

The Masses Loses Attempt to Gain Mail Privileges

Judge Hand Rules Post-office Did Right in Barring Pacifist Magazine

Hampers War Conduct

Opinion Says Articles Glorify Opposition to the Draft

Judge Augustus N. Hand in an opinion filed yesterday in the Federal Court denied the preliminary injunction sought by the Postmaster Patten from barring from the mails the September issue of "The Masses."

In sustaining the action of the New York postmaster and the Postmaster General in withholding the use of mails as a means of distributing "The Masses," Judge Hand holds that the August issue of the publication was filled with glorification of those who refused to enlist, and violated the law, and that the September issue contained similar matter in diluted form.

Not Second Class Matter

The opinion takes up in full the Postmaster General's revocation of the mailing privilege of "The Masses" as second class matter, and quotes the Postmaster General as declaring that "The Masses" is not a newspaper or other periodical publication within the meaning of the law governing mailable matter of the second class.

Judge Hand further declares that "The Masses" is in conflict with the provisions of the postal laws and regulations, which prohibit the use of the mails to publications that violate the espionage act of June, 1917.

The question whether the September issue is mailable, in the opinion of the court, has not come up for decision. "Both the affidavit upon which the order to show cause was granted and the answering affidavit," says Judge Hand, "indicate that the September issue of 'The Masses' has not been declared in itself non-mailable, and the question whether it is or is not mailable has not come up for decision."

"The revocation of the second class privilege appears to have been due to the fact that recent issues of the magazine contained non-mailable matter, in violation of the espionage act. No attempt has been made to secure the transmission of the magazine under any other classification than that of second class matter, nor has any necessary postage been paid under any other classification."

Promotes War Opposition

In his opinion Judge Hand called attention to the fact that the editor of

"The Masses" in the September issue adopted a somewhat milder tone than in the August number, but continued to hold up violators of the conscription act to admiration and to say what he thought he safely could say to promote opposition to the war and to undermine its successful conduct. In holding that the government had merely withheld the mailing privilege in a lawful manner, and that it took into consideration the anti-conscription sentiment contained in articles of the June, July and August issues of "The Masses," Judge Hand quoted at length from the articles in the magazine of Max Eastman and Bertrand Russell, and brands them as direct appeals for resistance of conscription.

3-Inch Gun Found On Farm; Alien in Jail

Raiders Get Pistols, Lances and Daggers at Teuton's Home Near Camden

CAMDEN, N. J., Sept. 14.—Prosecutor Kraft and detectives visited a farm near the municipal waterworks this afternoon and returned with the owner, Albert von Lillienhal, and a three-inch cannon, fourteen lances, like those carried by German Uhlans; thirteen daggers, thirteen swords, nine automatic pistols, three bayonets, three flasks of powder and a powerful telescope. Von Lillienhal led the life of a mechanic. His tenant farmer, Robert Dwyer, caused his arrest. His actions afterward prompted officials to summon a physician. The latter said the prisoner was sane, and he was locked up in a cell. Mr. Kraft says, until he explains his frequent visits to German resorts in Philadelphia.

BRIDGEPORT, Conn., Sept. 14.—Police found three suitcases filled with high explosives and numerous vials of chemicals to-day in a room occupied by Argulilus Manlamaras, who was arrested. A search is being made for a companion. In three weeks Manlamaras has worked in three munition plants here. Most of his life, he said, was spent in Berlin. He left there two years ago, and spent the intervening time until last fall in Brazil and Mexico.

Peace Fund Escapes Tax

Supreme Court in Boston Orders \$50,000 Charge Abated

BOSTON, Sept. 14.—The Supreme Court to-day ordered the State Treasurer to abate a \$50,000 tax imposed on the \$800,000 legacy left by Edwin Ginn, the publisher, to establish a World Peace Foundation. The court held that the gift constituted a public charity. The principal work of the foundation is to publish literature and employ speakers to spread the doctrine of settling international disputes by arbitration. Chief Justice Rugg, who wrote the opinion, quoted as precedents decisions as to gifts to secure the abolition of slavery and to benefit fugitive slaves.

Finding that the purpose of the foundation was educational and not political, he said: "The declaration of corporate purpose expresses one of the highest moral aspirations of the race. It adopts almost the very words of the angel song on the night of the Nativity."

Enemies Within "Freeman's Journal" a Hearst and Socialist Artery for Abuse of England and Wilson; Censure of War and the Upholding of Kaiser—Motto of "Truth" Ironic

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There is a subtle irony in the motto of "The Freeman's Journal," a weekly published in New York, purporting to have the cause of Ireland uppermost, but in reality an organ attacking the Allies and decrying war.

The motto of this journal is "Veritas Liberabit Vos," meaning "The truth will make you free." The "truth," since the first of the year, as published in the weekly has been abuse of England and reprints, for the main part, of anti-war editorials and such from the Hearst papers and Socialist organs.

Ever since the first January issue, when Germany was eulogized for a "definite act toward the re-establishment of Poland" and Britain condemned for "refusing acknowledgment of the bravery of the Irish regiments and before the eyes of the world would allow no recognition as Irish brigades," up to recent issues, where Viscount Ishii and the Japanese mission are scored and pessimistic pictures of the U-boat damage are painted, "The Freeman's Journal" has been consistent in telling the "truth."

"Truth" Takes Many Courses

It so happens that the "truth" has been forced to take many different courses by the events that have transpired in the last seven months. It is quite apparent that the "truth" in George Sylvester Viereck's "Fatherland" and in Hearst's "American" was the most desirable from the standpoint of this weekly. Indeed, they took Mr. Viereck's word for it that the Kaiser and Bethmann-Hollweg "are fine idealists," while from the "Staats-Zeitung" they transcribed part of a pro-German speech, in which President Wilson was praised as follows:

"Where were the Wilsons in the Great crisis of the Rebellion? Some were too proud to fight. Others were shouldering guns for the Confederacy, shooting down Union soldiers with British bullets. Is it any wonder that Wilson insists we must furnish ammunition to England? He is paying off a family debt."

The plea of violating the Constitu-

tion and a protest against what they characterized as "imperialism" marked the paper's efforts before the outbreak of war. Readers were informed, through the "truth" reprinted from "The New York American," that the reason the country "stands on the crumbling edge of this abyss of war" was because members of Congress had not been loyal to their oaths to uphold the Constitution.

Paper Frowns On Roosevelt

What looked America Denies Germany a Square Deal Letter Read in Congress Says That Injustice Is Being Done," turns out simply to have been an anti-bellum protest from German-Americans in the West. And because Theodore Roosevelt told the Union League Club about this time that the United States owed its present liberties to the protective strength of the British navy his speech was characterized as "the most disgraceful ever delivered by an American statesman."

Just a few days before the declaration of war the "Journal" not only editorialized to the effect that "Wall Street Wants War," but reprinted extracts from a "New York American" editorial: "Wall Street Pulls Underground Wires," "Let the Allies Fight Their Own War," and "If we strip our treasury of its cash and our navy and army of its strength to fight the Allies' war in Europe, nothing on earth will stop Japan and Mexico from striking us a fatal blow while our only means of defence are being used across the Atlantic."

But war was declared, so the "Journal" said nothing for the time being except printing in heavy type "he that preacheth up war when it might well be avoided is the devil's chaplain." It also termed Professor Giddings, of Columbia University, a "leather-lunged patriot," and a "foul-mouthed professor," because he placed Senator La Follette in the same company with Judas Iscariot and Benedict Arnold.

Why Are We at War? In which terms usually originating with the

Hearst papers, such as "holocaust," "orgy of blood," "slaughter house" and the like are used in referring to the war, together with "Let the European nations fight it out among themselves if they will, but do not let them make a cat's-paw out of this country. American loyalty demands that we settle our differences with Germany irrespective of European quarrels."

Mayor Thompson of Chicago was eulogized shortly after the entry as being "a manly Mayor," the term being used in praise of a characteristic Thompsonian act that later brought him into unenviable notoriety. The "Journal" continued to give the impression that France was exhausted and depressed and predicted that 90 per cent of those men drafted would claim exemption, the other 10 not doing so because physical defects would cause their rejection.

The "New York American" is again the field for an article by Richmond P. Hobson, radiating pessimism. England, it was learned from Mr. Hobson, carefully withheld from the front as many men as she could, while France was being crushed. Therefore, his argument continues, the only thing for the Allies to do was retreat.

Constantine's Desposal Decried

The desposal of Constantine from the throne of Greece led to: "For daring to place the interests of the people of Greece above those of England and her allies Constantine has, after a long resistance, been overthrown by England and compelled to abdicate the throne. With Allied troops long in possession of Greece, with foreign supplies cut off from his beloved country, and with France now in full control of Greece's food supply, Constantine resigns rather than permit the complete destruction of his beloved country."

Through "The Journal" came to light also the fact that Senator La Follette is "the conscience of America." Efforts to rouse class prejudice were shown in repeated extracts culled from rabid Socialist articles, such as "Will the 5 per cent [of the lower classes] awake from their artificially stimulated patriotic drunk and heed the warning, or will they, like sheep led to slaughter, continue to follow the advice of the profit-sharing monomaniacs whose money incited and stimulated the war?"

On July 14 Noah Webster was called in to aid in proof of the theory that President Wilson is an "autocrat," while continued improvements of the U-boats that the logical conclusion would be that no transports might possibly get across to the other side.

By La Follette

Through the courtesy of "The New York American" again "The Journal" informed its readers that it feared the English as "dictators." And "since we entered the war another little nation has been compelled by the invader to fight against her will—compelled by

the leaders in this movement among the life insurance lenders not to make the rule immediately effective is largely due to a desire not to embarrass mortgagors by action that would tend to create any unnecessary shortage of insurance. With more than three months in which to make other arrangements, it is not thought any borrower will be unduly discommoded. It is reported in insurance circles that small property holders are in large numbers getting clear of their German or German-tainted policies. One agency which specializes in insurance data reports that at no time since the Hughes investigation have so many inquiries as to the status of companies been received by it.

The State Insurance Department is also in receipt of many such queries. The amount of business represented by most of these inquiries is small, but in the aggregate it is large.

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"Tageblatt" Heads Held for Grand Jury

PHILADELPHIA, Sept. 14.—Five of the six officers of the Philadelphia "Tageblatt" arrested in a government raid last Monday on the newspaper plant were held under \$10,000 bail each to-day to await the action of the grand jury on charges of violating the espionage act. Waldemar Alfredo, of the editorial staff, was discharged. All witnesses have been ordered to appear before the grand jury. The evidence brought out to-day among other charges, tended to show that the paper distorted news for the alleged purpose of showing favoritism to the German cause.

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To All Americans In New York and All Who Wish To Aid Our Allies Advance Announcement of "HERO LAND"

As the war progresses, it is inevitable that the magnitude and the suffering and distress visited upon our soldiers and the soldiers of our Allies, upon the prisoners of war and upon the innocent non-combatants, should be greatly intensified. But one thing can help alleviate the terrible conditions. This is assistance from America in the form of money and supplies for relief of the wounded soldiers and the destitute women, children and aged who make up the civilian populations.

With the purpose, first, of bringing home to the United States a keener realization of the situation abroad, and, second, to raise through one concerted effort as large a sum as possible, more than seventy leading Allied War Relief Societies, together with representatives of the Red Cross, will conduct a great Bazaar for American and Allied War Relief, to be known as "HERO LAND," and which will open on November 24th at the Grand Central Palace, this city, and continue for nineteen days.

Among the patrons are The Right Hon. Arthur James Balfour, His Excellency E. de Cartier, the Belgian Minister to the United States; Mme. Piccardi, wife of the Italian Consul General; Hon. Charles S. Whitman, Governor of New York State, and Hon. John Purroy Mitchel, Mayor of New York City.

The American Red Cross is to conduct a tea garden with the Italian Red Cross in charge of the Italian Section

and the British Red Cross and the British Recruiting Mission and Patriotic Fund also taking part.

The British, Belgian and Italian Governments are sending official war exhibits and the Allied Legations in Switzerland have combined to send an exhibit of articles made by the interned prisoners of the Allies in that country. Among the exhibits will be an Armored Tank, which has been service on the West Front, with its entire gun crew, which is being sent by the British Government. It is thus confidently anticipated that "HERO LAND" will constitute the greatest of war exhibits, the most instructive entertainment and the largest Bazaar in all the history of New York.

The Committee wishes to take the public into its entire confidence as to the manner in which the Bazaar is to be conducted and as to the manner in which the proceeds are to be distributed.

EVERY CENT received at the booths, at the exhibits or in entrance fees, or from any other source, after payment of rent, advertising, clerical hire, decorations and necessary salaries, will go to War Relief for America or the Allied countries.

No commissions are to be paid to any one and the Management Committee will receive no profit, percentage,

salary or remuneration, of any sort or kind, from the Bazaar.

The accounts of the Bazaar will be audited and made public by James Marwick, of Marwick, Mitchell, Peat & Company, 79 Wall Street, whose representatives will be in charge of all moneys of the Bazaar.

All funds and receipts will be deposited with the Metropolitan Bank, which will open a branch in the Grand Central Palace for the period of the Bazaar, and one of New York's most prominent bankers will be the Treasurer of the Bazaar.

The Committee wishes to advise the public of these facts in order that it may receive, and that the sufferers whom the Bazaar is designed to assist may receive, the co-operation of every man, woman and child in New York whose heart feels sympathy for the valiant and for the weak, who are the chief victims of this war to make the world secure for future generations.

The Management Committee wishes to impress upon the New York public that this Bazaar has no connection with any other unofficial or privately organized bazaar that may be held, and any and all donations of goods should be addressed to the Organizing Secretary, "Hero Land" Bazaar, 360 Madison Avenue, New York City.

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