

TEACHERS CAN'T BE OUSTED FOR MOTHERHOOD

Dr. Finley Holds Board of Education Must Reinstate Mrs. Peixotto.

BIG VICTORY FOR MOTHER-TEACHERS

Albany, Jan. 11.—Mother-teachers in New York city schools, even in cases of maternity, cannot be dismissed by the Board of Education unless the Legislature passes a law distinctly making motherhood one of the reasons for dismissal, according to an opinion handed down today by Dr. John H. Finley, State Commissioner of Education.

Dr. Finley points out that the Court of Appeals in the Murphy case decided that since marriage of a woman teacher was not legally included in the four reasons named in the Charter why a teacher could be dismissed motherhood could not be made a cause for dismissal. He adopts the language of Chief Judge Willard Bartlett upon this point, which was also the opinion of Justice Seabury at special term.

Commissioner Finley's decision was in the appeal of Bridget C. Peixotto from a resolution of the New York city Board of Education plainly dismissing her for neglect of duty in taking leave of absence for motherhood.

The principles laid down in this decision will operate in the appeals of the other five mother-teachers pending before the State Commissioner of Education, though differing in details, and the decisions in these cases will be announced shortly. Then the Board of Education must reinstate all discharged or suspended mother-teachers.

Declared She Was Ill.

Mrs. Peixotto was a teacher in a public school in the Bronx for eighteen years when she applied for a leave of absence in February, 1913, presenting a doctor's certificate that she was ill.

"However reprehensible may have been the attitude of Mrs. Peixotto in concealing the fact that her absence was for the purpose of motherhood, it is not a subject for consideration now," declares Commissioner Finley, "and pointing out that the Board of Education waived the concealment, electing to declare the general rule that 'this teacher and all others in a similar situation, should not be regarded in the same way.'

The provisions of the New York Charter providing a teacher may be dismissed only for gross misconduct, insubordination, neglect of duty or general inefficiency are referred to by Dr. Finley, who says:

"Mrs. Peixotto was absent from her position because of illness, tending motherhood and such absence was the basis of the charges against her. She was found guilty of neglect of duty and dismissed from her position.

"The charges of neglect of duty, therefore, consist of her absence from her school for the purpose of motherhood, and she was dismissed for such cause.

"The charges preferred against Mrs. Peixotto can be understood under none of the four specific causes for dismissal named in the Charter except that of neglect of duty. No question has been raised as to neglect of duty, and therefore, it is nowhere indicated that she was guilty of insubordination. It is also clear that the dismissal of a teacher may not be based upon any cause other than those specified in the Charter.

Not Legally Dismissed.

"It is obvious that unless the absence of a married woman teacher on account of motherhood constitutes 'neglect of duty' the applicant was not dismissed."

Regarding the contention of the Corporation Counsel that Mrs. Peixotto was absent without securing leave and that she was not in attendance upon her duties as teacher she was guilty of neglect of duty, Commissioner Finley points out that the bylaws of the Board of Education which authorize absence from duty to be excused without pay, without any restriction as to the cause of the absence, except a teacher may not advance or oppose legislation during such absence without the consent of the board.

"The practice has been," says Dr. Finley, "to require a teacher to apply for an excuse of absence after the teacher has returned to her school, and the bylaws require only notification of absence; they do not require permission to be absent, but if the absence is an excusable one under the practice of the board it is not deemed neglect of duty justifying dismissal.

"The statute relating to the dismissal of teachers does not provide that the absence of a married woman teacher for the purpose of motherhood constitutes a cause for dismissal. The Board of Education may by any rule or bylaw adopted in pursuance of statute attempt to classify absence from duty because of motherhood as an excusable or as requiring special disciplinary consideration or treatment.

"It is to be assumed that the charter relating to leaves of absence and excused absence would justify reasonable rules regulating the duration and effect of absence of married women teachers for the purpose of childbearing. The lack of statute or rule upon the subject leaves to the board the question as to whether such absence may reasonably be excused under existing bylaws, and as to whether, if excused, they constitute neglect of duty.

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WARSHIPS FOR T. R. AND TAFT.

Ex-Presidents Will Be Invited to Opening of Canal.

WASHINGTON, Jan. 11.—A number of distinguished guests, including men not now holding official positions, will be invited to attend the official ceremonies in celebration of the opening of the Panama Canal if Congress provides sufficient funds for the execution of the tentative plans of the committee in charge.

Ex-Presidents Taft and Roosevelt will be invited if Congress makes an adequate appropriation for the entertainment of official guests.

In that event a battleship will be placed at the disposal of each for the trip. Most of the other guests will be accommodated on Panama Railroad Company steamships.

FORD BONUS \$10,000,000 IN 1914.

Plan of \$5 a Day Wage Will Be Continued.

DETROIT, Jan. 11.—To-morrow marks the first anniversary of the installation of the \$5 a day minimum wage by the Ford Motor Company and an anticipated company dividend for the past twelve months shared \$10,000,000 with its 15,000 employees at the Detroit factory and branches.

"At the time the plan was put into effect it was decided to try it for one year and if it was a success to continue it," said Frank L. Klingenstein, secretary of the company. "The plan has been a success and will be continued."

Miss Tarkington, 10 Years Old, Elopes

Novelist's Daughter and Her Cousin, 11, Attempt Long Walk to New York.

INDIANAPOLIS, Jan. 11.—It's a long way to New York, but Stoughton A. Fletcher, Jr., the eleven-year-old son of an Indianapolis banker, and his cousin, Laurel Tarkington, 10, daughter of Booth Tarkington, the novelist, did not think so until they had tramped ten miles on their way.

Bored by the simple life they were leading on the Fletcher farm near Indianapolis, the two youngsters decided to seek the bright lights of New York. The fact that they had only 35 cents did not deter them. They started on foot on Saturday afternoon.

They walked until tired and then decided that a train was preferable. When they reached Acton, ten miles from home, they stopped at the house of George Swails. They told the Swails that they were from New York and had gone out to play and became lost.

They said they were brother and sister. They ate supper with Mr. and Mrs. Swails and seemed to be enjoying their escapade immensely. But when their identity was discovered they were sent back home.

McADOO DENIES INTERVIEW.

Didn't Comment on Wilson's Speech as Reported, He Says.

WASHINGTON, Jan. 11.—Secretary McAdoo returned today from his trip to San Diego, Cal., where he went as the personal representative of President Wilson at the opening of the San Diego exposition. The Secretary denied he had authorized such an interview commenting on the commission's Indianapolis speech.

This was the interview in which Mr. McAdoo attributed to Mr. McKeogh, whether President Wilson in the Indianapolis speech intended to indicate that he was a candidate for a second term. The statement attributed to Mr. McKeogh, led to speculation as to whether he might have some "inside information."

QUAKE IN CALIFORNIA.

Santa Barbara Rocked by Disturbance Lasting Several Seconds.

LOS ANGELES, Jan. 11.—An earthquake rocked Santa Barbara to-night. The disturbance lasted for several seconds. It occurred at 8:32. Reports from all over the country indicate that the quake was general.

WANTS JOB AT SING SING.

Negro Says Attraction of Prison Moved Him to Crime.

A hankering for the movies, first nights and other comforts of Sing Sing, provided by Warden Thomas Mott Osborne was the reason Joseph Edwin, 24, a big negro living at 223 West Thirtieth street, gave Lieut. Sinn in the West Thirty-seventh street police station last night for threatening a woman and child with a rock knife, and snatching a handbag containing \$12.

PASTOR'S "WIFE" WAS NOT HIS.

Unitarian Minister Restates After Truth Is Known.

CHICAGO, Jan. 11.—The Rev. James Morrison Darnell was pastor of the Henry M. Simmons Memorial Unitarian Church of Kenosha, Wis., until 4 o'clock today, when he hurriedly wrote his resignation and packed up his papers and took the first train for Chicago.

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ASKED TO DROP McCALL, CRAM AND WILLIAMS

Whitman Gets Charges of Favoritism to Service Corporations.

FLUSHING MAN IS BEHIND ACCUSATIONS

ALBANY, Jan. 11.—The removal of Chairman Edward E. McCall and Commissioners J. Sergeant Cram and George V. S. Williams of the New York City Public Service Commission is talked by John Holly Clark, Jr., of Flushing in a petition filed with Gov. Whitman today.

Mr. Clark alleges that these Commissioners favored the transportation companies of New York.

Mr. Clark criticizes the "wifely inadequate and unsafe service rendered by the great transportation companies in open violation and defiance of the law, while the Commissioners have sat apinely by and refused to do their duty."

The Governor said that the filing of these charges would have no effect on his proposed investigation, which he expects will be started Wednesday night by the appointment of a legislative committee.

"I cannot discuss the charges because I have not read them," said the Governor. "I can only say that they were handed to the newspaper representatives before they were sent to me. I want to familiarize myself with the charges before making any statement."

The Governor apparently desires it understood that he will not pay much attention to charges against public officials which are furnished to newspapers before being sent to him.

Votes of Board Cited.

The charges recite numerous cases before the commission and point out how Mr. Clark believes the Commissioners have favored the railroads. In referring to Chairman McCall and Commissioner Williams, after citing several votes of the commission on railroad matters, Mr. Clark charges:

"Thus have these two Commissioners been industrious and persistent in the interest of the railroad and other corporations, their industry and persistence in this regard standing out in marked contrast to their inactivity in regard to their duties in the interest of the people, whose servants they are."

That in spite of the shockingly inadequate and unsafe service and facilities furnished by the various transportation companies in the First district, the commission has taken no effective action to relieve the sufferings of the people and to enforce the law.

Mr. Clark also charges that Chairman McCall found time to practice law privately, although as chairman of the commission he could find time enough to write only two opinions from the time of his appointment, in February, 1913, to November 1, 1914.

Most of the complaints are based on the attitude of the commission toward the New York and Queens County Railway, which runs from Long Island City to Flushing and south to Jamaica and is a subsidiary of the Interborough.

Letters in Evidence.

Mr. Clark is said to represent the Flushing Association in this matter. There are twenty-six pages of his formal complaint, and appended to this are fifteen pages of exhibits, including orders of the Public Service Commission regarding the New York and Queens County Railway and other corporations and letters written by the Public Service Commission.

Mr. Clark shows that in 1911 the Public Service Commission issued an order requiring the New York and Queens County Railway to improve its service, including the furnishing of many additional seats. After the order was issued the commission made numerous inspections, and Mr. Clark declares that the commission's own count shows that its order was violated no less than 487 times.

Mr. Clark quotes from the Public Service Commission's records to show that Commissioner Cram knew the order was being violated, and spoke of it at a hearing, but let the hearings lag along for two years and finally let them be discontinued.

As to Chairman McCall, Mr. Clark shows that the New York and Queens County Railway failed to build its lines in Flushing, Astoria, to the limit of its franchise; that at a hearing Chairman McCall admitted the convenience of the additional line and declared it to be a public necessity, but that on January 6, 1912, Chairman McCall, with Messrs. Williams and Cram, voted in the negative on a proposed order to force the company to build the line, thus defeating the two other Commissioners.

"Williams and McCall refused to do their duty at the express request of the manager of the great railroad involved, in the interest of the said railroad and against the interest of the people," Mr. Clark charges.

CITY'S SMALLEST CORNER.

Five Inch Gore at Haven Avenue and 169th Street Bought for \$50.

James A. Mahony came into possession yesterday of probably the smallest corner in the city. It is the southeast corner of Haven avenue and 169th street. Along Haven avenue it measures 110 feet. The inside line is an inch shorter. The measurement on 169th street is 10 inches. Mr. Mahony paid \$50 for it. He owns the adjoining property. He bought the gore from Adolph Wursburger, who has owned it for years. The corner is the site of the cutting through Haven avenue. The Wursburger property was in the path of the new street. When it was cut through all that remained was a strip of land which was sold to Mr. Mahony. Now that he has the corner Mr. Mahony may improve his property.

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LONDON RESISTS DACIA'S USE OF U. S. REGISTRY

Fears Complications if E. N. Breitung's Ship Carries Cotton to Germany.

CONSIDERS TRANSFER EFFORT TO AVOID LAW

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, Jan. 11.—Telegraphing from the north of France under today's date a correspondent of the Daily Mail tells this story of the German air raid on Dunkirk:

"The biggest air raid of the whole war was carried out by the Germans at Dunkirk yesterday. Fourteen armored Aviatik biplanes formed the attacking force, which cruised over the town from 11 A. M. to 3:30 P. M.

"The tocsin was sounded in the high tower of Dunkirk church at 11 o'clock and the blue and white flag of the town was run up. Then a solitary biplane appeared from the east. It was a scout in advance of the main body of the squadron.

"In spite of the warning bell the people gathered in the main square and side streets to look at the gleaming air craft overhead; for, although this was the third consecutive raid on Dunkirk, they thought only of the solitary biplane which they were watching.

"In a few minutes the tocsin rang again. This time five German aeroplanes came into sight from the clear sky. One came from the north and four from the east. They met over the central square of Dunkirk at a height of only 3,000 feet.

"Meanwhile the guns of the forts were firing at them with shrapnel and all around the German fliers white puffs were bursting. One of the biplanes turned back and as the sun glinted on its steel sides the few people who had not taken refuge in the cellars raised a cheer, for they thought it was on fire.

"However, more and more airmen came, not at once, but succeeding each other, while the first went on to drop bombs on the town.

MME. CALVE WILL SING TO AID RED CROSS WORK

Famous Portrayer of Operatic Roles to Be Heard in Well Known Parts.

EMMA CALVE, famous for her portrayal of Carmen in Bizet's opera of that name, has again come to America, but this time not to appear in operatic productions at the Metropolitan, but to sing her way through the United States for the benefit of the French and English wounded in the war in Europe.

"It was my greatest pleasure to be able to help in Red Cross work," she said. "I have been singing in the field hospitals and in the cathedrals of France which has helped to sustain the wounded. I have succeeded, they tell me, in raising almost \$20,000 in this way.

"This is indeed a terrible war, but I mustn't talk in a neutral country. I have two brothers in the trenches and my husband is mobilizing with the troops in Italy. I shall probably be several months in your United States and will be happy to come as far as California and may sing here in New York.

"Opera, oh, no, I shall never sing in opera in America again. My day is gone. I am content to rest on the honors already won here in past performances of 'Carmen,' but I am indeed delighted with the success of Miss Farrar in the present revival. But they all come and go, and other Germans will take their places. I hope to be able to hear the opera in New York though before I leave for the West."

TEST CASE EXPECTED.

Washington Believes the Dacia Will Be Seized.

WASHINGTON, Jan. 11.—The expectation here is that the Dacia will be seized by British or French cruisers as soon as she appears in European waters, and that a test case will be made of her immediately.

When E. N. Breitung changed her registry on January 4 it was believed that she would be used for making a test case and that the nation which captured her would take her before a prize court immediately, on the ground that her sale was void, coming after the outbreak of the war.

Similar questions are involved in the President's ship purchase plan, and it is probable that such a test case will have unusual interest here.

BRITISH NOTE GIVES U. S. LITTLE COMFORT

Data Will Be Collected to Refute Contraband Charges.

WASHINGTON, Jan. 11.—A careful reading here of the British reply to the American protest against interference by Great Britain with neutral trade has left the impression in official circles that it does not settle much of anything, and for that reason the State Department will await the receipt of Great Britain's promised second note before attempting an answer.

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Fourteen German Airmen Drop 50 Bombs on Dunkirk

Allies Bring Down Two in Biggest Raid of War, Which Results in One Death in City, Five in One Suburb and More in Others.

ORDERLY FROM FRONT KILLED CLASPING BROTHER

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OXFORD-CAMBRIDGE RACE OFF.

So Many Oarsmen at Front Contest Is Cancelled by Universities.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, Jan. 11.—Owing to the large number of Oxford and Cambridge oarsmen who have gone to the front the authorities of the two universities have decided to abandon the annual boat race which is usually rowed at the end of March. This will be the first time since 1855, during the Crimean war, that the Light and Dark Blues have not met in the annual regatta.

The intervarsity race, which attracts millions of persons to the banks of the Thames, was first held in 1846.

Brussels Ablaze, Refugees Report

Amsterdam Hears Great Fire Is Raging in Belgian Capital.

SPECIAL CABLE DISPATCH TO THE SUN. AMSTERDAM, Jan. 11.—The Nieuws van den Dagh says refugees who have arrived at Bergen op Zoom from Brussels report that a great fire is raging in the Belgian capital.

Reports have been frequent of late that the Belgian employees of various public services, such as the railroads, fire departments, post office, telegraphs and telephones, had refused to work under German orders and that there had been rioting of a more or less serious character. Germany has recently issued a positive denial of the statements frequently printed that Brussels and other large Belgian cities had been thoroughly mined and would be destroyed in case the Germans were compelled to evacuate Belgium and fall back on their Rhine defenses.

GERMANS FAIL IN ATTACKS ON RUSSIAN LINES

Invaders Thrown Back With Heavy Losses Near Samic, Petrograd Says.

OTHER CHARGES ALONG THE VISTULA REPULSED

East of Skjerniewice Kaiser's Troops Attempt Strategem Without Success.

2,000,000 RUSSIANS SOON TO TAKE ARMS

German Reinforcements Sent to Aid Austria Are Diverted to Hungary.

SUMMARY OF THE WAR NEWS.

FOURTEEN ARMORED GERMAN AEROPLANES made the greatest air attack of the war on Dunkirk on Sunday. Fifty bombs were thrown on the city and its suburbs and at least six persons were killed. Two of the machines were brought down by Belgian anti-aircraft guns.

An official statement given out in Berlin says reports from Vienna state that the French dreadnought Courbet was torpedoed by an Austrian submarine off Otranto and subsequently sank after being rammed by the sister battleship Jean Bart.

The status of the steamer Dacia, bought by an American from the Hamburg-American Line since the war and destined to carry cotton to Bremen, is causing anxiety in London, where the fact that the vessel was transferred to American registry without consultation with the British authorities is resented.

The Russian General Staff announced the repulse of a German attack east of Skjerniewice in central Poland and says that the fighting continues in Galicia. One million five hundred thousand men of the 1914 class of recruits have joined the Russian armies.

The official French communiqués tell of fighting north of Soissons and at Perthes, where the Allies have made advances in their attempt to reach the railroad line to the rear of the present German lines.

The German General Staff claims further advances in the Argonne region and reports the repulse of French attacks at various points in the line. The weather is interfering with operations in Poland.

It is reported in Rome that the allied fleet has reduced one of the forts guarding the Dardanelles, that the passage of the straits is considered likely and that Constantinople is greatly alarmed. Turkey is in danger of being cut off from the Caucasus if the Russian fleet can keep control of the Black Sea.

GERMANS REPULSED ALONG THE VISTULA

Attacks at Several Points Fail, Says Russian Report.

SPECIAL CABLE DISPATCH TO THE SUN. PETROGRAD, Jan. 11.—The official report issued to-night by the Russian General Staff tells of a new attack by the Germans in the Skjerniewice district, which was repulsed with great loss to the enemy.

The left of the Vistula during the night of January 10 (Sunday) the Germans unsuccessfully tried to attack our front line at several points, but were repulsed everywhere.

Near the village of Samica, east of Skjerniewice, the Germans made an attack and reached our barbed wire entanglements. There they began shooting "Don't fire on your own men." The Germans have practiced such stratagems before, so our troops were not to be duped and after pouring in a murderous fire they made a counter attack, throwing back the Germans, who lost heavily.

In Galicia we have kept up our cannon and rifle fire and remain in contact with the enemy.

MORE RUSSIANS CALLED.

2,000,000 Recruits to Join Czar's Troops Soon.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, Jan. 11.—There is considerable mystery both here and in Petrograd as to the actual conditions of the fighting in central Poland along the Bzura-Ravka line and north of the Vistula on the road from Miawa, through Przanzy toward Nevo-Gogiewick, the great Russian fortress protecting Warsaw on the north.

Apparently the Germans, besides a movement against the Polish capital from the north, are attempting to cross the stretch of undefended territory between the lower Rawa and Warsaw. They have succeeded in making their way across the river a number of times and there has been violent fighting at Sukha, east of Warsaw, but no appreciable progress has been made. Military experts profess to be unable to understand the present trend of German tactics, especially since Marshal von Hindenburg is exercising a great number of men for no apparent purpose and certainly with no result as yet.

Despatches from Petrograd indicate details received here from the battle front describe the fighting as being fierce that in many places, notably along the Rawa River, the dead lie piled in heaps, and the living are being killed and buried there. In the Bolimow woods the Germans on one occasion charged thirteen consecutive times in close columned array.

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THE WEATHER FORECAST.

Rain or snow to-day; increasing winds; probably fair to-morrow. Detailed weather, mail and marine reports will be found on page 13.