

triumph of political feeling over that calm, judicial spirit and that forbearance in critical emergencies that are essential to the carrying on of our system of popular government. Mr. Evarts' argument was on the loftiest grounds, and it was he who succeeded in infusing something of the judicial spirit into what might otherwise have been strictly a political proceeding.

A vacancy just then occurred in the office of attorney general, and Mr. Evarts went into President Johnson's cabinet for the remaining year of the term. The period was one of important negotiations with England, Mr. Evarts' friend Seward still remaining at his post as secretary of state. The new attorney general was in these matters in close association with the secretary of state—as in every well-constituted American cabinet the attorney general always is and must be. Hamilton Fish, as Seward's successor, was able to complete negotiations with England which led to the most memorable arbitration proceedings in all history—those before the Geneva tribunal, for settlement of the so-called Alabama claims of the United States against England. Mr. Evarts was appointed as the leading counsel of the United States, and associated with him were his college classmates, Morrison R. Waite and Caleb Cushing.

It is enough to say that Mr. Evarts' conduct of the case for the United States entitled him to rank as the foremost international lawyer of his generation—his conduct of the case of Andrew Johnson having fixed his place as our own foremost constitutional lawyer. We were on the verge of a war with England before the arbitration project had been agreed upon; and England's attitude and conduct at more than one stage of the subsequent proceedings threatened abrupt termination and the resort to arms. Through this anxious period Mr. Evarts' services were of incalculable value for law and for the peace, and he exhibited the rarest diplomatic skill.

His honors at the hands of the republican party never made him acquiescent in what he thought to be wrong in practice or in principle.

LOST Mertie Lovell, of Ackley, Iowa, wants to know the whereabouts of her brother, Byron Lovell. An estate will be due him.



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Thus he came forward in a great speech in January, 1875, to protest against the high-handedness of the republican party in Louisiana in counting out democratic votes and seating a republican state government by aid of federal soldiers. The next year came the presidential election of 1876, followed by contests over the result of the election in Florida, South Carolina and Louisiana—upon the decision of which rested the question whether Mr. Hayes or Mr. Tilden should be president of the United States. Tilden was then governor of New York, and, as it happened, he had been for a time in Mr. Evarts' class at Yale. As governor he had recently made Mr. Evarts head of a commission to report on the better government of cities.

The truth is that Mr. Evarts' argument before the electoral commission was in its basic principle exactly the same as the contention he had made in his Cooper Union speech. It was a great constitutional argument for our permanent American idea that the sovereign states must carry on their own elections and govern themselves without federal interference. In 1874 the democrats had won in the state elections of Louisiana on the face of the returns; and with this result, Mr. Evarts contended, President Grant's administration had no right to interfere. In 1876 the regular and legal electoral return sent to Washington from Louisiana declared the choice of Hayes electors rather than Tilden electors. Behind this return, Mr. Evarts argued, Congress could not safely go to ascertain what measure of irregularity there might have been in the polling and counting of votes. His view embraced the future as well as the immediate emergency; and he stood on the solid rock of constitutional principle.

Mark the result. Mr. Hayes was made president on the face of the returns, and Mr. Evarts, with the utmost propriety, was made secretary of state. On the firm advice of his eminent secretary, and against much party protest, Mr. Hayes removed the federal troops from the south and left the southern states in possession of their constitutional liberties, free to work out their anxious and painful problems as they alone could solve them. A different decision in 1876 would have involved endless future strife and confusion; and, far from being of benefit to the south in the assertion of its demand for non-interference, exactly the opposite consequences would have ensued. It is time that this should be understood.

Four years after his retirement from the state department, namely in 1885, Mr. Evarts was elected to the United States senate. He made speeches that adorned the Senate chamber; but his greatest work for the country had already been done. The details of legislative work at Washington were not especially to his taste. With the ending of his senatorial term in 1891 he was seventy-three years of age, and was losing his eyesight.

Mrs. Evarts and eight children, four

sons and four daughters, survive, and all were gathered at the death-bed of the venerable statesman in the large, old-fashioned New York mansion where the family had lived for thirty-two years. He died on February 28, and was buried at Windsor. He had entered his eighty-fourth year.

Books Received.

Holiday Tales—Christmas in the Adirondacks, by W. H. Murray; published by the author at Guilford, Conn.

Fables and Essays, by John Bryan; published by the Arts and Letters Co., New York.

The Fluctuations of Gold, by Baron Alexander von Humboldt, and The Law of Payment, by Francois Grimaudet, (both in one volume), translated into English, revised and annotated by William Maude; published by the Cambridge Encyclopedia Co., New York.

Letters of Love and Labor, by Samuel M. Jones; published by the Franklin Printing and Engraving Co., Toledo.

Poems and Prose, by O. O. Bracke; published by O. O. Bracke & Co., Chicago and Minneapolis.

The School Speaker and Reader, by William DeWitt Hyde; published by Ginn & Co., Boston.

Springtime and Harvest, a romance, by Upton B. Sinclair, jr.; published by the Sinclair Press, New York.

When Love is King, poems, by Isabel Richey; published by George F. Lasher, Philadelphia.

Hermaphro-Deity: The Mystery of Divine Genius, by Eliza Barton Lyman; published by Saginaw Printing & Publishing Co., Saginaw, Mich.

Financial Philosophy, or the Principles of the Science of Money, by George Wilson; published by Donohue, Henneberry & Co., Chicago.

Waifs from the Wayside, poems, by Aaron G. Davis; published by the author, Dyersburg, Tenn.

Civitas, the Romance of Our Nation's Life, a poem, by Walter L. Campbell; published by G. P. Putnam Sons, New York.

The Way the Preachers Pray, with notes by one of them; published by William C. Smith & Co., Minneapolis, Minn.

When the Light Goes Out, and other poems, by Harry S. Chester; published by Truth Publishing House, Elkhart, Ind.

In the appointment of Philander C. Knox of Pittsburg as attorney general, Mr. McKinley secures a lawyer of marked ability, according to the testimony of all who know him. It must always be accounted something of a drawback, however, when the president picks out as his law adviser a man who has no public reputation, in preference to one whom the people have come to know and respect. It seems also rather unfortunate that, when there are laws on the statute books against trusts, the attorney generalship should be given to a lawyer who has been the adviser of great promoters of trusts. This is not to say that Mr. Knox may not prove impartial as well as able; only that, human nature being what it is, a man with his record has to overcome a measure of distrust and suspicion. From this point of view the appointment of the Pittsburger does not maintain Mr. McKinley's well-earned reputation for political shrewdness.—New York Evening Post.

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