

The Sun

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

On "Piracy."

The loss of the word "piracy" by the Hon. Theodore Roosevelt astonishes nobody. It is somewhat surprising, however, to find Mr. Everett Peppercorn, a lawyer of great experience and precise habits of expression, not only describing by that term the German submarine attack on the Lusitania, but actually arguing in the columns of our neighbor the World that the United States statutes relative to piracy are applicable to the deed in question and require the pursuit and arrest of the commander of the German submarine by our naval force and his punishment by death.

"It is my opinion," says Mr. Peppercorn, as reported by the World, "that the President should send the fleet over to rid the seas of these pirates. To do so would be according to international law and could not be considered as an act of war. If Germany should consider it as such it would not be our fault."

But in the absence of a declaration of war the President is authorized to employ the public owned vessels of the United States in this way only when it is for the suppression of acts of piracy "as defined by the law of nations," that is, piracy in the international sense.

Now, nothing in the existing remnants of international law is clearer than the principle that private vessels only can commit piracy, and a man of war or other public ship, as long as she remains such, is never a pirate. This invariable principle is stated by Oppenheim:

"If she commits unjustified acts of violence, redress must be asked from her flag State, which has to punish the commander and pay damages where required. But if a man-of-war or other public ship of a State resorts and crosses the sea for her own purposes, she ceases to be a public ship, and acts of violence now committed by her are indeed piratical acts."

It is not in mitigation of the hideous offense committed against neutral and innocent American citizens on the Lusitania and against both neutral American citizens and the neutral American flag on the Gulf of Mexico that we point out the distinction between these outrages and "piracy" as defined by the law of nations.

Can the Legislature Overrule the Constitution?

If the Legislature by the enactment of Chapter 56 of the Consolidated Laws conferred on the Comptroller authority to borrow unlimited sums of money for periods not exceeding seven years at rates of interest not higher than 5 per cent, it is plain that the constitutional provisions regulating the creation of State debts are of no force. The statute says that "as the legal demands on the treasury render it necessary, the Comptroller may make such temporary loans . . . as are necessary to discharge such demands."

But the Constitution says that no debt or debts, singly or in the aggregate exceeding \$1,000,000, shall be contracted "to meet casual deficits, or failures in the revenues, or for expenses not provided for"; that the power to contract debts to this amount for the specified purposes is "a limited power"; that a debt on which no limitation is made may be contracted "to repel invasion, suppress insurrection or defend the State in war"; and that except the debts described above:

"No debts shall be hereafter contracted by or in behalf of this State, unless such debt shall be authorized by law, for some single work or object, to be distinctly specified therein . . . .

"No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election."

Perhaps the \$6,000,000 now lying in the vaults of an Albany bank is to be borrowed by the State under the authorization contained in the finance law which says that the Comptroller may issue bonds running for six months "in anticipation of revenues derived from taxes authorized by law to be collected." But where in the Constitution is the warrant for this transaction? Certain political sub-

divisions of the State possess it under Section 10 of Article XIII, but nowhere is the State empowered to borrow in anticipation of taxes, if the Constitution is to be taken at its face value.

The people of the State believed when they adopted the Constitution that they had, by permitting the borrowing of \$1,000,000 under Section 2 of Article VII, and of an unlimited amount under Section 3 of that article, made ample provision for emergencies arising in peace and war; and that in Section 3 of the same article they had definitely retained to themselves the power to incur all other debts. Yet they are now informed that under an act of the Legislature the Comptroller can borrow \$6,000,000 for six months in anticipation of taxes, and absolutely unlimited amounts for periods of seven years.

The possibilities of this great power are staggering. The competency of the legislative enactment should be contested in the proper tribunals; and the public welfare will be served by a rigid obedience to the restrictive provisions of the Constitution.

Frohman's Last Words.

The sight of years will not efface the stigmata upon a nation's reputation by the daughter of the innocents, but it will end the agony of grief and will leave only sad memories. Among them will be some which men and women will cherish because of their association with the disclosure of the better traits of humanity. Death is a pitiless destroyer of shams. In the presence of the last of terrors man cannot be a poseur; he must stand forth revealed in his complete truth. "Naked came I into the world; naked go I out of it," was spoken of the body, but it may equally be said of the soul.

Some who perished near Old Head of Kinsale did brave and generous deeds. One whose bodily weaknesses made brave deeds impossible spoke great words. We do not know what CHARLES FROHMAN'S faith was, but the words which he spoke to RITA JOUVET will have fallen from the lips of EPICUREUS or MARCUS AURELIUS: "Why fear death? It is the most beautiful adventure in life." Mr. FROHMAN was known as a reserved man, a shy man; but in the presence of death his spirit refused to be masked, and in its hour of flight its true greatness was discovered.

Carelessness of Speech.

A communication which THE SUN has received inspires the conclusion that official exposition of the Federal Reserve banking system should be a little more careful in its descriptions. An address recently delivered by Mr. FREDERIC A. DELANO, one of the members of the Federal Reserve Board, in explanation of the new financial organization has apparently given the impression in some quarters that his fellow members are drawing double salaries as public officers.

The basis for this impression is contained in the following loose statement by Mr. DELANO:

"The salary of each member of the Federal Reserve Board is \$12,000 a year, paid by the Federal Reserve bank."

Obviously this permits the inference that the Comptroller of the Currency and the Secretary of the Treasury receive \$12,000 a year each for their ex officio services on the Federal Reserve Board in addition to their Treasury stipends. A little less generalizing by Mr. DELANO would have been more in accordance with the facts as set forth in the first paragraph of section 10 of the Federal Reserve act, the last sentence of which reads:

"The five members of the Federal Reserve Board appointed by the President and confirmed as aforesaid shall devote their entire time to the business of the Federal Reserve Board, and shall each receive an annual salary of \$12,000, payable monthly, together with the actual necessary traveling expenses, and the Comptroller of the Currency, as ex officio member of the Federal Reserve Board, shall, in addition to the salary now paid him as Comptroller of the Currency, receive the sum of \$7,000 annually for his services as a member of said board."

As will be seen, the Federal Reserve Board salaries of \$12,000 are specifically designated as payable to the five appointed members. The salary of the Comptroller of the Currency is \$5,000 and an extra allowance is made to equalize his remuneration with that of the other members. As the Secretary of the Treasury receives \$12,000 a year it is obvious that Congress did not need to make any additional provision for his ex officio Federal Reserve Board work.

Jacques Goujon.

A good deal is heard of brave deeds that the Iron Cross and the Victoria Cross, but the heroism that calls for an award of the Médaille Militaire by the French Government seldom reaches us in the despatches. This token of valor is the highest mark of distinction a French soldier can receive. As in the case of the Victoria Cross, only intrepid souls may aspire to the Médaille Militaire. The wearer is among the bravest of the brave, and he finds himself in a select company. He is honored with that generous eye characteristic of the rank and file of the French army. One of the youngest soldiers upon whose breast the decoration has been pinned in the great war is Jacques GOUJON, a boy of seventeen.

Jacques volunteered at the beginning of the war. He knew nothing of the school of the soldier. He was simply the raw material of which heroes are made, and he soon proved himself one. The opportunity came when with some of his comrades he was ordered to locate machine guns

of the enemy that had been very troublesome. The little party discovered the hiding place of the guns, but only after two German sentries were shot down. Before the quick-firers could be seized the French were attacked by a superior force and all but GOUJON were killed. The lad disappeared into a hollow made by a shell, and there he remained for three hours until the coast seemed to be clear. Emerging from his hole in the earth Jacques did not immediately return to his own lines, but decided to execute the orders given him.

Being an inexperienced soldier Jacques spent no time in speculating about the reason why the machine guns, of which there were three, had not been removed by the Germans. Two of the guns he at once destroyed with bombs, and in the very act the boy was taken prisoner. But Private GOUJON was not done yet. With ready wit and a pair of nimble legs he made his escape while being conducted to the rear. Later Jacques, pulling the remaining quick-firer, appeared in the French camp. No details are given in the meagre despatch of how the boy achieved this coup. Probably darkness favored him. We know only that the Médaille Militaire was bestowed upon him, that he was mentioned in an order of the day by the adjutant of his regiment, and that he was promoted to corporal.

We have an idea that there is a Marshal's baton in the knapsack of Jacques GOUJON, although since he was honored in the presence of his comrades a shell has blown off one of his arms. However, it is only an incident in his career as a soldier; that splendid veteran General Pat has but one arm.

The Fading of the Hyphen.

Since the war began some of the published utterances of Mr. HERMAN RIDER, or of those writing for the Staats-Zeitung in its publisher's name, have exasperated thousands of his non-hyphenated fellow citizens. It will be noted with general satisfaction that in response to a direct question by the Evening Mail Mr. HERMAN RIDER made this unqualified statement yesterday with regard to the locality of his allegiance:

"I speak for myself and I believe for the great majority of German-Americans when I say that we are with the President of the United States to the finish in all matters affecting national honor or national prestige."

The Question was whether Mr. RIDER was with the President or with the Kaiser.

The hyphen is still there, but how much fainter it seems in the red, white and blue light of Mr. RIDER'S candid, loyal and entirely admirable profession of undivided allegiance! But what has been driving at all these weeks?

As to the minority of "German-Americans" for whom Mr. HERMAN RIDER does not undertake to speak, there is for them the food for much profitable thought in this noble passage from President WILSON'S speech to the newly naturalized Americans at Philadelphia:

"A man who thinks of himself as belonging to a particular national group is not a true American, and the man who goes among you to trade upon your nationality has not a true place in the land of the Stars and Stripes. The man who seeks to divide you group from group, nationality from nationality, and interest from interest, is striking at the very heart of the nation."

For the more persistent, audacious and unscrupulous of these dividers of allegiance, wearing American citizenship while engaged in the enterprise so strikingly described by President WILSON, there remains only until a day of actual war and punishment under the operation of Section 5.331 and Section 5.332 of the Revised Statutes. These are the American laws which give practical effect to the Constitution's definition of treason. An ugly word which in time of war accurately describes the activities of promoters of divided allegiance.

At a time like this wise men keep their mouths shut, their ears half closed and their minds wholly open.

At the North Bend trout day celebration Saturday, Thomas Goujon was distinguished by landing thirty five trout before 7 o'clock in the morning.—Seattle Post-Intelligencer.

The legendary character of this matutinal trouting may be suspected from its hero's name. The mythical anecdote is palpably a call to the attention of a tract in favor of the laudable virtues of early rising. Respectable trout would not rise to such impetive rivers.

The grant strikes made by Science, the grandmaster of Civilization, in the last half century have rendered possible in the present war a much higher death rate among neutrals, non-combatants, women and babies than was ever before attainable.

ALBERT J. BEVERIDGE is back from the front with a tale about having engaged the Kaiser in conversation for two hours.—Louisville Courier-Journal.

Even if wishes to WILHELM II. will admit that to be talked to for two hours by the Grand Young Man is too cruel a punishment.

more resolve to understand and strain to follow the speaker, usually rapid or seeming so to untrained ears, begets a sort of nervousness, there are gaps in the connection, and perhaps in fatigue the auditor gives up. At any rate his apprehension is not of the clearest.

It is best to look wide and reserve applause until the end or to watch ones French born neighbors.

We notice in our esteemed North Carolina contemporary the Greensboro News mention of our old friend the Hon. ROBERTS ZACHARIS LINSEY, sometime a member of the House of Representatives, technically known as "the Bull of the Brushers."

To Mr. LINSEY belongs a distinction, solitary so far as our knowledge goes, in American politics. He made his canvasses for election bullock. So mounted and so circulated among his constituents that he was given a place in that "Illustrated History of American Politics" which we shall begin at 80.

Does the Mobile Register speak by the book when it says: "College is the place where young people as a rule first have a real opportunity for freedom of action. What appears to them as essential there is very likely to stamp the remainder of their lives."

Athletics or hot "rooting" therefore is the "college" which seals the most to most undergraduates.

The American friends of Dr. GEORGE ENNER MORRISON, formerly Pekin correspondent of the London Times and now Political Adviser to the President of the Republic, were very glad, if a little puzzled, to learn that the Doctor had received the permission of King GEORGE V. to wear the insignia of the First Class of the Order of the Excellent Cross conferred upon him by President WILSON.

Dr. MORRISON is too plain and unaffected a man to display such distinctions, but his friends might like to know what the Order of the Excellent Cross is.

The only light we can shed upon the mystery is that there are nine classes of the Order of the Hoaming Blade of Rice in China created in 1912, and that Dr. MORRISON qualified under one of the nine.

IS INSURANCE COMMERCE?

President Kingsley of the New York Life on the Wide Significance of a Recent Decision of the Supreme Court.

To the Editor of THE SUN.—Sir: The Supreme Court's decision in the case of the Insular Co. v. The United States, May 11, 1915, is most opportune in view of the possibilities of the near future.

The statutory definition of the term "commerce" is a mere incident of the case. The United States cannot without loss of honor and much prejudice continue to displace the word "commerce" from the simple by forcing forth academic or any other kind of metaphysical or legal. An apology and promise of amendment is due to the public.

The circumstances in which we find ourselves, however, have produced a situation so clear and simple that the United States cannot without loss of honor and much prejudice continue to displace the word "commerce" from the simple by forcing forth academic or any other kind of metaphysical or legal. An apology and promise of amendment is due to the public.

Let us state clearly all honorable means to keep precious peace, and by restraint and measured word aid in the work of extinguishing this world conflagration. I appeal to the patriotic sentiment of all who are patriotically silent as THE SUN respects. Such action will be the proof of loyalty to America and humanity in general. (Signed) FERDINAND TRACH, New York, May 10.

Armed Reprisal.

To the Editor of THE SUN.—Sir: Your issue, published on Saturday morning, the first of our country, the public to observe unprovoked and warning hyphenated American and German citizens, and the second explaining the constitutional and statutory definitions of treason, deserve grateful appreciation.

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A Base of War.

To the Editor of THE SUN.—Sir: Your front page today you give us quotations an interview with Dr. DeBurg. A part thereof reads as follows: "The Lusitania was a base of war."

THE LUSITANIA.

A Little Homely.

To the Editor of THE SUN.—Sir: The word "base" is in the hearts of many, many Americans today, even if it is not on their lips. Theoretically it is understood; practically the procedure in numerous cases would be inviting undignified and unbecoming and unbecoming. I note that you are living up to the name of the Boston Tea Party will not down. There is little doubt that the tragedy of Friday will alter many minds and social relations, and will create a new era of friction and inconvenience for a time.

When leads me, a faithful and generally sympathetic reader, to say that the Lusitania was a base of war, I issue almost seems like standing up as straight as to fall backward. There is much popular ignorance of the rights in the case of the Lusitania, and the rights of warfare which require the search of a merchant ship and the removal of non-combatants before it is destroyed. There has been no question of the fact that even when towns have been burned in Belgium the non-combatant inhabitants were not doomed to inescapable fates.

I have a number of interesting influences among men in the streets from the talk of "previous warnings," the "enemy nationality of the ship" and other matters. I have a number of interesting influences among men in the streets from the talk of "previous warnings," the "enemy nationality of the ship" and other matters.

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An English Ship of War.

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Marquesan Kultur.

To the Editor of THE SUN.—Sir: German ideas are rapidly reaching those of the Marquesan civilization, as cited in Robert Louis Stevenson's "South Sea Islands."

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The Death Blow.

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Trust the President.

To the Editor of THE SUN.—Sir: The editorial article "Ancient Pistol in Spruce Street" exactly meets my sentiment on the momentous subject involved. I did not vote for Woodrow Wilson, but I will vote for him as long as he is as fair as he is in the emergency.

Europe in the service of his company. Like many other American soldiers of fortune, Mr. Goujon's life has been one of adventure. He has negotiated with many a foreign nation; has travelled into every part of the globe in the search of business for his company, and now it is pleasant for his friends to know that he has shown such heroic and useful characteristics at such a critical time. (Signed) JOHN WORTHY, New York, May 11.

The World's Common Enemy.

To the Editor of THE SUN.—Sir: What harm had these little children on the ship done to Germany that they should be wantonly killed?

Prussian Vipers.

To the Editor of THE SUN.—Sir: The Lusitania, being a neutral ship, and for all to the real American people the plain fact that the royal Prussian military hierarchy dominated and directed by the Kaiser, was a violation of the law of nations.

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Military Impotence.

To the Editor of THE SUN.—Sir: Some people are clamoring for war with Germany. Well, suppose we were involved, would we have the military power to engage the enemy? Three powerful nations have for the past nine months been unable to invade Germany, and what is more have failed to do so.

Her Great Deeds Done.

To the Editor of THE SUN.—Sir: Germany's record of accomplishments since August 1, 1914, is a record of deeds that will live in the hearts of all who are patriotic.

Why a Propaganda Failed.

To the Editor of THE SUN.—Sir: The propaganda which has been conducted in America by the German press and the German agents here has failed.

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Illumination for the Hilltop.

To the Editor of THE SUN.—Sir: The illumination of the Hilltop in New York City is a most beautiful sight.

Two Many Exempted.

To the Editor of THE SUN.—Sir: The exemption of two men from the military service is a most unfortunate circumstance.

300 ALIENISTS IN CONVENTION.

Dr. Salmon of New York and Dr. May of Albany speak at the convention of alienists.

The Marrow of Hell.

The devil is in the marrow of hell, and he is in the marrow of hell.

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ALIMONY DODGERS MAY ESCAPE CELL

Constitutional Convention Discusses Plan to Save the Husband.

HAS MANY FRIENDS THERE

ALBANY, May 11.—Should a wife be permitted to cause the arrest and imprisonment of the husband who fails to pay alimony or provide for her?

This question was discussed today by some of the leading lawyers of the State, the majority of whom favored a change in the constitution abolishing imprisonment in matrimonial actions.

George W. Wickesham, chairman of the Judiciary committee, at a hearing on the proposition of Almet R. Laton of Brooklyn, that except for contempt of court no person shall be arrested or imprisoned in a civil action, said that a prohibition against such imprisonment should be embodied in the constitution and he would go further and advocate improvement in matrimonial actions.

Louis A. Marshall said that the proposition would leave the alimony club still in existence, and that "Why should we retain the order of arrest in matrimonial actions?"

Protect Wife and Children. "You should not take away from a wife and children the protection which the law affords," said Judge Justice.

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