

## Verdict for Dr. Pierce

AGAINST THE  
Ladies' Home Journal.

Sending truth after a lie. It is an old maxim that "a lie will travel seven leagues while truth is getting its boots on," and no doubt hundreds of thousands of good people read the unwarranted and malicious attack upon Dr. R. V. Pierce and his "Favorite Prescription" published in the May (1904) number of the Ladies' Home Journal, with its great black display headings, who never saw the humble, groveling retraction, with its inconspicuous heading, published two months later. It was boldly charged in the slanderous and libelous article that Dr. Pierce's Favorite Prescription, for the cure of woman's weaknesses and ailments, contained alcohol and other harmful ingredients. Dr. Pierce promptly brought suit against the publishers of the Ladies' Home Journal, for \$200,000.00 damages.

Dr. Pierce alleged that Mr. Bok, the editor, maliciously published the article containing such false and defamatory matter with the intent of injuring his business, and furthermore, that no alcohol, or other injurious, or habit-forming, drugs are, or ever were, contained in his "Favorite Prescription"; that said medicine is made from native medicinal roots and contains no harmful ingredients whatever, and that Mr. Bok's malicious statement was wholly and absolutely false.

In the retraction printed by said Journal, the editor forced to acknowledge that they had obtained analyses of "Favorite Prescription" from eminent chemists, all of whom certified that it did not contain alcohol or any of the alleged harmful drugs.

These facts were also proven in the trial of the action in the Supreme Court. But the business of Dr. Pierce was greatly injured by the publication of the libelous article with thousands who read the wicked defamatory article never saw the humble groveling retraction, set in small type and made as inconspicuous as possible. The matter was, however, brought before a jury in the Supreme Court of New York State which promptly rendered a verdict in the Doctor's favor. Thus his traducement came to grief and their base slanders were refuted.

### The Limit of Life.

The most eminent medical scientists are unanimous in the conclusion that the generally accepted limitation of human life is many years below that attainment possible with the advanced knowledge of which the race is now possessed. The critical period, that determines its duration, seems to be between 50 and 60; the proper care of the body during this decade cannot be too strongly urged; carelessness then being fatal to longevity. Nature's best helper after 50 is Electric Bitters, the scientific tonic medicine that revitalizes every organ of the body. Guaranteed by O. M. Olsen, Druggist, 50c.

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# State Rights Struggle

WHAT THE RAILROAD RATE WAR BEGUN IN NORTH CAROLINA MEANS.

Details of the Incident That Started a National Problem of Vital Importance—Right of Each State to Regulate Passenger Rates in Its Own Territory Is the Question Now Uppermost in Public Discussion—Effect of the Two Cent Rate Law Where Tested.

By ROBERTUS LOVE.

THE civil war began in South Carolina. Now another state rights struggle has begun in North Carolina. Between the two conflicts forty-six years have elapsed. To alter slightly what the governor of North Carolina said to the governor of South Carolina, it's a long time between wars; also there is a great gulf of difference between wars in their causes, their methods of conduct and their results. The present conflict is altogether political—a matter of civil jurisdiction—while the other was both political and physical. No blood will be shed in this war unless it be such as may be shed by railroad passengers in smashups along the line. Furthermore, the struggle is not sectional. It is going on in practically every state. North Carolina simply has the distinction of being the first state to "defy" the national government in the state's demand that it be permitted to regulate railroad passenger rates within its own territory.

One supreme question was settled by the civil war. The question was, Is the United States a nation, or is it a mere bunch of states loosely tied together by a string of red tape? The decision was that the United States is singular, not plural. By force of arms the constitution was interpreted to mean that one state cannot secede from the rest of the nation. The string is binding. That fact is definitely set

maximum to be charged by the railroads. In one or more states 2½ cents is named, while North Carolina splits the difference.

Laws reducing the passenger rate have been adopted this year by North Carolina, Virginia, Illinois, Kansas, Indiana, Ohio, South Dakota, North Dakota, Arkansas, Missouri, Iowa, Nebraska, Pennsylvania, West Virginia, Wisconsin and Mississippi—sixteen states. New York also passed a two cent bill which Governor Hughes vetoed. Several other states have shown very definite leanings toward such laws, and in one or two of these the veto message of Governor Hughes is said to have influenced the legislators against voting for reduction bills.

Thus it is seen that the movement is general. Pennsylvania cannot say to Nebraska, "You are populist," for the old Keystone State has joined the state of Bryan in reducing the rate. Republican as well as Democratic states have passed two cent laws. It is not, therefore, a partisan issue in any sense; it is purely a popular issue. There can be no doubt that with the great mass of the people these two cent laws fill a long felt want.

### Irresistible Demand to Cut Rates

There has been an impression for many years throughout the country that passenger rates are too high. People have read about fat dividends declared on railroad stocks, they have

middle western states seem disposed to give the new laws a test. In Missouri and neighboring states they have revised their tariff schedules to comply with the law, while in North Carolina, as we have seen, the Southern railway has instructed its agents to sell tickets at the old rate. In North Carolina Judge Pritchard of the federal court has declared the state law practically "confiscatory," while in Missouri a federal judge has refused to assume that the new rate is "confiscatory" until it is proved to be so by actual test. According to this federal judge's view, if the two cent law causes serious losses to the railroads there will be reason for stopping its operation. If not, then the law is constitutional. Thus a conflict between state and federal jurisdiction was avoided in Missouri.

With bated breath the public awaits the issue of the conflict. Some of the large newspapers have become hysterical over the North Carolina incident. One of the New York dailies, in double leaded lines at the head of its editorial page, reminds President Roosevelt of what Andrew Jackson said he would do to John Calhoun if South Carolina should pass the nullification act. Some citizens are crying out against Governor Glenn for declaring that his state law shall be enforced whether Uncle Sam consents or not. Others are sending bouquets to the governor.

### Must Pay Full Fare.

In some of the middle western states where the railroads are giving the new passenger rate a test there is more or less wailing and gnashing of teeth because the railroad managers have made the two cent rate apply to every class of passenger. Two cents is minimum as well as maximum in these states now. Clergymen who have been riding on half fare tickets must pay full fare. Actors and others who have had reduced rates are up against the real thing now—pay 2 cents a mile or walk. As to free passes, ask of the winds! Missouri began the antipass agitation several years ago and now has a law against the issuance of a pass to anybody. The interstate commerce commission took a hand in the game some time ago and caused widespread sorrow among many privileged classes and individuals who had been riding on passes, and also made it extremely difficult for newspapers to exchange good advertising space for transportation. Hogs may still be exchanged for hominy, the dairyman may swap butter with the baker for bread, but the commission would have it that advertising and transportation are not exchangeable commodities.

### Quite a Jumble.

What the end will be no man can foresee. The national congress and various state legislatures have taken turns at railroad regulation during the past two or three years, and the conglomerate result marks distinctly a new epoch in the history of common carriers. Freight rates, passenger rates, reciprocal demurrages and what not have agitated the legislative and the lay mind until the jumble is such that our familiar old friend, a Philadelphia lawyer, cannot untangle it.

The passenger rate laws form only one group in the maze of railroad legislation. There are other sorts of statutes with regard to railroads which are calculated to cause both railroaders and rank outsiders to pause and inquire, Whither are we drifting? or, in the language of Mr. Harriman, Where do I stand?

Kansas, for instance, has passed a law providing that a freight conductor or other official may be sent to jail for thirty days for refusing to carry passengers in a freight train caboose. It is well known to the traveling public that most railroads have rigid rules against this practice. Freight trains are intended for hogs, dried apples and California prunes. Passenger trains are intended for passengers. Kansas still lacks a law requiring the passenger conductor to carry hogs, excepting the seat hog, which finds place in every coach.

### Blow at a Famous Bridge.

In Missouri a law has been put on the statute books which makes it possible to send a ticket agent to the county jail for six months if he sells a ticket charging a higher rate across a bridge than the rate through the open country. This no doubt is a blow at the famous Eads bridge across the Mississippi river at St. Louis, which for many years has wrenched 25 cents from the unwilling and protesting pocket of every person who has ridden across it in a railroad coach, though if one prefers to get out and foot it he can walk across for a nickel.

### May Be Unprofitable.

But, though this may be true in the case of long hauls, which on many routes for years past have averaged little or nothing above 2 cents a mile, there are various short haul localities where a uniform blanket rate of 2 cents a mile may be unprofitable to the railroads. Governor Hughes pointed this out in his veto message, and railroad managers insist upon its truth. The massing of population also has much to do with the matter. Upon this phase of the problem the managing editor of the Railroad Gazette writes:

"Of the states named (as having passed two cent laws) Ohio and Indiana have fairly dense passenger traffic, and Pennsylvania and Illinois have dense traffic in some directions. The Dakotas, Arkansas and Nebraska have extremely light passenger traffic, and the railroads will certainly lose money on their passenger business under the new laws."

Railroad managers in several of the

## FINE POEMS AUTHOR

How F. M. Finch Wrote "The Blue and the Gray."

INSPIRED BY A NOBLE DEED.

Impartial Floral Tribute From Women of Columbus, Miss., to Memory of Confederate and Federal Soldiers Caused Ithaca's Ex-Judge to Pen Verses of National Repute.

It was in 1867, while the fires of hate were actively burning both north and south, that the famous poem, "The Blue and the Gray," was written, says H. J. W. Dam in the New York Tribune's Sunday Magazine. The north was flushed with triumph; the south was red with the shame of defeat, and both mourned their countless dead. A little company of grieving women at Columbus, Miss., seeing in war, as women do, only its tragedy and its woe, mournfully decorated the graves of the dead Yankee soldiers in the local graveyard as well as those of their own kin. A dispatch telling of this incident was printed in the Tribune as follows:

The women of Columbus, Miss., animated by nobler sentiments than are many of their sisters, have shown themselves impartial in their offerings to the memory of the dead. They strewed flowers alike on the graves of the Confederate and of the Federal soldiers.

This dispatch was read in the spring of 1867 by a lawyer of forty living in the town of Ithaca, N. Y., whose ardent partisanship for the north did not inhibit his sympathy with the fallen dead of the south. Though he had never published a poem, he had, as will be seen, a singularly rare poetic gift. In speaking of it this author, Francis Miles Finch, widely known in legal circles and formerly associate justice of the court of appeals of New York, who recently died at Ithaca, said:

When I read those lines in the Tribune, it struck me that the south was holding out a friendly hand and that it was our duty not only as conquerors, but as men and their fellow citizens of the nation, to grasp it. If the war was over and peace had supervened, it seemed to me that peace should be re-established in our hearts as well as upon our records.

And thus it was that he wrote of the war that was over and of the dead that remained. The whole spirit of his poem was the equality that lies in death. He gave to the conqueror his "robings of glory," to the conquered their "gloom of defeat," but was moved to say:

So with an equal splendor  
The morning sun rays fall,  
With a touch impartially tender,  
On the blossoms blooming for all.

This was the spirit and the message—that the blossoms bloomed alike for all who had fallen.

Having written it, he desired for the first and only time in his life to have one of his poems published. His natural selection of a medium for this purpose was the Atlantic Monthly. The volume of the magazine in which, in September, 1867, it first appeared, contained verses from Oliver Wendell Holmes, E. C. Steadman, James Russell Lowell, John G. Whittier, Alice Cary, Theodore Tilton and other names of authors and poets well known in American literature.

The editor accepted the poem, but asked that the facts in the Tribune dispatch, which was quoted above it, be incorporated in its body so as to form the opening verse. The author tried this, but the result was unsatisfactory, and the poem was finally printed as originally written. The author was given in the index as "F. M. Finch," a name entirely unknown to literature. No poem by any of the famous authors named, however, has ever enjoyed a title of its widespread popularity or its powerful social result.

**The Blue and the Gray.**  
By the flow of the inland river,  
Where the fleets of iron have fled,  
Where the blades of the grave grass quiver,  
Asleep are the ranks of the dead:

Under the sod and the dew,  
Waiting the judgment day;  
Under the one, the blue,  
Under the other, the gray.

These in the robings of glory,  
Those in the gloom of defeat,  
All with the battle blood gory,  
In the dusk of eternity meet:  
Under the sod and the dew,  
Waiting the judgment day;  
Under the laurel, the blue,  
Under the willow, the gray.

From the silence of sorrowful hours  
The desolate mourners go,  
Lovingly laden with flowers  
Alike for the friend and the foe:  
Under the sod and the dew,  
Waiting the judgment day;  
Under the roses, the blue,  
Under the lilies, the gray.

So with an equal splendor  
The morning sun rays fall,  
With a touch impartially tender,  
On the blossoms blooming for all:  
Under the sod and the dew,  
Waiting the judgment day;  
Brothered with gold, the blue,  
Mellowed with gold, the gray.

So, when the summer calleth,  
On forest and field of grain,  
With an equal murmur falleth  
The cooling drip of the rain:  
Under the sod and the dew,  
Waiting the judgment day;  
Wet with the rain, the blue,  
Wet with the rain, the gray.

Sadly, but not with upbraiding,  
The generous deed was done,  
In the storm of the years that are fading  
No braver battle was won:  
Under the sod and the dew,  
Waiting the judgment day;  
Under the blossoms, the blue,  
Under the garlands, the gray.

No more shall the war cry sever  
Or the wailing rivets be red;  
They banish our anger forever  
When they laurel the graves of our dead:  
Under the sod and the dew,  
Waiting the judgment day;  
Love and tears for the blue,  
Tears and love for the gray.  
—Francis Miles Finch.

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