GAYNOR ON JUDICIARY.

CRITICISES THAW CASE.

Says Trial Judges in New York County Are Too Lenient.

Cambridge, Mass., May 3.—Justice William J. Gaynor spoke to the Harvard Law School to-night after dining with the faculty. His subject was "The Realities of Legal Practice." He spoke of the conduct of the Thaw case and of the administration of justice in New York County. He said:

I must assume that you know that the everyday practice of the law in the State of New York is not in accordance with the examples of it which you read of in the county of New York; for, if you thought it was, you would not invite any one from that state to instruct you in legal practice. Some of our newspapers are frequently condemning the method of trying causes in the city of New York, as they call it. They do not seem to know that the higher judicial system is founded on the counties, not on the cities; that there are four counties within the limits of the city of New York, and that in three of them the trial of causes is entirely regular and normal, the same as in England, Massachusetts or New Jersey, for instance.

The counties of Kings, Queens and Richmond know of no such thing as taking weeks to select a jury in any case, however notorious. It is a matter of hours, at the longest, and a case which takes weeks or months to try in the county of New York would be tried in any of them in a day or a few days. A mere, dirty, vulgar murder case is not turned into sensationalism or grotesqueness there; it is tried right off the reel, as the saying is. The presiding judge there permits no nonsense nor delay. He understands that he is no mere automaton, required to sit on the bench looking meek and wise or stupid, quite helpless, and limited in his powers to rule on objections made by the lawyers, while they do as they please. He understands that he is put there with ample power to control and shape the case, and exclude everything irrelevant, dilatory and trifling from it, whether it be first objected to by the lawyers or not. He understands that the proper judicial temper, as it is called, is not that of a mere nonentity.

The laws of New York contemplate a live and alert man for judge, as in England. Trial by jury means by judge and jury, the judge being in control and exercising a legitimate influence in reaching a truthful verdict. You know we had a recent case over in New York that took about three months. We have had many others there which were protracted in the same way during recent years. They have caused the administration of justice in New York to be widely made the astonishment and derision all over the country. But the evil is only local to the county of New York, as I have said, and the bench and bar of the rest of the state repudiate it and are not yet much infected by it.

After the recent trial some of our newspapers had much advice on what should be done to prevent such delays and grotesque proceedings in the courts. They suggested that the trial judge be given more control; that the rules of evidence be changed; that insanity experts be limited to a board established by law, and so on. If they would stop to think that a trial judge in New York County has the same power as a trial judge in the three other counties of the city, or anywhere in the state, or in the State of New Jersey or Massachusetts, for instance, and that the same rules of evidence and the same rules of procedure exist in the county of New York as elsewhere throughout the state and country, their criticisms would be very different. They would inquire why the same conditions produce such different results in the county of New York. They would perceive the evil to be local only; that it is not in the system itself, but in the way it is locally administered. The medical witness, for instance, is cross-examined for four days instead of for half an hour, and the time taken up day after day with harangues, bickerings, long arguments of elementary propositions, trifling adjournments, and so on, it is because the trial judge permits it when he is intrusted with ample power to limit cross-examinations and discussions and conduct the trial with expedition. Intelligent expedition is not haste. This is a matter for the judiciary and the bar to speak plainly about.

Justice Gaynor spoke of oratory and the demeanor of lawyers, in addition to points of practice, as follows:

Much harm is done to law students by sending them out with exaggerated notions about others and the examples they are to follow. They are told that Erskine, Scarlett, Webster, Rufus Choate, Evarts, O'Conor, and so on, never lost a case, or seldom, when they probably lost more than they won; for as a lawyer's ability and fame grow more difficult cases come to him. Butler prevailed over Choate right along after he got under way as a young man. And a false notion is conveyed about orators and oratory. They are pictured as phenomenal. You are told, for instance, of the Godlike Webster, and his towering presence. But the late Senator Hoar tells us in his memoirs that Webster weighed only 167 pounds and was only five feet ten inches high. He was of quiet and ordinary appearance, and even sluggish, unless aroused. In the trial of a lawsuit he was methodical and painstaking to the last degree. He relied on the facts and the law, and not on the mere use of words. Without the facts words are useless.

The requisites of oratory are, first, the matter; second, the man of probity and character behind the matter, and last and least, the manner of delivery. If the matter and the man be not there, your orator is not there, however brilliant his rhetoric. I do not depreciate a good delivery. But a mere rhetorician is not an orator. There is a vast difference between a rhetorician and an orator. If there be the matter and the man and a fair delivery, you have the orator. But the most brilliant delivery without the matter and the man does not make the orator. Most of the great orators of the world have not been brilliant speakers, but only fairly good speakers. You need to know all of this so as not to attempt too much in speaking. Do not try too hard. Be plain and simple. If your subject naturally leads you to some warmth and vehemence at certain points, let it be in due proportion. But do not keep it up all the time. Remember that the ocean never lashes itself into a tempest merely to wait a feather or drown a fly.

Read and memorize Hamlet's speech to the players. If you understand your subject, you will make others understand it, and that is the all-essential thing. Lawyers who are merely glib are a bore. They talk as though they had been to a feast of languages and stolen the scraps, but they say nothing and do no good. They weary every one. Do not try to be overpolished in speech or manner. It palls. If any one recommend that you practice oratory before a mirror, say to him nay. No one guilty of such foolery could have the genuine heart and nature which are essential to an orator. The orator is more rugged than polished. My experience is that able men are, as a rule, simple in manner and ordinary in appearance.

Cicero tells you what an ordinary looking man Cæsar was as he sat adjusting his hair so nicely and scratching his head with one finger. No one would suspect the vast designs he was capable of conceiving and accomplishing. The Almighty seldom puts a large mind in an imposing exterior, and never in a pompous one. Use simple words, always of one syllable instead of two if you can get them. Cultivate condensation and brevity of speech. If one word suffice, do not use two, and courts and juries will bless you and you will grow in fame. Nay, more, the power of silence itself is often beyond that of words.

Be natural and courteous to the court and your opponent, but not servile nor effusively polite, for that is offensive and the greatest of impoliteness. Be natural. Do not try to be witty. It is annoying. If you have the faculty of wit it will now and then show itself naturally. And, of all things, never be pompous. The able lawyer who goes into his case simply will grow larger all through it, while his pompous adversary grows smaller all the while. The contrast is ludicrous to judge and jury, and sometimes painful.

Be a man first and a lawyer second. Do not become in appearance and manner a mere parchment lawyer. You can avoid this by devoting yourself to general literature as well as the law. Read the Bible, Shakespeare, Bacon, Milton and your classics, and, when tired, the great book of Cervantes, which will solace and amuse as long as the world lasts; also Gil Blas and the autobiography of Benvenuto Cellini. Read history, especially the philosophy of history, like Draper's "Intellectual Development of Europe," Lecky's "European Morals" and Emil Reich's "Success Among Nations." Study political economy, beginning with Adam Smith's "Wealth of Nations"—that master of moral and political wisdom, as Gibbon calls him. Also, if you have had a taste for mathematics, do not let it die out. Go over your Euclid, and even your conic sections, again. In this way you will broaden your mind and become strong and cogent as a man and a lawyer, instead of degenerating into a mere parchment lawyer, in face, heart and soul.

MEN DON'T WANT GRADY BILL.

Resolutions calling on Governor Hughes and Mayor McClellan to veto the Grady bill for the "equalization" of the salaries of men and women teachers were passed yesterday by the principal and men teachers of Public School 10, The Bronx. It was also resolved that "the interests of the school system, children, citizens and teachers will be best served by a reasonable and careful readjustment of the present salary schedules, rather than by such a sweeping and revolutionary measure as Senate Bill No. 1,218." The men teachers set forth their belief that salaries of women teachers should be gauged not by what men teachers receive in the same grade but by what women of culture are paid in other occupations.

FRENCH ADMIRAL AT CITY HALL.

The City Hall had a French admiral as a visitor yesterday afternoon. He had come to see the Mayor, but the Mayor had left the City Hall early in the afternoon, and the appointment was kept by President McGowan of the Board of Aldermen as acting Mayor. Admiral Thierry was escorted by the French consul general, Lucien Louis Bonzom. The party from the French cruiser Kleber talked of the city generally. Admiral Thierry having been a visitor here before, but not since 1874. He was astonished, he said, at the growth of the city, and he had President McGowan tell him something about it. The admiral and his ship will remain here until May 12.

KING CARLOS'S VISIT TO BRAZIL.

Rio Janeiro, May 3.—An official dispatch has been received here from the government of Portugal accepting the invitation extended by Brazil to King Carlos to visit Rio de Janeiro in 1908.

MR. MORGAN'S YACHT AT VENICE.

Venice, May 3.—The American steam yacht Corsair arrived here to-day. She is awaiting the arrival of her owner, J. Pierpont Morgan.

OBITUARY.

JARED LAWRENCE RATHBONE.

Major Jared Lawrence Rathbone, whose death in San Francisco was briefly reported yesterday, was born in Albany in 1844 and was a son of a former Mayor of that city. He was educated at Phillips Academy, Andover, Mass.; Rensselaer Polytechnic Institute and at West Point, where he was graduated in 1865. He served as first and second lieutenant in the 12th Infantry and the 1st Artillery, and from 1866 to 1870 was on the staff of General Schofield. Resigning from the army in 1873, he settled in San Francisco and aided in developing the Palo Alto Ranch, the present site of Stanford University, and was prominent in various mining, agricultural and stockraising enterprises. He was consul general in Paris from 1887 to 1891, and received the cross of the Legion of Honor for special services to France. In the war with Spain he acted as a special aid at the headquarters of the Division of the Pacific. Major Rathbone was married in 1871 to Miss M. A. Atherton, of Menlo Park, Cal. He was a stepson of United States Senator Ira Harris, of New York, and a brother of Major (afterward brevet colonel) Henry R. Rathbone, who was in the box at Ford's Theatre with President Lincoln on the night of his assassination and who received a severe wound from Booth's dirk.

BENJAMIN B. ODELL.

Benjamin B. Odell, cousin of ex-Governor Odell, died on Wednesday at his home at Mount Hope, where he had lived for the last forty years. Mr. Odell was born at Greenburg in 1831. Soon after completing his early education in his native town he came to this city and started in the grocery business with his brother Charles. It was Mr. Odell who was the cause of having the Ravensdale Road cut through. He was also one of those first interested in the New York & Northern Railroad, now the Putnam division of the New York Central Railroad. He was a member of the 7th Regiment from 1852 to 1859 and a life member of the veteran association of that regiment. The funeral was held yesterday. The burial will be at Mount Hope Cemetery.

ELIAS A. FAIRCHILD.

Professor Elias A. Fairchild, for many years head of the Flushing Institute, died there on Thursday from pneumonia and heart disease. He was born in Mendham, N. J., in 1823. After obtaining his early education in his native town, he entered Rutgers College, from which he was graduated with the class of 1845. Soon afterward he went to the Flushing Institute and became assistant to his father, Ezra Fairchild. When the elder Fairchild died Professor Fairchild formed a partnership with his brother-in-law, the late Professor A. P. Northrop, and the institution was maintained under their supervision until June, 1902, when it was closed.

Professor Fairchild and his family had since that time lived in the institution. He leaves a wife and three sons. The funeral will be held to-morrow.

M. L. HINMAN.

Dunkirk, N. Y., May 3.—M. L. Hinman, who, with the late Horatio G. Brooks, founded the Brooks Locomotive Works, died here to-day. He was for several years president of the Brooks Locomotive Works and was secretary and treasurer up to the time it was merged with the American Locomotive Company in 1901. Mr. Hinman was sixty-six years old and was a native of Cattaraugus County, N. Y. He was Mayor of Dunkirk from 1885 to 1887.

PROFESSOR GEORGE SVERDRUP.

Minneapolis, May 3.—Professor George Sverdrup, president of Augsberg Seminary, in this city, for more than thirty years and a noted theologian, died to-day, aged fifty-eight years. Professor Sverdrup was a member of one of the most distinguished families in Norway. He leaves a wife and seven children.

MRS. ANNIE WHEELER.

Montreal, May 3.—Mrs. Annie Wheeler, one of the best known philanthropists in Canada, who first organized Canadian charitable clubs of women, died yesterday. She was seventy-six years old.

JERE C. WHITTLES.

Jere C. Whittles died yesterday in his home, No. 88 Johnson avenue, Kearny, N. J. Death was due to Bright's disease. Mr. Whittles, who was a native of England, was forty-eight years old. When he came to this country he settled in Kearny, where he manufactured cotton and woollen machinery attachments of his own invention. He was connected with many fraternal societies, was a member of the West Hudson Board of Trade, and served several terms in the Kearny Board of Education.

RARE SHAKESPEARE EDITION FOUND.

[By Telegraph to The Tribune.]

Louisville, May 3.—One of the rarest Folio editions of Shakespeare, bearing the imprint 1685, has been discovered by Ben La Bree, of this city, in the old Burwell homestead, at Bedford City, Va., and will be taken to New York next week.

The book is the property of Mrs. Rosa Burwell Todd, of Owensboro, Ky. Her grandfather, William A. Burwell, was secretary to Thomas Jefferson in the early part of the last century. Mr. La Bree was going through the library in search of Jefferson manuscripts when he found the volume.

J. P. Morgan is said to have given $10,000 for a copy of the same edition.

WHAT IS GOING ON TO-DAY.

Metropolitan Museum of Art, open from 10 a. m. to 10 p. m.

Annual white breakfast of the Rubinstein Club; reception, 11:30; luncheon, 12 o'clock; Waldorf-Astoria.

Meeting of the New York City branch of the Vassar Students' Aid Society, Hotel Astor, 2:30 p. m.

Annual meeting of the Cathedral League, synod house, Amsterdam avenue and 112th street, 3 p. m.

Dr. C. Stuart Gager on "The Life Story of a Tree," museum building of the New York Botanical Garden, Bronx Park, 4 p. m.

Dinner of the 2d Company, Signal Corps, N. G. N. Y., Hotel Astor, 7:30 p. m.

Dinner of the officers of the 9th Regiment, N. G. N. Y., Hotel Astor, 7:30 p. m.

Dinner of Company A, 7th Regiment, N. G. N. Y., Hotel Astor, 7:30 p. m.

Dinner of the New York Society of Founders and Patriots of America, Hotel Manhattan, 8 p. m.

Review of the 71st Regiment, N. G. N. Y., by Governor Hughes, armory, Park avenue and 94th street, 8:15 p. m.

PROMINENT ARRIVALS AT THE HOTELS

BUCKINGHAM—E. M. Johnson, Boston. GOTHAM—Mrs. Frederick L. Benedict, Washington. HOLLAND—Gardner Washburne, Brookline, Mass. IMPERIAL—W. G. Benham, Seattle. ST. REGIS—Sir H. Montague Allan, Montreal; Charles Talbot Smith, Narragansett Pier, R. I.; R. T. Bayliss, London.

THE WEATHER REPORT.

Official Record and Forecast.—Washington, May 3.—Pressure is low to-night from the Gulf states northeastward through the Ohio Valley and lower lake region, with the centre of disturbance over Southern Ohio. This, in connection with the high area from the Northwest, has caused general rains in the Gulf states and the Ohio Valley, snow in the upper lake region and rain and snow in the upper Mississippi and lower Missouri valleys, Kansas and Nebraska. In New England, the middle Atlantic states, the lower lake region, the Northwest and extreme West the weather was fair, except on the north Pacific Coast. There has been another great fall in temperatures in the middle Mississippi and the Arkansas valleys, the southern upper lake region, Oklahoma and Northern Texas, where they are to-night from 15 to 33 degrees below the seasonal average. They also continue unseasonably low in New England, the Northwest and the central Rocky Mountain districts, although in the two latter districts they have risen considerably since Thursday night.

There will be rain Saturday in the Middle and South Atlantic and East Gulf states, continuing Sunday in the Middle Atlantic states, and continuing through New England. There will also be rain or snow Saturday in the lower lake region and rain in the Ohio Valley, followed by fair weather Saturday. In the upper Mississippi Valley and Ohio and the western half of the country the weather will be generally fair Saturday and Sunday, except that showers are probable in Utah and Western Colorado. It will be colder Saturday from the Gulf states northeastward through the Ohio Valley and lower lake region, and colder Sunday in the Atlantic States. It will be warmer by Sunday in the central valleys and the slope region.

Steamers departing Saturday for European ports will have fresh to brisk southeast to south winds, shifting to northwest by Sunday, with rain, to the Grand Banks.

Forecast for Special Localities.—For the District of Columbia and Maryland, rain to-day; Sunday cooler and probably rain; fresh south winds, shifting to northwest.

For Delaware and New Jersey, rain and warmer to-day; Sunday fair, cooler; fresh to brisk south winds, shifting to northwest.

For Eastern New York, rain to-day; cooler in the interior; Sunday probably fair; cooler in extreme south portion; fresh to brisk south winds, shifting to northwest.

For Western New York, rain to-day, possibly turning to snow along the lakes; colder Sunday, fair; brisk north winds.

Local Official Record.—The following official record from the Weather Bureau shows the changes in the temperature for the last twenty-four hours in comparison with the corresponding date last year:

	1906.	1907.		1906.	1907.
3 a. m.	62	46	6 p. m.	59	46
6 a. m.	63	45	9 p. m.	55	44
9 a. m.	64	47	11 p. m.	54	44
12 m.	65	52	12 p. m.	54	—
4 p. m.	63	50			

Highest temperature yesterday, 52 degrees; lowest, 44; average, 48; average for corresponding date last year, 61; average for corresponding date last twenty-five years, 55.

Local forecast—To-day, rain; Sunday, probably fair and cooler; fresh to brisk south winds, shifting to northwest.

MR. ASQUITH'S BUDGET

Financing Social Questions at the Expense of Inherited Wealth.

London, April 18.

How can social reforms be financed? Since the general elections this has been the supreme question of British politics, and it makes the Budget an event of paramount importance. The Labor party, with trades unionism behind it, cannot be put off indefinitely with evasions and platitudes. A year ago it acquiesced when Mr. Asquith pleaded for time for introducing retrenchment and putting the Treasury in order after a wasteful period of Unionist extravagance. This year it is more critical and impatient when excuses are offered for dilatory measures. The Labor members are indifferent to the claims of income taxpayers for a reduction of burdens. They are not interested in financial arrangements for increasing sinking funds, raising the price of consols and scaling down the national debt. They are unwilling to have social reforms blocked by lack of money. When there is an available surplus of considerable magnitude they unite in declaring that a beginning should be made of a system of old age pensions. If their policies cannot be carried out under existing conditions of Free Trade finance, they will face about and find out what can be done for them with a tariff on manufactured goods. The tariff reformers are already bidding for their support by declaring that old age pensions and other democratic reforms cannot be hoped for without largely increased revenues from indirect taxation. Mr. Asquith has known that this may become the dominating issue at the next general elections. He has perceived the necessity for proving that the financing of social questions under Free Trade is not a hopeless undertaking. If he has not been able to report a direct start with old age pensions, he promises that something will be done next year. The Liberal government will not only restore national credit by debt paying and retrenchment, but it will also march boldly into "the unconquered territory of social reform" under the Free Trade flag.

What is described as a democratic budget reduces taxation on earned incomes less than £2,000, and makes up the losses by increased death duties on large estates. These changes are in line with one of the two recommendations of the select committee of which Sir Charles Dilke was chairman. The committee favored the graduation of the income tax so as to give increased relief to persons of moderate means, and also differentiation between earned and unearned income. Systematic graduation is deferred apparently to another budget. Preferential treatment is accorded to a large class of people of moderate incomes, as distinguished from property owners or holders of investments. The tax is left at a shilling for all incomes over £2,000, and three pence will be taken off all earned incomes below that level in addition to all other abatements. There will be a lower rate for lawyers, doctors, civil servants, merchants or manufacturers whose earnings are dependent upon personal effort, and there will be a higher rate for those receiving incomes from investments, dividends or house property. It is a rough process of differentiation, by which one class continues to be heavily bled in order that another class may be relieved; and the losses are made up by increased death duties and the creation of what are styled "super taxes" on millionaire estates. The burdens of income earners are eased up on the theory that their capital ceases with life, whereas investments and real estate remain after death. The grip of the Dead Hand is strengthened upon large estates until it becomes fairly predatory.

Mr. Gladstone, while a convinced Free Trader, never liked income taxation. He considered it unjust in operation, and if he had been supported in one of his appeals to the country he might have taken it off altogether, or at least have reduced it to a low point. Lord Avebury, who was in his confidence, has explained that the substitute for it would have been largely increased death duties. The kingdom since Mr. Gladstone was at the treasury has been paying a shilling income tax so long that it has ceased to be regarded as a war tax, and at the same time the estate, legacy and succession duties have been enlarged with cumulative effect, until they yield annually more than the income tax used to do when it was eightpence on the pound. The existing death duties, by which 1 per cent of estates less than £500 and 8 per cent of those over £1,000,000 can be claimed by the treasury, while legacy duties range from 1 to 10 per cent, may properly be described as a deferred income tax and a graduated scale. The estates when passing in succession or distributed by will are forced to pay what is equivalent to an income tax ranging from sixpence to a shilling over a term of years. Sometimes the same estate is tapped twice in a single year. Sir Frederick Wigan, Bart., recently died, leaving an estate of £530,000, and his eldest son followed him in the course of a few weeks, and in consequence of two successions about £70,000 will fall into the treasury. The death duties as Sir William Harcourt left them involved a fairly complete graduation of large incomes. With the new system of increased percentages on estates over £150,000 and "super taxes" on estates over £1,000,000, until on the late Lord Allendale's investments and properties 10 per cent is taken on the first million and 15 per cent on every successive million, there will be a comprehensive system of differentiation between earned and inherited incomes, with brokerage for the state on an enormous scale.

Mr. Asquith's budget is the most experimental and speculative one of recent years. He appreciates the uncertainties of his forecasts and estimates, and supplements them with sweeping proposals for administrative changes and improved methods for appraising and collecting the income tax. The processes of differentiation between earned and unearned incomes will be most complex when it is generally conceded that those derived from professions, trades and mercantile business represent about 70 per cent of the entire yield; and while the limitation of the abatement of threepence to earned incomes under £2,000 shuts out all the large fortunes, it is fairly certain that the methods of administration will be more inquisitorial and vexatious. The increased returns from higher death duties and "super taxes" on millionaires' fortunes are likely to prove a serious disappointment from the revenue point of view. Lord Milner, who was the expert behind Sir William Harcourt, has already sounded a warning that this method of taxation has been carried as far as is safe, and that "realized wealth is not the inexhaustible milch cow that some people think." There is much in the budget proposals to encourage rich men to distribute their wealth during life in order to avoid confiscation. There is also more than a little to frighten investors and to drive capital abroad. The relations between direct and indirect taxation, which have been reversed since Cobden's time, are not changed by the democratic budget. The burdens are shifted from one class of income taxpayers to another, and the account is balanced by increased death duties. Indirect taxation remains a heavy levy on a few articles of general consumption, and in that way is, as Lord Milner has described it, "a sort of graduation against poverty and in favor of wealth." Direct taxation bearing more and more heavily against capital and inherited wealth becomes the last bulwark of Free Trade, behind which the Liberals, with much searching of heart, are rallying for an onrush for social reform.

L. N. F.

IRELAND'S EXPOSITION.

Opening To-day—The Site, Buildings and Exhibits.

Dublin, May 3.—The Irish International Exhibition, which will be opened here to-morrow, is designed to revive the drooping interests of the country and at the same time present a picture of Irish development and progress. Men of all classes, creeds and politics, headed by the Marquis of Ormond, have worked indefatigably, and a guarantee fund of nearly $1,000,000 has been raised. The exposition is greater than any previously attempted in Ireland.

Arrangements are being made by the English railway and steamship companies to transport great numbers of visitors to the capital, and their officials say they are prepared to carry between 40,000 and 50,000 passengers daily during July and August. The opposition shown by the Nationalists has somewhat abated, and the show promises to be successful. Comparatively few foreign nations have become interested in the enterprise. Among those taking part are France, Italy and Japan. The principal colonies have sent fine exhibits.

The site, which is within easy reach of Dublin, is convenient to the grounds of the Royal Dublin Society at Ballsbridge, and the fifty acres which it embraces contain many fine buildings. The most imposing of these is the large central hall, with its dome 150 feet high. It commands a view of Dublin and Kingston Harbor.

The Central Palace is built in the Italian Renaissance style. It has four rectangular wings, which contain Irish manufactures. The Palace of Industries is a huge building, largely occupied by Irish manufacturers, but Italian and Japanese exhibitors have important sections in it. The Palace of Mechanical Arts is divided into four sections, devoted to transportation, engineering, machinery and a generating plant for power and light. The Palace of Fine Arts, which has a floor space of 30,000 feet, contains an Irish historical collection, in addition to the British and foreign collections of paintings, statuary and tapestries. Canada has a pavilion to herself, and so has France, and there is a concert hall capable of seating two thousand persons.

For several months committees have been at work in London and Dublin obtaining loans of works of art. Many of the men on the London committee were members of the body responsible for sending the collection of art exhibits from London to St. Louis, and they express the opinion that the collection which will be shown in Dublin will be the greatest and most valuable ever seen in any country.

BELASCO IN SUIT.

French Writer Wants Royalties on Play Called "La Du Barry."

Jean Richepin, a French writer, has brought suit against David Belasco to recover royalties he alleges are due him on a play named "La Du Barry," which he contends was played successfully in this country under the name "Du Barry." At the preliminary examination yesterday by David May on order of Justice Amend, Mr. Belasco swore he returned Richepin "La Du Barry" and himself wrote "Du Barry" for Mrs. Carter. When it came to money matters, Mr. Belasco told the counsel for the Frenchman that he knew little about those things.

He said he himself never had books, never saw them and didn't wish to; that he couldn't tell within thousands of dollars what his earnings as a playwright and manager were. He said he hired managers for that purpose. He recalled that "Du Barry" was first played in Washington, but could not remember the date nor the number of nights it ran.

"What were your receipts the opening night?" he was asked.

"I don't know," Mr. Belasco replied.

"What were your receipts for the four nights?" insisted Mr. May.

"Mr. May, I tell you honestly I don't know," replied Belasco. "I never pay any attention to money matters. I do the artistic part and the other people do the rest. I could not tell you within thousands of dollars how much my receipts have been in the years I have been in the business."

After the adjournment Mr. Belasco said Richepin's "La Du Barry" after he rejected it and long after Belasco's "Du Barry" had been a success was played by Mrs. James Brown Potter in London and was a failure. Belasco added also that the failure of the play "broke" Mrs. Potter's backer.

MAY BE NEW THEATRE.

Report That Site Near Circle Will Be Used for Vaudeville House.

According to a report yesterday, which could not be corroborated, the triangular parcel bounded by 57th and 58th streets, Broadway and Eighth avenue, has been bought by a syndicate for the erection of a theatre. The property is valued at over $2,000,000.

It was also rumored that the proposed theatre would be conducted like the London music halls and would be called the Odeon. Klaw & Erlanger, it was said, would be the lessees of the theatre and Joseph Brooks the manager. The property has been owned for several years by the United States Realty and Improvement Company.

KEITH & PROCTOR'S PLANS.

Invasion of Legitimate Field Necessary for Their Own Protection, Keith Says.

Buffalo, May 3.—"The Times" this afternoon says:

"We've got to do it for our own protection," said B. F. Keith, head of the Keith-Proctor chain of vaudeville houses throughout the country, when he was asked by a "Times" reporter to-day if there was any foundation for the rumor that his combination of vaudeville managers purposed to invade the "legitimate" theatrical field with theatres and shows in order to protect themselves from the invasion of the theatrical field by Klaw & Erlanger.

Asked what he would do for houses and attractions, Mr. Keith explained:

"We can get both. Several of our managers like Mr. William, Mr. Peck and Mr. Kohl, are experienced in the legitimate field and now have attractions playing the legitimate houses, some of them even playing the trust. More of our managers are likewise experienced in the same line, and as there are several houses open to us for the legitimate drama, musical comedy, musical operas and the like, I cannot see but what we can make just as strong a showing, if not a stronger one, in the legitimate field right from the start than the other managers can make in the vaudeville field."

AMERICAN STUDENT DIES AT MILAN.

Milan, Italy, May 3.—Henry Mills, a student of architecture, whose home was in Wilmington, Del., died here yesterday from heart disease. He was a graduate of the University of Pennsylvania.

TRANSATLANTIC TRAVELLERS.

Among the passengers who will sail to-day for Europe are:

CELTIC, FOR SOUTHAMPTON.

Mr. and Mrs. George Arents, jr.	Mrs. Alfred P. Hinton.
Mr. and Mrs. Samuel Baldwin.	Mr. and Mrs. Joseph Howell.
Mr. and Mrs. Le Grand S. Burton.	Mr. and Mrs. Francis L. Potts.
Mr. and Mrs. William B. Coster.	Mr. and Mrs. Dallas B. Pratt.
Mr. and Mrs. F. H. Douglass.	Edward H. Hotchkiss.
Mrs. S. Barton French.	Mr. and Mrs. M. W. Ryan.
Mr. and Mrs. D. M. Harper.	Mr. and Mrs. G. G. Stead.
	Mr. and Mrs. E. A. Saunders.

LUCANIA, FOR LIVERPOOL.

H. C. Forrest.	Mr. and Mrs. H. C. Southwick.
Robert Hay.	T. D. Stagg.
Mr. and Mrs. W. H. Holland.	Edward Van Dam.
F. Gilbert Hinsdale.	G. L. Worthington.
Mrs. Gertrude Marshall.	W. D. I. Wright.

MINNETONKA, FOR LONDON.

Mr. and Mrs. J. M. Barney.	Mrs. John Clapp.
Mrs. J. Edgar Bull.	J. S. McCobb.
Mr. and Mrs. Duncan Edwards.	Mrs. Vander Veer Quick.
Mr. and Mrs. Alexander M. Fiske.	Miss Ellen Terry.
	Miss Edith Craig.
	Mrs. Frank W. Thomas.

PATRICIA, FOR HAMBURG.

Dr. Edmund Bunton.	Mr. and Mrs. Thomas Lamont.
Henry D. Eustis.	Miss Gertrude Wheeler.
Mr. and Mrs. Francis S. Halstead.	Miss Anna W. Baker.
Mr. and Mrs. F. C. Wade.	

BARBAROSSA, FOR NAPLES.

Mr. and Mrs. T. F. Budlong.	Mr. and Mrs. William H. Meserole.
Miss Ellen M. Carman.	Mr. and Mrs. H. G. Sampson
Mrs. H. H. Cook.	Mr. and Mrs. Waldron Williams.
Mr. and Mrs. Charles F. Daniels.	Mr. and Mrs. John Wills.
Mr. and Mrs. H. A. Kraft.	
F. F. Martin.	

COLUMBIA, FOR GLASGOW.

Mr. and Mrs. John Balmer.	Mr. and Mrs. William J. Nettleton.
Mrs. Donald Campbell.	Professor and Mrs. J. D. Robertson.
Mrs. George R. Macfarlane.	
Mrs. James Donald McLaurin.	

Travellers who arrived yesterday from abroad were:

CRETIC, FROM NAPLES.

F. K. Carey.	The Rev. William B. Farrill.
Mrs. T. R. Dawson.	Mr. and Mrs. C. O. McClintock.
Mrs. James D. Ellsworth.	Mr. and Mrs. G. S. Morgan.
Mr. and Mrs. Frederick R. Hastings.	Mr. and Mrs. John J. Slater.

GETS NEW ALTAR PIECE

Acquisition of Metropolitan Attributed to Luis Borassa.

Probably the most striking of the recent accessions to the Metropolitan Museum of Art is the altar piece of St. Andrew, from the Church of Perpignan. The piece, which is considered to be one of the best examples of the Catalan school, so called because it flourished in Catalonia, with its centre at the capital, Barcelona, is attributed, but not with entire certainty, to Luis Borassá, one of the best known members of the school and its leader in the early part of the fifteenth century. Apart from the modicum of attention that has been given to this particular school by students of the Renaissance and the fact that it is the work of one of the best exemplars of the Catalan group, the value of its acquisition by the Metropolitan is emphasized by the rarity of good examples of the school now extant. For beyond his dated altar pieces at Vich and Manresa, but few of the retables painted by Borassá in the first quarter of the fifteenth century have survived the march of time.

St. Andrew himself is the subject of the centre panel, grouped about which are five other smaller panels, depicting scenes in the life of the saint or incidents in the life of Christ. Beneath these is a base of seven smaller panels, four of which are in a remarkably good state of preservation.

Among the paintings, the acquisition next in importance to that of the altar piece, which was purchased from the income of the Rogers fund, is Ranger's landscape of "Highbridge," painted in 1905. This is the gift of William T. Evans. There is also a marine by Wm. Gedney Bunce, purchased from the income of the Hearn fund.

Most notable among the new sculptures is the bronze group of Edgar Walter, entitled, "Primitive Man," the gift of Isaac N. Seligman. At the end of his outstretched right arm this commanding specimen of the aborigine holds a cub, snarling its submission to the master animal.

Daniel Chester French has also presented his bronze bust of Ralph Waldo Emerson to the Museum, and there are two companion bronze groups by Macmonnies, "The Horse Tamers," among the recent purchasers of sculpture. Another new purchase is the bronze group by Solon Borglum, "On the Borders of White Man's Land." There is also a smaller bronze by the same sculptor, entitled "Bulls Fighting," and a bronze statuette of the head of Victory by St. Gaudens.

From the Stanford White collection are exhibited an early Spanish gilded and carved wood doorway, with iron gate, and a Venetian wooden chest, inlaid with ivory, and dating from the latter part of the seventeenth century.

Announcement was also made yesterday that Mrs. Amelia B. Lazarus, the widow of the artist, had bequeathed to the Museum the sum of $20,000, to be applied to the purchase of works of art by American artists. In addition, her collection of pictures will be split up between the local Museum and the Philadelphia Museum of Art. Mrs. Lazarus, it will be recalled, with her daughter, Miss Emily Lazarus, gave $24,000 for the establishment of the Jacob H. Lazarus Travelling Scholarship Fund. The recipient of the income of this fund has the opportunity of four years' study in Europe, the only stipulation being that the holder devote himself to the study of mural painting.

INSPECTOR A-SLEUTHING.

Pulls Out Poolroom Outfit Right Off Broadway.

Following up his raid of Thursday on Broadway, Inspector John Russell, of the First Inspection district, together with Captain Gallagher, of the Church street station, raided an alleged poolroom on the top floor of the three story building at No. 8 Barclay street, just around the corner from Broadway, yesterday afternoon and arrested three men. One of them, who gave his name as Thomas Keeley, of No. 409 Ocean avenue, Jersey City, is charged with keeping and maintaining a poolroom. The other two—William R. Carter, a negro, of No. 224 West 63d street, and William J. Haggerty, of No. 1020 Bedford avenue, Brooklyn, are accused of aiding and abetting Keeley in his undertaking.

The inspector got a tip yesterday that the rooms, which for a number of years the police have suspected of being used as a gambling house and poolrooms, were runing full blast. In company with several of his detectives he set out for the building, at the entrance of which he met Captain Gallagher and several of his men. The party went upstairs to the third floor and knocked on the door, which was opened by a negro. A superficial examination of the room disclosed nothing. While the police were moving about a telephone bell rang, but no instrument was visible. After a search it was found that the telephone was concealed in the bottom step of a flight of stairs. The step had been arranged as a drawer. With the telephone were found several racing and "dope" sheets.

As the inspector picked up the telephone it rang again, and he answered it. A voice at the other end said: "For God's sake, is there anything the matter with you up there?"

"No; we are fine and dandy up here," the inspector replied.

"Well, then, here is the third race: 'Jamaica, Watterson, 6 to 5, Notter up, won.' Say, your voice doesn't sound right to me, Bud, so good-night."

That was enough for the inspector, who ordered the prisoners taken to the Church street station.

The nine prisoners taken by Inspector Russell at No. 265 Broadway in his raid on Thursday were arraigned in the Tombs Police Court yesterday before Magistrate Breen. Counsel for the prisoners asked for a postponement, and the magistrate fixed Monday at 10 o'clock as the time for examination. In the mean time the prisoners are out on bail.

COUNSEL FEE FOR MRS. DOTSON.

Justice O'Gorman, in the Supreme Court, yesterday awarded a counsel fee of $1,000 and $400 a month alimony to Mrs. Emma R. Dotson, who is suing her husband, Napoleon Bonaparte Dotson, a promoter, of No. 66 Broadway, for a separation on the grounds of cruelty and non-support. Mrs. Dotson says that she married the defendant in 1887 and that they have two children. She says that in the summer of 1904 her husband became infatuated with a young woman stenographer who was in his employ, and was in the habit of taking her to dinner and to the theatre. She says that she remonstrated with her husband and that he abused her in the presence of both their children. Mrs. Dotson also says that her husband offered to maintain her if she would bring a collusive divorce suit against him, and that when she refused to do so he threatened to desert her altogether. Mr. Dotson, through his attorney, denies any wrongdoing.

JOB FOR ANTI-M'CARRENITE.

Thomas R. Farrell, the anti-McCarren leader of the 10th Assembly District, Brooklyn, was appointed Superintendent of the Bureau of Highways by Borough President Bird S. Coler yesterday. Farrell is an old Shevlin man and one of the few leaders in Brooklyn whom Senator McCarren has failed repeatedly to down. Politicians view his appointment as evidence that Coler has determined to ally himself with Shevlin, but the Borough President maintains that it has no political significance. Coler accepted the resignation of Frank J. Ulrich, Farrell's predecessor, yesterday. Ulrich was suspended upon his own request several months ago, when he was indicted on charges of accepting money for placing men in his office as corporation inspectors. He took an appeal to the Supreme Court, but lost and must stand trial.

THE PEACE THAT PASSETH, ETC.

EMBRACING THE TIGER.

From The New York Press.

At any rate, McClellan embraces the tiger.

"COMPROMISE IS SURRENDER."

From The New York Times