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Business, the Maker of the Constitution.

For some years it has been the dearest concern of Congress and the Executive to hamper, frighten and interfere with interstate commerce and thereby business in general. To injure business is to improve society, and the more you can injure it the more sacred and beneficent your mission as a statesman.

And yet the Constitution had its origin in the desire to improve and protect interstate business. What would JAMES MADISON, whose foresight seized upon the proposal of the Maryland Legislature to the Virginia Legislature for the meeting of commissioners from the several States to consider restrictions upon trade, and so brought about first the Annapolis and then the Philadelphia convention—what would MADISON think of a Government now largely devoted to assailing its fount and origin, the cause of its creation?

Let us remember this in all the rhetoric and the rant of to-day: The Constitution sprang from the need and desire of the States of the Confederation to improve their commerce, trade and industry.

Shifting the Blame.

Alone among Republican journals the Albany *Knickerbocker Press* endeavors to demonstrate that the State Treasury is in a thoroughly well garnished condition, that the Democratic administration found a surplus of $2,119,884.71, that the normal increase of revenue in the State for the year should bring it up to $40,000,000, perhaps to more "if properly collected," and that with $42,000,000 in hand the Democrats should have no difficulty.

The familiar facts of State finance are as follows:

Cash surplus October 1, 1910	$6,782,201.22
Estimated revenue to September 30, 1911	37,649,500.00
Total	$44,431,701.22
Appropriations, 1910	42,975,450.86
Difference	$1,456,250.36

The figures for the surplus of 1910 and the estimate for the revenues for the present year are those of the Hon. CLARK WILLIAMS, the last Republican Comptroller. As to the surplus of $1,456,250.36, of the usefulness of this the *Knickerbocker Press* can find interesting information in the last message of the Hon. CHARLES EVANS HUGHES to the Legislature of 1910, one paragraph of which the *Evening Post* thus summarized at the time:

"He [Governor HUGHES] adds that it is not safe to look entirely to the surplus in the State Treasury to supply the deficit, because this surplus has been largely a matter of bookkeeping."

Out of this imaginary surplus the present Democratic administration has already had to take large sums to meet the emergency expenses for the State Capitol. As is customary in each year, certain other appropriations of the sitting Legislature have been made immediately available. This is a mere incident of routine business not peculiar to an inefficient Democratic administration and not open to criticism.

One more detail. There is no normal increase in the State revenues. The revenue for 1910 was $37,905,876.73. Comptroller WILLIAMS'S estimate for 1911 was $37,649,500, not an increase but a diminution of $256,376.73. The Albany reports indicate that this diminution has continued and that the revenue for the year will not measure up to the forecast of Mr. WILLIAMS.

The net result is that the State Treasury is empty. It was emptied by Republican Legislatures which successively appropriated more money than the State annually received and thus in four years turned a surplus of $12,000,000 into a deficit of nearly $2,000,000. There never was a franker confession of the bareness of a State treasury and the necessity of increased taxation than that which the *Knickerbocker Press* can read in Governor HUGHES'S legislative papers.

The Democrats at Albany have much to answer for, but they have no more responsibility for the present condition of the treasury than for the financial situation in Russia.

A Study of Lee.

Among the stories which Mr. GAMALIEL BRADFORD, Jr., tells of the great Confederate commander in an article entitled "Lee and His Army" in the July *Atlantic Monthly*, the one most illuminative of the affection his soldiers bore him is that of the veteran who met LEE riding Traveler in a forest path after the war. "General," exclaimed the old soldier, "it does me so much good to see you that I'm going to cheer," and he made the lonely woods resound with the "rebel yell" in spite of LEE's hand raised in protest. The army never lost faith in LEE as a General, and as a man it loved and trusted him. Under the sting of defeat officers would sometimes, but circumspectly, venture a criticism of his strategy, but the soldiers had an abiding belief that if LEE was not uniformly successful it was no fault of his. After Gettysburg: "Uncle ROBERT will get us into Washington yet, you bet he will." At Appomattox: "Not a man was heard to blame General LEE. On the contrary all expressed the greatest sympathy for him and declared their willingness to submit at once or fight to the last man as he ordered." When it was proposed, in August, 1864, to offer a one hundred dollar bond to soldiers who had served well, the Richmond *Examiner*, reflecting the sentiment of the half-starved and ragged army, said:

"The soldiers would prefer a strip of parchment in the shape of a certificate setting forth their good conduct and soldierly qualities signed by General R. E. LEE. This would be a treasure to keep in after years."

The army respected LEE for his lofty and unselfish character and admired him for his skill as a commander; but it loved him, not for his virtues and successes, but because he had as good an opinion of the army's fighting qualities as the army had of his ability to lead it and because he was a sympathetic and indulgent father to his soldiers. Grave and spare of words as he was, and never demonstrative, the welfare of his men was much in LEE's thoughts, and the letter files show how he pleaded with the Confederate war department for attention to their wants. Mr. BRADFORD tells this story:

"Even when they knew him the soldiers sometimes took incredible liberties. On the hottest of July days one of them left the ranks and approached the General. The staff tried to stop him, but LEE put them aside and asked what he wanted: 'Please, General, I don't want much, but it's powerful wet marching this weather. I was looking for a rag or something to wipe the sweat out of my eyes.' 'Will this do?' said the General, handkerchief in hand. 'Yes, my Lordy, that indeed!' 'Well, then, take it with you and back quick to the ranks; no straggling this march, my man.'"

The humility and naturalness of LEE are illustrated by another story, plausible because his dress seldom marked him, except for the faded stars on his collar, as the head of the army. The General sat down to rest one day under the shade of a spreading tree:

"A busy surgeon wished to establish his headquarters there. 'Old man, I have chosen that tree for my field hospital and I want you to get out of the way.' Then he discovered his mistake. But LEE gently relieved the embarrassment of the situation: 'There is plenty of room for both of us, doctor, until your wounded are brought.'"

The General's wants were so simple and his consideration for others so quixotic that his staff would sometimes lose patience with him. The head of the army was entitled to the best accommodations, but LEE was always ready to put up with short commons, bare quarters and any site for his own camp if the selection of a better one might interfere with the comfort of others. Thus Colonel LONG once established him in the yard of a house only to be told by the General that they would be in the way, and so they took themselves off. Colonel TAYLOR on another occasion went to a good deal of trouble to make a camp, but had to sigh over his chief's indifference: "It was entirely too pleasant for him, for he is never so comfortable as when uncomfortable." The General could seldom be induced to sleep in a house; as a soldier, a tent, or even the bare ground, was good enough for him. Delicacies he sent to the hospitals. He would dine on boiled cabbage when his men were on half rations, and once he offered his luncheon to a Major-General, who was amazed to find that it consisted of two cold sweet potatoes. Buttermilk was his favorite drink. The young staff officers inwardly raged at the General's indifference to the good things of the table when they could be had. He would allow no superfluous baggage. His staff officers slept three in a tent and they could have but one small box for their effects. He dispensed with sentries at his headquarters—any one could see him, except to ask favors and to enlist his sympathies for officers in disgrace. The General was inaccessible in such cases, because he shrank from refusing or wounding a petitioner. His staff officers spoke the soft word for him or turned the applicant away with a gentle or positive refusal.

Weighed down as he was by his responsibilities and harassed by cares and annoyances incident to the conduct of a badly organized and impoverished war department, LEE always found an opportunity to keep the peace in his military household between sensitive and high strung officers. A man less sympathetic and chary of the word that pains or discredits would often have failed. The fact is that LEE had to keep everybody, from JEFFERSON DAVIS down to the company captains, in good temper and spirits. He was a wonderful diplomat, as well as a consummate General. And yet it is to be noted that he never exaggerated a merit or equivocated. Of reputation he was scrupulously careful. To General GEORGE E. PICKETT he said after Gettysburg:

"You and your men have crowned yourselves with glory, but we have the enemy to fight, and must carefully, at this critical moment, guard against dissensions which the reflections in your report will create. I will therefore suggest that you destroy both copy and original."

Urged to write his memoirs, it is said that he declined on the ground that "to do it honestly would ruin too many reputations." Probably another reason was that the war being over and the great issues that precipitated it having been settled, LEE would do nothing to keep the wounds of the conflict from healing or to impede reconstruction. No one can study LEE's character without being impressed by his moderation of statement when dealing with any matter that came before him or that he had to pass on as critic, judge or observer. His despatches are simple but always adequate. Admiration for his own troops never goes much beyond the bounds that a fair opponent would set. His praise of merit was therefore treasured. The hand of censure was never heavy. A company being scourged for cowardice, he protested that there must have been brave men in it. Recommending a General for promotion he was told that the officer had been free in criticisms of himself, but he replied: "The question is not what he thinks or is pleased to say about me, but what I think about him." He was not a martinet; in fact LEE was thought to be too indulgent in the matter of discipline, but he said:

"The volunteer army is more easily disciplined by encouraging a patriotic spirit than by a strict enforcement of the articles of war."

In his attitude toward giving and taking advice LEE was generous and tolerant. He bore LONGSTREET'S patronizing suggestions unperturbed; on the other hand he sometimes asked young officers how they thought a movement should be conducted. He was always a lenient critic of failure. After more than one of his defeats he might justly have placed the responsibility upon other shoulders, but he kept his opinions to himself and uttered no complaints. Apocryphal stories will always be told about LEE, especially in regard to his utterances concerning the deserts or shortcomings of others, but he spoke little, wrote almost nothing. It was against his nature to speak in terms of cant or hyperbole, or to be insincere. If expressions or opinions attributed to him do not stand this test, it was not LEE speaking or writing; it was the careless historian, or a maker of fiction to suit his own purpose.

Vermont Waking Up.

The most ambitious project of the Green Mountain Club, which was organized last year by Mr. JAMES P. TAYLOR of Saxton's River, is a trail over and through the mountains from the Massachusetts to the Canadian line. If the Green Mountain trail could be laid in an air line its length would be 158 miles, but to take in the most notable hills of the range and wind through valleys whose beauties ought not to be missed the distance traversed would be nearly 200 miles. A beginning on the interior part of the chain has already been made, and by the end of the summer there will be thirty miles of trail in the rugged Camel's Hump and Mount Mansfield country from Johnson to Bolton Mountain. This part of the path will pass through Smuggler's Notch, between Mount Mansfield and Sterling Mountain, which for wild scenery is perhaps excelled in New England only by the Dixfield Notch.

The trail work of the Green Mountain Club will be done by sections formed up and down the range. It is estimated that the cost will be only five dollars a mile. To bring it within such thrifty bounds will be largely a labor of love, but the newborn enthusiasm in Vermont for opening the Green Mountains and making their recesses known to nature lovers is no passing fancy. Sections to explore the hills and cut out trails are springing up in many localities, and the reproach that Vermonters do not know their own highlands except in the literature of the Revolutionary period will soon be of the past. Without doubt the Right Hon. JAMES BRYCE, the British Ambassador, had a share in the inspiration of the movement that is to bring the Green Mountains to the attention of the guild of walkers and climbers, for speaking of the New England mountains and the Champlain Valley at the tercentenary celebration at Burlington on July 9, 1909, he said:

"To spare the woods whenever they are an element of beauty, to prevent unsightly buildings from destroying some exquisite prospect, to keep open the mountains and allow no one to debar pedestrians from climbing to their tops and wandering along their slopes, as men are most unfortunately debarred, for the sake of what is called sport, in some parts of Europe, these are some of the means by which this noble pleasure ground, the most delightful region of eastern America, can be preserved for the enjoyment of your nation, retaining some of that romantic charm and wild simplicity which it had when Champlain's canoe first clove the silent waters of your lake."

As Mr. LOUIS J. PARIS says in an article in the *Vermonter*, the Green Mountains have not had their praises sung by any descriptive writer. There is quite a White Mountain bibliography, of which the fine book by THOMAS STARR KING is the classic. It is true that the White Hills in their number and conformation are grander than the Green Mountains; nevertheless, the latter have their imposing peaks and rough wildernesses, and there is nothing in the White Mountains, in the opinion of the discriminating, more comprehensive, varied and finer than the view from the crags of Mount Mansfield in northern Vermont. For the neglect of the Green Mountains the Vermonters themselves are to blame. The abandoned hotel near the summit of Killington is a melancholy reminder of a failure to interest them in their own enchanted land. What is even worse, the carriage road built up the mountain for many long miles at the cost of enormous labor has become impassable and is rapidly reverting to nature. But the example of the new Green Mountain Club promises to arouse Vermonters from indifference to their greatest treasure. If to the enthusiasm of the trail makers is added the effort to capitalize this treasure and derive an abundant revenue from it, the Green Mountains will not long want for a singer of their beauties. The Green Mountain Club, by the way, has other activities than blazing trails. It proposes to build camps and shelter huts and issue maps and guide books. Its zeal is proved by winter ascents of the Burlington section on snowshoes.

There is a genuine conservation movement in Vermont, thanks to the gift of the summit of Camel's Hump by Colonel JOSEPH BATTELL and to the conveyance of a large tract on Ascutney by ALLEN W. EVARTS of New York and others to the Ascutney Mountain Association to be held perpetually as a park for the people. It should be the aim of the Green Mountain Club to bring about the reservation of the Killington and Mansfield groups and some of the great hills in southern Vermont like Stratton. The resumption of the work of the United States Geological Survey in Vermont is also very desirable, and the club, we are glad to see, is using its influence with the Legislature to obtain an appropriation for the purpose. South of Rutland the country has been carefully mapped and the Vershire section is completed, but the rest of the State is a blank because the Legislature has been too niggardly to cooperate with the Federal Government in an enterprise which after all is peculiarly the business of the State. A Green Mountain Day to develop the interest of outsiders as well as stir the pride of the natives has been proposed, and it is an excellent suggestion. Vermont is waking up at last.

Java Succeeds Acushnet.

This modest little note reveals to the world a poet whose fame is destined to fill it to its remotest corner:

"TO THE EDITOR OF THE SUN—*Sir:* Much of the poetry that comes to your hands is good, but you seem to have overlooked one source of supply in our own State. Mr. FRANKLIN S. NOATMAN has for many years contributed verse to the Perry *Herald-News* from his sylvan hermitage in the town of Java, Wyoming county. He has written much and well. He has been greatly neglected by the anthologists, but his work is worthy to live. I submit for your judgment one of his many masterpieces, 'The Pickled Watch.'

"ROCHESTER, July 1. H. S. T."

This page is glad and proud to wear "The Pickled Watch" this morning. Simple, sensuous, passionate, it fills the Miltonian specifications of poetry.

TENNYSON could not have written it. SAMBO BOWLES did not write it. We admit sadly but frankly that it is beyond the mighty powers of ANACREON CLIFFORD HAWES of Acushnet. It is the crown of domestic genre. It is compact of honey dew and milk of Paradise:

"Side by side, on Miller's Mountain,
HOWARD SMITH and WILLIAM BROWN,
Water using from one fountain,
Liv'd in peace which seem'd profound."

Bees hum in it, full streams from the milky mother of herds fall musically into the pail, the curly tails of piglets flutter in the melodious wind; and so from all sweet concord on to the tragedy and the divorce court. "The Pickled Watch"! It keeps not time, but the poet's immortality.

The sale the other day of the old Galt House, a famous hotel of Louisville even before the war, marks the passing of another landmark of CHARLES DICKENS's first visit to this country. He was generous of space in the "American Notes" with his references to hotels, as he had been up to that time in his books on English life. Almost all the hotels at which he stayed were clearly identified. Of the Galt House he wrote, "We were as handsomely lodged as though we were in Paris."

The passing of this hotel leaves practically but two standing which DICKENS mentioned: the one at which he stayed in Columbus, Ohio, and the old West Point Hotel. The county inn at Belleville, Ill., where he found so much to interest him, fell not long ago before a high wind. The Planters at St. Louis, where the proprietors had "most bountiful notions of providing the creature comforts," is preserved only in name; BARNUM'S of Baltimore, where he found "curtains to the bed" and "enough water for washing"; the Tremont of Boston and the Carlton House Hotel of New York are no longer in existence. DICKENS may have found much to condemn in our prisons and much else that he saw, but for the American hotel, even of those days, he had some good words.

TREE DECORATION.

A Brooklyn Protest Against Flypaper Girdles.

TO THE EDITOR OF THE SUN—*Sir:* There is a species of decoration becoming popular over in Brooklyn that threatens to cast a shadow over the long established rubber tree and baby carriage system of identification, and that is the wrapping of sheets of flypaper about the trunks of the trees growing along the sidewalks.

Presumably it is done to prevent worms going up the trees and eating the foliage. This, however, is a mistaken idea, for when the worms are on the ground they have dropped from the trees and have eaten all they are going to. They do, however, go a little way up the trunks or any wall or fence that may be convenient and enter the chrysalis state, from which emerge a month later little white or cream colored butterflies, and these settle in the trees and lay their eggs.

In the spring worms are hatched from these eggs and they feed upon the foliage sufficiently to enable them to enter the next stage of their species, when they drop from the trees and seek a place to weave about themselves the fibrous houses from which evolve the little butterflies. The best way to prevent worms eating the foliage is to destroy the chrysalis wherever it may be found, then there will be no butterflies to lay eggs from which the worms are hatched.

So the flypapers serve no useful purpose, but are an eyesore. I have never yet seen a worm caught in the mess. STUDENT.

BROOKLYN, July 1.

ANACREON DETHRONED.

The Laurels of Acushnet Snatched by the Juvenal of Java.

From the Perry Herald-News.

Side by side on Miller's Mountain,
Howard Smith and William Brown,
Water using from one fountain,
Liv'd in peace which seem'd profound.
They in foul and sunny weather
Long years in succession through,
Were diurnally together
And their wives and children too.

In the claim of sins forgiven,
Sunday, sitting side by side,
Sing they did of God and Heaven,
And the Church, the Master's Bride.
Pledg'd to serve the Great Eternal
Which Masonic rules imply,
In an attitude fraternal,
Both were of the Mystic Tie.

As 'twas often said by others,
Aft estrangement and before,
Seemingly not even brothers
Could have lov'd each other more.
Brown had daughters four in number,
Smith had sons, twice two, no more,
Which by Cupid, not to slumber,
Made alliances just four.

Tho' their friendship was a token,
It did seem, celestial cast,
It in twain one day was broken
Like a reed in winter's blast.
Oh, the strong vituperation!
Slight the cause rebellion for;
Once a bucket disputation
Made two nations go to war.

Proud indeed of high connection,
Mrs. Smith, sublimely led,
Did one day with deep affection
At the Brown home call, 'tis said.
Here the "quill split"—not a fable—
Language fails to tell the cost—
In the parlor on a table
Lay the watch her liege had lost.

In the white heart conversation
Which did follow, she was told,
That a pork investigation
Might the mystery unfold.
From the barrel some one swiping
Pork had been from time to time;
And the watch, now bright by wiping,
Was discover'd in the brine.

Soon did follow litigation,
Smith in prison rav'd and cried,
And the pickled watch sensation
Made in love a great divide.
Wrath intense had been created,
Peace nobody could restore;
Which in closing culminated
In divorces six—not four.

FRANKLIN S. NOATMAN.

A SCIENTIFIC CALENDAR.

A Reform Which Adds the Thirteenth Month of Liberty.

TO THE EDITOR OF THE SUN—*Sir:* Recent articles in the press tell of an agitation on foot to reform our calendar so that a given date may always fall on the same day of the week, and it is stated that the principal opposition to the reform is religious. I understand that some convention is to meet this summer in Europe to take the matter under advisement. This religious opposition comes from an entire misconception of Scripture. The change would not violate the Fourth Commandment, but would on the contrary be a return to ancient Hebrew methods of computing time.

Our present difficulty arises from the fact that there is no common divisor of 365¼, 29½ and 7, the approximate lengths of the year, month and week.

The following would be an ideal calendar: Let there be 13 months of 28 days each (364 days); let each year, month and week begin on Sunday, "the first day of the week"; let the last day of the year be a dies non; or better, be a double Sabbath of forty-eight hours.

By this arrangement the day of the month in any year would always indicate the day of the week. That is, the tenth day of every month would be the second Tuesday of the month, and if one made an engagement for the 19th of any month one would know that it would fall on Thursday. Let the new month be placed between June and July and thus be the keystone of the arch of months and be named "Liberty" in honor of the people, not of some emperor, as were the last two interpolated months, July and August. Leap year could be provided for by another double Sunday, say in the middle of the year. Such a scientific calendar would be as simple and convenient as the decimal system and would practically be a reversion to the old Jewish calendar.

While the Egyptians named the days of their week, the Jews numbered them only, the first day of the week being always the day after the weekly Sabbath. Fifteen different methods of Sabbath counting are known to have existed during the last 4,000 years, including every day of the week, weeks of different and varying length, from six to ten days, and months of various and varying length.

Sabbath keeping appears in history soon after the Babel confusion among all the scattered nations, and when Israel left Egypt there were five known methods of Sabbath counting. The ancient Hebrew calendar was the nearest approach to a scientific calendar of any of which we have any record.

Over 3,600 years ago the Egyptian astronomers adopted the present week of seven days, wholly disassociated from the lunar and solar cycles. The Christian week is exactly like it except that its first day is Sunday, not Friday; both are as unscientific as possible.

The modern Jewish calendar had its origin, not in the Hebrew age beginning with the exodus under Moses and ending with the destruction of Jerusalem by Titus in the year A. D. 70, but probably about the fourth century of our era, after the Jews had recovered from the shock of the destruction of their capital city and their dispersion and attempted annihilation by Titus. It was not until this comparatively modern date that the present Jewish calendar established their Sabbath on Saturday as a fixed day of the week.

It will surprise many to learn that it has been demonstrated cogently that the day called Sunday by the Egyptians was the creation Sabbath, and kept as such during the patriarchal period until lost in the confusion of tongues at Babel; that during the Hebrew period (Moses to Christ) the Sabbath was not a fixed day of the week, but a movable holy day, changing each year, like our Fourth of July, and that in the Christian era it was changed to a fixed day of the week by Jew and Christian, following the custom of their Roman masters.

The Hebrew calendar was founded upon but improved the ancient Egyptian calendar, from which it was taken. On fleeing from Egypt they changed the beginning of their civil year from the autumnal equinox, September 22, to the vernal equinox, March 21. They retained the thirty day month, but instead of adding five days at the end of the year they added three days at the end of the sixth month and two days at the end of the twelfth month. Seven supplementary days, or one week, were added about every twenty-eight years to provide for our leap years.

On certain fixed days of the year labor had to be done. These days could therefore never fall on the Sabbath day in any year during the Jewish dispensation, for no servile work was to be done on any Sabbath, while these days were to be devoted to butchering, housecleaning, harvesting, &c. (Ex. xii., 3, 5, 6, 24; Lev. xxiii., 5). Certain fixed days were required to be Sabbath days, including the first, eighth and fifteenth days of Abib (first month) and the fourth, fifth and twelfth days of Sivan (third month). The fixed days for labor and rest indicated in the Bible enable us to construct a Jewish calendar. Moses placed the shewbread on the tables the first day of the second year (Ex. xl., 17, 22, 23). This was to be done on every Sabbath day (Lev. xxiv., 8), and the first day of every eighth month is a Sabbath (Lev. xxiii., 24), that is, the Sabbaths were on fixed days of the year, not on a fixed day of the week.

Mr. Gamble has demonstrated this fact beyond any controversy, and his book and its chart have been submitted to the most scientific Jewish, Prostestant and Catholic scholars and divines, and all who were sceptical at first finally confirmed his demonstration, that is, the first day of every week of every year was a Sabbath and every eighth day thereafter was a Sabbath. This very desirable arrangement was accomplished by making the Pentecost (fiftieth day after Abib 15, the Passover) a double Sabbath, or rather a Sabbath of forty-eight hours in length, and then starting a new week, on a new day, thus skipping a day and making fifty two weeks equal 365 instead of 364 days.

We learn from Lev. xxiii., 15, 16, 21, that the forty-ninth day after the Passover was a Sabbath. So was the fiftieth day, Pentecost, a "holy convocation unto you: ye shall do no servile work therein: it shall be a statute forever in all your dwellings throughout your generations."

This fact of a double Sabbath has been overlooked or misunderstood for centuries.

It is well known that every seventh year was a Sabbath year, when the land had rest (Leviticus xxv., 2-7), but on the forty-ninth and fiftieth years the land had a double Sabbath year—or a two years rest—and on the fiftieth year, the jubilee year, every alienated inheritance reverted to the heirs (Leviticus xxv., 8-11; 20-22). The analogy between the jubilee or fiftieth year and Pentecost, the fiftieth day, and the double Sabbath and the double Sabbath rest years is complete; and it seems strange that the plain reading of Leviticus xxiii., 15, 16, 21, did not for so long a time reveal the fact that both the forty-ninth and fiftieth days after the Passover constituted a single elongated Sabbath.

Space cannot properly be taken to demonstrate fully the following facts:

Dion Cassius (A. D. 155-240) says that the Jews left Egypt on Saturday, the day after the Egyptian Sabbath, or "day of assembly," and we know from Numbers xxiii., 3, that this departure was on Abib 15.

The first Pentecost (the fiftieth day thereafter) would thus come on the Egyptian Sunday, and the fact of the double Sabbath at Pentecost and the fixing of the Sabbath as the first day of each year would make the Jewish Sabbath come on each day of the modern week in every seven years.

That is, during the first year after the first Pentecost the Sabbaths would fall on Sundays, if the present method of naming days had prevailed; the next year on Mondays, and so on. Every seventh year it would again be on Sunday, and in 1680 years (7x240) it would be on Saturday, i. e., according to the modern reckoning the Sabbath would be on Saturday at the time of the crucifixion. It will be remembered that the Sabbath was never called "Saturday," but the "seventh day."

During the first year, after the first Pentecost (double Sabbath) after the crucifixion, the Christian Sunday and the Jewish Sabbath would coincide.

For two centuries the Christians and Jews with their seven day week and the Romans with their eight day week were struggling for supremacy.

The exact time when the Jews adopted their modern calendar, placing the abbath on Saturday as a fixed day of the week and not on fixed days of the year, is uncertain. Some place it in the second century; some place it at a later date (Jewish Enc.) It is well known that the Roman rest day was one day in eight; that Constantine, the first Christian Emperor, first legalized the Christian Sabbath in the fourth century when he put it on an equality with the pagan nundinæ. Up to the time of Theodosius the Great, the two week methods were on an equal footing, and the Roman calendars represented both by placing in parallel columns the eight nundinal letters A-H and the seven week letters A-G. Theodosius finally abrogated the Roman week in the fourth century.

It is a noticeable fact that according to the accepted chronology there were just 1,680 years between the Exodus and the Resurrection. One thousand six hundred and eighty divided by 7 gives 240, hence there were 240 septenary revolutions, and under the Jewish system each day of the Egyptian week with its days named would have been called a Sabbath day 240 times. The Jews left Egypt on Saturday, the day upon which Pharaoh issued the "emancipation proclamation" through Moses to the Israelites. (Dion Cassius).

After 1,680 years we find the Sabbath again on Saturday. The death by crucifixion was at 3 o'clock on Friday, the very day and hour on which the blood was placed on the doorposts of Egypt, and after remaining in the tomb over the Sabbath ("the feast of the Passover"), as Moses had remained in the mountain with God, the Saviour returned on the Sunday and announced a new Sabbath, as Moses had done before him. The analogy is striking.

After the destruction of Jerusalem in the year 70, the scattering of the weak Christian church, the annihilation of the Jewish nation and the attempted annihilation of the Jewish race, it is not surprising that the scattered Christians should gradually, if not unconsciously, have given up the celebration of the Lord's Day on fixed days of the year and conformed to the customs of the peoples with whom they mingled in celebrating a fixed week day, which they held in commemoration of the Resurrection, the great event in Christian theology.

The persecution of the Christians by the Romans, begun under Nero, continued through many generations; and unfortunately the persecutions of the Jews continued for centuries thereafter, even to this day, not at the hands of the Romans, but of Christians who have forgotten the teachings of the humble Nazarene and the forgiving character of the early martyrs in the primitive church. It is no wonder then that during these trying times the Jews thought more of preserving their lives than of preserving their calendars, that were in the custody of the priests, and that they too after a few centuries unwittingly adopted a fixed weekly Sabbath, forgetting the scientific Sabbath of their fathers.

All students of Jewish theology know that for centuries the first day of the year and consequently the first Sabbath of the year was determined by the priests by observation of the new springtime moon, and that as soon as seen signal fires telegraphed the hour to all parts of Palestine. When the Samaritans from sheer malevolence interfered with these signals by false fires swift messengers were substituted. After the destruction of the city this method of determining the new year was necessarily abolished, and in the course of time more exact astronomy took the place of visual lunar observation; and it was not until after some centuries of dispersion that the Jews gathered themselves together, reestablished their ordinances and took a seven day week, forgetting the double Sabbath at Pentecost, and conformed to the Christian method of reckoning time, which in turn had therefore followed in the suite of the eight day fixed week of the Romans.

Of all the calendars, ancient and modern, none is so nearly scientific as that of the ancient Hebrews, and all civilized nations have appreciated the benefits, indeed the absolute necessity, of the Hebrew Sabbaths. Without doubt one day's rest in seven meets the requirements of man, as it meets the requirements of God. In the old Jewish theocracy Church and State were one, and the civil and religious laws emanated from the same source.

The thoughts suggested in this letter may startle some; they have startled others. But as already stated, no scientific theologian has doubted Dr. Gamble's demonstration of this argument, after examining it thoroughly.

In reforming the calendar let us reform it scientifically. There can be no improvement upon the old Jewish method except the introduction of a thirteenth month, and let the keystone month of a perfect calendar be named "Liberty."

This change by adding a thirteenth month would have been no particular advantage to the old Hebrews, for they numbered their days, but inasmuch as we have had fixed upon us the old Egyptian method of naming days a simply perfect calendar could be devised as indicated in this letter; and when Jews and Christians alike thoroughly understand the old Jewish method of determining the Sabbath days there can be no religious scruples on the part of either Jew or Gentile in making that change. The same God that fixed a rest day one day in seven also made 365, not 364, days in the year, but he provided for this difference by giving to Moses a scientific method of fixing the day. It was left to the ignorance of His children through long centuries of persecution to forget exact scientific methods and perpetuate their unholy differences by the celebration of different holy days.

ALEXANDER S. BACON.

NEW YORK, July 1.

The "Paston Letters."

From the Court Journal.

Sir Henry and Lady Paston-Bedingfeld have been placed in mourning by the death of the former's brother, Mr. William Paston-Bedingfeld, who has died at Johannesburg at the age of 38. The Paston-Bedingfelds, whose seat is Oxburgh, a great moated mansion in South Norfolk, with splendid fortified gatehouse, represent two remarkable lines, the Pastons, one of whom wrote the famous "Paston Letters" in the fifteenth century, and the Bedingfelds, whose ancestor came to these shores with the Norman invader and settled in Norfolk, in which county his descendant is seated to-day. The Pastons were a wonderful race: they thrashed their daughters unmercifully if they did not behave themselves, and then would lead them with rich clothing, silk dresses and the like. For years the "Paston Letters" were among the unconsidered contents of an East Anglian country house. Then one day it was thought they might be of value. Two of the six volumes were sent for Queen Charlotte to see, but they got lost. Her Majesty gave them to one of her ladies in waiting to return, but they miscarried somehow. Fortunately, however, duplicates of many of the lost letters were found.

Needle Bath for Tramps.

Winona correspondence St. Paul Dispatch.

The needle bath will be used by the city of Winona as a means to induce tramps to give this city a wide berth. The street committee turned down a stone pile as being an expensive and unprofitable way of securing crushed stone, but recommended the needle bath, and this will be installed without delay in connection with the tramp room at the police station. Tramps hereafter coming to Winona will be compelled before being given a night's lodging to take a needle bath. After such treatment it is not believed they will come this way again.

A Woman Deputy Sheriff.

From the Baldwinsville Gazette.

Sheriff John M. Townsend has appointed Miss Mollie Spicer, 25 years of age, the first woman deputy Sheriff in Dutchess county. She is said to be the first woman deputy in New York State outside of the Federal service.

CONTRACT BETWEEN PHYSICIAN AND PATIENT.

The Supreme Court of Illinois has decided that a contract binding a physician to furnish medical services to a patient for life for a specified consideration is not void because contrary to public policy. The contract was attacked on the ground (1) that it was a wagering contract and (2) that it offered an incentive to the commission of crime by shortening the life of the patient by improper treatment or neglect or even by positively committing murder.

In this case, Ziegler vs. Illinois Trust and Savings Bank, June, 1910, N. E. Rep. 1041, the court summarily dismissed the contention that the contract is one of wager as being obviously untenable, and on the contended temptation to commit murder the court said:

It is urged that this contract is void chiefly for the reason that it furnished an incentive to appellant to shorten the life of Mrs. McVickar by neglect or improper treatment or by the commission of the crime of murder. Each argument made by appellee in support of this contention involves a breach of the contract and is not founded on the performance of it. It cannot be seriously contended but that, in order to comply with the terms of this contract and be entitled to receive the benefits of it, the appellant was bound to give Mrs. McVickar the best treatment within his power and skill and to prolong her life as long as possible. Should he fail to do this, either through neglect, by wilfully treating her in an improper manner, or by directly causing her death, appellant would be unable to recover upon the contract.

There can be no doubt that a contract to commit murder or any other crime or a contract to give a reward to one for the commission of a crime is void as against public policy. This contract does not contemplate the commission of a crime or the doing of anything which is unlawful or contrary to good public morals. Even if it be conceded that the contract under its terms offered some incentive to appellant to commit a crime, that would not necessarily render it void. "Where the parties to a contract do not contemplate the commission of any crime, the fact that the contract offers an incentive to do so will not render it illegal. This is well shown in contracts in which the benefit to accrue to one of the parties is conditioned on the death of the other party, thereby giving the former an interest in the death of the latter.' (15 Am. and Eng. Ency. of Law.)

The court says that the contract in question is similar to a contract to bequeath one's property to another or that such property shall go to another upon the owner's dear hin consideration of maintenance and care during lifetime. The court says:

In every such case the incentive to hasten the death of the grantor was present to the same extent as in this case. While such contracts are usually made between parent and child or between others closely related by blood ties, they have been frequently made between persons who bear no blood relationship to one another, and no distinction has been made by the courts on that ground.

Jury Trials for Contested Wills.

TO THE EDITOR OF THE SUN—*Sir:* The opinion by Surrogate Ketcham of Kings county in re settlement of the account of Mary F. Cloyne, *Law Journal*, June 23, has aroused much interest in the legal profession. At the end of the third column in the opinion it is stated:

It is the result of anxious study that there is no constitutional right of trial by jury in a proceeding for the probate of a will of real estate, and it will doubtless be confessed that it has never existed as to a will of personalty.

This portion of the opinion is an error, if the learned Surrogate meant it to be all embracing. Trial by jury on the question of contested wills is very ancient. This applies to both realty and personalty: Pliny's Epistles, Book I., 4; Tacitus de Orat., I., 38; Quintilian, IV., 7. The custom in Rome B. C. was, a special jury panel was formed for one year of 120, the number rose eventually to 180; all very able and most capable men, known as the Centumviri. When a will was contested fifty of these jurors (or judices) were summoned, both sides agreeing and accepting twenty men, the jury consisting of twenty. The Prætor, chief justice, presided. The office of Prætor was filled by some of the most learned jurists in the history of the Roman bar. Great satisfaction was always expressed at the results of these jury trials of contested wills. The Centumviri Court was held in the highest esteem. Sometimes the property value at stake was in millions of dollars. Cicero de Orat., I., 38.

The word "surrogate" means the Bishop's deputy: Canon 128; Bouvier's Law Dictionary, page 1087. The word should be abolished. The position should be filled by Supreme Court Judges, sitting in monthly terms. Contested wills should be tried as they anciently were, by a jury, and the last vestiges of the name "surrogate," with its theoretical meaning as the deputy of a Bishop, made to disappear.

Jury trials for contested wills I believe to be even older than the Roman period. In the dark Middle Ages, when the purity of Roman law decayed and the mongrel product, English common law, began a feeble copy and feeble imitation of the great Roman codes, the Bishop or his deputy, the surrogate, wanted no jury. Selden, pp. 3, 4; Matt. Paris, fo. 56. The Bishop or his aid for obvious reasons did the judging. The first attempts in England seeking to take away from the Bishop or his zealous aid the power of appropriating other people's property was in the reign of Edward III.: Blackstone, II., Chap. 32.

As the opinion further quoted said, "the law herein discussed [will probation] has been a byword and a reproach. It is a nightmare through which the profession for generations has walked in its sleep."

Which bar association will have the honor of initiating legislation removing the reproach and giving us trial by jury, the only possible form of trial on this earth for contested wills or for any other legal contest, returning again after a lapse of 2,000 years to the Centumviri, with its memories of Pliny, Hortensius and Cicero?

EDWARD T. CURRAN.

BROOKLYN, July 1.

An Able Connecticut Woodchuck.

*From the Berkshire