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New-York Tribune.

SUNDAY, JANUARY 2, 1910.

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THE NEWS THIS MORNING.

FOREIGN.—In the election campaign in England, according to a special dispatch from London, the Unionists are making their fight against home rule, while the Liberals are appealing to voters on the grounds of taxation and the lack of employment. At Burlington House, London, there was a great exhibition of paintings and objects of art. A woman believed to be the wife of a fugitive attempted to destroy campaign literature at John Burns's headquarters in Battersea, London, with acid; she was seriously injured. According to a special dispatch from London the Republic of Liberia is looking to the United States to straighten out its affairs. In Paris, according to a special dispatch from Paris, the absolute master of the political situation in France. New Year's Day was celebrated in Paris by a grandiose feast between relatives and even new acquaintances in theatres, restaurants and other places of public resort. A great flood is reported from Bulgaria, which many persons are said to have been drowned and much property lost. DOMESTIC.—President and Mrs. Taft held their first New Year's Day reception at the White House, welcoming 9,575 guests. An earthquake in Washington, D. C., was recorded in Washington, San Francisco and other cities. The late Jerry M. Brannan was fatally hurt by a streetcar in San Francisco. Five persons were hurt, two probably fatally, in a head-on collision between two streetcars in Baltimore. Two striking Baltimore and Ohio machinists confessed at Baltimore to dynamiting a railroad bridge and making a shop of the city in the morning fire destroyed part of the South College building at Union College, Schenectady, used as the living quarters of many cohorts that had been living in the building; his family was absent; many valuable curios were destroyed. Governor Hughes spent the holiday quietly at Albany, working on his annual message. Annual reports of S. S. Koenig, Secretary of State, and the State Board of Charities were made public at Albany. The first time as a legal holiday in New Hampshire.

CITY.—Mayor Gaynor walked from his home to the City Hall to assume his office and after a brief and informal reception. All the new incumbents of the borough, county and city offices were installed and the various cohorts that had been living in the various forts for years went forth into the open spaces. Two men were killed as a result of an accident to a tunnel elevator in the Pennsylvania Railroad station at Jersey City. Charles W. Morse showed the most lively spirit at a farewell dinner with his two sons at the Hotel Hamilton on the eve of his departure for the federal prison at Atlanta. The record for a low death rate was broken in 1909, according to the figures of the Department of the Health Department.

THE LAW AS TO HAZING.

Congress will soon be confronted with a situation, growing out of the dismissal from West Point of seven cadets for the hazing of Cadet Sutton, which will presumably appeal to many of its members as demanding legislative action restoring to the Military Academy some, at least, of the men dismissed. It will be urged that the penalty of dismissal was in some cases too severe a punishment for the breaches of discipline committed and that four army officers who constituted a board to ascertain the facts recommended, undoubtedly ultra vires, that the cadets should not be dismissed. There is little doubt that a strong effort will be made to undo the action of the War Department, and yet by such course Congress will be striking a blow of discipline and in large measure nullifying its own efforts to stamp out the practice of hazing at the Military and Naval academies.

LIFE ON THE EARTH.

A geologist, when giving a professional talk in public, might be expected to discuss the past rather than the future, and to deal with little besides rocks. In his address to the American Association for the Advancement of Science, in Boston, last week, however, the retiring president, Professor T. C. Chamberlin, of Chicago, followed a somewhat original plan. He indulged in prophecy, and considered the probable duration of life on the earth. He takes a more hopeful view of the matter than many others whose opinions are on record. Professor Chamberlin is a conspicuous advocate of a different theory regarding the formation of the globe from that advanced by Laplace. He believes that the earth was built up by the gradual accumulation of big and little masses of solid material, and not by the condensation of a colossal nebula. But in speculating about the maintenance of temperatures at a level which will insure the continuity of vegetable and animal life he apparently loses his faith less upon that depending upon the expectations concerning the sun, on the radiations from which the earth's inhabitants are peculiarly dependent. Professor Chamberlin finds in the phenomena of radioactivity a source of energy which has hitherto been neglected in calculating the sun's output of heat. Hereafter it has been customary to explain the thermal power of that body by the possibility that it is the seat of intense chemical action, or that it is fed by meteoric fuel, or that mere compression from the force of gravitation generates heat mechanically. Obviously, if there is radium in the sun an additional agency is at work.

As yet there seems to be no spectroscopic evidence directly indicating the presence elsewhere than on earth of the wonderful element discovered by the Curries, but helium, which was first observed in the solar atmosphere, is now known to be a product of decomposing radium. Besides, there is ample reason to suspect that all the heavenly bodies contain the same constituents. Perhaps the fact that no one has thus far ob-

subordination, or obedience, is one of the first virtues they must acquire. Nevertheless, a regulation made obligatory by statute, which compels the infliction of the severest penalty regardless of the degree of culpability is an unwise regulation, based on an unwise law. Whatever action Congress may take in the case of some of the young men who engaged in the Sutton affair, wisdom seems to dictate a modification of the anti-hazing law, to the end that punishment shall be proportioned to the degree of guilt or responsibility.

MR. GAYNOR'S ADMINISTRATION.

Mayor Gaynor begins his administration with what we believe to be the sincere good will of the press and the public. As one of the newspapers which opposed his election, The Tribune cordially wishes him entire success in his efforts to raise the standards of local government. In our opinion the Mayor has been in error in his interpretation of the attitude of most of the newspapers which sought to defeat him as a Tammany candidate. His point of view was radically different from theirs. He expressed surprise that a man with his public record and his progressive aims in politics should be censured for accepting the support of the Tammany organization. He held that if his own purposes were clean and honorable he could afford to welcome any votes which were offered to him. But his critics were even more surprised that a man of his character and sympathies could form an association of any sort with a mere band of mercenaries, trafficking under the guise of a political party.

Judge Gaynor exhibited throughout the majority campaign an ignorance of the real nature of Tammany which seemed unnatural to voters who had become familiarized with the Tiger's ways through sad experience. It is true that he had spent his active life in a part of the city which had fought off Tammany invasions, and the partial immunity which Brooklyn had enjoyed from Tammany tribute had perhaps made him somewhat indifferent to Manhattan's piled up grievances. The returns on election night showed, however, that he had mistaken the temper of the city toward Tammany, the local organization in Manhattan, and that he was euphemistically called, and that the newspapers had understood the situation better. With all his natural claims to the support of the progressive and independent element in the community, he received only the normal Tammany and straight Democratic vote. He ran a little ahead of one of his associates on the city ticket and a little behind the other. In New York City he got fewer votes than George F. Roesch or any other candidate on the Tammany ticket except "Christy" Sullivan. In Kings County he had only two thousand votes more than the Democratic nominee for County Clerk or the Democratic nominee for Register.

Mr. Gaynor's misjudgment subjected him during the campaign to the suspicion that in depending for an election on Tammany support he was creating a moral claim to compensation which he would have to honor as Mayor. We do not say that the suspicion was fully justified, since Mr. Gaynor probably knew as well as Mr. Murphy that desperation alone dictated Tammany's choice. The new head of the city is under no real obligation to the Tammany leaders, and the community which took alarm at the appearance of an understanding will be glad to be able to dismiss the idea that one ever existed. It will cheerfully accept Mr. Gaynor at his earlier and worthier valuation as an independent progressive thinker in politics and an earnest worker for civic improvement. His earnestness for the city is shown by his selection to Thomas J. Higgins, selected as Park Commissioner for the Borough of the Bronx, indicates that he intends to have the city's affairs administered not for the benefit of holders and office brokers, but for the benefit of the community for which the office holders act as agents. If the new Mayor lives up to his declaration that "no political interference or influence whatever shall hereafter be suffered in any department of the city of New York," campaign misunderstandings will quickly be cleared away. No more promising field than our municipal government could be found for the intelligent political reformer bent on substituting rule in the interest of all for rule at the expense of the many for the inordinate profit of the few. If Mayor Gaynor's programme involves such a hold-up—if it aims at breaking the monopoly of the city government of the mercenary broker in offices and contracts—New York will hail him as the prophet of a new dispensation. He will have from the beginning its loyal cooperation and generous support.

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In Loewe vs. Lawler, the Danbury hatters' case, a manufactured product was involved, and Judge Cox in his opinion regarding the Tobacco Trust said: "So far as the business affected is concerned, the only distinction between the Knight case and the Loewe vs. Lawler case is that in one the acts complained of related to the manufacture and sale of sugar and in the other 'the manufacture and sale of hats.' But another distinction is apparent. In the sugar case the court said that the product of the combination subsequently became an object of interstate trade. In the Danbury boycott case the acts complained of affected the article while it was an object of interstate trade. A combination of railroads directly affects interstate commerce because they are instruments for the carrying of that commerce. But it is yet to be shown that the Supreme Court will hold that a combination of producers of an article that enters into interstate commerce comes within the prohibition of the act simply because its members voluntarily abandon competition with each other. If it does not, in accordance with the Knight case, then what acts must such a combination be guilty of to be open to attack under the Sherman act? Perhaps the Tobacco Trust case will clear up this question.

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THE TOBACCO TRUST CASE.

The decision of the United States Supreme Court in the Tobacco Trust case, which is now before it on appeal, will be awaited with interest because the case will afford the court an opportunity of further defining the Sherman act. When the tobacco case was before the Circuit Court in this district it was held that the law forbade any combination between previous commercial competitors, irrespective of whether it was or was not harmful to the public in its consequences or oppressive in its methods. But it is to be observed that the Attorney General in his brief, if its intent is fairly represented in the newspapers, did not rely upon that construction of the law, but charged the Tobacco Trust with oppressive acts in restraint of trade. It was not merely because its members had voluntarily agreed no longer to compete with each other that he sought its dissolution, but because it had used compulsion to prevent the competition of non-members.

With regard to the law's application to railroad combinations, the attitude of the Supreme Court has been made comparatively clear, the court having held practically along the line of the Circuit Court's decision in the tobacco case that any combination between competing carriers in substantial restraint of trade is forbidden. But even in regard to railroads it is not certain that a majority of the Supreme Court will go so far as that. Justice Brewer, one of the majority in the Northern Securities case, giving his opinion that the law forbade only unreasonable restraint of trade and that the Northern Securities combination was an unreasonable restraint of trade.

With regard to industrial combinations, however, the law is in greater need of elucidation. In the Knight case of this sort before it, the Knight case (the Sugar Trust case), the court held that the combination of sugar manufacturing companies was a manufacturing combination and not one of restraint of interstate commerce. The fact that the article manufactured by the combination subsequently entered into interstate commerce did not bring the combination under the law. This decision is the main reliance of the Tobacco Trust and the Standard Oil Trust in their defence. Other industrial cases decided by the Supreme Court are supposed to have modified the Knight case in some respects, but this is not certain, for in the other industrial cases the acts complained of were in their nature flagrant and directly affected interstate trade. The Addyston pipe case had to do with manufacturers, but the combination was not a manufacturing combination. As manufacturers the companies in the pool remained independent. Their agreement parcelled out the trade in their products in different states of the West and South and they raised prices to the public through fictitious bidding on public contracts.

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The succeeding centenaries relate to other lands than Greece and Rome. Clovis, the Frankish King, in 510 made Paris his capital; in 610 Mahomet began to preach, and exactly a century later his Saracenic followers invaded Spain, invaded by the miracle of Roderick, the last of the Visigothic kings. The years 810, 910 and 1010 seem to have passed without any specific occurrences of world-wide interest. In 1170, however, an interesting milestone in literature and art was set up by the first dramatic performance in England—a performance of "St. Catherine," a "miracle" play Seven centuries ago this year Genghis Khan invaded China, and King John of England invaded Ireland to Anglize it. In accordance with the decree of Pope Adrian IV, who in 1155 had "given" the island of England in return for "Peter's Pence," in that same year, 1210, the first war between Venice and Genoa began, and the former city was governed by the famous Council of Ten. Another landmark of lit-

erature was set up in the writing of the epic poems of "Gudrun" and "Tristan and Isolde." In 1310 occurred the establishment of yearly Parliaments in England. In 1410, or five hundred years ago, King Jaxellon of Poland defeated the famous Teutonic Knights with great slaughter at Tannenberg, Sigismund became the first Hungarian Emperor of Rome, Peking succeeded Nanking as the capital of China, and the art of wood engraving was first practiced. After the great achievements of the fifteenth century important dates in history multiply. The year 1510 gave us, for quadricentenaries this year, the Spanish conquest of Cuba, the establishment of Hamburg as a free city, the making of the first permanent settlements on the American continent at Darien, the beginning of Ponce de Leon's quest in Florida for the fountain of perpetual youth, the ordination of Las Casas as the first priest of the Roman Catholic Church to be ordained in America, the visit of Martin Luther to Rome, and the birth of Bernard Palissy, the famous potter. In 1610 the Dutch settled in New York, the Virginian colonists first cultivated Indian corn, England granted a charter to Newfoundland, her oldest colony; Henry of Navarre was assassinated, and Galileo observed for the first time the phases of Venus and the satellites of Jupiter. The year 1660 gave many occurrences of which the two hundred and fiftieth anniversary was celebrated this year. In England Charles II was restored to the throne, the Royal Society was founded, Peypys began his immortal diary, John Bunyan was sent to jail, where he wrote "Pilgrim's Progress"; the general postoffice was established, and the East India Company was founded. On the Continent Poland first recognized the independence of East Prussia under the Elector of Brandenburg—the beginning of the kingdom of Prussia and the modern German Empire. In 1710, two centuries ago, the postoffice system was introduced into America at the Sugar Trust case, the court held that the combination of sugar manufacturing companies was a manufacturing combination and not one of restraint of interstate commerce. The fact that the article manufactured by the combination subsequently entered into interstate commerce did not bring the combination under the law. This decision is the main reliance of the Tobacco Trust and the Standard Oil Trust in their defence. Other industrial cases decided by the Supreme Court are supposed to have modified the Knight case in some respects, but this is not certain, for in the other industrial cases the acts complained of were in their nature flagrant and directly affected interstate trade. The Addyston pipe case had to do with manufacturers, but the combination was not a manufacturing combination. As manufacturers the companies in the pool remained independent. Their agreement parcelled out the trade in their products in different states of the West and South and they raised prices to the public through fictitious bidding on public contracts.

In Loewe vs. Lawler, the Danbury hatters' case, a manufactured product was involved, and Judge Cox in his opinion regarding the Tobacco Trust said: "So far as the business affected is concerned, the only distinction between the Knight case and the Loewe vs. Lawler case is that in one the acts complained of related to the manufacture and sale of sugar and in the other 'the manufacture and sale of hats.' But another distinction is apparent. In the sugar case the court said that the product of the combination subsequently became an object of interstate trade. In the Danbury boycott case the acts complained of affected the article while it was an object of interstate trade. A combination of railroads directly affects interstate commerce because they are instruments for the carrying of that commerce. But it is yet to be shown that the Supreme Court will hold that a combination of producers of an article that enters into interstate commerce comes within the prohibition of the act simply because its members voluntarily abandon competition with each other. If it does not, in accordance with the Knight case, then what acts must such a combination be guilty of to be open to attack under the Sherman act? Perhaps the Tobacco Trust case will clear up this question.

phazise its unwillingness to "The Houston Post," once the londest of the Cook boosters, but now cheerfully lampooning the romancer of the purple loons?

Judging from the way in which the Martians are digging canals, they must have been training their telescopes upon Panama and taking notes of the way the dirt is flying there.

Mr. Lloyd-George informs his English hearers that our protective tariff shuts imports out of America and dooms our workmen to idleness. We should like to have somebody explain, preferably with a diagram, how a country can be supplied with the things which it needs if men do not work at producing them at home and if they are not brought in from abroad. Passing by that poser for Cobdenite casuists, however, it is to be observed that side by side with the report of Mr. Lloyd-George's picturesque portrayal of America as a land where "customs officers 'line the shores like cherubim with flaming swords, keeping every foreign-made 'article out of this Garden of Eden,' there appeared official statistics showing that our imports in 1909 were the largest in the nation's history and that they amounted to about \$1,475,000,000 in value. Really, those cherubim and their flaming swords cannot be 'on the job' very efficiently to let nearly a billion and a half of imports get past them.

THE TALK OF THE DAY.

At the Court Theatre, at Darmstadt a Christmas play in five acts, entitled "Bonifacius," was performed a few weeks ago. The plot is laid in the Black Forest; the time the eighth century. The subject treated is the conversion of the heathen by Saint Bonifacius. The play was well received, and it now becomes known that the author, on the hills at Eschmann, in the Grand Duke of Hesse, who is hailed by the German press as the latest recruit to the ranks of royal dramatists.

PATE'S JOLTS.

If Fate hands out a bump to you, Don't put the blame on the road to wealth or fame. Keep plugging right along, and say "Ain't you jolted from Fate, but I expected that." A grin is better than a groan. Life's road is tough; But you won't stop you if you're made of proper stuff. —Detroit Free Press.

Policemen are not, as a rule, sentimental, nor are they generally looked upon as tender hearted, but Denver seems to have a force made up of men who combine both qualities. On Christmas Day, following a long established custom, they provided, out of their own pockets, turkey dinners for all the widows and orphans of members of the department. What a job a similar donation on the part of New York's "finest" would be!

The Teacher—How many eggs are there in a dozen? Five fresh ones, five doubtful ones and two bad ones.—Cleveland Leader.

Russia seems to go out of its way to find trouble. The legal professions have been declared closed to women by a council representing the various institutions of Russian law and jurists. The question arose at the annual meeting of the bar—Miss Fleishch, of St. Petersburg, and Miss Gueunberg, at Kiev—to plead in court. Their appearance as counsel is now decided to be illegal. Just wait and hear what the suffragists and "ettes" have to say!

"He has a sure thing." "What—in contesting the will?" "Ha, ha!" "No, in contesting the will." "He has agreed to give him 10 per cent of what they get." —Buffalo Express.

The eighteenth annual meeting of the American Jewish Historical Society will be held in New York, beginning on February 1. The committee having charge of the proceedings consists of Albert M. Friedlander, Dr. Herbert Friedlander, Professor A. Marx, N. Taylor Phillips, Leon Hühner and Max J. Kohler.

Papkins—I'll take this toy corner. Dealer—But it is out of order, sir. It was stolen from the store. Papkins—No, I want it just as it is. It's a birthday present for my five-year-old son and heir.—Chicago News.

LETTERS TO THE EDITOR.

THE CITY'S NEW YEAR HOPES.

To the Editor of The Tribune. Sir: In making an inventory of gains and losses during the last year, nearly every one will count up only his material profits and losses, and will consider himself happy if the former exceed, or at least balance, the latter. Very, very few will take a personal inventory of their intellectual or moral status. And yet real happiness depends more on the realization of one's spiritual progress than on the temporary worldly success so many covet. The same holds good of the city, state or nation. The administration of the city changes with the year, but what does the change mean? Does it signify merely the change of the name of the man who is in office? Or is it a sign of a campaign slogan. The new regime has this great task before it—to give us, not a greater city than we gave into its hands, but a cleaner, better governed and healthier city. JOSEPH SILVERMAN. N. Y. Herald, Dec. 31, 1909.

COLLEGE ATHLETES GRATEFUL.

To the Editor of The Tribune. Sir: Permit me to thank The Tribune for the encouragement it has given the Intercollegiate Athletic Association during the last year. It is a matter for congratulation that papers of your prominence are regarding the many problems connected with college athletics of enough importance to take an active part in their solution. PALMER E. PIERCE, President Intercollegiate Athletic Association, New York, Dec. 30, 1909.

A "WHY" AS TO DIRECTORS.

To the Editor of The Tribune. Sir: Permit me to ask why in all this discussion of the affairs of the Phenix Insurance Company no blame is attached to the board of directors. Certainly, had they the directors—done their duty, no such scandal could have been possible. But wherever there is an influence in some great corporation, owing its origin to the gift of the people, a scapegoat is made of some official, and the real culprits, the real sinners, are shielded every time. Are directors impeachable? PARIS. N. Y. Herald, Dec. 30, 1909.

SUFFRAGE ARGUMENT.

To the Editor of The Tribune. Sir: In response to the somewhat arbitrary statement of Mrs. Gilbert E. Jones that it is "a deception to assert the ballot will help earning women in their difficulties," may I recall the direct contrary testimony of a late Carroll D. Wright and John Mitchell, both of whom are perhaps as competent to speak upon the question as the affluent ladies composing the League for Civic Education? Mr. Wright's words are: "One chief reason for the underpayment of women is their exclusion from the ballot." And, in conclusion, may I suggest that the anti-suffragist alone talks of the "alienable right to vote"? The suffragist replies that it may not be an inalienable right to walk on the sidewalk, but that it is a right worth getting, nevertheless, in preference to the middle of the street or the gutter! JOHN R. RAMSAY, Atlantic City, Dec. 31, 1909.

People and Social Incidents.

NEW YORK SOCIETY.

January's first week is usually the most busy one of the entire year from a social point of view. That of 1910 is no exception to the rule. Thanks to the brevity of the winter season, the parties given during the next few days will be unusually crowded. Today many are out of town, for numerous week-end parties have been given in connection with the celebration of the New Year at the various country houses and suburban colonies around New York, notably at Tuxedo, where 1909 was ushered in last at the clubhouse, for which there is always a perfect exodus from New York.

Among the dances of the week are those of Mrs. J. D. Jerrold Kelley, for Miss Muriel Kelly, at the Colony Club, to-morrow night; Mrs. Charles Mellon's dance, on Tuesday, at her house in East 63d street; Mrs. Frederick Pearson's dance, for Miss Leslie Frederick Pearson, on Wednesday, at her home, and the usual dance, for Miss Lillian Endicott, at Sherry's, on Friday; in addition to which there will be the second dance of the Junior Cotillon, at Sherry's, on Monday, and another of the Saturday Evening Dancing Classes, at Delmonico's, on Saturday.

On Tuesday week Mrs. Henry Lansing Ward