

# THE LEE PRIZE ESSAY.

Resolutions Drafted by Committee of Old Dominion Chapter.

The committee appointed at the regular monthly meeting of the Old Dominion Chapter, U. D. C., on Wednesday afternoon to express the Chapter's endorsement of the resolutions of the Richmond chapter met yesterday and prepared their report. This committee is composed of Mrs. A. Forsberg, Miss Kate Walker and Miss Carey Langhorne. As the committee was appointed to act, and prepared the paper after adjournment, the chapter could not vote upon it, but it is believed that it has the unanimous endorsement of all the members. The paper follows:

The Old Dominion Chapter, U. D. C., of Lynchburg, Va., desires to make it a matter of record, that they are in full sympathy with their sister chapters, in the action taken regarding the award given Miss Boyson's essay, assailing our Lee, and the South generally, and deplore the action of the committee having the matter in charge.

MRS. AUGUSTE FORSBERG.  
MISS KATE WALKER.  
MISS CAREY LANGHORNE.  
Committee.

## MISS BOYSON'S ESSAY.

Editor of The News:

I think the Daughters of the Confederacy should suspend the prize given Miss Boyson on merit of her essay. Some one critic ought to send a criticism of that essay to her and to her judges. Besides her inaccuracies, she, to my mind, contradicts herself. She says Lee's character was lofty and had the spirit of divinity; and then states that he permitted the starvation of Union troops. Having stated, too, that his provisions for his own troops were scarce, she says "the secret of the credit given him by the South lay in his audacity."—Audacity means only bold impudence; and then states that her country places in her Hall of Fame the statue of this one, whose leadership and influence over his followers, lay in this "audacity." She says the affection of the South for him was not "mere sentiment," and yet "the South's characterization of him will go for nothing in future time." She says, "his plans of battle were narrow and incomprehensive," and yet calls him one of the greatest generals and leaders of our time, and that he had "skill as a strategist and tactician," yet failed to follow the enemy when he could and should have done so, and failed to concentrate his troops (though at that very time he drove back the enemy from Richmond, a fact she does not mention). She states that it was because Lee's forbears fought for the Constitution, was the chief reason he fought for his State; not exactly logical to my mind. She seems not to know a man of stainless virtue can possibly exist; and says the South was "ridiculous" to so picture Lee.

I think Miss Boyson has taken this occasion to throw venom at the Southerners and to try to belittle them. One can tell this by the choice of her quotations. She may be very ignorant of facts, because she has been wrongly taught by those who have always been jealous of the South, or she, knowing, could never have stated as a fact, that

the Southern people were intellectually dead when the Civil war began. Nor would she have said Lee's aids and generals were inefficient and that the Confederate Government was lamentably inefficient.

Miss Boyson wrote strongly, but her ignorance of facts, and other errors, ought to debar her from receiving the prize so erringly awarded.

Every Chapter of the U. D. C. ought to be heard from.

Respectfully,  
DOUGLAS BENNETT.  
Graham, Va., Feb. 10, 1909.

# "THAT PRIZE ESSAY."

An Expression from the President of Virginia Division, U. D. C.  
Draper, Va., February 6th, 1909.

Virginia Daughters:

An essay by a school girl would ordinarily be a matter of no moment, but the representative character of the parties connected with the "prize essay" under question gives it a prominence and an importance which otherwise it would totally lack. The gravity of the subject chosen, the raison d'être of the Association which offered the prize, the prominence and sectional situation of the Committee of Award and the location of the institution from which the production emanates, combine to lift the essay into notice.

Having been asked for an expression of opinion as to the prize essay, I submit the following:

Why did the United Daughters of the Confederacy offer a prize for the best essay written on the South's part in the war between the States?

Those acquainted with our work know why this prize was offered and why an essay from Teachers' College, Columbia University, (New York) was desired, rather than one from a Southern girl in a Southern institution.

The purpose was to induce, on the part of Northern pupils, a thorough study of the causes that led to this war, in order to secure a just estimate of the South. True history—not literary merit—should have been the controlling factor.

The fact that the Committee of Award, two of them Southern educators, accepted this paper even on its "literary merit" is to be deplored, for it will tend to defeat the very object we sought to accomplish.

The essay for which the prize was awarded is very unjust to the South. It contains statements that are historically untrue. In some parts the language is undignified, and the sentiments in bad taste. It is contradictory, and an offense to the Daughters.

Her argument wires in and wires out, and leaves the reader still in doubt whether the "pen" that made the track

Was coming South or going back.

To my mind the writer has called General Lee "a traitor." Her lugging in Washington, Hampden and William of Orange in this connection, fails of a parallel. Her later statement that "The matter of secession had purposely been left open by the framers of the Constitution" would clear him of this charge.

We do not attach any great importance to the sentiments expressed by such a writer, yet the essay has stirred indignation generally among the Daughters.

The gravest aspect of the case, however, is the light thrown on the character of the history taught at the institution from which this essayist draws her inspiration. If this is a sample, is it wise on the part of the Daughters to lend encouragement to such a school?

Yours truly,

MRS. C. B. TATE,

President Virginia Division, U. D. C.  
**DEPLORES THE AWARD.**

Action of McComas Chapter, U. D. C., at Pearisburg.

Pearisburg, Va., February 15.—(Special.)—McComas Chapter, U. D. C., held its called meeting Saturday afternoon at Miss Nancy Pearson's, for the purpose of taking action in regard to the much discussed prize essay, and while no resolutions were drawn, the president, Mrs. M. C. Easley, was authorized to notify the State President, Mrs. C. B. Tate, that McComas Chapter was in full sympathy with sister chapters in condemning the essay, and deplores the action of the Committee of Award, of which Dr. Alderman was chairman.

## Wants Essay Prize Abolished.

An important circular, bearing on the widely discussed prize essay on Lee, awarded by the committee of the United Daughters of the Confederacy to Miss Christine Boyson, of Minnesota, has been distributed throughout the South by Mrs. J. Enders Robinson, historical general of the organization, urging the Daughters to abolish the annual prize for historical papers.

The circular recites certain statements made in the prize essay to which particular exceptions are taken by the Daughters, such as "intellectually the South was practically dead;" "most of the people were densely ignorant;" "Robert E. Lee was a traitor in that he sacrificed all to aid the enemies of his country, but (here the writer quotes C. F. Adams, "Shall Cromwell Have a Statute") so were General Washington, John Hampton and William of Orange," and goes on to state that such contortion of history defeats the very purpose for which the prize was given—that is, a truthful reference paper. Mrs. Robinson maintains that the per capita tax of the organization should not be used to encourage the falsification of history.

The United Daughters of the Confederacy are represented in Alabama, Arkansas, California, District of Columbia, Florida, Georgia, Illinois, Indiana, Indian Territory, Kentucky, Louisiana, Maryland, Mexico (City of), Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Philadelphia, Pa., South Carolina, Tennessee, Texas, Utah (Salt Lake City), Virginia, Washington State, West Virginia.

## Has Created a Furore.

The prize essay on Lee, to which exceptions are taken, which was published in full in the December issue of the Confederate Veteran, following an editorial protest on the part of the publishers, has created more of a furore among the Daughters than any incident which has taken place in the organization in recent years. This is partly due to the fact that such prominent educators as Dr. Edwin A. Alderman, president of the University of Virginia, and Dr. C. Alphonso Smith, professor of English at the University of North Carolina, were two out of three members of the committee making the award. The other member of the committee was Dr. Finney, of the College of New York City.

Both Dr. Alderman and Dr. Smith have made responses to the criticism of the Daughters, both taking the ground that the prize was awarded to the paper which was best from a literary standpoint, thoughtfulness and general literary worth. The Daughters maintain that literary worth should not have been placed above the truth of history, and that the essay as a whole is a contradiction of almost all that is true of the South and her people.

Miss Boyson, the author of the criticized essay, is now at the University of Minnesota, University, Minn. She has just learned of the trouble which her paper has caused in the South. In a private letter to a school friend here, just received, she says she has been equally criticized in the North because of her laudation of the South and of General Lee. The Daughters claim that her admitted laudation of Lee was at the expense of the South and her people.

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ALBEMARLE CHAPTER.

Resolution on Award of Prize for Essay on Lee.

Charlottesville, Va., February 18.—(Special.)—Albemarle Chapter No. 1, United Daughters of the Confederacy, held its February meeting today and adopted the following resolutions:

"Whereas, Mrs. C. S. Tate, president of the Virginia Division, U. D. C., make official request for an expression of sentiment from each chapter in the State touching the recent Lee prize essay; therefore,

"Resolved, That Albemarle Chapter does not accept Miss Boyson's essay as being a fair estimate of General Robert E. Lee by any person acquainted with the facts of history.

"That this chapter deeply regrets that when recommending this essay for the prize, as being the best submitted, Dr. Alderman and Dr. Smith did not at that time call attention to its misstatements and thus have spared themselves much harsh criticism and the imputation by some of a disloyalty to General Lee, in which imputation this Chapter does not for one moment share.

"That our delegates to the next General Convention be instructed to urge the repeal of this prize as being an unnecessary and mistaken effort in behalf of the South's history."

UPHOLD DR. SMITH.

Chapel Hill Daughters Pass Resolutions of Confidence.

Chapel Hill, N. C., February 9.—At a meeting of Leonidas Polk Chapter, United Daughters of the Confederacy, on February 2 Dr. C. Alphonso Smith read his published letter to Mrs. Norman V. Randolph, president of the Richmond Chapter, U. D. C., in response to her strictures upon the action of the committee which made the award of a prize offered by the Daughters of the Confederacy for the best historic essay on the South and her people.

In acknowledgement of Dr. Smith's statement, the following minute was made:

"Leonidas Polk Chapter, U. D. C., of Chapel Hill, N. C., desires to express its highest regard for Dr. C. Alphonso Smith, and to thank him for his prompt and voluntary explanation of the reasons which led the committee to award the prize to the paper presented by Miss Boyson, of Minnesota, a student at Columbia University, and to assure Dr. Smith of its undisturbed confidence in his loyalty to Southern traditions and in his devotion to the fame of her greatest soldier and citizen."

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MISS BOYSON REPLIES.

Says She Has Gained Criticism of Both North and South.

Richmond Times Dispatch: Ignorant of the wide circulation given her paper on Ribert E. Lee until a letter from a friend in Richmond apprised her of the action of the Daughters of the Confederacy; Miss Christine Boyson of Winona, Minn., in a reply received here yesterday, expresses sorrow that she should have written anything which might prove distasteful to Southerners.

"When the Times-Dispatch recently wrote me for my photograph, and stated that my paper had created a good deal of interest, I perhaps foolishly, felt that there could be nothing but complimentary criticism, as a committee, two of which were Southerners, had awarded me the prize." said Miss Boyson in beginning her letter. "I never once dreamed of anything else until I received the information from you."

The author of the essay is the present head of the English department of the University of North Dakota, and in a degree graduate of Columbia. In reply to her critics, and in justification of her work, Miss Boyson writes:

"Dr. Johnson, one of the professors of Columbia, advised us to limit our discussion of Lee to some aspect of his life, instead of trying to write a full biography, and with this idea in mind I began to browse around the library for a theme. In looking over some 1907 Outlooks, I soon became aware that the Lee centenary had recently been celebrated, and that one of its striking features was the warm praise of him which it had called forth in the North.

"I attempted to lay in just as broad a background of facts as my space would permit, and from these facts I then tried to explain, what has seemed to us of the North an idolatrous admiration for Lee on the part of the South. The more I read and wrote the more I was surprised to find how truly great Lee was.

"It is only in the more advanced schools of the North, where men of broad culture and recent training are teaching, that the thought of the justice of the South in the war is ever dwelt upon. To present this cause from the Southern standpoint, to show that Lee must not only inevitably, but justly, have taken the place that he did, and that he was in himself a greater man than any allegiance to the one side or the other could have made him, was my purpose.

"My Northern friends think I have overdone the thing. It seems as if I have lost not only with the North, but with the South as well. I am so sorry all this has come about. I submitted my essay only as one of many, and was very much surprised when the award was made in my favor. I wanted to show that the vast majority of Americans are beginning to feel that Lee is fit to stand side by side with Washington.

REGRET CRITICISM.

Bristol U. D. C. on Miss Boyson's Essay and the Award.

Bristol, Tenn., February 25.—(Special.)—The Anna Stonewall Jackson Chapter, Daughters of the Confederacy, has adopted a resolution which reads in part:

"We, while not agreeing with all the statements made by Miss Boyson in her prize essay, especially regarding intellectual deadness of the South, regret the criticism heaped upon the committee in fulfilling the duties requested of them by the General Association of the United Daughters of the Confederacy. We think this essay showed remarkable liberality from one who had naturally imbibed Northern prejudice with her mother's milk and lived in an atmosphere which produced Uncle Tom's Cabin.

Salem Times-Register: Not a great while ago the Trustees of Washington and Lee University conferred upon one Oswald G. Villard, of New York, the degree of LL. D. That same Mr. Villard was conspicuous at the banquet of mixed races given by the Cosmopolitan Club in New York last week, when the wiping out of racial lines was endorsed, and the intermarriage of whites and blacks approved. If the Trustees of Washington and Lee University are the men we take them to be, they doubtless wish now they hadn't. Virginia colleges ought not to have degrees for any such cattle at that.

UNJUST TO SOUTH.

Williamsburg Chapter, U. D. C., on the Boyson Essay Matter.

Williamsburg, February 6.—(Special.)—The Williamsburg Chapter United Daughters of the Confederacy, have unanimously adopted the following resolutions relative to the award of a \$100 prize to Miss Christine Boyson for an essay on the late of General Robert E. Lee.

Resolved, That it is the sense of the Williamsburg Chapter, of the United Daughters of the Confederacy that the award made by Drs. Alderman, Smith and Finley to Miss Boyson was very unjust to the South and to the peerless hero, Robert E. Lee.

Resolved, 2. That we do not think Miss Boyson should receive any prize for underestimating the South and its soldiers from any branch of the Daughters of the Confederacy.

Resolved, 3. That we fully endorse the sentiments expressed by Mrs. Randolph, president of Richmond Chapter, United Daughters of the Confederacy.

AMELIA CHAPTER.

Not in Favor of the U. D. C. Abolishing the Essay Prize.

At a meeting of the Amelia Chapter, U. D. C., on February 19, the question of Miss Boyson's essay was discussed, and the following resolutions were adopted:

1. That we wish that the committee awarding the prize had considered it their duty to have put on record their protest against the statements in Miss Boyson's essay that were not true to history, which protest should have been published together with the award of the prize.

2. Presuming that the committee awarded the prize to the most deserving of the essays offered them, we regret that they have been so harshly criticised, and further add that we think they are entitled to the thanks of the Daughters for the performance of the task imposed upon them.

3. We are glad that Miss Boyson wrote as she really thought, rather than what she might have deemed was expected of her by the Daughters.

4. We think the prize should not be withdrawn for future essays; as by this means a broader study of the Southern cause and her heroes will necessarily be brought about, and in time the Northern mind will join with the South in doing justice to both.

5. That the thanks of the Daughters are due to Mrs. Randolph for the zeal she has shown in guarding the memory of the Southern people and their cause, and the care she has taken to prevent any injustice being done them.

With James Barron Hope we say—  
In the future some historian shall come forth both strong and wise, With the love of the republic and the truth before his eyes.

He will hold the scales of justice,  
He will measure praise and blame,  
And the South will stand the verdict,  
And will stand it without blame.

SOME REAL HISTORY.

Editor of The News:

Since the Minnesota woman has asserted that "before the war the South was 'densely ignorant and intellectually dead.'" I thin, it well to ask you to publish a little real history for the benefit of the children of the South.

This "densely ignorant and intellectually dead" South furnished to America—

The first President of the United States.

The commander-in-chief of the Continental Navy in the War of the Revolution.

The first president of the Continental Congress.

The member of Congress who moved the adoption of the resolution declaring the colonies free and independent States.

The greatest American orator.

The world's greatest Democrat—an author of the Declaration of Independence.

The father of the Constitution.

The greatest American jurist.

Six of the nine Presidents who have been twice elected to office.

The President, seconded by the ability of another Southern man, and extended the boundary of the United States from the Gulf of Mexico to the Pacific.

The man who blazed the way for civilization in the vast region beyond the Mississippi.

The most famous American explorers.

The men who have for a large part of its existence presided over the Supreme Court of the United States.

The writer of our national anthem.

The first public or circulating library in America.

The first Sunday school in America.

The first man to establish schools exclusively for the education of young women.

The first female college in the world.

The first post-graduate medical school in the country.

The first college of dental surgery in the world.

The first man who received the degree of doctor of medicine.

The first agricultural journal.

The first successful commercial paper in the United States.

The man who first gave a complete description of the Gulf stream; who first mark out specific route to be followed in crossing the Atlantic; who first instituted the system of deep sea sounding; who first suggested the establishment of telegraphic communication by cable on the bed of the ocean; who indicated the line along which the existing cable was laid; whose Treatise on Navigation has been a text-book in the United States Navy; who was declared by Humbolt to be the founder of a new and important science, and on whom France, Austria, Prussia, Russia Denmark, Belgium, Portugal, Sweden, Sandinia, Holland, Bremen and the Papal States bestowed orders of knighthood and other honors, and at whose death every civilized government of the world, except one, sent messages of respect. I will leave it to others to guess that one.

The inventor of the Gatling gun.

The machinery that first propelled a boat by steam.

The first steamship that crossed the Atlantic, went from a Southern city.

The founder and organizer of the

RESOURCES table with columns for Overdrafts, U.S. Bonds, Premiums on U.S. Bonds, etc.

ENTERS A PROTEST.

Rawley Martin Chapter's Action on the Essay by Miss Boyson.

Chatham, Va., February 20.—(Special.)—The Rawley Martin Chapter, United Daughters of the Confederacy, at their regular meeting Friday afternoon passed the following resolution:

"The Rawley Martin Chapter United Daughters of the Confederacy having calmy, carefully and we trust without prejudice, considered the essay of Miss Christine Boyson as published in the Confederate Veteran, 1908, desires to enter protest against the misstatements and misrepresentations are contained therein, one of the objects of the organization of the United Daughters of the Confederacy being 'to collect and preserve the materials for a true history of the 'war between the States,' and the special object in offering the prize at the Columbia University being to promote historical research and a more careful consideration of the South, her principles and her actions.

"Therefore, the placing of Miss Boyson's paper among the archives of the United Daughters of the Confederacy, is to accept and place the seal of our approval upon that which no true Southern man or woman can endorse and no unprejudiced students of history believe. We therefore recommend that in the Confederate Museums and among all archives of the United Daughters of the Confederacy the prize essay for 1908 be left blank with as little comment as possible.

MRS. W. C. MERCHANT. MRS. JAS. F. HART. MRS. JAMES CARTER.

Committee.

Little Miss Alice Rebecca Tredway was elected an honorary member. Mrs. E. P. Gilmer, Mrs. C. Dabney and Mrs. J. R. Brown were appointed a committee to prepare wreaths for burials of Confederate Veterans in the future. Mrs. J. F. Hart, Mrs. E. P. Gilmer, Mrs. James Carter and Mrs. W. C. N. Merchant were appointed Committee on Constitution and By-Laws. The meeting was with Mrs. N. E. Clements, and after disposing of the regular business delicious refreshments were served. The Chapter unanimously expressed their high appreciation to Mrs. William Marshall Tredway, Jr., and her workers for the success of the entertainment of February 18.

WOULD ABOLISH PRIZE

Letter From Historian of Virginia Division, U. D. C.

Lexington, Va., March 12.—(Special.)—Miss Mary Nelson Pendleton, of Lexington, historian of the Virginia Division, United Daughters of the Confederacy, has sent to the various historians of the Virginia chapters of the Daughters of the Confederacy a communication with the request that prize of \$100, offered by the United Daughters of the Confederacy, for an essay by students of the Teachers' College of Columbia University, New York, be abolished. Following is a copy of the letter:

"In view of the unfair statements made in the 'Prize Essay'—'Robert E. Lee—A Present Estimate' will not your chapter unite with us in an effort to da away with such prize?"

"The Virginia Division would not force any one to accept its opinions, but it seems unwise to ward a prize for views so contrary to truth, since 'an Historical Essay' is only valuable insofar as it presents the truth.

"The accompanying circular from the historian-general, Mrs. J. Enders Robinson, gives some of the statements of the essay, to which append two more.

"1. That it is not as the product of a civilization that is past nor as a commander, that Lee will be given a prominent place."

"2. That he is the exponent of a patriotism which the results of the war have made treason.

"This last statement is without foundation, and the United Daughters of the Confederacy can not subscribe to it.

"Will not your chapter give its own 'present estimate' of General Robert E. Lee? If you have not already passed resolutions regarding this 'prize essay' will you not do so speedily, publishing them in your local newspaper.

UPHOLD THE AWARD.

General Lee's Relatives Express Confidence in Alderman and Smith.

Hillsboro, N. C., March 8.—Members of the General George Burgwyn Anderson Chapter, North Carolina Division, United Daughters of the Confederacy, seven of whom are blood relations of General Robert E. Lee, do not indorse the charges of disloyalty to the South which have been made against Dr. E. A. Alderman, president of the University of Virginia, and Dr. C. Alphonso Smith, president of the University of North Carolina, by various chapters of the Daughters, following the award of the Daughters' prize to Miss Boyson for her essay on "Lee—A Present Estimate." At a meeting of the Chapter, which was held here, it was pointed out that the essay had been "received, indorsed and complimented by the fifteenth annual convention of the United Daughters of the Confederacy, held in Atlanta, Ga.," and further, that while the author of the essay lacked discrimination in the use of her words, choosing "traitor" when it is apparent that she meant "rebel," she did not mean to disparage her subject.

The Daughters entered a vigorous protest against the dividing of the sentence in which the word "traitor" appears, "which produces a radically different meaning from that which the undivided whole was meant to convey by the author."

The Chapter adopted appropriate resolutions along this line, concluding with a forceful statement of its "undiminished respect for and confidence in Drs. Alderman and Smith." The Chapter also voted to instruct its delegate to the next general convention to vote to abolish the giving of prizes in Northern colleges by the Daughters of the Confederacy.

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Large handwritten notes in cursive script, possibly a letter or commentary, written across the bottom of the page.

# 10 HER POINT OF VIEW

## MISS BOYSON'S IMPRESSION OF THE SOUTHERN PEOPLE.

**A Southerner's Suggestion as to How, it Probably Came About—Some Facts of History Showing How Far She Mised the Mark.**

Those of us who know what most of the people of the North of only a decade ago thought of the South and of her illustrious men in 1860, should feel gratified at the real progress in the pursuit of truth evinced in Miss Boyson's essay. And those of us, who were, until recently, taught in our own schools that our fathers were "rebels" and their leaders "traitors," should find cause for encouragement in the fact that Miss Boyson, in her environment could reach conclusions as nearly correct as those found in her essay. Miss Boyson has manifested a spirit of honesty and fairness that should be commended. She may have confidently made assertions which are utterly at error without even investigating their truthfulness. But we should be willing to allow for her error, when we remember that she must have heard and read these things from her childhood, without ever seeing them denied or questioned. For instance, she had no doubt read stories of illiteracy in sections of the South in recent years—stories which were true, and perhaps she had heard her pastor appeal to his congregation for aid in building schools in the South, emphasizing his appeal with stories of the poor girl in North Carolina who walked fourteen miles across the mountains to attend school in a log house. Continually hearing and reading such stories of the South of the present, situations more or less true of isolated sections, is it any wonder that she should conclude that, if these things are true today, after the wonderful progress of education during the past half century, ignorance must have been prevalent forty years ago, and should accept without question the opinions of all her associates and the teachings of all her histories? Defending Miss Boyson by the same argument by which she sought to honor Lee, I say that we ought to give her credit for fishing, at least in a measure, above the prevalent ignorance of Northern people in matter pertaining to the South.

The following stories will illustrate the Northern man's lack of information in regard to the South: Ten years ago a traveling salesman for a Northern firm made a trip through the South which was highly successful. But he said that he was the only man with the firm who could be induced to make the Southern trip, the other men assigning as their reason for refusing to come south their fear of the Southern people. A minister of the South who graduated recently from a Northern seminary relates that his classmates, young men who were graduates of the best colleges in the North, and who were studying to become ministers, lived in momentary expectation of a serious rebellion in the South. One of the Northern students in this same institution at first refused to room with this Southern candidate for the ministry of Christ, fearing that he would thus endanger his life. We of the South may take what satisfaction we will out of such manifest lack of information on the part of our Northern critics.

But to come to a more important matter: Does the average person of the South know as much as he should know about the South as it was in 1860? No doubt it would be easy successfully to combat Miss Boyson's charge of incapacity and ignorance. But do we have the facts at hand, as we may have, to prove that the South led the rest of the country, not only in intellectuality and in statesmanship,

but that it led also in thrift and industry. In proof of this statement we may depend upon the statistics of the time. These statistics were two years ago brought together in a most interesting way by the Manufacturer's Record.

The South has always paid careful attention to her agricultural development. Let us first notice, therefore, her pre-eminence in agriculture. In this branch of industry she not only led the rest of the country, but the Manufacturer's Record states that prior to 1860 "a large part of the South probably reached a higher degree of agricultural prosperity than any other section of the country has enjoyed since that time." In 1860 the population of the South, including the blacks, was about one-third of the total population of the country, but in that year her agricultural products were worth more than those of all the rest of the country. The following table is most interesting:

Crops, 1860:  
Corn (bushels)—In South, 338,153,000; remainder of country, 472,297,000.  
Wheat (bushels)—In South, 44,800,000; remainder of country, 123,200,000.  
Cotton (bales)—5,196,000 in South; remainder of country, none.  
Tobacco (pounds)—In South, 351,500,000; remainder of country, 77,800,000.  
Rice (pounds)—In South, 187,000,000; remainder of country, none.  
Sweet potatoes (bushels)—38,000,000; remainder of country, 3,600,000.  
Sugar (pounds)—In South, 302,000,000; remainder of country, none.  
Value of live stock—In South, \$467,498,364; remainder of country, \$639,991,852.  
Value of animals slaughtered—In South, \$84,447,110; remainder of country, \$128,424,543.  
Cash value of farms—In South, \$2,308,409,352; remainder of country, \$4,330,004,869.

These census figures set forth entirely the agricultural position of the South compared with the rest of the country. Upon this the Manufacturer's Record makes the following comment: "The creation of such industry as a required a broad business ability and a study of world finance greater than was needed or was given to the building of New England's manufacturing interests."

Owing to the numerous profits accruing from agricultural pursuits Southern capital and industry began to be concentrated in farming operations. But soon these enterprising people of the South, with penetrating foresight, began to realize that, through cotton growing was immensely profitable, the future welfare of the South demanded that they should also give their attention to other lines of industry. Several conventions were held for the purpose of building up industry and commerce, and by 1850 these conventions began to be held every year. The matters discussed in these conventions are indicative of great intelligence and breadth of thought. As examples: A convention held in Augusta in 1838 recommended measures providing for commercial education among the youth. At the Memphis convention in 1845 John C. Calhoun presided, and "resolutions were adopted in favor of the improvement of the navigation of the Ohio and Mississippi rivers as objects strictly national, of connecting the Mississippi river with the Northern lakes by a ship canal, of aid by Congress by grants of land for the construction of railroads projected through the public domain, and of a dry dock for repairs and refitting of Government vessels at some suitable point on the Gulf of Mexico." Other conventions took up the subject of establishing direct steamship lines between Southern ports and Europe.

"In the Memphis convention of 1849 the construction of a national railroad from the Mississippi to the Pacific ocean, and also the construction of branch roads connecting the main trunk line with the Northern lakes, the Mississippi river, and the Gulf of Mexico, were advocated." This convention also discussed plans for a canal or railroad across the Isthmus of Panama. The breadth of vision character-istics of the time is seen in an address of Lieutenant Matthew F. Nianty advocating the piercing of Panama in which he says:

"We have shown that there is no sea in the world which is possessed of such importance as this Southern sea

of ours; that, with its succession of harvests there is from some one or other of its river basins a crop always on the way to market; that it has for back country a continent at the North and another at the South, and a world both to the East and the West." The convention at New Orleans in 1852 recommended the construction of "the Southwestern National Railroad from Washington city to New Orleans." Such plans all sound big enough for present-day enterprise.

Nor was the South content with planning only. These plans were the actual beginning of what would have been an unparalleled development, had it not been cut short by the war. To prove this, it is only necessary to show what was actually done. According to the census figures, in 1850 the flour and meal made in Southern mills was worth \$24,773,000; in 1860 they were worth \$45,000,000. Thus the output of these mills had almost doubled in ten years, a much greater percentage to gain than is shown by the rest of the country. "The South's sawed and planed lumber product of 1860," to quote the Manufacturer's Record, "was \$20,890,000, against \$10,900,000 in 1850, this gain of \$10,000,000 being largely more than one-third as much as the gain in all other sections combined. The advance in iron founding was from \$2,300,000 in 1850 to \$4,100,000 in 1860, a gain of \$1,800,000, a very much larger percentage of increase than in the whole country. In the manufacture of steam engines and machinery the gain in the country, excluding the South, was \$15,000,000, while the gain in the South was \$4,200,000, the increase in the former case being less than 40 per cent.

"It is useless to speculate upon what might have been, but if the profitability of cotton growing with slave labor had not concentrated the capital and energy of the South in cotton, the industrial growth of this section would doubtless, long before the war, have made the South, instead of the New England and Middle States, the manufacturing center of the country."

But nowhere is the business enterprise of the South more strikingly shown than in her railroad construction during the decade prior to 1860. The authority just quoted shows that during this period the South constructed 7,562 miles of new road against 4,712 by the New England and Middle States combined. In 1850 the mileage of the two Northern sections exceeded that of the South by 2,463. The conditions were reversed in 1860, and the South led by 387 miles. In that decade the South expended, according to official figures, over \$220,000,000 in the extension of its railroads, the great bulk of this having been local capital.

One more matter should be referred to as indicative of the intelligence and foresight of Southern men of that period. I refer to the debt which the nation owes primarily to Southern statesmanship in extending her boundaries from a small scope of 800,000 square miles, to her present grand proportions comprising about 3,000,000 square miles. First, George Rogers Clark made it possible for the United States to confirm its title to an area of 250,000 square miles, known as the Northwest Territory, and embracing the present States of Ohio, Indiana, Illinois, Wisconsin, Michigan and a part of Minnesota. Next came the Louisiana Purchase in 1803, in Thomas Jefferson's administration, securing to the United States about 1,000,000 square miles, including all that immense territory west of the Mississippi and north of a line drawn from Louisiana to Oregon. Then came the purchase of Florida in 1819, in Monroe's administration, adding about 75,000 square miles. Next came the accession of Texas, in 1845, with 264,000 square miles under Taylor's administration, the Texans having won their independence under General Sam Houston. And in 1853 the Gadsden Purchase secured for the United States 637,000 square miles now embraced in California, Nevada, Colorado, Utah, Arizona and New Mexico. Thus chiefly by Southern wisdom and statesmanship, was the territory of the United States increased from a narrow strip along the Atlantic coast to its present noble proportions.

When Miss Boyson gets into these interesting fields of history she will, no doubt, reverse her judgment of the caliber of the Southern people

## A PATRIOTIC MOVE.

PLAN TO RESTORE "STRATFORD" IN MEMORY OF FORD IN MEMORY OF THE LEES.

Interesting Account of Historic Old Home in Westmoreland Which the Patriotic Sons of America Desire to Purchase and Preserve.

Reference was made in The News of Sunday to the plan of the Order of Patriotic Sons of America in this State to purchase Stratford, the historic home of the Lees, in Westmoreland county, the object being to restore the place to its old-time magnificence and then turn it over to the State of Virginia to be held in trust for the people as a memorial. To effect this end popular subscriptions in amounts up to \$100 will be asked.

The Portsmouth Star has the following interesting account of Stratford:

Colonel Thomas Lee, builder of Stratford hall, was born in Westmoreland county, President of King's council and commander-in-chief of Virginia; made the treaty with the Indians which gave us the lands west of the mountains as far as the Ohio river; was acting colonial governor of Virginia in 1749 and appointed by the crown governor in 1750, but died before the commission reached him. He was the only Virginia-born citizen who ever received that appointment; was vestryman in the church where George Washington was christened; died and was buried at Mount Pleasant, in Westmoreland county. Colonel Thomas Lee built Stratford hall in 1727 with bricks brought from England, and Queen Caroline contributed its cost from her own private purse. He had six sons born at Stratford, all of which became famous. They were: Philip Ludwell Lee, Burgess from Westmoreland county in 1756 and succeeded his father and was its secretary in 1770; died in 1776, and buried in Westmoreland county. Thomas Ludwell Lee was born at Stratford in 1730; was in the House of Burgesses; signed the Westmoreland county declaration against the stamp act; was a member of the convention of 1773 and 1776 and of the committee to draw up a bill of rights and a plan for an independent government; was one of the five revisors appointed by the State government on its organization; judge of the Supreme Court of Virginia, and died in 1775 at Bellevue, Stafford county. Richard Henry Lee, born at Stratford in 1732; was Burgess and justice of the peace for Westmoreland county; member of committee of correspondence in 1773; Continental Congress, 1774 to 1779 and 1781 to 1787; drafted the petition to the King and address to the people of Great Brit-

prior to the War between the States. A SOUTHERNER.

Lynchburg, Va.

Handwritten signatures and notes in cursive script, including the name "Lynchburg, Va." and other illegible text.

... in 1774 to 1779 and 1784 to 1787;  
drafted the petition to the King and

prior to the War between the States.

A SOUTHERNER.

Lynchburg, Va.

States, etc.; signer of the Declara-  
tion of Independence, 1776; articles

... famous ... at these ... of right ... dependent ... Declara- ... articles ...



TUESDAY MORNING... NOVEMBER 25, 1873

THE SPANISH SIDE OF THE QUESTION.

Interview With a High Spanish Official.

INGRATITUDE OF THE SOUTH TOWARDS SPAIN, &c.

[Correspondence of the Richmond Enquirer.]

WASHINGTON, Nov. 22.

I have just had an interview with a Spanish official of high diplomatic rank, whose name, on account of obvious considerations of propriety, I must decline giving.

The conversation of this gentleman, with whom my social relations are very pleasant and not of recent date, was upon the menacing aspect of the relations of Spain and the United States, and was free and unreserved.

He admitted the illegality of the seizure of the Virginius in the face of the fact that she bore American papers and was prosecuting her voyage upon the high seas. He personally condemned, in the strongest terms, the execution of so many of the prisoners. He thought that in the case of Ryan and the Spanish subjects, claiming to be officers in the insurgent forces, there was some justification in the death penalty, but that in the case of the others whose guilt was problematical and their offence in any view less rank, that too great severity had been used.

He condemned the unnecessary and excessive executions as cruel and unpolitic.

The provocation, however, had been excessive and of long continuance. This was not the first aggressive voyage of the Virginius, nor of Captain Fry. While the vessel carried American papers she was virtually a filibuster, and her pretence of being engaged in legitimate business a transparent fraud. There was some question of the legality of her papers, but of the true character of the vessel there was no question at all.

The continued insults to Spanish authority by people who openly fitted out expeditions in American ports was very trying to the pride and sensibility of the Spanish people, and no people would put up with less of that sort of thing than the people of the United States. How would they (the people of the United States) have acted if the circumstances were reversed (conversed would be the right word) and the United States had been the sufferer by repeated incursions in violation of the peace of the nation and the sovereignty of the flag?

The United States had been very loose in the maintenance of her neutral obligations in the past; down to the time of her reclamations upon Great Britain for the damages caused by the Alabama and other Confederate cruisers, there had been practiced immunity to parties fitting out warlike expeditions against neutral nations and peaceful neighbors.

The United States had also furnished a very strong precedent for the action of the commander of the Tornado, in the seizure of the Florida (a Confederate man-of-war) in Brazilian waters about the close of the late civil war. This vessel was afterwards sunk by the United States authorities to avoid the necessity of her restoration.

The Spanish interlocutor was very much surprised at the rancour said to be manifested at the South against his government. In remembering the courtesy and hospitality extended to the Confederate navy and officials by the Spanish authorities during the late war, especially at Havana, he thought it

There were 400 cattle, 600 sheep and lambs, and 21 horses in the market. November 21. Georgetown Cattle Market. Market fairly active, and cows and calves \$20 to \$30. Hogs 6 to 6 1/2 c net, and 7 c. Sheep 4 to 5 c. We quote Cattle at from 3 to 4 1/2 c. Sheep 4 to 5 c. Some weeks past, were fully equal to the demand. Some weeks this week, though not so heavy as for some weeks past, were fully equal to the demand.

States, of which they were taught that the State of Virginia was a sovereign State, to whom they owed an allegiance paramount to that which they assumed on entering the Federal service. Accordingly when, in 1861, the convention of the people of Virginia passed the ordinance of secession, it called home all Virginians in the Federal army and navy to defend their native land. When the action of that convention was referred to the people of Virginia, it was ratified by a majority of 131,000 votes, and thus the whole people of the State pledged themselves to sustain the acts of their convention. At this moment these gentlemen were scattered all over the world wherever the flag of the Federal Union was borne by its war ships—that Union which owed its creation mainly to this Commonwealth of Virginia. No instance of devotion to duty is known equal to that which these gentlemen of the Federal navy then evinced.

Brought up literally under the shadow of the flag of the Union it possessed a power on them which landmen cannot appreciate; while their love for their native State and yearning to their kindred in this time of need was known only to their own hearts and to God.

With a few trifling exceptions these Virginia gentlemen all responded to the call of their people, and made their way home, in spite of insult and danger and hardships which would appal any but a brave heart moved by duty, to ask Virginia to let them fight in her cause.

How have they been rewarded, let the statute books of Virginia tell.

Five years ago Virginia, generous of self-degradation—without protest, apology, or necessity—for it had already been made the law of the land—incorporated into her constitution an amendment which proclaims these gentlemen excluded from the holding of any office of trust or honor in Virginia.

Under this ban died Robert E. Lee and under it still lives Joseph E. Johnston, and a hundred gentlemen, who feel this outlawry less on account of its operation on them, than for the shame they feel that the land they have honored and loved so dearly, should fix upon its statute books this the only disgraceful record they bear.

THE PRIZE ESSAY.

Norfolk Daughters Censure Essay, But Upholds Judges.

Norfolk, Va., March 5.—The Picket-Buchanan Chapter, Daughters of the Confederacy, has adopted the following resolutions regarding the Lee essay award discussion:

"First—That we deplore the whole situation and its publicity.

"Second—That while we concede that Miss Boyson has shown unusual liberality in her view of General Lee from a Northern standpoint, we wish to put ourselves on record as protesting against the historical inaccuracies of the essay and of the crude taste displayed in her handling of the subject. We are unwilling to indorse anything that eulogizes our beloved leader at the expense of his Southern people, gallant officers and brave soldiers, believing that he himself would be deeply pained by the injustice.

"Third—That we believe that the committee of judges acted with justice according to their conception of their instructions, and regret the adverse criticism to which they have been subjected.

"Fourth—That we as a chapter approve of the offering of prizes for history essays by the U. D. C. and respectfully request that the committee of judges in future should be explicitly instructed that it is truth and not rhetoric that we are seeking to encourage by our awards."

ANOTHER VIEW OF THE CUBAN QUESTION.

Editors Enquirer: War with Spain seems now inevitable. Better it would be for both countries had Spain accepted the offer of \$100,000,000 for Cuba which has been made to her by the United States; for now she will lose the island after an expensive war; while we shall gain it at a heavy cost of blood and treasure.

Spain is no insignificant enemy of the United States, and her readiness for war, especially in her navy, is far greater than ours. Our commerce, just recovering from the damage inflicted upon it during the late war with the Southern States, by the gallant Semmes and his compeers, will be swept from the seas by the cruisers of Spain; while our ships of war, formidable as they were to the little gunboats of the Confederacy, and the private residences of the Potomac and Mississippi, will not find such plain sailing to, victory with the heavy English-built men-of-war of the Spaniards.

Nor must we forget in estimating the defense of Cuba that dreadful auxiliary, the vomito, which in spring and summer deals death to all invaders of the island. Havana must be taken before we can hold Cuba, and it is almost unassailable on its water front, while from the land side a besieging army with a heavy siege train will be necessary for its reduction. There is not time now to organize such a force and put it in position before the war raises the siege.

Peace, therefore, is plainly the policy of both countries, provided it can be preserved without the sacrifice of the dignity of either.

It is evident that Spain can no longer control the local affairs of Cuba. She should sell the island to us who can, and to whom it is essential as the key to our mare clausum over which we cannot maintain the Monroe doctrine by which we stand or fall so long as a European power holds Cuba.

When war shall come, as we now much fear it will, an important part will be played by our navy, in which the South is not now represented at all. Neither have we any important amount of commerce to lose by this war. In times past the acquisition of Cuba was very dear to the Southern people. But so changed have our interests been by the events of the last twelve years, that no warm feeling now stirs the Southern breast when we call for war on Spain; but our pulse beats high with indignation at the cowardly and brutal murders of Captain Fry and his comrades. We feel a peculiar sympathy in the fate of that brave man, whose whole life was dedicated to his convictions of duty. After a brave struggle against the grinding poverty which has borne him down since the close of our war, he staked his life to gain the means of support for the widow and orphans whose wail now goes up to the God who alone can hear their cry.

Captain Fry belonged to the most honorable and the most unfortunate class of gentlemen who now live under the American flag. Here in Virginia there are scores of them now.

A high spirit led them in early youth into the naval service of the United

Confederacy... the old... at his... D. H. M.

# VALENTINE STATUE OF LEE.

COMMISSION INSPECTS THE CLAY FIGURE AT THE STUDIO.

Memorial Probably to Be Presented for Statuary Hall in the Not Distant Future.

Richmond, Va., November 21.—Not far distant is the day when the people of Virginia are to test public sentiment regarding General Robert E. Lee by an attempt to place a monument to his memory in the national Statuary Hall in Washington. It will be recalled by those who keep abreast of legislative work in this Commonwealth, that during the session of 1902-'03 there came the announcement that the Old Dominion was entitled to another niche in the hall, and that it was for her to say which of her great men she would honor by placing his statue there. Already George Washington has a place in the celebrated chamber of marble and bronze notables, and those who recalled this fact could think of no more appropriate companion for him than the great chieftain of the South.

Differences of Opinion. But unanimity on the subject was lacking. The proposition to do honor to the great man developed the greatest contrariety of opinion. The dissentients opposed the plan, not through lack of reverence for the splendid Christian soldier, but rather because there was too much reverence in their regard. They heard murmurs from Washington and other quarters of the Union which indicated to them a purpose on the part of the enemies of the South to fight any movement calculated to honor Lee in Washington. And so a mighty debate was precipitated in the General Assembly of Virginia.

The Legislature finally reached the conclusion that Virginia should prove herself unyielding in her attitude of love and respect for Lee. With this purpose in view an act was passed in March, 1903, which provided for the appointment of a committee to confer with Edward V. Valentine, the sculptor, regarding the cost of a life-size bronze statue of the Confederate chieftain. This committee reported that the monument could be procured at a total cost of \$10,000. An appropriation for this amount was then authorized by the Assembly. This measure provided for the appointment of a commission to be composed of five members of the Senate and five of the House to look after the matter and see that the scheme was carried through. The act concluded with these words:

"When said statue and pedestal are completed the said commission shall cause them to be safely transported to the Capitol of the United States, at Washington, and shall there present them to the Federal government as a good-will offering from Virginia to the Union, of which she forms a loyal constituent part, for the purpose of being placed as one of the two statues to which Virginia is entitled, in the National Statuary Hall, under the terms and according to the provisions of the statute in such case made and provided; provided, however that said statute shall not be taken to Washington or presented to the National Government until the time therefor shall be fixed by joint resolution of both houses of the General Assembly."

The Commission. The commission was organized by the appointment of Captain R. B. Davis, of Petersburg, a member of the Senate, as chairman, and Don P. Halsey, Senator from Lynchburg, as secretary. Among others members named for the commission were H. C. Rice, of Charlotte; J. C. Gent, of Russell; J. C. Featherston, of Campbell; George E. Sipe, of Rockingham; Henry T. Wickham, of Hanover; Edward Lyle, of Roanoke, and Thomas Gold, of Clarke. The commission convened in Richmond this morning and repaired to the Valentine studio, where the clay figure was inspected. The understanding was that an art expert was to accompany the commission. The name of C. P. E. Burgwyn, the civil engineer, was mentioned in this connection. Burgwyn is the man who went to Paris when Mercier completed the equestrian statue of Lee. Little doubt exists that the work of Valentine will prove eminently satisfactory. The subject is one with which he is thoroughly familiar. His recumbent statue of Lee in Lexington is famous throughout the land.

# TRIBUTE TO LEE.

Bronze Tablet in Far Off Amoy in China.

Amoy, Oct. 28.—In 1898, a slip of ivory from General Lee's grave was planted in the ground by the Army Club, and a bronze tablet was set in an adjacent rock today by American residents of Amoy. The tablet is inscribed: "This ivory was taken from the grave of General Robert E. Lee, and planted by Vice Consul Carrington in 1898."

Captain James H. Reeves, the American military attaché at Peking and the Taoais Taso Wong and Li, delegated by Viceroy Twan Fang, of Nanking, arrived here today to attend the reception of the American battleships. The supply ship Culgoa put out to sea today to communicate with the fleet by wireless telegraphy. She will return tomorrow morning.

Shanghai, Oct. 28.—Twan Fang, the Viceroy of Nanking as well as a number of the other viceroys and local governors have sent cordial telegrams of welcome to Rear Admiral Emory, the commander of the second division of the American battleship fleet. The Chinese Press Association of Shanghai also has sent a message of greeting. Much importance is attached here to the coming of the American battleships.

*... in honor of the great man who led us to freedom and independence. His name is on our lips and in our hearts. He is the greatest of our heroes and the most beloved of our people. We honor him for his courage and his wisdom. We honor him for his faith and his love. We honor him for his sacrifice and his glory. We honor him for his name and his fame. We honor him for his life and his death. We honor him for his spirit and his soul. We honor him for his name and his fame. We honor him for his life and his death. We honor him for his spirit and his soul.*

# LEE'S BIRTHPLACE.

P. O. S., of A. Secures Option on Stratford, in Westmoreland.

Mr. E. M. Bunch, the well known letter carrier of this city, has returned from Portsmouth where he was a delegate to the convention of the Patriotic Order, Sons of America. It will be of interest to Lynchburg people to know that the Order has secured an option on Stratford, the birthplace of General Robert E. Lee in Westmoreland county, and that Major John W. Daniel, of this city has consented to become a member of the Advisory Committee along with Governor Swanson and others to look into the purchase of the historic home. An exchange has this to say of the meeting this week in Portsmouth:

The Virginia State Camp, Patriotic Order, Sons of America, which opened their annual convention in Rosenbaum's hall, secured an option on Stratford, Westmoreland county, Va., the birthplace of General Robert E. Lee, and an advisory committee has been appointed by that body to be known as the "Lee Birthplace Memorial Committee," composed of the State president, vice-president, State master of forms, State secretary, State treasurer, with an advisory committee, composed of Claude A. Swanson, Governor of Virginia, chairman; Robert E. Lee, Jr., of Fairfax county; and Senator John W. Daniel.

The purpose of this committee is to raise money by popular subscription in any amount up to \$100, small subscriptions preferred, in order that more may have the opportunity to contribute.

When the property is paid for and restored to its former magnificence, it will be presented to the State of Virginia in trust for the people as a memorial to the Lee family, and a room in the building will be dedicated to each of the Lees who were born or lived there. This Lee family has produced more men who became famous in our country's history than any other that we have a record of, and more famous men were born at Stratford than any other of our colonial homes. The family was founded in this country by Col. Richard Lee, who emigrated here in 1641 as secretary to Sir William Berkeley; was in the Privy Council of Charles I.; president of the Council of State; represented York county as Burgess in 1647; Northumberland county in 1657; was secretary of State in 1659; tradition credits him with being the first white man to settle in the Northern Neck; represented Westmoreland county on the tobacco commission in 1663; died early in 1664 and was buried in Northumberland county.

It was on one of his land grants from the crown of England that Stratford was afterwards built.

*... in honor of the great man who led us to freedom and independence. His name is on our lips and in our hearts. He is the greatest of our heroes and the most beloved of our people. We honor him for his courage and his wisdom. We honor him for his faith and his love. We honor him for his sacrifice and his glory. We honor him for his name and his fame. We honor him for his life and his death. We honor him for his spirit and his soul.*

76589

JONES MEMORIAL

the words & not according to forms  
 of the Constitution -  
 Webster's great speech in defence  
 of the course of the Senate -  
 What he says about the Post office  
 & Samuel Howell -

See case of the impeachment of Judge  
 Peck of Missouri.

See also case of Judge Chase.

Judge Pickens only one opinion when  
 impeachment sustained

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Lecture XXXI. (Read 6 to 4 Divis. Chs of Dennis).  
Holl. thinks that 'twas intended by the  
Convention that the Federal Judiciary  
shd have a right to review the decisions  
of the State Judiciary, & on appeal.  
But this concession by no means  
admits that these tribunals abdicate  
on the people in their sovereign  
capacity. The states may allow  
their govt. to be bound by the Fed.  
Judiciary without the people in  
their sovereign capacity being  
bound in

The True Principles as to the Relation of  
the Exec. & Legal. Authority.

No doubt Constit. intended these  
shd be coordinate departments  
& not interfere with each other.  
There may be cases in which  
we'd proper for Senate to remove  
President. The Senate has right of  
self defence & hence we power  
assumed the Senate not bound  
to wait till impeach by house  
but may immediately enter  
protest & not to stop because  
they might have to try the Pres.  
an impeachment.  
Hence then we hold that when  
the Senate moved they have  
right to proceed -  
But there are other cases  
beyond the censure of Senate  
where President might do a  
act of commission of crime which  
wd subject him to impeachment  
however & hence not by itself  
power to impeach.

Act Oct. 6<sup>th</sup> 1<sup>st</sup> Sec. 2<sup>nd</sup>

The Jurisd. of U.S. Ct extends to Cases of two classes -

(1) Cases in which Jurisd. depends on Character of the Cause or Subject Matter of Controversy. - In this head may be referred (1) those under Const. flow & duties made under them.

(2) Admiralty Jurisdiction Jurisd.

(3) Cases affecting Ambassadors.

(2) Cases in which Jurisd. depends on Character of the Parties.

(1) Where U.S. one parties. - But as Court can be sued without its own consent. giving by act of Congress - as if Judgment obtained by one party goes another in Ct of Law by making him demand Ct of Equity will interfere. This ordinary doctrine between Man & man. Now by Stat. Congress has auth. Officers to be sued on office. bonds & was auth. Officer when sued by U.S. Officer set off. but some cases are prevented by accident from filing set off. Now the Officers could not go into Claimer.

(2) Do Controversy between two or more States. between State & Citizen of another State where State Plaintiff. between cities of same State during land under diff. States.

The 2<sup>nd</sup> clause of Sect. 2 of this article relates only to Jurisdiction.

The effect of 1<sup>st</sup> Sect of Art III to establish Supreme Ct indist. of Congress. Congress must organize them but when organized can't

abolish it.

The 5th, 6th, 7th, 8th amendments all relate to the judicial department.

The amendments to the Constitution arey restrictions the Federal govt. & not to the States.

Case of Bank of U.S. against Osburn.

In this case decided by sup. Ct. that the state must be a party to the record & not merely interested in order to make her such a party to the suit as to keep the U.S. Ct from being Jurid.

In one of the Georgia cases the Ct held that the Cherokee had no right as a foreign state to sue for.

In the other held that the missionaries among the Cherokee had a right to resist the Constitutionality of the Law of Geo. touching the Cherokee.

Lecture XXXII.

Whenever the Jurisdic. of the U.S. Ct depend on the character of the case the Jurisd. universal.

But when depend on the character of the parties then not universal.

The supreme Ct has no Crim. Jurisd. thence altho it can issue writs of habeas corpus where a party is in prison by order of other U.S. Ct by way of appeal, it can not in such cases where party in for Contempt & because there are Crim. cases & this Ct has not appeal Crim. Jurisd.

The point decid. in the case of the Magnolia was that a collision occurring on the Alabama river several hundred miles above tide water proper subject of adm. Jurisd. The Ct said that if the steamer did not touch at ports in non-tide water one state can law Jurisd. But now all boats on the Navig. River subject to admiralty.

Common Law as part of U.S. Law. Common Law not except to come out Law of U.S. because Congress can pass Laws to this effect.

Next point - is the uncertainty whould be in road as to what is the common Law whould be part of Fed. Law is common Law with Brit stop or without common as in War or in Mass. Hence no Ct Ct any what whould be the Law

Common Law was not law under art. of Confed.

But Common Law is certain extent is our Law. how how far.

It can't be referred to as source of any right. As in case of *Peters vs Whelan* as to Copy right. It held that Whelan had not complied with provis. of Congress as to Copy right & hence not entitled to Copy right. His Counsel said had right of Common Law. But it said Common Law not a source of right. This overruling. Civil Cases.

Now as to crim. case. attempt to make officer of U.S. another case present for libel on the president of U.S. In the first case Dist. & Circ. Judge did not agree but not sent to Supreme Ct. But in the last case the Supreme Ct held that he did not be prosecuted under Common Law in the U.S.

But the Common Law is U.S. Law to certain extent. Our Clause says all cases under Law is Law & Equity.

The effect of this is to give a Common Law remedy where he has right of Law or Equity. all give under Dist. of U.S.

Constit. also gives certain Common Law rights. as that writ of Habeas Corpus can't be suspended.

So in amend. the provision about try man kept on indictment of grand Jury &c. - these all Common Law rights.

So the Common Law must be referred to recent. many of certain provisions

in the Court. - as they are about  
 felony. Attainder of Blood.  
 No particular right of common  
 law. as to law & equity has  
 been specially affirmed.  
 But the law as a source  
 of right or liability, not been  
 adopted.

Hill. Court me to say

The alien & sedition laws passed in Adams adm.

The first to remove aliens.

The second to punish persons for words &c which tend to bring President & Govt into disrepute.

Jeff & Madison had in statement of the day. Jeff sent to the Senate the resolutions to Madison & recommended similar resolutions for the Senate.

In Jeff's letter to Nicholas he wished that we would express a reservation of the right to do what she deemed proper in case of a violation of the Compact. Madison objected to putting it in the Report because he had no wish for separation then & other cases could be taken care of when they come. Jeff yielded.

The Report important only on the 3<sup>rd</sup> & 7<sup>th</sup> Resolutions.

The 3<sup>rd</sup> is a declaration that Constitution a Compact &c & an act of state to exist.

The 7<sup>th</sup> is a request to other states to unite with us.

# Cession -

we understand by the right of  
 secess. the act of a state standing  
 in such a pop. as she stood when  
 the compact was formed to declare  
 that the compact shall be no  
 longer binding on -

The doct of nullific is diff. views  
 not be compromised.

She declares that the compact  
 have broken & for further says  
 that a Court. be she put on  
 the Court in the right or not  
 so far as the compact has ended  
 is to be recog. by all the other  
 states & she will hold on to  
 her position &c. unless  $\frac{3}{4}$  of  
 the states pass amendment  
 putty on a diff Court.  
 Hole says require  $\frac{3}{4}$  of states to  
 amend. but not  $\frac{3}{4}$  to construe  
 & this the diff between null  
 & secess.

Seccs grows out of the idea of  
 the compact. but this Court  
 will be put an end to it  
 it was binding as a guarantee

whether an article parties are  
 it is broken by some other  
 parties. Was there is an over  
 court - no right reserved to the  
 state to withdraw at pleasure  
 it is broken like broken  
 each side here or with an  
 other treaties how right to say  
 when been broken then  
 former declare it to be void  
 some right as to treaties this  
 is one explanation of a letter  
 of Mr. Madison has given the  
 ground of the paper & strong  
 doctrine on the subject.  
 The letter writing to them in  
 answer about new York wish  
 to place a condition on her entering  
 the union - that condition was  
 sanctioned. Madison says that it  
 would have been a condition but  
 since new York did not have  
 been received because the  
 court. In general adopted in both  
 the other states had thus got  
 law that means this - simply  
 that consist a compact. & -  
 The truth is that our state could  
 adopt in part or other in total  
 who would be the case were she  
 to ratify with this condition to withdraw  
 But this point made it that  
 when adopted in both the  
 parties would not have a right  
 to declare void when broken.  
 All that from the first fact -  
 now suppose the prof. had  
 been wise to allow this treaty  
 to be condition. & read this here  
 subject. would it be inferred that

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The rule of Law which says  
 the Treaty must be mutually  
 binding even tho the Cond. is  
 were not complied with  
 by the other party - some  
 view as to this new justice  
 the great argument against see  
 John. by Webster in dispute with  
 Calh. - but the Arg. on other  
 side seems been fairly raised  
 because Calh. held to nullify  
 Benj. the best.

Webster is the part of the other side  
 when custom to read it - read all  
 that bears on the question -  
 The first words, wh he takes up  
 is that Const. is a Compact - but  
 first he says that there are good  
 & sufficient reasons to govt under the forms  
 of the govt. itself &c. The idea wh  
 he sets out is that seap. when  
 is seap.

In one sense it is Revol. in that  
 it overthrows a public auth. This  
 was the case in the overthrow of  
 the old Const. of Confid. & the  
 est. of the new Const. was Revol.  
 in that sense the seap. in  
 Revol. but not in the sense  
 in wh a Rebellion when  
 success bl'd up.

3 spots read. & est. a govt.  
 the ground of deship. was that  
 the Const. of Confid. broken -  
 Rebellion is resist. of a govt.  
 both of Commit. & of the public  
 auth. made by force or by fear,  
 & subord. it death with by murder  
 Law & murder Law says if not  
 except it is treason.

of admiralty et. low this not required of  
Barbary states, but any act under the  
Barbary laws will be sufficient.  
(Case of the ship taken)

In reference to those Barbary states -  
that if a state est. for the purposes  
of Piracy it will not be recognized  
as sovereign state - but if only -

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