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The Black Death and the Statute of Duluth.

From the address, rich in beauties, of the Hon. GEORGE WOODWARD WICKERSHAM to the Minnesota Bar Association we select this passage for its moderate and conservative tone:

"Whether or not such a Federal Industrial Commission should have power to regulate prices is of course a matter for serious consideration. The interstate commerce law prescribes as a legislative rule that prices for transportation by rail or wire or pipe line shall be reasonable, and that no unjust discrimination shall be made between individuals or localities similarly situated. It leaves it to the commission to determine when the legislative standard is departed from and to take proceedings appropriate to compel compliance with it. A similar rule might be declared by Congress with respect to the prices of commodities the subject of interstate commerce.

"We have become accustomed to the regulation of rates of transportation, but the suggestion that prices of commodities be regulated by Congress seems novel and radical. Yet the principle on which the regulation of transportation rates is based is simply that when property is used in a manner to make it of public consequence and affect the community at large it becomes clothed with a public use and may be controlled by the public for the common good."

What is there novel and radical about this? It is an application of ancient wisdom to modern use. Mr. WICKERSHAM'S mind is so stored with precedents, historical and legal, that he perhaps cannot trace the origin of his Duluth inspiration. Out of the old fields cometh this new corn. The population of England having been reduced by the Black Death, the harvest being great and the laborers few, Parliament felt that the price of labor was too high, and that labor, a commodity affecting the community at large, should be controlled by the public for the common good. Wherefore it passed the statute of laborers (23 Edward III.) regulating "the lusts of ploughmen and such laborers," just as Mr. WICKERSHAM proposes that Congress might regulate the lusts of malefactors whose commodities are the subject of interstate commerce. This Parliament of the Common Good 562 years ago ordained that "every man and woman of our realm of England, of what condition he be, free or bond, able in body and within the age of threescore years, not living in merchandise nor exercising any craft, not having of his own whereof to live nor land about whose tillage he might employ himself, nor serving any other," shall serve at the wages customary in the twentieth year of EDWARD the Third's reign. If he won't serve, clap him into jail till he gets surety. Guilt is personal.

In 1351 and 1360 the statute of laborers was renewed and enlarged and wages were regulated more carefully and in more elaborate detail—labor seems to have been reactionary—and a whole series of statutes in various later reigns kept up the principle of State fixed prices for this commodity.

Thus the Black Death may be said to have caused the proposed Duluth statute of WICKERSHAM, and thus "progress" goes backward.

The Transportation Problem.

Any plan for a comprehensive transportation system in the city of New York that excludes from consideration the present lines of the Interborough Rapid Transit Company and the possibility of their extension is unworthy of a moment's serious thought.

The one supreme engineering fact that must ever be borne in mind is that in Manhattan an existing transportation system holds the key to the situation. This is apparent to every inhabitant of the city, unable though he may have been to follow the intricacies and squirmings of the negotiations that culminated in yesterday's vote in the Board of Estimate. It requires no skill in finance, no knowledge of franchise provisions, no aptitude in politics, to recognize that an attempt to furnish railroad facilities for the whole city without utilizing the plant of the Interborough company must inevitably result in a lopsided, inadequate and thoroughly unsatisfactory system, unduly expensive to the community, and fatal to that unity of design that is the primary essential of any acceptable solution of the problem.

Such is the fact, and no amount of talk can change it.

The Garden Theatre.

The Garden Theatre, the last of the first class houses so far downtown, is closed for good. There is now no theatre east of Fifth avenue, which may or may not prove the old tradition of the managers that since the centre of the theatres had been moved up from Union Square the public could not be made to turn east of that street for its theatrical amusement.

DANIEL FROHMAN with the Lyceum Theatre on Fourth avenue did more than any other manager to disapprove the superstition of his colleagues that the east side is unlucky for their business, although when it came to building a new Lyceum uptown Mr. FROHMAN went to the heart of the theatre district on the west side of town. There the theatres seem destined to remain.

Probably the Garden Theatre was never popular, if its career is followed from the night of its opening until it was closed with some melodramatic performances this spring. It was frequently shut at the height of the season when that closed state was not so common with the best playhouses as it is to-day, and its seasons were usually brief. There was no hurry about beginning them in recent years, and they were likely to end suddenly at the first approach of spring. That could never have been any fault, however, of the building. STANFORD WHITE designed a charming Louis XVI. interior, and the arrangement of the balconies with the side gallery high over the seats was a detail of an auditorium that offered a striking contrast to the usual commercial theatre of the period in which this one was built.

Still, there were three notable successes in the history of this little playhouse, slighted by the public save when there was some potent magnet there. One was PAUL POTTER'S "Trilby," that stands well at the head of the list of the dramas made from novels, although its author leaned less heavily on the original than is generally necessary. RICHARD MANSFIELD'S production of ROSTAND'S "Cyrano de Bergerac" would have been a credit to any theatre in the world. And "The College Widow," the flower of GEORGE ADE'S talent, was a brilliant specimen of native humor.

There were other successes in the theatre which brought forward in this country another play of ROSTAND'S, "L'Aiglon," in which SARAH BERNHARDT and CONSTANT COQUELIN appeared. But the Garden soon became known as "unlucky." For nearly ten years it has been too far downtown. Perhaps it may serve as a proof of the manager's theory that playhouses must be on the west side of the town nowadays.

The Legislature.

The Legislature, which has solemnly promised to interrupt its labors either by recess or adjournment to-day, has done little to distinguish it from recent gatherings of statesmen on Capitol Hill. It has not wrecked the State; it certainly has not saved it.

In the field of lawmaking the present body has made the normal number of mistakes. It has been as perniciously active and as unnecessarily meddlesome as most of its immediate predecessors. On the other hand a reasonable number of useful and helpful laws have been added to the statute books.

That a majority made up of members of a party which had been the minority for nearly two decades should have difficulty in finding its feet; that confusion, delay, even actual ineptitude should be displayed was to be expected. The people of the State had turned out an old and experienced majority and replaced it by men most of whom were without previous public experience.

Not less a matter of ordinary course has been the action of the Democratic majority in Albany in turning to its own advantage the first chance to exercise power in nearly two decades. During all these years the payroll of the State has staggered under the burden of salaries paid to Republican party workers who were disguised as public servants. That the Democrats would apply the principle, while reversing the beneficiary, was inevitable.

Save for the fight over the election of a United States Senator and for the fire in the State Capitol the present session of the Legislature would have ended long ago and have been completely forgotten. The quarrel over the Senator nearly wrecked the majority; but for this the fault lay not with the Democrats in the Legislature, but those masterful "independents" without, who sought not to serve their party's best interests, but to rule or ruin it.

In the last ten years every Republican Legislature that has adjourned has gone home amid the noise of the prophets who were forecasting speedy Democratic victory, and yet when Democratic triumph did come it came without reference to any legislative question. This Democratic Legislature will adjourn amid similar forecasts of approaching party defeat based on equally slight grounds.

It has done nothing out of which a successful Republican campaign could be manufactured, and very little more that would help toward a Democratic victory in the fall. It has been negative, but not offensively negative.

No More Bridge Tolls.

If the abolition of bridge tolls in New York means that the city intends hereafter to treat such structures purely as parts of the street system, the citizenship is highly to be congratulated. The sum total of human vexation, to say nothing of material loss, that has been inflicted by the maintenance of bridges as independent fabrics defies calculation. The torment endured daily by scores of thousands of men, women and children on the Brooklyn Bridge alone reaches an amount of suffering expressible only in the most intricate technical terms of mathematics.

Progress toward a rational conception of the true place of bridges in the architectural scheme of the community has been distressfully slow. Within the history of Greater New York the Brooklyn span maintained itself a complete entity. At each end it came to a terminal. At each terminal those who desired to use it were obliged to change from one conveyance to another. That it should be converted into a continuance of a street, a mere part of the highway system, was a thought that required not months but years to penetrate into the intellectuals of the community. Mr. ROEBLING'S monument was a span that happened to touch on two islands. It was described as an independent work, used as a separate institution, and generally regarded as something much superior to and entirely different from a patch of highway between two communities inhabited by human beings naturally anxious to travel about with as little inconvenience as possible.

Little by little the advantages of treating bridges as extensions of highways and not primarily as glorified examples of the engineer's superlative art have forced themselves on the town. The collection of tolls has ceased at last. Perhaps there will come a time when the whole truth will obtain acceptance, and the practice of putting terminals on bridges will be looked on merely as a vagary of a short sighted and inexperienced generation.

Persia's Exile Shah.

The return of the exiled Shah, MOHAMMED ALI MIRZA, to Persia brings fresh complications into the already unsettled affairs of that country. There is so far nothing to indicate an extended movement to restore the deposed Shah, the disaffection existing almost entirely among a few northern tribes who have risen in rebellion against the Government under the leadership of SALAR ED DOWLEH, a brother of the exile.

Under the regency of NASR-UL-MULK the Government has just begun to make effective some of the reforms for which the revolution of two years ago that overthrew MOHAMMED ALI MIRZA and established a constitutional Government was undertaken. A stable Ministry of men of some capability has been formed, and the finances of the country, which were among the serious problems of the new Government, are in process of reorganization by Americans with the apparent support of both the Ministry and Parliament. The recent difficulty with Great Britain over the protection of the trade highways of southern Persia within the British sphere of influence has been settled by the Government's promise of more effective police patrol.

The most formidable obstacle to what the Government considers its independence of action, the power exercised by Russia in northern Persia, remains. Persians lay the blame of much of the disorder in the towns of the Caspian and Caucasus regions to the machinations of the Russians. They say that the Russian troops are an inciting cause of disorder and that the Russian Government has not fulfilled its promise to recall the soldiers. Russian detachments are still stationed at Kazvin, Ardebil and Tabriz. They were sent into the country to protect foreigners, and Russia claimed that the country is not pacified and that foreign interests still need protection. Besides, she asserts that certain concessions must be made to her before she will withdraw her troops. As these concessions are of considerable importance, the Persians declare that they will not be forced to make them in such a manner, and that, moreover, the request for concessions was irrelevant and that Russia should abide by the spirit of her undertaking. The Persians say that this unsettled condition is continued in order that Russia may have the semblance of a grievance. They declare, too, that Russian agents have been spreading discontent among the people of the north and that most of the troubles of the new Government is due to their actions.

Upon his deposition MOHAMMED ALI MIRZA went to southern Russia. A pension was granted him by Persia, and it is said Russia agreed to restrain him from making any effort to overthrow the constitutional Government and also to prevent any uprising in his favor within her sphere of influence. Much to the surprise of Europe he appeared last winter in southern France. The charge was then made that he met a party of malcontents and that a conspiracy was formed to restore him to the throne. He denied this and said that he had received permission from Russia to make the journey on account of ill health. At the various other European resorts at which he appeared there were similar charges of conspiracy. Representations were made to Russia in the matter, but unofficial reports say that Russia replied the exile was "merely a sick man" and that there was no reason to compel him to remain at home.

The Persian Government is strong enough to put down the rebellion unless it is more extended than the reports would indicate. It seems to have the loyalty of the Bakhtiari, the best organized fighting men of the country, and the Minister of War threatens a vigorous campaign. There is less interest apparently in the rebellion itself than in the backing that made it possible. That is a matter which Great Britain, a loyal supporter in recent years of the Russian policy in Persia, may feel it incumbent upon herself to inquire into.

The Pennsylvania Democratic central committee knows and venerates a boss even if it has to cross the State line to find and worship him.

The Illinois Central and Yazoo and Mississippi Valley Railroad Company has established an educational bureau, with three purposes in view, to assist employees to fit themselves for more responsible posts, to increase the knowledge and efficiency of employees, and to prepare men to enter the service.

The instruction is to be conducted by correspondence, so that each individual, no matter where situated, will have the same opportunity to obtain the benefits. A set of questions is sent out with each lesson, and to reduce the amount of writing required of the employee the questions are so worded that brief answers will suffice. The course includes almost everything regarding the construction and operation of a railroad, and the lessons are so prepared that a man's studies can be taken as official and authoritative information that he can put to practical use. The scheme originated with W. L. PARK, the vice-president and general manager of the road, and in explaining it he says the fundamental principle is "that the officers of the company want to promote their own men wherever there is a man available in service who is fitted for the advanced position." The company seems to have adopted a plan that will increase the efficiency of its system and at the same time benefit the employee and the public that it serves.

The Hon. NORRIS BROWN of Nebraska is grieved and moved by the antics of too many of the other insurgent brethren in the Senate. He professes not to understand those simple and crystalline souls LA FOLLETTE, CUMMINS, BRISTOW:

"It is beyond my comprehension to appreciate how in one session of Congress I could vote for lower duties, in the next session favor a revision of the tariff a schedule at a time, and at a third session be against this proposition, which, while it is not a revision of a single schedule, is a revision of a few schedules, not with all the countries of the world, but with one country—a plan which I believe marks the beginning of the end of the extortionate tariff duties in this country."

So difficult is the idealist's temperament to rude, practical men. The Iowa idealist, the Kansas idealist, the Wisconsin idealist kneel to invisible and inutile Ideas of reciprocity and tariff revision. They love them in the abstract; they are "agin" them in the concrete.

THE GAME OF TAG.

A novel decision as to the liability of an infant for negligence has been handed down by the Supreme Court of Wisconsin in Briese vs. Maechtle. The plaintiff, who was a boy about 10 years old, and the defendant, of the same age, attended the same school and were friends. At recess both were playing in the school yard, and as plaintiff was kneeling to shoot marbles defendant came running around the schoolhouse, being chased by another boy, and accidentally ran into the plaintiff, knocking him over and so injuring his eye that its sight was destroyed. The court held that the complaint was insufficient to establish actionable negligence on the defendant's part.

The court said:

The rule is well settled that a minor is responsible for compensatory damages resulting from his torts in the same manner as an adult. No court has laid down this rule more positively than this court in the two cases of Huchting vs. Engel (17 Wis., 230), which was an action for trespass upon real estate, and Vosburg vs. Putney (80 Wis., 523), which was an action for trespass to the person, consisting of a kick during school hours. Both of these acts were unlawful acts, and in both cases the liability of an infant for compensatory damages in case of the commission of an unlawful act, even in the absence of all actual malice or evil intent, was fully sustained.

We have no such case here because the defendant at the time of the injury was doing a strictly lawful act. The very purpose of the school yard is to allow opportunity for children to play there, and the more vigorous the exercise which they take during the brief recesses given the better is the purpose of the school yard subserved. The venerable and exhilarating game of tag in its various forms must have been one of the primal games of the race, and it still occupies an honored place among the sports of childhood. Usually harmless and free from danger to participants and bystanders, it seems not a sport to be discouraged or deprecated, but rather to be encouraged on account of its wholesome activity and stirring of the blood. Certainly we should not wish to do anything which would seem to make it necessary for children to stand about the school yard with folded hands at recess time for fear they might negligently brush against one of their fellows and become liable for heavy damages.

The court says it seems entirely certain that when the accident in question occurred the defendant was engaged in a perfectly lawful and even laudable act, and hence the principles laid down in the two cases cited have no direct application, although this conclusion does not necessarily determine the case. The court continues:

Infants may be guilty of actionable negligence, and even though the defendant was engaged in a perfectly lawful occupation he may have conducted himself so negligently as to make himself liable for damages resulting from such negligence. Here, however, comes in the marked difference between the tests of negligence as applied to an adult and the same act when committed by a child. The rule is that a child is only required to exercise that degree of care which the great mass of children of the same age ordinarily exercise under the same circumstances, taking into account the experience, capacity and understanding of the child.

The court relies for this ruling on Cooley on Torts and various decisions, and concludes: "This was the measure of the defendant's duty, no greater and no less."

The reference to Cooley on Torts is the following:

All general statements that an infant is responsible like any other person for his torts are to be received with the qualification that the tort must not be one involving an element which in his particular case must be wanting. If a child less than 7 years old cannot be held responsible for larceny because of defect of understanding and incapacity to harbor a felonious intent it would seem preposterous to hold him responsible for a slander, the moral quality of which he would be much less likely to appreciate and injury from which must be purely imaginary.

But not only is the fact of infancy important in cases in which malice is an ingredient in the tort, but it is not without its influence in other cases. Torts springing from negligence may be instanced. While an infant is liable for these, the question of actual maturity and capacity is important not only as it may bear upon the question whether negligence actually existed but also as it may guide in determining whether the plaintiff in the particular transaction was not himself chargeable with fault.

The writer cites Neal vs. Gillett (23 Conn., 437), holding that infants from thirteen to eighteen years of age might be sued for negligently frightening a horse in playing a game of ball and causing the horse to run away. In this case the court said:

It may not be easy to fix upon the exact age when childish instinct and thoughtlessness shall cease to be an excuse for conduct which in an adult would be considered and treated as a want of ordinary care; but it is sufficient for the determination of this point that these defendants had clearly passed that age.

The Wisconsin court accordingly concludes that the conduct in question of a child ten years of age was not negligent, and that at this age the period of childish instinct and thoughtlessness has not been passed.

DRAPING LAWYERS.

A Protest Against the Attire of American Advocates.

TO THE EDITOR OF THE SUN: *Sir:* I quite agree with the *Law Journal* that lawyers are not sufficiently careful of their attire while in court, and after having seen the courts in session in Japan, China, British India, Burma, Ceylon, Egypt and France, and especially in British Columbia, in the cities of Vancouver and Victoria, I have become convinced that we ought to adopt the custom of those countries and compel our lawyers, at least in the courts of record and appellate courts, to wear gowns, or at any rate more becoming attire than is now indulged in by attorneys, who are as careless of their clothes as they are of their use of the English language.

In none of the courts of which I speak have I ever witnessed any unseemly wrangles either with court or counsel, but it is a common sight, indeed altogether too common, in the courts of the United States to find lawyers who deal in vituperation and abuse more than in argument or examination which will aid court or jury.

I read in THE SUN recently that one of the Federal Judges in New York held court while sitting in his shirtsleeves.

Respect for the law is the crowning feature of foreign courts, and a deference is paid to the bench which unfortunately is sadly lacking in this country. This is one reason why less crime is committed in these foreign countries. Would it not be better to adjourn court altogether, if the heat is abnormally oppressive, than to attempt to hold shirtsleeve court?

SAMUEL R. STERN.

NEW YORK, July 20.

A Cry for Help.

TO THE EDITOR OF THE SUN: *Sir:* May I sufficiently intrude upon the space of THE SUN to ask that you give me a carefully worded and exact definition of the two common expressions, (1) "executive ability," (2) "administrative ability"?

NEW YORK, July 19. JOHN D. HILL.

TAR HEEL POLITICS.

RALEIGH, N. C., July 19.—The fancier of turmoil and political agitation will find much to entertain him in North Carolina just now. It is quite true that the alarums and conspiracies under consideration have no proper place in this year of our Lord 1911, but the fact is that that surpassing strategist the Hon. Josephus Daniels, one time military adviser to William Jennings Bryan and always a warrior if sometimes disguised as a troubadour, has advanced the hurlyburly by at least twelve months and already precipitated the rude shocks and desperate onslaughts that properly belong among the emergencies of 1912. No longer does he sport the silken integuments, the cap and feather of the minstrel, and twitter soft roundelays beneath Belinda's eaves. Neither, as yet, does he sweep the sounding harp and smite its strings with passion. His lute is housed. His mandolin is hanging on the woodshed wall and he has taken up the sword instead.

The fuss is all apparently over the senior Senator, the Hon. F. M. Simmons, though that is only part of it. But Simmons comes up for reelection next year, and he has broken away from the serried ranks of the North Carolina free traders in Washington, and furthermore has proved that he had permission from his party to do so. He voted for a tariff tax on lumber, and in so doing outraged the present convictions of the Democracy as furnished by Bryan, Champ Clark, Underwood and their progressive coadjutors. Large and important interests in his State demanded the protection, and the party machinery of the time had ostentatiously winked at it. Since then the Democrats have gained the House and are now busy with the compilation of campaign literature for 1912, and lo! poor Simmons is outside the breastworks. It would have been delendus est Simmons anyhow, for his seat in the Senate is wanted by the incumbent Governor of the State, the Hon. W. W. Kitchin, whose brother already flies the free trade flag in the House, and the proposed substitution would complete the grotesque attitude of a State largely dependent for its prosperity on protection represented in Congress wholly by gentlemen who are bitterly opposed to its material interests. Simmons was a malignant factor. He not only advocated a tax on one of North Carolina's greatest industries, lumber; he was actually suspected of an unmanly compassion for another, an even more imperative industry, cotton manufacture, and the Bryanites were in hourly apprehension of the direful moment when he would speak out for the welfare of the State at large and formally advocate a general prosperity which the rest of the State's representatives at Washington were sedulously engaged in smothering. Thus the elimination of Simmons has been ordained; and as he is a man of no little popularity because of his vast activities in "Red Shirt" times, the movement against him had to be launched early and prosecuted with the utmost energy.

Therefore the campaign for the Simmons succession, which is to be settled at the polls a year from next November, has already begun, and from one end of the State to the other a dispensation of intrigue and recrimination has set in.

But it was not merely for the purpose of ousting Simmons that this upheaval was launched so far ahead of time. That could have waited. The real inspiration of this precocious agitation is the desire of the Bryanites to make of Simmons an awful example to the hesitating but timorous Democrats now oscillating between a recognition of the real needs of North Carolina and the bond of slavish acquiescence they have accepted at the dictation of the machine. Had Simmons been permitted to go ahead unchallenged, who knows that the breach in the free trade phalanx might not have been dangerously enlarged? He had voted for subsidized ships and a tariff on lumber, and had actually dared to betray sympathy for the cotton manufacturers, who pay about half the taxes collected by the State and upon whose prosperity the livelihood of thousands of workingmen depends. He was rapidly demoralizing the Bryanite army and undermining its not too solid defences. It became necessary, therefore, not only to defeat him for reelection next year, but to begin the work at once so that the hue and cry against treason and desertion might be in the ears of the waverers.

This is the explanation of the sudden outburst in North Carolina, where already the struggle between material interest and the Bryan superstition has begun.

THE ICE MONSTER.

One of Its "Victims" Has a Word to Say for It.

TO THE EDITOR OF THE SUN: *Sir:* Let me say first my sole relation to the ice company is that of a steady and prompt paying consumer, one who never kicks and occasionally tips the iceman. Hence it appears to me I should have been favored in the hot weather if anybody was. Here is my experience. I don't complain of it as against the company, being sure it arose from the physical limitations of endurance in men and horses.

On four of the very hottest days no ice was delivered me. One of them happening to be Monday I was left absolutely iceless. Around 6 o'clock in the afternoon I went out ice hunting. The local men had shut up shop; nothing doing at any of their places. Yet in the streets I encountered not less than three wagons dripping coolness, all by their labels belonging to various so-called independent organizations. Appeals to them were fruitless. One man said his ice was "bespoke"; another lied flatly, had no ice, though cakes showed plainly behind him. A third said gruffly he was no scab, not a pound of ice would he sell to anybody that took from the trust.

After sundry other rebuffs and excuses I chanced upon an independent wagon unloading at the side entrance of a saloon. From it I bought at treble price a lump of ice, the condition being that I see about getting it home. This meant paying a small boy to tote it a distance of a block. I did not mind that in the least, so urgent was my necessity. Indeed, whenever my regular supply failed I was glad to get ice any way I could.

But from this experience there is born in me a conviction that there is "something to be said on the other side," the American Ice Company's side. The independents are not in business for their health; they are men and human, neither more nor less charitable and public spirited than the men at the head of the ice company. Ice shortage there unquestionably was, as there unquestionably will be again if the thermometer wills it. How much of it was due to trust exactions, how much to concerted action on the part of so-called independent dealers in an effort to fight advance in prices, the wise men may inquire; I very much doubt if they discover the truth.

I am writing this solely in the interest of fair play. Hard words freeze no ice cream any more than fair ones butter parsnips. The ice company is getting hard words galore. I hope this will assure them that they have at least a moiety of customers willing to make allowances. I dare not hope the powers that be, who are suffering all the while from virulent investigatitis, will stop in their wild career and look for the other side.

MARTHA MCCULLOCH-WILLIAMS.

NEW YORK, July 20.

ATTACKS CROP REPORTING.

Senator Smith Says Agriculture Department Made Illegal Prediction.

WASHINGTON, July 20.—Senator Smith of South Carolina to-day attacked the crop reporting bureau of the Department of Agriculture. He objected to a paragraph of a recent report issued by the bureau. The objectionable paragraph read:

"The acreage of cotton this year is about 35,000,000. The condition (88.2) as compared to a ten year average of 80 per cent. indicates a probable yield of 202.8 pounds to the acre, which on 34,000,000 acres, allowing 1,000,000 acres for abandonment, would mean 6,895,000,000 pounds, or about 14,425,000 bales."

A cotton crop of this size would be most extraordinary, said Mr. Smith, and the prediction that this year's crop would reach such a total has already been used by the bear operators on the New York Cotton Exchange to depress the price of cotton futures. He said it made no difference in the effect of the bureau's estimate that it was a mere guess, since crop conditions were changing weekly and would continue to change until the crop was gathered.

"This guess carried with it official sanction, official weight, and was therefore calculated to have vastly more effect upon the market than any private guess could have," said Mr. Smith. He told of an interview with Secretary Wilson, who admitted that the act was illegal and promised that it would not occur again.

"The Secretary said the estimate was without his knowledge or consent and without sanction of law," said Mr. Smith. "On account of the many influences that are likely to occur in affecting the final yield of the crop, he said it was foolishness for any one to attempt to forecast the yield at this date. He said that if this estimate had been given out by one of his bureaus it was the first and last time it would occur.

"As an illustration of the absurdity of attempting to predict the size of the crop of 1911-12 at this time," continued Senator Smith, "it would be well to recall that in 1908 on 32,344,000 acres we raised 13,432,000 bales of cotton; while in 1910 on practically the same acreage, 32,403,000, we made 11,565,000 bales. In 1906 on 31,374,000 acres we made 13,305,000 bales and in 1907 on 31,311,000 acres we made 11,325,000 bales."

GETTYSBURG FOUGHT OVER.

Senators Dixon and Martin Have a Historical Debate Over the Battle.

WASHINGTON, July 20.—That the truth of history might be preserved and posterity be correctly informed as to what troops constituted Pickett's brigade in the famous charge at Cemetery Ridge in the battle of Gettysburg Senators Martin of Virginia and Dixon of Montana indulged in a somewhat extended debate in the Senate to-day.

Senator Dixon is a native of North Carolina and several days ago sought to "correct some inaccuracies of history" by explaining that North Carolina troops constituted the main support of the Virginia General George E. Pickett at Gettysburg.

The Senate again to-day resolved itself into a history class while the two Senators discussed the disputed point and listened to numerous quotations from military histories brought in by the disputants to fortify their positions.

Neither Senator seemed to be able to convince the other, and as each professed his admiration for the courage of the troops from the other's State there were no casualties. Finally Mr. Dixon quoted from the official records that the percentage of loss of the North Carolina regiments engaged at Gettysburg was 86, or that only 140 men out of 1,000 survived. He said that the total loss of North Carolina troops in the war, killed, wounded and dead of disease, was 40,275, while that of Virginia was only 14,794.

"North Carolina troops were first at Bethel, furthest at Gettysburg and last at Appomattox," said Mr. Dixon. Practically the same claim was made by Mr. Martin for the Virginia troops; and there the matter rests.

NO MAIL CHUTE MONOPOLY.

Cutler Company, Its President Says, Exercises Patent Rights Only.

WASHINGTON, July 20.—James G. Cutler, president of the Cutler Mail Chute Company of Rochester, N. Y., appeared to-day before the House Committee on Expenditures in the Post Office Department to answer the charge brought by Edwin Fairfax Noulty, president of the Fairfax Mail Chute System, that the Cutler concern is an illegal monopoly.

"Our only monopoly," said Mr. Cutler, "is that which we enjoy under the patent laws of the United States." He admitted that no other company was manufacturing mail chutes except a St. Louis concern which the Cutler people had sued for infringement of their patent rights. The Post Office Department, Mr. Cutler said, would authorize any type of chute that complied with the Department's requirements.

Movements of Naval Vessels.

WASHINGTON, July 20.—The yacht Sylph has arrived at New York yard, the tug Cheyenne at Seattle, the colliers Hannibal and Ajax at Hampton Roads, the collier Cyclops at Norfolk, the tug Patapsco at Provincetown, the cruiser Isla de Cuba and torpedo boats Reid, Flusser, Lamson, Preston, Smith, Paulding, Drayton, McCall, Roe, Terry and Perkins at Newport.

The gunboat Petrel has sailed from Cape Haytien for Gonaives, the gunboat Yorktown from Acapulco for Mare Island, the cruiser Buffalo from Kiska for Nome, the gunboat Paducah from Cape Gracias à Dios for Key West, the tug Yankton from Newport for cruise, the destroyers Bainbridge, Barry, Decatur and training ship Dale from Manila for Shanghai and the destroyers Whipple, Hopkins, Hull, Truxtun, Paul Jones, Perry, Preble, Stewart, Goldsborough and Rowan from Bremerton for Seattle.

Army and Navy Orders.

WASHINGTON, July 20.—These army orders have been issued:

Capt. Casper H. Conrad, Jr., quartermaster, from office of Quartermaster General to Fort Royal, Virginia.

First Lieut. Ned B. Rehkopf, First Field Artillery, from military academy to Schofield Barracks, Hawaii.

First Lieut. Daniel D. Gregory, Fifth Cavalry, from assistant to constructing quartermaster, Honolulu.

Capt. Dan T. Moore, Field Artillery, to Fort Sill as commandant of school of fire for field artillery.

These officers to Fort Sill as student officers at school of fire for field artillery, September 15: Capts. W. S. Guignard and H. W. Butner, Second Field Artillery; B. Payne, A. McIntyre and T. W. Holliday, Third Field Artillery; W. McK. Lambdin, G. M. Brooke and A. S. Fuger, Fourth Field Artillery; G. M. Apple, R. O. Mason and J. B. W. Corey, Fifth Field Artillery, and A. F. Cassels, W. S. Browning and J. F. Barnes, Sixth Field Artillery.

These navy orders have been issued:

Lieutenant-Commander A. Bronson, Jr., from the Montana to home and wait orders.

Lieut. L. Coxe, from the Salem to home and wait orders.

Lieut. (junior grade) W. B. Decker, to the Salem as navigator.

Ensign H. Allen, to Naval Hospital, Washington, D. C., for treatment.

Ensign J. A. Monroe, from the Wheeling to the Ohio.

Ensign M. Collins, from the Kansas to the Salem.

Ensign C. H. Stoer, from the Elcano to home.

Midshipman R. S. Fay, from the Kansas to the Wheeling.

Midshipman R. H. Bennett, from the Kansas to the Salem.

Surgeon A. R. Alfred, to the Norfolk yard.

Surgeon R. M. Kennedy, to Naval Medical School, Washington.

Surgeon S. S. Bodman, orders May 19 revoked.

Passed Assistant Surgeon W. H. Reenie, from the Naval Hospital, Boston, to the Tacoma.

Assistant Surgeon H. E. Jenkins, from the Montana to the Ohio.

Assistant Surgeon G. C. Thomas, orders May 19 revoked.

Assistant Paymaster H. C. Gwynne, from connection fitting out Utah to temporary duty Vermont under instruction.

Assistant Paymaster P. A. Clarke, from the Hist and wait orders.

NEW BOOKS.

Familiar Faces.

It is one of the chief charms of the volumes of Mr. William J. Locke that in their pages one meets no new, strange and therefore undesirable people. A glance at the first page, perhaps a surreptitious peek at the last, a process of assurance not in the least called for in the premises, and then in each new volume it is clear that old friends, disguised ever so slightly as to names, are to reappear again.

Thus it is that in the newest book, "The Glory of Clementina" (John Lane Company), Clementina brings no disappointing change. She might be the Dompteuse, who trained cats to the distraction of Simon, she might be the marvellous woman who managed Septimus almost to madness, in fact she is both of these, and what she does both of her predecessors have done with equal grace or with an equal absence of all grace which was not less appealing.

As for Quixtus, who pottered about folklore and certain "strict and sacred science," at least he is an own cousin to Septimus himself. But why catalogue? Few old friends are missing. All who are present perform the service Mr. Locke demands of all his people. Perhaps some time we shall tire of all those good friends. But that is a long way in the future, if not wholly doubtful.

As it is, we read with all the familiar enjoyment we drew from "The Beloved Vagabond" years ago the history of Clementina and her campaign. She knew Quixtus should marry her, that he really wanted her. But it required effort and no small skill to enlighten him.

A Book on Canada.

The debate in the United States Senate over the reciprocity measure, indeed the whole discussion of this subject since it first became a question of national politics, has stimulated interest in Canada. But without such temporary stimulation it is plain that on both sides of the frontier there has been in recent years a remarkable development of mutual recognition, following several generations of rather complete disregard.

A book on Canada therefore which sets forth in narrow compass the facts and the figures of the commercial prosperity as well as the internal development in railroads, in agriculture, in all that goes to make a new country great is certain of a welcome at this time. Such a volume is now presented by W. L. Griffith, secretary to the office of the High Commissioner for Canada, in his "The Dominion of Canada" (Little, Brown and Company).

With the international politics, with such questions as the possible "annexation," Mr. Griffith wastes little time. This particular "bogey" he dismisses rather contemptuously, but with the subjects of large and real interest he deals with some degree of detail. The book contains the briefest sort of a review of Canadian history from the French power to the settlement of the Alaskan boundary, it discusses the American "invasion" of Canada, that is, the sudden and extensive influx of Americans from the middle West to the Canadian Northwest.

But the chief value of the book lies in the fact that within a narrow compass it sets forth plainly and with statistics which are of contemporary exactness the measurement of Canadian greatness and the premise of the development of the Dominion that is now unmistakable, the development in population, in wealth and in strength which must recall to all Americans the similar expansion of the United States in the decades when the tide of population passed across the great rivers into the prairies and the valleys of the Dakotas and of Kansas and Nebraska.

For the student of present day political and economic questions in this country, for the observer who finds in his daily paper too little exact knowledge of what the reciprocity agreement with Canada, now under discussion, will mean hereafter in its relation to food supply and agricultural products, the figures Mr. Griffith furnishes will be of great use.

The book makes no pretence at literary merit; it is rather a reference book than a serious historical or political essay or a guide book, but within its deliberately circumscribed limits it supplies a fund of information which at the moment is widely demanded and adds a new and valuable reference book on Canada.

Immortality.

Henry Frank in his book "Modern Light on Immortality" found it impossible to give adequate consideration to the bearing of psychology on the problem of life after death and promised his readers that this difficult subject should be taken up in another volume to be published in due season. This promise Mr. Frank has now fulfilled, and his work is offered under the title "Psychic Phenomena, Science and Immortality" (Sherman, French and Company). The author declares emphatically in his preface that he has not altered his own attitude since he wrote in a previous work:

The author of this work does not profess to have advanced an argument which finally proves the immortality of the soul. Neither does he pretend to have advanced an argument in disproof of or prejudicial to such demonstration. He set out with the one and only determination of finding what in nature and human experience in philosophy and the natural sciences might enable him to reach a rational conclusion concerning so profound and world consequential a problem.

It will be observed that if the field of inquiry which Mr. Frank proposes for himself is a vast one he does not pretend to have examined it completely, and he preserves a becoming modesty as to his actual achievement. In the face of overwhelming difficulties surrounding the subject dogmatism is hard to avoid, and the desire to give comfort to those whose minds earnestly seek for comfortingly emphatic assurances must require constant curbing. Mr. Frank is careful, and for this very reason his statements of his conclusions are likely to furnish little comfort for those whose temperamental bent is toward the forcible expression of a definite and fixed opinion on either side.

In his quest for information the author has examined a creditable number of authorities, cited those classic cases of disturbed personality and the like without consideration of which no work of this kind is complete, and has drawn for material on certain experiences of his own. To all of these recitals attaches the interest freely accorded to extraormal incidents, and they may be interpreted as the reader chooses, as manifestations of obscure, little understood or unknown natural processes or as proofs of the existence of a plane of life distinct from but intimately related to human life.

The Magic Collar Button.

David had invented a collar button. Even with essential details left vague it is clear that his collar button was precisely the button all humanity, or at least the male half of it, has longed for vainly through countless generations. But for David it was not a benefaction to be bestowed upon the hapless sex; it was the