

Notre Dame Law School

**NDLScholarship**

---

1883–1919: William J. Hoynes

Law School Deans

---

2-1883

## The Law: Remarks Relating to its Origin and Development

William J. Hoynes

*Univeristy of Notre Dame*

Follow this and additional works at: <https://scholarship.law.nd.edu/wjhoynes>



Part of the [Law Commons](#)

---

### Recommended Citation

Hoynes, William J., "The Law: Remarks Relating to its Origin and Development" (1883). *1883–1919: William J. Hoynes*. 16.

<https://scholarship.law.nd.edu/wjhoynes/16>

This Lecture is brought to you for free and open access by the Law School Deans at NDLScholarship. It has been accepted for inclusion in 1883–1919: William J. Hoynes by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).



## UNIVERSITY OF NOTRE DAME ARCHIVES

---

### DIGITAL COLLECTIONS

Extracted from the digital edition of *Scholastic*, <http://www.archives.nd.edu/Scholastic/>, October 29, 2014.

# THE NOTRE DAME SCHOLASTIC.

Disce quasi semper victurus; vive quasi cras moriturus.

VOL. XVI.

NOTRE DAME, INDIANA, FEBRUARY 17, 1883.

No. 23.

## Winter.

Some there be, in song and story, love to celebrate this time;

Love to praise the cold, bleak winter with the music of their rhyme:

Love to see the snow's white bosom 'neath the sun's diminished light;

Love to hear the sleigh-bells jingling in the silence of the night.

But the season comes tempestuous, and at war with all mankind;

And I hear a thousand dirges in the moaning of the wind;

Dirges for the rich and learned, whom it giveth seeds of death;

Dirges for the poor and homeless, in the town and on the heath.

Think ye, poet, who hath sung Old Winter and his hearty praise,

That 'tis grief and sin and famine that you honor with your lays?

But yourself the while forgetting, take you gentle pity's hand,

While together and in sorrow you traverse th'extended land.

See the winter, and the suffering to our brethren it has brought;

See the grief and degradation on man and woman it has wrought!

For the things that are, seem stronger than the things that are to be;

Cold and famine drive the noblest to a vile extremity.

Sing the May time and the summer, rip'ning 'neath the lusty sun;

Sing the autumn time romantic, ere the winter hath begun;

But the cold and frosty season mark unworthy of your lay;

While, with hopeful hearts, we're waiting for the coming of the May.

S., '84.

## The Law.

### REMARKS RELATING TO ITS ORIGIN AND DEVELOPMENT.

[A Lecture delivered Feb. 5th, by Prof. W. Hoynes.]

Law is defined by Blackstone as "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong." This definition is open to objection, and, indeed, many objections have been urged against it; but it would be supererogatory to repeat or comment upon them in this connection.

Plutarch invests the law with the plenitude of power, recognizes it as exercising unqualified dominion over all things, and refers to it as "the king of mortal and immortal beings." The ancients, as you are aware, believed in a power greater than the gods, a power to which even Jupiter himself had to yield, the inexorable decree of Destiny. Though they might implore Jupiter and all the gods to avert impending wrath or remove imminent danger, though they might offer sacrifices and have recourse to every recognized manner of atonement for their misdeeds, still the wrath came, and the danger took its course. The gods did not interpose, and to Destiny, therefore, that implacable order of things was ascribed. It was a species of "foreordination"—such as came to figure so conspicuously in connection with a well-known religious sect some 2,000 years later. Whatever happened uniformly and continuously was believed to be an immutable manifestation of supreme power; and to their minds this was law—Destiny—"the king of mortal and immortal beings." Hence, they believed that law moves, acts and is manifest in the operations of matter. Indeed, Pythagoras apotheosized all matter and regarded the divine element as existing in everything.

The mistake of the ancients consisted in confounding law with the Power that conceives, applies and enforces it. "There is a Primitive Reason," as a modern writer expresses it, "and laws are the relations subsisting between that Reason, or First Cause, and all subordinate and dependent beings, as well as between those beings in their intercourse with one another." What we recognize as the supreme power in the state puts

into effect the laws that direct and govern men in their multitudinous relations with one another. And the laws that direct and govern matter in all its countless manifestations of energy and motion, that embrace in their never-ceasing operations all things animate and inanimate, are put into effect by the Supreme Power in the universe. Viewed as a physical being, man is governed by these invariable laws; but, from the standpoint of an intelligent being, one exercising free-will, he is left to his own direction, and may devise, enact and enforce such laws as his customs and surroundings suggest.

In a political sense the supreme power—the power to determine what the law shall be and enforce it—belongs to the dominant influence, party or person in a state. Of the several forms of government; the most noted are those known as a despotism, an aristocracy, a monarchy and a republic.

A despotism is a government without a constitution, where absolute power is exercised according to the will or caprice of an autocrat.

An aristocracy is a form of government in which the supreme power is vested in the principal persons in the state, or in a privileged order.

A monarchy is a government in which the supreme power is lodged in the hands of a single chief ruler, it being ordinarily exercised with reference to precedents and constitutional restraints.

A republic is a state in which the sovereign power abides in the people; but for all the necessary purposes of government it is delegated to and exercised by representatives elected by the popular vote.

You are all aware that laws are by no means uniform throughout the world, nor even throughout the United States. They are enacted and enforced with due regard to the customs, circumstances, condition and range of intelligence of the people of each nation, as well as the form of government under which they live. However, there are certain fundamental principles that are measurably analogous everywhere, and they are recognized in one form or another as entering into the structure of all laws. They are the principles which secure to men the right to life, liberty and property. They are essential to the formation and cohesion of society. Without them, government would be impossible, and contention, bloodshed and rapine would prevail. But as to laws not essential to the security of life, liberty, and property, great differences exist. These are formed and enforced with reference to the local customs of the people in the different nations of the world and the manifold peculiarities, physical and otherwise, that distinguish them and their countries. But the laws of any one of these nations, no matter how wise and humane, no matter how conformable with reason and fully sanctioned by experience, have no obligatory weight or influence outside of its own jurisdiction. The sovereign power of every country claiming to be independent peremptorily denies its subordination in any particular to other powers. This principle goes so far, indeed, that

it is recognized even as between our states. The laws of Indiana, for instance, have no obligatory force in Ohio, Michigan or Illinois, nor have the laws of surrounding states greater force or efficacy in Indiana. Of course, this remark applies to the statutory laws of the states in question, and not to the common law, which is common to and recognized in all the states, with the exception of Louisiana. And here we may inquire briefly into the origin and development of the different kinds or classes of laws recognized by the people of our country in their diversified relations with one another.

First, let us deal with international law; second, the common law; third, the statutory law; fourth, the canon and civil laws, and, fifth, the military and martial laws.

Such subdivisions as criminal law, commercial law, admiralty law, probate law, etc., would trespass too much upon the brief time at our disposal on this occasion if specially considered.

First, then, as to international law. This system of law dates back to the time when Greece and Rome were flourishing states, and when the Israelites ruled in Canaan. However, all admit that it was exceedingly crude at the time. Most of its rules were associated with religious observances. The laws of peace and war, the inviolability of heralds and ambassadors, the right of asylum and the obligation of treaties, were all consecrated by religious rites. Ambassadors, heralds and fugitives who took refuge in the temples or on the household hearths were deemed inviolable, because they were invested with a sacred character, and the symbols of religion. War between nations of the same race and religion was declared with religious observances. The heralds proclaimed its existence by devoting the enemy to the infernal gods. The international law of that time was not only crude in its provisions, but it was also harsh and selfish. The obligation of treaties generally rested upon an exchange of hostages; and, where treaties were violated, the hostages, in most instances, were cruelly put to death. This law, or the *jus gentium*, as it was called, was confined in its operation almost exclusively to the Roman Empire. It proved to be convenient in enabling that power to treat in accordance with established rules the various nations and peoples tributary to it.

After the establishment of the Christian religion the *jus gentium* was remodelled—in fact, radically changed and improved. Its harsh and selfish elements were scrupulously eliminated. This great amelioration in the provisions of international law was founded upon the following circumstances: First, the recognition by Christians of one spiritual head, whose authority was often invoked as the supreme arbiter in controversies between sovereigns and between different nations. Under the auspices of Pope Gregory IX the canon law was reduced to a code, and this code served as a rule to guide the decisions of the Church in public as well as private controversies. Second, the revival of the study of the Roman law and the adoption of this system of jurisprudence by nearly

all the nations of Christendom, either as the basis of their municipal code or as subsidiary to the local legislation of each country. It was due to these causes that international law was rendered broad, liberal and humane. Thus it was exalted to the plane of substantial utility to mankind. It made rights uniform as between nations and peoples, assuring to the weakest the same immunities and liberties that it accorded to the strongest. And that law is recognized by our Government in its international relations. It tends to promote a fraternal feeling and foster a common spirit of progress among men throughout the world.

Second. As to the common law. This system of jurisprudence is derived from and based upon the customs and usages of the people of Great Britain. It begins properly with the invasion of England by the Saxons and Angles, in the fifth century. The customs that for ages had prevailed among them in the forests and on the plains of Western and Central Europe were transferred to England, and the common law grew up and developed with reference to those customs and the altered conditions of their new abode. The earliest common-law compilation is known as the *Dombok* or *Liber Fudicialis*, and is ascribed to King Alfred. It was designed to serve as a code for the government of the whole kingdom. Next appeared the Mercian laws, which prevailed in the counties bordering on Wales, and which recognized some of the old British customs—that being the region to which the Britons had generally withdrawn after the Saxon invasion. In some localities on the eastern coast, the Danish law was recognized and obeyed, many Danes having settled in that quarter. In the time of Edward the Confessor, a compilation of all the laws, both customary and statutory, was made, and it obtained great celebrity. The country was divided into counties, the counties into hundreds, and the hundreds into tithings. The county courts and those of the hundreds were popular tribunals. The witenagemote was the highest assembly, and was thoroughly aristocratic in character. The king presided, and it met by his summons. It made laws and voted taxes. The bishops and abbots formed a large element in it. The sheriff and a bishop presided in each of the county courts. Following the Norman conquest great changes were made in the law. These changes were most sweeping in matters affecting the tenure of real estate. An *aula regis*, comprising the king and his council, was formed for the transaction of legal business. The Norman language was introduced as the language of the courts, though the pleadings were conducted in Latin. The people throughout the kingdom indicated a strong preference for the county courts, and it was found practically impossible to abolish them. Hence they were tolerated, and itinerant justices were appointed, under sanction of the king, to visit them at stated times and superintend the trial of causes. In course of time, the exigencies of growing commerce and increasing population rendered additional courts necessary, and the courts known as King's

Bench, Common Pleas, and Exchequer, were organized. These were located at Westminster, and they may be regarded as the first genuine and generally recognized common law courts. Criminal cases on behalf of the crown were adjudicated in the court of King's Bench. Criminal cases in Great Britain, as you are aware, are begun and prosecuted in the name of the king or queen against the defendant. For example, the indictment reads "Rex v. Richard Roe," or "Regina v. John Doe." In this country, the word "People" or "State" is substituted for "Rex" or "Regina." Actions between subjects and suits affecting real estate were brought in the Court of Common Pleas. Cases affecting the revenues of the Government and the king's pecuniary interests were begun in the Court of Exchequer. From time to time the jurisdiction of these courts became enlarged, and the result is that, as to many subjects of litigation, it is not now material in which court complainants start suit. When an appeal is taken from any one of these courts it goes to the Court of Exchequer Chamber, where sit for the time the judges of the two other common law courts. These pass upon the points in issue, but their ruling is not conclusive. An appeal still lies to the House of Lords, which is the supreme tribunal in Great Britain. Cases involving questions of fact, whether of a civil or criminal nature, and requiring the services of juries, are mainly tried in the *nisi prius* courts, which are distributed throughout the kingdom, much the same as circuit courts in the United States.

(TO BE CONTINUED.)

#### Clouds.

O clouded sky! O dismal day!  
Dismiss yourselves for aye!  
My soul is sad, all life seems dead.  
Begone, I say, away!

Bright, shining sun, thy course still run,  
Forget not us below;  
Illume my heart, bid clouds depart,  
Bring joy instead of woe.

What, dismal still? - My heart's achill,  
And must it ever be?  
Oh, Saviour come! Thy will be done,  
Through time and eternity.

WILLIAM H. ARNOLD, '83.

#### History.

History is a moralist which follows close upon the footsteps of the great and all-powerful teacher, the mysterious agent of omnipotence, death. It presses close upon his dark shadow, and, with a diamond point, blazes forth in the face of day the virtues or the vices of a buried race. It rends the mystic veil that floats between the present and the past, and, inexorably just, shows us the virtues which beautified or the vices which disfigured its subjects. Historic fame is nearly always posthu-

# THE NOTRE DAME SCHOLASTIC



Disce quasi semper victurus; vive quasi cras moriturus.

VOL. XVI.

NOTRE DAME, INDIANA, FEBRUARY 24, 1883.

No. 24.

## The Muse.

Why do they call me, I, who walk alone  
Up where the ruins of the world are thrown?  
Far over me the dark-blue ether rolled,  
And far below the cloud-sweeps, fold on fold.  
I hear their voices, sounding through the glen  
Ever most blind, but lost and wandering then.  
My chosen, mine from all eternity,  
He comes unchecked, through life and death, to me  
But,—shepherds piping to your flocks beneath,  
Oh, happy maids who bind the rose-bud wreath,—  
All happy hands that till the fields and live,  
Ask not the crowning thorns that I can give.

MARION MUIR.

## The Law.\*

(CONCLUDED.)

The actual decisions of the common law courts referred to—supplemented by the decisions of our own appellate and supreme courts—constitute what we recognize as the common law in the United States. There is no written code—not even the fragment of a written code or system—that embodies obligatory principles of common law. It consists in opinions rendered and decisions given in actual cases adjudicated in the higher common law courts. These decisions and opinions are carefully collated and published in books known as reports—and they afford a guide, they are made use of as precedents, by judges and lawyers in connection with other cases, other combinations of disputed facts—as these arise from time to time. If the researches of the attorney are rewarded with success in discovering in these reports a number of decisions, the facts in which are reasonably analogous to those in his own case, he examines them with care; and if he finds that they are favorable to his theory and embody principles that he wishes to establish as the foundation of his case, he cites them in his brief, and confidently rests the purely legal features of his case upon the guidance they afford. As a rule, too, the judge defers to the decisions of the higher courts and decides in accordance with the weight of authority, or the side presenting the larger array of parallel cases and pertinent facts. Hence, we may say that the weight

of these decisions, bearing upon questions actually decided, and not opposed to statutes enacted by the State Legislature, or Congress, forms the common law, which extends to and is recognized in all the States of the Union excepting Louisiana, where the civil law obtains. In describing it we may borrow a word from the calendar and refer to it as a “movable” system. Founded upon the customs of the people, it follows these customs and undergoes modification as they do. The statutes are the opening wedges to which it yields. When these break the uniformity of its adjudications and precedents, it readily accommodates itself to the varying conditions of commerce, customs, and social usages.

The English law commentators of a century or more ago were very fond of expatiating upon the imperfections of the civil and canon laws. They claimed matchless superiority for the common law. Blackstone occupies a conspicuous place among that class of croakers. They make statements so plainly untrue—so palpably false—that one who investigates must wonder at their mendacity or obtuseness. The fact is, the civil and canon laws have had nearly as much to do in supplying principles to the common law as the Latin language had in giving shape and supplying elements to the English. Nearly all the legal maxims which are employed from day to day with almost axiomatic conclusiveness are derived from the civil law. The rules governing the descent of property are borrowed from the canon law. Our admiralty courts follow the principles of the civil law in the administration of justice, and the canon law mainly directs the deliberations of our probate courts.

Third.—The statutory laws consist of, 1st, certain acts of the Parliament of Great Britain, passed before the settlement of the American colonies; 2d, statutes passed by the colonies during the existence of the colonial governments; 3d, the Constitutions of the several States of the Union; 4th, the statutes or acts passed by the Legislatures of the different States since their organization; 5th, the Constitution of the United States; 6th, the statutes and acts passed by Congress; and 7th, treaties with foreign governments. The acts of Parliament referred to concern general rights recognized in this country as well as in Great Britain. They have stood the test of legislative supervision and been re-enacted in several states. Hence they form, in

\* A Lecture delivered Feb. 5th, by Prof. W. Hoynes.



such instances, a portion of the statutory law, and can be modified or annulled only by act of the Legislature. The statutes adopted by the colonies stand upon a like footing with respect to authority. Such of them as seemed compatible with our interests and rights after the Revolutionary war were retained. The others were discarded. As before stated, the common law always yields and accommodates itself to the provisions of the statutes.

Fourth.—In looking for the origin of the Canon and the Civil Law we must go back to the time when the glory of the Roman Empire was in the ascendancy and its sway predominated a large portion of the civilized world. The one system relates to the government and discipline of the Catholic Church; the other, to the government of the State and the administration of justice. The canon law consists of rules taken from the Holy Scriptures, the writings of the ancient Fathers, ordinances of general and provincial councils, and decrees of popes in former ages. The Church, being a complete and independent organization, has her own laws; rights; and rulers. Such of these laws as were given by Christ, or the Apostles in His name, are held to be immutable. But such as were promulgated by the ordinary ecclesiastical authority can be modified or abrogated at will. Consequently the discipline of the Church is partly changeable and partly unchangeable. A vast and powerful organization, whose ramifications extend to all parts of the globe must necessarily, while retaining in all essential points the same practice and laws, allow in minor things for those local differences which are required by climate, education, national characteristics, and multifarious circumstances. Therefore, in addition to the general law of the Church, there are in different countries peculiar local rights, customs, and practices which form the code of churches in such countries. The decrees of the council which meets at Baltimore obtain throughout the United States. Bishops, assisted by the pastors of the most important parishes, have the right to prescribe rules of discipline for the government of their respective dioceses. While one small volume contains all the decrees of a dogmatical or immutable nature, many ponderous tomes might be filled with rules and regulations pertaining to discipline. The canon law is still in force in the ecclesiastical courts of England as well as in the courts of Oxford and Cambridge universities.

The civil law comprises the constitutions of ancient kings; the twelve tables of the Decemviri, laws or statutes enacted by the senate and people, edicts of the prætors, opinions of learned lawyers, and imperial decrees, or constitutions of successive emperors. About the year 438 a code was compiled under direction of Theodosius the Younger; and nearly a century later, or in 530, Tribonian and his associates compiled the celebrated code of Justinian. The code takes its name from the fact that Justinian, who was then emperor, ordered the work to be performed. This comprises, 1st, the Institutes, which embody the elements of the

Roman law, and consist of three books; 2d, the Digest or Pandects, which comprise 50 books, and contain the opinions and writings of eminent lawyers; 3d, a new code or collection of imperial constitutions in 12 books; and 4th, the novels or new constitutions, which contain the latest laws. Altogether there are 168 books and 13 edicts comprised in the famous *Corpus Juris Civilis*. The courts of the prætors were, in many particulars, similar to courts of chancery or equity, as they exist among us at the present day. On the breaking up of the Roman Empire and the subjugation of its provinces by the barbarians, the people inhabiting these provinces were permitted to retain and be governed by their own law—that is to say, the civil law,—while the conquerors retained the laws of their respective nations. Gradually, however, the comparative superiority of the civil law became manifest to them, and, little by little, they and their descendants adopted it. Hence, the civil law may be regarded as the foundation of the laws obtaining at the present time in nearly all the nations of Europe. In France, Spain, and Germany codes have been compiled and adopted, but they are all founded upon, and draw their inspiration from, the civil law. The most important of these is the Code Napoleon, and it is, indeed, an admirable compilation.

Napoleon was wont to say that posterity would be more likely to do him honor for his services in compiling that Code than for all the matchless victories he won for France. In his celebrated speech on law reform, in 1828, Lord Brogham very elegantly and eloquently refers to this fact. We may quote from it as tending to show, by its clever antitheses, not only the languid condition of the common law in England at that time, but also the comparative vigor and utility of the Code. Says he:

"You saw the greatest warrior of the age—conqueror of Italy, humbler of Germany, terror of the North—saw him account all his matchless victories poor compared with the triumph you are now in a condition to win—saw him condemn the fickleness of fortune, while, in spite of her, he could pronounce his memorable boast: 'I shall go down to posterity with the code in my hand!' You have vanquished him in the field; strive now to rival him in the sacred arts of peace! Outstrip him as a law-giver whom in arms you overcame. . . . It was the boast of Augustus—it formed part of the glare in which the perfidies of his earlier years were lost—that he found Rome of brick and left it of marble. But how much nobler will be the sovereign's boast, when he shall have it to say that he found law dear, and left it cheap; that he found it a sealed book, left it a living letter; found it a patrimony of the rich, left it the inheritance of the poor; found it the two-edged sword of craft and oppression, left it the staff of honesty and the shield of innocence?"

Fifth.—There is sometimes much confusion manifested in respect to a proper understanding of the difference between military and martial laws. Military law is the code enacted by the supreme legislative authority—Congress. It is intended for the regulation and government of the army and navy. It does not supersede or override the general law of the land—on the contrary, it is practically a branch of it. While more limited in the range of its operation than the chancery

and admiralty laws; nevertheless it has a well-defined authority. Every man in the military service is amenable to the common law of the land; but, as a soldier, he is also subject to the military law.

Martial law is called into requisition in a broader signification, as when war is in progress, or when revolution or insurrection seems imminent. The operation of the writ of *habeas corpus* being suspended, men who are suspected of cherishing active sympathy with the public enemy and entertaining treasonable intentions, may be arrested, consigned to prison, and kept there without trial until the apprehended danger shall have passed. When extreme measures of this nature are adopted, it is common to refer them to the operation of martial law. Practically, however, it is no law at all. In fact, it is virtually tantamount to the suspension of law. *Inter arma silent leges*, as a distinguished Roman pithily expresses it. As a rule, martial law is arbitrary and unjust in its methods. In this country it is put into effect by act of Congress. But in time of riot or grave and imminent peril, a state legislature may invoke its operation within the limits of the State. Under certain circumstances the executive, or even a military commander might proclaim and proceed to enforce it; but his action would be subject to review by the legislative body, which would be convened immediately should such an emergency arise; and if he failed correctly to anticipate its temper and purposes with regard to the extreme step taken, his action would be rendered void and condign punishment would be visited upon him. If he acted prudently, however, his course would be sanctioned and martial law would be formally proclaimed by the legislative power.

Some of the more important classes of the law have now been briefly considered; and from the beginning of these remarks my purpose has been to place you in possession of additional information bearing upon this great subject. That must be my excuse for referring to the canon, martial and military laws. Under ordinary circumstances they would be regarded as foreign to a treatment of the subject under consideration. However, the few remarks made with reference to them are warranted, considering the motive that actuated me in speaking, namely, to impart additional information upon a number of obscure points in connection with the growth and development of the law. Besides, to borrow a figure from Cicero, there is a common chain running through, connecting, and binding together all laws. Each subserves its use and assists the others in holding together and strengthening the great social fabric. In short, the law may be regarded as the bulwark of security, the personification of justice, the mother of peace. As has been eloquently said: "The Law—Her seat is the bosom of God; her voice, the harmony of the world. All things in heaven and on earth do her homage—the very least as feeling her care, and the very greatest as not exempt from her power. All—angels, and men, and the creatures—of what condition soever, though each in a

different sort, yet all, with one consent, admire her as the mother of their peace."

### A Conalcon Poem.

[In memory of the late Charles James Kickham.]

[A Conalcon poem is one in the style of Amergin, son of Milesius and brother of Heber, Heremon and Ir. He alone of Irish poets of old wrote in this kind of verse. The last word of each verse must be the same as the first word of the following verse. I merely attempt this style in English as an experiment.—J. K. F.]

Kickham, thy halo'd grave is made,  
Made on Ireland's holy soil;  
Soil on which the fruits did fade—  
Fade despite the constant toil  
Toil and prayer,  
Prayer and vow,  
Vow'd and pray'd for the Island fair.

Fond of the land that saw thee born,  
Born in the land that saw thee die;  
Die and to see but the flush of morn,  
Morn of freedom on her sky,—  
Sky and streams,  
Streams and towers,  
Towers illum'd in the golden beams.

Thy harp is broke, thy spirit fled,  
Fled to thy home with God above;  
Above thy tomb our tears are shed,  
Shed for the bard we learn'd to love,—  
Love and praise,  
Praise and pride,—  
Pride in thy noble Irish lays.

Sleep in peace till the trumpet sound,  
Sound a call to the buried dead!  
Dead tho' thou art, from thy sacred mound,  
Mound of death, thou shalt raise thy head;  
Head and heart,  
Heart and harp,—  
Harp whose spirit now is fled.

Or sleep till thy country's chains are broke,  
Broke by men with hands like thine;  
Thine object won, a gleam of hope—  
Hope for Erin's fate may shine,—  
Shine on the tomb—  
Tomb and home,—  
Home no longer deep in gloom.

Leave thy harp till then "on a willow bough,"  
Bough that droops to the silver wave,—  
Wave that sighs and speaks the vow—  
Vow that was spoken o'er thy grave,—  
Grave and sod,  
Sod and rest!  
Rest thee till then above with God!

JOSEPH K. FORAN.

—The Harp.

LESSON IN POLITICAL ECONOMY:—"Is time money?" "Yes, sir, it is." "Prove it by an illustration." "Well, if you give twenty-five cents to a couple of tramps, it's a quarter to two."—Ex