The Sun.

SATURDAY, MAY 3, 1913.

Entered at the Post Office at New York as Second Class Mail Matter.

Subscriptions by Mail, Postpaid.

DAILY, Per Month	$0 50
DAILY, Per Year	6 00
SUNDAY, Per Year	2 50
DAILY AND SUNDAY, Per Year	8 50
DAILY AND SUNDAY, Per Month	75
THE EVENING SUN, Per Month	25
THE EVENING SUN, Per Year	2 50

Postage to foreign countries added.

All checks, money orders, &c., to be made payable to THE SUN.

Published daily, including Sunday, by the Sun Printing and Publishing Association at 170 Nassau street, in the Borough of Manhattan, New York. President and Treasurer, William C. Reick, 170 Nassau street; Vice-President, Edward P. Mitchell, 170 Nassau street; Secretary, C. E. Luxton, 170 Nassau street.

London office, Effingham House, 1 Arundel street, Strand.

Paris office, 6 Rue de la Michodière, off Rue du Quatre Septembre.

Washington office, Hibbs Building.

Brooklyn office, 106 Livingston street.

If our friends who favor us with manuscripts and illustrations for publication wish to have rejected articles returned they must in all cases send stamps for that purpose.

The Hand of the Law.

One passage in the brilliant speeches which Mr. WILSON has been making in New Jersey has an application far beyond that of the system of jury reform for which he appeals—a nation wide application and interest:

"Do you want a system under which it is possible to choose when the hand of the law shall be withheld and when it shall not?"

A House of Representatives controlled by Mr. WILSON'S party and not irresponsive to his will has inserted in the sundry civil bill, passed enthusiastically the other day, a distinct provision that the hand of the Sherman law shall be withheld from combinations of laborers and farmers.

This is a system of suspending laws of the United States when they touch "special interests," to quote again from Mr. WILSON.

Does Mr. WILSON want a Federal system under which it is possible to choose when the hand of the law shall be withheld and when it shall not?

Japan's Need of Peace.

The talk of war with Japan as a result of any law affecting alien land tenure which the California Legislature may enact is vicious and wanton when it does not reflect ignorance of Japanese policy and economic conditions.

When the treaty of commerce and navigation with Japan was proclaimed by President TAFT in February, 1911, Ambassador UCHIDA signed a memorandum, which was attached to the treaty, declaring that "the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the last three years exercised in regulation of the emigration of laborers to the United States." It has generally been assumed that the act of Japan in waiving the right to give her subjects without distinction passports to the continental United States, and thus putting herself on much the same footing as China, was inspired by fear of a dangerous complication with the United States; but the truth was that while Japan was willing for the sake of amity and good will to make the arrangement proposed by the Washington Government she was carrying out the policy inaugurated by Count KOMURA, the able Minister of Foreign Affairs, which was to avoid friction of every kind that might injuriously affect Japan's rapidly growing international trade, and also to keep Japanese subjects in the Far East, where they were needed to develop the industries of the home country and to people its colonies acquired by two costly wars.

The grave problem of Japan to-day is to keep up a great military establishment for her self-preservation and to avoid insolvency. Taxation is almost intolerably burdensome, and it falls mainly upon the cultivators of the soil; they form 60 per cent. of the population, which is twice as dense as that of France. By herculean effort and spartan thrift Japan is working out her economic salvation. She is colonizing Corea, the Japanese half of Sakhalin and the island of Formosa on scientific principles, but not as yet with marked success; and she is opening public lands in Hokkaido to settlement to emigrants from southern Japan. The inducements offered them to people the inclement northern island, where subsistence is wrung from the soil by enduring great hardship, would not be considered attractive in any other country in the world, but in southern Japan the holdings are pitifully small and the land tax is 15 to 19 per cent. of the harvest in addition to other rates. In Hokkaido the taxation is comparatively light and the free holdings run up to twenty-five acres. Everybody in the Japanese family works incessantly to keep body and soul together, and the condition of the farmers has been made desperate by competition in their products in Manchuria, India and Ceylon. If they want to emigrate the Government directs them to its own colonies and to Manchuria, for it is vital to Japan to keep her sons within call. At present all her problems are in the island empire and in eastern Asia.

The manufacturing interests of Japan have grown amazingly since the war with Russia, and she is now building her own warships. The aim of Japanese statesmen is to make the country self-supporting and independent. There probably has never been a more complicated economic problem in the modern history of a nation. To be a world Power is costing Japan dear in effort and self-sacrifice. Only unremitting work and thrift such as even the French peasant has no conception of can save the Japanese people and the nation.

To war the Government would never resort unless harried beyond endurance. The cost of it might push Japan into the abyss. A conflict with the United States would be the extremity of mad folly, since trade with this country is enormously valuable to Japan. For her exports to the United States she received $80,607,469 in 1912, which was not far short of the total realized from trading with Great Britain, Germany and China.

A nation struggling upward against enormous odds, as Japan is, does not dream of risking her all, a foremost place in the world, power, prestige and opportunity, by going to war with the richest and one of the most populous nations of the world, and a nation too that has always been the object of her admiration and gratitude.

The Outlier.

The amended ordinance to prevent non-residents of New York State from holding employment under the city government, which was adopted by the Aldermen this week, is said to meet Mayor GAYNOR'S objections to the original enactment, and is likely to affect the domestic arrangements of a good many job holders. It declares any person "not a citizen and an actual resident and dweller in good faith in the State" to be ineligible to appointment or employment under the city government, and any person who now is or who shall become an employee of the city and who shall become "a citizen, resident or dweller" outside the State shall by such outside residence forfeit his employment. The exceptions to this general rule are enumerated in Section 3 of the ordinance, which provides that:

"The provisions of this ordinance shall not apply to appointments or employments for services or work to be performed for the city of New York outside the State of New York, nor to a temporary appointment or employment for a specified service or work where peculiar or exceptional qualifications of a scientific, professional or educational character are necessary.

"Prior to such temporary appointment or employment evidence in writing shall be furnished that the services or work to be performed cannot be well done by any citizen and actual resident of the State of New York who can be discovered, and that the non-resident person proposed to be appointed or employed is generally recognized as one possessing such exceptional qualifications in a high degree.

"No appointment or employment under this section shall be valid unless the consent of the Mayor shall be first obtained and he may require the Civil Service Commission to pass upon the matter, and certify whether such appointment or employment be necessary, and whether the non-resident person proposed therefor be competent, and also necessary for lack of a citizen and actual resident of the State of New York who is competent."

The next step in the campaign for the protection of New York State from emigrant employees would logically be the extension of the terms of the ordinance to contractors on public works. The proportion of native to alien labor on such enterprises as the Catskill water system must be very small. The amount of money actually taken from New York city and sent not to New Jersey or Connecticut but to Europe is unquestionably large. Who will be the patriot to demand that it shall be diverted to the pockets of citizens of the State?

The May Festival of the Suffragists.

The sumptuous pageant or masque of the woman suffragists at the Metropolitan Opera House last night, the processions of beautiful women, the torches, flowers, fires, altars, garlands, had mystical or allegorical meanings, but the show was delightful and sufficient in itself. An Elizabethan Renaissance splendor shone from it all, a league of many arts and graces; and even Colonel ROOSEVELT and the Palace of Truth were but accessories and decorations of the scene.

To-day the outdoor and popular pageant, to be witnessed by hundreds of thousands, goes in many visions and divisions on its triumphal way; and for it are promised skies as gracious as most of its marchers, stern duty forces us to keep the men outside of compliment.

Most or much of this is art, beauty, a revel of artists, a matter of taste, of leisure, of the instinct and the training for comely life and decorous arrangement and marshalling. As such, if for no other reason, it is welcome. But what part does it have in the working and workaday world? What is its significance to the multitudes that behold? Do they see it as the chronic Manhattanite sees most things, from the rowing machine man in the window to a Japanese Admiral, with curious, naive-cynical, indifferent eyes? Or will it touch them as something personal, affecting their lives and well being and those of the State and country?

These questions are asked in an inquiring spirit. It is said that the anti-suffragists are going to count the paraders. How is anybody to get inside of the psychological works of the lookers on, guess what the workers on a holiday think of the purpose of this May holiday picture and spectacle?

Compensation for Montenegro.

The European situation continues slowly to improve. There is still the danger of events taking an unexpected turn which would precipitate a crisis, but so far the optimism which we expressed on Thursday is justified. The result of the Ambassadors' conference in London on that day was an adjournment until next Monday, at which Count MENSDORFF, the Austrian Ambassador, will attend; so direct action by Austria is postponed at any rate till next week.

That delay in itself is a favorable augury of a peaceful settlement. A more important development in the situation is the confirmation of the report that M. POPOVITCH, the Montenegrin representative in London, has made overtures on behalf of his country looking to the evacuation of Scutari in return for territorial compensation elsewhere. It has been apparent all along that King NICHOLAS was to a certain extent bluffing in his determined defiance of Europe and that ultimately he would yield to pressure if he were adequately compensated. He has carried his bluff dangerously far, but apparently he is now of the opinion that the time is ripe to open the way to further negotiations.

As to precisely what form the territorial compensation will take, assuming that the principle is agreed to by the Powers, it would be idle as yet even to speculate. No doubt Montenegro will ask for a good deal more than she will ultimately get, and it is also almost certain that Austria's present attitude is entirely opposed to any compensation whatever. The dual monarchy, however, may and should be induced to modify its flat non possumus by the representations of the other Powers. Those have supported Austria in her equitable demand for an autonomous Albania, with Scutari as its capital. Now that that point has been conceded by Montenegro, common justice demands that some compensation be given to the small State, and if Austria presents a selfish opposition to the principle the public opinion of Europe ought to be arrayed against her.

Bad Outlook for an Infant Industry.

The prospects of the car rowdy in the summer of 1913 are now unusually gloomy. The transportation companies, the police, and even the City Magistrates look with disfavor on his activities. The consequence of hitting the head—"denting the bean" is the technical phrase—of a mere passenger in a trolley car promises to be thirty days in jail. It is a high price to pay for an innocent excess of animal spirits, as sympathetic observers have frequently described the playfulness of these young roughs.

How much of the recruiting of "gangs" has come in the past from the tolerance of car rowdies would be difficult to say. We do not doubt that the proportion has been considerable. The weakness of the public and misdirected lenity of Magistrates have encouraged the lawless tendencies of many boys and young men. To the credit of the transportation companies and the police it must be said that they have at all times done their best to protect respectable persons against immature roughs. This year all hands appear to be in accord, and it is likely to be an unfruitful season for those whose pleasure flows from abusing their weaker and defenceless fellow passengers in public conveyances.

The County Fair.

Word comes from up State that the county fairs do not rouse the farmers to thrills of violent dissipation as in the days when not to go the pace of the county fair was not to be manly. A farmer who did not attend and support the institution stamped himself as an effeminate recluse who preferred the quiet of the silo and the cider press to the dangers and witchery of the Floral Hall and the gypsy tent. In the *American Agriculturist* we read that "real inside enthusiasm seems to be lacking," and that "the president of a fair cannot fail to be chagrined to find that not one young man can be found to try for the ploughing contest prize, as happened last year."

Are the pillars of society losing their salt? Has Parisian silkiness draped the hay loft and the cow shed? Not one young man to display his ample form and supple skill! Why, the maidens of a generation ago used to pick their husbands as a result of the plough contest just as Homeric ladies used to choose their suitors from among the archers. Let us trust that these worms of softness have not eaten their way into the pantry, and that the preserve and butter fat contests still rouse the pride of the housewife.

Even the financial side of the county fair seems no longer to tempt the farmer. Doubtless his investments in subsidiary shares have tended to make the meagre returns from cow sales look too paltry to hold his attention. "In looking over the list of business managers of some of the fairs," says the *Agriculturist*, "we are forced to wonder where are the farmers."

Where are the farmers? Where are the devil wagons? Offer a prize contest on the handling of carbureters, and not only the young man but the old man himself will compete. Little Boy Blue is no longer under the haystack fast asleep, but out with mother in the six cylinder. His horn nowadays is of the honk-honk variety. Let the county fairs become up to date.

A Fine Actor Ill.

The course of Mr. OTIS SKINNER'S illness will be watched with the most sympathetic concern by all who regard the player's profession as a calling of dignity fit to enlist the services of educated, intelligent gentlemen. Mr. SKINNER as an artist ranks with the masters of his calling.

It is safe to assert that Mr. SKINNER'S extraordinary art has never been more convincingly displayed than in the vehicle of his most recent appearances. The playgoer who dissects "Kismet" needs no guidepost to warn him of the dangers that beset the production of that difficult play. In the hands of any except a man particularly equipped by good taste, good judgment, education and fine sentiment it would be unspeakably disgusting or entirely ludicrous. Mr. SKINNER made it not only an acceptable but a notable professional and artistic success. He has done the same with other plays which called for similar delicate treatment.

A good man and a fine actor: a great many people will await with anxiety the news from OTIS SKINNER'S bedside.

In the spring elections in Michigan the Republicans have won by pluralities ranging from 28,000 to 47,000; the Democrats ran second, and the Progressives brought up the rear, polling about half as many votes as the Republicans. In the Presidential election last November this was the order: ROOSEVELT, 214,584; TAFT, 152,244; WILSON, 150,751. The inference seems to be that the Republican organization in Michigan is hale, hearty and full of vitality, and that the disposition of many Progressives is to come back into the ranks, being sceptical about the soundness of their own organization.

I was a nervous wreck at 18. My wife's people objected because I wore a clean shirt and collar each day, because I had my clothes pressed once a week. They said I was extravagant.—*Confessions of a young man of Kansas City.*

Where the standards are so severe even the sturdiest youth may be pardoned for breaking down.

The Tory mind has been the Tory mind since the days of NOAH.—*Chicago Tribune.*

Weren't the two parties of the old gentleman's time Wets and Drys?

When England appointed the Hon. JAMES BRYCE Ambassador to the United States she paid this country a very high compliment.—*St. Louis Republic.*

Right, if not right to a T.

BRYAN lauds Y. M. C. A.—*Headline.*

The courage of public men is always worth commending. We can't think of a contemporary statesman who wouldn't be bold enough to laud the Y. M. C. A.; and not even JIM MANN would "speak disrespectfully of the equator." A race of lion hearts.

If the Weather Bureau does not furnish fair skies for to-day's parade it should be abolished. As for the marchers, militant and non-militant, we hope man will never be so mean as to force them to vote, but if he does they may be sure he will keep on loving 'em just the same.

If a man wishes to select the safest life possible let him enter the army or navy. There is little danger of soldiers ever seeing war, thank God! They will have to parade only.—ANDREW CARNEGIE *at St. Louis.*

The sentiments of Mr. CARNEGIE will doubtless be echoed heartily by the soldiers of Bulgaria, Servia, Montenegro, Greece and Turkey who have been parading for some months in the southeastern corner of Europe.

In applying the veto to the "caboose bill" regulating the size and construction of caboose cars used by common carriers in the State of Ohio Governor Cox said:

"The cost to the railroads in the first year following July 1, 1913, would be more than a million dollars—an obvious burden at this time when the railroads are replacing bridges and roadways washed away by the flood."

Why an obvious burden? A million more or less is a mere bag of shells in these gay days. On the whole we are inclined to the opinion that Governor Cox shows most of the earmarks of a violent reactionary. A bridge down is a temporary expense and difficulty, but a caboose less than twenty-two feet long from platform to platform is a hardship that the plain people don't propose to put up with.

JUVENILE DELINQUENTS.

They Should Be Dealt With By the Educational Department.

To THE EDITOR OF THE SUN—*Sir:* I read with interest the article in THE SUN relative to the dinner to be given by the Big Brothers to the Little Brothers, the boys convicted of juvenile delinquency in the Children's Court. A number of extracts from the book of Mr. Coulter, former clerk of the court, are cited. One is of a boy arrested for ball playing, who was so frightened that in agony he fell on his knees and cried out, "Please, O God, don't let them send me to prison. I'll never play ball again."

Instead of citing this incident, as Mr. Coulter seemingly does, with approval, he ought to be raising his voice in denunciation of a system that can so frighten a little lad for the terrible offence of playing ball.

This and numerous incidents now being brought to light in the current discussion as to the usefulness of the Children's Court justify the criticism of thoughtful men and women interested in children that the Children's Court as now constituted is not abreast of the times, that it is an archaic institution, a relic of the past.

As the advanced and merciful laws of the present day refuse to consider children as criminals, there is no need of a court. Courts are only needed for the trial of criminals and for their proper sentence when convicted. But as children can commit no crime, they cannot be sent to jail; they must be returned to school or sent to an institution. Such disposition of the child requires that those entrusted with the work should be educational workers.

In other words, under the benign provisions of our advanced civilization the disposition of the child who wanders from the right road has become an educational and not a criminal problem. The duty of properly taking care of these children should be placed where it belongs, upon the educational department of the State.

WILLIAM I. SIROVICH,
Member of the Local School Board, Seventh District, Manhattan.
NEW YORK, May 1.

The Divided States of America.

To THE EDITOR OF THE SUN—*Sir:* Mr. Bryan recently said at Sacramento: "In relation to outsiders, this is one nation; not a congeries of forty-eight States with independent powers."

Can you inform both me and many friends considerably interested in successful concerns doing interstate business why there should be any discrimination between "outsiders" and the actual citizens of the United States; and if there were discrimination, why not in favor of our own citizens?

Some States are enacting laws which put the conduct of business in certain States on an entirely different basis from what it is in others, and to such an extent that if continued the manufacturers doing interstate business will practically have to deal with the merchants of forty-eight States in an entirely different manner, or, as it appears, do their business with what practically seems to be forty-eight different countries assembled partially as a "Divided States" rather than a "United States."

NEW YORK, May 2. F. P. SEYMOUR.

May Session of the Grammar School.

To THE EDITOR OF THE SUN—*Sir:* The subject of the debate between Harvard, Yale and Princeton freshmen is:

Resolved, That Cabinet officers should be given a seat and a voice in Congress.

I rise to ask if this proposition is phrased in good English? What is the subject of the sentence? How is it possible for Cabinet officers to "be given"? Do not the words mean to convey the idea that "A seat and a voice in Congress should be given to Cabinet officers"?

Is the university standard of English in America to "be given" such a jolt?

NEW YORK, May 2. D. D. C.

The Place.

Mrs. Knicker—We should spend the summer at a watering place.

Knicker—Agreed; we can stay home and water the rubber plant.

Successful Ruse.

Knicker—How did they get their cook to stay a whole month?

Bocker—Made her Queen of the May.

HOMERIC AGE IN KENTUCKY.

In Which Poet Stanley Sings Loudly to the Harp.

Who could have imagined that out of such a dryasdust subject as the tariff the wings of poetry would flutter and transport the fancy to the blue hills of Kentucky, the hills made famous by the best moonshine whiskey outside of Tennessee? But the Congressional bard took us down from the hills into the "spreading fields" and into the "sunshine" and even sprinkled us with "dew." But why ruin the effect of a setting by taking the jewels apart? Let us hear the strains of balanced cadence as a whole:

We upon this side look out upon the spreading fields blessed by God's sunshine and His dew and when there is an abundant harvest, when there is prosperity among the toiling masses, when the farmer and the small laborer join in one grand chorus of hope and content then will you find prosperity deserved and earned even among the mighty rich.

This single piece of blank verse from the epic of the Hon. Augustus Owsley Stanley, sweet singer of Shelbyville, is enough to induce the Muse to settle in Shelby county for "a hundred generations," to use the phrase of his gifted compeer Representative Sisson of Mississippi.

Seven cities warred for Homer being dead,
Who living had no roof to shroud his head.

Let us trust that there will be no feud between Shelbyville and Henderson as to the true ownership of this copious lusher at the Pierian Spring. For has he not told them both how proud he was of them, the one where he was born and the other where he rose to fame and to Congress? Did he not in a previous stanza hum this line:

I am from a small town, yes, verily, and I glory in it.

How this proud sentiment floods the mind with adjectives, "rugged," "homespun"! Can we not see Indian corn and cottage cheese hanging outside the pantry door? This one line ought to be enough to hold every rural vote in Shelby firm until the next election. It ought to offset that little slip of lining up the farmer with "small laborers." Not even Marx Marshall's East Side friends like to see caviar compared with tripe.

We pass on hastily to Marion, Ky., whence comes Senator Ollie James himself. Let not calm Marion stew with jealousy over the rival attainments of the meistersinger of Shelbyville. According to that incomplete lexicography of greatness "Who's Who in America" he was not born in "a small town." None was important enough to hold him; he was born in a county, Crittenden, fair Crittenden, where "the toiling masses" vote just as hard as they do in Shelby.

One verse more about these overworked "masses" and then we must have done, for it is dangerous to drink ambrosia at a gulp:

But when their millions [those white chips of the mighty rich] are wrung from the sweat and toil and misery of the unnumbered masses [the entire population of Henderson is given at 10,272], when their palaces are builded upon the ruins of ramshackling huts, upon the ruined fortunes and blasted hopes of a people, when their factories are filled with the pauper labor [worked almost as hard as the masses] of Europe, from which the American has been exiled [where then does he "sweat and toil"?] in such an hour it behooves the defenders of plunder to turn upon us in the country and in the small towns with the cold and pitiless sneer that we are ignorant and poor and ought to be oppressed. [Probably a misprint for suppressed.]

We have quoted this monologue at some length in order not to omit "the defenders of plunder." Is this a glossary of Representative Heflin's "tariff marauders"? What adaptable folk these tariff "barons" have suddenly become! A sort of political quick change artists, sometimes marauding and sometimes defending, but all the time true barons.

Now for one last and lingering taste of that "cold and pitiless sneer." This is easily comparable to Shelley where he speaks in a sonnet of "a wrinkled lip and sneer of cold command." Do these defenders or marauders "sneer" before or after they "plunder"?

The Valuation of Court House Site Property.

To THE EDITOR OF THE SUN—*Sir:* Referring to the article in yesterday's SUN headed "Calls H. A. Sherman Realty Munchausen," I would say that I represented the owners of thirty-three parcels in the court house site and testified as to what I thought was a fair value of the property, taking into consideration the close proximity to the Municipal Building and the new subway loop station and the fact that the lease of the Schulte store, directly opposite, on the corner of Duane and Chambers streets, was paying 5 per cent. net on a valuation of $900 a square foot. I based my figures on the fact that very large returns could be had from this property after the Municipal Building and the subway loop station were opened. The Corporation Counsel put experts on the stand who appraised the property much lower, in one instance at one-third less than it was assessed by the city.

HERBERT A. SHERMAN.
NEW YORK, May 2.

Another Erring Jersey Town.

To THE EDITOR OF THE SUN—*Sir:* The story in THE SUN of the conversion of beautiful Passaic Falls in Paterson from a scenic into a commercial attraction reminds me that Boonton, not far from Paterson, has a beautiful waterfall in its midst, not so great as Paterson's but with much more attractive surroundings. The Rockaway River breaks through in a picturesque gorge along which the main business street lies, and at the upper end of this gorge is a most picturesque waterfall.

As a city park the river banks and the fall would be ideal. But Boonton has no eye for beauty, and a power company has taken over the whole thing, and about the time the falls of the Passaic are going down the flume to run the wheels of alleged progress the falls of the Rockaway will be doing likewise. But the Boontonians are not weeping over their loss as are the Patersonians. They are rejoicing because they feel that by turning beauty into power they will experience a rise in real estate that will atone for all other loss. Such is the soul of man in this commercial age. W. J. L.

NEW YORK, May 2.

Solution Coming.

Oh, Europe, just be calm and wait,
We'll solve your troubles prettily;
The graduates will tell you soon
Beyond the Alps lies Italy.

Footing It Up.

He slips,
She slides—
She trips,
He strides—
She shambles,
He stalks—
She ambles,
He walks.
He prances,
She hobbles—
She dances,
He wabbles—
He hops,
She dips—
She flops,
He flips—
He leaps,
She bounds—
She sweeps,
He pounds—
She bustles,
He flings—
He "rustles,"
She springs—
As their paces thus we note
We may surely wonder whether,
When they each have got a vote
They will march in step together.

GEORGE B. MONEWOOD.

TAXING THE AQUEDUCT.

A Clergyman's Exposition of the Rural Counties' Case.

To THE EDITOR OF THE SUN—*Sir:* The Catskill aqueduct as it passes through the counties between New York city and the reservoir at Ashokan Dam has done an inestimable damage to many of the farms traversed, which must for all time decrease their value.

The aqueduct has gone through some of the choicest land, if not the very choicest, in Orange and Ulster counties, as is quite natural when you remember that the surveying engineers sought as little cut and fill as possible in laying out the place of the route. Cream and skim milk will make common milk; but the man who has the cream ought to expect to pay as against the man who has the skim milk. To tax the skim milk acreage equal to the cream acreage, or vice versa, is hardly equitable. Nothing is fairer than that the aqueduct strip be taxed above the contiguous acreage in many places.

Again, there is a franchise right which militates forever against use of the property in the counties. Everything is up against that cement tunnel that tries to go east and west in Orange and Ulster counties. A permanent injunction lies always against many uses, like drainage, railroad building, and combination of properties for special purposes. Some tax belongs to the future generations which are handicapped in any race they desire by this mounded "barrel" of cement.

The fairest way to tax the aqueduct is by treating it as a construction, like a railroad, or any other, built upon a piece of real estate.

To exempt it from any taxation will mean to make the counties through which it passes pay for New York city's water in part. If this is true, then to be fair about it you should give every farmer on whose land it winds its tortuous way a private tap for his family and cattle. What he pays for let him use. If it is a public utility let the public, which supports it, have its benefit. Some school districts would be almost put out of business if you exempted the aqueduct property, and some of the towns would have to raise taxes on land which would hardly bring the tax if put under the hammer.

That New York city paid too highly for its aqueduct property is true. It was pitiable from this side of the fence to see how New York paid. A more iniquitous thing never has seen light than the whole condemnation proceedings in these counties. But New York lawyers were in it and had their share of the plunder; the commissioners were not all farmers; very few of them were farmers.

To burden a lot of innocent people in these counties because a lot of political appointees grew fat out of a barrel filled with grease from Albany and New York city is not fair. The way to rectify injustice is not to punish the innocent, nor is it to pass it on down the ages, but to stand up and pay for it like a man.

J. SCOTT KING.
LITTLE BRITAIN, Orange county, May 2.

THE TREATY WITH JAPAN.

Literally Construed It May Not Give Her Subjects the Right to Own Land.

To THE EDITOR OF THE SUN—*Sir:* In reading the editorial article in THE SUN of May 1 explanatory of the Japanese treaty I find in reference to the section dealing with the property rights guaranteed to the citizens of the contracting countries this explanation: "Literally construed this section of the treaty, and there is no other bearing upon the matter in controversy, does not provide for the owning of land as such by the Japanese or for the leasing of land except for 'residential and commercial purposes.'" This phraseology is possible of two interpretations, which I take the liberty of stating as questions:

Is it your opinion that the treaty of 1911 provides that the Japanese may own and lease land within the United States for residential and commercial purposes; or is it your understanding of the treaty that, while the Japanese may lease land for residential or commercial uses, and have the right to own or lease residential or commercial buildings, they have no right under the treaty to hold the fee to land in this country?

NEW YORK, May 1. E. C.

Article I. of the treaty of 1911 gives the Japanese the privilege of owning "houses, manufactories, warehouses and shops," and of leasing land "for residential and commercial purposes," in the United States. The Birdsall bill, which was superseded in the California Assembly by the Webb bill, was entitled "An act defining and limiting the right of aliens to acquire title to and own or lease real property in the State of California, and providing a method for divesting title to lands held by such aliens." Its purpose was to compel the escheat of real property owned by the Japanese and to limit leases of land to them to terms of five years.

Article I. of the treaty does not seem to contemplate Japanese ownership of land on which there are no buildings. But if an American owner of any tract of land conveys the fee to a Japanese subject the latter cannot at present be disturbed in his title. The Webb bill proposes to prevent such a transaction and to restrict the Japanese to the ownership of houses, manufactories, warehouses and shops and to leasing land for residential and commercial purposes, thus by statute construing literally the "rights" given in the treaty of 1911.

Crossed Legs in the Court Room.

To THE EDITOR OF THE SUN—*Sir:* I note the following in to-day's SUN:

Several years ago Justice Goff established the rule that men in his court room could not sit with their legs crossed, and one of the men he rebuked for it was Cornelius Vanderbilt. Recently a court officer told a witness to sit up straight before Justice Page, and when the court heard of it he told the court officer to mind his own business and advised the witness to sit in any position he found comfortable.

Mr. Justice Page is to be congratulated. One who comes into court comes, presumably, because it is necessary. The propriety of crossing one's knees is, I think, to be decided by the owner. But, right or wrong, it is hardly important enough to call for comment.

What would Mr. Justice Goff do if an important witness for the State should refuse to uncross his knees?

By the way, precedents count in a court of law. I have adorning my wall an authorized photograph of the United States Supreme Court, and one of the Justices has his knees crossed! R. M. C.

NEW YORK, May 2.

Congressional.

TWO LINE ADS.

Heflin, Sisson and Vardaman,
Choice old vatted guff by the can.

Heflin, Vardaman and Sisson
Keep the Capitol hot and hissin'.

Vardaman, Sisson and Heflin see
Choice invectives, our specialty.

THE "RECORD."

It's filled with frequent "outbursts of applause,"
And lengthy incubrations on the laws—
Orations that no mortal ever heard,
And wild acclaim that has not yet occurred.

THE PRESIDENT'S ROOM.

A place that once contained a large gilt clock;
And, several times of late, a large built shock.

IN THE HOUSE THESE DAYS.

A beggarly array of empty benches—
Why, what a frost! What do they call the show?
Oh, here's where old Protection in the clenches
Goes down before Competitive Trade, you know.

MAURICE MORRIS.

EXCHANGE WINS ITS BATTLE AT ALBANY

Sulzer's Incorporation Plan Is Killed in Senate by 34 to 8.

HIS PLEA FALLS FLAT

Eight Stock Exchange Bills Go to Governor for Signature—Other Three Dead.

ALBANY, May 2.—Assemblyman Levy's bill, favored by Gov. Sulzer, which would compel the New York Stock Exchange to incorporate, was killed in the Senate to-day by a vote of 34 to 8.

Those who voted for the bill were Senators Boylan and Wagner of Manhattan, Malone, Wende and Ramsperger of Erie, Patten of Queens, Seeley of Steuben and Wheeler of Delaware, all Democrats.

It is the only Sulzer measure that the Senators controlled by Leader William H. Fitzpatrick of Erie county have favored. Other county leaders have permitted their Senators to vote for different measures favored by Gov. Sulzer when their votes would not count.

The Senate Judiciary Committee decided to-day not to smother the Stock Exchange incorporation bill in committee. They wanted to give the Governor no excuse to have an extra session for passing the bill on the ground that the bill had been chloroformed. Of the fifteen members of the committee thirteen were present, and Senator Wagner was the only one who voted to report the bill favorably.

When Gov. Sulzer learned that the Senate had killed the incorporation bill he sent another special message to the Legislature calling attention to the fact that several of his series of Stock Exchange regulation bills had not yet been passed by the Legislature. The Governor said:

"Concerning these measures I have sent to the Legislature emergency messages to speed their enactment, and I am convinced that their passage at this session of the Legislature is greatly to the interests of the public welfare.

"I indulged in the hope that the receipt of these emergency messages would have resulted in the speedy passage of these measures. I now want to impress upon you as emphatically and as earnestly as words can convey that I believe it to be the desire of our citizens that these pending Stock Exchange measures receive favorable consideration by the Legislature at this session."

Before this message reached the Legislature, however, each House had taken action which resulted in sending to Gov. Sulzer for his signature eight of the twelve Stock Exchange series of bills. Two of these have already been signed by the Governor, one making the anti-bucket shop law more stringent and the other making it a felony to manipulate the prices of securities.

The other six bills which have passed the Legislature and gone to the Governor permit members of the New York Stock Exchange to have dealings with members of the Consolidated Exchange; make it a felony for brokers to do business after insolvency or to hypothecate customers' securities under such circumstances; making it a felony for brokers to trade against customers' orders; prohibiting false representations regarding securities; prohibiting the reporting or publishing of fictitious transactions in securities, and providing for the delivery by brokers to customers of memoranda regarding transactions for them.

Aside from the incorporation bill, the other three bills which have not and will not pass the Legislature are the Kendall bill prohibiting the New York Stock Exchange from refusing to list securities printed by the New York Bank Note Company, out of which grew the charges of extortion against Senator Stilwell; the bill requiring quarterly reports to be filed with the Secretary of State by corporations whose securities are listed on the Stock Exchange, and the bill fixing a 15 per cent. maximum interest rate on Stock Exchange loans.

This last bill has been abandoned by Gov. Sulzer. The Kendall bill is in committee of the whole in the Senate and the other two bills are in the Senate Judiciary Committee along with Assemblyman Goldberg's "blue sky" bill, which was intended to stop the sale of fraudulent mining stocks.

REASON WINS, SAYS MABON.

Stock Exchange President Expresses Gratitude to Senators.

James B. Mabon, president of the New York Stock Exchange, made the following statement yesterday regarding the defeat of the incorporation bill:

"Naturally I am gratified at the action of the Senate and thankful to the Senators for the patient study and investigation they have given to a somewhat complicated subject. It shows that the appeal to reason and argument is the right way of having our problems understood.

"But while gratified, we are impressed anew with the sobering responsibilities attending the government of this institution and with our duty of living up to these responsibilities at all times."

PROGRESS OF WINTER WHEAT.

Larger Yield Is in Prospect Than Ever Before.

ST. LOUIS, May 2.—The *Modern Miller* in its current issue says:

"Reports from the principal winter wheat growing States on the condition of the crop and the abandoned acreage on May 1 show there is a larger yield of winter wheat in prospect than was ever raised in this country before.

"The condition by States on May 1 was: Michigan, 85 against 83 on April 1; Ohio, 93 against 91; Indiana, 93 against 91; Illinois, 94 against 93; Missouri, 95 against 93; Nebraska, 94 against 92; Kansas, 88 against 90; Oklahoma, 95 against 94; Texas, 86 against 88; Tennessee, 94 against 93; Kentucky, 93 against 92.

"The average condition in the United States is estimated at 92 per cent. The abandoned acreage in Michigan is 17,000 acres, Ohio, 111,000; Indiana, 66,000; Illinois, 46,000; Missouri, 47,000; Nebraska, 32,000; Kansas, 354,000; Oklahoma, 35,000; Texas, 15,000; Tennessee, 7,000, and Kentucky, 15,000.

"The abandoned acreage in the United States is estimated at 973,000 acres. The prospective yield in the principal winter wheat States is: Ohio, 34,484,000 bushels; Indiana, 39,952,000; Illinois, 42,187,000; Missouri, 39,881,000; Nebraska, 62,120,000; Kansas, 118,378,000, and Oklahoma, 39,515,000."

Knell for Riverfront Car Horses.

The Third Avenue Railway Company, which controls the Belt Line Railway Corporation, got permission yesterday to put storage battery cars on the riverfront roads of the belt lines.