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## Errors of History

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# BAR BRIEFS

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—By—

## STATE BAR ASSOCIATION OF NORTH DAKOTA

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### ERRORS OF HISTORY

The errors we see in the histories of our affairs and times, weaken our faith in historical truth. We have often heard the statement made that Abraham Lincoln was a rail splitter, but Mr. Lincoln himself denied this statement and said that he was confused after his nomination for the presidency. People came to congratulate him, "Bringing on their shoulders the rails he had split." Lincoln denied that he ever split a rail in his life; but this loose statement has been accepted as a fact, in spite of its untruth.

How often a poem has been recited at public gatherings of Barbara Frietchie waving a flag at Stonewall Jackson, and yet there was not a word of truth as to the incident, although the great Whittier wove it into poetry.

The statement "The end justifies the means," as frequently misquoted and used by many to justify doubtful procedure to attain their object, was originally written by the English poet Matthew Prior in the 17th century and reads "The end *must* justify the means."

Senator Conkling in his great speech at Chicago in 1880, in nominating Gen. Grant for a third term at that memorable convention, said "When asked what state he hails from, our sole reply shall be, He comes from Appomattox and its famous apple tree." The idea here in the speech, and sometimes appearing in history, was that Lee surrendered under an apple tree, whereas the surrender took place at the McLean house many miles from any apple tree. Gen. Grant in his Memoirs tells the whole story.

It is shocking to the student of history that misleading statements of apparently great historical importance should

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find their way into the histories of our country. I recently found in a well known recent publication, by a distinguished historian, this misleading statement: "In the same year there sounded through the Nation, a sudden dispute which Adams called the fire bell in the night." The truth is that Jefferson made that statement and not Adams. In the same book, the same writer spoke of the Hermitage, the home of Andrew Jackson, as being in Kentucky. Also that Van Buren replaced Clay as Vice-president. Clay was never Vice-president of the United States, but he was speaker of the House of Representatives.

In a very recent biography a distinguished officer in the army mentioned that Jefferson Davis was Secretary of War in the Buchanan cabinet. I have mentioned mis-statements of history of years ago, but is there any excuse for writers of history at the present time to make false statements which confuse the youth, and which have the effect of justifying a distinguished industrialist who stated that history was "bunk."

I would like to see an act of Congress passed and approved, for a history of the United States that could be relied upon, to be placed in the public schools.

A great writer has said, "Truth lies deep. It takes time and labor to produce it, but falsehood floats upon the surface, and is always at hand."

M. A. HILDRETH,  
President.

#### DEATH OF V. R. LOVELL AND TRACY R. BANGS

During the month of February the Bar of the State has lost two of its most distinguished members. Verner R. Lovell, of Fargo, died on February 12th, 1936, at the age of 73. He was admitted to the Bar of this state in 1888.

Tracy R. Bangs, of Grand Forks, died on February 22nd, 1936, at the age of 73. He was admitted to the Bar of this state in 1886.

Appropriate memorial resolutions will, of course, be prepared by the Memorials Committee, presented to the Annual Meeting of the Association and published in the next annual number.

#### 1935 NORTH DAKOTA INCOME TAX STATUTE UPHELD

The syllabus of the Supreme Court decision holding that the 1935 income tax statute is valid, reads as follows:

State ex rel. Haggart, et al. vs. Nichols, Tax Commissioner, et al.

SYLLABUS: 1. A legislative enactment is presumed to be constitutional. This presumption is conclusive unless it is clearly shown that the enactment contravenes some provision of the constitution of the state or of the United States.

2. It is not the function of the courts to review or revise legislative action but to ascertain and give effect to the legislative will as expressed in the constitution and the statutes. When a legislative enactment is