

The Notre Dame Scholastic

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

VOL. XL.

NOTRE DAME, INDIANA, MAY 25, 1907.

No. 32.

The Younger Blue and Grey.

THOMAS E. BURKE, 07.

Persons.

MR. REED

NITA REED, DAUGHTER OF MR. REED

JAMES CLAY, A FRIEND OF NITA'S

COLONEL BLACK, A FRIEND OF MR. REED'S

(In Maryland at twilight, at the home of Mr. Reed. Mr. Reed is sitting on the veranda with his daughter.)

MR. REED.

How quickly fly the happy years of youth,
The loves, the fears, the kisses and the frowns,
Leaving us old and sere beneath the sun
That lit the happiest moments of our life.
You are the budding blossoms of the spring
That grow and flourish on life's mighty bough,
And we, the golden leaves, are swept aside
Into the mighty whirlwind of the past.

NITA.

And yet, to-morrow is your hallowed day;
Maidens and youths will lay aside their work
To pin a rose upon your faded coat
And sing the praises of the boy in grey.

MR. REED.

Ah, yes, dear child, to-morrow is our day,
And I am the last leaf upon the tree.
Faded are all my comrades 'neath the years
That silvered them, and stole away their bloom.
I, too, shall join them in their long farewell
Ere many moons have shone upon my brow,
Ere the damp toad and shimmering golden snake
Awake amidst another springtime's leaves.
Another May shall cast her tender buds,
Not at my feet but on my sleeping breast.
And you, my child, when I have gone away,
Will you remember that I wore the grey?

NITA.

Yes, father, I am Southern to the core;
I love the glory of the dear old grey,
And yet, to-day, beneath this very roof
I yielded to a hearty Yankee boy.
To-day I wrote to Jim and bade him come
To celebrate to-morrow's feast with me.
For fear, I would not yield, it was through love—
I love Jim, father, and he thinks of me
As well as he did in the early spring.

But ah, those Yankee boys will never yield,
And now for two long months the war has waged;
So even as the shining grey went down
Before the glittering muskets of the South
I bend to him for the sweet sake of peace,
Knowing his heart is changeless as the past.

MR. REED.

'Tis well, my child, to yield is oft to win,
'Twill make to-morrow's feast the more for you;
And when perchance I sleep beneath the blooms,
Yourself and Jim on this remembered day,
Thinking of the sweet ending of love's war,
May think of me, and breathe a silent prayer.

(The supper bell rings and they walk towards the door.)

NITA.

To-morrow every hand shall bear a flag;
The Stars and Stripes shall stream forth from on
high,
And you shall walk amidst them as a lord
Clothed in your tattered uniform of grey.
And when the fleeting years have quenched the
light
That lives and flames within your sunken form,
And leave me in the winter of life's year
With all the merry summer at my back,
On this day every year we'll drape the halls
With those same starry banners that you love,
And 'neath their folds our children bright shall
play,
And this shall e'er be known as "Father's Day."

(They enter the house.)

SCENE II.—The next day Nita and Jim are seated in the parlor.

NITA.

And so we are at peace after these months.
The lion March and April storms are gone.

What dreary months they were! how dull and cold!
 But oh, how sweet and placid is the calm.
 This thirtieth is father's hallowed day,
 And I have tried to make it what I could;
 But what could make his dear heart happier
 Than seeing us contented and in peace?
 I am a Southern maiden, and the blood
 That pulsed within my father's youthful veins
 Still burns within me in a silent flame,
 And bids me bend not to a Northerner.
 Oh, it was hard, 'twas heart-rending to yield,
 To pluck pride's full-blown flower from its stem,
 And strew its snow-white petals 'neath my feet
 That I might tread them down into the earth.
 But with one image fair before my eyes,
 Knowing love's bloom would shortly flourish there,
 I tore apart its leaves and very heart—
 The storm is past and all is calm again.

JIM.

There is more glory, more of strength and power
 In your defeat than in my victory.
 This day of days brought always joy to me.
 It was my father's day, and when he lived
 Our homestead moved and was alive with mirth.
 I am a Yankee boy, and my wild heart
 Beats with a throb for all that wear the blue;
 And when a child reading my books, at school
 Or listening at the hearth to father's tales,
 I swore to be a Yankee all my life,
 To hate the South and all that wore the grey.
 But when this day came round each flowering year
 And all the walls steamed with the Stars and
 Stripes,
 I saw my father in his Northern clothes
 Sit round the hearth with them that wore the grey,
 And drink and smoke and laugh the hours away.
 And then I wandered South beneath this sky,
 Where the sweet lark, the harbinger of morn,
 Spills his unsullied notes across the fields.
 'Twas in the evening that I met you first,
 The dreamy moon was paling in the blue,
 And 'neath the glance of your bright, dazzling eyes
 That Southern hate that bound my heart so long
 Melted like snow beneath the mid-day sun,
 And the young rose of love sprang up and broke
 Into a thousand smiling rosy leaves.

The Law.*

ITS PURPOSE, SCOPE AND MISSION.

CONCLUSION.

How interesting is the history of legal development! From the family to the commonwealth, and from the commonwealth to international relationship. Research through these gradations is the true province of the law. In your studies you have learned that you can solve no geometrical problem with-

NITA.

And so the second war is fought and won;
 Won for us both, for we are friends again.
 The younger Blue and Grey have left the field,
 Drenched in their tears and gathered in sweet peace
 Around the dying embers of the hearth.

JIM.

This thirtieth of May shall ever be
 Through all our lives of sacred memory.
 And when the old folks lie silent at rest
 Awaiting their reward, their work well done,
 Like a bright star in memory's darkened sky
 Shall ever shine this blessed happy day,
 And we shall be the younger Blue and Grey.

(They sing the following song. Air: When
 Love Is Young.)

SHE.

I love the dear South with its flowery land,
 I love the grey soldier boy true.

HE.

My young heart beats strong for the Northern
 strand;

I love the strong Yankee in blue.

SHE.

My old father bled for his Southern love,

HE.

And mine for the North fought the fray.

BOTH.

Together we'll march through the battle of life,
 The young of the Blue and the Grey.

CHORUS.

Hurrah! for our dear daddies
 That wore the grey and blue,
 Hurrah! for every triumph
 Our daddies gained for you.
 Our hearts with theirs are beating,
 We're with them in the fray,
 And though but young, our hearts are strong—
 The Blue and Grey.

(Enter Mr. Reed with some Northern friends).

MR. REED.

So may we pass along feeling content
 E'en to the end of life's laborious way.
 Our names will never die, our praise be spent,
 While live and move the younger Blue and Grey
 (Curtain.)

out knowing the reasons of the angle. You can understand no principle of law without being conversant with the rules governing the particular transaction to which the rule is applied. In determining, therefore, the relationship of cause to effect, antecedent to consequent, special to general, particular to universal, you must carry on that mental process by which the truth is attained and the right sustained. Law is designed to subserve the attainment of the truth, the

* Lecture delivered May 13th before the students of the Law Department by the Hon. Henry Frawley, of Deadwood, South Dakota.

protection of personal liberty and private property, free religious worship and the nation's stability. The lawyer is the minister of truth, the dispenser of justice, the guardian of the weak, the champion of the helpless, the regulator of the powerful, the equalizer of contending elements, the oil by which the disturbed commotion of human affairs is calmed. If true to his profession he will have constantly in mind the attainment of the truth, the maintenance of justice, universal right and love of liberty. No profession is above the law, nor is any vocation equal to it. It is the infallible expression of the Eternal Will. It is the sovereign power to which serf and king must bow. Being thus universal in its operation, peaceful in its purposes, just in its measures, in order that it may be properly administered it is your duty to cultivate the highest qualities of manhood, citizenship and knightly honor.

Contemplate for a moment this limitless field! From the wildest flights of fancy, the depths of the woes of Dante, the epistles of the Apostles, the palm leaves of Josephus, the parchments of Confucius, the tablets of the pyramids, the records of the Greeks, Romans, Saxons and Celts, and from the whole wide domain of human action, are transmitted to us the principles that to-day control and regulate the rights of every individual, the perpetuity, the honor and character of every nation. In the study of law never assume that genius will solve mysteries, marshal authorities, or grasp the rules of pleading and evidence. Edison says that his genius consists of ninety-eight per cent of labor and two per cent of hidden mystery. Alexander Hamilton declared that what the people were pleased to call his genius was simply the fruit of ceaseless labor and constant thought. Who can tell but some of you may yet be called upon to draw a treaty which will preserve peace to the contending millions of the earth?

My friends, I repeat, the first indispensable requisites to success in your work are honesty of purpose, sincerity of conduct, vigor of action, a conscious, intelligent conception of your duty to the high calling to which you aspire. When a given proposition is presented to you, ascertain all the facts; master thoroughly the alleged grievances;

make yourselves familiar with the facts in your client's case; learn what are his rights; study the justice and truth of his claim. Make the same examination of the position of your adversary.

Lord Campbell was wont to say: "It is the business of courts reasonably so to shape the rules of evidence as to make them suitable to the habits of mankind, and not likely to exclude actual facts. To exclude a usage is to exclude a material term of a contract, if not excluded by its terms, and this must necessarily lead to an unjust decision."

The law presumes that all men's actions are correct; that the existing condition of affairs is just, and that the attitude of man in dealing with his fellows conforms to the established usages of society. When a case is presented to you, scrutinize carefully the right as well as the reason of the contention made. If a legal right has been unlawfully invaded you may be sure that you can obtain redress if you proceed in accordance with legal requirements. If one has been wrongfully deprived of his personal liberty, an inalienable right has been invaded, and you may know that with fair knowledge of procedure the law affords him an ample remedy. Should the question of real property be involved, the right of possession being denied, yours must be the better and more righteous contention in order to prevail. If the contention is that certain privileges or immunities are denied, you must go to the source and ascertain the reason of the right on which you can predicate your demand.

The lawyer of to-day is becoming a specialist, devoting his time and energy to some particular branch of remedial justice. His work, however, in this line should be confined to the more populous communities or such as afford him reasonable hope of acquiring a fair clientage. The country lawyer can not tell when he may be called upon to take up the work of any branch, or even the most diverse branches of law, or even give an opinion as to the ebb and flow of the tide, or as to the rights of the descendants of Barbarossa, or as to the successors of Harold after the battle of Hastings, or as to the rights of riparian proprietorship, or the law applicable to the apex or mother lode, or touching artificial

irrigation, or possibly as to whether or not the husband has an inherent right to direct his wife to a milliner of his own selection. It must not be understood that lawyers in the large cities are necessarily or even mainly specialists in the practice. A majority are ready to take any class of cases that may be offered. But in the city they are not so well known to the public at large and may count upon greater privacy.

Referring again to law in the abstract, Cicero says that in its highest sense it is simply the expression of a supreme rule, a just principle. According to Marshall, it is the authoritative expression, in a tangible way, of God's immutable will. Its true source is found in the beneficence of God. It is the rendering unto Cæsar that which belongs to Cæsar; it is giving to God the things that are God's. Its ministers are, as a rule, honest, thoughtful, just men. The law can not be said to be a profession that lends itself to the accumulation of great wealth. It is not a profession that appeals to the spectacular or the music of the band. It is not a profession whose triumphs are commemorated by great archways and pillars of display. It is rather that progressive, just, unpretentious agency which is charged with the peaceful regulation and adjustment of the affairs of men.

How helpless would be a ship upon the open ocean without its compass or rudder! Tossed here and there, driven by the changing winds, it would indeed be helpless amid the battling forces of the deep. Were the ship of state in like manner exposed to contending elements—greed-born claims, avarice, passion, deception, fraud and lawlessness—how powerless would it be without the skilful pilot, the safe guide, the vigilant captain, standing ever ready to sacrifice himself rather than that the ship may founder and those under his charge perish in the surging elements of destructive anarchy! To the law only could we look for guidance and compass and rudder and anchor in so appalling a situation. Learn then to be worthy of confidence as a skilful pilot, a safe guide, a vigilant captain in the study of its principles. Devotion to duty and diligent application are essential factors in this praiseworthy work. Illustration may aid us in forming a just conception of our duty in this great

domain. Turn on the lever. Where will the power of electricity, condensed air, and steam lead us if it be not controlled by him who understands the philosophy of the physical forces and the application of the lever? The natural sciences can not tell you why the grass is green, nor explain the mystery of the leaves, nor understand the songs of the wind. The whisperings of nature are as unfathomable to the human mind as the essence of the soul. But in the science of law things are tangible, conditions are regulated by inflexible rules—rules which are the philosophy of human experience, the cherished hope for the attainment of right and the establishment of truth. Having that purpose in view, its field is limitless, its power immeasurable.

I do not venture to give advice as to any particular line of work that you should pursue. But I will urge upon your attention the absolute necessity of a thorough study of basic principles. When you take up a particular case and undertake to prepare it for trial ascertain whether or not it is regulated by any of your State statutes. If not, then your basic principles are the unerring guide—as inflexible as the polar star to the mariner. The lawyer occupies in his relation to society a position which may be termed that of business director, the distributing fountain whence justice emanates and through whom no wrong may be done. Special legislation may obtain at times what seem to be unjust preferences or unconscionable franchises and immunities, but nevertheless our faith in the honesty, justice and sincerity of the hopes and ideals cherished in the hearts of the American people remains unimpaired. *Vox populi, vox dei* is a sentiment that was crystallized into a living truth long prior to the alleged aggressiveness of the trusts, or the unjust and seeming iniquitous manipulation of special legislation. In our country all sovereign rights being lodged in the people, their will must be suitably expressed in statute and ordinance for the purpose of carrying into effect their declared will, subject only to the great basic provisions of the Constitution both Federal and State. Consistently with these basic provisions, you may rest assured in the honesty of your profession, in the sincerity and inherent

justice of your courts, that the will of the people shall be consulted and followed.

I have great faith in the perpetuity of this nation, and yet my faith in its perpetuity rests primarily with you who are undertaking to master the principles which guide and shape its destiny. Be mindful always of the inspiring thought that in the history and exposition of the law, from the dawn of civilization to the present, its growth has been progressive, intending no injury, protecting the helpless, controlling the powerful, distributing with just hand to the high and low alike, to the rich and the poor, with equal and exact justice to all. Such is its ministry, such is its history, such, with God's help, will be its future in fulfilment of the nation's destiny.

To the lawyer we must look for a conservative censor in the forming of public opinion, since nothing is lawful when the law ceases. Honesty and sincerity of purpose are as clearly evidenced to-day in our nation and as much typified in everyday life as could be said of Sparta when a certain evil-minded person proposed that a good measure should not be entertained or introduced in its councils until proposed by a virtuous and honored citizen. Under the control of mere politicians, however, only few would be found eligible to introduce good measures. The scheme would be worthy of the politician if his tribe filled the legislative offices. Be mindful that poor laws beget poorer ones. In the body politic to-day, unfortunately, toleration has been acquiesced in until anarchy and lawlessness begin to take definite form, and defiantly exhibit their flaring flags and menacing teeth. As a result of the indulgence and license tacitly allowed they now attempt to use their power under the guise of legalized authority.

A political victory secured by unlawful means should mark its selfish beneficiary as an "undesirable citizen," to say the least. If a lawyer it should brand him as a dishonest man, an unsafe counsellor, a disloyal member of the body politic. The bright and spacious arena of right, the recognized authority of the law, and its matchless adaptability to all conditions and all persons, are the foundations upon which rest the peace and security of the community, the State and

the Nation. After all, the will of the people is right. It finds expression in wisely conceived and honestly enacted laws. The judgment of the highest court given upon a stated subject is unimpeachable. It is a matter settled and can never be challenged. The avenues of thought through which and by which the mind reaches its judgment should always be consistent and in harmony with the existing rules applicable to the subject under consideration. In the conscientious discharge of your duty be ever mindful of the true source of the law, the true fountain of justice—God Himself, for

Day and night are in His keeping,
Sun and stars obey His call,
Yet He knows the sea-gull's nestling,
As He knows the sparrow's fall.

My friends, let me congratulate you upon the auspices under which you are working and the opportunities within your reach; let me remind you of the inspiration of example in the unselfishness, the earnest zeal and ceaseless labor of your Dean in your welfare. Remember that as alumni you will owe to this University and to Colonel Hoynes an abiding duty so to act as to reflect credit upon them not only in the forensic arena, but in all the paths of usefulness. There is an implied contract—did I say implied?—I ought to have said an express contract, inscribed in letters of gold binding you to devoted and effective work here in this beautiful location, with all that wealth can obtain, love secure, confidence and hope inspire. Here is presented to you an opportunity unequalled, an opportunity to train the mind to masterly power, an opportunity to realize the noblest aspirations of true scholarship, an opportunity to fix and fashion as you will the goal of your own fortune. Let me impress upon you what opportunity means in the language of the lamented Senator Ingalls, who says:

Master of human destinies am I!
Fame, love and fortune on my footsteps wait.
Cities and fields I walk; I penetrate
Deserts and seas remote, and passing by
Hovel and mart and palace, soon or late,
I knock unbidden once at every gate!
If sleeping, wake; if feasting, rise before
I turn away. It is the hour of fate,
And they who follow me reach every state
Mortals desire, and conquer every foe
Save death; but those who doubt or hesitate,
Condemned to failure, penury and woe,
Seek me in vain and uselessly implore.
I answer not, and I return no more!

(The End.)

The Fading Blue and Grey.

YANKEE.

The years have furrowed my olden brow
 And slackened my youthful pace,
 And the fire of life burns dimly now,
 While the light glows dead on my face;
 But the spirit of youth sinks never, nay,
 'Tis a spirit firm and true,
 And I'm here again to claim my day,
 The last of the fading Blue!

SOUTHERNER.

I'm moving on toward the sinking west
 With the glow of day behind;
 The night is nigh with its soothing rest
 Where the friends of youth I'll find.
 But my boyhood spark leaps young and bright,
 And calls me forth to-day;
 I come from the South, a dying light,
 The last of the fading Grey.

YANKEE.

A cheer for the Southern soldiers raise,

SOUTHERNER.

A cheer for the Yankee too.

YANKEE.

Hurrah! for the Grey, sing loud its praise.

SOUTHERNER.

Hurrah! for the shining Blue.

BOTH.

We've fought and bled, and were foe to foe,
 But the smoke has cleared away,
 And in friendship's clasp to the end we'll go,
 The fading Blue and Grey.

T. E. B.

"The Serenade."

RAYMOND A. RATH, '09.

"Papa, did you bring the flags I ordered?"

"Yes, Elsie, they're in the wagon, just below the seat, several dozen of them."

The storekeeper had just arrived from Hampstead with supplies for his little out-of-town store. Elsie had reminded him of Decoration Day, and that it would take some fifty flags, besides bunting, to supply the customers. Elsie brought the flags into the store, being careful to place two of them in the little show case to attract attention.

It was Saturday evening, and her eldest brother, being the village barber with his shop in the adjacent room, it was not long before the youths of the town quite filled the narrow store and began the usual Saturday evening's desecration act, by scattering peanut shells, caramel wrappers,

etc., and be-fogging the atmosphere with the smoke of the popular American weed.

"What are you going to do with all those flags, Elsie? Folks around here have no use for them; if it was June, I'd tell you to trade them for fire-crackers for the Fourth," said George Baker.

"Why, George, you know well enough that Franklin Square is changed since the day of the Spanish war and Camp Black."

Franklin Square is a sort of sub-town or imitation of a town near Hampstead, and but some few miles distant from the celebrated sight of Camp Black,—so named in honor of the then Governor of New York. Ten thousand soldiers, including the Rough Riders, camped there during the spring of '98, and the presence of so much patriotism did not fail to rouse the enthusiasm of the surrounding gentry, especially the dormant youths of Franklin Square.

"Oh! yes, 'tis true, Decoration Day will be here shortly, let's see, to-day is the 25th—your birthday Pete; you ought to set 'em up, eh? Yes, and it's just five years and one month to-day since Roy Remsen took his leave to join the Rough Riders. I remember it well, for it just happened on your birthday, Pete."

"Poor Roy, there's where he used to sit and tantalize Tom Johnson," reveried Baker.

Roy Remsen was a popular lad, somewhat brighter than the rest, and could talk politics fluently. He had become enamored of the fine golden apparel of the Rough Riders, and often spent whole afternoons at Camp Black, even on days when there was a ball game in town. He would crowd in among the boys in blue and gold, as they occasionally taxed the capacity of the little store, and was loud in boasting of his grandfather, who was a blue-jacket under Farragut. Being practically a neighbor of Roosevelt—Oyster Bay, being but a few miles distant—and a friend of Teddy Jr., he was soon enabled to don the shining Rough Rider uniform.

"Next," said Case, the barber.

"It's your turn, Pete," said George Baker. "Say, boys, Roy's mother does not seem to get over the shock at all, and here it is five years since Roy has been killed."

"Yes, a person would like to cheer her up, but whenever he tries, it only makes matters

worse. I tried it once, and can never get myself to try it again," said Lawson.

"There, that is true, and father always says 'She's sad, because she's sad.' He tried the same thing and failed miserably," shouted Pete from the barber chair.

"There is no use in trying to joke about it, but then she ought to have forgotten the matter by this time, especially since he died the glorious death of a soldier in Cuba. Old Mrs. Downs of Elmont has cheered up nicely again, and her Frank was shot for deserting," said Lawson.

"Say, fellows, it's worth while; let's do something, all of us in a body, that will cheer her up again," said Gus Baker.

"That may not be a bad idea. What do you propose?" said another.

"Why, as I was sizing up those flags yonder, I thought they would serve splendidly for the purpose."

"Well, what purpose?"

"Why, for the purpose of giving her some happy surprise, I mean by holding a parade through town to the memory of Roy."

"A good idea. Let's turn out Decoration Day with flags, bunting, ribbons and drums. 'Twill make her feel proud of Roy at least," said George.

"Yes, George, give a speech on Roy, the Rough Rider."

"That plan is O. K., but you better be orator yourself, Gus, for I am quite sure that the man bringing up such a great idea is the best for thinking out a speech to fit the occasion."

"We're agreed on that too, you better be speech-maker," added another, "but you, George, must try to get the old band in tune again, the 'Big Six,' so we will have some music, for whoever heard of a parade without music? I think the 'Six' are around town yet."

"No, Frenchy is gone for one," said Pete.

"And old Shorty swore off the base horn, since he caught neuralgia on that rainy day of the church fair."

"Yes, and the melophone is gone too," continued Pete.

"Why, I thought Mac had that."

"He has, but it is of no account. Gus threw it down stairs for sheer spleen on the day his great big Pa, under the advice of that slick uncle of his, shipped him to the

Hot Springs, or wherever he went to; his mother afterwards gave it to Mac, but he did not have it fixed; some of the kids, I heard say, use the keys of it for spoons, when they buy ice-cream."

"Say, Peter, that was no melophone at all; but then I don't remember the name of it either. We won't bother about that horn so much, but as to Shorty, I'll coax him around all right," said Wagner, another enthusiast of music.

"I don't think you will."

"Why not?"

"Because he has taken the pledge, so what are you going to coax with?"

"Well, I should smile! Then we will get Cokie; but we won't worry about these trifles now. Shake hands on this great plan first."

"We will serenade! Franklin Square must be up to time and festivals, and we must put it there," said George.

"Besides it is the best way of restoring happiness and joy and new life into Roy's sad old mother. She will be proud of him," said Gus.

"If Roy were only buried here or at Greenfield, we could then go to his grave also," said Tom Johnson.

After much enthusiastic deliberation the youthful meeting adjourned, resolving to keep their proceedings secret.

Mrs. Remsen was a widow who lived an apparently lonesome and hidden life. She had begged of Roy to remain with her, and tried to prove to him that staying with his unprotected mother was an act naturally above patriotism. But Roy, besides his romantic disposition, was also taken in with the spirit of the day. This was the day of war and adventure, a rare chance for obtaining glory.

While at Camp Black he often paid his mother and home town a visit, showing himself at all times happy and proud. But this glad life was not to continue. May was exceptionally rainy and cold that year. There was much sickness and misery throughout the drenched tents of the camp, and the spirits of Roy were not so high upon leaving camp for the South as when he had first entered. A secret melancholy had pitched its tent in the heart of Roy. But he was too proud to reveal the fact

to his mother or friends. On the day of his departure his mother paid him a last visit bringing with her the wonted basket of delicacies. Roy seemed as jovial as ever.

"Here mother hold the drum while I eat your pie," he laughed; and while he unceremoniously annihilated it the happy mother stood by awkwardly holding his drum, and waiting to see the Rough Riders depart.

There was no sigh or breath in the fresh green treetops of Franklin Square on the evening of Decoration Day. Save for the occasional buzz of a bicycle all was quiet and serene up and down the road. Elsie had tacked up four flags one on each post supporting the store's porch. They hung there straight and motionless, contemplating, as it were, their famed American colors. Presently one of them quivered.

"Let me take one of these flags, Elsie we need one more for Ed," said George.

"Take it, the day is about over anyway. After all then those fifty flags proved insufficient, eh?"

"It's because of this turn out of ours in honor of Roy, the Rough Rider, the hero, the patriot, the glory of our town—"

"Oh, wait, wait, Gus, don't give your speech here, save your oratory for Mrs. Remsen, she'll like it better than I do. Somehow I didn't fancy Roy so very much, always tantalizing me as he was," said Elsie.

"Matt, confound it! put up that trombone and keep quiet, you'll spoil the fun," demanded George.

"Say, George, when must we light the torches?" asked Charley White with his usual drawl.

"Not before we've all gathered on the lawn before her house. I told you once, didn't I? Remember, boys, first the band plays 'Break the News to Mother.'"

"I have a few copies of the song here, those who don't play ought to sing it," said Elsie.

"I think we ought not bring up that song at all," spoke a serious voice which no one seemed to heed, however.

"Boys, we must get started," said George. "Take your places; drums here, baritone and bass yonder. Hurry up, Sam; away with that mouth-harp, Tom. Keep quiet on

the way down; remember that this must be a surprise to the whole town," were George's orders.

"Oh, Elsie has told every customer by this time, I reckon," said a pessimist.

"I beg your pardon, Jack, I did nothing of the kind," was the girl's response.

"We're off then," said George imperatively.

"I wonder how they'll succeed, I've a mind to follow them at a distance," mused Elsie. "How homespun Carl looks! and that Matt seems such an awkward, wind-splitting perpendicular; his ears are indeed picturesque—but not for music.

Darkness fell in and around the beautiful Queen Anne cottage of Widow Remsen, but closer scrutiny revealed a faint light edging around the drawn curtains of an upper room which formerly served as Roy's bedroom. Mrs. Remsen was in it to-night commemorating the sad anniversary of her son's death. Upon the bed she had placed his golden uniform and sword which a friend had sent her from Tampa, the camp in Florida. The uniform lay stretched at full length, and Mrs. Remsen sat beside it gazing upon it in silent grief. She buried her face in his pillows, and allowed the reminiscence of her life's mistakes and follies to come upon her with accumulative effect. Her heart was once simple and straightforward, a counterpart of the inheritance of her mother's. But this virtue had long since been the exception, cropping out, as it were, unconsciously at times. Simplicity disconcerted by a spoiled heart and habitation must always prove disastrous, and in the case of Mrs. Remsen it proved so, when she allowed her young husband, with whom she had recklessly eloped, the free use of her bank account which came to her through her grandfather. Disastrous "slumps" in Wall Street did the rest, and turned her husband to alcohol and hastened his death. Dressmaking afforded her a comfortable but exceedingly lonesome living. The neighborhood, however, knew nothing of her past, she having moved hither as a widow. It was thought strange, however, by many that such a seemingly good woman was never seen attending any church.

"No parents, nothing but their curse, perhaps; no husband, nothing but his disgrace;

no child, nothing but this tattered uniform—why should misery and I continue thus? Yes, I'll end the heart-ache," she moaned.

Presently a most startling volley of shots rent the quiet of the evening. Her house seemed for a moment enveloped in flame quenched instantly as it seemed by darkness. Shouts and hurrahs and music mingled in a sudden start, whilst the whole front lawn now shone with torches. Mrs. Remsen was for a moment dazed, but realizing that there was no danger, she felt for a moment joyfully surprised and immediately started downstairs. But at the door below, she presently faltered and quivered; a sudden fear seemed to have seized her. She seemed in despair and her hand twitched nervously at the door knob, but it was too late, the serenaders had discovered her and she could not recede.

"Hurrah! hurrah! hurrah!"—trite and simple as they were, they were nevertheless spirited. "Here comes Mrs. Remsen, boys, ready! The band struck up the sympathetic soldier's song, whilst from all sides the neighbors, and especially the children, came flocking to the scene. Mrs. Remsen had opened the door and stood on its threshold, leaning heavily against its frame. Before the last notes were quite played Gus Baker stepped forward, seemingly pregnant with oratory *sui generis*:

"Mrs. Remsen: Long Island doesn't figure a vast deal in geographies, nor much in history. Washington had nought but hard luck upon its soil. Few great men hail from this slender sand bank in the Atlantic; but there are two of whom we are very proud these days, and there is *one* of whom we are exceptionally proud to-night. Go to the White House for the former; go to Cuba for the grave of the latter: it's Roy's grave. Proud of you, Roy, is Franklin Square to-day. Happy are we for being in the presence of one whom we know to be his mother. Mother of Roy, our soldier, our patriot and hero, we—

"O stop! stop! O wait! Roy was—O cruel truth!—was shot for *deserting*," shrieked Mrs. Remsen with superhuman effort,—and collapsed as one struck dead.

Lightning could not have wrought more consternation and havoc of mind as did this piercing as well as astounding confession.

"There," whispered George, "whoever

heard anything more piteous, and we're to blame! Come, carry her in. Mother, are you there! Come in and attend her, you too, Elsie, please. O what have we been doing!"

"No more serenades for me," said Gus.

"And I'm through with the Big Six, forever. The baby can have my drum now, and punch holes in it to a finish for all I care. Mother always said these noisy turn-outs are against the Bible," and with that this picturesque remnant of Puritan stock planted his foot wickedly into one side of the instrument, thus saving the baby one half of its labor.

A mirthless mixture of old and young slowly dispersed in sorrowful mood. Children piped for more music and noise, whilst their parents interchanged their surprises and store of suspicions which they now were sure of having felt since Roy's leaving. The downcast and discomfited serenaders made for the store.

"'Twas a noble effort of hers towards being honest about it," one said.

"She'll commit suicide to-night, I'll bet, and we are to blame!" was the pessimistic view of another.

"No, she won't, not after so much courage," promptly responded George Baker.

Nor did she. Her simplicity and straightforwardness had asserted itself to her eternal advantage this time. That night she died of heart failure. Her last hours were filled with serene resignation.

"Tell the boys I die with God—but for them it were not so. Thank them for the serenade. "Lead, Kindly Light," were her last words and they proved a consoling message to the serenaders. So much so that they turned out once more and attended her funeral in solemn military style. And they organized a club shortly afterwards with headquarters at the widow's cottage which she expressly willed to them on the night of her demise. Later the club erected a marble tombstone over her grave, and Elsie wrote the following epitaph, which, as she said, was only the widow's last thought properly revealed to the world:

Lord, for the erring thought
Not into evil wrought;
Lord, for the wicked will
Betrayed and baffled still;
For the heart from itself kept
Pure thanksgiving accept.

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, May 25, 1907.

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Conferring of the Laetare Medal.

The formal conferring of the Laetare Medal on Miss Katherine Eleanor Conway took place in the Auditorium of Boston College, Friday evening, May 17, at 8 o'clock. The ceremony was honored by the presence of Coadjutor-Archbishop O'Connell, of Boston; the venerable Bishop McQuaid; Monsignor Byrne, Vicar-General of Boston; Monsignor O'Callahan; His Honor, Mayor Fitzgerald; Congressman Joseph O'Connell, and a large body of the clergy. The friends of Miss Conway took advantage of the opportunity to testify to the extraordinary respect in which she is held. It is impossible to imagine a more enthusiastic assemblage than that which greeted Miss Conway. Besides her work as poet, essayist and journalist, Miss Conway has been the soul of the John Boyle O'Reilly Reading Circle, and the Catholic Union, two of the largest and most influential Catholic organizations in the United States.

The opening address was by Coadjutor-Archbishop O'Connell, who took occasion to

express his mind on the duties of the Catholic editor. His address, which was masterly, was as follows:

"Every true school of art not only offers instruction in principles and theories, but indicates as well by the use of models the practical results of teaching. Notre Dame, the great Catholic University of the West, is not content with merely theorizing, but she goes a step further like a true school of the art of life. She sets before the students' minds for observation those who in one way or another have exemplified the principles of Catholic training.

"The great figures of history help in the acquisition of ideals. Each of them has something of interest to communicate, but often their great distance weakens the impulse to follow them. Their very greatness awes us, and to men leading practical lives they serve rather more for admiration than imitation. And after all, fortunately for most of us, it is the goodness of men and not their greatness which we are told to copy. The really great are rare, but the really good, thank Heaven, are always with us, and their living influence in the end is a more potent force than the legends that glory weaves around its heroes. And so Notre Dame, while pointing out the great personages of history, is still more practical in setting up for honor those who, living right among us, often unconsciously are wielding a potent influence for good: the scholar whose learning lightens up the simple byways of life, the advocate who stands ever for the right, the merchant who has won success by honesty—all such as these who live ordinary lives in an extraordinary way, and who, though surrounded by the commonplace, are themselves never common.

"Thrice within a brief interval Notre Dame has pointed her index finger towards our city. Thrice she has selected here the recipients of her great honor—the Medal of Distinction. Recently she pinned it upon the breast of a great Catholic merchant,—Mr. Thomas B. Fitzpatrick, and then her lesson was that true success in the world of business, infinitely more than the mere acquisition of wealth, is to be won by untiring industry and high moral principles; that to the true Catholic gold, if tarnished

by dishonesty, is a base metal; that the riches of the world mean nothing when to acquire them faith must be forfeited.

"To-night Notre Dame comes to us again; not now to a great merchant, but to a simple Christian lady. And this time what is the lesson which she wishes to teach? It is the lesson of the valiant woman. A quarter of a century of noble work done with no fitting recompense is to-night in some measure rewarded. To-night not Boston only knows her value, but America. It is difficult in these present surroundings to unroll the story of that work without either seeming to exaggerate its value, or to embarrass her who has achieved it.

"First of all and above all her work is her own life. Without that her work would mean much less. Let me sum it all up in a word: she is a Catholic lady; Catholic in her true piety; a lady in her true gentleness. Here indeed is the foundation of whatever she has done. Not a book that she has written that is not stamped with the distinction which religion and gentleness alone can give. Those books, when one considers the urgent demands of her routine duties, are notable in both their number and their quality, and every one of them had a lesson to teach of good morals and refined manners. She could not write otherwise, for she was familiar with nothing else. Her sex is a debtor to her pen, for in all her volumes she has given woman the noble place with which Christianity endowed her: near the altar and the fireside. No modern fad, no new phase of the feminine, has moved her from that true standpoint. And she could write about what a good woman ought to be, because she was one herself.

"Valuable as the books undoubtedly are which came from her heart and her pen, of far greater value is her work as the editor of a Catholic journal, which, while requiring very extraordinary abilities and talents, is usually one which receives the poorest recompense. To set forth clearly Catholic truth, to treat familiarly profound questions of doctrine, to be ready with a quick, true and strong response to the myriad falsities of current literature, to speak out fearlessly the truth against the

myriad voices of misrepresentation, to recognize a vicious argument and turn it back upon the assailant—all this requires profound knowledge of the Church's teaching and a burning zeal for the Church's honor. It demands no ordinary acquaintance with the sciences of Theology, History, and Apologetics, and no ordinary discrimination and prudence, so that truth may not suffer by violence and that rancor and wrangling may not usurp the place of reasoning. All these qualities the true Catholic editor must have at hand as a treasure from which to draw constantly and quickly. His attitude, to be potent and efficient, must be that of one certain of his ground, sure of his position; for he speaks not for himself, but for the truth. And that security and sureness comes only to him who has toiled for years in acquiring it. A false step, a hasty word, a weak phrase, may bring not only discredit to his pen, but distrust, and perhaps dishonor to his Church. He has few of the liberties of other editors, whose flippancy and facility may often pass for brilliancy. The editorial "we" of the Catholic paper is taken infinitely more seriously than that impersonal word in other columns, and its weight is correspondingly graver, and its import infinitely more responsible.

"The Catholic editor is a lay evangelist, and his office is a sacred responsibility. He must possess not merely rhetoric, but reverence, if by what he writes, even in matters less grave, he is to produce in his readers the edification which helps and to avoid meddlesome and harmful criticism of persons and measures, which is the pitfall and the ruin of his true usefulness. He must be a chronicler, not a critic of ecclesiastical events emanating from his ecclesiastical superiors. And he must be ever watchful to be a help and not a hindrance to them in furthering the Church's interests. From all this it is plain that the Catholic editor must have extraordinary qualities of mind and heart, of intelligence and faith, of docility as well as dignity. What wonder then that such are hard to find. Men with such gifts are eagerly sought for in richer fields, for again, I repeat, there has been until now little adequate human compensation for them in the Catholic journalism of America. But

there are compensations beyond all money value. To feel that one is a pioneer in a great cause is in itself a great inspiration. The same hope that bears up the courage of the missionary in desert fields is that which is oftentimes the only reward for the lay evangelist of the Catholic press.

"But to-night that hope is glorified. For many years the great Boston Catholic journal called the *Pilot* has steered its course through difficult waters in safety. It has had the good fortune to have at the wheel those who knew the faith and loved it, and who to knowledge and love added the noble gifts of charity and reverence. Once before Notre Dame has recognized the merits and the worth of the *Pilot's* founder and long-time owner, Mr. Patrick Donahoe. After him came that champion of truth and freedom, that hero of Irish patriotism and Catholic faith, John Boyle O'Reilly. And trained in the school of both these remarkable men, and gaining wisdom from years of their friendship, the present editor of the *Pilot* is singled out for special honors to-night, Miss Katherine E. Conway.

"That after such competent guides directing the fate of this great journal, the authority, the dignity, and the literary value of it have not diminished, but increased under the hand of a woman never physically strong, but with a robustness of brain, masculine in its character, joined to the gentleness of a woman's heart, is certainly proof of her sterling ability and genuine worth. This the great English-speaking world, throughout which the *Pilot* is read, has recognized and applauded. This the prelates and people of this diocese have gratefully acknowledged, and to emphasize this general esteem and appreciation, you, Very Reverend Father Cavanaugh, have come to us to-night to add this fitting tribute of Notre Dame to the name and the fame of one whom Boston holds in honor.

"Let me thank Notre Dame in Boston's name. These are indeed golden chains by which the East and the West shall be more lovingly united. What we are doing in the East and what you are doing in the West is all one work standing for the truth, which is our Catholic inheritance, and doing each his best to make that truth better known to East and West, North and South, brothers

all in one faith, children all of this great Republic.

"Take back with you Boston's brotherly salutations to your University and to all the West. Tell them that our eyes are following their rapid rise and progress with affectionate admiration; that every advance which the West makes in learning, in prosperity, and in faith will be recognized and applauded here in this older centre of intellectual work and religious activity. And for our part we do not forget that the conservatism of New England and the freshness of vitality of the great West are helpful each to the other.

"To you, Miss Conway, I offer sincerest congratulations, not in my own name only, but in the name of Archbishop Williams, who, were it possible, would be here himself in person. If I mistake not, his word of approbation upon your work is the greatest honor which this evening brings you. His blessing will surely be to you a source of strength for even greater work from your mind and your pen. Your filial reverence for your spiritual chief has been evident in the spirit which animated your words, and that reverence, without a doubt, has given to your editorial page the calm dignity and the high tone which ought to be the chief distinction of the Catholic journalist.

"The humility of the faithful child of our great Church has protected you against the danger of affecting to teach those to whom, in the spirit of faith, you are the pupil, not the teacher. In the great work which stands before the Church in this country to accomplish, the Catholic editor will have a tremendous share. Much has been done, but much more remains to be done, for the faith in this land. In one way only can this great duty, which devolves upon us of the present day, be accomplished, not merely for the present but for the promising future. That way is the one indicated by Christ in the beginning—unity of mind and heart. If the eternal message of Christ to the world, delivered through the bishops to his Church, is transmitted valiantly and faithfully to the listening people by a priesthood which stands like a solid phalanx around its chief, and through the powerful agency of a Catholic press,

loyally voiced by competent, conservative, devoted Catholic editors; if the cathedra of the bishop, the pulpit, and the press are, as Christ commanded them to be,—of one thought, one mind, and one desire to make His truth known to every living creature—no obstacle can withstand this trinity of forces, and the Church in America of the future will valiantly accomplish her share of the work in the universal vineyard of Christ.

“You, as editor of the *Pilot*, will henceforth stand as an exemplar of the spirit of loyalty, devotion, and unity. So will Boston in this field, as in so many others, still be true to her splendid traditions of leadership, not merely in the general field of learning, but especially in the higher realm of religious literature.”

The formal greeting of the University was next delivered to Miss Conway by President Cavanaugh.

The University of Notre Dame

to

KATHERINE ELEANOR CONWAY

GREETING

Following the custom now some decades old, the University of Notre Dame on each recurring Lætare Sunday confers a medal on an American Catholic distinguished for services to Science, Art, Literature, Religion or Humanity. The Medal is no mere academic prize, for the recipient is selected in such wise that the choice carries with it the approbation of the hierarchy, the priests and Catholic people of the United States.

In selecting you, Madam, as the Lætare Medalist for the year of Our Lord Nineteen Hundred and Seven, the University is confident that the approval of the clergy and laity will be cordial and unanimous, for your exceptional gifts of mind and heart have been zealously expended in the Catholic cause.

To the young women of America you have spoken golden words of counsel, and if this were your only claim to gratitude it were enough to mark you among the daughters of Holy Church. But you have done more than this, for you have illustrated by your example the virtues of Catholic womanhood, and have shown to your sisters how they too, may lead consecrated lives within the cloister of the heart, and dignify a public career by noble service.

As a poet and essayist your influence has been as sweet and wholesome as the morning; as editor you have interpreted the Catholic mind with unerring instinct and have prophesied true things for human liberty. Therefore

THE UNIVERSITY OF NOTRE DAME

acclaims you as one worthy to be joined to the noble company of men and women who have won and worn

THE LÆTARE MEDAL.

The badge of chivalry and genius, the Medal has never been more worthily bestowed. May you live long to wear it and to continue your labors for God and humanity!

On conclusion of the address President Cavanaugh formally conferred the medal while the hall fairly trembled with the plaudits and enthusiasm of the assemblage. The applause continued for fully ten minutes. With characteristic modesty Miss Conway had prepared an acknowledgment in writing and had asked the President of the Boston College, Rev. Thomas I. Gasson, S. J., to read it:

“From a full heart my word of gratitude to the University of Notre Dame for the Lætare Medal at the hands of its distinguished President.

“What that University stands for in American education and American patriotism ever since the days of its illustrious founder, Father Sorin, is known of all educators and patriots. I rejoice—as who would not?—to be of those who have won its highest honor for the laity.

“But conscience asks me, ‘How come you into this goodly company?’ Here are friends of my life from its dawning years to its maturity who know to whom are due the development of any gift God gave me, the direction of my effort, and this crowning honor of my days.

“First after the teachers of my childhood, the great B shop of Rochester, friend of all my life and my nearest and dearest, who with fatherly benignity has taken this long journey for my sake. ‘You have your tools, and I will show you how to use them,’ he said to the eager girl of long ago, seeing with certainty her calling; and if he attained his purpose in me, it is only that he always attains his purposes.

“He helped to make Boston kind to the

young stranger; for was he not the nearest friend of the venerated Archbishop Williams, whose blessing rests on this event? I dare, however, gratefully to believe that the Most Reverend Archbishop-Coadjutor is here also for himself.

"How shall I tell my debt to John Boyle O'Reilly, by whose wise precepts and vital memory I have tried to live and work ever since his lamentable passing from the place which needed him? How much I owe to my own dear family of the John Boyle O'Reilly Reading Circle, to my chivalrous associates of the Catholic Union of Boston, and to the president and faculty of Boston college, who have given me this splendid reception; whose past unfailing co-operation and support have made my dreams come true; to the kind encouragement of my friends in the priesthood, to the fraternity of the pen, religious and secular, throughout my working years in Rochester, Buffalo and Boston.

"With all Boston Catholics I have appreciative memories of the brave old founder of Catholic journalism here.

"What, then, is left for me, for whom so many have united to win the Lætare Medal? The sweet burden of life-long gratitude to beloved friends, and the hope of the one fame worth coveting—to be held in the unforgetting heart of Mother Church."

It would of course be impossible to allow Miss Conway's triumph to pass without some words from the great Bishop of Rochester. Bishop McQuaid was Miss Conway's early mentor and patron, and he has watched her growing power and her splendid achievement with the pride of a father in a gifted child. His inspiring words will not soon be forgotten by those who heard him, and his tribute to Miss Conway was touching in the extreme.

The venerable Archbishop Williams, who recently celebrated his eighty-fifth birth day, was unable to be present, but he sent formal greetings to Miss Conway as did many other members of the hierarchy, and friends in every quarter.

Much of the success of the function was due to the interest manifested by the Jesuit Fathers, of Boston College, who left nothing undone to make the ceremony worthy.

President Cavanaugh Honored.

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Saturday night, May 18, at Young's Hotel, Boston, the Boston Alumni of Notre Dame tendered the Rev. President Cavanaugh a banquet at which the alumni of the city and of nearby towns gathered to do Father Cavanaugh and their University honor. In the afternoon Father Cavanaugh was shown around Harvard and Historic Lexington and Concord by Congressman O'Connell of Boston, ex-President Richards of Georgetown University, Dr. John P. Fennessey, '99, and a representative of the Notre Dame colony at Harvard. The party was entertained at luncheon at the Harvard University by the Notre Dame men at Harvard.

Byron V. Kanaley, '04, Harvard, Law, '07, acted as toastmaster of the banquet. He presented Dr. Cavanaugh in a few informal words to the alumni, and it was several minutes before Father Cavanaugh could proceed—hearty applause and repeated U. N. D's greeting his appearance, till at last he had to raise his hand for quiet.

Dr. Cavanaugh made a stirring address, pointing out among other things the peculiarly strong ties that bind Notre Dame men together everywhere, and that bind them to the University. He gave a brief résumé of the work of the year—of the advance made in several departments of university activity. He appealed to the men present, and to Notre Dame alumni everywhere, to help by kind word and deed—each according to his ability—the great work the University is carrying on, especially emphasizing the great part the alumni might have in the development and upbuilding of Notre Dame by preaching wherever and whenever fit the "Notre Dame doctrine." He finished by bestowing Notre Dame's blessing on her sons there gathered. The conclusion of his address was made the occasion of a true Notre Dame demonstration which clearly showed the "old boys" had not lost the spirit and enthusiasm which has made so much for Notre Dame's eminence in various activities.

Informal remarks of alumni followed, each one stating from his viewpoint the contemplated things he thought beneficial for the

University, and the speeches teemed with loyalty and love for the "old school" in the West. Nearly every phase of life then was dealt with in the course of the remarks, from athletics to technological experiments in the scientific school. "Tom" Holland's remarks on the clean athletic policy of Notre Dame were greeted with great approval. Dr. John P. Fennessey, '99, Harvard Medical, '06, spoke of the enviable standing of Notre Dame men at Harvard. Dr. Francis Carroll, '78, Harvard Medical, '83, paid a splendid tribute to the University and the type of men she graduates. Prof. Wm. Mahoney spoke of the relation of faculty to student; and Hon. Wm. P. Higgins, of the Mass. legislature, on various plans for furthering the work of the University.

An informal smoker followed in one of the parlors at which various plans were discussed looking to the unification of the alumni throughout the country, an end greatly to be desired. The remarkable results for good to the college by such action was demonstrated by the policy of Dartmouth and Harvard. The discussion took form in the formation of a Massachusetts Alumni Association, with headquarters in Boston. The following officers were elected: President, Dr. Francis Carroll, '78; Vice-President, Hon. William P. Higgins, '03; Secretary and Treasurer, Dr. John P. Fennessey, '99, of 19 Adams St., Dorchester. The alumni, at the conclusion of the evening, formed in line and filed past President Cavanaugh, bidding him God-speed and expressing their final heart-wishes for the welfare of him and those at Notre Dame, and the University.

Many letters of regret for inability by previous business engagements and for other reasons were received from alumni throughout the State. Those who sat at the banquet were: the Rev. Dr. Cavanaugh, '90; Dr. John P. Fennessey, '99, Harvard, Medical '06; John Shea, '06, Harvard, Law '09; Prof. William Mahoney, '05; Fred J. Kasper, '04, Harvard, Law '07; Phil Doherty '98-'99; William P. Higgins, '03, Harvard, Law '05; Muriel Bechman, '03-'05, M. I. T. '07; Thomas Holland, '04-'06; John H. Voigt, '06, Harvard, Law '09; Daniel T. Kelly, '02-'04, Harvard, '08; Roy Conron, '04-'05, M. I. T. '07; William McCarty, '04-'06; Dr. Francis Carroll, '78,

Harvard, Medical '83; Samuel O'Gorman, '04-'06; Washington McCormick, '03-'05, Harvard, '07; the Rev. John McNamara, '97; Byron V. Kanaley, '04, Harvard Law, '07.

Especial credit for the banquet is due Dr. John P. Fennessey '99, who was very active, not only in the arrangement but in gathering the alumni residents in Boston.

B. V. K.

Athletic Notes.

NOTRE DAME, 6; PURDUE, 2.

Lafayette, Ind., May 18.—Notre Dame continued its winning streak to-day, and practically won the State Championship by defeating Purdue, 6 to 2. Purdue had the bases full twice when unable to score. Sensational catches by Bonnan, McKee, Boltz and Sherwood were features. Bonnan speared Driver's hit to left field, robbing Purdue of two runs. Waldorf allowed but two hits, but gave eleven men their bases on balls.

THE SCORE.

| | R | H | P | A | E |
|----------------|---|---|----|----|---|
| Notre Dame | | | | | |
| Bonnan, l. f. | 0 | 1 | 3 | 0 | 0 |
| McKee, c. f. | 0 | 0 | 2 | 0 | 0 |
| Farabaugh, 1b. | 0 | 0 | 11 | 0 | 2 |
| Curtis, c. | 0 | 0 | 7 | 1 | 0 |
| Brogan, 3b. | 1 | 1 | 0 | 2 | 1 |
| Dubuc, r. f. | 2 | 2 | 1 | 0 | 1 |
| Kuepping, ss. | 1 | 2 | 0 | 3 | 0 |
| Boyle, 2b. | 1 | 2 | 2 | 5 | 2 |
| Waldorf, p. | 1 | 1 | 1 | 2 | 0 |
| Total | 6 | 9 | 27 | 13 | 6 |

THE SCORE.

| | R | H | P | A | E |
|----------------|---|---|----|---|---|
| Purdue | | | | | |
| Babcock, ss. | 0 | 0 | 1 | 1 | 1 |
| Driver, 3b. | 0 | 1 | 1 | 1 | 0 |
| Fleming, 1b. | 1 | 1 | 10 | 0 | 0 |
| Boltz, c. f. | 1 | 0 | 3 | 1 | 0 |
| Bird, l. f. | 0 | 0 | 2 | 0 | 0 |
| Sherwood, 2b. | 0 | 0 | 2 | 3 | 1 |
| Rosenbaum, c. | 0 | 0 | 7 | 1 | 0 |
| Rice, p. | 0 | 0 | 0 | 1 | 0 |
| Holdson, r. f. | 0 | 0 | 1 | 0 | 0 |
| Total | 2 | 2 | 27 | 8 | 2 |

Notre Dame 0 5 1 0 0 0 0 0 0=6
Purdue 0 0 2 0 0 0 0 0 0=2

Two-base hit—Kuepping. Double plays—Boltz-Fleming; Sherwood-Babcock-Fleming. Bases on balls—Off Waldorf, 11; off Rice, 3. Struck out—By Waldorf, 7; by Rice, 6. Hit by pitcher—Holdson. Umpire—Tindill.

* * *

NOTRE DAME, 5; MICHIGAN, 4.

Notre Dame, 5; Michigan, 4 (looks good, doesn't it?), and that was the score after one

of the prettiest baseball games ever seen on Cartier Field. That it was Michigan which was on the short end makes it nice, for every one likes to take a fall out of them, not because they are Michigan, but because a Michigan team means one of the best in the business, and of course it is more joy to beat one of the best than one of the worst—but the game.

The Varsity got away to a flying start, and after the first inning about the only thing that troubled the rooters was the size of the score. Bonnan, the first man up, hit for a base. McKee made an attempt to lay down a bunt, but Kelly in his endeavor to cover first fell down, and McKee got a hit, putting "Big" Bonnan on second. Farabaugh came next, and laid down a perfect bunt, advancing both men a base. Curtis was the man behind the bat, and slammed out a clean double, scoring both men. Brogan was next and he stepped to one hard which brought Curtis across the plate. Dubuc flew out to third base, and Kuepping took three healthy ones, and the side was out. Nothing doing for Michigan in their half. Wheeler started with a hit, but got caught off first by Curtis, and the next two men were easy outs.

In the second the Varsity came back with another. Boyle went out from short to first. Waldorf reached first on Patterson's wild heave, and went to second on the same play. Bonnan took his in the foot and limped to first. McKee dumped a Texas Leaguer over third, and the captain scored.

Michigan began in the third. Patterson led off with a hit. Lowell went out from Dubuc to Farabaugh; Ovitz hit one over first base, and although Farabaugh got his hands on it, it was impossible for him to hold it. The ball rolled toward second base, Boyle picked it up and heaved it toward third; the ball went in that direction, and Brogan in his endeavor to get some place near the throw fell, and Patterson scored.

For the next five innings everything was quiet. Michigan appeared a little dangerous in the sixth, but Dubuc fanned Sullivan at the right time, and the danger was over. In the first of the ninth, when everyone was getting ready to go home and tell the folks how Notre Dame trimmed Michigan, it began and for a few minutes it looked

as though the visitors were going to make a New York finish and get away with the game. Sullivan began the doings by hitting for a base, and added to his work by stealing second. Kelly laid one down and advanced the big centre-fielder to third. Giddings singled and Sullivan scored. Dubuc then walked; Patterson and the fans went crazy, one ran in, one out, and a man on first and second. Lowell hit a fast one to Kuepping who threw to Boyle for a double. Lowell was out easy, but Boyle in his hurry to finish the play threw wild to first, and two men scored. The score was tied. Ovitz flew out to Waldorf.

It was in the last of the ninth that Notre Dame proved that they were the candy ball players, for they came right back at Michigan and scored the winning run with ease. Captain Waldorf led off with a clean single over third. Bonnan laid down a nice one. McKee hit one through Ovitz, which Kelly got, but he threw it away, and Waldorf brought in the winning run (very fitting for the Captain) and Notre Dame had defeated Michigan.

Dubuc and Ovitz were the opposing pitchers with the honors all in favor of Dubuc during the first part of the game, but at the end they were about even. Dubuc slammed out the longest hit of the day, a three-bagger, and also hit for a single, while Ovitz was good for two singles.

The game was fast, and good fielding marked the contest, but the errors that were made were bad ones and all counted runs.

| Notre Dame | R | H | P | A | E |
|------------------|----------|----------|-----------|-----------|----------|
| Bonnan, l. f. | 1 | 1 | 1 | 0 | 0 |
| McKee, c. f. | 1 | 2 | 1 | 0 | 0 |
| Farabaugh, 1b. | 0 | 0 | 9 | 1 | 0 |
| Curtis, c. | 1 | 1 | 5 | 1 | 0 |
| Brogan, 3b. | 0 | 1 | 2 | 2 | 1 |
| Dubuc, p. | 0 | 2 | 2 | 3 | 0 |
| Kuepping, ss. | 0 | 0 | 2 | 4 | 0 |
| Boyle, 2b. | 0 | 1 | 3 | 2 | 2 |
| Waldorf, r. f. | 2 | 1 | 2 | 0 | 0 |
| Totals | 5 | 9 | 27 | 13 | 3 |
| Michigan | R | H | P | A | E |
| Wheeler, r. f. | 0 | 1 | 0 | 0 | 1 |
| Taft, 1b. | 0 | 1 | 1 | 0 | 0 |
| Sullivan, c. f. | 1 | 1 | 2 | 0 | 0 |
| Kelly, 2b. | 0 | 0 | 3 | 1 | 1 |
| Giddings, 3b. | 1 | 1 | 5 | 1 | 0 |
| McGarrity, l. f. | 1 | 1 | 2 | 0 | 0 |
| Patterson, ss. | 1 | 1 | 0 | 3 | 1 |
| Lowell, c. | 0 | 0 | 5 | 0 | 0 |
| Ovitz, p. | 0 | 2 | 1 | 2 | 0 |
| Total | 4 | 8 | 25 | 7 | 3 |

Three-base hit—Dubuc. Two-base hit—Curtice. Struck out—By Dubuc, 5; by Ovitz, 5. Bases on balls—Off Dubuc, 1; off Ovitz, 1. Hit by pitcher—Bonnan, Kelly, Giddings. Double plays—Knepping, Boyle, Farabaugh; Brogan, Boyle, Farabaugh. Umpire—Tindill.

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NOTES OF THE GAME.

Giddings, Michigan's third base-man, carried away the fielding honors of the game, accepting several difficult chances.

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What do you know about this? Sullivan, Dunne, McGarrity and Kelly in Michigan's line-up! All Romans.

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The largest crowd of the year saw the game.

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Dubuc's three-bagger was wasted. He hit with no one on, and was compelled to die on third.

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* *

Curtis made his usual pretty play when he caught Wheeler off first.

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ILLINOIS, 1; NOTRE DAME, 0.

Looks natural, does it not? Illinois has been winning baseball games from Notre Dame for the past ten years by the score of 1 to 0, 2 to 1, 3 to 2. If there ever was a team which had luck against Notre Dame it's Illinois. Not that the score was made by luck or that the visitors did not deserve to win, for they did; the bunt that brought in the winning run was a perfect example of the squeeze play, but it was also an example of the small score games with Notre Dame on the short end.

The game was won after nine innings of heart-breaking baseball. From start to finish it was a pitcher's battle. Ovitz, the Illinois star, was opposed to "Dreams" Scanlon, and those who were lucky enough to see the game saw a pitcher's battle, the equal of which is seldom seen in college baseball. The hits were even, four and four. Two of Illinois hits were two-baggers, but the other two were lucky. One was a bunt along first base line that Scanlon picked up on the line, and the other was Beyers' bunt in the ninth inning when Scanlon did not play for him. Ovitz walked one man and Scanlon hit one.

The Illinois man struck out eleven of the Gold and Blue sluggers, while Scanlon had to be content with retiring nine of the visitors.

The Varsity had two chances to win the game, but could not hit when hits meant runs. In the fourth with two down, Curtis hit for a base and stole second. Brogan drew the only free ride of the game. The mighty Dubuc came next, and "things were expected," but the mighty man was just like the famous Casey, for he struck out. Again in the sixth, with McKee on third and Curtis on second, Brogan had the chance of a lifetime to become a hero and win the game, but he too took three healthy ones and the chance was gone.

In the first of the ninth Ovitz led off with a two-bagger in centre-field. Vandergrift hit one to Brogan and was thrown out at first, but Ovitz went to third on the play. Beyers came next. He and Ovitz worked the squeeze perfectly, and the Illinois pitcher came in with the winning run. The Varsity came back in their half of the ninth against Michigan, and pulled the game out of the hole, but could not repeat the performance against Illinois. Farabaugh tried hard, but a high one to right field was the best he had. Curtis was done; he had two hits to his credit and was overdone. Brogan hit to Ovitz and was an easy out. And Illinois had once again got away with a Notre Dame game.

The men can not win all the time; they were due for a beating sooner or later, and 1 to 0 is the smallest trimming they could get. Notre Dame has one of the best, if not the best, team in the West, and has played a schedule about twice as large as any western team, loosing up to date one game. They have won seventeen out of eighteen games, including six of the conference colleges—Illinois, Michigan, Minnesota, Wisconsin, Purdue and Indiana.

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Gunning, the Illinois catcher, had his finger injured during the game and was compelled to retire in favor of Morrison. Dr. Benine of Niles happened to be on the field and took charge of the injured player. The same doctor is the holder of the world's record for the 110 yard dash.

One error was all that was made in the game and that went to Notre Dame.

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Scanlon got credit for the first balk made on the Notre Dame field this season.

| Notre Dame | R | H | P | A | E |
|-------------------|----------|----------|-----------|-----------|----------|
| Bonnan, l. f. | 0 | 0 | 0 | 0 | 0 |
| McKee, c. f. | 0 | 1 | 1 | 0 | 1 |
| Farabaugh, 1b. | 0 | 1 | 12 | 1 | 0 |
| Curtis, c. | 0 | 2 | 9 | 0 | 0 |
| Brogan, 3b. | 0 | 0 | 1 | 3 | 0 |
| Dubuc, r. f. | 0 | 0 | 0 | 0 | 0 |
| Kuepping, ss. | 0 | 0 | 3 | 2 | 0 |
| Boyle, 2b. | 0 | 0 | 1 | 4 | 0 |
| Scanlon, p. | 0 | 0 | 0 | 4 | 0 |
| Total | 0 | 4 | 27 | 14 | 1 |
| Illinois | R | H | P | A | E |
| Vandergrift, 3b. | 0 | 0 | 1 | 0 | 0 |
| Beyers, 2b. | 0 | 1 | 1 | 2 | 0 |
| Snyder, 1b. | 0 | 0 | 10 | 0 | 0 |
| Dickie, ss. | 0 | 1 | 0 | 1 | 0 |
| Carrithers, l. f. | 0 | 0 | 2 | 0 | 0 |
| Dissosway, c. f. | 0 | 1 | 0 | 0 | 0 |
| Evans, r. f. | 0 | 0 | 2 | 0 | 0 |
| Gunning, c. | 0 | 0 | 8 | 1 | 0 |
| Morrison, c. | 0 | 0 | 3 | 0 | 0 |
| Ovitz, p. | 1 | 1 | 1 | 2 | 0 |
| Total | 1 | 4 | 27 | 6 | 0 |

Two base hits—Dickie, Ovitz. Struck out—By Ovitz, 11; by Scanlon, 9. Bases on balls—Of Ovitz, 1. Hit by pitcher—Evans. Umpire—Clark.

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Asst. Mngr. McGannon and the track men are in Terre Haute endeavoring to win the State meet. Keefe, Smithson, Scales, Wood, Keach and Cripe are the men upon whom the burden falls. Smithson has a four-man job mapped out for him, the dopesters asking him to win the 100, the 220, and the high and low hurdles. Keefe is in the half and quarter, and has ventured into a new field by going into the two mile. In a tryout the first of the week the star half-miler went the distance in better than eleven minutes, and did it easy, so he may repeat the dope, and hereafter be Keefe, the star two-miler.

Scales is not in the best of shape, but should pull points in both hurdle races.

Wood has been putting the shot close to forty feet, and is an even money bet to win.

Keach and Cripe are due for points in the middle-distance events, and although the team is not picked to win the meet, they ought to land a second place and with a little luck may surprise everyone and win the affair.

R. L. B.

LAW DEPARTMENT.

HUNTER V. ROYAL ACCIDENT INS. CO.

The statement of facts in this case was recently published in the SCHOLASTIC. The trial took place at the last session of the Moot Court, Judge Hoynes presiding, and Leroy Keach acting as clerk. The attorneys were Rupert D. Donovan, Clarence W. May, James V. Cunningham and Max Jauraschek. The plaintiff sustained serious injuries in playing a game of baseball, and sued for \$350 under the terms of an accident policy he held. The defence was that the injuries of which he complained and for which he sought damages were received through his own fault and negligence. The court found in favor of the plaintiff, referring to the case following, recently decided by the Supreme Court of Michigan, as the one upon which the action was based. It is officially reported as *Hunt v. U. S. Accident Association*. The trial court in Kalamazoo County found in favor of the defendant, but its judgment was reversed on appeal to the Supreme Court, which dealt with the matter substantially as follows:

Statement of Facts.

The plaintiff, thirty-six years of age, was engaged in playing a game of indoor baseball in the gymnasium of the Young Men's Association. The floor was smooth and slippery. The game is played with a soft ball, about twice the size of an ordinary ball. Plaintiff was batting, and having struck the ball, ran to first base, twenty feet from the home plate. The side wall of the gymnasium was between six and ten feet beyond the first base. The pitcher caught the ball, tossed it at plaintiff and touched him before he could reach the first base. He ran beyond the base, put out his foot and hand against the wall, which he had been in the habit of doing, to stop himself. His ankle was broken.

He had a policy in the defendant company. In his application the plaintiff agreed that the benefits under the policy "shall not extend to or cover voluntary or unnecessary exposure to danger." The court directed a verdict for the defendant, holding that the accident was the result of

an involuntary and unnecessary exposure to danger, and basing its direction upon the following testimony given by plaintiff upon cross examination:

"Q. Now you were running so hard that you could not stop yourself until you ran against the wall, that was the fact, was it?"

"A. Well, I would not say as to that.

"Q. Why didn't you stop if that was not a fact?"

"A. Oh, I was feeling good; I felt like running.

"Q. Felt like running against the wall?"

"A. Not necessarily.

"Q. Well you saw the wall, didn't you?"

"A. Yes.

"Q. You knew you were thirty-five feet away from it where you stood?"

"A. Well, sir, in that neighborhood, I suppose.

"Q. You were running so hard that you could not stop yourself until you ran into the wall?"

"A. Oh, I might if I had tried.

"Q. Why didn't you?"

"A. I don't know why I didn't; it wasn't necessary.

"Q. What's that?"

"A. I don't know why I didn't; I didn't though.

"Q. You didn't think it was necessary to stop when you were running to prevent your running against the wall?"

"A. I was not running very hard.

"Q. Why did you run into the wall if you were not running very hard?"

"A. Oh, that was just the way I had of stopping.

"Q. What?"

"A. That was just the way of stopping, that was all.

"Q. The wall stopped you?"

"A. Yes.

"Q. You didn't stop at all. You didn't stop yourself at all; you ran right into the wall?"

"A. You might put it that way, yes.

"Q. Well, that is the fact, isn't it?"

"A. I didn't stop until I struck the wall."

Opinion.

GRANT, J.—That negligence which would defeat a plaintiff in an action for damages on account of the negligence of a defendant

finds no place as a defense in the law of insurance against accidents. Such contracts must be shorn of much of their value if ordinary contributory negligence could be interposed as a defense. Thoughtless and inconsiderate acts are some of the very things which these policies are designed to cover. One might easily ascertain whether his gun was loaded before he undertook to clean it. The hunter, in going through the brush or getting over a fence, or rowing in his boat, should be careful to handle his gun so as to prevent accident. One climbing a ladder should see that the rounds were sound and securely fastened. Ordinary prudence would require these precautions, but hundreds of accidents happen because they are not taken. The term "voluntary exposure to danger" means a realization that an accident will in all probability result, and an injury follow, from the action about to be taken. The danger of injury must be obvious. That point has been decided in this court in *Johnson v. London Guarantee, etc., Co.*, 115 Mich. 86, where we said:

"The term 'voluntary exposure to unnecessary danger' as used in an accident policy exempting the insurer from liability for injuries caused by such exposure, means a conscious or intentional exposure, means a gross or wanton negligence on the part of the insured."

This is the well-established rule: *Fidelity, etc., Co. v. City*, 181 Ill. 111; *U. S. Mutual Accident Assn. v. Hubbell*, 56 Ohio St. 516; *Fidelity, etc., Co. v. Chambers*, 63 Va. 138; *Manufacturers' Accident Association v. Durgan*, 58 Fed. 945.

Plaintiff did not anticipate injury from doing what he had done before, and what others have repeatedly done. There was no obvious danger of injury. Granting that he might have stopped we can not say that there would not have been as much danger in trying to stop upon a slippery floor as in running against the wall. A jury would be justified in finding that the plaintiff had no anticipation of an accident, and did not realize that there was any danger. Even if he were careless and might have avoided running against the wall, but in doing so did not realize any danger, he was entitled to recover.

The learned circuit judge was in error in directing a verdict for the defendant.

Judgment reversed and new trial ordered.

Notes from the Colleges.

The Trustees of Northwestern University maintain the athletic field and the gymnasium, but they refuse to keep tennis courts for the ball and racquet contingent. Better be good sports, tennis boys, and live on the University by indulging a little in the strenuous games.

* *

Judge Freeman, in a lecture to the law students of Chicago the other day, warned the embryonic lawyer to this effect:

"Lawyers, beware of politics."

Some less charitable person since has put it:

"Politics, beware of lawyers."

We, however, believe the admonition not to be well founded, since "Politics" and lawyers to us are both good fellows, congenial in every way, and most admirably mated to each other. Then, why suppose them to be estranged?

* *

The *Daily Student* of Indiana, in commenting on the Notre Dame-Indiana game, has this to say: "In the fourth mêlée (that was our meal) the Varsity raised the hair of Notre Dame rooters to an uncomfortable degree." We agree with their account of the game in most particulars, but in this one we beg to say that we hold different notions as to what angle the hair shafts must assume to the scalp plane to produce that peculiar degree termed "uncomfortableness."

* *

They have a man down at Purdue that makes the first 100 of the 220 yard daily in 10 flat.

* *

A university men's "Smoker" was held the other week in Seattle, Washington, at which eighty universities were represented and six hundred men present. What a boom to the cigarette "Industry!"

* *

Oberlin defeated Western Reserve in baseball recently and the night of the game the Oberlin band stand went up in flames. The students on being quizzed in regard to the subject attributed the misfortune to a stroke

of lightning. The atmosphere, we take it, on the evening the news reached Oberlin fans of their tennis shut out here was unusually free of electricity.

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Quite in line with the popular feeling of centralized government is the action of the *Indiana* faculty in laying down arbitrary rules to govern society affairs. The action is sweeping and comprehensive in its speech. All dancing parties must end at twelve o'clock. There are provisions for "approved" chaperones (not Gibson Chaperones.) The society may gather only on specified nights, and the evening rides by young men and girls in single buggies are regarded with disfavor. P. M. M.

Local Items.

—The Holy Cross Seniors defeated the Trojans by a score of 11 to 8. The batteries were Rosewicz and Gossensmith for Holy Cross, and Simon and Allegheny for the Trojans. The features of the game were the fielding of Devers and the batting of Captain McElhone of Holy Cross.

—Preliminaries for the Interhall oratorical contest started Friday. In Holy Cross Mr. George J. Finnigan received first place. In Brownson the contest was of a very high order and the race was close. Here Mr. Ted Carville won out. The St. Joseph and Corby preliminaries were postponed till Monday.

—The defeat by St. Joseph's Hall of the Brownson debating team puts the latter out of the contest for the inter-hall championship! The debate was lost by a majority decision, and by a team that was entirely new and inexperienced. From the fact of the somewhat transient character of its membership, Brownson Hall has the greatest drawbacks to contend with. Messrs. Dougherty, Arvey and McDonald, who were among those that left Brownson Hall, were on its debating team. These three men would have made a team whose strength pitted against that of any other inter-hall team would likely have won victory for Brownson. It is to be hoped that Brownson Hall will be more fortunate next year in retaining its best debaters.