

New York Tribune

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Mitchel and Hearst.

People will like Mr. Mitchel better because he has shown independence of Hearst. The chief weakness of Mr. Mitchel was due to the belief that he was too much under the influence of Hearst. People remembered his attitude upon the subway question and thought that as President of the Board of Aldermen his chief aim was to please Hearst. They feared that as Mayor he would be too much of a deputy for Hearst. But his present defiance of Hearst stamps him as nobody's man but his own.

He adds the fusion movement will be well rid of Hearst if the result is that Hearst takes his puppet organization out of the fusion camp. The editor is a sham anti-Tammany man. Since he became prominent in the city's politics it has been impossible to elect an anti-Tammany Mayor, chiefly because of his activities, although election after election has shown a strong anti-Tammany majority.

In 1905 he split the anti-Tammany forces and, running himself, enabled Murphy to elect McClellan as Mayor and with him the rest of the Tammany ticket. Four years later he again prevented a union upon a candidate for Mayor and, running himself, split the anti-Tammany vote sufficiently to enable Murphy's candidate to win again.

This year every effort was made to placate Hearst. He got his own candidate for Mayor. Nevertheless, he was preparing to knife the anti-Tammany ticket. Mr. Mitchel's action will compel him to knife it openly if at all. There will be that much gain.

Mr. Mitchel's exposure of Hearst should be effective. It comes from a man whom the editor has favored and supported and taught his misguided followers to trust. Mr. Mitchel has stood for the principles that Hearst professes to hold. He has taken the Hearst position on subways. The public faith has hitherto followed the editor should have faith in Mr. Mitchel. If anything can destroy Hearst's capacity for mischief it is Mr. Mitchel's repudiation of him.

A Day of Grace for Mexico.

There will be a general feeling of relief, of gratification and of hopefulness at General Huerta's request for the postponement of President Wilson's message for one day. That request, which was both generously and discreetly complied with, means a day of grace for Mexico, or for her de facto ruler, in which much may happen that will be to the advantage of both countries. We said yesterday it was to be hoped that there would be no occasion for delivering the message to Congress. It is now to be hoped that the temporary stay may for good cause be made permanent.

General Huerta's motives and intentions in asking for the delay are not disclosed. We must, however, assume them to be serious and favorable. If he were wholly regardless of American representations, defiant of American opinions and desires, and unamenable to American counsels, he would not have made such a request. The very fact that he has made it is an unmistakable revelation of his regard for American opinion and of his desire to reach an amicable understanding with this country. The fact, too, that Mr. Lind endorsed the request for delay is highly significant. That anomalous envoy has left the Mexican capital with his mission unaccomplished; yet he evidently has hope that after his departure that mission may in some way be fulfilled.

Rehearsal of the proposals which were made through Mr. Lind strengthens the hope that agreement may be reached. Note that General Huerta is not asked to retire from the de facto Presidency. He is asked not to be a candidate at the coming election, and that is a request simply that he act in accordance with the spirit of the Mexican constitution and laws, which forbid an actual President to seek re-election. The request for cessation of hostilities may be beyond General Huerta's power to fulfil, seeing that it depends chiefly upon the disposition of the insurgents, but to whomsoever addressed it is certainly appropriate. That the election should be early and free goes without saying, as also that, provided it is free and fair, its result should be loyally accepted by all parties; but, of course, that, too, is beyond General Huerta's power to assure.

But if General Huerta accedes to these proposals in his own behalf, and loyally fulfils them, the situation will be greatly clarified. For the insurgents to refuse to do likewise would put them hopelessly in the wrong. In no way could General Huerta better atone for the evil which he is believed to have done, and in no way could he better serve the real welfare of the Mexican nation, than in improving this day of grace with an acceptance of the essential parts of the American suggestions. If he does that, the day of grace will be a day of triumph for both countries.

On the Fool-Killer's List.

The disgruntled Republican politicians who are talking about supporting Mayor Gaynor for re-election have no sense of humor. Mr. Gaynor is the only candidate in sight whom they could not support without looking absolutely foolish.

Republicans of all shades of opinion were united in wishing to make District Attorney Whitman the fusion nominee for Mayor. They wanted to run him on the issue created by his splendid work in uncovering and punishing police corruption. That work was accomplished without the aid and to a large extent against the opposition of the Gaynor administration. The Mayor singled out Mr. Whitman as "the enemy" who was undermining the police graft system.

How can any Republican who favored Mr. Whitman's nomination on the police issue be so ostrich-

headed as to come out now for Gaynor and accept the Gaynor-Waldo theory—that the rascals on the police force can be counted on the fingers of one hand? The Republican party in this city is thoroughly committed to the exposure of police corruptionists, which Mayor Gaynor used all his influence to prevent. The solid-ivory politicians who want to keep Mr. Gaynor in a position in which he can continue to treat Mr. Whitman as an "enemy" need the services of the fool-killer. They ought to go to the top of his waiting list.

A Scandal of the Schools.

Lack of school room in this city has become a public scandal. This fall, we are told, 100,000 children, or one in every six throughout the city, will be excluded from school or put on "part time." That is about 12 per cent more than last year, and the number last year was 9 per cent more than the year before. And next year the proportion of school-less children may be larger still.

The problem of providing sufficient school room is not an easy one, but we refuse to believe that it is insoluble, as the record of recent years would seem to suggest. The city is growing rapidly, and it is not always possible to forecast precisely where the chief growth will occur. But it is surely possible to forecast the place and direction of growth with sufficient accuracy, while the amount of growth can be determined with mathematical exactness. If these things were done, and new schools were built not with a view to present needs but to those of a few years hence, the requirements of the school population would be met.

The Great Headquarters Mystery.

If anybody discovers \$149 in marked bills wandering around the streets alone and friendless, he will confer a great favor on Police Commissioner Waldo by arresting the currency and escorting it, under guard, to Police Headquarters. Until that is done and the money is put through the third degree, the entire detective staff and Deputy Commissioner Dougherty himself confess there can be no real solution of the mysterious disappearance of this money from Police Headquarters.

It looked like ordinary legal tender when it was marked and handed to two detectives to use in trapping a Police Department bookkeeper suspected of accepting bribes. But it must have had the elusiveness of a Rosenthal gunman, for while the man who was to give the bribe avers he did so, the alleged bribe-taker, though under the watchful eyes of the aforesaid detectives, managed to get to his office. When searched there he hadn't the money.

A general alarm has been sent out, with a full description of the bills. Not since Commissioner Waldo had bars and a burglar alarm installed to protect the Detective Bureau has there been such activity. It is reported that there will be a thorough investigation by Commissioner Waldo himself.

The Conquering McLoughlin.

The national lawn tennis tournament at Newport fully vindicated the judgment of the committee which selected the team to represent the United States in the international Davis Cup tournament, since McLoughlin and Williams met in the final round. McLoughlin's retention of the national title also ratified the judgment of both American and English experts that he is the player of greatest promise which the game has so far developed.

He often falls below his true form, and in England he seemed to suffer a spell of staidness, during which he was beaten in one of the Davis Cup matches. But he possesses wonderful powers of recuperation, and at critical junctures lifts his game up in a burst of speed which overwhelms his opponent. This ability to extend himself when necessary is the real test of superiority in a game like tennis, in which victory so often hangs on a few decisive rallies.

McLoughlin's successes here and abroad may have the effect of altering somewhat the style of play in tennis, for many of the younger men will undoubtedly try to imitate his crashing overhead volleying and his so-called smash service. But this is not to be regretted. The game should be allowed to develop freely. If a tendency arises to overdo the severe service, it can be met by a stricter observance of the present rule against footfaults, which many players violate. Excesses in service will correct themselves, if detrimental to the game. But it would be foolish to devise new restrictions simply in order to hamper one man's too successful play, as there is now some ill-advised talk abroad of doing.

The Way to Close Gambling Houses.

If the police authorities want to stop gambling they couldn't use a more effective weapon than the John Doe grand jury subpoena. Arresting and fining the employes of gambling houses and clubs do not get anywhere. It is an incident of the business for those employes to be arrested and let out on bail. There is an extra-hazardous occupation and they enter it knowing the risks. Their temporary detention doesn't break up their employer's business.

But if the frequenters of poker rooms—the kind of establishments now most popular—are taken before the grand jury as witnesses the fascination of the gambling game will soon vanish. Few business men can afford to have it known that they frequent gambling clubs, and the average employer would hesitate about keeping a clerk or agent whose honesty was likely to be undermined by the gambling habit.

In a commercial community it is fatal nowadays to be stigmatized as a gambler. No public gaming house could exist long in this city if compelled to furnish a public register of its patrons.

Taxicab Troubles and the Public.

Hearts must bleed at the presentation of the woes of the taxicab companies because of the reduced-fare ordinance which they are fighting so bitterly, and human sympathy cannot fail to be touched at their solicitude for the poor "independent" owners of a cab or two. Of course, they would like to comply with the new regulation—nothing would suit them better. But they cannot get the taximeters, and so they must starve meantime, and the weary citizens trudge their legs stiff. It is a dreary, desperate state of affairs, which only a just and merciful court can resolve by granting a permanent injunction against the enforcement of the ordinance.

It seems to be the city's fault for requiring a kind of meter which will register a lower rate of fare for a given distance than the taxicab companies have been charging. That was done only because of the foolish protests of hundreds of citizens that the cab companies were making fat profits and some of them were so full of money that they could afford to give graft to everybody, from hotel starters to traffic policemen. Obviously, therefore,

the public is to blame for all the trouble, past, present and future. That being admitted, the public still persists in wondering whether there would have been any trouble in obeying the law if the ordinance in dispute had raised taxicab rates instead of reducing them.

Pity the poor ice man! Many things happened this summer. Sulzer was "impeached" and Harry Thaw escaped from Matteawan, but we didn't have an "ice famine."

"Roosevelt Back, But Silent." And when there is so much to talk about, too!

"Murphy Smiles," say the headlines. He'd better reserve those smiles until after Election Day.

As the champion letter writer of the world, how would it do for the Mayor to write to the District Attorney expressing his regard for him, his admiration of his successful zeal in prosecuting police crooks and his desire that he should accept nomination on the Epictetian ticket?

AS I WAS SAYING

Here we are again, brimful of the spirit of roguishness. But do we know it? We do not. For we have opened "Mothers Progress and History," by Jimmie Walsh (K. C. St. G., M. D., Ph. D., LL. D., Litt. Doc., Sc. D., and a broth iv a bye) and read th' disgrace iv our dear old frind th' Irish brogue. "Pure Shakespearean English!" says Jimmie. In England tin thousand mispronunciations corrupted the mother tongue. In Ireland, divlye a wan. So there ye ar-r-re! What has passed for bold and ligant originality is nawthing but conservatism. Sic transit gloria Hiberniae!

Some comfort, though. Thanks to Jimmie, the shwan iv Avon is rayshtored to his prishrite sphindor, bedad, and we can no rade him shtraight: "Shpake th' shpake, OI pray yez, as OI pronounshed it to yez, thrippingly on th' tongue, be hivens! But if yez mouth it, as mony iv our chape players do, OI had as lafe th' town crier shpoke me loines. "Be nawt too tame, nayther, but let th' disheretion iv yez be yer tuthor. Sult th' action to the wurrud, begorry, an' th' wurrud to th' dommed action."

It is a monstrous impertinence to criticise Shakespeare, and we realize it. Yet we feel that his English was very imperfect. When have we heard an Irishman talk like that?

We were not in the least astonished by the dazzling dividends declared by the American Locomotive Company. We have seen what happens to locomotives. No wonder the makers thrive! As Bourget would say, it "walks without talking."

Our felicitations to Brother S. S. Stimson, who has a sparklet called "Cheer Up" in "Lippincott's" for September: "I sometimes wonder if life is worth living," mused the pessimist.

"It is," replied the optimist. "It is worth living much better than most of us live it." "Bravo! Only, we doubt if it was an optimist who made that retort. Sounds to us like sense."

Great fun, correcting these sages in "Lippincott's"! Further on we find Jolly Nettle Rand Miller reporting the Vermont schoolboy who wrote: "A penitent is one who earns his living by his pen." No philosopher, that boy! We think he must be an optimist. We earn our living by the pen ourself, but cannot accept this tribute. Search us!

However, we must do the square thing by Vermont. She is a noble state. If sometimes her small philosophers miff it they can often be relied upon for a three-bagger. Witness this by another urchin in the same school: "Monotony is where a person or a company has everything its own way."

Sated with gloom in the European capitals, George A. de signs for the gayety of his Indiana farm, so is starting home, not without confidences to the American correspondents in London.

Something about "our English cousins," it appears—"blood thicker than water"—"hands across the sea"—"all those pretty protestations of international love one keeps hearing over there. You know the vein.

Tell it not to George. This cousinly twitter impresses him as much too highly aerated, and we guess maybe. For there are moments when we doubt if an English cousin burns with the bright, clear flame of mad affection. He likes us; how can he help it? But is there not a gleam of slight distrust behind his monogamy? Oh, needless!

Let us be frank. We adore an Englishman, and are prepared to say why. It is because we are filled with a calm joy on beholding such a well meaning—and, all things considered, such a successful—imitation of an American. Which reminds us.

Brighton. A cold, dark, rainy day—Kipling's "blasted English drizzle" in good faith. And—br-r-r-r!—yonder in a restaurant window the notice: "Great Innovation! Have a real American ice cream soda!"

At a table next the window a particularly wet Englishman, devouring a luncheon of cold meat. Beside his plate a regulation American ice cream soda glass. Yes, actually! And between mouthfuls of cold meat he regaled himself with the abominable, frigid slush.

Hail, Britannia! We resolved to publish the happy incident for the illumination of our American Anglo-maniacs—the charming humbugs who have perhaps "been" in England for a month or so. R. L. H.

NOT; YES.

From The Philadelphia North American. If Sulzer is removed and Murphy and Barnes become the Siamese Governor of New York, the will of the people will continue to rule, will it not?

THE RASHNESS OF YOUTH.

From The Detroit Free Press. Chicago's new inspector of morals is twenty-seven years old. But then only a young man would dare to say what is moral and what isn't.

NOT WORTH THE PRICE.

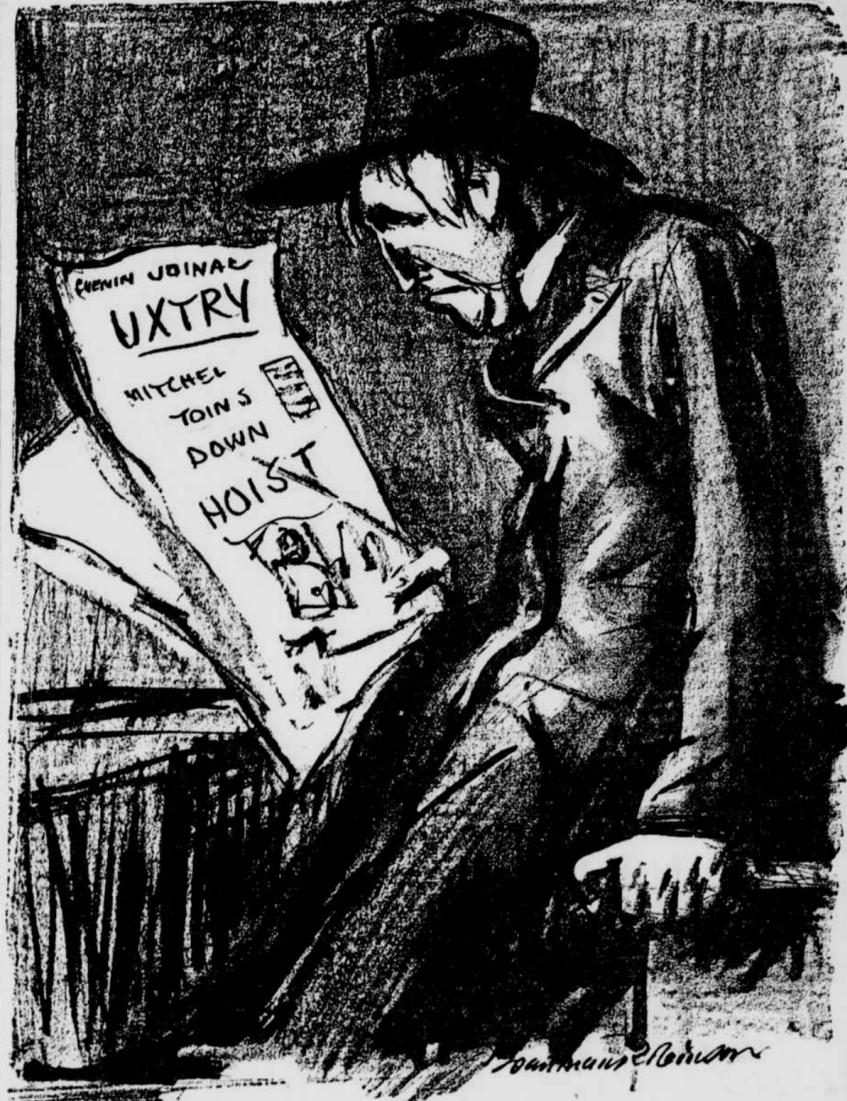
From The Boston Transcript. The Venezuelan rebels who offer to sell Castro for \$2,000 will have to mark the price down, as this is the bargain season for damaged remnants.

A FIVE-SIXTHS JURY LAW.

From The Minneapolis Journal. Five-sixths of a petit jury may now bring a verdict in Minnesota. This, of course, does not apply to criminal cases, but to the large mass of litigation between individuals, including corporate individuals. There are no reliable figures as to what proportion of cases have ended in mistrial because of the stubbornness of one or two men on the jury. It must have been represented to the Legislature as considerable. The five-sixths jury still has a safe margin of majority. The new law does not set up minority rule, but is a preventive of minority rule, and as such commends itself to the public.

THIS IS A NEAR FIT.

From The Detroit Free Press. A New Jersey chauffeur has been given five years in prison for killing a boy. Some day the punishment is going to fit the crime.



THE PEOPLE'S COLUMN

An Open Forum for Public Debate.

WANTS MITCHEL ELECTED

So Hopes Whitman Will Run on Tammany Ticket.

To the Editor of The Tribune. Sir: It is to be hoped that Mr. Whitman will not allow his name on the Tammany ticket, because that will help Tammany to elect its full ticket, but it will injure and hurt the election of J. P. Mitchel, and, in fact, the whole ticket of the fusion party. Mr. Whitman, as a lawyer and an intelligent gentleman, should see this at a glance. He should keep away from Murphy and the whole gang if he wants to assist his own party. I have a strong idea that Mr. Whitman will be elected, but I want to see Mr. Mitchel elected, too, for he is an independent, upright man. JOHN HENRY SMITH. New York, Aug. 25, 1913.

THE COURTS MUST SETTLE

Their Ruling Necessary on Glynn-Sulzer Dual Governorship.

To the Editor of The Tribune. Sir: It seems to me that Lieutenant Governor Glynn begs the question in his letter to Governor Sulzer. He contends that there is no power in the courts to stay the court of impeachment or to interfere in any way with its proceedings. This may be conceded, but it is not the issue. The question is, Had the Assembly the power to impeach the Governor at the extra session? If it had not, its action in impeaching him is invalid, and the situation is the same as if no articles of impeachment had been found. Sulzer will continue as Governor and Glynn as Lieutenant Governor.

But let us assume that the impeachment is legal, then the question arises, What is the meaning of the word "impeachment" in the section of the constitution that provides that on the Governor's impeachment he shall be retired from office pending the trial and that his duties shall devolve on the Lieutenant Governor?

I am inclined to think that the word impeachment as used in that section means conviction on the impeachment, and that the penalty of election from office takes place only on his conviction. It cannot be supposed that the framers of the constitution intended that an impeachment on trivial or immaterial grounds should automatically remove the Governor from office for any period of time. If that be its meaning an assembly of bigots might impeach a Governor for working on Sunday. There is nothing in the law to prevent an assembly from doing so, the matter being entirely in its discretion. According to this view impeachment by the Assembly is analogous to an indictment by a grand jury. But it may be answered that no court of impeachment would convict on trivial charges and that the Governor would be reinstated on his acquittal.

Granted, but a hostile Senate might set down the trial, or the trial might last up to near the end of the Governor's term; in the present case the trial has been put off by the Senate till September 18. In the mean time the work done by the Governor could be undone by the Lieutenant Governor, who would presumably carry out a programme satisfactory to the party or faction with which he is allied.

It may also be answered that Section 129 of the Code of Criminal Procedure, providing that no officer shall exercise his office after articles of impeachment shall have been delivered to the Senate until he is acquitted, covers the case. If that section it has no binding force, and if the views herein expressed are sound it is in conflict. Suppose the section of the

constitution in question declared in express terms that removal or suspension from office would follow only on conviction, that section of the code would clearly have no force. The same result follows if the correct interpretation of the constitutional provision is as I have suggested.

May I also call attention to the reasoning in the Attorney General's opinion delivered to the Secretary of State? His contention is that the Assembly has the power of its own motion to convene for the purpose of preferring articles of impeachment against the Governor, and having that power it follows that it has the power to impeach him at an extra session. But has the Assembly the right to convene of its own motion for that purpose? No such power is expressly vested in the Assembly by the constitution. That instrument directs in plain language when the Senate and the Assembly shall meet, namely, on the first Monday in January of each year and whenever the Governor calls them to meet in extra session. The legal maxim "expressio unius exclusio alterius" applies. In other words, the positive direction of the constitution when the Assembly shall convene, made in express language, excludes the right to meet any other time or in any other way.

But, after all, the opinion of the Attorney General is merely the opinion of a lawyer. It will require a court decision to settle the matter. A. J. D. New York, Aug. 26, 1913.

SOME QUESTIONS

Developments of the Sulzer Impeachment Stimulate Curiosity.

To the Editor of The Tribune. Sir: The Rev. Canon Chase asserts that he believes William Sulzer to be an honest man.

Does this mean that the Rev. Diogenes is determined to see an honest man in every poor misguided Governor of the State of New York who doesn't know any better than to leave certain considerable contributions of the list of campaign hits to file and to use the same considerable contributions in the purchase of stocks in Wall Street?

Has the discovery of the Rev. Mr. Miller, of Albany, that the Jesuits are at the bottom of Mr. Sulzer's impeachment anything to do with the good Canon's sudden zeal?

G. RICHARDS. New York, Aug. 25, 1913.

SYMPATHY FOR THAW

A Reader Considers Him Pathetic and Harassed.

To the Editor of The Tribune. Sir: Where did we ever find such systematic and unrelenting pursuit of one unfortunate individual as in the case of Harry K. Thaw, by all kinds of newspaper writers, regular and special, from the editorial stool down to the professional jester and the visionary "cub"? In the minds of some of these self-sufficient journalists, who fancy that the Creator of man and the guide of his destiny let Thaw fall from grace for their personal benefit, the past, present and future become a phantasmagoria of Thaw tragedies with terrifying figures planning murder and revenge.

Harry Thaw has sinned. He has transgressed grossly. But is it possible that other human beings, all weak and fallible, and surely not without a blemish, should take a delight in forever closing the door of hope to this pitiful figure?

Undoubtedly more dangerous and desperate individuals are at large in our community who have never been closely observed and examined or restrained. Yes, worse characters have been deliberately pardoned, released and given a seemingly fair chance to show that man

is not eternally bad. Why not give Harry Thaw the same chance?

Thaw was found not guilty of the charge of murder, on the ground that he was insane at the time of the commission of the act. In some other country the verdict might have read: "Guilty, but insane." In this country the jury says: "Not guilty, because insane."

Of course, if you take your inspiration from the Old Testament, where you find only law and no gospel, and where the motto is "An eye for an eye and a tooth for a tooth," you will take a violent exception to our American system, under which Thaw was tried and found not guilty. It is nevertheless the only fair and just system in our age and country.

Supposing that Thaw really was insane at the time he committed murder—which the distinguished District Attorney, public prosecutor at the trial of Thaw, positively refused to admit—does that mean that he always must remain insane? Is it really a self-evident truth—an axiom, as it were—that a person once insane always remains so? I think not.

Some years ago I was greatly shocked to learn that the wife of a close friend of mine had lost her reason. The doctor who attended her at the time, and during a couple of years following, is an accepted authority on mental and epileptic diseases. Being repeatedly asked to give a candid opinion as to the chances of her recovery, he always answered:

"Neither I nor any other honest physician would dare to make a definite statement that a mentally unbalanced person can or cannot get well, but my personal view, based upon my own observation and experience, as well as on other cases of record, is that she is hopelessly insane."

This doctor was not engaged at so much per diem to acquiesce in a presupposed conclusion. He ranks high within the profession, is greatly esteemed by the general public and charges rather much for his services; but his opinion was erroneous.

The patient was, to the pleasant surprise of all who knew her, discharged three years later, fully well. And the doctor in charge of the institution from which she was released said in an interview with the writer that he would stake his professional reputation upon his opinion as to her sanity; that this was an extraordinary case, but that the patient was absolutely cured. He was right.

May we have mercy with this pathetic figure and his wonderfully devoted mother? I am pleading the cause of a suffering and harassed fellow man, who in a final effort, perhaps somewhat irregular, is trying to remove himself from the meries of an insane asylum. And certainly nobody does blame him for not wanting to associate with maniacs.

To few women of our day has there fallen a more terrible portion of tragic bereavements than to the mother of Harry Thaw. She is nearing the ripe age of fourscore, and I pray that her many noble sacrifices may very soon—long before her true heart breaks—be rewarded according to her expectations.

F. H. RAGNARSON. Brooklyn, Aug. 26, 1913.

"MOTHER GOOSE" UP TO DATE

From The Boston Transcript. Hey diddle, diddle, the cat and the fiddle. The cow jumped over the moon. The beef trust laughed to see such sport. And will put the price up soon.

AN IMPROVEMENT.

From The Cleveland Plain Dealer. "Women will wear a great deal of velvet this fall," says the fashion page. Readers will be glad to know that women contemplate wearing a great deal of anything.

CARELESS.

From The Philadelphia North American. Seventy per cent fraud is said to have been discovered in Tammany road contracts in New York State. This seems unbelievable. Tammany never would have overlooked the other 30 per cent.