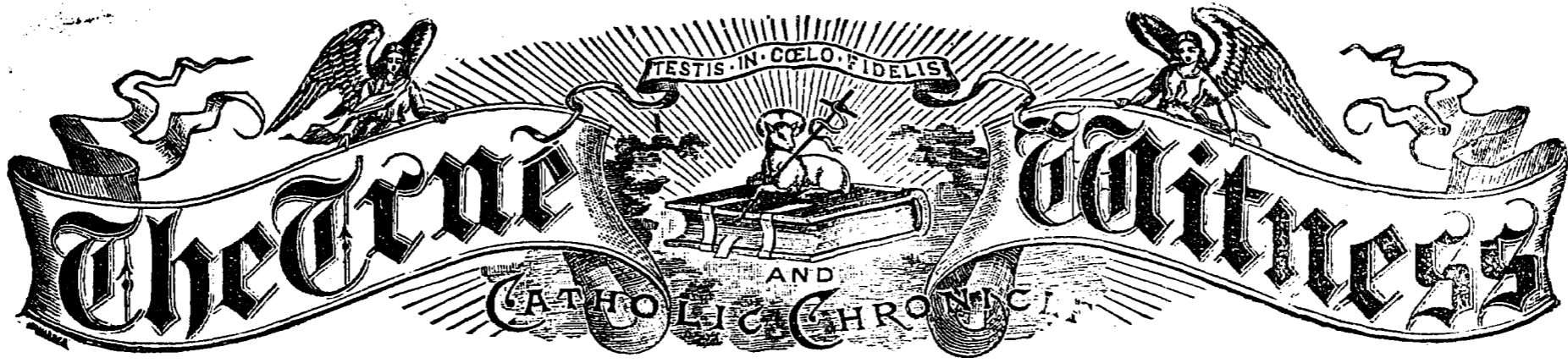


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VOL. XLV., NO. 39.

MONTREAL, WEDNESDAY, APRIL 15, 1896.

PRICE FIVE CENTS.

AN IMPORTANT DECISION.

RIGHTS OF RELIGIOUS ADVISERS.

FULL TEXT OF THE JUDGMENT DELIVERED BY HON. JUDGE CURRIAN.

A most important judgment was delivered by Mr. Justice Curran on Friday afternoon. The point at issue was the refusal of Rev. Father Dubuc to answer a question which he considered would be a violation on his part of a professional secret. The following is the full text of the judgment:

ETIENNE OUILLET vs EUSEBE J. B. SCOTTE.—This is an objection raised at enquete by a witness, the Rev. Louis Napoleon Dubuc, one of the assistant priests of St. Vincent de Paul parish, in the city of Montreal. The action is for slander, and the rev. gentleman is called to testify to a conversation he had with defendant concerning plaintiff in the month of September last. Being sworn, witness states that he is one of the assistant priests, as just mentioned, and then declines to answer any further questions, without giving any reason for his refusal. The Hon. Judge presiding at enquete last term very properly ordered him to answer the question, "Whether he knows defendant, and if he did not pay him a visit during last September."

Witness was then under the erroneous impression that his sacred character relieved him from giving any testimony in the case at all, without assigning any reason for his reticence. This is made clear from his statement in answer to the following question:

Q—Will you give your reason for not answering?

A—I have no reason to give. I cannot answer you. I am on oath and you ought to understand.

Being asked whether, on the occasion of his interview with defendant, any reference was made to the plaintiff, witness again refused to answer, but assigned the following reason:—"I refused to answer the other day for the following reason: My relations with Mr. Scotte were those of spiritual director and religious adviser. I received his confidential communication under the seal of professional secrecy."

So that witness thereby invoked Article 275 of the Civil Code of Procedure, which, referring to a witness, says:—"He cannot be compelled to declare what he has not been revealed to him confidentially in his professional character, as a religious or legal adviser, or as an officer of state when public policy is concerned." I am now called upon to rule on the objection. It appears to me there can be only one construction placed upon the above cited article. Religious advisers, whether they be priests, parsons, or rabbis, who receive, from those who consult them in their religious capacity, statements made in confidence, cannot be compelled to divulge in the witness box the subject of such confidence. In this case witness has sworn that the whole conversation he had with defendant was under the seal of professional secrecy, as his religious adviser. I hold that witness is not bound to answer. That, in my opinion, is the law. Taylor on Evidence, referring to the effect of the rule in England, which exempts the legal adviser, says:

"The rigid enforcement of the rule, no doubt, occasionally operates to the exclusion of truth; but if any law reformer feels inclined to condemn it on this ground, he may be reminded of the language of the late Knight Bruce, L.J., who observed: "Truth, like all other good things, may be loved unwisely,—may be pursued too keenly,—may cost too much. And surely the meanness and the mischief of prying into a man's confidential consultations with his legal adviser, the general evil of infusing reserve and dissimulation, uneasiness, suspicion and fear into those communications which must take place uselessly or worse, are too great a price to pay for truth itself."

As in the Province of Quebec, our law covers the religious as well as the legal adviser, the foregoing remarks apply to clergymen as well as to the legal profession. It is unnecessary to enter here into a discussion as to the legal profession. It is unnecessary to enter here into a discussion as to the legal profession. It is unnecessary to enter here into a discussion as to the legal profession.

Seeing that ministers of religion are legally bound to keep the secret revelations made to them by reason of their functions; that for Catholic priests there is no necessity to distinguish whether they had knowledge of the facts through confession or outside of that sacrament; that such circumstances would not change the nature of the secret of which they are the depositaries; if the facts were confined to them in the exclusive exercise of their ministry; that this obligation is absolute and for public order.

The objection is maintained. Witness cannot be compelled to answer.

MIRACULOUS ESCAPE.

General Sir Horatio Sirdar, of the Egyptian army, is Irish by birth, having been born at Croto House, near Tralee,

Toski a bullet fired by the enemy entered his mouth. As a picturesque finale he immediately swallowed the bullet without receiving any injury.

BISHOP RYAN DEAD.

THE CATHOLIC BISHOP OF BUFFALO SUCCEUMS TO BRIGHT'S DISEASE.

Buffalo, N. Y., April 10.—Bishop Ryan died at 6:30 a.m.

The Right Rev. Stephen Vincent Ryan had been seventeen years a priest and twenty-eight years a Bishop. He was born in Almonte, Ont., January 1, 1825, was reared in Pottsville, Pa. and was educated by the Lazarists in St. Charles Seminary, near Philadelphia. His ecclesiastical studies were prosecuted at Cape Girardeau, and at Perryville, Mo. His ordination as a priest took place at St. Louis in June, 1849, the late Archbishop Kenrick officiating. After his ordination, the young priest was made a professor in the seminary from which he was graduated, but at length he took up the labors of a missionary and for a dozen years he preached the Gospel in various parts of the country while attending to the labors of Visitor to the Lazarists' colleges of the United States. When Bishop Timon died, Father Ryan was preferred for the Bishopric, and obeyed the summons from Rome. His consecration as Bishop of Buffalo took place in November, 1868. At his decease, Bishop Ryan had under his charge about 165,000 souls, 200 priests, 76 parochial schools, 157 churches and two ecclesiastical seminaries. He was always a vigorous and energetic worker and death came slowly but insidiously from Bright's disease.

UNITY.

WHO WILL BE THE LEADER?

If ever the Anglican church is reunited to the Church Catholic, it will hold the name of Lord Halifax in perpetual remembrance. No pledge could show greater zeal for Christian unity than this titled layman, and no apostle could labor more patiently and wholeheartedly. It must be said, too, that he understands the issue better than most non-Catholics. His article in a late issue of the Pall Mall Magazine closes with these hopeful words:

"Who will be the leader in the return to unity. Must there be some one manifest leader? Can there be any permanent union without some one strong centre? We do not know what the providence of God may have in store for His Church—what things, new or old, He may bring forth from the treasures of His wisdom. But, if I may express my own personal conviction, I should say that the course of history points to the Chair of St. Peter as the centre of unity. The Church of Rome possesses in a high degree the qualifications for successful leadership. She combines a rigid hold on every principle once laid down with a wonderful facility in applying principles to cases. . . . I do not speak of the higher qualities of faith and patience, for I am considering my subject rather in its human aspect. For some centuries the Church of Rome has been repeatedly negotiating the reunion of various members of the Eastern Church. The results have been disappointing, but disappointments have their lessons. Surely it is not for nothing in the designs of Providence that the Roman Church has gained these stores of experience, ready for use when the time for action comes. When the determination of Christian men to seek peace and ensure it has reached its due development, they will find ready to their hands all the resources of the Apostolic See, whose venerable occupant is even now calling them to a wider love, rousing them to a greater energy, inspiring them with new hopes and the power of unflinching prayer."

We believe that the American view of the English aristocracy is none too high. But if there are many titles worn by men of the stamp of Lord Halifax, the American view sadly needs revision. Noble is who nobly does. Lord Halifax is a true nobleman.—Ave Maria.

THE OLDEST BIBLE.

The Rev. Father A. A. Lambing, of Wilkingsburg, president of the Western Pennsylvania Historical Society, writes thus to the Pittsburg Commercial Gazette:

"The oldest bible I have seen reported so far was printed in 1522. Now, I can beat that by just forty-four years. I have a bible in my possession that was printed in 1478, and it has long been waiting for an older friend of the same species with whom to have a talk about 'the decays of the days of other years,' but has so far waited in vain. It is a large folio volume, printed in Gothic type, on hand-made paper, is bound in calfskin with heavy board sides, with clasps, center and corner pieces and is in a good state of preservation. It is in the Latin Vulgate and is richly illuminated. A certain educational institution of this country offered \$350 for it, but that is no price. Those old books had no title-page, but in the end they have a colophon the style of which will be seen below. The printers of those days believed that the enderwors the work. The colophon of this veteran reads thus, translated into Latin: "In the year of the incarnation of the Lord, one thousand four hundred and seventy-eight, on the fourth ides of November, (November 10), this very remarkable work of the Old and New Testament, with the canons and concordance of the gospels, was printed to the honor and glory of the

of Nuremberg, by Anthony Colbinger, a citizen of that town, through whose untiring industry the work was brought to a happy conclusion. Now, Martin Luther was born Nov. 5, 1483; hence it will be seen that this bible was printed just five years before he was born. I have a number of other old books, for example, the complete works of St. Augustine in five volumes, printed in 1502; the works of John Chrysostom in four volumes, printed in 1557; certain works of Cardinal Belarmine in four volumes, printed in 1603. These are in Latin. I have also 'The Sermons Before the King,' a small quarto volume in English, dating from 1699 to 1700. Besides many other old books, I have devotional works in German that have been in the Lambing family since 1722."

MGR. EMARD'S PASTORAL.

UPON THE DUTIES OF THE ELECTORATE IN THE FORTHCOMING ELECTIONS.

Mgr. Joseph Medard Emard, Bishop of Valleyfield, has issued a pastoral letter to the clergy and faithful of that diocese respecting the general election to be held sooner or later in the Dominion of Canada. His Lordship reminds the electors that the honest exercise of the franchise is a Christian act and one that should never be made subservient to corrupt or unpatriotic influences.

"Take notice," says Mgr. Emard, "we do not wish to interfere in party quarrels and divisions, although we do not consent to the abdication of that right possessed by all citizens, viz., to loyally make known our opinion upon matters which concern the public good. We have not become strangers in our country and this we proclaim to-day. It is always our right; it is sometimes our duty, in our capacity as citizens, to pronounce ourselves upon questions affecting the temporal welfare of the people, and which concern the future happiness of the country."

It is also very rare that Parliamentary elections take place without discussions on mixed subjects, viz., as regards political and religious faith, and teaching the rights of the church or of public morality. In such a case how can you refuse your spiritual pastors the competence to declare in an authentic manner what one must believe and practice in religious matters?

"For the moment, however," Mgr. Emard goes on to say, "desiring to observe in the whole course of this letter complete neutrality, and recognizing that each shall obey the dictates of his conscience, we declare that we do not wish, either by counsel in our civil capacity, or by the voice of episcopal direction, to influence you to vote in favor of any party or candidate. We raise ourselves to the region of general principles, leaving to you the care of acting during all future elections as good citizens and good Christians. Once for all, therefore, we repudiate in advance all interpretation of our words that may be made in favor of any particular party or candidate."

His Lordship says that it is the duty of the people to support the most worthy and the ablest of those who seek their suffrage, and exclude from their choice all men who are unworthy of their confidence. After giving more good advice, he says that it is very useful to read newspaper articles and to listen to speeches in order that such arguments may be carefully weighed and considered. Then His Lordship proceeds to condemn any candidate, or agent, who shall use corrupt means or intoxicating liquors in order to bring about a party triumph at the polls. "The Bishop also warns his people against the terrible abuse which is made of the oath. The name of God, true and holy, should never be pronounced, except with the most profound respect. A positive and solemn affirmation should suffice in all ordinary cases, for a citizen's word of honor should be of such reputation as to be acceptable without further discussion. Perjury, declares the Bishop, is an abominable outrage against God, whose sacred name is cited to the support of falsehood and injustice."

His Lordship likewise advises the electorate regarding their conduct on and after election day, and especially condemns the too free use of intoxicants.

IRISH LAND BILL.

INTRODUCED IN THE BRITISH HOUSE BY GERALD BULFOER.

LONDON, April 13.—Mr. Gerald Bulfoer, Chief Secretary for Ireland, introduced the new Irish Land Bill in the House of Commons to-day. It is of much wider scope than that of Mr. John Morley, who was Chief Secretary for Ireland in the late Liberal Government, and is upon the principle of purchase by the occupying tenant being the ultimate solution of the land question.

DEATH OF GENERAL O'NEILL.

A GREAT FRANCO-IRISH SOLDIER.

The recently received mails from Europe brought the intelligence of the death of a famous Franco-Irish soldier, Gen. O'Neill, Commander of the Sixteenth French Army Corps, who died suddenly on the evening of last St. Patrick's Day, at Montpellier, France.

By birth, Gen. O'Neill was a Breton, of Irish ancestry. He was born at Peillac, in the department of the Morbihan; entered a line regiment, as a private, in 1855; served in the campaign of Italy, and won a captaincy in 1870 for his

was also in the fight at Villa Eyrard, and in the murderous affair of Buzoval. His Colonelcy was won after twenty-two years' service, and he obtained Brigade rank in 1888, and was sent to command the Alpine Division. He rendered military honors to President Carnot the last time the President visited Limoges, and soon after was appointed Division General at Montpellier. His life in the army had been uphill until he went to Tunis, where he did much to reform the administration and discipline of the French forces in that province. Nobody, it was said, knew better where the shoe pinched in the French Army than did Gen. O'Neill. He looked after the interests of the men under him, and, as a consequence, his soldiers swore by him, and were ready to follow him anywhere.

BISHOP O'GORMAN.

CONSECRATION CEREMONIES TO BE PERFORMED BY CARDINAL SATOLLI, ASSISTED BY BISHOP KEANE.

His Eminence Cardinal Satolli, assisted by Bishop Keane and Bishop Marty, will consecrate the Right Reverend Thomas O'Gorman, D. D., as second Bishop of Sioux Falls, S. D., on Sunday, the 19th inst., at St. Patrick's Church in Washington. The impressive ceremony will be attended by the many friends of the bishop-elect. The sermon on this occasion will be delivered by Archbishop Ireland.

Bishop O'Gorman was born in Boston, leaving there while quite young to go with his parents to the North West. The greater part of his life with the exception of the time spent abroad in his education and a few years connection with the Washington University has been passed in Minnesota. Among his contributions to Catholic literature is a "History of the Catholic Church in the United States," which has been published and found favor at the hands of the critics. He was Professor of recent Ecclesiastical History at the Catholic University.

The diocese of Sioux Falls comprises all of South Dakota and was erected in 1882. Besides its parochial schools, which are attended by 1,200 pupils, there are five academies, fifty churches, an orphan asylum and nine charitable institutions. The Catholic population numbers 30,000.

LAY ACTION IN CHURCH.

THE INFLUENCE OF WOMEN AND OF THE PRESS DISCUSSED BY REV. FATHER SLEVIN.

Rev. Father Slevin delivered his last lecture yesterday evening in the Gesù. His subject was "Lay Action in the Church" and his conference was given in the name, and for the benefit of the Catholic Truth Society. What would scare the members of the Catholic Truth Society, he said, is the fact that men around them are abusing their powerful talents and means for the furtherance of evil, while the more favored children of evangelical light and welfare too often content themselves with surveying the difficulties without striving to overcome them. The Catholic truth, which is their divine heritage, should naturally lead them to more rigorous action and to wider dissemination of the blessings of that truth, with its usual attendant, light and liberty. It was the dominant feature of the early Christians, who no sooner learned the soul-enlarging doctrines of Christianity and enjoyed the heart-rejoicing peace and contentment which Christianity gave them, that they in turn exerted themselves in order to procure for others the enjoyment of similar blessings. It must be well understood that, when we speak of lay action in the Church, we exclude all undue interference in the principles of the morals, leaving that to those whom God has destined for that exalted end. But your aim and endeavor should be centered in your genuine spirit of loyalty to the Church in protecting your own inalienable rights, in throwing what light you may on social problems and in doing what lies in your power to instruct and aid those less fortunate than yourselves.

The world is growing better, but it is not due so much to wealth or to business enterprise, as to the influence of good mothers and gentle women. It is natural for man to endeavor to please those he loves, and for the sake of the esteem and good graces of those on whom his affections are centered, he will endeavor to rise to her social and moral plane. An intelligent, good, moral woman is a potent factor in the all-embracing powers of civilization. The idea and place of woman, says Gladstone, has been slowly and laboriously elevated by the Gospel, and their full development has constituted the purest and most perfect protest that the world has ever seen against the sovereignty of force; a woman is never more a woman than when she is a woman pious, chaste and devoted to her God, her husband, her home, and not like the anomaly that is soon to darken the world and threaten noble womanhood with a sea-back movement towards barbarism.

Woman has played a most important part on the stage of life from the moment that Christianity led her from the bondage into which she had been thrust. The monasteries of England, Ireland and France were nurseries of erudite women. Women in many instances have been the promoters of higher aspirations by their personal attainments and their labors in the cause of humanity.

The power of the press is daily acquiring new vigor and influence.

history. Government by newspapers, says a late journalist, seems pretty nearly to have been realized at the present time; obviously the influence of the press is only, to a limited extent, original and creative. Its seeming sway is, in fact, the sway of public opinion. The increased effectiveness of the press is due to its improved facilities; firstly, for illuminating the public mind, and, secondly, for the organized and concentrated expression of that public mind. If the press be the educator or instructor of the general public it is of all necessity that those who form such an important staff be themselves deeply versed and provisionally imbued with orthodox principles both of civil and religious economy; otherwise, after the example of the blind leading the blind, instead of direct searching and free, sincere discussion, the columns will teem with vagaries and trivialities, without speaking of the trials of abuse and slandersous insinuations against the Church, her pastors and flock.

FATHER TOM BURKE.

A BEAUTIFUL HIGH METAL CONSERVED IN HIS MEMORY.

The Dominican Church of Galway has recently dedicated a magnificent organ altar to the memory of Father Tom Burke.

The ceremony was performed by the Bishop of Cork, himself a member of the Order of St. Dominic, of which Father Burke was the brightest ornament. The Bishop, in his native city of Galway, delivered the Solemn High Mass that followed. The choir of the Order included the Very Rev. Father Lyons, delivered an eloquent and thrilling tribute to the powers and the virtue of one whom His Holiness himself described as a Prince amongst the preachers of the Church. There was an overflowing congregation.

ST. PATRICK'S.

On next Sunday evening, at 7:30, one of the "White Fathers," as they are called, will deliver a most interesting discourse on the Great Sahara, and Central Africa, or the work being carried on now for many years by the Society founded by the late Cardinal Lavigerie, of French Algeria. The public and peculiar mode of living of the Arab tribes, who roam in and about the great desert will be described, as well as the work of the missionaries of the Society, and the progress of the Sahara. His Lordship has now returned to his residence, but will be back in the city on Friday evening, to meet the members of the Society, who will be held in the evening of the 14th inst. The work of the Society, which has been described as well as the progress of the Sahara, will be described, as well as the work of the missionaries of the Society, and the progress of the Sahara.

A most instructive had been on the "dark" continent and its mysterious inhabitants may be anticipated.

The collectors for the next three Sundays are Messrs. James O'Shaughnessy, Thomas Brien, Timothy Martin, and J. McNamee.

THE C.M.B.A. OF CANADA.

Amongst the assessment certificates reported upon by the Dominion Superintendent of Insurance, it is pleasing to see the Catholic Mutual Beneficial Association of Canada at the head of the list. The total amount paid by members last year was \$166,550. New certificates 1963. The amount of certificates new and taken up, \$1,971,500. Number of certificates in force on 31st December, 1895, 90,492. Net amount in force, \$16,066,000. Number of certificates become claims, 89. Net amount become claims, \$155,758. Claims paid, \$48,508 and no claims resisted. The above showing, from official figures, must be highly gratifying to the members of the Association.

MGR. FABRE'S PASTORAL VISITS.

Archbishop Fabre has fixed the following dates for his pastoral visits:— June—Vercheres, 1; Contrecoeur, 2; St. Theobald, 3; St. Joseph, 4; Veron, 5; Langlois, 6; Boucherville, 7; St. Hubert, 8; St. Bruno, 9; St. Basile, 10; St. Jean, 11; St. Basile, 12; St. Valentin, 13; Lacelle, 14; Sherbrooke, 15; St. Cyrille, 16; St. Jacques-Minor, 17; St. Phillippe, 18; Laprairie, 19; Repentigny, 20; St. Paul, 21; Assumption, 22; St. Paul Emile, 23; L'Epiphanie, 24; St. Roch, 25.

July—St. Lin, 1; St. Henri de Mars, 2; Lachapelle, 3; St. Constant, 4; St. Edouard, 5; St. Remy, 6; St. Michel, 7; St. Leonard, 8; Lacadie, 9; St. Luc, 10; Chambly, 11.

At a recent society given by the National Club of Toronto, Mr. Gilbert Parker, Canadian novelist, was the guest of honor. Mr. Parker delivered an able and interesting address dealing with the present condition of Canadian literature, and the progress, showing how its literary products grow out of the state of the country, and pointing out what changes were to be in the future. Instead of occupying the small market of literary products in Canada a mistake, he looks at it the other way, since it prevents the pressure of conventional ideas embodied in the magazines from forcing a uniformity of treatment, which is hostile to free and spontaneous talent. He said, "This very slow dignity of Canadian literature will yet produce one man who will startle the whole of the world—the brave sky the

SIR JOHN SCHULTZ DEAD.

A PIONEER OF THE NORTHWEST PASSES AWAY IN MEXICO.

WINNIPEG, Man., April 13.—A telegram was received here this afternoon from Mexico announcing the death of Sir John Schultz, ex Lieutenant-Governor of Manitoba. The news was a great shock to the people of Winnipeg and the West. Only two days ago a letter was published from Sir John stating that the climate of Mexico had considerably improved his health, and that he was about to leave for home, feeling much better than he had for years. Sir John had arranged to take up his residence at Edmonton in the Far West, the people of that district having tendered him the nomination for Parliament at the forthcoming general elections. Flags in Winnipeg are at half-mast, and there are many signs of sincere sorrow at the passing away of one whose faith in and loyalty to the West never wavered, and to whom the country, particularly in the early years of its history, was deeply indebted. The remains will be brought from Mexico and interred in St. John's Cemetery at Winnipeg. A state funeral is proposed.

His career.

In 1870 Dr. Schultz returned to Manitoba by the Dawson route and Winnipeg River, and at the first general elections, he was chosen to represent Lacombe in the House of Commons, which seat he held until 1882, when he was elevated to the Senate. While in Parliament he took an active part in the discussions in the House of Commons and Senate on Indian land, prohibition and other Northwest matters, and was chairman of the committee of the Senate on Northwest food products and of the committee upon the resources of the Mackenzie Basin. On July 1st, 1888, he was appointed Lieutenant-Governor of Manitoba, an office he filled with tact and ability, retiring on the appointment of his successor, the present Lieutenant-Governor, Hon. J. C. Patterson, in September, 1895. He was among the Canadians in the Queen's Birthday honours of 1886, being created a K. C. M. G. in recognition of his services in the early development of the Canadian Northwest. He was Captain of the Lacombe Rifle Company from 1874 to 1878, a member of the Executive Council for the Northwest Territories in 1877; appointed a member of the Dominion Board of Health for Manitoba and the Northwest Territories in 1887, and one of the Board of Governors of the Manitoba Medical Board. He was President of the Southwestern Railway of Manitoba, and a patron of a number of Manitoba associations.

NINE LIVIS LOST.

WATER, WIND AND FLOODING TOOK THEM AWAY.

Capt. Henry Van April, Captain John Faunce and his son Percy of Washington, D.C., were drowned today with the crew of seven aboard one of Captain Faunce's new whale-boat sturgeon nets located on the coast just below Virginia Beach, Va. The ocean swell has been very heavy for the past two days, due to easterly weather off shore, and this afternoon when the captain was making a trip to the fishing grounds several unusually heavy breakers came suddenly upon the frail craft. The first and second breakers were passed all right, but the next, which was unexpected and unusually heavy, struck the little craft and capsized it, drowning all hands.

Captain Faunce's son, Frank, saw his father and brother Percy clinging to the bottom of their boat and ran to Seaback life-saving station for help, but before that crew could reach the unfortunate men all had disappeared. None of the bodies has been recovered.

A MILLIONAIRE MISER.

DIES OF STARVATION.

John Pigeley, who was found dead in the back cellar of a tenement house in New York, has been living for the last few months the life of a hermit in a miserable tenement cellar, which he rented from a janitor.

He spoke neither to man or woman, never went out by day, and cooked for himself the little food which he bought during his occasional nightly peregrinations.

The floor of the miserable place was littered with crusts of bread, bones and bones, and upon a broken down couch lay the body of the old man, in a fearfully emaciated condition. He had evidently died of starvation.

Pigeley was born and lived for some years at Baltimore, Md. He had been married twice, and had two sons by each wife. He left his second wife twenty years ago on account, so he declared, of her extravagance.

During the war he owned a ship, which was sunk by the United States government for carrying contraband of war. The ship was worth \$40,000, and he has been suing the government for restitution ever since. After the war he came to live in Brooklyn, where he bought a large quantity of unimproved land. Upon this property he obtained heavy mortgages, and in this way made over \$1,500,000.

He was a shrewd speculator and spent very little money. When his Brooklyn scheme was exhausted he returned to his carpenter work, receiving \$250 a day, while he was worth over a million.