

The Sun

WEDNESDAY, MAY 21, 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 \$5.00

THE EVENING SUN, Per Month \$1.00 THE EVENING SUN, Per Year \$10.00

Leaders of THE SUN leaving town for the summer months can have the morning and Sunday editions delivered to them in any part of this country or Europe on the terms stated above.

Published daily, including Sunday, by The Sun Printing and Publishing Association, at 120 Nassau street, in the Borough of Manhattan, New York.

London office, 11th Avenue House, 1 Arundel Street, Strand. Paris office, 6 Rue de la Michodiere, off Rue du Quatre Septembre.

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

A Question—Not for Mr. Underwood and Mr. Hull, but for the Courts.

Has the United States Government the constitutional right to compel all of the corporations of the country to become income tax collectors without so much as reimbursing them for the financial loss that will result by reason of the expense necessarily incident to compliance with the provisions of the Underwood bill?

Did the eminent Mr. HULL think of this?

He has used the English language in his section of the Underwood measure so that whenever a person's income from a corporation exceeds the exemption such corporation is made liable for the tax and is required to render a return of the portion of the income from which the "normal" tax of such person has been withheld.

In the case of large corporations there will be a great many returns, deductions and payments that will be required because of amounts due for salaries, dividends, interest on bank and other loans, as well as on bond indebtedness. That the Government expects this to be so is evident from the fact that this provision is inserted in the bill.

The expense incidental to this will in many cases be considerable. What right has the Government to take this expense out of the treasury of such a corporation without reimbursement?

Similar provisions exist, we believe, in England; but in England there is no power limiting Constitution.

Under our Constitution no person or corporation can be deprived of property "without due process of law, nor shall private property be taken for public use without just compensation."

This provision of our Constitution does not depend upon the amount of property which a person is to be deprived. It applies to any attempt of the Government to put its hand in the pocket of a person, or in the treasury of a corporation, to take therefrom even so small a sum as one dollar without compensation.

This constitutional prohibition, of course, does not operate to prevent the levy and collection of a lawful tax, like an income tax, provided the collection is by distraint through the lawful officials of the Government.

The Fate of Essad Pasha.

If ESSAD Pasha, the brave defender of Scutari, is dead at the hands of an assassin, as a news agency at Vienna reports, there is likely to be short shrift for those responsible for his taking off. A man who came of an ancient family of Albania, an intrepid leader, eminent both as a politician and soldier, he had many adherents in that turbulent province. He also had implacable enemies there, and no doubt his surrender of Scutari added to their number.

It is not surprising that a protest appears in the last number of the New York Medical Journal from the Medical Society of the Borough of the Bronx, which by unanimous vote addresses it in an "Open letter to the Governor and the Legislature." The protest says: "There is no special or general demand so far as we know by the profession in this State for such legislation even to get a definition from a commission of medical men as to what constitutes advertising would be a difficult piece of work."

he is said to have assured the Italian and Austrian Consuls that he never dreamt of proclaiming himself ruler of Albania and was disposed to recognize the provisional Government. This, however, Mr. Powers probably meant was that he would support a temporary Government sanctioned by all the Powers. Self-interest and his allegiance to the Porte as a commander, Albanian chief though he was, would naturally have precluded his recognition of the existing provisional Government.

The fate of ESSAD Pasha, assuming the truth of the Vienna report, may have a certain bearing upon the restoration of order in Albania. The evacuation of Scutari by the Montenegrins and its occupation by troops of the Powers left Austria and Italy no excuse for a joint expedition to Albania, particularly as ESSAD and DAVID PASHA had received orders "to disband and retire" from the country. The assassination of ESSAD might, however, precipitate disorders that would interfere with the most carefully laid plans for the pacification of Albania, in which case the question of occupation, by whom and on what terms, would have to be settled by the Powers. Neither Austria nor Italy, nor both, would be allowed a free hand.

The People and the Bosses.

"What Democrat in the State is going to be false to the Democratic platform?" asked Governor STILZER last night. Is there anything in the New York Democratic platform that binds any Democrat to the abolition of State conventions?

"Why did the party bosses last fall permit open conventions for both the Republican and Democratic parties?" the Governor continued.

Because they saw and yielded to the force of public opinion; because they wished to win. The people will always have their way when they are interested enough. No "new pair of boots," no magic of conventional primaries can create that interest. When they choose, they boss the bosses. Otherwise, under any system the bosses will boss them.

The Races for America's Cup.

The acceptance of Sir THOMAS LIPTON's challenge for the America's cup by the New York Yacht Club will insure a series of races in September, 1914, between two boats that will carry about the same sail area and to all appearances will be evenly matched. The American yacht will not be a skimming dish with a towering mast and an enormous spread of canvas compared with which the challenger is at an obvious disadvantage.

This time the defender will not be a freak, and the challenger can be sailed across the Atlantic with no risk of straining or warping her hull. Both boats will be constructed sanely and therefore they will be seaworthy. The change of conditions will make for true sport, and if the cup remains on this side of the water the triumph will be deserved and genuine and no one will have to make apologies under the breath for Sir THOMAS LIPTON's discomfiture.

Under the old rules relating to length on the water line, displacement and sail capacity the challenger was virtually handicapped before the design of his yacht was made; it seemed like a hopeless undertaking to plan a cup fight. Under the new rules that will govern the international contest next year the challenger has an equal chance to win the series. It will be a competition of designs and sailing skill.

Shamrock IV, which is formidable, but American designers have not lost their cunning. What we can be sure of is that there will be a splendid contest. May the better boat win, and may the better boat be the defender!

A Faulty Medical Bill.

Looking the stable after the horse has been stolen is an unpromising but not an unwise procedure. The attention of our legislators was called in THE SUN of April 21 to a Senate bill, No. 869 (Int. 793) entitled "An act to amend the public health law, relative to medical licenses." We pointed out the flagrant error of delegating to an educational body that has no legal training the power over that which is more valued than life itself, the reputation and the right to earn a livelihood. The Board of Regents or Examiners is authorized by this act to revoke or suspend the license of any physician who is guilty of certain specified offenses, or in general of "any act which in the judgment of the Board of Regents is inimical to the good name and character of the medical profession, or which in the judgment of said board tends to impair public confidence in a member of that profession."

While it is highly important that a physician should be punished not only for crimes but also for acts which are inimical to the good name of the profession by revocation of license and not only as is the reprehensible custom now, by discipline of a medical society of which he happens to be a member, it does not seem just to entrust the judgment in these matters to any set of laymen, no matter how much probability or intelligence they may possess. A jury of his peers alone, and under a Judge who knows the law and guards the testimony for both sides, is competent to mete out even justice. No jury ever had the discretion permitted in the last lines of this act.

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We do not agree with the protestants that "there is no special demand for such legislation." On the contrary, the present inadequate discipline by the medical societies and the fact that only a small proportion of physicians are members of the societies render it imperative that the law with all its safeguards be invoked to protect the public and the public alike.

"The suffragettes have effected a wonderful improvement in Holloway jail, which now has quarters as attractive as any of our homes. They whistled away the hours of their confinement happily through their prison windows with friends outside. They have had a thoroughly enjoyable vacation and their health is much improved. To these two happy-hearted ladies Home Secretary MCKENNA must feel like giving a medal."

"CARSON'S very bones are musical," says an English doctor. "If you tap one of his knuckles it gives out a higher pitched and more resonant tone than those of the average person." Far be it from a layman's thought to dispute the word of an eminent medical authority, but from our school days we have lively recollections of a tap on the knuckles resulting in tones that for high pitch and resonance would beat any that CARSON ever uttered.

The Passing of the Hudson Shad.

The explanation that LEW RODGERS and other shad fishermen have abandoned the lower Hudson because it is "fished out" leaves something to be said. The Hudson is no longer the haunt of the shad for the reason that its waters are poisonous to that toothsome fish. Time was, and not so many years ago, when the Hudson shad furnished a dish for epicures and a cheap food for the poor. Roe shad weighing three and four pounds sold for as little as 25 cents apiece in good seasons when the market was well supplied. But as acids and oils were poured into the river from chemical works and factories the Hudson shad lost its flavor and actually tasted of the source of pollution.

The local shad grew fat and soft and was evidently degenerating—even a fish can be unhealthy. The dealers no longer recommended it to customers as long as Delaware shad remained in the market. Thus an honest and useful industry declined and the consumer was deprived of one of the most delicious of food fishes and one of the cheapest.

Conservation was not a public question when shad used to come up in myriads from the sea in spring to spawn in the Hudson. As one female deposited from 30,000 to 150,000 eggs the supply of fish seemed to be inexhaustible. Laws prohibiting pollution of the river would have saved not only the shad in the lower Hudson but the magnificent sturgeon in the upper river. A pound of smoked sturgeon is now beyond the means of all but the well to do, and sturgeon ought to be almost as cheap as herring.

Whether it is too late to redeem any part of the Hudson as a habitation for edible fish is a question for the experts; it seems a pity that a river that draws its fresh water from crystal pure sources in the Adirondack region should not be cleansed, kept uncontaminated and stocked with fish suited to the table. The lower Hudson within the limits of the metropolis is doomed, no doubt; but the sturgeon would still flourish in the north under favorable conditions. There is no more prolific fish, the female producing from two to three million eggs in a season.

New Jersey and Pennsylvania have combined to prevent pollution of the upper Delaware by legislation. Why cannot New York enact laws to purify the upper Hudson?

Mr. Colby Quits.

Long before the present high priests of the Progressive organization had emerged from the obscurity of Republicanism EVERETT COLBY of New Jersey was using the word to describe the reforms he advocated in partisan and public affairs. He was one of the pioneers, not only in the East but in the nation, of the new dispensation. He fought when he had a high stake to lose, and struggled when defeat meant something less desirable than martyrdom.

Since Progressivism became synonymous with Rooseveltism in the United States and Recordism in New Jersey, Mr. COLBY has suffered a serious loss of enthusiasm. In various ways and under various circumstances he has evinced a disposition to look with coolness on the manners, the processes and the objects of his associates. At length he has broken from them, and for the present at least he is flocking by himself.

What is the explanation of Mr. COLBY's behavior? It is certainly not the result of thwarted personal schemes or unsatisfied ambitions. Mr. COLBY is not that kind of a reformer. But has he learned that some of the idealists of the Progressive machine of to-day are not much different from the rascals of the old political parties?

A Missouri Gloss on "Back to the Farm"

A Missourian asked a county court to grant him a divorce for desertion. The lady had declined to accompany him from the man-made town to the God-made country. No, said the county court. No, says the Court of Appeals: "She was not bound to follow him." It is not desertion—Quere: may it not be desert?—to refuse to hide her light in the rural districts.

To rural economy, farm uplift and the beautiful "Back to the Soil" movement or hope, the decision is a "knockout" swat. For what avail the plough or rail, or spade or hoe if woman flinch?

There is an ampler ether, a broader consequence to this decision. With more than a Copernican change it alters the astronomy of marriage. No longer is woman a satellite, an attendant and inferior moon. She is herself a planet of independent orbit.

But wouldn't it be an act, if not of justice, of contemptuous compassion, to pension the poor devil of an involuntary eremite who lives in the desert yet is not "deserted"?

Much could be said of the rise to wealth and the business talent of HENRY M. FLAGLER. It is enough to say that he was a great constructive genius and added Florida to the United States. He will be remembered, capitalist and magnate as he was, by what he did for the future of that State and for the pleasure of millions.

With respect and admiration we salute Miss BOYLE and Miss MUNRO, the two English suffragettes just released from Holloway jail after serving a sentence of two weeks. They had a "jolly time," they say. They took the food given them and enjoyed it. They found the accommodation all that could be desired, for

"The suffragettes have effected a wonderful improvement in Holloway jail, which now has quarters as attractive as any of our homes. They whistled away the hours of their confinement happily through their prison windows with friends outside. They have had a thoroughly enjoyable vacation and their health is much improved. To these two happy-hearted ladies Home Secretary MCKENNA must feel like giving a medal."

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THE TIN TRUST.

Congressional Financiers Much Interested in Old News. When it became noised around Washington that for twenty-five years there has been an attempt to promote a tin trust, and that Mr. Samuel Underminer had never even mentioned to his fellow investigators the tin tail of the money devil, the excitement was suppressed. It is said that Waco Henry of Texas refused to say a word of reproach, but that he blushed to his finger tips. Has our dear love, our able corporation sleuth, our proven a whitish speculator whitewashed for twenty-five years and we couldn't even see the whitewash? Some say these were the thoughts that shook the bosom of Pujio. Word has yet to come from Boston to the effect that Honest Tom Lawson is to change the name of his hero of "The Remedy." The best remedy would appear to be phrased in the old adage about "letting bygones be bygones."

Transferred into the realm of the true, the good and the beautiful, the facts may be stated thus: Away back in the days before money was king, long before stock promotions were wicked, tin was said to have been discovered on Blarney Peak. A Wall Street house sent an expert out, and Honest Tom Lawson to the contrary notwithstanding, this Wall Street minion persisted in telling the truth. And the Wall Street house said: "We have had everything from this mine except tin." Wind, but not tin. There is a difference. What was to be done? Eventually it was necessary to find a higher grade of wind if this ore was to pan out. Who was to be the genius?

One would have thought that the money devil would have gone to some celebrated pipe artist like Detective Arthur E. Stillwell, original discoverer of the money devil and promoter of El Dorado, the city that was not. Or where was Colonel Sellers of Sellersville, with astral wires over astral teleposts from New York to Pipe-land? Was not he just the man for the job? For that matter, Honest Tom himself might have done in a pinch. Mind you, this was way back before the American Muckraking Company was founded for the length and breadth of the world, and to protect them from devils. Well, then, did they select any of these white birds to fly out to Blarney Peak and come back with tin in their crops?

No, and again no. They wanted high grade talent that could some day champion the cause of the ruined slaves of high finance. So, lo and behold, may the saints forgive our eyes, we read that Mr. Underminer, the Mr. Underminer, Underminer the unalloyed, was president of the Blarney Peak Mining, Milling and Manufacturing Company. M. M. M. stands for money makes money devils, not tin. "Come on," he "smoke up?" Well, "rawther," as they say in England, for it was to the English that he was to dream aloud of the wonders of Blarney Peak. And he did it like the true artist that he was, he told of a prince on "a vast principality of mines" who was so generous that he wanted to let Englishmen in on the basement floor. It looked good, for there was not a real block of tin that came from Blarney Peak, via Cornwall, right in the front window that you could see for yourself when the smoke from the uplift of the people and to protect them from devils. Well, then, did they select any of these white birds to fly out to Blarney Peak and come back with tin in their crops?

MAKING THE CASE STRONGER.

The Burke Southern Representation Resolution Was Voted Down in 1908.

TO THE EDITOR OF THE SUN:—The editorial article "The Discredit of the Radical Progressive Republicans" says in connection with a resolution introduced by Senator Quay of Pennsylvania in the convention of 1906 which proposed to cut down representation in the Congress from 59 to 471. The resolution was similar to that drawn by Mr. Quay was introduced in the convention of 1908 by Representative James Francis Burke of Pennsylvania, and it was referred to the committee on the Southern States. The resolution was similar to that drawn by Mr. Quay was introduced in the convention of 1908 by Representative James Francis Burke of Pennsylvania, and it was referred to the committee on the Southern States. The resolution was similar to that drawn by Mr. Quay was introduced in the convention of 1908 by Representative James Francis Burke of Pennsylvania, and it was referred to the committee on the Southern States.

ROADSIDE APPLE TREES.

An Excellent Custom of Law Abiding Germany.

TO THE EDITOR OF THE SUN:—May I supplement Edith V. Gilchrist's letter about German apple trees and say that as soon as the fruit on the miles of apple trees is fairly "set" the trees are sold at auction? Each group of trees is marked with the purchaser's sign, whatever he may choose, and he sells the fruit. Have you tried this in the custom in Thüringen and other parts of the empire. The honesty of the people is so great that the fruit is never stolen. Would that this delectable land were a model for us in every way.

Boys of Two Countries.

TO THE EDITOR OF THE SUN:—How many roadside apples could we Americans harvest? Are American boys as different from German boys, or is the German army on duty day and night along the roads when apples begin to ripen? E. S. F. NEWARK, N. J., May 20.

The Fine Art of Keeping Still.

TO THE EDITOR OF THE SUN:—Let us hope that he didn't, our oratorical Secretary of State, I mean. Hope that he never said anything of the kind. Maybe the Washington newspapers are mistaken, and Bryan didn't say it. Just imagine our Secretary making the charge that the Steel Trust, in order the more readily to sell armor plate to the Government, engaged in setting up "war scares." This, too, of a Sunday afternoon in an "address."

The Direct Primary Campaign.

TO THE EDITOR OF THE SUN:—Sir, My congratulations on your very reasonable editorial article this morning about the Governor's direct primary campaign. You might have added no sign whatever of these being any popular support for the proposed measure. The statement was made in one of the papers yesterday, for instance, that Richmond, which is my own home town, had a "hotbed of direct primary sentiment," but in a fairly well acquainted there, and mostly outside of political circles, I have yet to discover a single man who has the slightest interest in it.

The Source of Bob Veal.

TO THE EDITOR OF THE SUN:—In your article of May 19 you say: "We do not understand why, if postponing the killing would be profitable, the breeders do not now stay the butcher's hand as a matter of self-interest." There are a few farmers who grow veal, but the large number of farmers who produce milk cream and butter desire to raise the calves as soon as the cow's milk fit for human consumption, so the disposal of the three days old calf in the most profitable manner. To them it is a matter of self-interest. The milk producers desire their cows to be in fresh milk in the early spring or fall, and at these seasons there are more calves than the farmers who far from veal can well take care of, and these are the seasons when bob veal is the most profitable.

The White Guard.

TO THE EDITOR OF THE SUN:—Subway guards have donated their summer uniform of white and the entire underground system has taken on a new and more cheerful appearance. A vast difference the change of uniforms makes. The wearers are more comfortable in the heated atmosphere, which greatly influences their work. The conductors and the passengers are directly affected by the change. The bright uniforms seem to shed a cooling influence over the entire train. It was a clever idea of army guards to change uniform, but it is a good idea for the subway guards, and furnish summer dress for the guards on the elevated road. It is not so hot and stuffy above ground. The summer uniforms would have been a boon to the subway guards, and answer the purpose. W. H. NEW YORK, May 20.

Backstamping.

TO THE EDITOR OF THE SUN:—I will defy you to find any backstamping of letters of the ordinary mail for over two years in large cities, and no one thing has been the cause of so many mistakes in handling of letters as the new machine over two years ago. H. W. MARTIN, An Old Postmaster, BOSTON, May 20.

A French Criticism of a Manhattan Historian.

TO THE EDITOR OF THE SUN:—Sir, Harburger's comparison between the times of the French Revolution and the present New York barbers' strike, as mentioned by THE SUN, is undoubtedly sound to pass in posterity as a tradition memento, not even to be found in the annals of the "patrons," a word by the way which cannot be translated differently than as "a little." Mr. Harburger could find time enough to read a little of the Louis Blanc, Michelet, Carlyle, Stephens, Sybel, etc., works on the French Revolution he certainly would learn that a new tradition memento, not even to be found in the annals of the "patrons," a word by the way which cannot be translated differently than as "a little." 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