The Sun

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A Suggestion to the Discerning.

The auspicious landing of an airship within the sacred precincts of the White House garden gives ground for thought.

How many years will it be before an up to date warship, standing off Panama or Colon on a hostile errand, will be able to despatch its auxiliary airship, laden with explosives, to destroy one of the perpetual locks of the canal at high level?

True, it might be a question whether the torpedo airship would destroy the perpetual lock or be destroyed by the gallant defenders of the canal. There are chances in warfare. If fate were unkind to the enemy the hostile fleet would be less by one airship; otherwise, the American canal would be put out of commission.

The perpetual locks are a challenge to common sense.

Adjourned.

The first session of the Fifty-ninth Congress was monumental in its output of words and fervently sociological and reformatory in the character of its most treasured legislation. What the Congress left undone may be passed over lightly. The Philippine tariff bill and certain treaties, for instance: Congress was in so solemn a frame of mind as to the regulation and amelioration of things at home by Federal omniscience that more distant matters could not be attended to. "Justice to the Philippines" sounds well; but judgment against corporations was what "the people want." This Congress, and especially the Senate, has been singularly sensitive to actual or imaginary popular desires. Panics are common enough, and of late there has been a panic against business. A psychologist might find curious substance of comparison between the state of mind of the Senate when it passed the Beveridge meat inspection amendment to the Agricultural Appropriation bill and that of the Jewish mothers on the East Side last week.

Congress has been responsive sometimes to real, if fleeting, popular feeling, sometimes to ingeniously worked up simulations of it. The pure food law is an example of the artificial, popular sentiment; what may be called the many petitioned and woman's club way of influencing Congress.

The pure food law, the railroad rate law and the meat inspection law are new stations on the road to all-Federalism. Henceforth the public health and the virtue of the railroads will be under the care of the final American authority and refuge, bureaucracy. The meat inspection law is really an attempt to revive a business that had been injured by sociological disfavor. The railroad rate law, made drastic by the Senate, was passed just when the Administration had been demonstrating the effectiveness of the Elkins law to deal with the essential wrong of railroad management. Will the new statute, so long deliberated in the Senate, so diligently patched and trimmed, survive the constitutional trials that may be in store for it? How will it work? Will it satisfy or disappoint the expectations of those who regard it as the ark of safety? Who knows? It might almost be said, Who cares? The country was thought to want Government railroad regulation. Senators and Representatives have supplied the demand. The elections are coming, and the good and faithful servant of the people can now regulate his fences.

A happy return to their homes to all the members of the Fifty-ninth Congress, and an easy reelection to those who deserve it! It will not escape the penetration of their constituents that the White House has exercised, more or less successfully, in two most important bills, a sort of initiative and referendum. In recounting the labors of the session the place of honor will have to be given to THEODORE ROOSEVELT.

Competent Evidence in Cases of Murder.

The statute law of this State defines murder in the first degree as the killing of a human being when committed from a deliberate and premeditated design to effect the death of the person killed or of another. In the Penal Code the definition of a principal is "a person concerned in the commission of a crime, whether he directly commits the act constituting the offence, or aids and abets in its commission, and whether present or absent, and a person who directly or indirectly counsels, commands or induces another to commit a crime is a principal."

Of this section Judge PECKHAM, in rendering the opinion of the Court of Appeals in People *vs.* BLIVEN, said: "The purpose and effect of the section are to abolish the distinction which heretofore existed in cases of felony between a principal and accessory before the fact." In the Macomey case, which was before the Court of Appeals in 1881, Chief Judge FOLGER, in rendering the unanimous opinion of the court, said: "To constitute one a principal in the felony he must be present at the commission of it. But he need not be so near as to be an eye and ear witness of the criminal act. His presence may be constructive, and that constructive presence is made out when it is shown that he acted with another in the pursuance of a common design. * * * A waiting and a watching at a convenient distance is enough."

It will be well for those who seek to extol the murderer of STANFORD WHITE, or to palliate the assassination, to examine carefully the statute law concerning murder, which is in the main the embodiment of the old common law. And it will be well to consider at the outset the question of competent evidence in cases of murder.

The idea that an individual can with safety become a public executioner and assassinate those who commit any infraction of morality, has never been received with toleration by courts or juries. A man who would enter the State prison at Ossining and shoot down a convicted murderer in cold blood would be indicted for murder in the first degree and sent to the electric chair, and no evidence as to the bad character of the slain convict would be admissible. The definition of murder is not limited to the killing of a moral or good man. Murder in the first degree is the killing of any human being—whether he be good, bad or indifferent—when committed with deliberation and premeditation. All the law requires is this, that there should be some reflection and some thought preceding the killing, even though they be but instantaneous.

On the trial of THAW for the murder of STANFORD WHITE the defence can show any facts or acts connecting the victim with THAW or THAW'S wife, but no evidence as to the life of the murdered man disconnected with the THAWS and independent thereof can be given or proved, or with decency or in the proper conduct of the case be brought in any way to the notice of the jury. That Mr. WHITE gave suppers to other actresses, or in any way was at any time attentive to them, has no bearing whatsoever on his murder by THAW, and any attempt to prejudice a jury in favor of the murderer by such testimony would be grossly improper.

Even the suggestion of frightening or blackmailing the friends of Mr. WHITE in order to turn the prosecuting officer of this county from his duty is monstrous, and the miserable exhibit made by the murderer in calling up ANTHONY COMSTOCK on the telephone tends to show that an attempt may be made to excuse the crime on the theory that Mr. WHITE sometimes gave suppers to women on the stage and that his friends also paid attention to actresses and soubrettes.

Murder is murder, and it is nothing else. No gayety or laxity of life on the part of the murdered man or on the part of his friends, disconnected in every way with the murderer or the murderer's wife, can be brought into the case or with decency even be alluded to. All such alleged evidence is incompetent, and no trial Judge familiar with the criminal law will allow such testimony to be lugged into the case.

Even in a frontier town murder is excused only when the murderer finds his victim in the arms of the murderer's wife. In no other instance is assassination permitted under the most primitive code, and we know of no community—we have never heard of any community—where a husband familiar with his wife's record can, with impunity, two years after his marriage, murder another man on the theory that his victim was in earlier life and before the marriage too attentive to the woman in question.

The Czar Halting Between Two Opinions.

There is one point as to which all the advisers of NICHOLAS II. seem agreed. This is that the deadlock between the Czar and the Duma has lasted long enough. The virtual severance of relations between the Executive and the Legislature, through the latter's refusal of confidence to the Goremykin Ministry, instead of checking the momentum of the revolution, has increased it. But while all recognize that the deadlock ought to be broken forthwith, there is a sharp difference of opinion as to the right method of breaking it. The reactionary party at the court insists that the Parliament be dissolved without delay, and that disaffection everywhere be stamped out by the army before the instrument of repression becomes itself untrustworthy. The party of conciliation, on the other hand, to which it is said even General TREPOFF has acceded, and which is backed by a majority of the Council of the Empire, is urging the Czar to throw himself into the arms of the Constitutional Democrats by forming of their leaders a Ministry responsible to the national assembly. We shall probably know in the course of a few days which of these plans will be adopted.

Whether the reactionists are right in believing that the bulk of the army is still loyal is a question that could only be answered by experience. The fact that regiment after regiment has mutinied is undisputed. But whether the soldiers have always been actuated by political or sometimes by professional motives is not yet definitely known. Of course, if the army were to be used as an engine of pitiless repression, all demands for the improvement of service conditions would be granted and every effort would be made to propitiate the troops. Perhaps the attempt might be temporarily successful, so far as the urban proletariat is concerned. The reactionists themselves admit, however, that the soldiers could not be trusted to fire upon the peasants, and there seems to be no doubt that an almost universal uprising of the peasants would follow a violent dispersal of the Duma. Nor is it only the hostile attitude of the peasantry which may well dissuade the Czar from resorting to coercion. Russia is again so straitened financially that the Minister of Finance has felt compelled to cut down materially the budget of the War Minister and has intimated that the Government could not withstand the strain of another general railroad strike. We may take for granted also that if the national assembly were dispersed by force a new foreign loan would be unattainable, partly on account of the vindictive feeling aroused among Hebrew financiers all over Europe, and partly because the last loan was secured on the understanding that the Czar would introduce representative institutions. It seems, in a word, improbable that NICHOLAS II. will face the consequences of a resort to ruthless measures of repression.

Is government by a Ministry responsible to the Duma still practicable? There seems to be no doubt that the Constitutional Democrats, who constitute a majority of that body, are willing to try the experiment, and according to a St. Petersburg correspondent they have held a caucus and suggested Mr. PETRUNKEVITCH for the Premiership and Prince DOLGOROUKEFF, Count HEYDEN and Messrs. MELINKOFF, SHIPOFF with others for Cabinet positions. It is alleged that the members of the Labor party, which occupies the left of the chamber and is made up partly of peasants and partly of workmen, have agreed to support a Constitutional Democratic Ministry without asking representation in it. Similar disinterested cooperation might be expected from the Council of the Empire if it be true that the Centrists, who dominate that chamber, have arranged to urge the Emperor to summon a Ministry from the Duma, on the ground that such an expedient alone can save the situation.

What would be the programme of Russia's first responsible Ministry, the appointment of which may be announced at any hour? That programme must necessarily include some measure of immediate and effective relief for the peasants, who are actually starving in a number of provinces, and the Duma may provoke discontent and distrust among the whole body of the peasantry, if a definite solution of the agrarian problem is postponed. The crux of that problem has to do with the method of expropriating private estates: a distribution of the Crown lands could be brought about with relative facility, but would not suffice. In view of the tremendous urgency of the agrarian question, we are scarcely inclined to credit the telegram from St. Petersburg, which excludes any trenchant treatment of it from the scheme said to have been outlined by the Constitutional Democrats. They are described as intending to leave social (including, of course, agrarian) reforms to the next Duma, meanwhile regulating the mode of choosing that assembly and insisting upon universal suffrage, equal rights and constitutional guarantees, together with the concession of amnesty for political prisoners. As the peasants outnumber all the other inhabitants of Russia nearly ten to one, and as they care but little for political privileges, compared with rescue from starvation, any postponement of agrarian reform might prove a fatal blunder for the Duma, which, with a Ministry of its own choosing, could no longer place the sole responsibility for disappointments on the Czar.

Light in Massachusetts.

The Bay State Drys have lighted a great light. They have nominated for Governor the Hon. JOHN BUTIN MORAN of Boston. Mr. MORAN is a universal prohibitionist. He would prohibit all men from doing what they want to do. He would mind everybody's business. He is that strange thing in nature, an Irish Puritan. His platform may be summarized thus:

"1. Mind everybody's business for him.

"2. Advertising pays."

The Democratic machine views Modest MORAN with alarm, but the heart of the Democracy beats for him. There is no other Man of the Peepul like him. Governor GUILD may grin in the hope that tariff revision will not be insisted upon if Mr. MORAN is the Democratic candidate. Universal revision and precision are more potent issues. The Hon. BUTIN MORAN, his lips full of fire and his hands full of subpœnas, will revolve rapidly through the State. His is "the arduous greatness of things done." Who shut up temporarily the bar of the Tourraine? Whose gerfalcon eyes saw through the screen in the barroom of the Essex? Who taught the epicures from Tatnick and Toad Hill, eating their beans at Parker's and at Young's, that no man in Massachusetts can drink in safety and seclusion—aye, though he put the flask to his mouth in the darkness of his own cellar? BUTIN will see him. BUTIN will "summons" him. And BUTIN will punish him. The most desperate criminal in the purlieus of Shall-I-Go-Naked has goosefleshed at the mention of BUTIN'S name. The plutocratic oppressors of the Peepul, sitting in "their red chairs in State street," as WENDELL PHILLIPS used to say, tremble as BUTIN passes by. Not since the days of EMMONS has Boston seen so determined, angular, rapid and disturbing a statesman.

Will the Democratic ticket be MORAN and SWIG or MORAN and LAWSON, "Temperance TOMMY"?

The New Automobile Law in New Jersey.

The automobilists who use the New Jersey roads have had two months to learn what is required of them by the new law which goes into operation today. The old law was a dead letter in many respects, particularly with regard to the speed limit and arrest sections. There were comparatively few arrests under it, and a motor could be run at a high velocity with impunity. Vagueness in the wording of the law accounted in part for this, and it has been charged that the vagueness was deliberate. However that may be, the new law seems to be as plain as words can make it, and they do not favor the automobilist.

The rights of horsemen and of drivers of other vehicles than automobiles and motor cycles are jealously guarded by the new law. It will be a misdemeanor for the operator of a motor not to stop when a horseman or horse driver coming toward the motor holds up a hand as a sign that he is in trouble or fears it. The rates of speed allowed motors are twenty miles an hour in the open country; one mile in seven minutes upon a sharp curve, and one mile in four minutes at a cross-road outside a town; one mile in five minutes in built up portions of a city, town or village; and one mile in four minutes within 200 feet of any horse "or other beast of burden" using the same "street or highway."

There is a provision in the new law which requires chauffeurs who are the cause of an accident to give their names and addresses to "any proper person" asking for them. It will be a misdemeanor for an intoxicated person to drive a "motor vehicle," or for any person to operate one without the consent of the owner.

Section 32 is of prime interest to owners and drivers of motor vehicles. The vital part of it reads as follows: "Any constable or police officer or motor vehicle inspector or the commissioner of motor vehicles is hereby authorized to arrest without warrant" for violations in his presence of any of the provisions of the act. Arrests may also be made upon the sworn complaint of any person. The penalties may include imprisonment for the graver violations as well as fines.

It would be well for the user of a motor vehicle to carry a copy of the law with him to determine what his bail rights are when arrested. The most common cause of arrest will naturally be for speeding, which will be a dangerous pastime when a warrant is not needed by an alert officer.

I am new in a position to live the life of pleasure lived by the idle rich. I possess all the material concomitants for it, but I would infinitely rather sweep a crossing.—GEORGE BERNARD SHAW.

Our timid vegetarian friend kicks up a great deal more dust and gets a good many more pennies in his present business.

Colonel JIM GUFFEY expresses his "satisfaction" with the nomination of Mr. EMERY by the Pennsylvania Democrats. Colonel GUFFEY is entirely satisfied that for the present he is not the Democratic party of Pennsylvania.

Socialism won't get far on its way until the college and author socialists make an equitable redistribution of the easy money and give all the exposers a fair show. Here is one downtrodden uplifter, with a book on the coal fields to his credit, arrested and leaving ten dollars with the minions of the law as a fine for preaching in Wall street against the "wealth kings." And this in the year when the beef book writer clears four million dollars after paying the hire of all the bands.

The Wisconsin Democrats have also indorsed the ambition of the Great American Traveller. A few more tributes, a few more calls to duty, and Mr. BRYAN will find it to his advantage to return to his native land and the lecture platform.

For an anarchist to refuse to make a speech because it was too hot, as ALEXANDER BERKMAN did, is something altogether new in the annals of the Reds.

We prefer to believe that Representative BARTLETT of Georgia drew his penknife to pare his nails, and not to cut the heart out of Representative SOUTHWICK of New York, who only a short time ago was one of the "kids" of the House. Since the bowie went out of fashion Southern gentlemen do not carve each other for mortal insults. They arbitrate.

Senator TILLMAN should have been more definite about his experiences with "a miserable breed of lawyers" which drove him to Scripture to denounce the profession. His litigation has been chiefly in South Carolina.

Why should not a Carnegie heroine medal go to Mrs. HENRY HANSTINE, Uncle SAM'S carrier in Sullivan county, who killed with her buggy whip a five foot and ten rattler snake that tried to obstruct Government business on the Long Eddy road?

Girl Waiters.

TO THE EDITOR OF THE SUN—*Sir:* For a long time I have wondered why restaurants in this town which employ girl waiters seem to be unable to find girls of pleasant manners, or even of plain, ordinary politeness. I know of several which have lost customers by the ill mannered waitresses who serve at the tables.

Within the last two days I have learned what the trouble is. I am aware, as everybody is, that all waiter girls are not the most cultured women in town, and I am willing to say that some are naturally lacking in grace of manner, but those who know how to be polite and are not are not to blame. One of these girls informs me that in almost every restaurant where girls are employed the rule is strictly enforced against anything but strict attention to customers. If a girl smiles or stops to say a pleasant word, even in response to a customer's greeting, she is liable to be discharged on the spot. The forewomen do not wait, in many instances, for the girl to get away from the table, but then and there she is asked for her belt and tickets and is told to go.

It is understandable that too great familiarity could not prevail in reputable places between waitresses and customers, but surely they might be allowed to be polite. I know at one place where I get my frugal breakfast one girl has never said good morning to me in the two years that I have been going there. Now, when I know it is her morning on I go somewhere else for breakfast. But I'm not going to blame the girls any more. The blame goes higher up, and I will eat where my breakfast won't be spoiled by a surly female.

I am a bachelor, but I can understand vaguely why some married men don't enjoy their breakfasts. And they can't change their eating places, either. J. K. R.

NEW YORK, June 30.

Reappearance of a Perennial Nuisance.

TO THE EDITOR OF THE SUN—*Sir:* The man who holds fast to the end seat of a summer car is at best but an exemplar of selfishness. When he crosses his legs and keeping them crossed forces you—as was my experience this morning in a Sixth avenue car—in your effort to pass him to do the stunts of an acrobat or a contortionist, he becomes a nuisance.

President Vreeland can assist in relieving this nuisance if he will by posting in a conspicuous place in every car this hint:

"It is said of St. Francis de Sales that he never crossed his knees." DEVIN-ADAIR.

NEW YORK, June 30.

A Searcher for Unhappiness.

TO THE EDITOR OF THE SUN—*Sir:* The United States are placed before the nations of the world as an exemplar of happiness, health, progress, peace and general prosperity. I admit the groundwork is here for everything conducive to the general good, but something is fundamentally wrong. The people generally are the antithesis of happy. The prosperity is certainly in the keeping of the few. There seems to be essential wrong somewhere. The concentration of wealth in too few hands seems dangerous. An infinitely wise God made this world for the majority, not the minority.

NEW YORK, June 30. JOHN A. BAMBRICK.

Fast Color.

From the Allahabad Pioneer.

They are a simple people in Kachin land. A civil officer one morning gave, by request, a cake of soap to one of their chiefs. In the evening, when walking along the path, at a place where a small stream crossed it, the civil officer suddenly came upon this chief, naked as the day he was born, with soap suds scattered all round him, and the chief forthwith proceeded mournfully to explain that though he had spent the whole day and used practically the whole of the soap he had been unable to become a red man, even as the Sahib was.

Aspiration of a Bull.

What feelings of happiness
Soon would be nursed,
If stocks and the mercury
Only reversed.

A BLOW AT BOYCOTTING.

The Supreme Court of the State of Pennsylvania has recently affirmed a decision of the lower court which enjoined a conspiracy by a labor union to destroy the business of a firm refusing to accede to its demands and which further assessed damages in the sum of $1,770 against the union for its unlawful acts. The title of the case is Purvis et al., plaintiffs, against Local No. 500, United Brotherhood of Carpenters and Joiners, et al., defendants.

It appears that on the failure of the plaintiffs to unionize their mill Local No. 500 and the District Council attempted to gain this result by any and every means in their power, both in the Pittsburg district and in the home community of Butler. The members of Local No. 500 who were found working material from this mill were coerced into quitting work on pain of trial, fine or expulsion. By the same power owners, former customers and contractors were compelled to withhold their patronage from the plaintiffs, and at the same time a successful effort was made to deter the general public from placing orders with the plaintiffs.

Joseph L. Purvis, one of the plaintiffs, testified that one Lewis, a business agent of the District Council, came with others to the plaintiffs' place of business to urge upon them that they unionize the mill. Purvis after deliberation showed Lewis that the change would not be practicable. Lewis thereupon told him that he would have to stop doing business in Pittsburg. Many other similar threats were made to the firm by representatives of the union. At the time the firm had a $20,000 contract to furnish building material for a Pittsburg contractor. Pressure was brought in vain on the contractor as well. Then the union men employed by the contractor to put the work together before removing it from the plaintiffs' warehouse in Butler were called off at a time when the building material was urgently needed by the contractor to complete his contract.

One of the specific findings of conspiracy by the lower court is typical of the rest and is as follows:

"The Central Hotel in Butler had been partially destroyed by fire and was being repaired under the supervision of Edward Weigand, a building contractor, who, under instructions from Mr. Nixon, the owner, was ordering the material as needed from the plaintiffs. The work was urgent, as the owner was anxious to utilize the building. The union men on the building were called off and were not permitted to resume work until Mr. Nixon entered into an agreement with the business agent of Local No. 500, Goerman, bearing date January 9, 1904, that no material delivered after January 8, 1904, coming from S. G. Purvis & Co., shall be used on the Central Hotel until said mill is operated according to union rules."

The officers of the union further admitted having come to the town of Butler "prepared to drive Purvis & Co. into the union." They further stated that they had at that time "sufficient leverage" to enable them to see that it was done. This they followed up with a circular letter to the effect that members of the United Brotherhood of Carpenters and Joiners would not handle mill work or materials coming from mills which failed to comply with the regulations of the Carpenters' District Council and that Purvis & Co. had failed to comply with an agreement of the Planing Mill Association of Western Pennsylvania with the Carpenters' District Council.

The attorneys for the labor unions attempted on appeal to befog the issue by stating that the question involved in the case was briefly this: Is the dissemination by means of printed notices by a lawfully constituted lodge of union laborers to its members and employers of labor of its adopted rules by virtue of its constitution forbidding its members to work non-union material an unlawful conspiracy? Judge Brown, speaking for a united Supreme Court, declares that "the seal of counsel may account for but can hardly excuse" so flagrant a misstatement. The real question, says Judge Brown, "is the unlawfulness of the conspiracy of the appellants to injure and destroy the property of others, if their demands as to the employment of workmen are not complied with. * * * The appellants contend that they seek only to persuade and not to coerce; but their means of persuasion are the destruction of the property of those whom they would persuade. As well might it be said that the sight of the club or gun of the highwayman without actual violence simply persuades."

After demolishing this variant of the "peaceful picketing defence," employed so frequently in cases of this character, the court reviews the law of illegal combinations and conspiracies resulting in the boycott, severely scores such methods of unfair competition and coercion and makes this final summary and observation on the facts at bar:

"Turning from a consideration of the nature of the purpose of the defendants, as indicated by their words and deeds, I desire briefly to consider the means used to effect that purpose. On part of plaintiffs it is alleged that the means used are a boycott of their business. The defendants contend that their methods were persuasive and were not accompanied with violence, threats or intimidation. No violence was used, nor does any seem to have been contemplated or threatened; but acts may be coercive in character without threats or commissions of violence or personal injury. When the District Council with its 7,000 members in the Pittsburg district gave notice to practically all the building contractors of that district that the plaintiffs refused to run their mill in accordance with union rules and calling attention to the working rule which forbids union workmen to work material from any non-union mill, the contractors understood what the request not to patronize plaintiffs' mill meant.

"When the members of Local No. 500 who were willingly working material from plaintiffs' mill were visited by the business agent of the union, who called them off, they doubtless knew that it meant trial, fine or expulsion and ostracism if they continued to work. When the owner of the Central Hotel was required, in the urgency of his situation, to sign a contract with the business agent of the union not to purchase any more material from plaintiffs as the condition of having work continued on his building it can scarcely be said that his freedom of action was not interfered with; when the business agents of the District Council declared that they had come to Butler prepared to drive Purvis & Co. into the union, when they stated to plaintiffs there was going to be trouble if their mill was not unionized and gave them to understand that they must unionize their mill or quit business, all parties well understood what that meant. In all these things the attitude of the defendants was threatening and coercive rather than persuasive.

"In attempting to justify their conduct the appellants allege authority for it in the act of June 16, 1891. While that act provides that they may devise ways and means to make rules, regulations, bylaws and resolutions of their order effective it sanctions no rules, regulations, bylaws or resolutions to commit wrong, and if it attempted to do so by authorising the appellants to interfere with the absolute rights of the appellees the legislation would be a dead letter, for the Legislature cannot abolish the Declaration of Rights."

A Massachusetts Candidate.

TO THE EDITOR OF THE SUN—*Sir:* Mouse Riser, Esq., is proposed for membership. Has any one the temerity to blackball him?

LYNN, Mass., June 30. H. H. ATHERTON, JR.

The Invariable Claim.

From the Washington Star.

No matter where a man may dwell,
He'll make this statement as a rule:
"It's warm by day, the truth to tell,
But then the nights are always cool."

E'en on the arid, thirsting plain,
Where blindly roves the panting mule,
You'll hear the old familiar strain:
"It's hot. But then the nights are cool."

Should Satan boldly venture out,
Once more our mortal minds to fool,
"My home is warm," he'd say, no doubt;
"But then the nights are always cool."

THE WRITTEN LAW.

Shall It Be Brushed Aside to Save a Millionaire Murderer's Life?

TO THE EDITOR OF THE SUN—*Sir:* We are soon to see a contest between the forces of the written and the "unwritten law." That "unwritten law" exists and is powerful, let no one doubt. In the case soon to be tried, lawyers, who, I believe, on admission to the bar take oath to use their best endeavors to see that the written law is fulfilled, will for hire do their utmost to defeat written law and cause the "unwritten" to prevail. It was an edifying spectacle, that of lawyers rushing like a horde of Oklahoma land grabbers to get the chance, for a price, to overturn the law they had sworn to uphold.

The machinery of "unwritten law," rusty and unwieldy in the case of poor persons, is now being repaired and adjusted, oiled and fired by the money of the criminal's family, and will be operated by shrewd and unscrupulous engineers—a palpable conspiracy against the public and the law.

Whether or not Stanford White deserved his fate is not the question. Not the murdered man nor the murderer will be the principal defendant in the coming trial. The law of the land, the peace and safety of the public will be put on the defensive against the arts, the wiles, the chicanery of those who have sworn not to attack, but to protect them.

The public will be interested to learn—and it will soon find out—the comparative power of money and the law, as well as the force of sickly sentimentality and maudlin sympathy acting on twelve supposedly rational, law abiding, oath regarding men.

NEW YORK, June 30. P. BONOPUBLICO.

Are Prison Doors Closed to the Rich?

TO THE EDITOR OF THE SUN—*Sir:* Your editorial "The Written Law" is most opportune and appeals strongly to all just and patriotic minds.

The tremendous and apparently concerted efforts of a portion of the press to use every means to work up a sympathy for the murderer give credence to the very common belief that the Thaws' millions are being judiciously expended. It is a common saying that prison doors are closed to the rich.

The persistent attempt to dig into the malodorous life of the murdered man to create sympathy for the murderer should be rebuked. Your able appeal for the written law is a voice that will be heard throughout the land, and not less so because apparently the only one raised. LEWIS CASS JOHNSON.

NEW YORK, June 29.

Equality at the Bar of Justice.

TO THE EDITOR OF THE SUN—*Sir:* Perhaps you will not regard it as much of a compliment to be commended for your editorial on "The Written Law," but permit me to say that it is exactly what I expected from THE SUN. It is sincerely to be hoped that the State of New York will effectually demonstrate the equality of mankind at the bar of justice, and hold Thaw to a strict accountability for his act. E. W. T.

SCRANTON, Pa., June 29.

The One Spot in America.

TO THE EDITOR OF THE SUN—*Sir:* Attracted by the presumption exhibited in an article signed "Farmer" in THE SUN of June 24, I take the liberty of criticising the same.

Farmer, indeed! Presumptuous in a high degree is the correspondent who would venture to malign the literacy and methods of our metropolis. I would like to have your correspondent announcing himself as a stranger in New York explain to your readers the apparently marvellous sense of perception whereby he is able to form so decided an opinion and proclaim New Yorkers, making positively no discrimination, as egotists and hypocrites; and what a hypocrite he makes himself, stating that he admires a good four flusher, and then expressing willingness to wager that one-third the population of New York city cannot answer correctly three queries, which, I dare say, cannot be answered by one-third the population of any city in the Union.

Why should not New Yorkers feel a certain superiority over the rest of the inhabitants of the Western Hemisphere? Are they not citizens of the grandest and most metropolitan city in the world, and should they not be allowed to display their pride and good judgment in upholding the reputation of their home city? Regarding the newspapers, of course, "yellowism" is prevalent, but your correspondent is anything but competent to criticise the sheets of New York. How about a New Yorker coming to another city? Of course he would find the local news less interesting than the news from home. I have to concede that New York shelters the major part of the foreign element, but that simply goes to show the attractiveness and advantages of New York. Even the humble and unlearned alien has intuition enough to appreciate the one spot in America.

In asserting that 99 per cent. of up-State inhabitants hold the same perverted opinion, your correspondent is assuming considerable responsibility and places himself in the ranks of would be statisticians, exposing himself to well deserved and severe criticism. THOMAS H. BUTLER.

ROCHESTER, N. Y., June 30.

Dangers of Civilization.

TO THE EDITOR OF THE SUN—*Sir:* Now we are told that a German medical man, an M. D.—which I believe stands for Microbe Digger—has discovered a horrible monster of a microbe in our ink bottles, one that outrivals anything that ever was found in pork, and one that but for the introduction of the fountain pen would have depopulated that portion of the civilized globe that uses ink to carry on its correspondence.

I have often wondered why so many gifted writers died so early, but the mystery is now solved. They were slain by that terrible ink microbe, that demon that has stricken them first with pen paralysis and then with a death that puzzles the ordinary medical man.

If these microbe sharps keep on discovering these things it will be better that mankind had never been born, or that some good things had never been discovered, and among them ink. I must lay down the pen, I suppose, and take up the pencil, if I can find a brand that does not have microbes hidden in the wood or the plumbago. Can any one tell us when this microbe research and discovery will end? NAUTICUS.

NEW YORK, June 30.

Descent of Thorium.

From the Scientific American.

Seldom in the history of chemical industry has any chemical product undergone such marked variation of price within a few years as thorium, the principal constituent of incandescent mantles. Early in 1894 thorium nitrate was sold by the German combination at 3,000 marks per kilogramme, and by January of the next year it had fallen to 900 marks; in July of the same year it stood at 500 marks, and in November at 300 marks. In 1896 it fell in May to 150 marks, and in October to 90 marks, touching the low price of 30 marks in 1899. After that the price was pushed up to 53 marks, less 7 per cent. discount, in May, 1904, a figure which the "Convention" succeeded in maintaining till January of this year, when it dropped to 27 marks, less 3 per cent. discount.

Healthy After the Earthquake.

From the San Francisco Chronicle.

"San Francisco is freer from contagious disease now than in any other time in its history."

This was the statement made by Dr. James W. Ward, president of the Board of Health.

"We have fewer cases now than I can remember, and the remarkable thing is that they are on the decrease all the time. The number of cases has fallen off 75 per cent. since the earthquake. The expectation that the city would be a pest house after the earthquake has not been realized, and instead of any such condition we have an example of health unparalleled."

Too Many Lawyers in 1554.

From the London Globe.

In some old records discovered this week in a Suffolk parish appears the following entry of a statute passed in 1554, the second year of the reign of Queen Mary: "That there used to be six or eight attorneys only for Suffolk, Norfolk and Norwich together; that this number has increased to more than eighty, most part of whom, having not sufficient knowledge, come to fairs, &c., inciting the people to small trespasses that they may get employment; wherefore there shall be hereafter six for Norfolk, six for Suffolk and two for the city of Norwich."

Well Preserved.

From the Philadelphia Record.

A dozen glass jars filled with berries were found by workmen who were excavating for a building in Johnstown, and it is believed they were buried by the great flood of 1889. The berries seem to be as good as when they were caught in the mighty swirl of the waters seventeen years ago.

MOVEMENTS OF WARSHIPS.

A Complaint That the Navy Department Neglects to Give Out Information.

TO THE EDITOR OF THE SUN—*Sir:* While the recruiting department of the navy is using every means in its power to urge young men to become sailors, the Navy Department at Washington seems to be asleep or controlled by a set of lazy or indifferent clerks. "Movements of naval vessels" are eagerly scanned every day by thousands of anxious eyes, those of wives, parents, brothers or sisters of sailors in the United States Navy. This list, which ought to occupy at least half a column every day in a paper like THE SUN, is never more than two inches in length, and sometimes consists of half a dozen lines.

To judge of the standing of the navy by these notices one would think the number of vessels consisted of about a dozen. The *Bluejacket* has a very long list of vessels in commission, and their location is being constantly changed, sometimes daily; yet all we get is a notice of the arrival or departure of a vessel two or three days after the event. Such announcements are a disgrace to the Navy Department, and disgust any one who is trying to keep trace of a certain vessel. Surely, when there is no earthly reason to conceal the destination of the vessels of the navy a daily bulletin of their location would not only please those who have relatives on the various ships but would also be an inspiration to young men who have a "call to the sea."

Wake up, gentlemen, and don't be stingy with your announcements. The public will be very much interested to hear that the vessels for which they pay so much are not rotting in some out of the way port, but are constantly on the move.

JAMES F. DONNELLY.

BROOKLYN, June 30.

The Polly Bodine Case.

TO THE EDITOR OF THE SUN—*Sir:* Polly Bodine's case was even more celebrated than the dramatic Colt case which has prompted Mr. Bingham's inquiry. Early in 1844 the house of George W. Houseman on Staten Island was burned by night in his absence. The bodies of his wife and infant child uncovered in the ruins showed marks of such violence as to prove that they had been killed before the house was fired. His sister, Mrs. Polly Bodine, a woman of an attractive personal appearance and some 36 or 37 years old, was indicted in Richmond county on two counts of murder and one of arson. That summer she was tried in Staten Island and the jury disagreed. At the second trial it was found impossible to secure a jury and the case was taken on change of venue to New York county. After a tedious selection of a jury she was convicted of the murder of her sister-in-law, a new trial being ordered on objections sustained by the Supreme Court. The second trial in this county failed through the impossibility of finding a jury, just as had happened in Richmond. On yet another change of venue the case was brought to trial in Newburgh in March, 1846. After a fortnight in court she was acquitted. She rested in jail for about a year awaiting trial on the remaining indictments, but was in the end set free on the abandonment of the prosecution of those charges.

In the first Staten Island trial the jury stood eleven for conviction. The obstinate twelfth juror explained to the woman's counsel the reason why he held out. "It was all circumstantial evidence," he said, "and I would not render any verdict on circumstantial evidence; that is, not unless it was in the fourth degree."

"What do you mean by circumstantial evidence in the fourth degree?" asked the astonished lawyer.

"Four eyewitnesses who swear that they saw the act committed," was the comprehensive answer.

On the first New York trial twenty-nine exceptions were taken to the ruling of the court, and on appeal twenty-seven were sustained, any one of which would have been sufficient to overthrow the verdict. This was all the more remarkable since Judge Edmonds, who tried the case, had been warned on just that point by his predecessor, Judge William Kent. Judge Kent had tried the case of John C. Colt and had become so disgusted with capital cases that he resigned from the bench. To his successor he gave some advice on the conduct of criminal trials, including this aphorism which was long historic at the New York bar: "Decide all the law in favor of the prisoner, but give him hell on the facts."

Barnum had included in his collection of wax figures one which he advertised to be a faithful likeness of Polly Bodine. It represented a haggard, shrivelled and bent old crone whose age could not have been less than 70. All during the trial in Orange county Mrs. Bodine pestered her counsel to find some means whereby she could sue Barnum for libel, fearless of the scaffold, yet stung to rage by a wax aspersion upon her charms of person, which were undeniable. No sooner had the Newburgh jury pronounced its verdict of not guilty than she dropped into her seat as though shot, burst into tears, and demanded of her counsel, "Can't I sue Barnum now?"

The case is well reported for the lay reader in the volume of "Extraordinary Cases" by Henry Lauren Clinton, who was of counsel in the last trial. C.

NEW YORK, June 30.

Name of the New Battleship.

From Army and Navy Life.

If the recommendation of the House Committee on Naval Affairs is carried out there will be added to our navy "one first class battleship carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, to cost, exclusive of armament and armor, not exceeding $6,000,000."

Numerous articles have appeared suggesting that this formidable vessel should be christened New York, notwithstanding the fact that we already have an armored cruiser New York, the first armored cruiser of our new navy.

With the single exception of the Constitution, "Old Ironsides," for whose preservation Congress has voted a large sum of money, the fame of the frigate United States stood supreme in the affections of the American people. While commanding her, Decatur, "the idol of the American navy," forced the British frigate Macedonian, one of the finest vessels of her class, to strike her colors, and on many other occasions the United States did well her part.

No better name could be suggested for a new battleship than United States, and though the hulk of that glorious old vessel now lies beneath the waters her name should be perpetuated. The name is suggestive of the strength of our new battleship; not for any single State should this vessel be named, but for all.

"The Pope of Holland House."

From the Spectator.

Time has not dealt kindly with John Whishaw. The "National Dictionary of Biography" ignores him. When Carlyle asked the elder Sterling who he was, "He's a damned old humbug," was the reply; "dines at Holland House." The fact of his lameness emerges from every account. Sydney Smith once pointed him out as "Hannibal, who lost his leg in the Carthaginian War." This is not sufficient for immortality. Whishaw was an accomplished scholar and a sedulous official. He wrote and he talked excellent sense for many years. A friend of Lord and Lady Holland, he lived on terms of intimacy with all the Whigs, and it is evident that he knew as much concerning the conduct of the *Edinburgh* as the editor himself.

Iconoclasm.

From the Charleston News and Courier.

What a fine lot of farmers have been spoiled in the making of the baseball teams in this part of the country! If the members of the Charleston team would only settle down on some of the drained lands in this county they would have good, healthy occupation all the year round, and more money in their bank accounts than they can hope to have playing ball even at the highest wages paid to any of the South Atlantic Leaguers.

English