RULING ADVERSE TO OLD MAN GREENLAW

Sam Pearsall Maintains That a Man Always Gets What's Coming to Him.

MR. PEPPER'S CASE IN POINT

Bursting of Boiler at Critical Time Only Evidence of Very Hard Luck.

By DAVID A. CURTIS.

The sequence of events in old man Greenlaw's saloon in Arkansas City was ordinarily in more or less strict conformity with custom, so that after one happening it was not difficult to predicate the character of the next one to be expected. As time went on the habits of those who composed the little part that was usually to be found there became more and more fixed, and the surprises that sometimes came by reason of some one of them doing an unexpected thing became less and less frequent. It therefore came about that although the proceedings in the saloon might not always be considered well ordered there was little question about their being ordered, whether well or otherwise.

One thing that came to be looked for with confidence was that the old man would break out from time to time with some observation for which there was no apparent provocation whatever, it seeming to have been engendered by his own cogitation. And the next that ordinarily followed was a critical reply from Sam Pearsall, in which he would express either his total disagreement with the old man's opinion or his impatience at having the quiet of the place disturbed. Subsequent events would vary according to circumstances, but these two occurred in regular order quite frequently.

It was therefore no great surprise to any in the room when the old man remarked casually, after an hour or more of complete silence in the room: "Most gen'ly a man don't al'ays git what's a-comin' to him." Nor was it entirely unexpected for Pearsall to snort contemptuously at the statement and observe with lofty severity: "I al'ays reckons on gittin' what's comin' to me 's fur 's poker goes. 'Pears like that's the main thing."

Thereupon the others in the company roused themselves sufficiently to look with more or less interest for the discussion that was morally certain to ensue. Nor had they to wait for it.

"Poker 's different," said the old man, "but the rule holds even into a game o' draw. The Good Book says, 'Him that openeth a jackpot don't al'ays rake it down,' an' th' ain't no d'sputin' the truth o' that, even if 'tis wrote down into Scripter."

"The pot's comin' to the man what wins it, ain't it?" responded Pearsall stubbornly. "An' if I'm him I reckon I'm gwine to git it."

"Mo' 'n likely yo' be under ornery circumstants," admitted the old man readily enough, "but they is cases what don't al'ays come out thataway."

"I never seen 'em," persisted Pearsall, "nor nobody else. Sich talk is plumb foolish."

"I c'n call a instance to mind right now," declared the old man stoutly, "where a man won c'nsid'able of a jack pot into a game an' never drawed down a cent of it."

"Bet yo' five dollars yo' all can't do nothin' o' the kyind," exclaimed Pearsall, "an' I'm willin' to leave it to the comp'ny."

The old man had seldom been known to bet real money on any contingency without being fully assured in his own mind that it was a certainty. It was true that he backed the poker game in the back room financially and was by no means niggardly about it, but even in regard to that he sometimes refused to put up money against an outsider, or a party of outsiders, for the reason, as he expressed it, that "they uns is got a chanst fo' to win." In most cases, however, it was a moral certainty that the home talent would be victorious and he would venture accordingly.

When he was thus challenged by Pearsall, however, he showed no hesitation whatever. Producing a wad from his pocket he skinned off a bill and laid it on the bar.

"Money talks," he observed briefly.

"Sho' does," replied Pearsall with equal brevity, putting a second bill on top of the first. "Go ahead. It's yo' all's play."

"'Pears like this yere is too easy," said the old man, "but if yo' all wants the full p'tic'lars, here they be: I seen a freeze-out played one night onto the River Queen atween Bud Mathews an' Buck Walters, what was two o' the best poker players they was onto the river them days.

"'Pears they'd al'ays done fit shy o' one another afo' that, both on 'em havin' c'nsid'able respeck fo' t'other, but this night some o' the passengers got devellin' on 'em till they 'greed to put up a thousand apiece an' play it out.

"They was c'nsid'able of a pahty lookin' on, an' some on 'em was tol'able good players they own seifs, so they wa'n't no question ever raised concernin' whether the play was reg'lar or not."

"What diff'rence 'd that make?" interrupted Pearsall, with some impatience, but the others rebuked him.

"Th' old man is a-tellin' this, Sam," said Jake Winterbottom sternly. "Th' ain't no call fo' yo' all to butt in, not yet, th' ain't." And Pearsall said no more.

"As I was a-sayin', the play was reg'lar enough," continued the old man, "an' they played along fo' a hellova while 'thouten either one on 'em goin' broke. 'Peared like the luck run even. But bimeby they done got a jackpot what neither one on 'em c'd open fo' c'nsid'able while an' they done sweetened it up a heap.

"Then Mathews he doled 'em, an' Walters he done opened fo' the size o' th' pot, an Mathews he looked kyind o' serious fo' a spell an' come in 'thouten raisin' on it, so Walters he done called fo' one cyard an' hove a white chip in the pot 'thouten lookin' at it.

"Mathews, he done looked on, mighty anxious, but he didn't say nothin' an' he kyind o' sighed an' helped hisself to two cyards and looked at 'em keerful. Then he give it a boost of a hundred. Walters didn't say nothin', but he shoved his pile in the pot, him not havin' quite as much as Mathews, but nigh 'bout.

"Then Mathews he says, 'I call yo'. What yo' got?' and Walters he shows down fo' aces.

"Mathews he says, 'Them sho' is pretty, but they ain't no good.' An' he shows down a straight flush."

At this point the old man paused and looked around as if to make sure that his hearers had followed the story understandingly. Seeing that they had done so, he continued:

"O' co'se he win the pot, but he didn't got it. While he was a-reachin' out fo' the money Buck Walters shot him daid."

And with a triumphant smile the old man started to pick up the two $5 bills that lay on the bar, but Pearsall intervened.

"Hold yo' hosses! Who done got that pot?"

"Just nachully Walters got it," said the old man. "Didn't I tol' yo' how he shot Mathews daid?"

"Then I leave it to the comp'ny who done win the pot. Yo' all says Mathews win it, but I leave it to the comp'ny." And he looked around with calm confidence.

"Walters win it, o' co'se," said Joe Bassett promptly, as if surprised that any one should hold a different opinion, and Winterbottom and Jim Blaisdell nodded their acquiescence.

"That's what I was a-bettin' on," said Pearsall. "The man what gits the pot wins it, an' o' co'se the man what wins the pot gits it. One thing proves t'other." And he picked up the money and put it in his pocket.

"Well, o' co'se," said the old man, seeing the point readily enough, "if yo' all is gwine to claim the bet onto a technicality I ain't got no come back, but th' ain't no d'sputin' what I done said first off. Most gen'ly a man don't al'ays git what's a-comin' to him.'

"Well, Bud Mathews sho' done got what was a-comin' to him," retorted Pearsall. "Any man what'll fill a straight flush on to a two cyard draw, playin' with a p'fessional, is got a plenty comin. O' co'se it 'd 'a' been diff'rent if he'd 'a' been playin' with a sucker. I'm s'prised at yo' all not seein' that 'thouten losin' $5 onto it."

"Oh, I don't know," said Owen Pepper, who had been a silent but attentive listener from the first. "I done seen a case oncet where a man done win a pot an' they wa'n't nobody interferin' with him, but he never got it. I ain't a-sayin' nothin' 'bout the way yo' uns done settled yo' bet. I reckon that was right enough, but this yere wa'n't no sich of a case. They wa'n't no possible question o' who win the pot, nor they wa'n't no d'spute when he done reached out fo' it, nor they didn't nobody else claim it."

"Mebbe he done 'xper'enced religion of a suddint," suggested Pearsall with a sneer, but Mr. Pepper shook his head. The usual course of procedure was to throw Mr. Pepper out when he tried to take part in the conversation, but his suggestion of something novel in a poker game was of interest to all of them and they signified a willingness to listen.

"This yere was a game onto a boat too," he said, "but they wa'n't no p'fessionals into it, nor they wa'n't no s'picion o' no crooked work. They was a bunch o' deckhands loafin' round for'ard atween landin's, an' not havin' nothin' to do just nachully they was playin' poker.

"They didn't have no chips, nor no table, but they done got round a cotton bale, an' bet with reel money even if 'twas mostly small change. Nor they wa'n't no weepins in the crowd's fur's I seen, only bale hooks. O' co'se they all had them. But otherways the game was reg'lar enough, an' they'd been one or two fights, but nothin' ser'ous afo' I done got int'rested, seein' 'em play, an' I stood by to look on.

"They was one big buck in the gang what 'peared to be havin' mighty po' luck. He 'peared like he were c'nsid'able of a sp'ot, though, an' he kep' on playin' like he'd ruther be broke 'n the way he was, an' bimeby they come a deal when it sho' looked like he was liable fo' to break even. I was a-watchin' out tol'able clos't, an' I done seen it.

"They done called him Bill, so I reckon that was his name, but I never seen him afo' an' I don't rightly know. Come a jackpot with nigh 'bout $2 into it an' Bill opened it onder the guns fo' fo' bits. 'Peared like 'twa'n't good jedgment, bein's they was seven playin', but I seen later how he knowed tol'able well what he was doin', let alone him not havin' money 'nough fo' to play out to the stren'th of his hand. He wanted 'em all in, an' they all done come.

"They wa'n't none on 'em rose it but the dealer, an' he made it a dollar mo' to play. He was a yaller nigger, an' Bill was full black. Bill counted his wad careful an' he seen he on'y had $3 left, so he done trailed. Looked like it were a good place fo' to raise back, but he was a-lookin' fo' to not skeer none on 'em out, an' they was two mo' stayed; the others done drapped.

"Well, Bill he done called fo' one cyard, an' the next two both on 'em took three, but the dealer he he'ped hisself to two. Then Bill he bet a dollar, an' the next two laid down, but the dealer he grinned, an' he says 'A dollar mo' 'n yo' all,' an' he puts up the money.

"Then Bill, he tu'ns to me an' shows me his hand, so I seen he has fo' kings.

"'Loan me a few dollars, marse,' he says. 'I ain't got enough fo' to play mah cyards right.'

"Well, o' co'se I seen how it 'd be safe enough to make him a loan on that s'curity, but I knowed too much to butt in onto no sich crowd as that an' I done tol' him no; so he says, 'All's I c'n do, nigger, is to call yo'. What yer got?' An' the yaller feller shows down fo' eights.

"So Bill he done give a whoop what yo' mought 'a' heard up No'th, an' he helt out them fo' kings in one hand an' reached fo' the pot with t'other.

"'I done got yo' all beat a mile,' he says, an' he sho' had.

"The yaller nigger he seen he was beat, an' he didn't say nothin', an' they wa'n't nobody else didn't interfere. 'Peared like they wa'n't nothin' to p'vent Bill fr'm gettin' the money, but he never got it."

"How come that?" demanded the old man suspiciously.

"The biler busted," said Mr. Pepper. "I was swimmin' to'ds sho' some later, an' Bill swum up alongside with them fo' kings in his hand, an' I'm doggoned if he wa'n't cryin'.

"'I call that hard luck', he says. 'I'd 'a' broke even if I'd 'a' had time to gether in that pot.'"

"Sho' was hard luck," said the old man with genuine sympathy, "but it o'ny goes to prove what I done said first off. Mos' gen'ly a man don't al'ays git what's a-comin' to him."

"Don't prove nothin' o' the kyind," Pearsall exclaimed rudely. "Didn't yo' all say how this yer Bill was a-playin' in hard luck afo' that?"

"Sho' was," said Mr. Pepper. "I never seen much wuss."

"Then they wa'n't nothin' comin' to him," said Pearsall. "All's proved is how his luck didn't change. If the biler hadn't 'a' busted when it did that yaller nigger 'd 'a' helt fo' aces."

"Oh, shucks!" said the old man.

POEMS WORTH READING.

Trinity Clock.

Out of the subway and into the street,
Hark to the shuffle of myriad feet!
Quick steps of strength, or the tap of a cane,
Fragments of laughter, or silence of pain.
(Here in my belfry so far overhead,
I watch for the living and guard for the dead.)

Lo, in the morning, men glance at my face,
Rushing to work at a soul racking pace.
And I, looking down, have grown sober and wise,
For strange are the secrets I find in their eyes:
Eyes that are weary and eyes that are glad,
Eyes that are saintly and eyes that are bad;
Faces of weakness and faces of force,
Dreaming ambition or dreading remorse,
Mouths lined by sorrow and brows smooth and free,
Lips curved in smiles which are happy to see;
Feet straight and manful, and paths wild and swift,
All-for-himself next to Give-him-a-lift;
Pauper in money with heart made of gold,
Age young and scathless and youth spent and old.
All in the morning glance up at my face,
Rushing to work at a soul racking pace.
(Here in my belfry so far overhead,
I watch for the living and guard for the dead.)

H. S. HASKINS.

At Alden's Spelling Bee.

Twenty solid citizens
Standing in a row;
Spelling bee is open—
Ready, let her go!
My! the first nut fired
Petered out a few;
Seven of them floundered
Trying to spell "Gnu."

Half a dozen victims
Got the frosty laugh
When they flabbergasted
Hitting old "Giraffe."
Of the seven brain smitas
Four went awful shy
When they took a crack at
Tough "Hippophagi."

Next a line of kids stood
There all undismayed;
Gobbled up the hard things,
Gently with them played
Little Silas Pogrum
And Melinda Blake
Cut the prize between them—
Great big ginger cake.
Everybody laughing,
Full of fun and glee
Had a jolly time at
Alden's spelling bee.

HORACE SEYMOUR KELLER.

At Saint George's.

When the north wind roars with its icy orgies,
And snow swirls darken the face of day,
Come where the town of old Saint George's
Sits by the blue of its crescent bay!

Sits in the sun and dreams and dozes,
From the moil and the toil of the world apart,
While the palm trees wave in the high walled closes,
And the fragrant roses show red at heart.

Softly the bell in the ancient tower
Tells the hour, be it night or noon;
And the cardinal bird, like a winged flower,
Sings in time to the mellow tune.

There is naught begotten and naught beholden
Of the strife of life, of its stormy din,
While loquats ripen and pawpaws golden,
And a bark slips out and a bark slips in.

All remembrance and all foreseeing
Seem as far as a star to lie;
Just the drift of the tide of being
Under the bland Bermudian sky!

CLINTON SCOLLARD.

Sometimes When the Band Plays "Dixie."

Sometimes when the band plays "Dixie,"
And the restaurant lights are gay,
A scent of sweet magnolia
Sets the pulse of my heart a-sway.
I can see the Suwanee flowing,
And the soft white cotton foam
With the darkies all a-weeping
Down in the good old home.

I can hear the banjo tinking,
I can feel the moonshine bright
While they dance on the old plantation
In the glow of the summer night;
And I wish that I was in Dixie
To learn this Southern thing,
So I might get up and wave my hat
And make the welkin ring.

Sometimes when the band plays "Dixie,"
And the drummers all arise
And sing till it shakes the rafters,
With tears in their Pittsburg eyes,
Rosenbaum, Levy and Cohen,
Perlmutter, Potash and Dunn,
Duffy and Schmidt and McGinty,
I wish that I had that gun!

KATE MASTERSON.

The Song of the Wind.

From the Forum.

I love to dream in the sun,
Here where the fields are still
With the silence of life,
Here where the fields are still
With the beauty of life
And the flowers dream in the sun.
And the river, half asleep, and the dream
of the river is mine.
The dreams of the flowers are mine
And we are one.

But I tire, soon, and I long
To trouble the rest of all
And the river stirs at my call
And the flowers tremble and sway
And the leaves have begun their song.

But I have lost my dream,
And search as I may
It angers me that in vain
I search for a thing that is lost
It angers me that in vain
The fallen leaves are tossed
That I plunge my hands in the grass,
That I turn and turn as I pass,
With ever a sidelong glance
Over the field.

There shall I find my dream
Where the willows shield
The hidden breast of the stream,
And the sly reeds dance
But in vain
I search in the mantle of leaves where the sunlight slants,
And down in the reeds that strain
At my touch, and down in the water that clouds like a shattered glass,
And is veiled as I pass.

Here shall I find, where the shade
Of the forest lies
Deep on the green below,
Where the spring comes down through the glade
With its murmuring flow,
And it angers me that in vain
I seek in the forest land,
That all things shrink from my hand,
That the peace of the forest dies.

Or shall I find, where the walls
Of the garden stand,
Here where the wild thorn grows and the dead leaf falls,
And the broken step leads down to the hidden path?
But the gray weeds cringe at my wrath
And it angers me that in vain
I search for a thing that is lost.

What of this thing that is lost?

I wander here
In the shadow of night that smothers the dreary moor,
By the lonely marsh where the water strangles the land,
And down where the dead things stand in the mere
But I am not sure
Of the dream I seek, and I wander here in the dark and the rain like one that is blind,
Forgetting the thing I seek, that I cannot find.

JOHN ALLAN WYETH, Jr.

A Frosted Window.

It is free as the wind, the spirit,
And it shapeth itself as it will;
And here in the florist's window,
When the night is frozen and still,
It taketh strange forms of the forest,
And jungle and stream and hill.

Out of the viewless ether
It gathereth mistily;
Slowly shaping and forming
In blossom and vine and tree,
With a grace of unspeakable beauty,
And free as the wind is free.

It hath woven a crystalline jungle,
Scintillant, frosty and white;
Bamboo and palm and aloe
Glitter in magical light,
In an icy forest primeval
Under the stars of the night.

M. E. BUELER.

QUESTIONS AND ANSWERS.

The song for which Andrew Seger asks was written on the capstan head of the United States sloop of war Portsmouth, August 30, 1862, by Assistant Paymaster Caspar C. Schenck of that vessel.

MAINTOP.

FAREWELL TO GROG.

Scene: Wardroom of the U. S. S. ***. Time: Night of August 31, 1862. The law abolishing grog takes effect September 1, 1862. Air: "Come, Landlord, Fill the Flowing Bowl."

Come, messmates, pass the bottle 'round,
Our time is short, remember,
For our grog must stop and our spirits drop
On the first day of September.

Farewell, Old Rye, 'tis a sad, sad word,
But, alas! it must be spoken,
The ruby cup must be given up
And the Demijohn be broken.

Jack's happy days will soon be gone,
To return again, oh, never,
For they've raised his pay five cents a day,
But stopped his grog forever.

Yet memory oft will backward turn
And dwell with fondness partial
On the days when gin was not a sin
Nor cocktails brought courts-martial.
('Bo's'n's Mate pipes "All hands splice the main brace.")
All hands to splice the main brace call,
But splice it now in sorrow,
For the spirit room key will be laid away
Forever on to-morrow.

Is it permissible to use the expression "those kind of men"? I have been corrected for using it, yet I am sure I have heard it in the speech of educated persons. C. N.

The locution is not one to be recommended to the use of any save such as by their daily walk and conversation show themselves far removed from a charge of solecism in grammar. The pitiful tribe of grammarians and rhetoricians have decided and have promulgated their decision that this is a vulgar error, since those being plural cannot possibly be in true concord with kind in the singular. Yet the plural sense fairly dominates the noun. This was well illustrated in the effort of a young friend to be obedient to the rules of grammar, with the result that he hit upon the expression "that kind of those people." True to sense rather than form English idiom has for centuries employed "those kind" just as it insists on employing it to-day. We find it in 1554 in the reign of Queen Mary: "To such a pride are those kind of men become by reason of the disorder of princes, as all seemeth to them reason that necessity maketh to be sought for at their hands."

Kindly inform me what relation my cousins are to my children and also what relation exists between children of my children and children of my children's cousins. J. C. FORSTER.

If one wish, and few do, to be accurate in the ordination of descendants from a common ancestor there is a very neat system which may be presented in the form of the following diagram:

N
A—brothers—B
A1—first cousins—B1
A2—second cousins—B2
A3—third cousins—B3

In this diagram N represents the common ancestor, A and B two sons establishing parallel families. In this diagram the cousin relationship between equal generations is clear. The odd generations are susceptible of distinct statement. The querist inquires what relation his cousin is to his children. Let A be the querist, B his first cousin, the relationship sought would be indicated by a diagonal drawn from B to A2 (A's child); therefore the relationship is first cousin once removed. He also inquires what relation exists between a child of his child and a child of that child's cousin. In the diagram the child of his child (A2) is denoted by A3, the cousin of A3 is B3, and that cousin's child would be B4; therefore the relationship would be stated as third cousin once removed. This is the simplest form of the problem; a person fond of tracing simplicity through intricacy may find an interesting problem in establishing the system where there is more than one unit in each step of descent.

Be kind enough to let me know when envelopes first came into use, i. e., when did they stop pasting the edges of letters together and thus form a covering for them. W. M. K.

The first of which there is record covered a letter sent May 16, 1696, by Sir William Turnbull to Sir James Ogilvie on British affairs of state. A later record by thirty years is found in Dean Swift's "Advice to Grub Strut":

Send these to paper sparing Pope,
And when he sits to write,
No letter with an envelope
Could give him more delight.

Stamped adhesive envelopes were introduced to English use May 6, 1840, but for more than a quarter of a century wafers were used and sealing wax has never quite lost its elegance.

DEAR SIR: Would be pleased to have you advise us where and by whom the following quotation may be found:

"You cannot make a silk or silken purse out of a sow's ear."

You will confer a great favor, as wish to settle an argument concerning same. L. HELEN BERKEY.

The question has led to a surprise. The proverb is so frequent that it is remarkable that it has not been caught up by the collectors of wise saws, yet such is the case. One may somewhat dimly sense it as in some sort underlying the song of Autolycus in the "Winter's Tale":

If tinkers may have leave to live
And bear the sowskin bowget,
Then my account I well may give
And in the stocks avouch it.

The "Shillings and Pence" items of your correspondent "Myers" may be enhanced by a custom still prevailing, an oddity no dealer can explain, that all barrel packages of "market freight" reaching our city from the South are sold (wholesale) at the terminal freight stations of both rail and water carriers at so many "shillings per barrel" and its decimal rate of eight shillings to the dollar—a sale never effected at so many "dollars and cents." M. T.

Which is correct in Pope's "Essay on Man," "honor and shame" or "honor and fame"? J. M. R.

Assuming remoteness from a public library, the lack of a library, the absence of a Bartlett, the question may be answered. Pope used the expression:

Honor and shame from no condition rise;
Act well your part, there all the honor lies.

I would like to know something about the schooner or barge named Despatch which about 1800 sailed between Savannah and Liverpool with Capt. Paul. Who was Capt. Paul and where did he belong? In what business was this vessel engaged? C. H. P.

SIR: Who was Leone Vicario and why is her name on the Mexican postage stamps? THOMAS TRADDLES.

SCHOOL FOR CARD PLAYERS.

Auction Bridge. J. H. T. asks what the score would be if Z bid four nullos and after being doubled took in twelve tricks.

As Z bid to lose ten or win three and actually loses one only, or wins twelve, the difference is nine, so he is down for 900, and 20 for little slam. It would be interesting to know what style of bidding led up to such a declaration.

O. C. says: The dealer holds queen jack to four hearts, ace king to four diamonds, king nine of spades and three small clubs, on which he calls two spades, showing support for a no trumper. A bets the right call is a diamond.

A is correct. This two spade call to show some kind of support somewhere or other for a no trumper has long since been abandoned by good players as one of the most pernicious bids ever introduced to the game. The trouble with it was that players did not have the support they wanted to show, except in their own imagination, as in the hand just given. There are exactly two tricks in this hand and no more and they are both in the diamond suit, and that is the suit that should be called. Modern practice demands two actual spade tricks.

J. C. T. says: The dealer holds the ace jack and two small clubs, but having two tricks in another suit bets he is justified in calling a club, although there is only one sure trick in the suit itself. Is this correct, according to modern practice? His partner maintains that such a declaration is very misleading to him if he wants to push the club suit.

Everything depends on the suit in which the two outside tricks were to be found. If they were in diamonds the call should have been a diamond, no matter how short the suit. If they were in hearts or royals the club call is correct. As long as the partner can rely on two or three sure tricks in the dealer's hand, what can he be misled about?

R. C. M. says: We have had quite a discussion on this play, which cost an expensive rubber. The original bid is a spade, overcalled with two no-trumps, which all passed. The opening lead is the eight of clubs. Dummy has king deuce and after some hesitation puts on the king. Third hand holds Q J 7 6 4 3 and plays the three, as his suit must be made much longer than the leader's. Declarer drops the five. Dummy leads a diamond, of which the declarer held seven, but he fails to drop the ten. Original leader wins this trick and leads a heart, declarer going game with two top hearts and the diamonds. The leader still held spade ace. Why should he not have gone on with the clubs?

Because his partner's play of the three marked him with only one higher, and it looked as if the declarer had four to the queen left. The correct play for third hand was the jack of clubs, showing the queen or no more. Which it was would be obvious at a glance, because after the declarer is marked with seven diamonds and one club (played) it is inconceivable that he went two no trumps with nothing on the side but the Q 7 6 5 4 3 of clubs and dropped the 5.

G. B. S. says: Which is the correct opening bid on this hand: Four spades to ace king, five hearts to ace king, two small in each of the other suits, and why?

Many players make the mistake of bidding two spades on a hand like this because it shows two suits, but it is bad practice for the reason that if the partner cannot respond to the two spade call the subsequent showing of the heart suit would give him an entirely wrong conception of the hand. The proper opening bid is a heart.

F. L. P. says: Dealer bids no trump. Second hand holds seven clubs to the K Q J and ace queen of hearts and royals with one small, no diamonds. Should he bid two clubs or two no trumps, or should he just double the dealer?

Do not see any reason for anything but a pass. How far would he push the clubs if the dealer shifts to diamonds, and what chance is there for game against the dealer when both ace queen suits must be led away from and the ace of clubs is marked against the hand? Let fourth hand ask for a lead if he wants one, otherwise hope the diamonds are not solid for eight tricks after the clubs are cleared. That saves game. To double is to frighten the dealer into diamonds.

Kasipps and Kazipes. G. M. L. wants to know where he can find a description of this game.

Never heard of it as a game. It was a name given by Capt. Dale to a secret system of playing faro, supposed to be a sure thing, used by two players in Memphis in the early '70s.

T. C. V. says: To decide a bet, A maintains that in England card players use the term "knave" exclusively and never speak of the jack of a suit. If this is so, says B, they must call it a "knave pot" when they play poker. Do they?

Never heard of it. The term "jack" is a common English equivalent for "knave" in things other than poker. All the playing cards used in England have the "J" in the squeezer mark to denote the knave of the suit.

Poker.—F. L. C. says: Several come into a jack, but one of them did not hear the dealer asking who wanted cards, so he was passed in the draw. He thereupon threw down two cards, holding three, and announced that he would play them. He had the best hand if three cards count. Should he get the pot?

It is the player's own fault if he is passed in the draw, as it must be due to inattention. No one is obliged to discard, and if he had not already discarded when he found he was passed in the draw all he had to do was to play the five cards dealt him so as to have a fair hand. If he had discarded he could not take back the discard, and if he deliberately shortened his hand when it was too late to refill it his hand is foul, as a player must show five cards in order to win a pool.

J. C. C. asks if any one has calculated the number or proportion of hands that would be qualified to open a jack pot, and if so, what it is.

Everything imaginable connected with poker has been calculated. In the ordinary fifty-two card pack there are 2,598,960 possible hands of five cards. Of these there are 536,100 that would be qualified to open a jack. These are: Four royal straights, 36 straight flushes, 624 fours of a kind, 3,744 full hands, 5,108 flushes, 10,200 straights, 54,912 triplets, 123,552 two pairs and 337,920 pairs that are jacks or better.

Pinochle. O. S. says: Playing two hand, A lays down the four kings and queens. What are they worth?

He must score either the 80 kings or the 60 queens, or one of the four marriages. He cannot score more than one meld at a time in two hand. If the other cards are laid out the melds in them are lost.

W. C. W. says: After a trump sequence has been laid down in two hand can the 40 be scored if another queen is drawn? No, because the higher value meld in the same class bars the lower value.

NOVEL POINTS OF THE LAW.

An important ruling as to the weight to be given the testimony of a disinterested witness is made by the Court of Appeals in People vs. Gerdvine, in which the court says in the syllabus:

"On the trial of the defendant for homicide, he having been a witness in his own behalf, the court charged that the defendant was an interested party and that 'a witness who has no interest whatever in the outcome of a lawsuit, who is entirely disinterested, other things being equal, is entitled to very much more credence than a witness who is interested in the verdict.' This was held to be error. A disinterested witness is not necessarily entitled to more credit than an interested one; the whole subject of interest of witness and its effect upon his testimony is for the jury."

The opinion makes the following comment concerning the defence of intoxication:

"The defence was intoxication, and the court charged that 'it is only in the event that his intoxicated condition was such that he could not, and did not, form an intention to kill, and had not mind enough to think about it at all, and did not think about it, and did it without knowing what he was doing, without an intention to kill and without a plan and without deliberation, that his intoxicated condition is a defence to the extent of relieving him of the charge of intentional homicide—that is, murder in the first degree and murder in the second degree.' This was held to be error; that the statute permitted any, not simply total, intoxication to be considered on the question of intent; that it was for the jury to determine the extent of the intoxication and whether it had the effect to prevent the necessary intent, deliberation and premeditation."

The Supreme Court of Missouri holds in Buel vs. United Railway Company, that the parents of a child which dies shortly after birth cannot recover for injuries inflicted before that event. The court finds that in the absence of statute a prenatal injury to a child is not a ground of action.

Expert evidence by a typewriting machine is passed on by the Court of Appeals in People vs. Storrs, in which the court holds that upon the question of forgery of a typewritten will the work on which presents peculiar mechanical characteristics work of a typewriting machine possessing the same characteristics is held to be admissible in evidence to establish the identity of the machines which produced the will and examples of work so introduced.

The general rule is that a party voluntarily and willingly entering into a mutual combat cannot justify a resulting homicide unless he does something, as, for example, withdrawing from the combat, which would relieve him from his original wrong in entering it; the reason being that one cannot take human life upon a necessity which he wrongfully assisted to create.

So it is held in Ex parte Colby, 6 Okla. Crim. Rep. 187, 124 Pac. 635, that where persons armed with deadly weapons voluntarily and willingly enter into a combat, knowing or having reason to believe that such conflict will result in the infliction of serious bodily injury or in the death of one or the other of said parties, and one of said parties is killed in such conflict, the party doing the killing is guilty of murder, and is not entitled to bail.

Case and Comment makes the following report of a unique Canadian decision:

"Although it was held by the Appellate Court in Corbey v. Foster, 29 Ont. L. Rep. 83, 13 D. L. R. 664, that the evidence was insufficient to warrant a finding that the defendant had notice that his son had on a previous occasion kicked the infant plaintiff, the court took occasion to hold that such knowledge would not be sufficient to render the father liable for damages caused by a kick on a subsequent occasion, there being nothing to show any approval on the part of the father of the son's line of conduct, or that any measures that he might have taken would have prevented the son from acting as he did; and that the rule governing the liability of the owner of a dangerous animal does not apply in the case of parent and child.

"'Boys,' says the court, 'cannot be placed in a class like beasts, and labelled ferae naturae or mansuetae nature (most parents probably consider their own children mansuete nature and those of their neighbors ferae nature); nor when a father is notified of an act of violence on the part of his son, can he hang him—the patria potestas, under the ancient civil law, gave the father the power of life and death, but the common law does not recognize such an extreme right. Nor can the father tie up his son—if he is ordinarily compos mentis—he must keep him and let him go about. The rules about dogs have never been applied to boys and we should not be the first to apply them.'"

Rattlesnakes infesting a country where road work is being done constitute an "industrial hazard" and a workman bitten by a snake is entitled to compensation from the State industrial insurance fund, according to the ruling contained in the report of the State Industrial Insurance Commission, made public recently. The commission granted a claim for injury benefit.

Other peculiar rulings are recorded in the report. A boy shot a workman in the eye with an airgun. The commission accepted the gun as an industrial hazard and the claim for injury was paid. A brutal boss does not constitute a hazard within the meaning of the law as interpreted by the commission, however, and a man who was whipped by his employer was denied a compensation. A similar ruling was made in the case of a workman who was sought out by an enemy and killed, the commission refusing to grant a pension to those dependent on the workman.

Judge Furman, in Price vs. State, 131 Pacific Reporter, issues the following warning to the judiciary:

"Judges are naturally in sympathy with lawyers, and are always willing to do all that they reasonably can to please and assist the legal profession, but it is a gross misconception, dishonoring alike to the bar and to the bench, to suppose that Judges should allow a desire to make business for the lawyers to in the least influence their decisions. They have a far higher duty than this. Courts are established and supported by the people for the sole and exclusive purpose of enforcing justice, and it is their duty to see that justice is never divorced from the law, and that no class, occupation or profession is favored at the expense of other classes, occupations and professions, and that justice is thereby sacrificed. The Judge who does not recognize and live up to this high ideal is not only a disgrace to the position which he occupies but he is a menace to the good order of society."

Justice Cobb of the Supreme Court of Georgia used the following language in holding that the performing dogs owned by a travelling showman were subject to a levy for the debt of the owner:

"To indulge in technical refinement and declare that the dog is not subject to levy, although he belongs to a debtor, is useful to him, can be and is actually used, may be transferred by him to another, and is as much the subject of bargain and sale as any other property, merely because in the remote past the ownership of his progenitors may have been considered qualified or 'base,' seems to me untenable on its face.

"The dog has been very often before the courts of the different States and of different countries and has been the subject of a good deal of judicial humor and judicial learning; but it bears a tinge of the ridiculous to contend that however many and however valuable dogs a man may own, he cannot be made to pay his debts if he will only invest his money in dogs—a contention which reminds one of the very solemn discussions in a certain court, at a time not very long past, as to whether the oyster was a wild animal."

IN THE SUBWAY JAM.

A Broadway express train in the subway was making its way northward at a snail's pace the other night. It was in the rush hours and the cars were crowded. The platform men could not push another person into one of the cars if their jobs depended on it.

At that hour the trains are run on the smallest possible headway. Speed is a secondary consideration, the idea being to move the crowd and keep the platforms clear.

So the movement of the trains was exasperating to those who desired to reach home early. A train after starting out of the Brooklyn Bridge station would run to the next signal, slow down, jerk ahead again and slow down at the following signal. It was extremely trying to the nerves, as many passengers thought when the train started to speed up that the line was clear. Just as their anxiety was fading away the train would slow down and almost stop.

And so it was all the way up.

Two of the anxious passengers clung to straps in the first car. They were near the forward door and through the glass they could distinguish the signals along the line, which gave them an advantage over the passengers who were seated. They knew in advance from the signals exactly at what speed the train would travel.

They were anxious, so much so that they shifted from one foot to the other at short intervals. Finally one of the straphangers said:

"John, if you had your way, what improvement would you suggest for the subway which in your opinion would be most beneficial to the passengers?"

"Well, I'll tell you," replied John, after some consideration. "I think that I would suggest that phones be placed in the subway."

"But, John," inquired the first straphanger, "on what do you base your claim that phones would be the most beneficial improvement? How could the public—the part which uses the subway—derive advantage from the installation of phones?"

"In this way: Take our own case for instance. Here we are stuck in this underground hole. Our train is slow, travelling about as fast as the ordinary man can walk, and from present indications we are going to get home at a late hour.

"Suppose there were phones in the subway. All we would have to do is to leave this train at the next station, walk to a booth conveniently situated on the station, so that anybody could find it, call up my house and get my wife on the wire. It would be a simple matter for me to explain about the slowness of the train and also inform her that I would be late for dinner.

"She would not have to keep the food stewing on the fire, expecting me home at any minute. She could wait until she was sure that the train was near my home station, and then she could cook the food and have it ready for me when I entered the house.

"Knowing the cause of the delay, there would be no more worry at home. That unpleasant feature would be entirely eliminated. The wife wouldn't worry; the children wouldn't worry, then I should worry."

"I accept your explanation, John, and think the idea an excellent one. Just at present I wish I could reach a phone myself. But don't you think, John, that some men would abuse that privilege? Don't you think that some men would impose on their wives if the opportunity presented itself?"

"How?" inquired John.

"Some men, less conscientious than you and me, John, might grasp the grand opportunity of calling up their wives and informing them that they were telephoning from the subway. When wifey inquired the reason why it was necessary to telephone from the tunnel, hubby would reply that the road was blocked and there was no sign of relief for hours. If wifey lived uptown and became too inquisitive, hubby could say the block was down at the Battery. His idea would be to keep the block away from the wife as far as possible."

"Of course that's true," replied John, "but phones in the subway could be used for many other and various purposes. Now you know there are many evenings when you leave your office the moon is shining and everything looks clear. You enter the tunnel and ride uptown. When you get there and reach the head of the stairs you find that the rain is coming down in torrents. You have on a good overcoat, suit of clothes, hat and shoes and you do not care to have them spoiled by water. You look around for relief, but none is in sight.

"Then the happy idea enters your mind that relief can be obtained by use of the phone downstairs. And you go down and call a garage and order a taxi sent to the station to carry you home. By spending a few cents for taxi fare your good clothes are saved and you feel satisfied with yourself.

"Suppose there was a real delay, a block. If there were phones in the subway you could call up the office and give the information that you would not reach there until late, as the road was blocked."

"Your argument about installing phones is convincing, John, but I have a suggestion which beats yours. I suggest that they run diners on the subway trains. They could do it too, John.

"You understand there are many people who have to leave home in the morning without eating breakfast because they are late. They have to reach the office at a certain time or else suffer the consequences.

"The subway management could relieve the minds and stomachs of these unfortunate persons if they would attach diners to the express trains. These persons could eat their breakfasts while riding downtown. In other words, they could kill two birds with one stone. They could ride while they eat. For that matter they could also read the paper at the breakfast table.

"It would be just the thing in the summer, when some men's wives have gone to the country. The men wouldn't have to worry at all. All they would have to do is to get up, dress and then hustle to the subway and take a diner downtown. Yes, I realize that provision would have to be made to keep the dishes in place so they would not tumble over into the diner's lap when the train lurched around a curve. But I guess all those obstacles could be overcome without much difficulty.

"Gentlemen," interposed another straphanger, "both of your ideas have been thought of ere this.

"A bill has been introduced in the Legislature which will amend the law so as to permit the Public Service Commission to provide phone booths in the subway stations. As for the diners, the management received a letter from a Brooklynite making the same suggestion. The management cannot see how it would be possible to get as much as a cup of coffee aboard a train loaded as the morning stampede."