

Amusements.

ACADEMY OF MUSIC—2—8—Pablo Romani. ALHAMBRA—2—8—Vaudeville. AMERICAN—2—8—Vaudeville.

Index to Advertisements.

Table with 3 columns: Page, Col., Page. Includes categories like Amusements, Art Sales, Books and Publications, etc.

New-York Tribune.

MONDAY, NOVEMBER 7, 1910.

This newspaper is owned and published by The Tribune Association, a New York corporation; office and principal place of business, Tribune Building, No. 124 Nassau street, New York; Ogden Mills, president; Ogden M. Reid, secretary; James M. Barrett, treasurer.

THE NEWS THIS MORNING.

FOREIGN.—Peace was maintained at Barcelona and towns in Catalonia, the civil guards easily dispersing demonstrators; the Spanish crisis is expected to be adopted by the Deputies.

DOMESTIC.—In an automobile accident near Walden, N. Y., in which a chauffeur was killed, John T. Robinson, of this city, was seriously injured.

CITY.—The Republican state chairman raised his estimate of Henry L. Stimson's probable plurality for Governor from 148,378 to 175,000.

THE WEATHER.—Indications for today: Fair. The temperature yesterday: Highest, 48 degrees; lowest, 38.

THE NEXT HOUSE.

It is at least possible that in the turmoil which has attended the state campaign, and in view of the almost daily necessity of pointing out the sophistries and inconsistencies which have marked the course of the Democratic candidate for Governor of New York, the importance of electing a Republican House of Representatives may have been lost sight of.

The most important legislation with which the next Congress will have to deal will doubtless be the readjustment of the financial laws. The National Monetary Commission will make its final report to the 62d Congress. How thoroughly acceptable the Democrats are of dealing with that important subject they

have abundantly demonstrated in the past. A commission created to formulate an efficient method of federal control of railroad securities has been created and probably will be ready to submit its final report to the next Congress.

The Tariff Board, which has been prosecuting its investigations ever since the tariff session adjourned, will doubtless have a number of recommendations on which the next Congress should act, and it is obvious that there is no subject on which a Democratic House and a Republican Senate would be as little capable of getting together as the revision of any tariff schedule.

Woodrow Wilson, Eugene N. Foss and others who assume to appeal to the country to elect a Democratic House in order to effect a reduction of the tariff have little conception of the attitude of the Democratic majority in the Senate, which would oppose their views as stoutly as any Republican, a fact of which they could easily convince themselves by looking into the record of the Democratic Senators on the tariff bill.

A TAMMANY ADMINISTRATION. If the Democratic ticket is successful there will be a Tammany administration of the state government. The Governor will be an amiable "harmonizer," whose harmonizing hitherto has been profitable to Murphy.

The party that it is proposed to put in charge of state affairs, because, as some say, the state "needs a change" and the Republicans "have been in office too long," is the same old Democratic party that an indignant public ousted sixteen years ago, not improved one whit, but fallen into worse hands. The discipline of being out of office may conceivably improve a party's morals.

AN "UPWARD-DOWNWARD" STATESMAN. The Democratic candidate for Governor has quoted with approval the sentence in the Democratic state platform deploring "a situation which compels the citizens of the United States to pay a much larger price for American made goods than is paid by the people of other countries."

The burdens imposed on the manufacturer by labor conditions in this country make it impossible for him to compete with foreign countries in the markets of those countries, as is demonstrated by the fact that for the year ending June 30, 1907, we exported to all of the countries of Europe, including the United Kingdom, \$48,261 in value of American goods, while already shown, were imported from those countries during the same period goods to the value of \$71,904, and being unable to compete successfully with the foreign business, we contend that we should at least be given the fullest opportunity of holding the American business for the benefit of our citizens in the way of increased duties.

Mr. Dix's admirers may hail him as a second Tilden, but he talks more like a second Hancock. He is an upward-downward revisionist, or a downward-upward revisionist, according to the way the wind blows around the gables of the house of Dix.

THE STAKES IN NEW JERSEY.

There is, as we have repeatedly shown, no adequate reason why any Republican in New Jersey should fail to support Mr. Lewis for the governorship. There are many convincing reasons why every one should support him at the polls and should also support the Republican legislative and Congressional candidates.

JUDGE BALDWIN AND "THE SUN."

Our neighbor "The Sun" seeks to expurgate itself from conviction of petty forgery and dodging the issue of the Roosevelt-Baldwin controversy. It is finally compelled to face the fact that Judge Baldwin did say that a law providing for a contract between an interested carrier and its employees intended to exempt it from liability for injury should be void as unconstitutional, whereas Mr. Roosevelt had said Judge Baldwin held it competent for workmen to make such contracts.

The Tribune, following Colonel Roosevelt's example, uses the word "workman" as if the federal act of April 22, 1908, applied only to men in the employ of a railroad company who received wages for their services. The Tribune is detaching and isolating a part of a paragraph of Judge Baldwin's opinion and failing to print the context, seeks to convey such an idea.

at length on Wednesday, pointing out how the railroad manager who might intelligently want to make such a contract at a large salary was used to excuse the forcing of such delusive "freedom" on more dependent employees, who, as Judge Gray, of the New York Court of Appeals, has shown, do not deal on equal terms, but may be driven by need to bargain away their safeguards of life and limb. Two days later we merely returned briefly to the subject to the point of discussion, which it was carefully hiding behind protestations that Judge Baldwin had only declared the law of Connecticut as he found it with regard to the fellow servant rule—an entirely different matter.

The statute cannot be regarded in this respect as one made for the protection of an ignorant and imprudent class, such as the acts regarding the shipping articles. The employees of a railroad company are in general men of more than ordinary intelligence. The dangerous nature of the business requires and secures this. It cannot be regarded as one made for the protection of train employees for every kind of employes. It denies them, one and all, that liberty of contract which the Constitution of the United States secures to every person within their jurisdiction.

If, as "The Sun" suggests, Judge Baldwin meant to draw a distinction between the "workman" and the high salaried officer, and declared the act unconstitutional merely because it included the latter, he took a curious way of showing it when he went on to argue that the ordinary employee, because of the dangerous nature of his business—obviously including the train hands—were more than ordinarily intelligent and therefore not entitled to protection against contracting away their rights. These men are certainly ordinary "workmen," yet the law, as laid as to them, not merely because, as suggested by "The Sun," they cannot be separated from the high salaried officials under its terms, but because they themselves are deprived of liberty of contract. The judge indicates as clearly as words can do it that, quite regardless of the application of the law to general managers, he holds it unconstitutional to make it apply to engineers and firemen, who from the dangerous nature of their work must be presumed intelligent enough to protect themselves.

But even more significant than the view itself as a justification of criticism is the place which that view holds in the opinion. Chief Justice Taney has gone down to history under the universal condemnation of bench and bar for his extra-judicial declarations in behalf of slavery. Having held that the federal courts had no jurisdiction in the Dred Scott case, he then went on to tell the country that the legislation of thirty-five years in behalf of freedom was unconstitutional. Judge Baldwin, after deciding that the state courts had no jurisdiction under the federal employers' liability law, went on in the same fashion to tell the country that the act itself, whose requirements he, as a state judge, held to be outside his jurisdiction, was a violation of the federal Constitution. He used his personal prestige in an extra-judicial dictum to block efforts for industrial amelioration, holding that not only a railroad manager, but even an intelligent train hand—a "workman"—could not be deprived of the "right" to waive all claims for injury or death.

THE TALK OF THE DAY.

New York is not the only place where people have custom house troubles. Two men went to Nice lately from Italy to attend a funeral, and took with them a wreath of flowers, to which was fastened a silk ribbon, bearing an inscription. They were informed at their destination that they could not have that part of their equivalent to the mourners protested, saying that the wreath was made of natural flowers, on which there was no duty; but they were informed that the dutiable part was the silk, and that, according to the tariff laws, duty must be collected on the gross weight of the memorial emblem. Then the men could not be done on French soil, and so they journeyed back to the frontier, where they disposed of the ribbon, boarded a train for Nice with the ribbonless wreath, and arrived too late for the funeral.

THE GATES OF NEW YORK.

She surely doesn't, and her gates stand open wide to all who have the money and the time to come her way to call. Her gates stand open to them all, nor will it cost a cent to get within, but getting out is well, that is different.

IMPRESSED BY CARTOON.

To the Editor of The Tribune: "What's the matter with your patient, doctor?" asked a visitor at a hospital. "He can't be helped," answered the doctor, "but he's getting better." "And now is suffering from that rundown feeling," Baltimore American.

ROOT AND ROOSEVELT.

To the Editor of The Tribune: Senator Root's New York speech on Friday evening last week appeals to the common sense and conscience of every Republican elector in the state, for it was a kaleidoscopic, telescopic and microscopic view and systematic and forceful presentation of the issues of this important campaign, and of the relative standing and importance not only of the opposing parties and their respective candidates, but it was also a considerate and deserving tribute to our present well balanced commander of the ship of state and his immediate predecessor.

THE CROUCHING TIGER.

To the Editor of The Tribune: The astute George Harvey has told us "there are not enough Democrats to elect their ticket" it is up to the Republicans. "Thinking him kindly for the privilege, we prefer our own ticket when it is headed by such a man as Stimson, who pledges himself to carry out Governor Hughes's policies."

new Legislature will have in hand the task of redistributing the state and when the capacity of the Democratic party for gerrymandering, as hitherto displayed, is recalled, Republican voters may well consider whether they want its parliamen napping to prevail in New Jersey for the next ten years. The expense of executive appointments which are to be made during the Governor's term, and the important public works which are to be prosecuted, it is likewise worthy of consideration. It is not merely a question of spoils, for the spoils system in New Jersey has been pretty well scotched, if not killed outright, by progressive Republican legislation. It is a question whether these highly important matters shall be entrusted to a party which has done little good and which has shown little capacity for or inclination toward doing good for the state, or to the party which has effected the marvellous progress in civic welfare which has marked the history of New Jersey in the last fifteen years. That is a question which thoughtful citizens of New Jersey will do well to answer by voting for Vivian M. Lewis and by the Republican legislative candidates.

MONEY AND BUSINESS.

Conditions in the business world do not warrant pessimism over the future course of trade. The very fact that improvement in the volume of commercial transactions is slow at a time when money market factors do not favor rapid expansion in forward commitments, while merchants and manufacturers show extreme caution in all new undertakings, tends to pave the way for progressive betterment in the months to come. Day to day business is active, and inquiries involving deliveries in 1911 are slowly unfolding, especially in the metals trade, with the indications suggesting that just as soon as the money used for crop financing returns to reserve cities there will be a substantial gain in general mercantile operations. Railroad gross earnings are heavy, and while net returns make a less favorable showing surplus available for dividends is in excess of requirements. Bank clearings are growing, October totals for all cities presenting an increase of 8 per cent as compared with the same time last year, commercial failures are small in number, contrasted with those reported at this period in the last three years, and a steady decrease in the number of idle freight cars is noted.

Stock market movements continue to reflect a confident feeling in financial circles regarding the course of money and business in the new year, but as prices for securities have advanced from 10 to 25 points above the low levels of the summer coming improvement in our industries already has been discounted to a material extent by Wall Street. At the moment money market conditions are not in favor of active operations for the rise on the Stock Exchange, and it is quite conceivable that efforts on the part of speculators to bring about an aggressive bull speculation in the closing months of the year will be checked by loan market developments. Bank reserves are low and loans are heavily in excess of deposits, the latter presenting a weak feature that should be remedied by the liquidation of loans against speculative accounts. Rates for both call and time money are firmer than they were a week ago, with the outlook favoring stiff quotations for the rest of the year, while commercial paper quotations are practically as firm as a prohibitive level for the ordinary mercantile borrower. Merchants who borrow on commercial paper may as well make up their minds, however, that they will not be able to secure such accommodation below 5 1/2 per cent for a long time to come. Sterling exchange here is lower, and financial conditions in London have improved to a degree that leads to talk of gold imports.

Our merchandise export trade is improving, but this country is not yet in a position to secure gold abroad except in the form of loans or for securities sold to foreigners. The turn of the tide in our foreign commerce, nevertheless, is a welcome development that eventually will have a most important bearing upon our general financial markets. The retail trade in dry goods shows a moderate increase. Manufacturers of cotton goods are not accepting future business at prices based on anything below 13-cent cotton, and as the season advances buyers evince a greater disposition to accept the view of the mills that the staple will sell for 13 cents or better throughout the present crop year. Spot cotton is higher than the quotation on futures, and goods being sold to-day represent little if any profit, a feature of the situation that ought to convince consumers of a long period of stiff mill figures. The demand for most lines is more active, while for woolen and worsted goods the inquiry also shows improvement. Speculation in cotton futures is active on an irregular price movement, caused by conflicting estimates of the total crop yield, which run from 11,800,000 bales to 13,000,000 bales. The grain markets are easier, and lower quotations both for wheat and corn are looked for. Wheat is selling 20 cents a bushel under the high price of the season, and as a consequence a better export demand is reported, shipments last week showing a gain of 450,000 bushels over the week before. It is believed that the new winter acreage will be the largest ever planted.

In the month just closed the business in foundry iron was larger than in any preceding month in the current year on declining price levels. Steel making iron is lower, but prices for finished products are maintained on a firm basis, with concessions only by a few unimportant mills on bars, wire products and structural materials. The railroads are beginning to figure on their rail requirements for 1911, and already moderate sized orders have been placed, with indications pointing to contracts on several hundred thousand tons before the end of the year. Unfilled orders of the United States Steel Corporation for the month of October will show a decrease in the statement that will be issued next week, but if new business now pending develops into orders October will record the end of the long period of shrinkage in the iron and steel industry. Conditions in the trade are far stronger and much more promising than they were a few weeks ago, and the fact that the railroads must soon come into the market irrespective of the outcome of the rate controversy encourages a most optimistic sentiment in financial circles on the steel securities. Copper prices are firmer, and local consumers are now bidding for January and February delivery, which many producers refuse to sell under 1 1/2 cents a pound. Retail coal

dealers are doing a large business at high prices. Tammany economy at Albany! That is one of the humors of the campaign. Secretary MacVeagh told the people of Ohio that as the 1910 twig is bent so will the 1912 tree grow. Do the people of this state want to bend the 1910 twig toward the Democratic party or toward the Republican party? Bentley Manor goes off the map and out of the Postal Guide, and Tottenville reappears in triumph. Staten Island nomenclature is not to be rashly trifled with by innovators and refurbishers. Tottenville didn't want to be renamized, and the Postmaster General yielded to the voice of reason as well as the voice of a majority when he sent the unpopular and inappropriate appellation into retirement.

Make the Legislature Democratic and the state may have the satisfaction of seeing itself represented in Washington by United States Senator Charles Francis Murphy. It must tickle the sense of humor of some of our Democratic contemporaries to find themselves supporting for Congress in this city Mr. Henry George, Jr., an out-and-out free trader, on the same ticket with Mr. John A. Dix, who complained through Partner Huppuch two years ago that the Dingley duties on wallpaper were not high enough.

The British fear of American designs upon Canada in reciprocity negotiations is groundless. Much as Uncle Sam admires Our Lady of the Snows, he has no thought of an elopement. A serious problem is presented by the frequent interruption of communication between New York and other cities when storms like Friday's prostrate the wires in a wide area. It is feasible in the metropolis to require the telegraph companies to put their wires underground, because in more ways than one they menace public safety. Outside of the city limits the danger is so slight that compulsory burial is not demanded. Only the convenience of the companies and their patrons calls for it. So great would be the expense of putting the wires in conduits for any considerable distance in the country that voluntary action by the companies primarily interested in the matter is hardly to be expected. In these emergencies wireless telegraphy would seem to promise the public relief, but the proper facilities for taking a large amount of business do not yet exist.

A correspondent in Syracuse writes to us that "as a matter of fact and in the interests of accuracy Colonel Roosevelt did not spend the night under the roof of Francis Hendricks while in this city recently." But who among the supporters of Mr. Dix cares anything about matters of fact or the interests of accuracy? Candidate Dix says the tariff burden hits every home. But it doesn't hit most homes as hard as it would Mr. Dix succeeded in his efforts to have the duty on wallpaper increased.

It is also to be borne in mind that the

ATTITUDE OF WALL STREET

and impressive manner and rounded out by the ex-President, who thrilled an overcrowded house in that drizzling, dreary day by his electrical and effective personality, are criteria by which to judge or count for aught, we confidently predict that it will be so shown on Tuesday.

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The good men and women of Wall Street know that the political ideas of Colonel Roosevelt have no patience with the small cabal of Wall Street speculators who are conducting an advertising campaign of abuse and falsehood against him. Most of these men are hostile to the letter and spirit of Americanism. I may venture as a man who is ending his sixty-fourth year in Wall Street to say, as an old-fashioned Democrat, that our party believes in hitting Colonel Roosevelt and other Republicans fairly.

This small cabal of Wall Street speculators that in the last six months has expended almost \$75,000 in paying for newspaper and magazine articles against Colonel Roosevelt ranks mighty well as a stimulation of the good men and women of Wall Street, whether they be Americans or foreigners. No well informed man in Wall Street believes that Theodore Roosevelt desires to be a king or an emperor. On the contrary, all who know the man think that if anybody should try to overthrow the republican-democratic form of government in this country, the first to rally around the old flag for a fight for keeping it flying over the Republic would be Theodore Roosevelt.

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MORE ABOUT "PETTIFOGGING."

Your editorial of yesterday with heading "As to Pettifogging" sent the nail on the head. "It is away off on the wrong matter, and of course it knows better. Talking to the average man on the street about the controversy between Roosevelt and Judge Baldwin, the matter is perfectly clear. The judge did say gratuitously in the Hoyle case that it was competent for a workman to hire a man not to be compensated if he lose his life and limb while on the job. The charge should have been milder. It was not necessary to express this opinion to decide the case. It is a common practice among judges. Judge Story, of the United States Supreme Court, in days long ago, became so saturated with the learning of his employment, and he had to discontinue upon the law applicable to the case in hand.

Roosevelt also had the judge on another point, and that is, where he was deciding this master and servant case, and laid down the rules applicable and the years which had existed in this country and in England, that is, that a servant cannot recover where the injury is caused by another servant in the same class, or doing the same work. Another rule has been the law for many years in England and in every state in this country, and that is, that a servant cannot recover if he is injured by the negligence of his employer, and third, if the injury is caused by the negligence of the employer, the servant cannot recover. These rules are very harsh, and in recent years they have been changed or overcome by legislation. Some of the best work that Roosevelt has done has been in changing these rules of law. Judge Baldwin in the case in hand correctly stated the rules, but made this mistake of expressing his personal opinion as to the justice of them. While these rules of law should not be absolutely repealed in one fell swoop, they should gradually be modified.

REAL INTERESTS OF LABOR.

I read in this morning's Tribune that Timothy Healy, of the International Brotherhood of Stationary Firemen, wrote Governor Taft, demanding the revocation of his commission as organizer for the American Federation of Labor if he was quoted correctly in the newspapers as favoring labor's enemy, Dix. Mr. Healy is deserving of much praise for the position he has taken in the matter. It is to be regretted that the leaders of the A. F. of L. are so anxious to serve the real interests of organized labor.

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It is a credit to our party that the investigation of public service corporations which brought to light corruption and connivance certain state legislators in connection therewith, and through which justice in several cases has already been meted out to offenders, was initiated and effected by a Republican of character, and that when it became known two years ago that he would serve another term as chief magistrate of the state in order to place the legislative and executive branches of the state government on a higher plane, it was mainly through the efforts of an eminent stand for the betterment of state politics taken by Senator Root and championed by President Roosevelt, who voiced the people's will, that gave us for two years more a Governor whom Mr. Osborne characterizes as the best since Cleveland. We believe now as then that Colonel Roosevelt and Senator Root represent the will of the people and the best interests of the state, and if experience and observation in one's home localities, where the campaign was opened by Mr. Stimson in close reasoning arguments and deliberate

THE BAKESHOP DECISION

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MORE ABOUT "PETTIFOGGING."

Your editorial of yesterday with heading "As to Pettifogging" sent the nail on the head. "It is away off on the wrong matter, and of course it knows better. Talking to the average man on the street about the controversy between Roosevelt and Judge Baldwin, the matter is perfectly clear. The judge did say gratuitously in the Hoyle case that it was competent for a workman to hire a man not to be compensated if he lose his life and limb while on the job. The charge should have been milder. It was not necessary to express this opinion to decide the case. It is a common practice among judges. Judge Story, of the United States Supreme Court, in days long ago, became so saturated with the learning of his employment, and he had to discontinue upon the law applicable to the case in hand.

Roosevelt also had the judge on another point, and that is, where he was deciding this master and servant case, and laid down the rules applicable and the years which had existed in this country and in England, that is, that a servant cannot recover where the injury is caused by another servant in the same class, or doing the same work. Another rule has been the law for many years in England and in every state in this country, and that is, that a servant cannot recover if he is injured by the negligence of his employer, and third, if the injury is caused by the negligence of the employer, the servant cannot recover. These rules are very harsh, and in recent years they have been changed or overcome by legislation. Some of the best work that Roosevelt has done has been in changing these rules of law. Judge Baldwin in the case in hand correctly stated the rules, but made this mistake of expressing his personal opinion as to the justice of them. While these rules of law should not be absolutely repealed in one fell swoop, they should gradually be modified.

REAL INTERESTS OF LABOR.

I read in this morning's Tribune that Timothy Healy, of the International Brotherhood of Stationary Firemen, wrote Governor Taft, demanding the revocation of his commission as organizer for the American Federation of Labor if he was quoted correctly in the newspapers as favoring labor's enemy, Dix. Mr. Healy is deserving of much praise for the position he has taken in the matter. It is to be regretted that the leaders of the A. F. of L. are so anxious to serve the real interests of organized labor.

UNION.

The "American sense of humor" bobs up in this campaign. I refer to the slur in the words "Mr. Roosevelt's candidate" used in the columns of a contemporary newspaper. It is up to the standard of Thomas Nast. It should have appeared two weeks earlier and have been placarded all over the city and state. It is sure to win votes.

ROOT AND ROOSEVELT.

Senator Root's New York speech on Friday evening last week appeals to the common sense and conscience of every Republican elector in the state, for it was a kaleidoscopic, telescopic and microscopic view and systematic and forceful presentation of the issues of this important campaign, and of the relative standing and importance not only of the opposing parties and their respective candidates, but it was also a considerate and deserving tribute to our present well balanced commander of the ship of state and his immediate predecessor.

It is a credit to our party that the investigation of public service corporations which brought to light corruption and connivance certain state legislators in connection therewith, and through which justice in several cases has already been meted out to offenders, was initiated and effected by a Republican of character, and that when it became known two years ago that he would serve another term as chief magistrate of the state in order to place the legislative and executive branches of the state government on a higher plane, it was mainly through the efforts of an eminent stand for the betterment of state politics taken by Senator Root and championed by President Roosevelt, who voiced the people's will, that gave us for two years more a Governor whom Mr. Osborne characterizes as the best since Cleveland. We believe now as then that Colonel Roosevelt and Senator Root represent the will of the people and the best interests of the state, and if experience and observation in one's home localities, where the campaign was opened by Mr. Stimson in close reasoning arguments and deliberate