

~ The ~ Notre Dame Scholastic

DISCE · QVASI · SEMPER · VICTVRVS · · VIVE · QVASI · CRAS · MORITVRVS ·

VOL. XL.

NOTRE DAME, INDIANA, MIDSUMMER.

No. 1.

Francis Thompson.*

CHARLES L. O'DONNELL, A. B.



ANY creeds, systems both of philosophical and of religious belief, have worked at explaining what life is and what it was meant for, but the life-problem is solved only by him who lives. He who really lives may believe, he need not, in some form of philosophy, indeed the unformed rules by which his life is governed may be regarded as constituting a philosophy of themselves, but he need not know this nor care. He need know and care only that he lives truly, and being satisfied of this, he may be assured he lives rightly, that he belongs to the great soul of that assembly of beings who know what life is, and use it to its destined end.

The obligation to live is common to all animal and vegetable creation, but in the case of man life has the intensest and the deepest significance. Nor, what is more, is this obligation the same for men as it is for man, it varies according to the capacity of the individual. Some channels were cut by the Creator to swell with river-tides, and others nicely chiselled out for the slender rivulets in their limited yet purposeful course. Thus, among men who live, the variable capacity of their different natures is large, but the poets are the great life-livers. Of course, by true poets are meant, the seers who see—what? Simply into the meaning of life; through whose specially constituted soul the tidal emotions of human existence find place to spill them-

selves, whirling onward with deep, great strength, or going with silence, filling the little shells by the bank with murmurous music. There may be stretches of such eloquent pause to the life-river which the true poet is, but there must be lengths of tremendous depth and power. Such a poet, of such a depth and power, is Mr. Francis Thompson.

The story of his life lacks one element possessed by all other lives to which it can be likened,—the element of completeness. Poe and Shelley, Whitman and Keats,—we know the issue and the end of their lives, but Mr. Thompson is with us still, and he is accordingly *sui generis*. It is well to note this fact at the beginning of a study of his work and use it against him in making up one's critical estimate. This the critic unfamiliar with his work is sure to do. The man, he is likely to agree with himself, has all the earmarks of the poet. I must the more beware, therefore, to judge his work strictly and solely on its merits. But in spite of the romantic glamour hanging about the poet's life, and not because of it, the essential excellence of Thompson's work, overwhelming all else, will indubitably assert itself. It will be the purpose of this paper to show that Mr. Thompson's work makes him worthy to be named among those few English poets whom, after Shakespeare and Milton, we should like to call great.

The soul of the poet, it may be repeated, is no *domus angusta*, no strait river course; it is as many mansioned as heaven itself, it is a torrent bed, it is a great stage, greatly equipped for great actions, it is a large canvas, a palette with a thousand colors, an organ of a thousand stops. As we read Francis Thompson the sense of the genuine

largeness of his soul grows and deepens within us; as when he writes in *Sister Songs*:

Love and love's beauty only hold their revels
In life's familiar, penetrable levels:
What of its ocean-floor?
I dwell there evermore.
From almost earliest youth
I raised the lids o' the truth,
And forced her bend on me her shrinking sight;
Ever I knew me Beauty's eremite,
In antre of this lowly body set,
Girt with a thirsty solitude of soul.

And again, when in his wild, reverent "Anthem of Earth," he tells us of his boyhood:

Then, O Earth, thou rang'st beneath me,
Rocked to Eastward, rocked to Westward,
Even with the shifted
Poise and footing of my thought!
I brake through thy doors of sunset,
Ran before the hooves of sunrise,
Shook thy matron tresses down in fancies
Wild and wilful
As poet's hand could twine them;
Caught in my fantasy's crystal chalice
The bow, as its cataract of colors
Plashed to thee downward;
Then when thy circuit swung to nightward,
Night the abhorred, night was a new dawning,
Celestial dawning
Over the ultimate margins of the soul;
Dusk grew turbulent with fire before me,
And like a windy arras waved with dreams.

Let us take this now not as poetry, but as history, as biography. Certainly it is the ultimate syllable on the subject of the poet's spiritual capacity for living. Knowing, then, what life Thompson was capable of, let us see how on the tablets of the years his life is recorded.

Another English village may some day be a place of pilgrimage, even as Stratford-on-Avon,—the beautiful, nameless little town where Francis Thompson first knew the light in 1862. As a boy Thompson was seen to be gifted with intellectual powers beyond the common, and possessed of special predilection for literature. But by a mistake similar to that made in the case of the young John Keats, parental authority urged Thompson, after completing his education at the Catholic College of Ushaw, to become a physician. And while it was only out of a sense of duty toward his father that Thompson went to London to study medicine, there is nothing that would

lead us to believe that he himself cared to study anything else. But his inborn love of literature was too strong to allow him to work at medicine, and would probably have mastered him even against his will; especially was it likely to do so when, from all accounts, Thompson was perfectly willing it should get the upperhand of him. At all events, he neglected his medical studies, spending all his time over books in the public libraries. Nor did he desist from this passion even when angry letters from his father threatened him with disinheritance; and when the final letter came which cut him off from home and heritage, he was lost so far in the joy of books that he scarcely heeded or even comprehended its significance. At this time Thompson was twenty-four years old, apparently only a born reader, for as yet he had written nothing and showed no disposition to write.

Deprived of his allowance from home, the story runs, he spent his days in the libraries, his nights on the streets. The idea of seeking a livelihood, of useful employment of any kind, never seemed to occur to him. To read was all he cared for—to read until he starved. Once a shoemaker who took an interest in him offered him work. It was accepted, but the poet's services were soon found to be worthless, and he was again on the streets. Thus he lived on, homeless and friendless, eking out the barest existence by selling matches, blacking boots, and other menial occupations, apparently contented in his life of dreams and fancies. His poverty and hardships brought no bitterness to him. He bore all calmly and patiently, satisfied so long as the public libraries were accessible to him. But at length he had grown too shabby for admittance there, and then he spent his days in the squalid quarters of the pauper districts, only escaping the pangs of starvation by the aid of the single friend he now possessed—laudanum. And during those days he gathered eagerly from barrels and gutters scraps of paper on which he scribbled verses. So his earliest poems were composed. One day a bundle of tattered manuscript came to the Catholic magazine, *Merrie England*. The editor was so impressed by the merit of the contribution that he

determined to seek out the writer. Calling one day at the place where he supposed the unknown man to live, he found it to be a chemist's shop in Drury Lane. There inquiry was made for Francis Thompson, but all that could be learned was that Thompson at one time received a few letters at this address, and that he owed the chemist 3s. 9d. for laudanum. The inquirer was told that he might find Thompson peddling matches at nine o'clock that night in front of Charing Cross Station. But the luckless contributor was not found there, although the editor inquired diligently. The searcher's curiosity was now thoroughly aroused, and he visited all the haunts of tramps and the poverty-stricken until he discovered Thompson's whereabouts. When he saw the object of his quest he was so amazed at the woe-begone appearance of the man that he hardly knew what to say. For the creature that stood before him was a gaunt and trembling being in dirty, ragged clothes.

Once acquainted, the editor's interest in the poet was thoroughly aroused, and so, after four years in obscure poverty, Thompson was drawn out into the light of the public gaze. Attention was directed to him; friends were found to lend a helping hand; he was sent to the country where fresh air and good food restored him to health; and from that time he has devoted himself comfortably to the only work for which he was fit—the writing of verses. Finally a collection of these was made and issued in a volume that scored an immediate success and passed through three editions in three months, winning for the author many warm critical encomiums. Dr. Coventry Patmore printed a panegyric in one of the English reviews, and Mr. H. D. Traill in the *Nineteenth Century* pronounced him a poet of the first rank. Thompson is now living in a Capuchin monastery in Wales, where he is rounding out his spiritual life and developing his poetic powers.

Such in brief and without particular emphasis on any point is the life of Francis Thompson. The attentive reader will probably wonder who the editor was whose interest and solicitude brought out of the

depths so great a poet, who restored the ruin of such a man. He was a man who of all men in England was perhaps the most complete antithesis in point of morals and of life to the young errant poet; it was Mr. Wilfrid Meynell, whose name—owing in large measure to the fact that it is also worn by Alice Thompson Meynell—stands for all that is finest and purest, most exalted, most reticent and conservative in literature, in artistic sense and in life. It stands also for what is best in lay virtue, for both Mr. and Mrs. Meynell are practical Catholics with religious natures somewhat like that of that refined, holy man and poet, Coventry Patmore. In fact, Mr. Wilfrid Meynell has always been to me a sort of lay Cardinal Newman and Mrs. Meynell an English Eugenie de Guerin. Into such a rare company of rare souls was Francis Thompson admitted; souls with whom, in the aristocracy of genius, he moved on equal if not better footing.

Thompson had been raised out of the depths. No optimism of intent can overlook the fact of his having fallen, and no euphemism of expression need endeavor to cloak it. Down those few, terrible years he let himself go with the winds of fancy, and threw himself on the swelling wave of every passion, desiring only to live to the full. With a purpose of mind apparently like that of his contemporary, Oscar Wilde, but in circumstances how vastly different from those the brilliant young Oxford dandy knew, he said, "I will eat of all the fruits in the garden of life," and in the very satisfaction of his desire found its insatiableness. This was matter for a poem surely, this life of his—its struggle, its desire and the issue of it—and he has given it to us in a poem, the veritable epos of his soul. "The Hound of Heaven" presents the life-problem and its only solution; presents the Catholic view in verse that will live, as the Imitation presents it in immortal prose, and as David sang it round centuries ago—"There is no true liberty, nor solid joy, but in the fear of God with a good conscience."

But "The Hound of Heaven" is not only the story of the redemption of a soul by grace, it is this story as high poetry. The very first line of it preludes great things:

I fled Him, down the nights and down the days;
 I fled Him, down the arches of the years;
 I fled Him, down the labyrinthine ways
 Of my own mind; and in the midst of tears
 I hid from Him, and under running laughter.

Up vistaed hopes I sped:

And shot, precipitated

Adown Titanic glooms of chasmed fears,

From those strong Feet that followed, followed
 after.

But with unhurrying chase,

And unperturbèd pace,

Deliberate speed, majestic instancy,

They beat—and a Voice beat

More instant than the Feet—

“All things betray thee, who betrayest Me.”

An irregular poem of some hundred and fifty lines, it reaches the heights and sounds the depths of the emotions it tells of. Accurate and true of theology, expressed to the final letter, it is a continual procession of images that lose nothing of poetry from being evoked by what might be called a scholastic theme. In a word, it is theology informed and transformed by imagination, and the result is pure poetry. To make excerpts—even with the best intention—is simply to mutilate the original, but the intent must atone for the detaching of the following strophe:

I pleaded, outlaw-wise,

By many a hearted casement, curtained red,

Trellised with intertwining charities;

(For, though I knew His love Who followèd,

Yet was I sore adread

Lest, having Him, I must have naught beside)

But, if one little casement parted wide,

The gust of His approach would clash it to.

Fear wist not to evade, as Love wist to pursue.

Across the margent of the world I fled,

And troubled the gold gateways of the stars,

Smiting for shelter on their changèd bars;

Fretted to dulcet jars

And silvern chatter the pale port o' the moon.

I said to dawn: Be sudden—to eve: Be soon;

With thy young skiey blossoms heap me over

From this tremendous Lover!

Float thy vague veil about me, lest He see!

I tempted all His servitors, but to find

My own betrayal in their constancy,

In faith to Him their fickleness to me,

Their traitorous trueness, and their loyal deceit.

To all swift things for swiftness did I sue;

Clung to the whistling mane of every wind.

But whether they swept, smoothly fleet,

The long savannahs of the blue;

Or whether, thunder-driven,

They clanged his chariot 'thwart a heaven,

Plashy with flying lightnings round the spurn o'
 their feet:—

Fear wist not to evade, as Love wist to pursue.

Still with unhurrying chase,

And unperturbèd pace,

Deliberate speed, majestic instancy,

Came on the following Feet,

And a Voice above their beat—

“Naught shelters thee, who wilt not shelter Me.”

Surely the tremendous verve, the wild rush of this great verse must quicken the slowest veins and electrify imagination with the suggestion of the power of those feet and their speed, whirling through every line of “The Hound of Heaven.” The poet goes on to tell of the losing race the poet's soul ran against the love of God; how he turned to the little children till their angels plucked them by the hair from his path; how then he took companionship with Nature's progeny—the winds, the clouds, the grass.

I knew how the clouds arise

Spumed of the wild sea-snortings;

I was heavy with the even,

When she lit her glimmering tapers

Round the day's dead sanctities.

Heaven and I wept together,

Against the red throb of its sunset-heart

I laid my own to beat,

And share commingling heat—

But, he must declare with a sob—

But not by that, by that, was eased my human smart.

Now that there is no one else to lean upon, nowhere else to fly, he must allow God to come to him, though he will not turn and seek his Maker. He asks:

Ah! is Thy love indeed

A weed, albeit an amaranthine weed,

Suffering no flowers except its own to mount?

Ah! must—

Designer infinite—

Ah! must Thou char the wood ere Thou canst limn with it?

And then comes the slow, gentle Voice:

“Strange, piteous, futile thing!

Wherefore should any set thee love apart?

Seeing none but I makes much of naught” (He said).

“And human love needs human meriting;

How hast thou merited—

Of all man's clotted clay the dingiest clot?

Alack, thou knowest not

How little worthy of any love thou art!

Whom wilt thou find to love ignoble thee,

Save Me, save only Me?

All which I took from thee I did but take,

Not for thy harms,

But just that thou mightst seek it in My arms.

All which thy child's mistake

Fancies as lost, I have stored for thee at home:

Rise, clasp My hand, and come.”

Halts by me that footfall:
 Is my gloom, after all,
 Shade of His hand, outstretched caressingly?
 "Ah, fondest blindest, weakest,
 I am He Whom thou seekest!
 Thou dravest love from thee, who dravest Me."

Such is "The Hound of Heaven," surely the most vigorous poem in modern writing. Indeed, of Thompson's own turbulent work it contains perhaps the greatest dash and sweep of all. It belongs to the volcanic period of the poet's genius when the Muse was master of him and not he its master. Apart from the beauty and nobility of the theme and the adequacy of its treatment, one must observe a special fitness, from the view-point of technique, in the manner of the treatment. And here one is brought face to face with a quality of Thompson's work that is the indubitable possession of the great poet, namely, the organic unity between the thought and the metrical expression. For with Thompson, as with all who are poets in truth, verse is more than a mere vehicle for the sentiment; rather the relation between them is indicated by the relation between the soul and the body, neither being complete without the other, and united being neither the one nor the other, but a *tertium quid*, the poem. And conversely, one would go far to seek for a simile that illustrates better the repugnancy to nature of the doctrine of the transmigration of souls than the case of the poem that has suffered the violence of being translated into another language.

Let it not be supposed when one makes out this case for Thompson as a poet who suits his metre to his mind, that one is trying to foist upon the public a literary iconoclast, such as our own literature has encountered in the person of Walt Whitman. Thompson is not at odds with the technicians, those who are truly such, though there is none of the arithmetical exactness of metre in his lines. Whatever his faults—and I shall not hesitate to speak them out later—he is not of those who polish all the character out of their work through an over-nice sense of metrical regularity, and "straining out the gnats of inessentials" neglect the *unum necessarium*: better, he realizes, a naked, living poem than a

well-composed but soulless framework of words.

This characteristic of Thompson's poetry strikes one at every page; there is continual variety of theme and constant change of tune to suit it. This must be the case with a man like him who tore the song out of his heart, writing his verse not in the leather-cushioned luxury of his father's library, but perhaps with numb fingers on scraps of butcher's paper upon the steps of some vacant stoop in a London alley. The emotion was the thing, the thought sang itself out into words that must be right because the thought was true. It mattered little of the medium—'soul was the sea he sailed on.'

(To be continued.)

At Twilight.

Here in the deep wood-shadows,
 At the lip of this quiet pool,
 I come from the din of the city
 To the night and its restful cool.

I lay my head on this tree trunk,
 With its pillow of spongy moss,
 And fleeting twilight pictures
 My dreaming fancy cross.

The clouds are swept from Heaven,
 There glistens star by star.
 And I wonder what the twilight
 And the starshine to angels are.

The moon comes up from the valley
 And loosens its shining hair,
 And the stars inwove in its tangles
 Cast splendor everywhere.

And I muse of the hearts that loved me
 That dwell with the populous dead,
 That passed from the cool and shadow
 To the gardens where angels tread.

And their voices come through the twilight
 With the dew in a silver rain,
 And in every faint star-twinkle
 They beckon me home again. T. E. B.

AH! the dreams of childhood. What a heaven they would make this world, if only children could speak, and if only their elders would listen!—Rev. P. A. Sheehan, D. D.

The Government of Commercial Corporations.*

MICHAEL J. BROWN, LL. B.

PRESCRIBING for our industrial ills, if I were asked what two maxims of the law are of supreme necessity in this country to-day, I should spontaneously answer: "*Salus populi reipublicae suprema lex*," and "*ubi jus, ibi remedium*." For, in whatever state these two maxims are vigilantly and judiciously enforced, there will be justice, contentment and order; in their absence, injustice, discontent and socialism. We must, indeed, reluctantly confess that a striking characteristic of our age and country is the well-nigh total effacement from the general mind of the idea of law until brought face to face with its violation. Many of our so-called laws are verily not laws at all, for they lack the essential element of all true laws—namely, necessity. They are rather the expression of utilitarian ethics and comfort than the inviolable norm of honestly living, injuring no man and giving to everyone his due. But why refer to those fundamental principles of the civil law? They have no fixed value in the commercial conscience of our era. In the experimental sciences alone do we to-day discover the necessity and application of first principles. Hence the temper of the times is anarchical. Is not this abundantly evident in the conduct of politics and corporations where first principles and their corollaries are as much of the past as is classic Hellas? But there is, nevertheless, a system of rights and obligations which should be maintained by the law of the land whether the units of the state observe it or not.

Impunity and remissness in the execution of those duties are the indirect sources of socialism whose intrinsic value consists in this, that it is the inevitable and indispen-

sable protest of the communistic masses against fancied political grievances and their aspirations after a better order of things. Man's natural rights and duties are the primary postulates of politics. Hence all politics should be subservient to the law. Junius in his biting invectives to George III. reminds him that the best evidence of bad laws and tyrannical rulers is to be found in the complaints of the people. If this be true, and it can not be safely controverted, the remedial hand of justice should be cordially grasped in this great land from Maine to California and from Texas to Oregon. Within this circumference lawless capital in gigantic corporations is devouring the very vitals of the republic and piling on the backs of the people the burdens of Pharaoh. Never in the history of civilization have the principles of law and equity a more appropriate applicability or the need of a more equitable construction than in the United States at the dawn of the twentieth century.

The departed cycle has bequeathed us the wisdom, the wealth and the worry of ages past. The Gordian knots of political philosophy are demanding solution. Science indeed is daily unlocking the sacred Arcana of nature and renovating for us the face of the earth. Evolution has developed from theory to demonstration. To-day, in the race for commercial equality or supremacy the squarest deal is the survival of the fittest. Titanic trusts painlessly extinguish the smaller capitalistic species. Predatory competitors no longer observe any rules of civilized warfare. The end, not the means, must be attended to.

Private interests have supplanted public duty. Commercial corporations are afflicted with moral strabismus, and the only hope of radical improvement is the application of the keen instrument of the law. They control our railroads, telephones, telegraphs, water and gas supplies, which have become necessary to the daily lives of our citizens. They deny they owe any responsibility to the state more than do individuals engaged in private business. But they are quasi-governmental agencies, vested with the power of eminent domain, and are parts of the civil government as much as are municipal corporations. They are permitted

* Prize Essay in the contest for the O'Keefe Medal, donated by Mr. P. J. O'Keefe, of Chicago, for the best essay on the general theme: "The Law not as it Is, but as it Should Be."

to exist because the state delegates to them its own functions for convenience and economy and to promote industrial development. And they never cease to be governmental agencies, no matter by whom operated, and should be tolerated only so far as they are reasonable and efficient. The twenty-four (24) directors of the steel trust control one-half of the total wealth of the United States and are the dominant factors in two hundred affiliated companies which operate half the railroads of the country, which dig and carry most of its coal, iron, copper, oil and other shipping interests of the country. They also control the five largest insurance companies of America, ten of the largest banks and twenty of the largest trusts in the country, and two men are said to have the controlling voice in peace or war in this industrial kingdom. Is not this a greater menace to the state than the Federal government taking control and rendering competition possible? Political philosophers have recognized this evil and have, time and again, proposed remedies, but they have never been successfully applied. In Democracy's classic platform of 1896, it is said: "The absorption of wealth by the few, the consolidation of leading railroads of the country, the formation of trusts and pooling, require stricter control by the Federal government of these agencies." Hence the fruit to be gathered from the pending bill in the Senate will be the product of seed sown in a prior political generation.

The regulation of commerce and its instrumentalities is coeval with the creation of the national government. From the weak links in the Articles of the Confederation, from the decisions in *McCullough versus Maryland* and *Gibbons vs. Ogden*, down to 1872 when Grant declared that some restriction must be placed on the greed of interstate common carriers, the problem has been uppermost in the minds of the ablest legislators. The mandates of the present law are concededly insufficient. It was the subject of congressional investigation in 1874, resulting in the famous Windom report. In 1878 a bill was introduced in Congress by Judge Reagan of Texas, outlining the Federal regulation of interstate common carriers. From 1878

until 1887 the Federal regulation of interstate commerce and its instrumentalities was topmost in the public mind. Prior to that date it was general knowledge that crying abuses existed in the management of railway transportation, and the grave question which Congress had to consider was how those abuses could be corrected and what control should be taken of such corporations. Hence in 1887, Congress appointed the "Interstate Commerce Commission" which assumed the duty of regulating unreasonable tariffs and other unjust abuses. This legal check lasted for ten years. But in 1897 the corporations repudiated the legislative interferences of the commission, and the former were upheld by the Supreme Court of the United States in the maximum rate case 167 U. S. R. 896. This decided that Congress by the Act of 1887 conferred not legislative but administrative power on the Commission.

The vigilance of the Commission undoubtedly checked the corporations in their mad career. Rebates, discriminations, pooling, monopolistic combinations and secret devices of greed have been exposed to the sunlight of public condemnation and the malignancy of the virus attenuated. Yet I am persuaded by the rapid convalescence of these commercial infections that a mere regulation, a mere antiseptic applied by a commission will never effectually stamp out the disease-producing causes. Congress alone is able to give the germicidal legislative relief. The soundness of the body politic must be preserved. The law of the nation is its very soul, the parts whereof are by law animated and held together and set in motion in such manner as the public welfare requires. Law is the vital spirit of the republic, and when this law has decayed and love of mammon usurped its place, the form of government remains but its substance has perished.

Edmund Burke says: "When the people conceive that laws and tribunals and even popular assemblies are perverted from the ends of their institution they find in these names of degenerate establishments only new motives of discontent." From the antecedent facts and opinions, I therefore maintain that existing laws are neither appropriate nor effective in the regulation

of commercial corporations and that "there should be a national law governing their creation and subsequent existence." No commission, no disputable delegated authority can ever control in the interests of the people the gigantic consolidations of railroads, the beef trust, sugar trust, coal trust, standard oil and the lesser species of commercial octopuses. Congress then must enact a law looking toward the regulation of commerce as demanded by the best interests of the country and for the proper and necessary supervision of interstate commerce. To do this I am convinced that no constitutional amendment is required and that the Federal government has the inherent power to do so and is in complete harmony with the fundamental tenets of our government. Congress is given power to regulate commerce with foreign nations, with the Indian tribes and among the several states. Marshall in *McCullough vs. Maryland* says:

"We admit that the powers of the government are limited. But we think the sound construction of the Constitution must allow the national legislature that discretion with respect to the measure by which the powers it confers are to be carried into effect, which enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution are constitutional."

The power of Federal regulation and incorporation of commercial corporations depends on the power of Congress over commerce and the power to create corporations for interstate commercial purposes. Now, what does the commerce clause of the Constitution include? It includes the "subject-matter of traffic and intercourse; the fact of traffic and intercourse and the instrumentalities by which it is carried on." The subject-matter may be goods, things, chattels, merchandise, or persons, telegraph or telephone messages (*Videas* 113 U. S. R. p. 727).

The fact of intercourse includes the negotiation of sales of goods which are

in other states whether by solicitor or by sample; the purchase of goods between citizens of different states, made in either state; communications between persons by the transmission of intelligence by telegraph or telephone; the transit of persons or transportation of persons and property by boat, rail, express, or by piping oil or gas or driving cattle, in completion of a commercial transaction, across state lines and also the written documents whereby such transactions were effected (*Vide* 181 U. S. R. 283). The powers to regulate commerce are not confined to those known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to new developments of time and circumstances. Contracts to buy, sell or exchange goods to be transported among the several states, the transportation and its instrumentalities and articles bought, sold or exchanged for the purpose of such transit among the states or put in the way of transit may be regulated by Federal laws, but this is because they form part of the interstate trade or commerce. Congress may prohibit the exportation of commodities and thus inhibit foreign commerce. Embargo acts were passed in 1794, 1807 and 1812. The supreme court has sustained such enactments (*Videas* 192 U. S. R. 470). Is it not evident, then, that Congress having supreme dominion over the above enumerated commercial agencies has power also to call into being the corporations which manipulate them? Since Congress has dominion over the "subject-matter," it is but meet it should have it over its agencies.

On this impregnable constitutional rock, therefore, which the winds and waves of a century's political storms have not shaken in its solid foundation, we may safely erect the superstructure for regulating of national commerce. I purpose to briefly consider the subject from a fourfold aspect. First, the utility; second, the necessity; third, the constitutionality; fourth, the policy of such a law. The idea is not novel. In the fifty-eighth (58th) Congress Mr. Palmer of Pennsylvania introduced a bill in the national legislature advocating the Federal incorporation of commercial corporations. But even three years ago the conscience of the

corporations was not dead, as it now is, nor was the people's indignation forced to so high a pitch, and consequently the bill of Mr. Palmer lapsed into innocuous desuetude.

The substantial idea then proposed, however, has not vanished with the author, nor has its pressing necessity diminished. There is and ever shall be an irrepressible conflict between the rights of the people and the merciless corporations that is destined to continue until the latter are controlled by the smarting lash of the law. Our dual form of government affords a blessing which they turn into a curse. Now they shelter themselves behind the strong wall of the Constitution, and if routed therefrom seek refuge under the mantle of state prerogatives. Ninety per cent (90%) of commercial business is done through the agency of corporations, and eighty per cent of this is "interstate" commerce. In the latter we are one nation, but in the laws controlling it we are forty-eight states and territories and these frequently legislating at cross purposes.

The framers of the Constitution evidently had in mind the necessity for uniformity of commercial regulations both foreign and domestic; for the Constitution gives power to regulate commerce, to establish post roads and post offices, to coin money and regulate the value thereof, to establish uniform rules of bankruptcy and naturalization. In keeping with this idea, Congress has enacted laws for national banks, maritime law, quarantine and army regulations; and in 1890 endeavored to do what I here advocate—regulate interstate commerce and its instrumentalities by passing the Anti-trust or Sherman Act. Uniform laws of creation would be beneficial to the corporations themselves and a blessing to the nation. Each corporation is an expression of the law creating it, and whoso deals with it, is presumed to know its charter: "*Legis enim ignorantia neminem excusat.*" E. G.—I purchase a ticket from Philadelphia to San Francisco. My contractual rights vary with the charters of the different lines over which I ride because each is effective only in the state granting the prerogative.

Even the courts of justice are constantly

clashing as to the extent of duty to receive and transmit freight safely from state to state without considering any charter qualifications. If a man becomes an official of a foreign corporation his rights, duties and liabilities will be as various as the laws of the state where created, though engaged in the same business. If a state corporation engages in business in another without complying with the rules of the latter as to filing agreements or appointing an agent upon whom service may be had, the contract is valid as to both parties in some states, void as to both in others, unenforceable by the corporation and enforceable by the other party in other states. Thus confusion and uncertainty often result. But any state may exclude a corporation of a sister state altogether, or it may impose such burdens as it chooses as conditions precedent to its engaging in business (*Paul vs Virginia*). This injustice to commerce would be obviated under the law I have been advocating.

It is worthy of note that the provision of the Federal Constitution, providing that the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states, does not require one state to recognize corporations created in another, for although they are recognized as "citizens" for the purpose of jurisdiction of the Federal courts, they are not citizens under constitutional privileges. Nor is a foreign corporation within the provision that "no state shall deny to any person within its jurisdiction equal protection of the laws" so as to prevent a state from imposing conditions precedent to its entering domestic commercial relations. Hence a state may tax or license a foreign corporation before it does business within its limits, and often seriously handicaps useful enterprise. The conditions may be reasonable or unreasonable: they are wholly discretionary with dominant legislature; and though permitted to come into the local jurisdiction and there exercise business powers still it remains essentially a foreign corporation. Nor does it follow that when recognized in a foreign state it can exercise all the privileges granted by the state creating it. Its charter is subservient to the grace and laws of the

state receiving it. *Exempli gratia*: a foreign corporation must treat real property according to the "*lex loci rei sitae*." And where a state law prohibits a corporation from taking by devise, a devise in that state to a corporation in another is void, though by its charter and the *lex domicilii* it was permitted to take by devise. Again, if a man be a stockholder in a California corporation, he may demand access to the records of the company for proper or improper purposes (135 Cal. 626). Now, all the foregoing variations and uncertainties, and hundreds more, are susceptible of uniformity under one general law which would incorporate the desired features of each.

This conflict of laws is often detrimental to the corporations themselves. Their property and stock are taxed in as many ways as there are states in which they seek to do business. In some states a corporation is taxed on its paid up stock, in others on its authorized stock; in one state on its bonded debt and stock, in another on its gross receipts; here it pays same as a domestic corporation, there more. Its franchises are often subject to treble taxation, as in the Horn Silver Mining Case (105 N. Y. 76) where corporation foreign to the state was taxed not on what property it owned within the state but on the entire capital stock, no matter where located. This law may be applied in every state in the Union, and there is no redress save in national legislation. Due to local pride and usage, political bias and financial interests, the states never will be harmonious on the question of uniformity. Consequently on the score of utility alone I believe a Federal law of incorporation is devoutly desirable.

THE NECESSITY OF THE PROPOSED LAW.

The fundamental reason of national incorporation springs from the nature of interstate commerce, the necessity to promote equally the general welfare of all. Since the revelations in the Northern Securities Case, the Packers Case, the Insurance scandals, the Standard Oil intrigues and hosts of others, the abuses of industrial life are as clear as the noonday sun and hence the necessity of improved legislation. I believe I am justified when I say that

the revelations of the past five years show that in the management of commercial corporations, the most eminent business men have not scrupled to wink or connive at courses of conduct which involved, indirectly or directly, almost every crime against the laws known to our courts. These captains of industry banded together, and acting as a board of directors, have pursued methods which, if a man in his private capacity should pursue, would summarily convict him and crush him with ignominious punishment. The question is larger with tremendous results than the majority realize. It is an algebraic equation containing a stupendous unknown quantity: it is the Kansas-Nebraska question of ante-bellum days. The next Presidency of the country depends on the solution by national legislation applied to railroads and other affiliated corporations doing interstate business.

It may be asked what are the causative factors in the abuses complained of. I answer certain legal conditions past and present. First, the gigantic growth of corporations and corporate power; second, their unlimited power to engage in interstate commerce; third, the inaction of Congress to regulate such commerce; fourth, the inability of the states to wrestle with the difficulty. In the incipient stage of our history, the Constitution placed commerce upon a solid foundation, for in the year 1800 there were 200 commercial corporations created. The constitutional guaranty that no state shall pass a law impairing the obligation of a contract, according to decision in Dartmouth College (1819), applies equally to charters from governmental powers to private corporations; that is, that the state having once granted a charter and accepted by the corporation, the former can not afterward alter or amend or repeal the same without reserving the right to do so, or without consent of the chartered body. It has been the early policy of the government to aid in the construction of interstate communications. But in 1822 Monroe vetoed the policy on constitutional grounds, and the states strove to shoulder the burden which he laid down. They were too weak for the novel load. The people then turned to

private corporations. The era of determination had begun. General laws of incorporation were passed and valuable franchises granted subject to slight governmental control. At the close of the Civil War these Napoleons of commerce developed into Titans of energy and bravery in building the railroad system of the country.

In 1866 Congress passed a law authorizing every steam railroad to connect with roads of other states so as to form continuous lines of transportation of freight and passengers from all points. In 1870 there was not a corporation in the country that owned 1500 miles of track; to-day nine men control 200,000 miles, not to serve the public but to heap private wealth in the coffers of capitalists. In a word, the main instruments of commerce are vested in a few state-created corporations that are federal in operation, federate in organization and imperial in power, thus forming a despotic oligarchy of capitalistic forces. Now it would be an anomaly to deny that Congress has the power to regulate illegal combinations. In 1890 it passed the Sherman Act to regulate interstate industrial trusts which interfered with the free interchange of commodities; but in 1892 the lower courts held this act could not apply, and this was affirmed as regards manufacturing industries by the supreme court of U. S. in 1895, in *United States vs. E. C. Knight* (reported in 156 U. S. R. 1).

The anti-trust law can not reach a monopoly unless the incorporators have been improvident enough to write in their incorporating agreement that its aim was to monopolize interstate commerce, which would be amenable to the Sherman Act. But as we see in the *Knight Case*, the mere manufacture and sale of a commodity, upon however an extensive scale, and although the sales are largely for delivery to citizens of other states, and though one manufacturing and selling company have a virtual monopoly, yet that does not violate the Sherman Act, directed against those who monopolize, or attempt to do so, interstate commerce.

To constitute a violation of the law there must be an antecedent agreement in restraint of interstate trade, and no amount of monopolization in absence of such pact

will constitute persons or corporations violators of the Act. Recently the Packers of Chicago came under the ban of government prosecution because they were charged with entering into restrictive agreements in restraint of trade. But because the government compelled them to confess their sins, Judge Humphrey has given them immunity absolution. Consequently, the net result of sixteen years of endeavor to regulate by anti-trust, anti-contract in restraint of trade, anti-monopoly, anti-rebate, interstate commerce, is practically nothing.

The states can not control these corporations, because the Constitution has taken from them control of the subject-matter. Again, the states can not secure requisite uniformity on account of the magnitude of these interests. Now, the commerce that is national in extent requires uniformity in regulation to secure desirable results for all. The corporations and commerce in the forty-eight states and territories are so closely related that the attempts of the national authority to regulate and also attempts by the forty-eight states and territories to do the same, must end in failure as regards uniformity. Hence, as Judge Grosscup says, the first step in the right direction is to nationalize the corporation. There should be one master and one policy. The day has gone for the New Jersey and Iowa policies and the day has come for an American national policy.

Again, unanimity of state action is necessary to be effective to secure uniformity. If Minnesota had been successful in her case against the Northern Securities company and pushed her remedy to the limits she would only have succeeded in keeping the Northern Pacific and Great Northern apart and cut these great transcontinentals in sections limited by the state's circumference. Consequently the state laws are inefficient to accomplish any reforms. The Federal government, then, must regulate commercial bodies, the holding of stock in other companies, consolidation with interests of other corporations, the issue of shares of stock, its capitalization, etc. It is well established that Congress may prohibit monopolistic combinations (c. q. Northern sec. 193 U. S. 197) or the transportation of

(Continued on page 15.)

NOTRE DAME SCHOLASTIC

Published every Saturday during Term Time at the
University of Notre Dame.

Entered as second-class matter at the Post Office, Notre Dame, Ind.

Terms: \$1.50 per Annum. Postpaid.
Address: THE EDITOR NOTRE DAME SCHOLASTIC,
Notre Dame, Indiana.

Notre Dame, Indiana, August, 1906.

—The outstanding example to be learned from the life of the late Russell Sage is that of perseverance. It was Sage's one desire to make money; he set his mind to it; he made it. But perhaps no money king enjoyed less of his earnings than did Russell Sage. He died leaving seventy millions, and not one cent for charity. Was life worth living?

—Vacation is half over. "What has it brought me of permanent educational value?" It may be taken for granted that this is a time for physical and mental rest and recreation, for relaxing the bow which for so many months has been stretched tense. Save for the few, unwisely ambitious, this duty need not be urged. For the greater number there is real danger of passing the whole summer in an aimless, unprofitable way; in the scrappy, desultory reading of current literature alone, in the fever of rushing hither and thither to behold strange sights, or in dreamy idleness. These days are pre-eminently a time to do some solid reading, to master some of the masterpieces of the world's literature, to read that essay of Emerson or Arnold or Macaulay or Spalding which was set aside last winter when the daily grind for classes left little time to read. Now is the time to read representative works of the great novelists,—Scott, Hawthorne, Elliot and Thackeray—or to re-read some favorite play of Shakespeare. Too much should not be planned, lest what ought to be a pleasure become a task; but if nothing is definitely determined upon nothing will be done, and vacation will be remembered with regret as a lost opportunity.

Conferring of the Laetare Medal.

On June the 20th the Laetare Medal was formally conferred on Dr. Francis J. Quinlan, the eminent surgeon whose professional work has added so much prestige and efficiency to the particular department of surgery which he represents. The function took place in the rooms of the Catholic Club facing New York Central Park. Invitations had been sent to a number of Dr. Quinlan's professional confreres, and the five hundred gentlemen who assembled at the club may fairly be taken as representative of the culture and influence of New York City. The occasion was graced by the presence of Monsignor Mooney, Vicar-General of New York, and Monsignor Lavelle, Rector of St. Patrick's Cathedral, and many other local clergy were present.

Promptly at eight o'clock the Notre Dame alumni formed into line and led the procession to the stage. Monsignor Mooney then delivered an address detailing the history and meaning of the Laetare Medal. After him Reverend Father Cavanaugh, President of the University, read the formal address as follows:

"SIR:—From among the millions of American Catholic laymen, the University of Notre Dame each year selects some outstanding figure for the highest honor within her power to bestow, the Laetare Medal. It is a cause of pride and thanksgiving that the choice is not an easy one, for among the candidates are many who by their virtue and their distinguished services to humanity are fit to shed lustre on any age in the long history of the Church. This year she turns to you, Sir, as one worthy to be associated with the noble company of those who have worn this medal. Your eminence in the particular field of science you have chosen for your own, the confidence you have inspired among your confreres, the loyalty with which you have followed the fine instincts of your nature, the unselfish consecration of your powers to every good cause, the example of virtue and zeal that your life has shown—these are your claims to the admiration of all good men.

"The University of Notre Dame is con-

scious that she cannot by taking thought of you add one cubit to your spiritual or mental stature; but this trophy, made honorable by the association with some of the noblest names in American history, she asks you to accept as the expression of the joy your fellow Catholics have in your eminent position, your disinterested work for the alleviation of human sufferings and your sterling character as a Christian gentleman."

At the conclusion of the address he pinned the Laetare Medal on the lapel of Dr. Quinlan's coat and the large assemblage awoke the echoes with their applause. Dr. Quinlan arose and with singular grace and felicity responded. The Laetare Medal, he said, was the highest honor that could come to an American layman. It carried with it the approval of a great Catholic University and, indirectly, the approval of the whole Catholic people. It was a fresh incentive to redouble his efforts for the good of humanity and the honor of mother Church, the two motives that had most influenced him in his life-work. Mr. Hugh Kelley then spoke in behalf of the members of the club and expressed their congratulations on the honor shown to their head. Dr. McGuire expressed the felicitations of Dr. Quinlan's professional brethren. The President of Fordham and the President of St. Francis Xavier's then spoke informally, and the function was concluded by a buffet lunch.

The interest universally evinced in the function and the applause which was uttered on all sides offered convincing proof that the medal was well bestowed. In fact it was the opinion of all that a worthier recipient than Dr. Quinlan could not have been selected. The President and Fathers Crumley and Moloney, who were present at the function, are loud in their praise of Dr. Quinlan's hospitality.

Reception of the Habit and Profession.

On June the 30th, the day terminating the annual retreat of the Fathers and Brothers of the Holy Cross, the ceremonies of reception of the Habit and profession

were carried out in an elaborate manner. The Very Reverend John A. Zahm, C. S. C., assisted by the Rev. John Cavanaugh and the Reverend William Moloney, C. S. C., conferred the Habit on

Peter Forrestal, Wisconsin.

Sylvester Hosinski, South Bend, Ind.;

Alfred Hebert, Pinnebog, Michigan;

William O'Shea, South Bend, Ind.;

Timothy Hagerty, South Bend, Ind.;

Stanislaus Szamecki, South Bend, Ind.;

Thomas Lahey, Michigan City, Ind.;

Charles Miltner, Michigan;

William Carey, Climax, Wis.;

Joseph Quinlan, Chicago, Ill.;

John Eckert, Indiana;

Charles Marshall, Ohio; and witnessed the religious profession made by

William Cunningham, Chicago, Ill.;

Wendell Corcoran, Chicago, Ill.;

William Moloney, Crawfordsville, Ind.;

Boleslaus Sztuczko, Chicago, Ill.

Nearly all the members of the Congregation and a large number of visitors were present at the ceremonies at which Father Nugent, C. M., the preacher of the retreat, gave a practical and spirited talk which will long be remembered by the young levites. The Rev. Father Connor, C. S. C., was Master of Ceremonies.

Ordinations.

The yearly ordination of members of the Community of Holy Cross took place this year at the University of Notre Dame. The Rt. Reverend P. J. Hurth, D. D., C. S. C., who is attending the General Chapter at Notre Dame, performed the ceremonies. On Monday, July the 30th, Mr. David O'Leary received minor orders in the Church of the Sacred Heart at 5:30 o'clock a. m. On Tuesday morning Mr. O'Leary and Mr. McManus were made subdeacons. On Wednesday Timothy J. Crowley, Alphonsus Just, Thomas Lennox, James McManus, Walter Lavin, Leo Heiser and David O'Leary received the office of diaconate. The ordinations took place on Thursday, August 2d, in the Church of the Sacred Heart. Numberless visitors from far and near flocked to Notre Dame to witness the ceremonies, and at nine o'clock the church

was crowded to the door. Bishop Hurth, assisted by Rev. Dr. Burns, C. S. C., the Rev. Father Scheier, C. S. C., deacon, and Rev. Father Kirsch, C. S. C., subdeacon, said the Mass and ordained the above-mentioned deacons, and Mr. George Marr, D. D. The ceremonies were most solemn, and for three long hours the people beheld them with interest, watching every step as the eight deacons approached that most exalted office, the ambassador of Christ. Bishop Hurth preached a beautiful sermon, reminding the young priests of the power bestowed upon them and of their responsibility. After the Mass the young priests came from the sanctuary and each one placed his hands on the grey head of a happy mother or a joyful father, bestowing on them his first blessing. It was a scene never to be forgotten. Time and again when going from home had these young men knelt to receive the blessing of their mother or father, but now it was their day, and that same mother and father knelt under their anointed hands to receive their blessing.

On the afternoon of August 2d Dr. Marr left for his home in Denver, Colorado, Father Lavin went to Providence, Rhode Island, Fathers McManus and Lennox to New York City, Father O'Leary to Evanston, Ill., and Father Heiser to South Bend, Ind. They all celebrated their first Masses the following Sunday. Dr. Crowley said his first Mass on August 3d at Notre Dame in the Chapel of the Holy Family, Father Just at St. Mary's Academy.

Personals.

—Henry M. Kemper, M. A. '06, is being sent by Archbishop Quigley to Europe for six years of study. Henry passed an exceptionally good examination and is offered a rare opportunity. All wish him the best success in his studies.

—The following card announcing that Sam Guerra (C. E. '06) is already at work, was received at the University in mid-vacation.

Samuel José Guerra, Yngeniero Civil, graduado en el Colegio de Yngeniería de la Universidad de Notre Dame, Estados Unidos, tiene el honor de ofrecer á Ud. sus servicios profesionales.

San Luis, Potosi, Julio de 1906.

Book Reviews.

AVE MARIA. By the Class of 1906. St. Mary's College, Notre Dame, Ind.

This attractive "Chaplet of Verses" done by the '06 class of St. Mary's College is a beautiful tribute of devotion to our May Queen. The poems are well written and breathe a spirit of true devotion and love for the Mother of God. The booklet is illustrated with prints of the master paintings of our Blessed Lady, and the whole done in sepia makes a beautiful remembrance of this year's graduating class.

NOT A JUDGMENT. By Grace Keon. Benzigers.

The author of this volume has indeed charmingly surpassed her former book, entitled "The Ruler of the Kingdom," and won by her latest work a warm place in the esteem of her readers. "Not a Judgment" is a thorough Catholic novel, revealing in its pages the real life of New York's poor and the sterling qualities of some of its characters, portraying vividly the influence of a stanch religious element that is so strikingly absent in the upper classes. The story is told with attractive simplicity and frankness. The character-making is widely diversified and effective. We know of no recent feminine personage so exquisitely drawn as Mollie Farrell, the central figure in the story. Her strong resolve to repair and soothe a life made wretched and dependent by a brother's passionate mood; the strong adherence to her principle of justice when the gleam of a happier and pleasanter life falls upon her young head; the strength and sincerity of her religious nature when opposition to Catholic ideals meets her single handed; her utter disregard for self-torture to save the pang of filial recklessness from maternal anxiety and affection,—are traits that arouse human sympathy and draw her so closely within the bond of the reader's love that consternation would be manifest should happiness, the reward of so great sacrifice, be denied her.

Throughout the story the reader's curiosity never lags, but a series of pleasant episodes, a delicate verve and exciting briskness hold and stimulate our interest. With highest praise we recommend "Not a Judgment" to all admirers of Catholic literature.

(Continued from page 11.)

diseased live stock from one state into another (187 U. S. 137). Can not Congress then regulate the transference of other productions as well as cattle? Congress has authorized telegraph companies to construct their lines along the railways, made all railroads post roads, provided for arbitration between interstate employers and employees (Oct. 1, 1888), and commanded the use of automatic couplers on all trains used in interstate commerce.

Justice Bradley says: "Congress is supreme over the whole subject unembarrassed by state lines or state laws. In matters of commerce the country is one and the work to be accomplished is national. State jealousies and interests and prejudices do not require to be consulted (32 Fed. R. Q.). *In re Debs*, J. Brewer says: "Congress may directly supervise, control and manage interstate commerce and its agencies" (158 U. S. 564).

In the exercise of this power over commerce, interstate and foreign, Congress has authorized the institution of the national banks, the Union Pacific and Atlantic and Pacific railroads, the Maritime Canal Company of Nicaragua and the Panama Canal. Under the postal power the first telegraph line ever erected was between Washington and Baltimore, and the entire cost of its construction and operation for two years was paid by Congress. I believe then that Congress has ample power to deal effectively and comprehensively yet simply and directly with the difficulties besetting this grave problem without infringing on the Constitution or requiring an amendment.

THE POLICY OF THE PROPOSED MEASURE.

The end is legitimate and all means thereto not prohibited by the Constitution are constitutional. Our commercial conditions now are analogous to the money question during the middle period of our history. In 1816 Calhoun said: "The state of our circulating medium is opposed to the principles of the Federal Constitution. The power is given to Congress in express terms to regulate the currency of the United States. In point of fact that power is not in their hands. The power is exercised by

260 banking institutions with 80 millions capital, no longer responsible for correct management. By a sort of undercurrent the power of Congress has caved in, and upon its ruins has sprung up those institutions which now exercise the right of dictation for the United States finance."

To stem this tide of invective, Congress chartered the second national bank of the United States, which issued a medium more uniform than specie, a currency of absolute uniform value in all places, and no country in history of such geographical dimensions can boast of such uniform currency. In 1836 this bank's charter expired and Jackson vetoed its reincorporation. Then the era of state banking began, and soon the country was flooded with spurious currency by powers based on "ignorance, intrigue, favoritism and corruption," without uniformity of creation, operation, responsibility.

In 1863 the national banking act improved this state of affairs somewhat, but not until 1865 was the uniformity restored by taxing out of existence the corrupt creations of the states. How analogous is this condition to our present commercial condition! Could not Congress put out of existence the corporations doing interstate commerce? Can it not deny them this exclusive privilege? May it not equip lines of its own to do the same work? But the states may say this policy would bring all our civil rights under the national government. There would be no shifting of legitimate rights. We live under a dual form of government; we have rights under each; the domain of interstate belongs to the national legislature and not to the states; our civil rights under that domain are enjoyed under national law (*Videas* 141 U. S. 47). Does any sane man argue that his civil rights have shifted because national quarantine laws have supplanted local customs inconsistent therewith? The government of the Union is emphatically and truly a government of the people. It emanates from them. It is a government of all, its powers are delegated by all, it represents all and acts for all. The proposed law then would not diminish any state rights or concentrate any undue power, but would relieve the ills of the people and preserve the ark of our political covenant.

Wild Birds at Notre Dame.

THE DOWNY WOODPECKER.

This is the smallest woodpecker we have. It may be seen here all the year round, always busy digging out worms and insects that infest the bark of trees. In passing from tree to tree it frequently utters a harsh note. In winter it does not call as loud as in summer; but still its note is often heard and is the easiest way to locate the whereabouts of the bird. Last December I often heard and saw this industrious wood-worker in the trees on our lawns. It is remarkable how hard he can hit, and how patiently he plies his useful labor.

"The downy woodpecker is black above, striped with white; tail shaped like a wedge; outer tail feathers white, barred with black; middle tail feathers black; a black stripe on top of the head and a distinct white band over and under the eyes; a red patch on upper side of neck, and a scarlet stripe on nape; wings with six white bands crossing them transversely; white underneath. Length, 6 to 7 inches."

THE CEDAR WAXWING.

This bird, called also cherrybird, is found in summer wherever there is a cherry orchard. Even when there is no fruit on the trees the birds find food to their liking. They fly very swiftly, throwing themselves as they leave a perch somewhat like the kingbird. When seen at close range, with their back toward you, the vermilion tips on their wings are discernible. These spots look like red sealing wax, from which they have received the name waxwing. On a very wet evening, one of the Brothers found three young cedar waxwings and, thinking they would suffer much from being drenched all night, he put the birds on his forefinger where they sat perfectly quiet, and took them into the house. The next morning he brought them back to the place where he found them, and soon the old birds came and fed them.

"The general color of the cedar waxwing is a soft brown; yellowish beneath; a yellow band at end of tail; head distinctly crested. Length, 7 inches."

Local Items.

—Prof. Reno is fishing at the Lakes; he caught one hundred and twenty fish in two hours!?

—A new up-to-date psychological laboratory with padded walls is being prepared in Science Hall.

—Jack Murray, catcher of this year's baseball team, is playing with the St. Louis Nationals and is doing some fine stick work.

—As this issue of the SCHOLASTIC goes to press the General Chapter of the Congregation of Holy Cross is in session at Notre Dame, Indiana.

—Father Corbett, rector of Corby Hall for the last few years, was appointed Vice-President of Columbia University, Portland, Oregon, by the Provincial Council.

—Old students will be pleased to find that the wooden floor of the lower corridor has been replaced by one of marble concrete which presents a very beautiful appearance.

—The students at the Lakes had a great celebration on the Fourth of July. In the afternoon a track meet was held in which everyone compiled, and the evening was brightened by a wonderful display of fireworks.

—The priests of the diocese of Fort Wayne will make their retreat at the University from the twentieth to the twenty-fifth of August. The following week the priests of the Archdiocese of Chicago will be on retreat at Notre Dame.

—Mechanics Hall is being entirely renovated. The machinery has all been taken over to the old shops where will be the new Mechanics Hall, and new chemical laboratories are being put in the hall which will hereafter be called Chemistry Hall.

—The students who remained here for the summer are spending their vacation at the Lakes and are having an ideal time. It will take them some time to whiten up when they return as the sun has burned their skin until it looks as though it had been coated with iodine.

—We are requested to announce that examinations for conditioned students begin on September 11, and that classes will be resumed on September 14. Parents and guardians should see to it that students are present at the University in good time to begin the regular work.

—The Rev. Timothy Crowley, C. S. C., Ph. D., the Rev. George Marr, C. S. C., D. D., the Rev. Leo Heiser, C. S. C., the Rev. Thomas Lennox, C. S. C., the Rev. William McManus, C. S. C., Mr. John Delauney, C. S. C., Ph. D., will be stationed at Notre Dame next term.