silk. And that is the Persian rug.

Oriental houses are built with long, narrow rooms; rugs cover the middle floor-way from 6 to 8 feet wide to 16 feet long or less. Then around the room is built a wide seat or bench covered with these rugs with hard, round pillows. These benches serve for seats and lounging by day and beds by night. As use and years go on, the tread of naked feet gives a luster that adds a value. The "ancient rug" is a fad among rich people, but I confess to its beauty. Soon after I called came an intending purchaser—a man and his wife from Michigan, apparently with plenty of tin, and I saw pulled down, open and explained, say 200 rugs, and it beat a lecture on Grecian ruins. Mama is going to see them today some time—shall we come home broke?

Smyrna and Constantinople are great centers of the rug industry. Wealthy merchants furnish looms and wool; they are scattered all through the country; skilled labor costs five or six cents a day. Some of these rugs are more, some less, valuable. Some old rugs are put in. They are sold in bales. No wholesaler is allowed to pick out from the bale; he may examine it, but he must take the whole or nothing. He takes a bale, say to America, picks out the really valuable ones, puts on a big price, and sends the rest, the cheap ones, to the auction room and lets them bring what they will. Many of these old ones have been in use in monasteries, mosques, and churches; if they have spots of candle grease—which the dealer frankly points out—the purchaser looks on it as the brand of genuineness.

Today is the last in Athens. Tomorrow we spend in Corinth, where are ruins, and the church to whom was addressed Paul's Epistle to the Corinthians; towards night we drive to Patros, there ship at night for Brindisi, thence by rail to Rome.

I find trouble to get at what I want to know, the resources of a city or country, wages, government, etc. When I can find an American consul, he knows it all, but at present he is out of town; so also are the king, queen and American minister. I can find out all about ruins, because by their ruins they ruin the tourists.

Will this trip pay? That depends. If we get histories and books of travel, and Baedeker, and maps, and sit down to persistent study for the next two years, and write out the results, then the trip and what we saw and learned will remain. Otherwise, like a dream it will soon fade, and all that will be left will be the empty egotism of saying, "Yes, in 1901 we were abroad"—nothing more. Egypt begins to fade, although on it I kept tab and wrote letters concerning it. Palestine is brighter; that horseback ride pounded it into me, I think to stay. Mark Twain's "Innocents Abroad" still remains, for intelligent criticism, the standard of all books of travel I have ever seen, over the same ground.

Paternally and lovingly,

STEPH. G. NYE.

## Three Days in Florence

FLORENCE, ITALY, May 28.

Dear Daughter:

God is good. But what a beautiful morning He gave us for the last day in Rome! I got out to the Piazza di Spagna and climbed the long Scala to the Pincian Hill, a high-toned, fashionable residence quarter—wide, tree-lined streets with frequent fountains—and there wandered and rested, and did it over and over again, and watched the handsome women giving their dogs a constitutional, and the numerous baby buggies and the *beautiful* babies, and the pretty nurse-maids, and the well-dressed men and their well-dressed boys going down-town to the business of the city, and over and around all, the soft, sweet air, the clear sunshine, and the grateful shade. I thought I was getting as much out of that as if it had been an art gallery.

I wandered back and met Mama. She had been over to the Coliseum. I had said I should leave Rome as ignorant of the Coliseum as if I had never seen it. She, alone, Baedeker in hand, had been on the spot and studied it all out, and she was after me to go, too. We took a landau (for 20 cents) and in one and a half hours, with her help, I got the whole design so I couldn't forget it if I should try. So after lunch, we left Rome, reasonably well satisfied; but still thinking how busy I could be if I stayed a year.

We were pointing for Florence, 200 miles away, which



we reached at 9 A. M., and such a delicious ride! It had rained hard the night before, so dust was not. We followed the Tiber, yellow and muddy as the Missouri, across and clear away up nearly a hundred miles, until we struck the Arno, and followed that all the way to Florence, through which it flows. The country was level to start with, later on stretching out beyond the river flats into rolling ground, the valleys covered with promising crops of wheat, rye, sugar-beets, and other vegetables, and olive orchards and vineyards stretching up the hills in great numbers. Another feature was a tree and a grapevine set next to it—the trees about 20 feet apart—the head of the tree cut back severely and a wire run from tree to tree along which the grapevine, after climbing the tree, is trained. This method of training the vine is old. I am told that on a mural painting exhumed at Pompeii is represented a row of grapevines supported by trees as now. Oh, the world is not so very large or so very old.

The hills are all well wooded. All the way along were little towns of 3,000 to 15,000 people, and each one was the birth- or burial-place of some distinguished Italian author, scholar, singer, violinist, painter, or sculptor. Then we rode along the border of Trasimenus Lake, which has a historical interest. Near this lake is where Hannibal in the month of June, 217 B. C., everlastingly thrashed the Roman army and slaughtered about 15,000 men, and one of the brooks running into it ran blood, so that ever since it has been known as the Sanguinetto. Hannibal was a Carthaginian general, who landed in Spain with a large army, carried everything before him, crossed the Alps

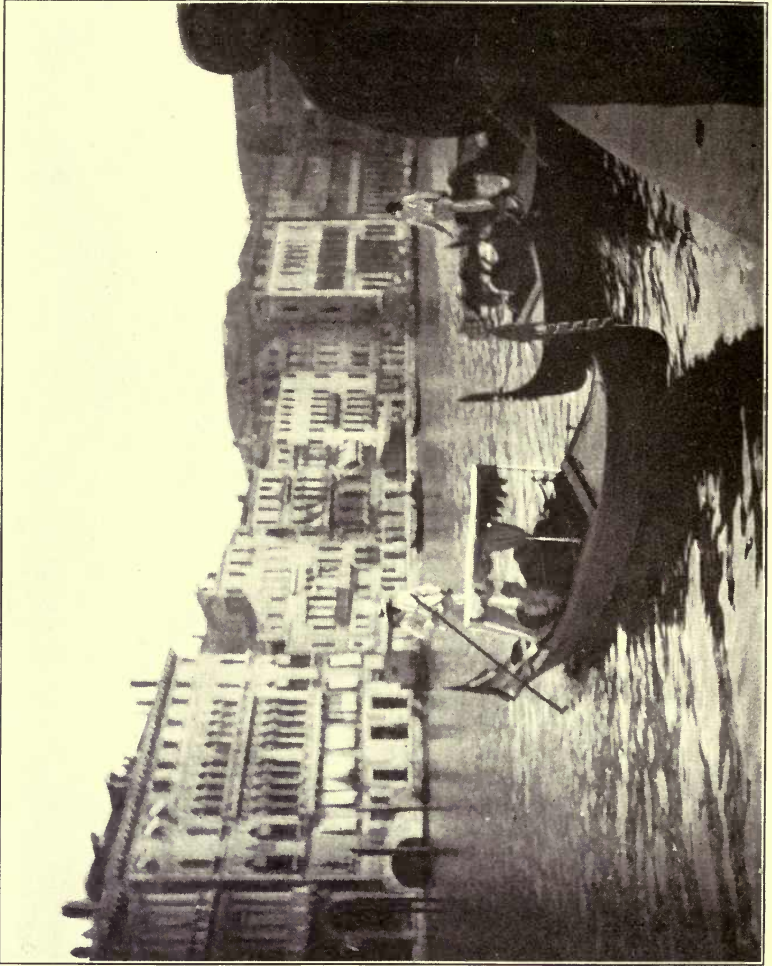
and came over into Italy and frightened the liver out of Rome. C. Flaminius led the Romans at this battle by the lake. There was a fog that morning and Flaminius got into a hole, and when the fog lifted, his forces were surrounded by the enemy; so he lost his army and his own life. Well, there is a sequel to that battle, but that is another story. We reached Florence late last night. This morning we go to the Pitti Palace, so when we come back, what we don't know about art will be worth knowing certainly.

May 29—Let me continue. Yesterday morn we visited the Pitti Palace. About 1460, some time, a man named Luca Pitti went into politics against the Medici and started in to build a palace 475 feet long and broad in proportion, with a wide court in the center. Most of it is two stories, part three, built of undressed stone, which gives it a grand, massive look. Before it was finished, politics went back on Luca, and he failed, then died, and the palace remained unfinished for a hundred years, when a great grandson married a rich woman and they completed it according to the original design. For about 350 years it has been the kings' residence, and is now the residence of the King of Italy whenever he comes down to Florence to rusticate.

One side is devoted to an art gallery, and for twenty cents one is admitted to see a magnificent collection of paintings. I will not attempt a description. Then we were shown through the palace, all spick and span, ready for the king to enter. We saw the king's bedroom, the queen's reception-room, the writing-room, the private



LIBRARY  
OF THE  
UNIVERSITY  
OF  
CALIFORNIA



ON THE GRAND CANAL, VENICE

dining-room, the state dining-room, which seats 250 guests, the china closet and all the equipage of royalty. Your mother took great interest in this, although we have no ambition to go into the royalty business.

Then in the afternoon we had a long ride around a graded turnpike away to the summit, to which runs an electric road to quite a suburb, Fiesole, and whence the city below and all the country could be seen—a beautiful panorama. After that we were driven around the Cascine Park. Cascine means cow-pasture, and such it was until the city bought it and made a beautiful park of it, with a broad driving avenue around it (say five miles), outside that a horseback track, then a bicycle track and beyond a wide walk for pedestrians, and all shaded by grand old trees and inside the park a profusion of walks and stone seats (can't whittle them) and bright flowers and many fountains. From 5 to 7 P. M. the "four hundred" with grand equipages, coachmen, and footmen in livery, turn out for an airing, including madam's poodle. The finest carriage horses I ever saw, many imported. A good pair of carriage horses costs from \$1,200 to \$1,500. Everybody may drive. Our landau was numbered on the back 317, and that gave us away—not of the "400."

Morning of the 30th.—Yesterday we visited the Uffizi Palace, built for the government in 1560, and now owned by it and used in part as a town hall and the balance for an art gallery. Out in the public street is a memorial bronze tablet in the pavement to commemorate the spot where they burned Savonarola, about 1498, I think—the greatest and bravest man Florence ever produced. They

forgot to give him a monument until 1882, when they put his statue in the town hall. In those days they had a pleasant way of roasting one whose belief was not considered orthodox—now they roast him in the newspapers.

Among the significant things in the gallery were some unfinished statues begun by Michael Angelo for the Medici. The fact was, Angelo favored the Florentine republic as against the autocratic government of the Medici. The Medici knew his sentiments, and he knew they knew it. The Medici only awaited the completion of these statues when they counted to assassinate him. Angelo mistrusted it, and under one pretext and another delayed completion, until at last he died in a natural way. But it looked funny to see a statue all complete except one leg from the knee down, another from the waist down, and so on. In the afternoon we saw cathedrals and churches, of which there are too many.

The Arno runs through town, spanned by six bridges—four of stone, one wire suspension, one iron. They made a lake 400 feet wide and a mile long, by excavation, and a dam, walled on either side. Our hotel faces on this lake, with only a street and a battlement between; it is very pleasant, and the weather that of summer. There are ripe apricots in market about the size of cherries. Today at eleven we skip from here to Venice.

Love in full measure,

STEPH. G. NYE.

## The Charm of Venice

VENICE, June 2.

My Dear Children:

Thursday noon we started from Florence for Venice, six hours away, on a charming summer's day, and through green fields, a fertile country and hills and mountains green to their summits. What was pleasant and surprising was to see in a country with a written history running back of the 2000 notch, trees covering steep hill and mountainsides with a green crown of beauty, apparently from two to forty years old; so strong a contrast to the naked barrenness of Palestine and Syria. Government oversight and a forestry commission explain it.

All the little towns on the way have some historical interest. Pistoja, a town of 12,000, was the place where pistols were invented and gave its name to the weapon. Further on is Bologna, a large town noted for its university, which, in the fifteenth century, numbered thousands of students, and among its professors several distinguished women, among them the learned Novello Andrea, a lady of such dazzling beauty that she delivered her lectures from behind a curtain. The young men students of that day were no less susceptible than their brothers of today. Ferrara is another considerable town on the route, containing many moldering ruins of former greatness, the original home of the House of Este, which furnished a husband for the infamous Lucrezia Borgia.

Padua, away back about the beginning of the Christian era, was the richest town in Northern Italy, but when the barbarians immigrated they wiped her out. Of course, every town has a church or a cathedral, with one or more saintly relics, usually more.

In crossing the Apennines we passed more than thirty tunnels. Near Ferrara we crossed the Po, a sluggish river having its rise away near the eastern boundary of France. From here to Venice water stands in every ditch and by every roadside, and no part of the country seems more than four feet from the surface of the water and the land stretches out in wide plains from the river.

We reached Venice before sunset, by railway, which, for a long distance, is carried in on a solid mole walled up with faced rock and stone battlements on either side. We went to our hotel in gondolas. Venice is a funny old town—looks as if it had ripened and gone to seed; marble and limestone structures rising out of the water, rusty and black with age; no trace of new buildings; externally it brings no sentiment of romance to make one hum “I dreamt I dwelt in marble halls.”

Venice is a town of 96,000 people, with 15,000 houses, living on a piece of land six and a half miles in circumference, consisting of 117 small islands made such by more than 150 canals and connected by 378 arched stone bridges, so gondolas may pass under, with no sound of cart or horse or wagon, boats for coaches, and forever the lap and swish of the lazy tide at your front steps. In the center of each block or island are courts and streets crowded and active. We tried a



half day with a gondola and a gondolier prowling about among back alleys and narrow canals just wide enough for two narrow gondolas to pass.

The water is salt, but the tide never rises much over a foot, and if anybody thinks that life, boating along these narrow waterways, is a summer dream, let him try it on a hot summer afternoon and stir up the ooze and slime and filth and stench of more than a thousand years, and take it all in for two or three hours, and he will never sing again "The Gay Gondolier," and his first meal after, his appetite won't bankrupt his hotel. But on the Grand Canal and on the broader water, where wind and wave give more action and keep it sweet, on a moonlight night with the soft, warm air wrapping you as in delicious robes, and the utter silence of night about you, I will confess to its captivations; I know nothing of a negative nature more entrancing.

Yesterday morn came telegrams that to the Queen of Italy was born a daughter; by noon were posted notices that at 9 P. M. there would be music by the military band and illuminations on Piazza di St. Mark and the Grand Canal. We took that hour for a gondola ride. When the red lights shed their glow all along the city front, the marks of age faded and the city sprang up fresh, pink and glowing, as if youth had come again, and the palace of the doges seemed a creation of enchantment. It was the queen's first; had it been a boy Italy would have gone mad.

In the morning we had gone up to the Lido, an island where are bath houses and shops and hotels and fine private houses and vineyards and orchards, a narrow island, a place

of resorts, to which little steamers run every ten minutes. Don't you know, I like a boat that makes the water sing around her prow; it made it seem like home, and I fear the glamour and enchantment and charm of the Venetian gondola are gone forever.

Every considerable Italian city has its great cathedral. It is to an Italian city what a big hotel or a park or a boulevard is to an aspiring American town. Venice has her St. Mark's. It is at one end of St. Mark's Square or Piazza, as they call it. The other sides of the square are built up with noble buildings with fine wide corridors, or porches, supported by lofty columns and occupied as stores of the nobby kind, where you get fine goods and pay high prices. The interior space, 192x75 yards, is an open space paved with limestone flagging. I shall not describe the cathedral; enough to say it is a noble structure, and it has cost a mint of money.

Almost everybody has heard of the doves of St. Mark, and the feeding of them each day at 2 o'clock. About that hour from roofs and cornices come clouds of doves and light in the public square to be fed; and scores of men, women, and children come with a cent's worth of corn to feed them. It is a religious rite of the people of Venice. And how tame they are! Harriet got some corn, and how they swarmed around her and over her. There is a legend about it. Venice is a child of the sea. But that is another story. St. Mark is her patron saint. About the fifth century the Benedictine monks had a little church on the spot where is now the cathedral. One of the monks had a dream—a revelation—that St. Mark's bones were at



HARRIET FEEDS THE DOVES



Alexandria in Egypt, and the revelation told where they could be found. He was told that if the merchants of Venice would get the bones and build over them a cathedral Venice would become the largest city of the world.

The merchants of Venice were thrifty, and they set to work to find the bones. They continued the quest for centuries. Meantime monks and merchants died, but other monks and merchants grew; but the quest went on until success came. Some Venetian sailors found the burial-place, in Egypt, which was in possession of the Moslems, but neither money nor flattery could obtain the bones. The Oriental is a trader—sell anything, even his wife; but above all things he is susceptible to bribery. The sailors bribed the keeper of the tomb and got the bones.

To conceal them they stowed them in the bottom of a barrel of pork. When they wished to take their cargo out of the city of Alexandria the Moslem officers, when they examined the barrel and found only pork, held their noses and turned their faces away from the hated pork. Then the sailors lost their way, when two doves came and piloted them to the harbor, where was their ship, and they sailed for Venice. The doves flew away and stayed not nor ate nor drank until they rested on the roof of the little church of St. Mark. When the sailors brought their precious freight they knew their friends, the doves. Soon all Venice knew God had wrought a miracle, and the merchants of Venice built the great cathedral to house the bones, and the city grew until she was known the wide world over as the empress of trade and commerce.

And so it is that the clouds of doves today are the children of God's messengers of so long ago, and Venice gives them the protection they deserve. Sculptured saints and angels and prophets and apostles lend grace and dignity and beauty to the façade of the noble cathedral. These, and every arch and cornice and projection furnish resting places for the doves and the filth and guano of the dove-cote cover all; it looks like an ancient hen-roost. Believe it? Certainly. Let no doubt attack faith's structure or all is lost. Faith's subtlest enemies—how often are they found in the house of her friends!

Friday afternoon we took boats and visited the Rialto. We were shown the identical house where lived the Merchant of Venice; the very room where Shylock ran his pawnshop—there is a cheap ginmill alongside it now. Here again the empire of faith is triumphant, I believe; although William Shakespeare, living, would doubtless go back on it.

One of the leading industries of this city is lace-making, wherein many thousands of girls are employed. We visited two factories where were explained the mysteries. The employees seemed intelligent and contented and healthy and happy; yet the manager of one establishment, a bright young woman who has lived in New York six years, told me their average wages was about ten cents a day. I can not understand it; the lace brings money.

Another industry is the Venetian glass-making; and what lovely things they make; and alas, the lovely prices attached. Of all Italian cities Naples is the only one I have seen bearing evidence of poverty. Here they seem

self-supporting, self-respecting, busy and happy; and certainly fine looking, both men and women.

There is much to be said of the doges and their palace (for a doge was but a ruler or president or leader, from the Latin *dux*, a leader or general), of their rule, of the growth of Venice—how she was redeemed from the sea, how commerce came to her and she became the great money changer between the Occident and the Orient; how the magnificence and equipage of a Venetian merchant rivaled the courts of royalty and their wives and daughters wore the silks and jewels of queens. But that is another story. I have in imagination laid out a course of reading in Venetian history; it is fascinating. But that is still another story.

The utilitarian spirit of today has seized upon Venice. Palaces have become caravansaries where large prices are charged for small service. The Ferro Palace and the Fini-Wimpfen Palace, once the homes of dukes, facing on the Grand Canal, now house the tourist under the title of the Grand Hotel, which is our temporary home. Let us not be unduly exalted.

But more another time—not about Venice, however, for we go to Milan tomorrow.

With love. Paternally yours,

STEPH. G. NYE.

## Milan and Thence to the Alps

LUCERNE, June 6.

My Dear Kinsell:

We left Venice for Milan Monday morning, going as we came, by gondolas to reach our train, and over a country as level nearly as the sea, thoroughly ditched, and water apparently close to the surface.

Milan, a city of over 400,000 people, we reached at 2 P. M., lunched, and then went to see its famous cathedral and the renowned mural painting of the Lord's Supper. It is a poor city in Italy that has not a famous cathedral, a painting, a sculptured saint, or an apostle's toe to attract the gaping curiosity of the tourist. Milan's cathedral is in size the largest in Europe save St. Peter's. The latter appears so airy and light at first it seems more like a dream; looking further at the massive dome and immense proportions one wonders why it stands; until finally the conviction falls on one thoroughly, why should it not stand?

Not so with the Milan cathedral. With its massive proportions, its lofty arches and far-away ceilings, supported by four rows of great pillars, each eleven feet in diameter, no doubt of stability ever enters the mind. The impression is made, fixed and immovable, that the cathedral is there to stay. The columns are surmounted by something like a Corinthian cap, below which are sculptured figures innumerable; so that, taking the entire church, there are sculptured figures numbering over 4,000. The cathedral has already cost over \$110,000,000, and is yet incom-



plete. It was begun in the fourteenth century. To its construction one noble contributed the marble, others great sums of money.

One of our company said, "What a waste of money."

"Waste," said our guide, who is an Italian of the Victor Emmanuel school, "it was given by men who had it to give."

"Better have been given to the poor," was the reply.

"No," said the guide, "the poor are not helped by giving them money; it begets idleness and more poverty. The poor get help by giving them work to do, and teaching them habits of industry; that is how the building of this cathedral helped the poor—they got it all in wages."

I submit whether the guide was not stating a clear proposition in political economics.

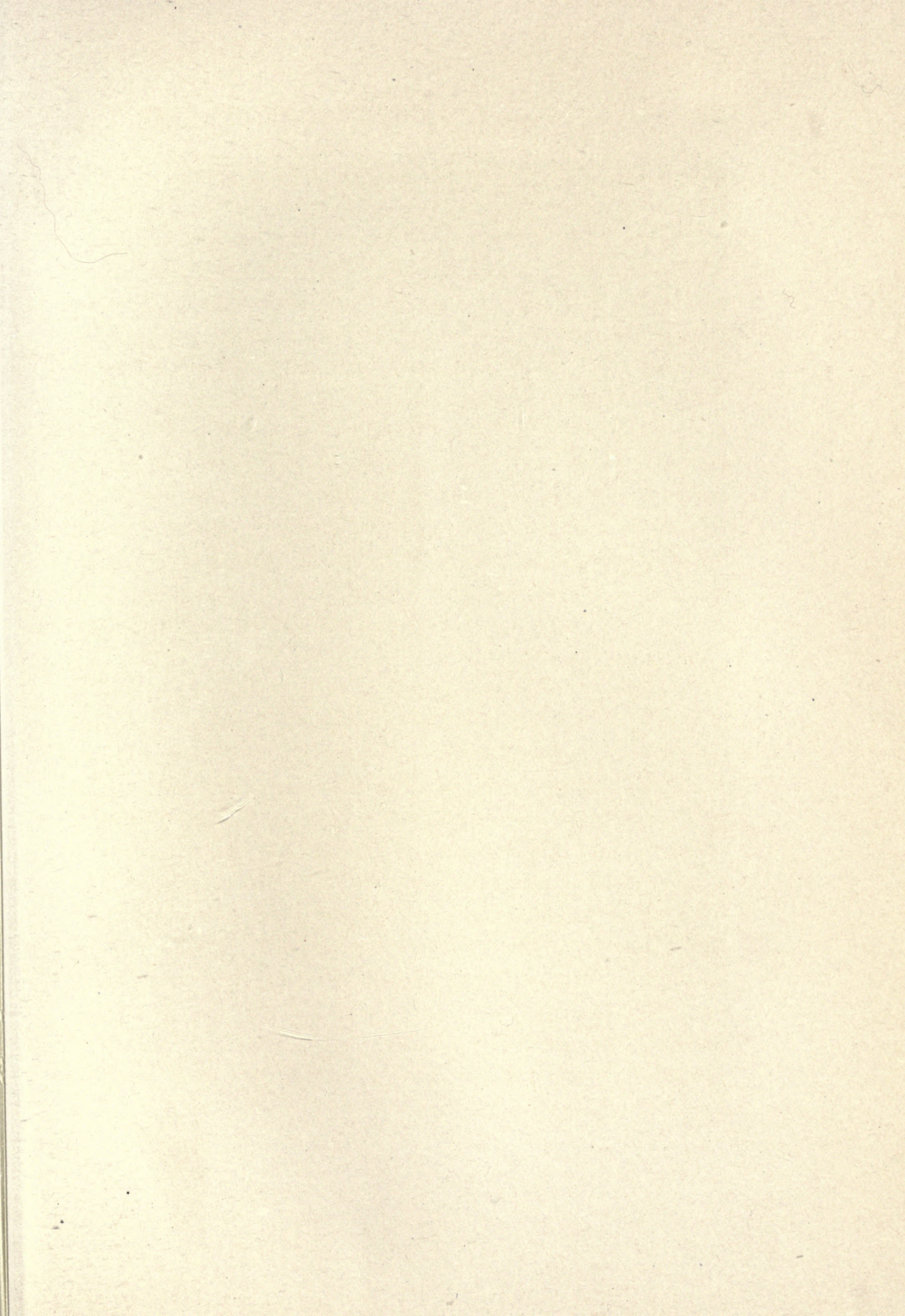
There is a legend that St. Bartholomew was skinned alive. Some fiend has chiseled in marble that skinless saint; gaunt, terrible, and barbaric, every muscle and vein naked and exposed; the figure standing beside the altar, with his skin thrown over his left arm. Is that art? It ought to condemn the author to hard labor for life, and I should pray that his life might be a long one. In a near-by gallery is the mural painting of the Lord's Supper. It has suffered from age and exposure, and on another wall to the right another artist has reproduced it. Beginning fifty years ago I have heard clergymen, who have visited this gallery and whom I trusted as possessed of the art spirit, describe with rapture how, after gazing hour by hour at the old, marred, and faded painting, such ecstatic beauty, such wonderful passions were revealed and glowed from that

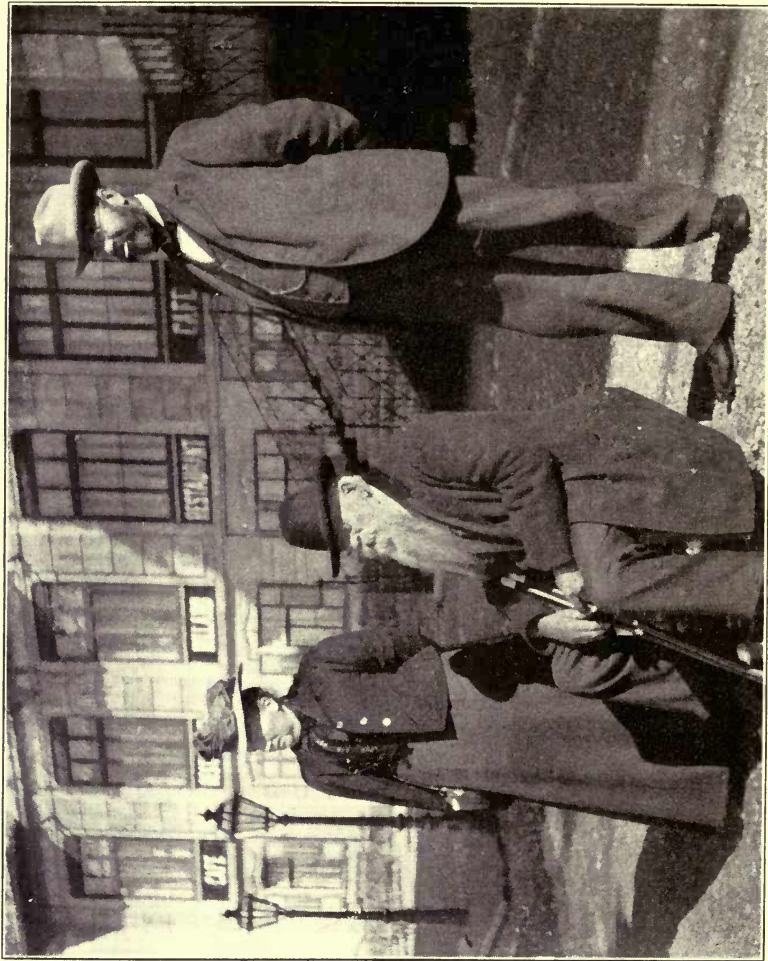
old wall. I don't believe it. It was imagination, pure and unadulterated.

Lombardy, of which Milan is the commercial center and the capital, is an extremely fertile and beautiful body of land. The system of irrigation there used is the most perfect in Europe and the results obtained are perhaps the best in the world. Baedeker says there are places there that produce twelve crops of grass a year.

This is the territory whence comes the Parmesan cheese. Here, too, grows the mulberry as it grows nowhere else in Europe; the leaves being used for silkworms. Milan is a great silk center. When Austria held this country, something like forty or fifty years ago, her army was supported on mulberry leaves; that is to say, the tax on the silk industry of Lombardy fed and clothed the entire Austrian army.

Milan is a great city, with wide streets and modern buildings, with less old ruins and moldering churches and more compound business hustle than any other city in Italy. Did I go out and mingle with the people on these fertile plains and learn of their water supply and their scheme of irrigation and of the tenure of land, and if the peasant who tilled the land was the owner, what his land yielded and what was its value, and what his political and social value, and what his political and social position? Did I seek the marts and factories of beautiful Milan and learn of their output? Hardly. I was a member of an American tourist party which paused not, nor ate, nor slept, save near a tomb, a cathedral, or a ruin. Our stay in Milan by daylight was six hours.





HOTEL ON MR. RIGI

JUDGE NYE

MRS. WHITSON

MR. WHITSON

Next morning we pointed noses towards the Alps, and by dint of fifty-three tunnels we reached Lake Lucerne by 2 o'clock, thence by boat for an hour, and then we went over the cogged railroad to Rigi, four miles, making a raise of 4,000 feet. At the lake and half-way up, grass was rich, luxurious, and abundant in varieties, and such vivid colors of wild flowers it was bewildering to see. In Lombardy we left ripe cherries; here they are barely out of blossom, and from the lake half way up, such a noble growth of trees—not large, but numerous.

Later I learned that the government has interfered by law to prevent denuding mountainsides of tree growth; that a man, before he can cut timber, must get a permit from the local forestry officer, and then the officer sets a tree for every one cut. This applies only to government timber. It saves the timber; it saves the soil from being washed away, and it saves the snow from melting too rapidly, making destructive floods.

A Lucerner said to me: "The government was compelled to interfere, or the Swiss Alps would soon be as barren as the hills of Palestine; it would have been better had she begun protection 300 years ago." As it is, the steepest mountainsides, right down to the water's edge of Lake Lucerne, are covered with a mantle of green trees, and the scenery is not only grand from its great mountains, but it is indescribably beautiful.

There was still on the north side of our hotel at Rigi quite a snow bank, showing that at 6,000 feet above the sea, winter tardily yields to the summer sun. The view from a point just back of the hotel was grand beyond

description. The grandeur of a view can not be described; it may be seen and felt. To the west, right at our feet, 4,000 feet below, lay Lake Lucerne. Steamers looked the size of a duck; trains of cars on its margin crawled lazily along, and when it entered a mountain and soon emerged on the other side, it seemed like a worm twisting itself through a molehill. Little spots in the valley on closer scrutiny proved to be farms and farmhouses. Farther around to the north is a bare rock whence slid a mountain of dirt and trees and buried a village of 200 houses and with them fourteen people. That was ninety-five years ago. Farther around to the right are the Jungfrau, the Mönch and the Eiger, whose ice-capped summits shine resplendent. Night came on chilly and every bed had for a cover a thick eiderdown quilt, such a contrast to the climate of Milan, where sleep depended on getting back to a state of nature.

Next day we got back to the lake, and what a delightful steamer ride was that to Lucerne, where we now are. Lucerne has about 26,000 people, and seems a well-built, modern town. Its main business is housing and caring for the tourist. All up the mountainsides near the city are the sweet Swiss cottages which English and American families are but too glad to rent for the season at large rentals. Their stock in trade does not consist of martyrs' bones, or skinless saints, or old churches, or moldering ruins. Scenery is the drawing card. Yet Lucerne is no slouch on antiquities, but she turns them to very practical account. This very hotel where we now are was the town hall, the home of the municipal government and where her courts were

held. That was in 1389. In 1503 it was the town school-house; it had become an inn in 1519 with red doors, indicative that it was the Butchers' Retreat. In 1586 a trade guild, known as the Guild of Saffrau, owned it. In 1836 it became the Hotel Waager or des Balances, and it bears its name yet. Its entire front is covered with mural paintings, illustrative of its history. She puts on no airs because of her longevity, but trudges along in the good old way, furnishing good entertainment for a fair price and kindly asks you to "call again."

The city has other ancient landmarks, but that is not her reliance. She is a charming town and I shall never forget her.

Let me speak of the Lion of Lucerne. Near the Glacier Gardens is a perpendicular wall of rock. An artist has carved out of or into the living rock the figure of a dying lion. The image is twenty-eight feet long by eighteen feet high, and is nobly done. In 1792 Louis XVI of France had a Swiss guard of 800 men who were his pride. Then came the French Revolution wherein the king lost his life, and in defense of their king 700 of the Swiss guard were killed, and this sculpture is in their memory. The dead lion has one paw on the broken shield of France, while through his heart is plunged the fatal spear. Above is the inscription: *Helvetiorum fidei ac virtuti*, to the fidelity and bravery of the Helvetians.

These are descendants of the same Helvetians of whom Julius Cæsar writes in the Gallic wars. He pronounced them first-class fighters and intense lovers of liberty.

The Glacier Gardens contain some chapters of history. Some years ago excavation revealed the path of a glacier—the path it ground in the solid rock is there; underneath it had run a stream which had caught rocks and whirled them round and round until great holes were made in the bed of the rock (one of them twenty-six feet wide and thirty feet deep), and in the bottom are two rocks which had whirled and worn to the shape of spheres. There was also a large section of rock composed largely of sea shells and fish bones; another wherein the leaf of a palm is found. This country is rich in the fossils of the mastodon and of other large tropical animals. God writes history with “iron pen and diamond point.”

“In the beginning God created the heaven and the earth;” reckoned in years, when?

Yours very truly,

S. G. N.



## Interlaken, Berne, and Geneva

My Dear Children:

GENEVA, June 12.

This letter concerns three beautiful towns—Interlaken, Berne, and Geneva. The first, as the name suggests, is betwixt two lakes—Brienzen and Thun, connected by the swift-flowing Aar, on both sides of which the town is built, and which furnishes power for many industries and gives electric lighting to the town of 2,500 people. The plain is not more than three and one-half miles long by two broad, flanked on either side by grand, lofty Alpine ranges; but on the south opens a gap in the range through which shows from summit to base the dazzling Jungfrau, nearly 14,000 feet high, and this is the town's drawing card. As the years pass travel increases, until now more than 60,000 visitors come to this place annually. It has entirely transformed the architecture of this country, and to a large extent its industries. It has multiplied railroads, and they and the hotels give openings to young men and women for employment more congenial than life on the little farms, where the contest for a living is sharp and continuous.

Switzerland has always been considered a good country to emigrate from, but above all things the Swiss loves his native land; and when, after years of life in England or America, he visits home again, possessed of the English language, he is sought for and finds remunerative service in railway or hotel.

And so it is: the farmer finds his daughter deserting

the house, the heavy shoes and plain dress for the daintier garb and pleasanter duties of waitress or chambermaid in up-to-date hotels, and François or Hans drives an engine or a cab, or wears a hotel badge on his cap, while the "old man" has found that farm wages have doubled and farming is impossible.

To some extent this is true all over Switzerland. In the larger cities, like Lucerne, Berne, Zurich, and Geneva, it has given manufacturing an impetus, for the Swiss are noted for their deft fingers and cunning device, and the presence of so many strangers creates a demand. For instance: in the single line of watches there are manufactured 7,000,000 per annum in this little country.

The government and every city and every individual in Switzerland emulates each other in plans and devices to make the country attractive to the tourist. The State owns its railroads, and for \$10 it issues to any person a circular ticket which carries him on any railroad or steamer in Switzerland. In every town is a bureau of information, where the traveler is furnished with pamphlets and statistics with oral information free. Then, in most of the towns are voluntary local societies which make it their business to receive complaints and inquire into grievances concerning overcharges or misconduct of hotel or baggage men. The whole tendency is to make honest men of entertainers, and it seems to me they are such, both from principle and expediency. Courteous treatment and fair charges prevail so far as we have seen.

Interlaken has fine streets, beautiful yards and gardens and fine shady promenades. Much to be admired is a

stately row of English walnuts, some of which reach nearly five feet in diameter, and are reputed to be close to 200 years old.

Is there such a thing as a plethora of magnificent scenery—a dyspepsia of grandeur? For some days now the beetling Alps have been overhanging us, trying to smile on us in their huge, gigantic way; the Jungfrau with shining face, but forever giving one the consciousness of chilliness and immensity. Sure it is that when we got away where the valley widens and there were rolling fields spreading far away with thriving vineyards and charming trees and stretches of meadow, we all felt a sort of relief—a feeling that the great mountains were a good tonic, but for a steady diet, give us the other.

Our destination was Berne, the capital of the Swiss confederation, a charming city of 50,000. In the far distance one sees six of the most celebrated peaks of the Alps, while stretching away from the city towards the mountains are charming landscapes. Berne is the German name for bear, which is on the national coat of arms. For centuries a bear garden has been kept at public expense. When Napoleon took in this country he carted off the bears to Paris; but on the return of peace these Swiss clamored for their bears and they were returned.

The city has a famous clock tower, built in 1191 and still running. Three minutes before the hour a wooden rooster (along in years now) flaps his wings and crows like any well-regulated rooster, then a procession of bears marches around the figure of a king, then the clock strikes the hour; it tells the hour, the day of the week and of the

month, and the moon's quarter. Time flies, but the old clock has kept tab on it for many a year.

Geneva, a town of 78,000, is at the foot of the lake of the same name, which has for its outlet the swift-flowing Rhone, which, just at the outskirts of the city, is joined by the Arve, and together they hasten on to France and to the gulf of Lyons, their destination.

The city of Geneva is on the French border and its people speak French, while other cities speak German. It has an abundance of water power; owns its own water, gas, and electric lights, but an American company owns the street car lines. Its city engineer, T. T. Teradini, who designed and built the city's electric light plant as long ago as 1885, when electric lighting was in its infancy, has more than a local reputation. He was consulting engineer in the construction of the electric power plant at Niagara Falls, for which he received a generous compensation.

It is a clean city and all the modern sanitary devices have been adopted and enforced, and statistics show that it has a lower death rate than any other city in Europe. It has no beetling mountains frowning over it. The country rolls away in easy graduations to the higher Alps, but the eternal whiteness of Mt. Blanc is clear and vivid and majestic whenever one turns his way. The slopes around Lake Geneva are covered with vineyards yielding celebrated brands of wine. Proprietors are very jealous of the reputation of their wines and very careful to preserve it. Since the advent of the tourist there is a demand for the earliest grapes at the largest prices. Do the local vineyards supply the demand? Not at all. Those earliest grapes are the

best, they give character to the vintage, and the tourist is fed on imported Italian grapes.

The vineyards look funny to a Californian. The vines are set 22 by 30 inches apart, and right now are being tied up with wisps of straw to four feet high, inch square stakes. No plow can get between them and they are cultivated by hand and they look hearty and vigorous.

Geneva is one of the largest, if not the largest watch-making city in the world, and she has, I believe, in every contest, taken the first prize for accuracy in chronological instruments.

Geneva, first and last, has quite a history. Julius Cæsar fifty-eight years B. C. knocked down the only bridge across the Rhone, made the city a Roman province, and it remained such for centuries. John Calvin lived and preached and ruled here in the sixteenth century. We visited the house replacing the one he lived in and saw the church he preached in. "Let no stone mark my resting place" was his oft-expressed request, and no one knows where he sleeps. He instituted schools and was the friend of learning and good government and did a great work for Switzerland. But such a bigot! Whether Catholic or Protestant, in that age they thought heresy deserved fire, and they had a playful way of making a bonfire of the heretic. The Catholics hung and burned Savonarola at Florence, and the great Protestant, Calvin, burned Servetus at Geneva. In the public library connected with the university is a picture of Servetus bearing this satiric inscription: "Burnt at Geneva to the honor and glory of God."

And that reminds me, in this university are at present

about 1,100 students, a majority of whom are girls. This I learned from a co-ed. The New Woman has got Switzerland. Oh, if Calvin had only let Servetus alone, not a blot would have attached to the memory of that great man.

One spot in the city is of particular interest to Americans. A room in the town hall is marked "Salle de l'Alabama"; that is, "Alabama Hall." It is hardly necessary to say that in the American secession war the British government knowingly permitted the Alabama to be built in English shipyards and to go out of an English harbor for the use of the Confederates to prey on American commerce against the protest of the United States and contrary to the laws of nations, and the Alabama cut a wide swath. When the domestic difficulty was settled, the United States presented to Great Britain her bill for damages, amounting to many millions. The law was conceded by both sides, the only issue was the amount of damages. It was submitted to arbitration, and in this room in the town hall in the city of Geneva, after a full hearing, was rendered the award in favor of the United States on the 14th day of September, 1872. It is a case which is often quoted and approved, and in its very nature will stand for centuries as adjudicated authority under like facts. The hall with its light red plush furniture is, with darkened windows, kept locked, save when curious persons pray a view of it.

Let me speak of another American relic in the same hall. At a meeting of the Peace Union held in old Independence Hall in 1876 (Centennial year) a Federal officer of volunteers proposed to donate his sword to be made into a pruning-hook, and other officers contributed swords enough

to make a plowshare, and they were so converted, and a western implement firm built an up-to-date modern pruning-hook for tree-top trimming and a natty seven-tooth American corn cultivator, all nickel-plated, and forming a very attractive souvenir of that hoped-for season of universal peace. It was on parade at the Paris Exposition of 1878, and by common consent the city of Geneva was made its custodian, and there they stand on a raised dais in Alabama Hall as bright and natty as the day they went from the factory. Alas, poor unfortunate harbingers of peace! Who shall stanch your tears? The war against the Mahdi, the Cuban or Spanish war, the Boer war, the Chinese war—and still larger armies grow and stronger navies ride the seas.

Wars will never cease until woman is reconstructed. Did you ever know one that wouldn't go silly over brass buttons and epaulettes? A woman hates a coward. She would prefer to be a brave man's widow rather than a coward's wife. The Roman soldiers were short of women; they made war on the Sabines, drove them away and stole the Sabine maids and wives. Peace came at length and part of the terms was that the Sabine women be restored. The women refused to be restored; they loved better the courageous Roman who fought for them and carried them away in his arms, rather than the coward husband or lover who ran away. Had husband and lover died in defense of wife and sweetheart, no Sabine woman would have adorned the Roman camp. But that is another story.

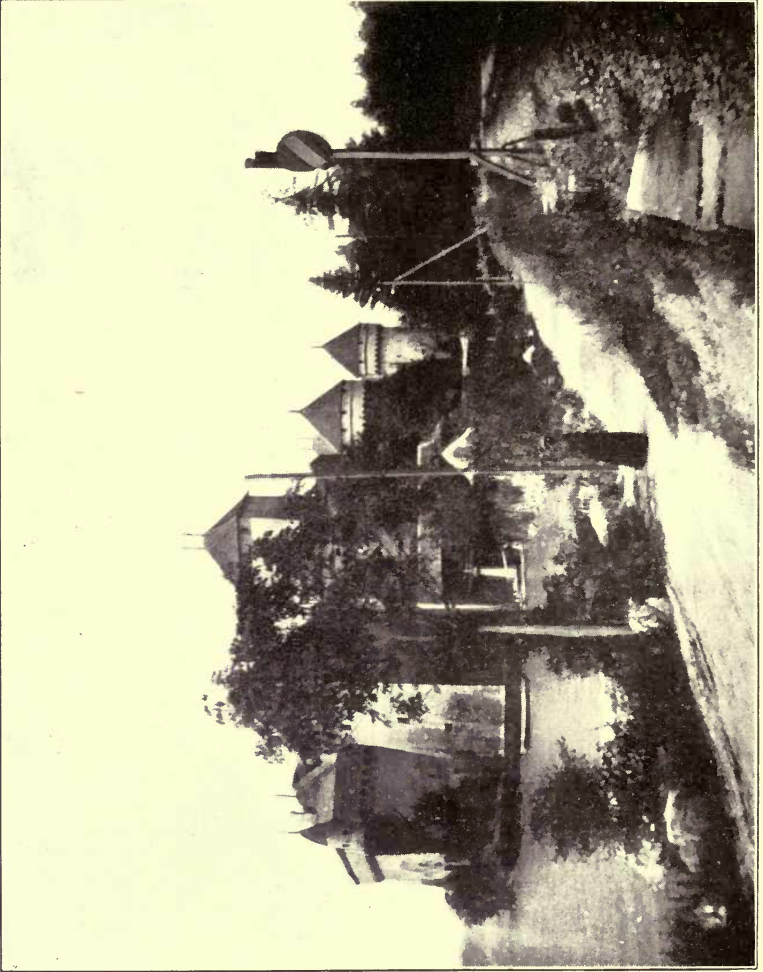
The French women turned out husband and son and lover, so long as they believed Napoleon was promoting the glory of France; but when it dawned on them that it was

his own ambition he was promoting they "went back on him" and he fell. How long would the Boer stand it were not the Boer woman the stronger man? In the late secession war the Confederacy would have collapsed the first year had not the women of the Confederacy refused to eat anything that could be made into a soldier's ration. How was it on the other side? Here is a sample: it was in the dark days of the fall of 1863. Disaster had attended the Union armies and there was a call for more troops. Men hesitated to enlist. There was a meeting held in a schoolhouse in Indiana to raise a company for the war. No one volunteered. At length a lady, Mrs. Collins by name, arose, and with suppressed feeling said: "Why, men, are you not going to enlist? My husband went to the war the first thing. I've got six boys and they are all in the army; and if I'd known this war was coming on I'd had a couple more." A full company enlisted in that neighborhood.

Talk of Cornelia, the mother of the Gracchi! When Hannibal, 2,200 years ago and over, killed 15,000 Roman soldiers at Trasimene Lake and almost frightened the life out of the Roman Senate, Roman matrons poured their jewels into the empty treasury for the defense of Rome. Cornelia came with her two sons, the Gracchi boys, and said: "They are my jewels; take them." And the world heard of them. She was justified of her children. A few weeks ago I looked on that famous battlefield. I saw also in a museum at Rome the pediment of a statue decreed to Cornelia. It had these words: "Cornelia, mater Gracchorum." Who shall write the epitaph of this infinitely greater American Cornelia?







THE CASTLE OF CHILLON

Now, this idea of the relation of woman and war I have seen before; this illustration for it I don't think I have.

The country around Lake Geneva has been the home of many learned people. At Lausanne Gibbon wrote the closing pages of the "Decline and Fall of Rome." Ludlow and Broughton, two of the judges who sentenced Charles I. to death, ended their days at Vevey. Rousseau lived here for a time. Geneva was a favorite city of Lord Byron. And then there were Necker and Saussure and De Candolle and Sismondi and Le Fort and Le Sage and Madame De Stael and Voltaire and D'Aubigne, and how many others known to the world of science and literature—all were Genevese.

The Castle of Chillon is on this lake—the subject of Byron's noblest poem, "The Prisoner of Chillon." And now comes the iconoclast and rudely shatters our ideal by showing beyond a doubt that the prisoner of Chillon is a myth and William Tell a creature of fancy. I wanted to write of Zurich, the largest, wealthiest and most enterprising city in Switzerland. Let that keep.

With love,

DADDIE NYE.

## Zurich and Strasburg

My Dear Tom:

BERLIN, June 21.

Concerning Zurich a few words: A city of 152,000, at the end of Lake Zurich. Through its center runs the swift-flowing Limmat (the outlet of the lake), crossed by seven bridges, and the north half of the city again divided by the River Sihl, which unites with the Limmat at the city's eastern edge. It was the ancient Roman Turicum, and has been the scene of hot battles in ancient and modern times. For many a year now she has cultivated the arts of peace, is devoted to the general and thorough education of all her young people, has a university of no mean reputation, a people proud of their city and their country, is the chief manufacturing city of Switzerland, is beautiful for situation, lovely to look upon, and desirable to live in. Next to Lyons it is the most important silk manufacturing city in Europe.

Basle, sometimes called the "Golden Gate" of Switzerland, a city of 100,000, is reputed to be wealthier, but for getting up in the morning and for compound double and twisted business hustle and energy Zurich carries the banner. We visited a silk factory of 400 looms, and the superintendent, with great courtesy, showed us through the works. No raw silk is produced in Switzerland; it is imported from China, Japan, Lombardy, France, and Asia Minor, where cocoons are grown or spun, and the manipulation of the silk through all the stages of spinning, dyeing, weaving, and

getting it ready for market employs the labor of 2,000 people. He told us 10,000 looms were employed in Zurich; you can estimate how many people they keep busy. Wages are from 40 to 60 cents per day, and 90 per cent of the employees are women.

In this establishment, behind it all, is one master mind, controlling all its intricacies and personally able to work in any capacity in any part of the works. Like so many cases the world over, in early life he wore the blue blouse and wrought at the loom and earned his two francs a day. Yet they say the working man is played out. Not if he has brains. But that is another story.

Then, besides her silk factories, are her chemical and iron works and ingenious machinery and engines and electrical devices and a multitude of other things, which keep a city buzzing with industry, and therefore happy; for it is the lazy man who is the growler and incites labor riots.

Switzerland, to me, is interesting and is a wonder. Beyond an abundance of stone, cement, water power, and a limited supply of timber, she seems to have little of natural resources. Of wine she has more than enough, but she imports silk, cotton, the metals and coal and her bread. With cheerful nimble fingers she prepares what the world wants and goes into the world's markets and wins her share of the profits of commerce. No beggar's hand was shoved at us in all Switzerland. We can not say that of all countries we have visited.

In the splendor and luxuriance of roses, Switzerland and Italy stand close to California.

Switzerland abounds with the American tourist girl.

There are two kinds—an American tourist girl and the American tourist girl; of the latter I speak; she of the short skirt; confident in mien, of military gait; ready of resource; a present help in the time of need; using pantomime where language fails; beloved and obeyed of hotel and railroad servants; she leads, others follow; the world is hers, and she is queen; she gets there; her type is numerous.

June 15th we parted with Zurich and Switzerland and pointed for Strasburg in Germany, six hours away by way of the Black Forest. I had expected to see dark, dense masses of gigantic trees overhanging the railroad, shutting out the light of day and extending from upland to upland, away beyond the line of vision, hospitable only as the home of the wolf, the bear, and the deer. I saw no such thing; large stretches of timber there were, but none that appeared to be a hundred years from the seed. Population was sparse, but where they were cutting timber, an able-bodied Maine or Oregon axe man could carry off the saw log on his shoulder. Large tracts, evidently under government supervision, had been set to forest trees, with the evident hope of raising a forest on land so poor that to raise anything else would be hopeless. The most artful and conscienceless real estate agent could not hope even to raise the price. Soil grew better and prospects more promising as we approached Strasburg.

The German farmer is out of luck this year; the winter hung on later, the spring was late and cold. When at last the crops were sown, a drouth came which was broken only two weeks ago; so wheat and oats are not yet headed

and will hardly amount to much; rye is better, as it is more hardy, but both straw and heads are short; and the hay crop, which is now being cut, looks to me very light in that part of Germany I have seen. So serious is the outlook that Emperor William has published a letter recommending to the landlords how charitable and desirable it would be to remit the rents of the current year in part or altogether. I have noticed no published response of the landlords. The German farmer's wife and daughters do much of the field work. Cows are harnessed and do the work of horses and oxen, even to running a mowing machine, of which there are but few. This is not general, but there are numerous exceptions.

Strasburg is an important and growing city; it now numbers over 150,000, while in 1870, when it came under German control, it numbered 78,000. Its military force is 15,000. The city beyond its old gates is larger than that part within the gates, and the new part has broad, commodious streets and avenues, all set to shade trees and with beautiful, extensive and well-tended parks, and is a clean city, with electric lights and tramways, and all the public utilities are owned by the municipality. Car fares are two and one-half cents, but distances are limited and there are no transfers.

Strasburg is old enough to have ruins, but she renovates and repairs, and so keeps forever on her face the look of vigorous life. She has her famous Gothic cathedral and its wonderful clock which no traveler passes without feeling he has lost something. So often has it been described and pictured I will not attempt it. On its site has been a church

since about the year 600. When fire or war destroyed it they built another on the ruins. The present cathedral was begun in 1176 and was not completed until 300 years after; and owing to ravages of fire and wars, renovations, emendations and additions have been going on ever since.

Modern Prussia and Strasburg history are to me mixed up in a very interesting way. As long ago as 1631 France, because she could, without cause and in a time of profound peace, seized Alsace-Lorraine, in which is Strasburg, and for nearly 200 years held it. Prussia, now Germany, in the nineteenth century, had three remarkable rulers—Frederick William III, who died in 1840; his son, Wilhelm I, who died in 1888, and the present Kaiser Wilhelm II, the grandson of two renowned rulers, to wit: Wilhelm I on the paternal side, and Queen Victoria on the mother's side. Frederick William III was king when Napoleon was devastating Europe.

Prussia was then small. In 1814 (I think it was) after the battle of Jena, Prussia lay prostrate at the foot of Napoleon. Terms of peace were humiliating and exacting to the conquered. Besides a large annual tribute, her military force was limited to a small number and it seemed as if Prussia was down never to rise; and then the far-seeing wisdom and patience and endurance of her great ruler became apparent.

He had a Chancellor, or Prime Minister or Secretary of State, also a great man (whose name I can not now recall). Serfdom then existed in Prussia, "Sire," said this Chancellor, "how can your soldiers do great deeds when they are slaves?" By royal decree serfdom was at once and for-



ever abolished? "Sire," said this great Chancellor, "how can your soldiers do brave deeds while they are but boors and their brains are dulled by ignorance?" And the royal decree went out that every child of Prussia should start in life with the even chance of a fair education.

Prussia was the pioneer of compulsory education; until now the unlettered German is unknown. Her military force was limited, but by dismissing one-third of her veterans each year and recruiting a fresh third, it soon came to pass that the Prussians were a military people. Germany consisted of a multitude of petty principalities, ruled over by petty princes. He set himself the task to consolidate all these little States under one government; and long before his death he had accomplished it. He encouraged manufactures and all the arts of peace. His successors, his sons, Frederick William IV and Kaiser Wilhelm I emphasized their father's policy.

The generation of educated men, sons of serfs, was now on. Meantime, Napoleon faded. France turned a series of political somersaults and another Bonaparte was her leader. Relations between France and Germany became strained and all France clamored, "On to Berlin." The war of 1870 followed. Germany had General Von Moltke, the ablest tactician of the world, at the head of her army, and the great Bismarck at the head of the Department of State, and when Kaiser Wilhelm I blew the bugle blast of war, that great nation of soldiers rose as a man, and pointing their noses towards Paris, the German army never stopped, nor were they seriously hindered until their tramp resounded through the halls of the Tuileries. It is said that the com-

mon German soldier knew every highroad and lane through France better than French officers. Education had done its work. The educated brain behind the needle gun,—this it was that won the victory. France lost by that war Alsace-Lorraine (of which Strasburg is the largest city) which she had stolen nearly 200 years before. The language of Strasburg is German; it is thoroughly and completely a German city and it is bustling with German business and industry, and its last days are better than ever before. It never again will be French.

Somehow I always like to think of Prussia as having got hot in the collar over the indignities heaped on her by Napoleon, and as having kept hot in the collar for nearly sixty years, and then through no fault of hers, but through the deliberate wrong of France, the opportunity came to get even. It sort of stirs up my soul with a holy joy to think how that war of 1870 evened up things. I don't think that condition of mind is exactly Christian, but it is very human. Turning the other cheek to the smiter would conduce to peace perhaps, but this I have seen somewhere:

Striketh he your right cheek  
Strike him not in anger then;  
But take a stout stick and say to men,  
"Don't you do that same again."

It seems sometimes as if there is some significance in that verse (Byron's, is it not?)

For time at last sets all things even;  
And if we do but watch the hour,  
There never yet was human power  
Which could evade, if unforgiven,  
The patient search and vigil long  
Of him who treasures up a wrong.

Won't that apply to nations as well as men?

Yesterday we visited the Royal Mausoleum. On a sarcophagus chiseled in pure Carrara marble lay the lifesize form of Frederick William III as if he had "wrapped the drapery of his couch about him and lain down to pleasant dreams." Near-by was the beautiful form of his lovely queen, Louise, who died in the perfect beauty of young womanhood aged 34. One steps lightly fearing to waken them; so near and so real seem the times when they lived.

With love,

S. G. N.

# The Greatness of Modern Germany

BRUSSELS, June 30.

My Dear Kinsell:

We started for the Rhine from Strasburg by way of Mannheim and Frankfort to Mayence (which they spell Mainz), there to take the steamer for eight hours' trip to Cologne (which they spell Köln).

Germany has thirty-eight cities each of over 100,000 population, starting with Berlin, the largest, 1,800,000. Besides there are numberless smaller cities and towns. The country districts look lonesome, no buildings are on the farms and no fences. The farmers live in villages and go out daily to cultivate the land, sometimes a mile or more away.

Cologne, a city of 370,000, has among its antiquities its Gothic cathedral which every traveler is supposed to visit, and which, from an interior view, with its numerous and massive pillars and lofty arched ceilings, leaves on the mind the impress of solemnity, durability and substantiality so characteristic of Gothic church architecture. But the antiquated buildings of Cologne, whether public or private, are kept renovated and repaired, so one can hardly believe the stories of their age. The older part of the city has narrow crooked streets, along which creep the street cars, leaving little room for footmen or carriages. But recent years have given the city a larger growth, so now, far and away, the larger part of the city stretches beyond the old city gates

and is built on the generous plan of wide streets flanked by wide sidewalks and charming shade trees; and for plenitude and beauty of her public parks Cologne, and, in fact, all German cities I have seen are an example worthy of imitation the world over, and especially by every town and city of California.

One of the largest parks is known as the Orangerie. It is bounteous in shade and bright in its abundance of flowers and green grass and plentiful in seats and full of people of all conditions and ages (we saw it Sunday). No warnings to "Keep off the Grass," or "Don't Touch the Flowers." It seems as if the babies were born with the sense to let things alone. (Don't you believe there is such a thing?) Still, there is no threatening policeman in sight. The Orangerie consists of several hundred acres, and gets its name from a gift of a tract with buildings and gardens contributed by a duke, in which were, say, fifty orange trees set in tubs wheeled under cover in winter and wheeled out to the air in summer. Apparently they are twenty or thirty years old and are now in blossom, at the same time holding last year's fruit, so small and measly that one of our healthy, vigorous Antelope orange trees would faint away to look at them. But it is a magnificent park with walks and drives and lakes worthy of a great city. On another side of the city is another immense lovely wooded park, to which the city, three years ago, added 580 acres. Then all through the city we find every now and then a *platz* whence streets radiate, and these are parks, and street cars go around them.

Years and years ago I read that Cologne was a city of 2,000 smells. They certainly are sweet smells, for it is a clean city and is sweet to the smell.

Now, I have said not a word concerning the eight hours' ride down the Rhine. There were bold banks flanking the river, terraced and set to vines; towns with a multitude of smoke-stacks; quarries whence come the brown sandstone which builds German cities, and occasional old ruined castles, relics of an age when might made right, and he was best who was strongest; wooded hills; an occasional stretching away of the landscape over spreading plains and blue distant mountains. But the essence of it all is that thrill of feeling, that beatitude of sentiment (is that a good word?) which comes to one—how can you describe that? As well picture what one feels whose blood has thrilled and tingled with the drinking of a glass of rare old wine. The experience is personal. It is beyond the range of description.

A Belgian company owned the street-car system of Cologne—strictly horse cars. Last fall the city bought it and now she owns all her public utilities. At present, city streets are torn and ragged; this city is being born again. Soon electricity will move every car.

Thence we went to Berlin, the capital of the great German Empire. It is a city great in population, in commerce, in manufactures, in art, science, and learning; great in politics, and one of the world's centers of capital. Street-car service, mostly electric, furnishes rapid service—short rides 2 cents, longer 4 cents. A system of omnibuses furnishes a ride across the city for 2 cents; these are owned

by private capital, street cars by the city. She owns as well her lights and water. The city covers 300 square miles. In the old town are the narrow streets, and it comprises but a small part of the city.

The modern city is justly celebrated for its broad, shady streets, for its solid massive buildings, for the multitude and magnitude of its public parks and for the great number of its broad and stately avenues. "Unter den Linden" is one of these, running nearly east and west in the central part of the city, about 200 feet wide. On the north side is a wide sidewalk, then a paved carriage-way, then a row of trees, then a space for horseback riders, then a row of trees, then a broad promenade for footmen, then another row of trees, then a wide bicycle path, then a carriage drive, another row of trees, and last the sidewalk on the south side. The trees are all lindens, and numerous seats flank the promenade. Many new avenues of this class have sprung up of late, but the trees are not so well matured. In the newer part of the city it is not uncommon to ride through a long stretch of street where every window is of plate glass. Among other places we visited the Konigl Marstal, or Royal Stables. It is a solid sandstone, four-story building.

We were shown through in company with fifteen or twenty Germans, and our guide was a German officer who spoke no English. On the first and second floors were horses—say 150—certainly handsome; some having the points of runners, some having trotting points, some fine carriage horses and some with the short backs and good muscles of saddle horses, and all so well groomed and stalled that they must have felt that their lines as horses had fallen

in pleasant places. They seemed worthy of a king's stable. The name and birthplace of each was posted at the head of the stall. "Onkel Sam" and "Jonathan" were marked as from America. Part of the second, and the third and fourth floors contained the collection of royal harness, saddles, bridles, wagons, coaches, carriages, and sleighs used by royalty for the last 250 years—from the old coach with red running gear and dished wheels that bore Frederick the Great over the sandy plains of Germany, 125 years ago, to the up-to-date modern carriage with rubber-tired wheels. Then there was the garden wagon of the beautiful Queen Louise (who died in 1810), so low she couldn't fall out, with wheels a foot in diameter and eight inches across the face, and tired with sole leather, looking somewhat like the small wheels of a Fresno vineyard truck.

And then there were the sleighs, ancient and modern, all heavy, even the lightest and most modern, almost clumsy. I have seen nothing in royal stables or elsewhere to vie with the dainty, handsome, serviceable American buggy; nor anything in the royal collection that can compare with the airy, light, beautiful American cutter. And I count there is many an American youth, in company with his best girl, behind a standard-bred American trotter in the ideal American buggy or cutter, who has felt a satisfaction that royalty can not supply; and if Kaiser Wilhelm could once experience that satisfaction he would give half his kingdom to possess it evermore.

In coming to Berlin we came through Essen, now a city of about 120,000. It has grown and become prominent lately. About fifty years ago a good, honest, plodding



German had a foundry and a modest machine shop there, and among those who knew him he was celebrated for devising new machinery. He had a son whom he raised to the same business and whom he educated and who became learned in the chemistry of iron and steel and their possibilities, and whose mind ran to invention and investigation. Among other things he was the inventor of the Krupp cannon. Then kings wanted him and bowed down to him. He invented many other valuable things, and the Krupp works grew, and now Essen bristles with smoke-stacks, and Herr Krupp employs over 10,000 men.

A few days ago Mme. Bernhardt visited the British Parliament. In the rush of titled people to pay their respects to that great woman, the House of Lords became practically deserted. So, in the last analysis, it is genius that wears the crown.

We spent the day at Potsdam, the royal residence for several generations, an island fifteen miles away, much of which has been filled in and redeemed from the water, having a population of 60,000, and such magnificent great parks and fine drives. It was founded 225 years ago, but it was Frederick the Great (1740 to 1786) who gave it its great splendor. He filled in lakes and swamps and redeemed many hundreds of acres of land, and our driver pointed with pride to a little octagonal building where he claimed Frederick the Great retired to smoke his pipe while the work was going on. He built the Sanssouci Palace, now kept as a museum of royal antiquities, which we visited.

Of all past German royalty he is the one who holds the affections of the common people and numberless are the

folklore stories concerning him. Here is one: A favorite royal fad was to conceal his identity. Once he dressed in peasant's garb and wandered into an inn where were several soldiers drinking beer. One soldier wanted more beer than he could pay for, so pawned his sword. He went to his quarters, got a piece of pine, whittled out a sword, stained it to the color of his sword and took the chances.

Next morning his regiment was called out for review. The king went down the line examining each soldier's arms and accouterments. Next the soldier with the wooden sword was one with the slightest bit of rust on a button. Frederick the Great was enraged and commanded him to stand out from the ranks. Turning to him with the wooden sword he said: "Draw your sword and cut off this unworthy soldier's head." The heart of the soldier nearly ceased to beat, but his wit saved him. Turning his face to the sky, he said, "God in heaven! Turn my sword to wood that I may save the life of this innocent man." He drew his sword, and behold! it was wood. The king said: "Such wit can earn distinction in other lines than in the ranks. I promote you to a position worthy of your talent. Your sword is at the inn. Go, redeem it." And he gave him a coin for that purpose.

Another. The king once disguised himself as a beggar and went to the humble home of a miller who owned a windmill and ground grain for a living. He begged for something to eat. The miller was disposed to be ungracious, but his wife said, "Feed him." After eating he complained that it was late and cold and he wanted to sleep on the floor in the miller's kitchen, but the miller, wishing to rid himself

of the beggar, said: "Yes, I would keep you, but I have three sons, one is a robber and a thief and one is a murderer and one is a beggar, and if they come home I fear for your safety."

"Oh," said the king, "I never did any person harm; I have not an enemy in the world; I do not fear."

So the king stayed and slept upon the floor with the admonition from the miller not to snore too loudly. Early the next morning the king departed.

The wickedness of the miller's sons worried the king, and in his mind he was devising plans for their reform. Finally he sent for the miller, who came.

Said the king: "I hear you have three very wicked sons and I sent for you that we might devise some plan for their reform."

"I have three wicked sons! Not I," said the miller. "I have three sons, indeed, but they are good sons, of whom I am very proud. By God's help they were educated, sire, at your university."

"But," said the king, "a poor beggar told me that he slept at your house not long since and you told him with your own mouth that you had three wicked sons; one was a robber and a thief, one a murderer and one a beggar."

"Oh, yes," said the miller. "I told the beggar that to frighten him and get rid of him, and in one sense it was true. My oldest son is the best lawyer in Berlin and he takes his fees from him who pays the most, and my second son is a great doctor and sometimes I suppose he makes mistakes and death follows, and my youngest son is a priest and is forever begging for the church."

To a monarch of the temperament of Frederick the Great this was pleasing.

Within sight of the palace, and only a street separating it from the palace grounds, stood the miller's plat of ground and the windmill. The king wanted to purchase it and offered a good house and an annuity that would keep him all his days. But the miller would not sell. We saw the windmill, still kept in good repair and shown to visitors as "The windmill the king could not buy." Thus came immortality to the miller.

Berlin is a wonderful city and Germany a wonderful country. Her natural resources are wonderful; stone, cement, and lime for building; coal fields practically inexhaustible; a seacoast that gives her access to the markets of the world; a people inventive and industrious; it ought to be a great nation. For thirty years now the statesmanship of Germany has been turned to the problem of making Germany a great industrial power. And if anybody has imbibed the idea that the present Kaiser, the German executive, is domineering and dictatorial and takes no heed of public sentiment, don't let him be misled by any such impression. No President of the United States ever watched with closer interest the voice of the people and the press and kept his finger on the public pulse with the desire to keep his administration along the line of public thought, than does the Kaiser. It is not he who fights public sentiment, but he who educates, leads, and controls it, who is great, and therein is the greatness of the Kaiser.

And another false conception let us drop, to wit: that there is friction between the civil and the military; there is

nothing in it. The German is loyal to his country and his king, and he ought to be; his country and his king are worthy of his devotion.

There has been great industrial expansion in Germany in the later years. Manufacturers have made money in plenty and, like our own country, it has begotten speculation. Extension of business and new business has been and is being carried on with borrowed capital. Of course, this competition raises the price of labor and raw material, and when notes fall due and goods fail of a market, then comes the reaction and failures follow. Many mortgage banks here last fall found themselves in a dangerous corner. The Leipziger Bank of Saxony, with a capital of \$12,000,000, the largest bank in Germany outside of Berlin, was a great promoter of industrial enterprises. Through lack of caution it found itself compelled to suspend last week. Financially Germany is holding her breath, asking what next? I hope she may avoid the American experiences of fifteen years ago.

Very truly yours,

STEPH. G. NYE.

## Ten Days To See Paris

PARIS, July 8.

Dear Ones in California:

In a thunderstorm, with hailstones and lightning that damaged vines and vegetation to a half million francs; knocked out a country church, killed several people and many horses and cattle in France, we approached Paris—a French village of two and a half millions. But the sunset rays shone brightly and clouds had fled when we reached the city. Paris has been written up so often and described so minutely that every one is acquainted with it, and what remains for me is to speak of something I have not seen in print.

The Frenchman is polite; but behind it all it is easy to detect his opinion that it was the mistake of your life that you failed to be born in France. Not knowing the language one is like a soldier without horse, sword or gun. We called a cab and told the driver to go to the Luxembourg Palace. You should have seen that face of idiotic vacancy. The order was repeated with increased emphasis. Then repeated again. Light dawned at last. "Ah, Pally du Loosamboor," and the whip came down on his bony steed and we were soon there. What will you do with a people who call Louvre Loov, and Versailles Versi? That sort of thing we had to wrestle with day by day and with all the permutations possible.

We reached Paris close to the 4th of July, and the American Chamber of Commerce had arranged to celebrate

the day by a dinner at the new Hotel d'Orsay. Of course, as soon as the committee of arrangements learned we were in town, we got a pressing invitation to the dinner. The financial proposition accompanying the invitation—well that's another story. We were there with something over 3,000 others. The president of the chamber presided. General Porter, American ambassador, sat at the right, Senator Depew on the left, Colonel Gowdy, American consul, nearby, and numerous other foreign ministers, consuls and members of the French parliament on the raised dais—the place of honor.

French soldiers in scarlet garb guarded around, and a sort of halo encircled all. After dinner, then the post-prandial fireworks. General Porter made an address, solid, logical, and of note—one which pronounced him the fit representative of the United States to the great Republic of France. Of course we all expected good things of Senator Depew, but on this occasion he fairly outdid himself. Wit, wisdom, logic, argument, and oratory united to please, convince and stir the blood of us all; and somehow we went away, to thank God for American citizenship. So we didn't miss our 4th of July because we were outside of American lines.

The locomotion of Paris is accomplished in many ways. The steam and gasoline engine, the electric train, the omnibus, the cab, the automobile (and their forms are multitude, their numbers numberless), all these are agencies to move the people who do not work; and they coexist on the same street. The footman must "watch out"; if in crossing a street he is "knocked" out, it is a *prima facie* case of

criminal negligence, subjecting him to punishment; and his justification must be strong and complete or he will get it.

Take the broad avenue de l'Opera, for instance, filled with every sort of vehicle and a solid moving mass as one looks down upon it, how the great bulk squirms and wiggles and twists, but still makes commendable progress and all escape unharmed. Whether bus or train the fare is 2 cents for about a mile and a half of travel. Cab to any place in the city is 5 cents; per hour 50 cents. So it is cheaper to ride than go afoot. All omnibuses and cars are two-storied and the upper story is the choice, save in rain. The omnibus horse deserves mention. He is of the Norman breed, either gray or black, the same that for so many years was the French diligence horse in the old days before railroads, when the breeding of coach stock was a government affair. Of fine form and limb, full of courage, weighing from 1,400 to 1,600 pounds, he is handsome and far more speedy than his weight would suggest. Rosa Bonheur's great painting, *The Horse Fair* (I saw it the other day in the National Art Gallery, London), of which there are many engravings, shows how he looks, save that omnibus service has taken out the spirit and fire, so apparent in the painting. Take three great stallions abreast in front of an omnibus carrying thirty-two passengers seated—they pull the load hour after hour with an energy and speed quite admirable.

I watched the retail fruit and vegetable market to compare with Oakland. All are sold by the kilogramme, elided to kilo, but reduced to the pound I found the following prices in cents per pound: Peas in pod, 2.25c.; beans, string, 2.7c.; white currants, extra, 9c.; peaches, 3 to 9c.;



apricots, 7.25c.; gooseberries, 3.6c.; cherries, 7.25c.; potatoes, 2c.

I saw no American food products on sale in Paris save Quaker oats and Chicago hams. The oats are on sale and advertised in every city of Europe I have seen. In Rotterdam they spell it with a k, thus, "kwaker."

The Frenchman has a peculiar temperament which shows perhaps most conspicuously in his political history. Voluble, excitable, impatient of restraint, when wrong is apparent, he has not the patience to wait the course of events and reform the wrong, but explodes, hangs the wrongdoer, and if thereafter finds he has made a mistake and hanged the wrong man, he cannonizes the hangee and another saint is added to the French calendar. St. Denis is their patron saint; there was a miracle in his case. He was beheaded, but he had the fortitude to pick up his head and trot along the highway with it in his hands for nine miles before yielding his life entirely; and on the spot where he finally gave it up the great church of St. Denis was built. In the gallery of the Louvre I saw a painting showing the headless saint picking up his own head.

Permit me to criticize. I should say let the artist hang instead of his picture.

Look at Joan of Arc. When the Gallic arms met nothing but disaster, that peasant girl led the victory. They called her an angel. Soon they called her a witch and roasted her. Thereafter they repented and she is now a saint; her painting is in the gallery at Versailles, and her statue is in marble, but she was dead enough long before.

In 1789, not content with the government of Louis XVI and too impatient to await the reforms that come with time, they destroyed the Bastille, threw monarchy overboard, caught the king as he was escaping, brought him back and made him swear fealty to the new government, later on beheading him, and a few months later Queen Marie Antoinette, and when beheading began, it seemed as if it would never stop until none were left to behead. Now, every year on the 14th of July Paris celebrates the fall of the Bastille. It is the Frenchman's 4th of July. And if the servant girls and the aproned waiters could not dance all the night of the 14th in public squares and parks and boulevards in the open air there would be another revolution.

Last year was the exposition. It was a great stimulus to the city. Now, that it is over, Paris is in the condition of a man who has made a night of it; has a "head on," wants cooling drinks, but is not doing business. So Paris this year is commercially dull. Public finances are not plentiful and appropriations for the national holiday were scant, but the servant class had the open-air dance, and revolution is averted. The Paris correspondent of the "London Telegraph" avers that business in France is at a dead standstill, save that American capital is picking up what few franchises there are that have money in sight.

But I digress. What has that to do with the explosive character of the Frenchman? France changed from monarchy to republic, then to monarchy, then back again to republic, where she now is, and has been for thirty years, and all these changes within a hundred years. But let us hope

and pray that with this longest period of self-government France has ever known, the republic has come to stay.

Tuileries! What does it mean? A tile bakery or brick yard. But in 1564 royalty got hold of it and built a palace there. It was called Palais des Tuileries and has so remained. It was the occasional royal residence up to the revolution of 1789. Napoleon made this his habitual residence. So did Louis XVIII, Louis Philippe and the last Napoleon. After the German war and the commune took possession of Paris, something had to be destroyed, and this palace fell and has never been rebuilt. But the gardens of the Tuileries, with the great groves of noble trees, the broad avenues and beds of beautiful flowers, the fountains and lakes, are for the public, and this is the most popular promenade in Paris. Baby buggies, small children and nursemaids in profusion.

We visited Versailles, fifteen miles out of Paris. It numbers about 55,000. The palace and the thousands of acres of forest and groves and lawns and gardens and fountains and lakes belonging to it are public property, cared for at public expense and open to the great public. Louis XIV started it in the seventeenth century for a royal residence, and spent on it \$200,000,000. At one time there were employed 36,000 men and 6,000 horses, and still it took a hundred years of that sort of extravagance before the French people reached the point of revolution. Were they so very mercurial after all? Versailles witnessed the luster of Louis XIV, the decadence of Louis XV, and the shame of Madame Pompadour, and the palace was sacked by a mob in 1789. It never has been a favorite royal residence, and now is a

national picture gallery devoted almost entirely to paintings illustrative of French history.

Versailles was the headquarters of King William I of Prussia from September, 1870, to March, 1871, and the art gallery was used as a Prussian military hospital; the pictures having been carefully covered. One large well-lighted room was given up to paintings of the first Napoleon. One painting represented Napoleon on horseback reviewing his troops just before the battle of Jena; that historic conflict that lay Prussia prostrate at the feet of the Corsican. Somehow, it seemed to me that the eternal fitness of things required a companion picture showing Kaiser William's review of his troops after the battle of Sedan in the spacious grounds of Versailles. However, I don't know that we ought to rub it in on the Frenchman. Why should the Gaul of today suffer contumely because of the brigandage of the first Napoleon? Yet from ancient times it hath been said that He "visiteth the sins of the fathers upon their children to the third and fourth generation." Notwithstanding the doctrine of forgiveness, unregenerate human nature sort of thrills with a grim, wicked satisfaction over this battledore and shuttlecock game of nations.

"The mills of the gods grind slowly, yet they grind exceeding small."

Paris is a beautiful city and clean. I have read that the building and painting of houses were under police supervision to secure uniformity. It is not true. There is no more uniformity than in any other city. But it has more large parks and small ones and public squares and spots for trees, one or more, than any we have seen; more museums, art

galleries, palaces and such, and all are free. The government supports them all. Even theatres and opera houses are subsidized, so tickets are cheap. All these things belong to the public and the public pays the fiddler. Every inducement is given to lure the tourist there. At the Jardine des Plants or Botanical Gardens every summer is a course of scientific lectures, free, by the world's best scientists for the benefit of tourists and known as the tourists' course. Is it any wonder that France has to invent new names for things so as to add to the taxable list? A French statesman once defined taxation to be the art of plucking from the goose the most feathers with the least squawking. The squawking is not insignificant, but it takes many feathers.

We did not go to see the graves of Abelard and Heloise—Mark Twain eternally wiped out all the glamour and romance from that ancient story of passion and lust and put them on their proper pedestal—away down. (See "Innocents Abroad.") We saw the Hotel des Invalides or Soldiers' Home, with its spacious, magnificent grounds and under the dome of which, in the great mahogany-colored sarcophagus of reddish-brown Finland granite weighing sixty-seven tons rest the ashes of Napoleon, and the numberless wonders of military art and science there collected: the Bois de Boulogne, a park of 2,250 acres, where every afternoon, turn out the most gorgeous equipages of Paris, and where none are so poor that they are debarred from wandering through the beautiful grounds and looking on; the avenue des Champs Elysées; Fontainebleau, with its palace, gardens, lakes and drives, and its adjoining great forest of 42,500 acres fifty miles in circumference, the

Gobelin Tapestry factory, Notre Dame, the Trocadero, the boulevards and the thousand other things. Why spoil paper and waste ink where myriads of others have done the same?

Ten days we gave to Paris. It is a great book. We read a page of the introduction; the rest is to be studied, if at all, at some other time or in some other way.

With love,

S. G. NYE.

## Unconventional Views of Dutch Art

Dear Children:

LONDON, July 13.

This letter concerns something we saw of Holland and Belgium. The country part, which would have for me the strongest attraction, we know nothing of save such glimpses as were revealed from the car window of an express train. It looks as if all this country, from the Black Forest away to the North Sea, at no very distant geological date (say a million or two of years ago) was the bottom of the sea. I speak only of the country we saw; so much of it poor sand without soil to hold it together; more of it light sandy loam, capable of successful cultivation. In depressed spots are vegetable deposits forming peatbeds. The poorest spots wisely are devoted to timber culture and so much of it is set to pines. When nature tries to hide her nakedness and barrenness she always begins with the pine, and when, after a million of years or so, the pine needles have fallen and decayed and finally formed a more generous soil, she brings the beech and the oak, which pronounce it the fit habitation of man. Nature has been forestalled here in much of the sandy plains, by a million years or so, by the advent of the human race, who have learned by observation and experience nature's methods, and are now exercising human ingenuity to help her out.

The extent of the forests of Germany, Holland and Belgium to me is a revelation. I doubt if the State of New York has so large a proportion of its surface covered by for-

est. The greater part of it seems to have been planted in recent times; none older than five hundred years and the planting now goes on. A more generous soil prevails through Holland and Belgium, but so flat that ditches and canals are everywhere; so it seems as if they dug them to obtain the soil to elevate the remaining surface above the water. It is wonderful how amiable are the cattle that have only a two or three-foot wide canal for a fence and never attempt to pass it. Put a Tulare range cow, as I know her, into one of those pastures, she would make the circuit of Holland inside of three days. And what magnificent beech trees they have! I was raised in a primeval forest of beech timber, where boles ran 70 feet without a limb (and how many of them I downed), but these Dutch beeches are up to grade. Beech avenues are common, and how completely do their graceful swaying crowns shut out the sun.

Amsterdam was reached first, a town with its suburbs of over a million. And this reminds me, part of the railroads of Holland belong to private corporations and part to the State, but the State leases its roads to private parties. Rates are per mile in our money: First-class, 3 1-5 cents; second-class, 2½ cents; third-class, 1 2-5 cents. The bulk of travel is second and third-class. In a train of 15 cars one or two will hold all first-classers.

Amsterdam abounds in canals and is called the Venice of the north. Both cities owe their being to commerce; both grew up out from under the sea and are literally built on the bones of their founders. The houses of Amsterdam are built on piles like the lower part of San Francisco, which led the learned, prosaic matter-of-fact Erasmus of Rotterdam to say



that he knew a city whose people dwelt on the tops of trees, like rooks. About four generations of Dutchmen had to pass before the jest raised a Dutch smile. It is one of the money centers and money powers of the world.

For fifty years I have read that the cities of Amsterdam and Rotterdam contained funny houses with toppling walls, leaning over the street, and roofs tilted over on one side like a man's hat whose owner had been too intimate with corn juice. It isn't true. I hunted for them. One I found with front out of plumb, its wooden foundations had weakened. There have been more; but they have been taken down, and instead of Dutch gables and small many-paned windows, have sprung up-to-date splendid fronts with plate-glass windows. It is said the city is divided by its canals into 90 islands connected by about 300 bridges. They are now building a palatial Merchants' Exchange or Bourse. It took 27,000 piles to make a foundation. Its walls are up and under cover, and when completed will be a massive building.

Strange how sometimes a simple incident is the mother of a custom; and the custom, growing, gets the force of law; and nothing can abrogate it but the supreme power of the state, of the kingdom, of the empire. They say that in 1622 a crowd of Amsterdam boys were playing in the rear of the chamber of commerce, and somehow discovered a conspiracy of scoundrels to blow up the merchants when at high change. Recognizing the value of this service the exchange granted the use of the building to the boys of Amsterdam for a playground for a week each year, in August or September; and they have never since failed to claim their

annual week's possession. Buildings have changed several times since then, but the custom remains. Suppose, when the new building is complete, the exchange should mount a high horse and deny admittance to the boys. Any one of them could apply to a court for an order to show cause why he was deprived of his right; not a court in the world could beat the boy. Grotius grew up here and the law he declared is still observed. So here is a spot where one can't step on this particular coat-tail of the boy.

During the seventeenth century it ranked as the first commercial city of Europe. But towards the close of the eighteenth century its commercial power began to wane, causes for which you can study elsewhere. During centuries it has been an art center; so we spent a day in one of the art galleries.

I think I have said in painting there is nothing that appeals to my alleged soul. With the exception of Raffael's Madonna, in the gallery at Florence, known as the "Madonna della Sedia," I never saw anything that held me spellbound and sent those delicious shivers and thrills up and down the back—I think they call it ecstasy. But why should not my cold judgment as an art critic be worth something, because of it? Painting as an art seems to be a sort of local affair. I saw in the Vatican gallery a painting representing the Fall of Man. I had always in my mind the apple as the forbidden fruit; the text doesn't say so; speaks only of the fruit of the tree. The artist had here Adam handing down to Eve (both in light costume, very) fruit from a loquat tree, and what he held in his extended palm was a loquat. In the tree was the serpent with such a smile

as a snake might smile; near the snake was a gaudy parrot, and chickens and other domestic animals were under foot. Well, it all seemed natural, except Adam giving the fruit to Eve. The garden of Eden is said to have been in a tropical or semi-tropical climate, and the snake, the loquat tree and the parrot are natives. In Amsterdam I saw another Fall of Man. Whether Van Dyck or Rembrandt or De Wit or who was artist I don't remember. But the Adam and Eve were a young Dutch couple, scant as to clothing; the blue-eyed, light-haired type, an apple tree, and a snake with a Cupid's head, an owl in the branches; she extending to him a good specimen of apple—a Golden Sweet, I should say—while at the foot of the tree sat a monkey hugging the cat, and scattered around on the ground were a half dozen hoptoads or frogs, such as might come out of any Amsterdam canal. Each is true to nature as each artist saw it in the life around him.

In the Amsterdam gallery is a painting of Joseph presenting Jacob, his father and his brothers and their retinue to Pharaoh. Pharaoh is a prosperous Amsterdam merchant at a time when such were more opulent than kings, and Joseph looked like a sleek, shrewd operator on the stock exchange, and Jacob was a seedy Dutch farmer, undisquieted, with the square Dutch face, round head and grizzled beard, sturdy and with no fawning, obsequious air, such as every Oriental, high or low, assumes when in the presence of superior power.

Then there was another noble painting—Christ before Pilate. The latter was a Dutch justice with a Dutch fur winter cap.

One more painting in that gallery let me speak of. It represented Christ at the home of Mary and Martha, as referred to in the last part of Chapter 10 of Luke, where Mary entertained the company, and Martha is a buxom Dutch girl with her sleeves rolled to her elbows over a shapely arm, her kitchen apron on. Beside her was a lusty lobster, a four- or five-pound salmon, numerous vegetables and fruits, thrown out in clear relief from the light of a well-lighted room. Now, what are the probabilities about the menu? Lobsters came from the Mediterranean, 60 miles away by camel train, if at all; the nearest point for fresh fish was from the Sea of Galilee, 30 miles, with donkey transport. There must be some mistake in the menu, unless we suppose a miracle. More likely the bill of fare was goat's flesh and horse beans.

Houses in Bethany then as now, had a low door and not a window, and the feed could not show up in the bright light the artist gives. That houses had no windows and were in semi-darkness in Mary's and Martha's day is plain, from our Savior's parable, Luke xv:8.:

“Either what woman, having ten pieces of silver, if she lose one piece, doth not light a candle and sweep the house and seek diligently until she find it?”

They have not changed their style in 3,000 years; the same yesterday, today, and forever; no windows; the man carries the babies, and rides the donkey, the wife walks behind to whip him up and twist his tail.

And that reminds me of another painting I saw in the Vatican art gallery of the flight of Mary, Joseph, and the child into Egypt, when Herod was seized with sudden piety

and sought the child to worship it, but they misconstrued his motives, as related in the second chapter of Matthew. There was Mary seated on an enormous donkey, holding the infant, and Joseph standing with serious face alongside, and in the faint flicker of the oil lamps they were about to go out into the darkness. That was not Oriental custom. It was the man who rode the donkey and carried the baby, and the woman trudged behind. The days of chivalry and the crusades put woman on horseback 500 or 1,500 years later in the Occident, but the Orient remained unchanged. It is said, however, that poetry and art have large license, and perhaps we ought not to criticize, since the artist has shown things as they ought to be.

Ruskin says that all art, whether architecture, sculpture or painting, had its origin in war. Some king had scourged the face of the earth, conquered and killed his enemies, and was desirous of perpetuating his deeds beyond his generation. Hence temples and tombs and pyramids and rude designs in sculpture and painting developed into the architecture, painting and sculpture of today. Christianity gave wide scope to the artist in all lines; and what a multitude of works of art there are illustrative of it. I am sure I have seen more than a thousand Madonnas, and each locality clothes the Madonna with a different character. In Amsterdam she is a Dutch woman, with a Dutch baby. But in the gallery of the Medici at Florence, the face is of one of the Medici girls. And in the painting of our Savior, the face is that of one of the Medici young men. The Medici family were rich and powerful and generous patrons of art, and protectors

and defenders of religion in their way (a way barbarous and crude), but they didn't forget the Medici. I could say many things concerning the Madonnas in lent; I forbear.

We went to Rotterdam, a city of 320,000 people, its canals full of ships, its wharves bustling and active. Two ships from Java were unloading. A band of music was escorting some newly enlisted soldiers to a ship for service in Java. Their enlistment is for six years at 100 florins (\$40) a year, and a life pension if they return. "Few will return," said our guide. "The climate is more fatal than battle." Rotterdam has many new streets with fine buildings. I asked the price of a vacant lot on one of these new streets with fine buildings on either side. The guide thought from 50 to 200 florins a square meter (a meter is 1 1-12 yards). On a good residence street we saw advertised for sale, grounds 1,600 square meters, a good two-story house, fine flower gardens and shrubbery, a canal between the street and grounds, with a light drawbridge, which is hauled in at night, bright and attractive; price, 7,500 florins (\$3,000); about such a place as an Oakland dealer would ask \$8,000 for, but would take \$4,000. The New York Life Insurance Company has put up the tallest building in Rotterdam, seven stories, built of white brick with enameled faces, and the Rotterdammers don't tire of telling how workmen came from New York to build it and how quickly it was finished.

The Hague, the capital of Holland, we visited, a town of 205,000, and noted as the residence of the sweetest, handsomest young woman in Europe—Queen Wilhelmina. It is not two years since she came to the throne. Her father,

the king, died some years ago, and her mother, Queen Emma, was made regent until the girl should reach 21. Now Queen Emma lives in "the Palace in the Woods" which we visited, a solid building surrounded by forest. It contains the royal paintings and all the appurtenances of a royal palace. We were shown through it by a lady cultivated, refined, knew all history and all politics, could discuss the Boer question, talked good English and had the manners of a duchess and a wealth of blonde hair, and made the best guide we ever had. I wondered if she had royal blood; then I wondered if it were proper to offer the customary tip to such a woman. I tried it—gave her a florin—and such a smile, and such a bow; it paid. We did not see Queen Wilhelmina; she was entertaining the Crown Prince of Siam that day. We saw him—a very dark young man with a plug hat and mustache (he had other clothes). The queen sent a carriage, and the driver had a blue coat and an abundance of gold braid. But the beautiful queen's picture is in every picture shop, and it adorns many shop goods, even to match-boxes. The Dutchmen are proud of her and loyal to her. She married last year some prince known now only as Queen Wilhelmina's husband.

We saw many other things; but did we go out into the country? Did we visit the famous dykes of Holland where are, within, the abodes of men 15 feet below the sea-level and where one can hear the thunderous roar of the outside ocean? Did we see windmills and engines pumping superfluous water over the dykes to feed the ocean? Did we go into the peasant houses and drink of their buttermilk and eat of their bread? No! We are American grasshopper tourists,

doing Europe on time. Our proud boast will be, "We have seen Holland."

I inquired the wages of a street car driver. Nine to ten florins a week (\$3.50 to \$5). A fine bay cart-horse of say 1,400 pounds was priced at \$160. Further than it cost me, I have no knowledge of the cost of the necessaries or luxuries of life. I saw a Philadelphia lawn-mower for sale, price 10-inch cut, \$7; 12-inch cut, \$8—and so on.

Thence we went to Brussels, the capital of Belgium, a town, with its environs of a half million, a live, modern city, full of art, learning, wealth, business, and fashion. After this prosaic art effusion time would fail to tell of all that this great city revealed—its museums and galleries; its palaces, boulevards, avenues, monuments, fountains and parks; its lace factories, where at one they told us their work-women receive 15 to 20 cents a day—at another 40 to 50 cents. Which was truth?

One of the curiosities of Brussels is the Mannikin Fountain, near the Hotel de Ville or City Hall. It has stood there since 1619, and all guide books note it. It is a great favorite with the lower classes, and its destruction would cause a revolution to which the French disturbance of 1789 was not a beginning. I can not describe it; but if you go to Brussels hunt it out and then exclaim as we did, "How ridiculous!" All other things concerning this great city will keep until we reach home. One thing we noticed all through Germany, Holland, and Belgium was the physical vigor of the girls. A young woman with the form of a Hebe, whether she wielded a slop pail and scrubbing brush or with dainty white cap and apron was chambermaid with



abundant health and high spirits, unconscious of nerves, seemed happy and content, though unable to solve a problem in quadratics, or demonstrate the *pons asinorum*.

Paternally,

PAPA NYE.

## Westminster Abbey and Monumental Art

Dear People in California:

LONDON, July 24.

The remarkable things of London are numberless. To describe them would fill volumes. Volumes have been filled along that line. Any library furnishes them. In a general way, I want to speak of memorial art as shown by the English people. In the first place there is Westminster Abbey, the English temple of fame, wherein are buried the kings and many of the most celebrated of her statesmen, poets, historians, and men of science, and wherein are hundreds of statues and memorial tablets and medallions. Sometimes there have been mistakes and some feeble fellows have their names there, and that is the only way the world knows them. Then, there are the paintings and statuary which adorn the public halls in the Houses of Parliament, in Westminster Hall in the tower, in the British Museum, that greatest collection of its kind in the world, in the Royal Art Gallery, and in the hundreds of public collections of art which are but extensions and elaborations of that great temple of fame, Westminster Abbey. And one can not but be impressed with the judicial fairness made to merit, all through this keen reminder of the great men of the past. For instance, I think the feeling is sort of general all through the great British heart, that it was a mistake when they caused the head of Charles I to roll in the basket, and that the government was put under the protectorate of Cromwell. But Cromwell was a strong man, and his personality

impressed itself on England. Because of him she was strong and administered a terrible thrashing on Holland, the great sea power of that day; so that history relates how Dutch mothers hushed their children to silence and changed childish rebellion to obedience by saying: "Cromwell will get you, if you don't watch out." He was the Dutch bogie man of that day. But English people and English art recognize the greatness of Cromwell. The statue of Charles I, in appearance distinguished, high-bred, aristocratic, stands in the halls of Parliament House, and not far from it, in military boots and dangling sword, with marked, strong face, stands the statue of the Great Protector, who "knew what he believed and loved what he knew."

Among Americans of fifty years ago, and longer, there was a sort of suppressed enmity to Great Britain in public and in private life, and a public speaker could more easily elicit applause by abuse of Great Britain than in any other way; and even now the tail-twister of the British lion is not uncommon even outside the Lower House of Congress. Fortunately that feeling is fading in the United States, and I do not think it was ever reciprocated over here to the same extent. The long corridor leading from the central hall to the House of Commons is hung on either side with paintings illustrative of national history; and prominent among them is a striking painting of the embarking of the Pilgrims. In Westminster Abbey, in the poets' corner, prominent among the immortals is our Longfellow. In my intercourse with Britons, I have heard no breath of jealousy, no sneers, nothing but the kindest regard and the greatest respect for America and Americans; in fact, a general feel-

ing of pride that this child of Britain has become so great. And I am glad to be able to say this; because I had been led to believe otherwise. When the American comes in and wins the Derby, some nervous Briton jumps up and wants to know what the d—l's the matter, and why the bloomin' Americans should be walking off with the Derby. The more phlegmatic and judicial-minded brother Briton says it is "because the American has bred the best 'orse"; and he doggedly sets himself to the task of breeding better stock.

Did Sir Thomas Lipton sulk or whine when the Shamrock got left? Not a bit of it; declared his rival had the better boat; and set himself to build one still better. Some other time I hope to say something more of the great Sir Thomas.

America has led in the creation and manufacture of electrical goods. I spent an evening with a workman in a like London plant. They found themselves unable to go into market with their goods at American prices. So they went over and got an American manager. The men kicked and grumbled in a quiet way. The new manager could handle men, and with new devices and appliances the men became satisfied that under the new management they were making more goods for the same money than ever before, and the new manager saw to it that no man lost a job, and peace spread her wings over the factory.

But I wander from British memorial art. To me a portrait is simply a picture; it speaks of the dead and gone, because it is a portrait. But when a block of marble is whetted and chiseled into the human form, and the face

expresses the very emotions, and you feel that if you should lift your hat and say "Good morning," that figure would make a courtly bow and return the salutation, there is a sense of reality—a historic past that becomes the historic now, which I can not shake, and which, to me, painting fails to furnish. Too, when in the halls of Westminster Abbey the statues of Charles I and George III looked at me so courtly and so kindly, I remembered our Patrick Henry's address to the Virginia house of delegates, that thrilled and warmed the blood like rare old wine, ending, as you remember, "Cæsar had his Brutus, Charles I his Cromwell, and George III—may profit by their example." And when I see the brass tablet in the floor of Westminster Hall where stood the unfortunate Charles when sentence of death was pronounced by the court, and then go down Whitehall Street near-by, where two and a half centuries ago they led him out of Whitehall palace into the street and docked his head, it seems so real, so present, so of today, I find myself asking myself, "Did he deserve his fate? And George III—was he the unjust king painted in the American Declaration of Independence?" I am saving these questions for a review of history later on.

Britain is profuse in monuments and bronze figures perpetuating the memory of past events and men. No public square or area or circus in London but is embellished by one or more of these. Let me speak of two or three. After Waterloo, the Duke of Wellington was the pride and pet of Great Britain. Several bronze statues of him adorn public places in London—all equestrian. One in Green Park on Piccadilly, nearly opposite the duke's London resi-

dence, is of decided merit so far as it represents the man. It has the square, firm jaw, the intent face, the military form, the heroic mold, which all his pictures show—just that expression which we fancy of him, when at Waterloo he shouted, “Up, guards, and at them!” But the horse was an artistic failure. No general rides a broncho to battle. “Broncho-busting” is another branch. I saw in Edinburgh another equestrian statue of Wellington, on the same kind of impossible horse, a rearing, pawing, wild creation. The artist who conceived it was not “onto his job.” But down on Trafalgar Square by the fountain in front of the National Art Gallery is another and a very superior equestrian statue of Wellington, designed by a great artist—I don’t know his name. Its great excellence is in the figure of the horse. A clean-cut, intelligent head, poised as if to catch the rider’s whisper, the image of courage and resolution; so instinct with life it seems as if a touch of rein and spur would send him off the pedestal and he would swim the Thames if called upon. I never pass it that I do not pause and admire. The artist had studied to some purpose the educated horse and given expression to his soul. I have never seen its equal. I always admired the Duke of Wellington. When I saw his house, it recalled the time when London got hungry, and hungry London howled and became dangerous and beyond police control. Something had to break, and the mob broke the duke’s front windows and battered the great doors and front wall; so next day it looked like a captured fort after a long siege. Of course all England cried “Shame!” At the Old Bailey, the courts punished some rioters; but the

duke's house stood ruinous and dismantled. Parliament took it up and introduced a bill appropriating funds for the repairs. The duke wouldn't have it; quoted the English common law that a man's house was his castle; it was sacred against invasion; except the invasion of a mob. So the ruin stood for years in the most exclusive, aristocratic, and fashionable part of London.

Some lads were at play; one took mud on the end of a shingle and threw it so it adorned the cheek of another lad, who let it remain. Said one, "Bill, wipe it off." "Ain't a-going to; let it dry on and show it to dad," was the serious and laconic reply. The duke let it dry on.

There was once a large assemblage in London of dignitaries of the Church of England, and the Duke of Wellington was present. Foreign missions were under discussion. An archbishop, supported by some bishops, pleaded for smaller appropriations for foreign missions, that there might be more for home work. Finally the duke's opinion was sought. "What are your marching orders?" In the hush some one said: "Go into all the world and preach the gospel to every creature." Said the Iron Duke: "No good soldier questions his marching orders." Somehow they felt as if they had the duke's opinion, though he had said nothing, and somehow it seemed as if there was nothing to discuss.

Across the street from the Westminster Abbey grounds, and near the Parliament buildings, in a flower garden stands the bronze statue of the distinguished Jew, Benjamin Disraeli, Lord Beaconsfield, of whom it is said when he essayed his first speech in the House of Commons he was

hooted down, but who shook his defiant fist in the face of the howling parliamentary mob, and said: "You will hear me yet." Later on things came his way and for years he was Britain's premier, and upheld the nation's honor, and, living and dead, the nation honored him. The bronze image is imposing and true to life; but that iconoclast, the English sparrow, in contempt of titled greatness, has piled his guano high upon the right shoulder and raised right arm of the great statesman, and bird lime, running in white streaks through his thin, curling locks and down the Israelitish features, demonstrates how popular a spot for sparrow conventions is that particular head.

Bedford Place is a residence street not a half mile long in London West End, where was our home while in London. At either end of the street is a charming little tree-embowered park of a few acres. In one is set a bronze statue of the Duke of Bedford; a standing figure in the classical toga, while at his feet on either side stand two curly-headed youthful figures in scant attire with arms piled up with the fruits of the earth, all set on a pedestal six feet high. It is a noble, imposing figure and a grand specimen of monumental art. Here, too, congregates the sparrow clan, and, like the true Briton, quarrels with and whips every bird that he thinks is not bigger (and, Briton-like, he thinks there is no bigger). But in the tail of the ducal toga is a sort of consolation—a secluded pocket—and here the ironical sparrow has gathered threads and rags and straw and leaves and builded an ample nest and rears her young. And so in the arms of the youngsters, beneath the bronze fruit and turnips, are other nests and troops of sparrow





HE STUDIES CLOVER WHILE SHE STUDIES THE GUIDE BOOK



urchins; and the heads of those curly-headed youngsters look as if they had lately been baptized in an ample dish of pancake batter.

At the other end of the street in the other park is the sitting bronze figure of Charles James Fox, an English statesman of about the period of our American Revolution, holding in his hand a scroll. The sparrow has not forgotten him. Beneath his chair and in every corner of his coat is the sparrow's nest; and, as if envious of the color of the rich, dark bronze, the sparrow has tried his artist hand at painting it white, and has made a sorry job of it.

Oh, the sweet, generous, charming, ever-loving, forever-youthful, cherishing mother Nature! What an impartial democrat is she! Neither birth nor condition nor rank counts with her. She buries her dead when death comes; she cares alone for the living. A thousand centuries hence dukes and earls may be forgotten, but the sparrows will still build their nests and raise their young. It is the law of life. In the last analysis Nature "gets there"; she is supreme.

I forgot to mention the poet Gay, who flourished the first quarter of the eighteenth century, who got a place in Westminster Abbey; seemingly Gay by name and gay by nature. He dictated his own epitaph, and it is on his medallion, thus:

"Life is a jest, and all things show it;  
I thought so once, but now I know it."

It is one instance of a joke perpetuated for a hundred years; a sort of perennial chestnut.

Yours sincerely, S. G. N.

## An English State Trial

LONDON, July 31.

On the eighteenth of July came up for trial Earl Russell on a felony charge (bigamy), before a jury of his peers, to wit: a jury of the British House of Lords. This is a law that has survived feudalism, to wit: That if a felony has been committed, the person charged is entitled to a trial before a jury of his peers; if a commoner, then his jury is from the commoners, and no titled lord can be a juror; if the bearer of a hereditary title, then his jury must be of the House of Lords, and no commoner can be a jurymen. The last trial of this kind was sixty years ago, when the fiery Lord Cardigan fought a duel with Captain Harvey Thickett, winged his man, and was tried for it and acquitted. Lord Cardigan was the hero of the "Charge of the Six Hundred." This trial of Earl Russell is the first one to follow. A little of Lord Russell's history may be of interest. Twelve years ago, then 23 years old, he married; it proved unhappy; a separation followed.

He had a mother-in-law with a vicious tongue. Not satisfied with that, she took to the newspapers with her pen; then came an arrest and trial for criminal libel; and a conviction by an English jury, and she was sentenced to imprisonment in jail, and Lady What's-er-name suffered the punishment of a common termagant. As this was not a felony, it needed no trial by a House of Lords. Any court of oyer and terminer having the jurisdiction could

try it. Between Earl Russell and his countess there was for years much litigation, but no cohabitation.

He went to the State of Nevada, and, under advice of counsel there, lived there long enough to gain a residence, then sued for divorce, got service of summons by publication; picked up and married another woman there known as Mollie Cook or Mrs. Somerville, and took her home to England, to be met with a summons by the original Lady Russell for divorce on the ground of bigamy. He consulted Mr. Robson, Liberal member of the House of Commons and one of the brightest lawyers at the bar, and is called the man of the future, and after getting the laws of Nevada and the divorce record, and the opinion of a prominent Nevada lawyer, Earl Russell was instructed there were fatal defects in the record, and the decree of divorce was worthless. So he had two wives on hand. The first one took her decree of divorce without opposition. Then came the criminal indictment for bigamy.

In the House of Parliament there is a room known as the Royal Gallery. It is the grand corridor leading from Victoria Tower to the House of Lords, through which the king approaches the throne, with his retinue, when attending Parliament in state; a grand and lofty room befitting royalty. This was converted into a court room. The furnishings of the court room were a dark red or warm brown, red cushions for the seats; they being very plain, like the seats of a town hall. Something like three hundred lords, clad in scarlet gowns and wearing gray wigs, attended, and two archbishops. The woolsack, the seat of the Lord Chamberlain, who presides over the House of Lords, is a

long, plain, wide, solid-built red sofa cushion. Here sat the Earl of Halsbury, appointed by the king as lord high steward, to preside over the trial of this case, and on either side, in all, ten judges, robed in scarlet and bewigged, to advise him on questions of law.

A portion of the great room was set apart for peeresses and eldest sons of peers, and outside the bar was a solid assemblage of distinguished persons, among whom was Mr. Choate, American ambassador. When the lords had marched in procession to their places, and the judges had arranged themselves along the woolsack on either side of Lord Halsbury, the lord high steward, the sergent-at-arms sings out "Oyez, Oyez, Oyez," and silence is commanded in the name of "Our Sovereign Lord, the King," upon all manner of persons, under pain of imprisonment. The hush was instantaneous, and for the moment there was silence, and through the great hall the vivid vision of color. Then Lord Halsbury announced the king's commission, which on bended knee was handed by the clerk of chancery to the clerk of king's bench, and by him, on bended knee, received and read while all the lords rose and stood to the end of the reading, and then cried out in chorus: "God Save the King." Court was now open. Such a contrast this, to the modern, utilitarian, practical, matter-of-fact way of opening a court and getting to business. It seemed as if the gates of time had swung back and opened up a scene of six hundred years ago.

At this point appeared Earl Russell in charge of Yeoman Usher, clad in dapper sables. All eyes were turned on him. He (Earl Russell), clad in a gray, frock-

coat suit, betrayed neither defiance nor dejection. He seemed at perfect ease, and assumed neither the pose of an injured nor of a submissive man. They wore red mantles; he a red necktie. It is said that his views of the utility of the House of Lords are far from orthodox—views which he has held for years.

The Russells have cut quite a figure in English history. When Magna Charta was new, a Russell was constable of Corps Castle; another was speaker of the House of Commons before the War of the Roses. Edward Russell fought and crushed the French at La Hague, and his grandson, Lord John Russell, was the queen's prime minister, and for fifty years was in public life.

The lord high steward then directed Black Rod to take the prisoner from the yeoman and bring him to the bar. This done, Earl Russell, with ease and grace, bowed three times to Lord Halsbury. Lord Halsbury then said: "My Lord Russell, you are charged with the crime of bigamy. Your lordship will now be arraigned on that indictment."

The clerk read the indictment, and ended by saying: "How say you, my lord, are you guilty of the felony with which you stand charged, or, not guilty?" Here Mr. Robson, his counsel, interposed a demurrer, the point being that the indictment charged the bigamous marriage to have been made in the United States, and outside the jurisdiction of the king's courts.

Mr. Robson's argument was carried on in a low, conversational tone that could scarcely be heard save by the occupants of the woolsack. A member of the House of Commons, in the lobby, not having fear of the dignity of

the occasion, called out as if he were making a canvass for Parliament, "Speak up." Black Rod glared at the spot whence came the interruption, and the argument proceeded. Lord Halsbury promptly overruled the demurrer, and said: "My lord, do you plead guilty or not guilty?" Lord Russell rose; there was a hush as of death. He said, in a low, firm voice: "My lords, under the advice of counsel I plead guilty." Mr. Robson was on his feet at once with a plea in mitigation, after which he asked that his client be permitted to make a statement, which was granted.

Lord Russell then addressed the high court for ten minutes, as coolly and as unmoved as if it were of some third person he was speaking. In substance he said he had acted in the utmost good faith, and in the honest belief that all he had done was legal; and he had acted on the best advice he could get in Nevada. Now he found his error. He referred to his unfortunate first marriage, and to the fact that the wife of that marriage had on her own motion procured a divorce; and that the year within which marriage was forbidden had nearly passed; that when the time came so he could, he should contract legally a marriage which he was now told he had illegally contracted in Nevada.

The court then retired to consider the punishment. Without repeating the summing up of the lord high steward, the judgment was imprisonment in Holloway Gaol for three calendar months as a criminal in the first division. And to add poignancy to the punishment, the quarters he occupies are the same heretofore occupied by his mother-in-law of high degree.



Although no issue was joined and no trial had, the cost exceeded \$2,000, and the British public stick deep their fists in their trousers' pockets, look each other in the face, and ask: "Why this special privilege? Why couldn't Lord Russell, with less cost and feathers, have been tried in the Court of King's Bench, like any other bigamist?" For the British public is a commercial chap, albeit it takes hard knocks and frequent to dislodge the ideas of hereditary privilege.

Notice has already been given by a member of the House of Commons that he will introduce a bill putting this kind of a felony on trial before the Court of King's Bench. Lord Balfour's reply was that inasmuch as this kind of trial had occurred only once in sixty years, this bill ought not to be considered at this session, considering the crowded condition of the legislative docket on urgent and necessary business. I made many inquiries to ascertain what kind of an all-around man Earl Russell is. Nobody knew him or had ever heard of him. Finally I made the acquaintance of a man who was at school with him, although they were not of the same class. As a boy, he put up Earl Russell as dull, not quick to comprehend, no force; "weak mentally," as he expressed it. Has he improved since? I can not say.

And now let me say a few words about the English courts, a subject doubtless dull to others but of interest to me. The English law system, to wit, the common law, is mother of all the law of the United States and of each individual State, save Louisiana, which adopted the French code. But common law forms and pleadings were

felt to be technical, so most of the old States and all the new ones had codified their law practice on a simpler basis prior to 1860. In 1873, by what is known as the Judicature Act, England did the same thing. It provided that the same rule of law should be enforced in courts of common law and equity, and united all the superior tribunals into a supreme court of judicature, corresponding to the California Superior Court, and a Court of Appeals like our Supreme Court. But there is a further appeal to the House of Lords, or its legal members. That court consists of the lord chancellor, peers who have been lord chancellors, and certain law lords who hold life peerages.

To house these courts in London the royal courts of justice have been built—a vast and magnificent Gothic pile in a single block, fronting 500 feet on the Strand, and containing 1,100 apartments. The site cost \$7,250,000 and the building \$3,750,000, so you see real estate is well along in value in London. That is only \$29 a square foot, but I noted a sale the other day in London of a lot at \$250 a square foot. At that rate my Oakland lot, 50x100, should be worth \$1,250,000. But why realize, considering the great future in front of Oakland.

In this building are nineteen court rooms for these courts of King's Bench (our Superior Court) to do the law business of London, with four and a half millions of population. Only two of these departments were in session, the remainder are on vacation. They convene at 10:30 A. M., continue in session until 1:00, recess for lunch one hour, then business until 5:00 or after. We gave a day to the courts. Their practice is like ours, and, the

trappings aside, one might think himself listening to a trial in San Francisco or Oakland.

The court rooms are small and cluttered; the judge on a raised dais; at his right the witness-box (the witness always stands), at the left the jury-box; in the front the clerk; at the clerk's right and below the witness-box, the reporters' desk; in front of the clerk's desk are rows of benches, cushioned, with a continuous desk in front of each bench. The first and second seemed to be occupied by witnesses and lawyers' clerks; the other seats were occupied by attorneys, and in the trial of a case, opposite counsel sat beside each other. The judge wore an elaborate flowing gray wig and black gown; counsel wore the same, save that the wig was a sort of bobtail affair.

The court room, because of its lack of space and inconvenient desks for counsel, would not pass muster in California in any county. Department 8 was presided over by Mr. Justice Wills, Department 9 by Mr. Justice Mathews. It was a hot day. In the former, wig and gown were vigorously adhered to; in the latter, on the opening of court, Mr. Justice Mathews remarked upon the oppressive heat and said that for comfort he would discard his wig and members of the bar could do likewise if they chose. About half of them did so, and thus at bench and bar wigs lay slung around in a most careless and miscellaneous manner, and the court room seemed to have the ease and abandon of the extremist American court.

In No. 8 the first case on was on several promissory notes. The answer was a general denial and want of consideration. Plaintiff was a jobbing merchant and sold to defendant's

husband, a retailer, goods on credit. The debtor died and his widow (the defendant) continued the business. Wanting further credit she gave her note for new supplies, including her husband's debts. She was an ignorant woman, signed her name with the emblem of salvation and talked with a brogue. As months and years ran on the business grew worse, and then ceased, with the notes not all paid; and hence this suit. The distinguishing feature of the trial was a witness, the plaintiff's bright daughter, his bookkeeper, whose books and clear, businesslike statements carried conviction to court and hearers, notwithstanding the vehement statements of defendant that she never signed anything. Judgment for plaintiff. The case occupied one hour.

The next case was an action on a life insurance policy of the New York Mutual Reserve Life Insurance Company. The defendant unsuccessfully moved a continuance. But the distinguishing feature was the speed with which trial was brought on after issue joined. The man insured died the last of February. Proof of death was submitted March 10th; suit was begun and summons served early in June, and we listened to the trial July 22d; which to me seems commendable diligence in the administration of justice.

To each of the court rooms is a gallery, admission to which is gained from a corridor above, through a corridor bailiff who has charge of the galleries of several court rooms.

Altogether these courts impressed me very favorably. I could see no reason why I should not be able to practice successfully in them, except, perhaps, the lack of clients.

# The Lake Country and Scotland

EDINBURGH, SCOTLAND, July 31.

Sweet Daughter:

I send with this another of those leaden letters which treat as heretofore. This morning I got to work at six and evolved the description of the London courts. All this letter is of great interest to me, so now I am just wondering if you and Tom can read it without yawning. Myrtle, I like England, the country and the people. We have met nothing but consideration and politeness all around and everywhere and by all classes. I have been particularly fortunate in meeting educated men, such as librarians, superintendents of museums and galleries, whom I was glad to get acquainted with, and who certainly showed they were glad to meet me. So English travel is ahead.

I think I wrote from Stratford Sunday. It is now Wednesday eve. Monday we came up to Birmingham, a great manufacturing town, crowding half a million. The day was cloudy, half inclined to rain, just foggy enough so you couldn't see more than a block away; rode on top of street cars for two hours and concluded we had seen enough of Birmingham; then took cars for Liverpool, a town of three-quarters of a million. Here also we took in the sights from the top of an electric street car, as we find that is the most satisfactory way, as up so high nothing obstructs the view. In one direction we came to the end of buildings and an iron fence and gateway barred driving, but a small

gate admitted pedestrians. Beyond the gate stretched wide lawns of hundreds of acres and beyond that lovely grass and charming landscapes, and I thought, how liberal is the corporation of Liverpool to her people to furnish such magnificent parks and playgrounds. But I inquired what was the nature of the domain and found it was the property of Lord Derby, and the people of Liverpool with whom I talked seemed tickled to death that they had a live lord so close by capable of putting on so much political and social dog.

If they like it, I think I can stand it, but just now I don't see anything in it that would make it desirable to be a lord. To be a great commoner would be my ambition if I were an Englishman.

We stayed in Liverpool Monday night. The next morning we got off for Lake Windemere, in the English hills, where we took a little steamer to the upper end of the lake, ten miles to Ambleside, then at 4 P. M. took the top of a tallyho coach for a seventeen-mile drive through the hills to Keswick, passing the smallest church in England. In the churchyard lie buried Wordsworth and Coleridge; your mother and Harriet stopped to wipe away an imaginary tear or two; I stayed by the coach.

We reached Keswick at seven, landing at a charming hotel with ample gardens and grounds, on the outskirts of a stone-built town. Then in the morning we started for this place, lying over at Carlisle, a town of 50,000, for two hours, reaching here at 4:30 P. M.

We spent over two days in Edinburgh, taking in the whole city in our usual way the first day. It is rather a queer

city—the finest street is Princess Street, extending for a mile. On one side are nice stores, on the other, a row of trees and a park with an imposing monument in memory of Walter Scott, also other monuments. This is on a level; then the park continues on down a deep gulch or cañon, with the railroad running through the middle of it lengthwise—then beyond there is an abrupt rise, and the city piles up on the other side some like San Francisco, and on the highest peak looms up the old castle, as guardian of the city. It is in a good state of preservation and new buildings have been added and all used as soldiers' barracks and a fort, for fort is what it really is, and what all of the old castles were built for. Bridges and filled-up roadways take the travel across this gulch, and then there is a steep hill to climb. The second day we drove to Calton Hill, where are monuments and an observatory, and, when clear, a good view of the city, but it was quite smoky while we were there; then on, not far, to Holyrood, where stood the castle of Mary, Queen of Scots.

The original castle was destroyed by fire, except the part containing Queen Mary's and Lord Darnley's rooms, and the old chapel. The castle has been rebuilt and joins the portion saved from the fire. There was very little in these rooms except the old high-post bedsteads—the covers and canopies were on the beds, but so worn they were just ready to fall in pieces—a little old furniture and a few pictures on the walls, and Rizzio's blood-stain on the floor; then a long gallery with portraits of all the old Scottish kings—but we had lost interest in castles and palaces. Then we must take the "Queen's Drive," a good roadway

which winds up to the top of a high hill called "King Arthur's Seat," but there were no trees or shrubbery, not even a bit of heather or a Scotch thistle on the way; then back through a very old part of the city where was John Knox's house and his church adjoining, passing a monument to Robert Burns. In England the dividing lines were all hawthorne hedges, in Scotland they are all stone walls. The houses are of gray sandstone.

Returning to town, we were driven up to the castle, over which we wandered, climbing the stairs to the highest part for the view. In the "crown room" was a large glass case protected by an iron railing, in which was a red velvet crown decorated with pearls and rubies, a gold sceptre and other jewels; these had been hidden when Scotland was united to England and lay for a hundred years in an old oaken chest, which now stands at one side of the room. In a very small room near-by Mary gave birth to James VI in 1566.

Having finished the castle, we boarded one of the many coaches that run to the famous Forth Bridge, nine miles away. On the way we were entertained by youths turning handsprings and going through various evolutions with the hope of gaining a few pence. It was a pleasant ride and the bridge was well worth seeing.

With love,

PAPA NYE.



## On the Sea, Homeward Bound

ON BOARD THE ETHIOPIA S. S., Saturday August 24.

My Dear Uncle George:

As this heading shows, we are pointing west. As long ago as July 12th we booked for this trip, to sail from Glasgow August 15th. July and August are months when the flight of American tourists is strongest, when every berth is engaged a month ahead of time and rates are advanced 25 per cent, unless you have a round-trip ticket. Our travels brought us to Glasgow, August 3d, where we stayed until the 8th, taking the steamer that evening for Dublin; reaching there the next morning to take in what of Ireland we might and intercept our New York steamer for home at Londonderry.

We visited Dublin, the homes of wealth, learning, and aristocracy, a few days; then to Belfast, the pushing, thriving city of Ireland, with 60,000 linen-workers and 9,000 ship-builders, the greatest of her industries; then on to the Giant's Causeway, and then to Londonderry, the Protestant city of the north, also largely a linen and ship-building town, but less in size than either of the others. We got our ship as advertised at Londonderry, the day after she left Glasgow.

The first three days we had fair weather, but a strong head wind and cold; then one rainy day; then one day of fog, and now two days of a "summer sea." Today has been whale day, as seven have shown themselves thus far.

We expect it to be an eleven days' trip. Our boat is ample and comfortable—not a greyhound of the sea, only about 4,000 tonnage, but ample staterooms and excellent table service and only 74 passengers. Captain and all hands Scotch, and nice, courteous, and kind.

A few sort of scowl because they lose so much time on the ocean. I don't. I am getting a needed rest. This thing of pushing through a tourist trip "on time" is no holiday picnic, if one tries to improve his opportunities, and tries to see and learn something. It is simply hard work, and continuous and every day.

Yours ever,

STEPHEN G. NYE.

NEW YORK, August 28.

P. S.—We reached New York last night after a delightful voyage, glad to see the home land, and glad that we made the trip, as the discomforts are soon forgotten and only the pleasures and things of interest and profit will remain in memory, and these we will live over and enjoy while life lasts.



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THE FAMILY—1892

Additional Letters and Lecture on  
Ancient and Modern Rome



## Central Florida and Its Old-Time Orange Groves\*

By Central Florida I mean that portion of Orange County which I have seen, and situate two hundred and fifty miles south of Jacksonville. The way thence is worthy of mention. Until within a few years all this region was reached by steamers on the St. John's; thence, inland by mail stage twice a week, the stage consisting of a springless Florida wagon. Now there is a railroad parallel with the river to Palatka, whence the river takes you two hundred miles to Sanford, and thence a narrow-gauge railroad runs here to Orlando, and on to Tampa Bay, its objective point on the Gulf of Mexico; a shipping place to, and coming to be on the recognized line of travel from, Havana, the Bahamas and Key West.

A daylight ride on the St. John's is an event to be remembered for a lifetime. The luxury of travel is by river steamer. In June next a railroad will be completed from Jacksonville to Tampa, thus dispensing entirely with the steamboat as a necessary element of travel in this part of the State. The St. John's will soon be as effectually abolished commercially as has been the Mississippi.

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\* During a trip through the Southern States, which he took with his family in the year 1885, Judge Nye wrote a number of letters, which were printed by a newspaper published in his home town. This letter, which was written from Orlando, Fla., in the month of March, is a good specimen of the series.

Were it not that time is money, and money the main thing in this hurrying life we lead, it seems as if the charming, wild, semi-tropical luxuriance and silence of this quiet stream ought to be kept as a sort of safety-valve to the nervous energy of our style of life, and we be compelled to "go slow" and enjoy it. Under the methodical life of a high civilization, where the fate of finance and even of States depends upon exactitude and promptness, people will rely upon the greater certainty of the railroad with its omnipresent attendant, the telegraph; for the river plays fantastic tricks with appointments. A hidden snag literally lets the bottom out of the steamboat, or the purser plays pilot and runs his boat hard on to a sand-bar, there to remain for hours or days.

This river is peculiar. For the first hundred miles or more from the ocean it maintains, at the narrowest, a half mile width, enlarging in places to double that size, and in many other places assuming the proportions of a lake. The largest of these is Lake George, fifteen miles long by eight wide. On these broad bodies of water the breeze is always fresh and cool, however tropical the heat a few miles inland. Farther up, the river dwindles to a narrow stream, whose windings are so tortuous that skillful pilotage alone can save a steamer from climbing the bank. A few miles farther it again enlarges and once more appears a placid, spacious lake. Along the river border to the water's edge for the most of the distance is a solid wall of living green, made up of magnolias, water oaks, willows, cypress, reeds resembling the canebrake, together with the tangled vines and rank vegetation peculiar to a warm climate and a



swampy soil. Occasionally this green wall disappears and the view extends back over broad savannas covered with coarse grass similar to the tules of the Sacramento, and in the far background the pines upon the higher land; for all along the river at varying distance appear the pines, which mean a sandy and a drier soil; and where the pines project to the river, because of the convenience of Nature's great highway, men have made landings, and set up saw-mills and felled the forest, and planted the orange, and built them homes.

All the oldest, largest, and most productive of the orange groves are along the rivers, because of all crops the orange must have bountiful provision for shipment. An acre's cotton crop can be crowded into the compass of a few cubic feet, but the yield of an acre of an old orange grove requires the capacity of several cars. In some places there are openings of the cabbage palmetto, a tree resembling the date palm, reaching the height of fifty feet and useful for piles. Its cousin, the scrub palmetto, is a scrub indeed, never rising over three feet from the ground and covering it completely and as thorny as a cactus.

I watched with commendable zeal for the alligators and huge serpents said to abound along the banks of Florida rivers. The truth of history must be vindicated; I saw but a single alligator. While watching from the steamer's bow the whistle awoke him from his siesta in the warm sand, and he complacently, leisurely, and with dignity dragged himself to the water and disappeared beneath it. I never fished for trout; therefore my statement is entitled to credence; the animal was fully twelve feet long.

Sunset on the St. John ought to be the subject of a noble painting; but no cunning in the artist's hand can do justice to the shifting views of an hour. He can catch but the beauty of the moment, and each successive moment reveals a new beauty more wondrous still. Toward nightfall the wind entirely dies away, and a perfect hush falls on forest and stream, disturbed only by the plash of the steamer's paddles, and away back floats, like a widow's veil, the black smoke. A few rods in advance the cedars upon the banks are duplicated, with inverted heads, in the perfect mirror of the placid river, while the slanting rays of the western sun make it a sea of burnished silver. A little later, and it is changed to molten gold; and as the shadows of the night creep on it becomes a leaden plain, and then a sea of ink, relieved only by the long line of silver foam in the steamer's wake and the darker shadows of the adjacent forest. Then all around us was the soft, warm sky and air, and the darkness which wrapped us round, like rich drapery, with a sense of comfort and perfect repose. It seemed to me that in an hour like this, with such surroundings, for him who should possess the true artistic spirit, and could evoke from the canvas the shadow of this great reality, there existed here the material for the artist's great work, the fame of which would in after life enable him to sing with Horace, "I have builded me a monument more enduring than brass."

Florida for several years has been as wild concerning oranges as Southern California—or as Northern California on orchards and vineyards; and the same results have followed. Lands intrinsically worthless have risen to a

fabulous value. City and town sites exist wherever there is a railroad completed or projected and a charming blue lake shows itself. There are many towns that have made a rapid growth in a few years. Most remarkable, perhaps, of all is this town of Orlando. For thirty years it has been the county seat of Orange County, the richest in the State. Five years ago it had a wooden courthouse and jail, four stores facing the courthouse square, a cross-roads tavern—that was all. Four years ago a narrow-gauge railroad was built; it brought the stranger as far as he could go, and he came and stayed. Twenty-five hundred people are here now; they claim three thousand. It has three large and well-equipped livery stables, one ice and two wagon factories, a public and a private school, four markets, about thirty stores, two planing mills, an opera house, a skating rink, four churches, besides numerous hotels, boarding-houses and real estate agencies. It bears the marks of a new town; pine stumps stand in dooryards. Where I sit is two blocks from the center; within a block the other way stand forest trees. Although hotels and homes and young orange groves are scattered among the pines along the edges and within sight of the fascinating lakes for miles beyond, lots are held as high as in cities of forty thousand people. Unimproved lands within two miles of the courthouse are held at from \$40 to \$700 per acre. Climate and situation are sold by the square rod and the land thrown in.

Every art and inducement to purchase is thrown around the stranger. On the arrival of each train he is met by the real estate agent and urged, begged, and solicited to take a ride and be shown, without charge, the town and its

surroundings. Cigars are tendered to smokers, but drinks, never. Oakland real estate agents would blush at their imperfect methods were they to witness the more polished science of their Florida brethren. Six or seven firms here keep elegant turnouts of double-seated carriages, which are at your service at any time and place, with an attendant guide; and he who is proof against such blandishments must be very obdurate, or very short of coin; or must have had an Oakland experience in the flush times of 1875.

Orlando is a bustling, active business town, with that dash, energy, and good-fellowship characteristic of new and growing American cities. It has many things to learn, and thus far has builded for the present. Outside of the county jail and the 7x9 recorder's office, there is not a brick edifice in the town, although three are now being built. It has no waterworks, no sewerage, no graded, paved or macadamized streets, and no fire department. It is built of pitch pine, rich in resin; some breezy day a stray match or an innocent cigar stub will get in its work, and Orlando will be no more. Then will begin a new city of brick and iron; the steam fire engine will watch over it; the Holly system of waterworks will keep an abundance of water ever ready from one of its clear, pure lakes; capacious sewers will purify the air; and in its setting of groves of emerald and gold, and the sparkle of its bright blue waters, will stand the new city, worthy of its beautiful surroundings, and its last days will be better than its first. Experience teaches a dear school.

I asked Mr. Lucky (suggestive name), who has been here thirty-five years, how many men within two miles of Orlando made their living from the productions of the soil.

He counted seven. Before the advent of the Yankee they all did. His coming doubled the values of real property so rapidly, and made the native's earnings seem so mean, that they sold some of their soil and took to living at the groceries. Here, of course, there are few orange groves old enough to be of prolific bearing; because, until recently, it had been beyond the reach of ready transportation.

Scattered all through this part of Florida one finds the old settler's log house, with its mud and stick chimney outside the gable, located on high ground for healthfulness, overlooking a lake for convenience of access to water and for abundance of fish; and adjoining it a clearing on the low, richer hummock lands, where grow his rice, corn, cotton, sugarcane, and sweet potatoes, and about the house from six to two hundred orange trees, thickly set, without order, for shade and fruit, and from ten to thirty years of age. And when the history of these old groves is hunted up, it was always the wife who planted the seed and tilled the ground and protected the trees from marauding stock and silently submitted to the jeers of the household about "them thar trees"; and watched and waited and hoped through the long years, and nursed her children under their grateful shade, until watching and waiting was repaid by the golden fruitage, and household jeers were heard no more and her little grove became the acknowledged beauty-spot amid the glaring sands and sighing pines. And when the man comes from the frozen North, impatient of the weary watching and waiting for the growth of his own grove, and offers for their home a few thousands, to them who in a lifetime have never

seen more than a few hundreds, these few thousands seem more than the millions of Stanford or Vanderbilt.

In a primitive cart, drawn by an attenuated, long-horned Florida steer, in straight-backed splint chairs sit the owner and his wife; he, with grizzled hair and beard and saddle-colored complexion, smoking a cob pipe, with the guiding rope in one hand and the ox-goad in the other; she, with saddened face concealed by an ample calico sun-bonnet—both silent, and on their way to sign the deed. It is finally executed. She acknowledges to the notary that she executed the deed, “freely and voluntarily, and without fear or compulsion of her husband”; but as she wipes her streaming eyes with her apron, she remarks: “It’s a power of money for the old place; but thar’s Tom and Bud and Sis; it’s many a time I’ve rocked ’em to sleep when they wuz babies under them orange trees.”

A few weeks later a few miles farther on in the forest the woodman’s ax is heard, a new cabin, with its mud and stick chimney has gone up, a small clearing is made, a grove of small orange trees is planted, and the old couple begin life anew. There is romance in the history of these old orange groves; happy they whose groves have not mingled in their history tragedy with the romance. Henceforth I shall look reverently on the old orange tree of Central Florida.

# The Boer-British War

The Following Letter from Judge Nye to His Daughter,  
Then Visiting in New York, Tells of His Change  
of Mind on the Boer-British War

My Dear Harriet: OAKLAND, March 9, 1900.

In one of your letters you wrote of Uncle Robert's views on the South African war—how he felt convinced that British victory and Boer defeat are along the lines of advancing civilization and the world's progress. Just a few nights before, I had attended a pro-Boer meeting at Germania Hall. There was a great crowd and I was one of the speakers; the Mayor and Joaquin Miller were others, and there were many more. Don't you know, since, I have been thinking and reading, and reading and thinking, and conviction compels me to go back on the Boer. It does not follow that because the Transvaal and the Orange Free State are republics, that therefore Americans must sympathize with and stand by them in their rebellion. A monarchy or an autocracy enlightened and well administered may be more beneficent than a rude, ignorant republic, swayed by bigotry and prejudice. Originally, Cape Colony was a Dutch colony, but long ago Holland sold out to England, and England claimed the people with the land. The Dutchman took another view of it. He refused to be sold, and so he treked northward. Fighting lions and Zulus in front and the English behind kept him sleeping with one eye open, and made him mighty handy with a gun. The

Boers were Protestants. A large branch of them were remnants of the pestilent Huguenots, who actually attempted to escape the massacre of St. Bartholomew's day and fled to Holland, and thence colonized South Africa. They were stubborn and unprogressive in their religion and refused to adopt the Catholic faith, and the Catholics represented the progress and enlightenment of that day as the English do of today. Whom they couldn't convert, they killed. Poor benighted Boers! Why should they pray and read their Bibles and trust in God? Why didn't they trust in the English?

It is charged that the Boers are boors indeed—unsocial, uncouth, uncultured, unlettered, and in this age unnecessary; hence they ought to yield their government, their freedom and their country to the polite and cultured Englishman, and admit British culture and British cannon; British lead and British learning; British bombs and British blessings, all mixed ready for use.

The Boers are bigoted beyond endurance. Lately it was discovered they had rich mines. When English fortune-hunters invaded their territory, the Boer government required a five per cent contribution to the government for the privilege of mining. England kicks, and justly. True, it is the universal law of nations that mines are the property of the government, and the right to mine the precious metals emanates from the government alone. In the United States are patent laws for mines; Russia retains in her government a monopoly of the issues of the mines; Rhodesia, governed by that great and good and benevolent man, Cecil Rhodes, levies for the use of the government



(that is, himself) 50 per cent of the issues of the mines; and in British Columbia, by act of the Provincial Parliament, none but a British subject may do placer mining. But it is a different thing with the Boers. With no capacity for the enjoyment of wealth, the right to acquire or retain it belongs only to him who can enjoy it, to wit, the British.

And especially should the mining riches of these ignorant Boers be surrendered to the control of such enlightened statesmen as Cecil Rhodes, whose stock jobbing management of the De Beers diamond mines, abetted by the speculative Joseph Chamberlain and his kind, has beat the record of the wildest kind of wildcat mining history since the world began.

And did you ever think what a strange parallelism there has been in Boer and American history? Paul Kruger prophesied that the expenditure of life and treasure would stagger the civilized world. He has often announced that the Boers would welcome death rather than be defeated in this contest. He appeals to a just God, the arbiter of nations. What was it Patrick Henry said? "I know not what course others may take, but as for me, give me liberty or give me death." Sentiment pretty much the same, isn't it?

The Boer is uncouth and unlearned; so was the American at the close of the Revolution. It is said that the Father of His Country never wrote a letter correctly spelled. It was then only a short time since we had been hanging witches. We developed into a great people.

But when we come to look back over American history in this *new* light what an awful mistake it has been!

How we ought to wish we had never rebelled! Let the blush of shame mantle the American cheek at the memory of the Boston Tea Party. Why did we try to sneak out of paying a just tariff to a beneficent and cherishing mother country? And there was Concord and Bunker Hill and the Liberty Bell and the Declaration of Independence and the Brandywine and Saratoga and Yorktown—these were the mistakes of the ages.

Let the schoolbooks be revised and these pages be effaced. They stood in the way of British progress. Let the red flush of shame stain the cheek of every American when he recalls the base ingratitude of our fathers to rebel against such a mother.

My dear daughter, on your mother's side the paternal ancestor, John Mack, was a rebel; the paternal ancestor went back to a Foster, who was a rebel, and twelve more of his traitorous brood were rebels, too. And on your father's side his maternal ancestor traces her blood to Judge Ellis, a rebel, and the paternal ancestor goes back to Major Ben Nye and six brothers, all rebels in the scrimmage at Bunker Hill. How *can* you be proud of your ancestry?

And what about Longfellow, and Whittier, and Lowell, and Emerson and all the rest—apostles of rebellion. Poor degenerate rebels in every fibre of their being. There is so much for us benighted Americans to forget and so much to unlearn.

“All men are created equal,” etc.

(Rot.)

“America, 'tis of thee,  
Sweet land of liberty,” etc.

(Aren't you ashamed?)

“Breathes there the man with soul so dead  
Who never to himself hath said,  
“This is my own, my native land?””

(You know the rest, forget it.)

And then there is that old dotard, Wm. E. Gladstone—when he was Prime Minister, after the battle of Majuba Hill, he actually made peace with the Boers. The world called him the “Grand Old Man.” Should have been tried for treason and shot for a traitor. Wonderful what effulgence the new light sheds.

“Take heart, O soul of sorrow, and be strong,  
There is One greater than the whole world’s wrong;  
Be hushed before the high benignant power  
That moves, wool-shod, through sepulcher and tower.  
No truth so low, but He will give it crown;  
No wrong so high, but He will hurl it down.  
O men that forge the fetter, it is vain;  
There is still a Hand stronger than your chain.  
'Tis no avail to bargain, sneer, and nod,  
And shrug the shoulder for reply to God.”

(Still worse!)

Oh, how the new light reaches back and overthrows what we have called the noble standards which the world has worshiped—love of liberty, love of home and country—how they fade away like foolish dreams!

What do you think of my change of heart?

Your loving dad,

STEPHEN G. NYE.

## Letter to His Grandson, a Lad of Seven Years

LUXOR, UPPER EGYPT, March 31, 1901.

Master Girard Nye Davis,

Dear Girard:

I must write you a little letter, for we are in a strange part of the world. We landed from the steamer at Port Said about 2 P. M., Thursday (this is Sunday), and at 3 we took the choo-choo cars, narrow gauge, until dark right alongside the great Suez Canal, where all the great steamers of the world take the short cut to get into the Red Sea to go to China, Japan, India, South Africa, and Australia; we passed seven big steamers before dark. After sundown we came to Ismalia, where they gave us a good dinner, then we took bigger cars and went on in the dark to Cairo, a very large city, where we got to our hotel about 10:30 P. M. and they gave us nice large rooms with lots of big mirrors so we could see ourselves sleep. The weather is like Visalia, very hot in the daytime and cool at night, so we had a delicious, sweet sleep, and were rested and fresh next morning. Cairo is a large city; more than twice as many people in it as in San Francisco, and in all kinds of dress, and people of all colors. It looks very funny to see men and boys dressed just in a nightgown, and with a couple of yards of white cloth wound around the head. Some of the nightgowns are pure white, some are striped red and blue, some are of nice silk and some are awful dirty. How would you

like to be a little Egyptian boy and wear just a striped nightgown and a turban or a red fez cap with a red tassel on it, and go barefooted? I think if you should go down-town dressed that way everybody would say, "What little Egyptian boy is that?" only you wouldn't be black enough for an Egyptian boy. Right in front of the hotel is a large park full of trees and flowers and very beautiful. After breakfast they put us in carriages and we drove around to see all the great buildings. They have no churches in this town as we have—they are Mohammedans, and instead of churches they call them mosques, and everybody that goes in has to put on sandals over his shoes to walk in. Just think, Girard, what a grand picture I am slopping around through a mosque in slippers big enough to lie down and go to sleep in. But how do you think grandpapa would look dressed up in a big striped silk nightgown and a red fez cap and go down-town that way? Suppose you and I try it some day. But the funniest things are the little donkeys, with their funny saddles carrying big men bigger than the donkeys; they have funny names: Yankee Doodle, Never Tire, George Washington, Abe Lincoln, Lovely Sweet, etc.

Yesterday we drove out of the city several miles to see a famous old monolith, and the tree where camped Mary and Joseph and the child Jesus, when they escaped from the cruelty of Herod and went to Egypt, and the well where Mary washed the baby's shirt; we rode through the richest farming country I ever saw. They raise everything; besides grain and all kinds of vegetables, tobacco, sugarcane and cotton grow here, and such quantities of onions; and such droves of sheep, goats, and cattle; but there are no horses

outside of Cairo, they are only used in the city on carriages. This morning I saw a stack of wheat bundles, but it moved; finally I saw the head and tail of a camel. They pile a big stack of clover on their little donkeys so you can see only their legs as they trot along. I saw a little donkey just big enough for you to ride to school on, and she had a little baby donkey just right for Virginia to ride. Had I better buy them and bring them home to Antelope? Last night at 8 o'clock we took the cars for Luxor, 300 miles from Cairo, and here we are, with the Nile at the back end of the garden.

With love from

GRANDPAPA NYE.

## Two Days in Rome

Some Time after His Return from the European Trip  
Judge Nye Delivered Before an Audience in Elmhurst,  
California, the Following Lecture, in Which He  
Summed Up His Impressions of Rome

Two days in Rome! That is my subject as announced. It might have better been called "A day at Hadrian's villa, and another at St. Peter's."

Before I begin let me occupy a few moments concerning Rome. What has she been? For more than two thousand years she has an authentic history. When one gets back of and beyond twenty-five hundred years, mystery and legend and miracles surround and envelop the beginnings of Rome. Legend says that Procas, king of that territory known as Alba Longa, had two sons, Numitor and Amulius. When Procas died Amulius seized the throne, rightfully belonging to Numitor. Amulius made of Numitor's daughter, Rhea Silva, a vestal virgin, a sort of nun, to watch and keep alive the fires on the altar of Vesta, the goddess of the hearth and home; devoted to her worship and to a life of chastity. But this one, Rhea Silva, bore twin boys—a miracle. Their father was said to be Mars, the god of war.

King Amulius ordered the twins to be thrown in the Tiber. It was high water and the basket in which the boys were, floated down stream to the foot of the Palatine Hill, and a swirl in the waters carried the basket up on to solid

land. (Is this a variation or another edition of the story of Moses?) The babies got hungry. A nice motherly she-wolf came along and nursed them and took them to her cave in the limestone ledge and gave them an even chance with her other whelps. Later on Faustulus, the king's shepherd, found them, took them home and brought them up with his boys. These twin boys were Romulus and Remus. Both Amulius and Numitor were in the live-stock business, and had bands of cowboys—they called them herdsmen in those days. These cowboys got into a sort of Texas fight. Six-shooters and Winchesters they hadn't then; they used bows and arrows, spears and shields. Numitor's forces made a scoop and took Remus prisoner. Romulus gathered up the cowboys from neighboring ranches and raided his grandfather Numitor's ranch, and there learned his own origin and history. It resulted that Romulus and his men dethroned Amulius and put Numitor on the throne of which he had been despoiled.

A king then was scarcely more than a "boss" of a first-class cattle ranch. The twin brothers prospered and started to build a city on the Palatine Hill, where they had sucked wolf's milk and been reared by Faustulus the cowboy. What should they name it—the new city? Each of the boys wanted the honor. They left it to the birds. Turkey buzzards sailed above Palatine Hill. They agreed that one day should be Remus's day and the next Romulus's. Whichever day saw more buzzards floating over Palatine Hill, he should have the naming of the new city. Remus's day saw only six, while Romulus's day twelve came. So Romulus had the naming of the city, and he named it



Roma, the Italian name for Rome. Romulus built a wall around his new city. One day Remus came along and began to jump over the wall, then back again, and, with a sneer, said to his brother, "Shall such defenses keep your city?" It stung Romulus to such anger that he thrust his spear through his brother, and that ended Remus.

Romulus would have made a first-class modern real estate boomer. He wanted more men. He had no board of supervisors to whom he could apply for an appropriation to advertise and promote immigration, like our Oakland real estate boomers; oh, no, he did things differently in those days; but "he got there" just the same. He proclaimed and it went abroad that his was a city of refuge. Every man who in his own city or country was hunted for crime or for political reasons, or ran away from his creditors, found protection in Rome. So Rome grew, and there was probably the very choicest selection of rascals in the new city ever collected in so small a space.

But they lacked one element. Women were as scarce there as on a Colorado cattle ranch. Over on the Quirinal and Capitoline hills lived the Sabines, a rival settlement. They had plenty of cattle and an abundance of beautiful girls and matrons. Romulus got up games in honor of Neptune and invited the Sabines and their families. In the midst of the fun a large force of armed Roman cowboys rushed in, and each stole the most comely maid or matron he could see, and carried her off kicking and screaming, and another force drove the unarmed Sabines back to the Quirinal hills. War was on after that, with luck generally with the robbers. One day at the foot of the Palatine Hill

the battle was hot between Romans and Sabines, when these women who had been stolen rushed down between the contending forces and begged them to quit fighting; and they did. By the terms of peace the Sabine women were to be restored. But, don't you know, not a pretty Sabine girl wanted to be restored and wouldn't go back; and now for about 2,600 years the world has said that when the Sabine girl kicked and screamed because she found herself in the strong arms of the stalwart Roman cowboy she wasn't in earnest; rather liked it and wanted to be stolen. And I think it is true that those Sabine girls loved the brave athletes who dared to steal them and then protect them and fight for them. Are girls that way yet? A woman today would rather be a brave man's widow than a coward's wife.

From thence on Sabines and Romans were one. They occupied the Palatine, the Capitoline and the Quirinal hills. Romulus got to be very old. One day he called a great assembly on the field of Mars. A terrible storm came up; in the midst of it he disappeared—sublimated, evaporated, vanished, they never saw him more. (It was the story of Elijah repeated, save that there was no mantle, and no Elisha on whom it might fall. Strange how different countries have like miracles in their early histories.) That night Proculus Julius was on his way from Alba to Rome; he met Romulus, who said to him, "Go tell my people that they weep for me no more; but bid them to be brave and warlike; so shall they make my city the greatest on earth." And then the people knew that Romulus had become a god, and they built him a temple and worshipped him under the name of Quirinus.

That was the beginning of Rome and the end of Romulus. The end? Well, hardly; for in all Roman history, art and architecture the she-wolf and the twins are apparent. The commonest ornament in Rome today, over the lintel of doorway or window, or on the pediment at the entrance, chiseled in the clear Carrara marble, is the she-wolf with the curly-headed, naked twin babies, one on either side, contentedly drawing sustenance from nature's fount intended for the baby whelps hid in the caves or among rocks.

Rome grew. It came to cover seven hills. It was on the Tiber, a river bringing up its current the commerce of the Mediterranean, and bringing from the far interior the produce of Italy. It is sixteen miles from the sea; its green hills are 115 feet high. For 250 years or so it was governed by kings, then for about 500 years it was a republic and acquired its greatest glory.

But the Romans did not have a picnic all the time. About 390 B. C. the Gauls, from the forests of Germany, came down on them and destroyed Rome. They besieged the citadel on the Capitoline Hill for seven months, and finally the Romans bought them off with a thousand pounds in gold, and the Gauls left, but Rome was in ruins and had to be rebuilt. In fact, it has been rebuilt half a dozen times, each time more solidly and with greater grandeur than before, and each time the new city was built upon the ruins of the old. For many hundred years Rome was built mostly of sun-baked adobe; then came red brick, and then tufa or lava rock, and finally limestone and marble. After the republic came the empire, and in the time of Augustus, I think it was, Rome was a city of 2,000,000 people. Then

it was the capital of the largest empire ever known, including much of Africa, much of Asia, all of Europe south of the Rhine, England and Scotland, but not Ireland; the population was over 120,000,000. Well, hardly the largest, for there was China with over 300,000,000.

Then came Christianity, a new power. Constantine was the first Christian emperor, and he removed the capital of the empire to Constantinople. Rome dwindled, and between the years 700 and 800 it had a population of only 13,000; at the end of the eleventh century it had grown to 35,000. The popes had got hold of not only the spiritual, but the temporal control of Rome by this time, and the church for centuries dictated the rule of Rome, and also dictated who should or should not wear a crown throughout every kingdom in Europe. Later on the popes had both spiritual and temporal power over Rome until 1870, or about that time, when Victor Emmanuel knocked at the doors of the Vatican and demanded for Italy the government of Rome; since then the power of the Vatican has been a spiritual power, and Rome has been the capital of modern Italy.

What I have said seems to be proper, almost necessary, as a prelude to what I am about to say of what I saw of Rome in two days. We were there more than a week; but only of the first two days' experiences shall I speak. Brindisi is the most southern port of Italy. There our steamer landed Friday morning, May 7th, last year. The day was spent on the cars to Rome; and such a day—sunny, fresh, and beautiful, the air sweet and balmy, it had rained two days before; the streams were full. Italy was at her

best, such a day as I have seen duplicated how many times in California!

At nine o'clock in the evening we reached Rome. Along the broad electric-lighted streets, traversed by trolley cars, we were driven to our hotel, a four or five-storied structure built of limestone, with marble floors, walls and stairways, electric lights, and elevators (they call them lifts), and all the appointments of a first-class American hotel. The "lift" is so slow, however, that an active person can take the stairway and make the trip from ground floor to garret in far less time. Next day was Saturday, and when I came to see Rome by daylight I found it a city of 500,000 people and good enough and modern enough for an American town. She owns her own water works, gas and electric lights, has an abundance of the very best water and more fountains than any other city on earth; street car service, two cents a trip; good streets, well sewered and clean, and kept so all day by sweepers. Italy has now compulsory education. Thirty years ago one in ten only could read; now only one in ten can not. That is what Victor Emmanuel and King Humbert have done for Italy. Death came to both; to one the natural way, to the other by an assassin's hand.

Ages ago the Campagna—the great plains around Rome, about twenty by twenty-five miles—was the most fertile and highly cultivated tract on earth. Wars devastated and depopulated it, and for 1,500 years it was a wild, malarious swamp, a menace to health and life. Within twenty years the government has drained the great marshes and set large tracts to the Australian eucalyptus trees, and

the country has been changed from a fever-breeder. So now Rome is as healthful as any other city in the world.

Italy has had a mighty struggle. I saw in the Vatican a room used for the storage of the books of signatures of 14,000,000 Catholics of the world protesting against the invasion of the temporal power of the Pope in Rome by Victor Emmanuel in 1870; the books were gotten up in the most elegant and costly form imaginable and were beautiful to look at; I was shown the books with the California signatures; but they didn't stop the procession. King Victor Emmanuel submitted to a popular vote in Rome whom they preferred for a governor—the Pope, or the King. By an immense majority the vote was for the King. The Dago now seems on top to stay; and the hopeful part of it is that the Italian appreciates the new order of things, with free schools, awakened thought and increased intelligence; and he is patriotic and loyal to new Italy.

Oh, Italy! So long the mistress of arms and art and letters, so long the mistress of the world, again so long buried for how many ages, in the sleep of ignorance and superstition! Has the resurrection come at last? I believe it. I believe it.

Saturday morning we went by steam train to Tivoli, a town of about 10,000 people, sixteen miles away, just at the foothills. Eighteen hundred years ago its name was Tibur. The Anis River runs through it. In late years they have made a tunnel through the mountain and diverted the waters of this river from its natural channel into this tunnel through the mountain, and thus given the water a sheer fall of 300 feet or so; and this waterfall is utilized to gen-

erate electricity, which runs the street cars and electric lights of Rome and the lights of Tivoli, as well as the trolley line between Tivoli and Rome.

But the object of the trip was to take in Hadrian's villa. We had had tombs and temples and obelisks and pyramids and mummies in Egypt, and prophets and birth-places and burial spots and mosques and the true cross (several of them), and the holy manger and holy smoke and sacred things, and dirt and beggars in Jerusalem and Palestine; and temples and columns, Doric, Ionic, and Corinthian; the Parthenon, the Acropolis, Mars Hill, Pentelic marble, and the like, in Greece. We had had the grand old smoking volcano of Vesuvius, and the once buried city of Pompeii; but never a villa, and we wanted one; we longed for it; and here it was, only sixteen miles away from Rome; what well constructed tourist who wouldn't go for it and get it? So we did.

Hadrian is dead now—has been dead a long time. He was born in the year 76 A. D. and died in 138, at the age of sixty-two years. So when we called at his villa, on the beautiful May day, no answer came when we knocked. But when we looked about and saw the work of his hands and the charming home which once was his—in ruins now—how thin and how near seemed the veil which parted us from Hadrian! Almost we could see him; almost we could touch his hand across the centuries. It didn't seem such a far cry from 1901 to the year 101, when Hadrian was a young man of twenty-five.

Just a moment's review of Hadrian's life will not be misspent, before we go into his country place. Nerva, who

became Emperor of Rome in 96, had adopted Trajan for his successor, and Trajan was Hadrian's guardian. In 98 Nerva died. Trajan was then at Cologne, in Germany, in charge of the Roman army, whose province it was to keep peace along the Rhine and the Danube. No telephones or telegraphs in those days; when Nerva died, Hadrian, then a young man of twenty-two years, was with the army in upper Germany. When the Roman courier brought the news of Nerva's death, Hadrian took the message through the forests of Germany down to Cologne, and was the first to inform Trajan that he had become emperor by the death of Nerva. Emperor Trajan made Hadrian his private secretary, and for the nineteen years that Trajan was emperor he had a war on his hands either in conquering new territory or putting down rebellion in the provinces; Hadrian was his close attendant; what you might call the emperor's "right bower."

So when Trajan died and Hadrian became emperor, at the age of forty-one, his training and association with the most brilliant emperor Rome ever had fitted him for a brilliant career of his own; and it so turned out. Hadrian was emperor for twenty-one years. For several of the first years of his reign he was at the head of armies, and visited every part of his vast empire, not in palace cars but mostly on horseback, and at the head of large armies. There was no considerable city he had not visited. He traveled to the extreme north of England, and there built a rampart or wall of earth through Northumberland County, the most northerly county of England, sixty miles long, from the Salway Firth on the west side to the North



Sea on the east side. After several years he gave up warfare, made peace with his enemies, and returned to Rome. He was a man of high culture and education, a lover of art, had seen the best, and determined on having the finest country place in the world.

So he pre-empted a quarter section (there were 170 acres of it), four miles from Tivoli, and tried to copy a villa he had seen in Alexandria. He wanted a valley. There was none. So he made one, and spread the dirt over a large space for a high building spot. As four-fifths of all the population of Rome were slaves, and Hadrian owned his share, labor was cheap—just board and clothes, that was all; no strikes or labor unions then. So he set the great army to work, and he built temples to the gods, schools of philosophy, a great library, a theatre, a stadium for foot races, a gladiators' arena, caves and cages for wild beasts, a good-sized artificial lake for mimic naval fights, swimming baths for women, and others for men, and still others for soldiers, fish ponds, pigeon-houses, conservatories for flowers, and grand and gorgeous palaces till you couldn't rest; with colonnades of huge columns of white marble and black marble and alabaster, and these enclosed with walls which are standing to this day, some of them; and floors laid in mosaics in all sorts of designs.

That was the world's golden age in sculpture. Hadrian was a good critic; it is said he had over 13,000 pieces of the rarest sculpture scattered over and around this vast villa. What Hadrian didn't have wasn't worth having; no flies on the outfit. Our Roman guide pointed out right over across Hadrian's artificial lake, or cañon,

where Julius Cæsar, Brutus, and Cassius had country places more than a century before. All these environments were to me so interesting that, when I got back to Rome, I wrote a letter to my daughter, then in Oakland, and told how probably Hadrian had them over to church of a Sunday to worship Jupiter, and they stayed to dinner, and all got warmed up with Hadrian's good old Falernian wine, and how they shook dice for coin, and made a late night of it playing draw poker, and then raced horses as they went to business at Rome when they struck the Appian Way, which was the Fifth Avenue of that day, where the "400" took an airing. The daughter thought the letter funny enough for print, and she let it be published in the "Oakland Enquirer." An Elmhurst young lady read it, and said to her brother: "Why, isn't the Judge a little off in his dates?" "I don't know. How?" "As I remember it," said she, "when Hadrian was a kid, Cæsar and Brutus had been dead more than a hundred years." The young lady's criticism reached me; she was right. What should I do? Retract and correct? No; I had heard things of those times more remarkable than that. There is a spot in Rome where St. Paul was beheaded. We are taught, on the authority of the Church, that when his trunkless head struck the ground it bounded, struck the ground again, bounded the second time, then struck the ground and rested. At each spot of contact sprang living springs, and they are running to this day. The Church believes it and teaches it, and has built an imposing church on the spot to commemorate it. St. Denis is the patron saint of France. The legend is that he was beheaded; that he rose from the

block, picked up his bleeding head and walked with it in his hands nine miles, and then gave up the ghost; there is built on that very spot a grand cathedral to commemorate the event. In the gallery of paintings at the Louvre in Paris I saw a heroic sized painting of the headless St. Denis on his nine-mile march, with his head in his hands. Thus religion and art unite in teaching the truth of the legend. Is my story of Hadrian and the poker game with men who had been dead 150 years or so any less credible than these? For these reasons I published no retraction or correction.

As I said, Hadrian died in 138. Somehow the villa business was a glut on the market; didn't pay dividends; it was anybody's who came along and wanted it; and for 1,500 years, more or less, dirt collected over all this glory, and the rivers which fed the lakes, ponds, and baths filled them full of alluvial deposits, and then covered up all that splendid art from twenty to forty feet deep. Temples and palaces crumbled, and if the Catholic church had not begun collecting art relics, one can hardly tell what would have become of all these treasures. The Vatican has a magnificent collection of art, largely from just such old ruins as Hadrian's villa; it is said that more than 3,000 specimens of sculpture in the Vatican came from this villa. About 1870 the Italian government bought it, and now it is one of Italy's show places.

Every art gallery has specimens of sculpture from Hadrian's villa. It makes one feel sort of "creepy" to look at a full-sized statue of Hadrian, so real and life-like, so kindly and so noble, and then reflect that the unfortunate fellow has been dead for over 1,700 years; but

plainly he made things hum when he was alive. Now his charming old villa is covered with ruins; you don't see much of them save where they have been excavated. To find new ruins you must go from ten to forty feet below the surface. Nature, the dear old girl! What a sweetheart she is! How she forgives and forgets the foibles and frivolities and vanities of the children of men, and plants green grass, and sweet glowing flowers, and grand shady trees to cover up in a mantle of beauty the shortcomings and mistakes of her children, and crooks her finger and calls in the sweet-voiced birds to sing an everlasting hallelujah chorus over their graves. And how democratic she is! Rich or poor, noble or peasant, all are hers; all receive alike her loving touch. And so shall she do with us. The same bright sunshine and grateful shade, and sweet, gentle rains—do they not spread in benediction over all, as of old? Such noble trees as have grown up all over Hadrian's villa since his day, and several generations of trees have grown and died and gone the way of Hadrian.

Later on we visited in Rome the church Santa Maria Maggiore, built or started in the fifth century, which has had the luck never to have been burned or hurt by earthquake or war. In it we saw over forty magnificent marble columns of the Doric order, all from heathen temples in Hadrian's villa; still later we visited the church of San Giovanni Lateran, and there were as many more of those majestic marble pillars from the same place. Better, of course, saved thus than to have been lost to the world altogether.

That night we reached our hotel physically weary

beyond description. And thus ended my first day in Rome, which seems to have been spent not in Rome at all.

Next morning was Sunday. An early breakfast and then, dressed in the best I had, away to attend the nine o'clock choral mass at St. Peter's, held in a little chapel, a sort of recess on the left side of the great basilica or audience room.

St. Peter's is great; it can't be described, it can only be seen and felt. Of course, one can say that the building of St. Peter's began in 1450, and it took 175 years to complete and dedicate it. Michael Angelo, when he was 72 years old, was made boss architect, and so continued to his death at the age of 90. To say that the inside floor space is 613 feet long by 446 feet wide; that it is surmounted by a dome 193 feet in diameter; that the top of the dome is over 400 feet above the floor; that this great dome stands on four pillars and each pillar is 253 feet in circumference; that it is the largest and grandest cathedral in the world—say all that, and still you convey no adequate conception of St. Peter's. That magnificent edifice talks. It talks a language to me that I can feel and understand, but which I can not translate or convey to another. Therefore I say it can not be described, it can only be *seen* and *felt*.

What was that passage of Emerson's in his poem, "The Problem," I think?

"The hand that rounded Peter's dome,  
And groined the aisles of Christian Rome,  
Wrought in a sad sincerity;  
Himself from God he could not free—  
He builded better than he knew,  
The conscious stone to beauty grew."

The great soul of the architect was built into and became a part of that grand structure. Yes, I am right; St. Peter's talks to him who hath ears to hear and eyes to see.

Now all you good people who are acquainted with me know that I have about as much emotion, and thrill, and holy whiz as a well-developed redwood stump; but I am going to tell you something about my experience and sensations at St. Peter's that Sunday morning, and if you call it a sermon I pronounce on you a benediction in advance, and God grant that it may do you good, every one.

St. Peter's is the church of everybody, rich and poor, but especially the poor. Rich Catholics have rich parish churches and give over grand St. Peter's to the poor. Think of all that magnificence of architecture, and art, and music, and none so poor he can not claim it!—and none so poor he does not claim it! But the choral mass! The choir was male wholly; no lady in the choir. It is sort of pitiful to read the records of the saintly lights of the Church concerning women. "A good woman is more undiscoverable than a white raven," said St. Gregoire. What sort of a neighborhood did he live in, anyhow? And there was St. Pierre. Hear him: "When I hear a woman speak, I fly as from a hissing serpent." I wonder what infamous insult he had offered the woman that made her hiss? And there was that celebrated Irish missionary of the sixth century, Columbkil, who built the great monastic establishment on the island of Iona in the Hebrides. He wouldn't have a woman on the island—no, nor a cow. "For," said this saintly Irishman, "wherever there is a

cow there is a woman; and wherever there is a woman there is mischief." The saintly slanderous sinners!

But the old whims and fashions adhere to St. Peter's; the choirs are male, but oh, how they can sing! And as their sweet, grand music rolled away out through the great vaults of that noble building, all the grand accessories faded away, and nought was left but music and worship. I felt it; I can't describe it. An hour of such music! When it was over, I turned and met Dr. Dille, the great Methodist clergyman of Oakland; his face glowed as if just from a live Methodist prayer-meeting. A little moisture was in the corner of his eye (the same with me). "Judge," said he, "such worship I can join in anywhere. This building is the spirit of worship." So there was another man to whom that great cathedral talked, and he understood the language.

The music was grand, absorbing, overpowering. Around me I saw a hard-fisted man with his two little boys, all in Sunday togs. All stopped at the sacred alabaster font, wet their foreheads with the holy water, bowed and crossed themselves and went on to the service. Another, a pug-nosed, low-browed descendant of a Roman senator, with a shirt none too clean; then a woman with a faded shawl over her head nursing her baby; another woman in old, black, faded clothes, plainly a widow—these were types of hundreds I saw; people with whom life's battle is sharp and continuous, all devout, all intent on the service, all apparently appreciative of the grand music and noble surroundings, and all seemingly pervaded with the sense of ownership, as if they were a part of it all. Now if these

people come here of a Sunday, and by this service are lifted up, and consoled, and strengthened, and the week's contest seems less bitter and less strenuous, who am I, that I should cry out, "Idolatry, superstition, and ignorance!" Later on, in a chapel over on the other side of the cathedral nearer the front, I saw Michael Angelo's wonderful statuary, "Mater Pieta," the Holy Mother holding in her lap the crucified Christ. Oh, the expression of pity, and love, and anguish, and pathos, and yet of content that her dead she had! Oh, the cunning hand of that great artist who could write on the cold marble so much that no tongue could express!

Now if some widowed woman, or some man bereft of her he so loved, or some parent heartbroken for them who are not, or some lone orphaned heart, should bow before this image, crying: "O blessed Mother of Christ, pity me! pity me!" and sweet pity should come, and consolation, and help, and strength—who are you, who am I, that we should cry out, "Idolatry! Superstition!" The tragedy is not yet finished. It is by such narrowness and bigotry we crucify our Lord afresh.

Now there are some young people here. I don't know if you ever think of these things. I don't know if I did at your age; I think I did not. But, like me, you will get older some day and these things will come to you; and they will be a solace and a blessing to you, and make of you broader and better men and women. And just remember, when that day comes, that I said it would come, and, as I just said, the enjoyment of these feelings and the contemplation of these thoughts will make you better, broader, and happier men and women. God is good; don't forget



it. Didn't I say these are things one can feel? Who can describe them? I could say, oh, how much more! This however, concludes my sermon on St. Peter's. I won't ask you how you like it. I pronounced my benediction in advance. I submit the case.















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