THE JOURNAL

LUCIAN SWIFT, MANAGER. | J. S. McLAIN, EDITOR.

SUBSCRIPTION TERMS
Payable to The Journal Printing Co.

Delivered by Mail.

One copy, one month	$0.35
One copy, three months	1.00
One copy, six months	2.00
One copy, one year	4.00
Saturday Eve. edition, 20 to 26 pages	1.50

Delivered by carrier

One copy, one week	8 cents
One copy, one month	35 cents
Single copy	2 cents

RAILROAD LEGISLATION

It is reported that Mr. Hines, first vice president of the Louisville & Nashville railway, has charged the interstate commerce commission with being itself blameable for rate cutting through its misconstruction of the law and the decisions of the courts as to convictions for rebates. The commission is accused of taking the position that it is necessary to show that a railway company not only paid a rebate to a certain shipper, but did not pay the same rebate to another shipper, the law, as judicially interpreted, making the fact of paying a rebate from the tariff rates a punishable offense, regardless of what was paid to any other shipper. In either case, however, it would seem that the commission would be handicapped by the supreme difficulty of getting at the documentary evidence of the making of rebates. This is the weakness of the present law.

The measure introduced by Congressman Corliss of Michigan appears to be the best substitute for the present interstate commerce law which has appeared. It was prepared by the executive committee of the interstate commerce law convention, held at St. Louis in November, 1900. This act makes it the duty of the commission when it finds that a carrier has violated the provisions of the act with respect to any rate, to say what change shall be made in the future, and makes such order take effect at the time specified by the commission, which shall not be less than twenty days after service of notice. The defendant may apply to the circuit court of the United States, which shall suspend the order of the commission for thirty days. If the court finds that the order of the commission be lawful and just, it shall vacate the order of suspension, and the order of the commission becomes operative. The law provides further for appeal to the supreme court, but such appeal shall not operate to stay or supersede the order of the circuit court. The orders of the commission are made obligatory for only two years. Refusal to comply with the order of the commission will be enforced by mandamus or other summary process. The law also provides for compelling the production of the books and papers of carriers and shippers and the attendance of witnesses, the latter to be exempt from prosecution on account of their testimony.

The unrestricted power of carriers to fix transportation charges on traffic, reaching a billion dollars a year, is quite too serious a matter to be permitted, and the subject is beginning to receive rather robust attention, since, under the "community of interest" plan, about three-fifths of the railway mileage of this country has been brought under the control of about half a dozen capitalists. The way is open to impose proper restrictions upon this increasing power, which bears with it a menace to the interests of the public. The principle has been duly established by the federal courts that railways are public highways and that railway corporations are created for public purposes and perform public services, which should be performed as if performed by the government itself, giving an equality of charges and privileges to all, the charges being no greater than enough to pay the cost of maintaining service and securing a reasonable return upon the capital actually invested in the plant. The reports of the interstate commerce commission for the past two years show that the railways of this country had a surplus of $165,000,000 after paying interest and dividends and for permanent improvements. In this there is a suggestion that the managements have not pauperized themselves.

The Corliss bill says nothing about pooling, but it appears to be making provision for the protection of the public as well as the railways. The federal supreme court has decided in behalf of the railways that it is unlawful for a state commission to establish rates of transportation which will not admit of the carrier earning such compensation as, under all circumstances, is just to it and to the public. Such regulation, the court affirms, would be depriving the carrier of its property without due process of law and denying it the equal protection of the laws. It is not proposed in the Corliss bill that this principle shall be violated in one iota.

France has now reached the point where the deaths of native-born Frenchmen exceed births. The slight increase in the total population is due to immigration. If this process continues long, the racial composition of the average Frenchman will become greatly different from what it is now.

WHAT ARE CHARITABLE INSTITUTIONSS.

The discussion brought out by Dr. Kiehle's communication to The Journal showing why the public schools are not charities tends to show that there are other state institutions, commonly regarded as charitable, that under a strict classification would have to be ruled out of that category. One correspondent makes a good point for the school of the deaf and dumb. His argument that it is not a charitable institution is pretty strong. Such an institution is merely an educational institution which adapts certain unusual methods of instruction to fit the defects of its students.

The chief question here is as to whether the maintenance of these students by the state does not make the institution a charitable one. If the pupils paid for their own living it might well be held, without exception, that schools for the deaf and dumb are not charitable.

The same would be true of any other class of defectives, whose education, and not maintenance, is the object of the institution devoted to them.

But another corespondent thinks that if we are to shy at the word "charity" at all, we would do well to eliminate it from the designation of all public institutions the existence of which implies an obligation on the part of the state. A soldiers' home is not or should not be considered a charitable institution. The community looks upon the state maintenance of such an institution as merely a partial payment of a debt that was never covered by $13 a month. The correspondent referred to seems to think that the state is obliged to care for the indigent aged or young. No doubt he is right to a certain extent. There ought to be some regular official means by which orphans, say, without means of support shall be educated by the state. In fact the state looks upon such a course as a means of protecting itself from the results of ignorance, crime and vice.

Yet there is certainly a pronounced difference between supporting in a poor house a man whose bad habits have brought him to the necessity of resort to such a place in old age and the American practice of educating free of cost all the children of the people. The one is an act of kindness to a worthless individual who would shortly die in the streets if not cared for by the state. The state derives no benefit from the care it gives him except in much the same sense that it derives benefit from the imprisonment of the felon. The other is a means of perpetuating the vigor, the effectiveness, the usefulness of the state itself. It is distinctly a work for the betterment of the whole community.

The state educates all its children in a republic, for the same reason that monarchy sedulously looks after the education of the heir-apparent to the throne. In America all the children are heirs-apparent. It is as much their right to be educated as it is the right of a prince.

Of course if the word "charity" is objectionable it is easy enough to get it out of our legal nomenclature, but it would still be necessary to make the distinction that is inevitably felt between institutions that the state conducts for its own good instead of, altogether or chiefly, for the good of the cared-for individuals.

THE CASE OF MISS STONE

No authentic statement has been received as to the liberation of Miss Stone by the banditti of the Balkan fastnesses. It was reported recently that the American delegates conducting the negotiations had arrived at a point near Djoumala in Turkey, and were about to meet the camtors of Miss Stone and pay over the ransom money. There is no reliable evidence that the deal has been consummated and that Miss Stone and Mme. Tsilka have been liberated. It is said that the administration contemplates giving the Turkish government a severe lecture and will compel the sultan to pay over the amount of the ransom disbursed by private subscription to the brigands, who, although claiming to be Bulgarians, are not only amenable to the laws of the Bulgarian government, but the sultan is responsible for their crime, as he claims and exercises, under the Berlin treaty, suzerainty over Bulgaria. If Bulgaria washes her hands of the incident, the sultan can be held to responsibility under our treaties.

Just here our government labors under some embarrassment, for, when the subjects of a nation or government, with whom we have treaties pledging protection to its citizens in this country, are assaulted or killed by lynchings or otherwise, there is no remedy except for the government of the alien to proceed in the state courts where such crimes are committed. The Italian government has been trying for some time to secure redress from our government for the lynchings of Italians in Colorado, Mississippi and Louisiana in violation of our treaty with Italy, which accords right of redress from our government, but our government authority over the states is so limited that it cannot effectuate the guarantee of the treaty. Presidents Harrison and McKinley advised, in their messages, that congress make offenses against treaty rights of aliens cognizable by the federal courts. This has not been done and the fact remains that the federal government cannot take cognizance of offenses against treaty obligations such as the lynching of aliens.

The sultan might well ignore any demand for redress for injuries upon Americans traveling or resident in his realm or in a principality like Bulgaria over which he is suzerain, and point to the deficiency in the power of our government to protect his subjects from lynching or any other injury. It would at least be very inconsistent for our government to demand of Turkey that which it does not do itself in the way of fulfilling treaty obligations as to the protection of aliens from the ire of bands of lynchers in the states.

The commission the Englishman, Alfred Moseley is organizing to visit the United States in the fall to investigate American industrial methods is a fine compliment to America. We are getting so many of these compliments nowadays that it will be a wonder if our heads do not become irretrievably swollen.

DO CLOTHES MAKE THE JUDGE?

Ye shades of Teufelsdrockh, what next! Is it possible that man is verily a clothes rack upon which to hang shreds and patches, and that the world is really swayed by the cut of a sleeve or the length of a shoe tie?

Truly, the question of dress seems to agitate the country overmuch at present.

The New England legislators protest against the wearing of long skirts by the women, and the Illinois legislators protest against the wearing of short skirts, and the Indian commissioner protests against the wearing of feathers and paint, and now comes a movement against the wearing of decent masculine clothes by our judges.

Our Minnesota judges have received a circular letter urging them to abandon their simple republican dignity, and revert to the custom of the English justices by once more assuming the gown.

Why? Because forsooth, it is a "symbolic aid calculated to impress the people with the dignity and importance of the bench!"

What has justice to do with symbolism? It is too cloaked already. The plea should be rather to simplify justice so that it may be easy, sure and swift—not to hedge it about with symbols of other days and other countries.

The attempt to impress the people by show and glitter and parade—to keep them quiet and hide the real importance of things under a pageant—this was the policy of Rome and the middle ages. The priests hid the corruptions of the church under a cloak of gold and gems and it was a protest against such symbolism that made the Protestant clergy abandon the robe, and face the people for what they were—men earnest and sincere, appealing to them not through the trappings of symbolic vestments, but through the force and justice of their teachings.

The effort to dignify the authority of the law by flowing sleeves and Mother Hubbard effects, is a tendency toward imperialism. The next demands will very likely be for a distinguishing costume for the senators, for the diplomats, and later for the president. For why not one as well as the other? It is simply incipient caste distinction.

Why should we wish to impress the people with "symbolic" power and dignity. Let us have the real thing, and the mantle will necessarily fall where it belongs—into the shadow. But if such symbols are good and do impress the people, why should we revive those of foreign countries? Every student of men knows that among savage races it is the great warrior who is also the great lawgiver. The man who captures the most scalps is the big chief, and he is bowed to with trembling knee. He decorates himself with the gory locks of his slain, and bids the offender do his behest, or, add his scalp to the collection. Why should not our justices copy the ways of our early American citizens, rather than those of our English ancestors? Can you not fancy the stupendous impression Chief Justice Start would create if he appeared with the eye teeth of the men he has convicted strung in fancy patterns round his august neck, and a petticoat of thigh-bones and scalp locks tastefully draped upon his person? Talk about the dignity of symbolism! It would be tremendous! If we must have a distinctive costume for our judges, let us by all means look to native models, and not import Anglicized ones!

The burden of the latest reports from Manila is decidedly optimistic. They may be purposely colored to influence congress to be liberal with tariff concessions and grant the Philippines commission the authority needed to pave the way for the opening up of the islands by American business projects. But if those tariff concessions are made and the commission is enabled to grant franchises, and open the public lands and forests, they will go a long way to make good reports that may be too optimistic now. When the Filipino makes an intimate acquaintance with the strenuous business life, as it is known in this country, he will find that war is not the only pursuit that can keep a man from sleeping at night.

WHY SPECIAL REPRESENTATIVES?

Does anybody know just why the United States is to be represented at the coronation of the King of England by a special embassy? It would be reasonable to expect that the regularly accredited minister at London should attend the coronation, and it would be justly considered an affront if he did not. Mr. Choate will be at the coronation. But again, Why send a special embassy to do nothing in particular but draw about $25,000 in expense money and sit on a temporary scaffolding for three hours while the archaic and, to republican eyes, largely farcical ceremony of crowning a king is gone through? Can anybody recall that England or any other nation ever sent a special embassy to represent it at the inauguration of a president?

But an American president, as the head of the American republic, generally does more in the four years of his power than any of the sovereigns in a lifetime. Hence a presidential is just as important as a royal inauguration. The fact that one is chief executive for life and the other for four years in no way affects the case.

Moreover, if we must send special embassies to coronations in one nation, why should we not send special embassies to coronations in other nations? And if we recognize coronations in that manner, why should we not recognize similar inaugurations in sister republics the world around?

If we do all that we shall be reduced to the necessity of creating a special governmental bureau of coronation and inauguration. The expense would be something awful to contemplate. After a few coronations and inaugurations had been attended, the "simple dress of an American citizen" would no longer suffice. Familiarity with pomp and display would contaminate. We would have to give our embassies miniver and ermine robes, wigs, swords, some sort of headgear to correspond to a coronet, and we would have to fit them out with family trees, coats of arms and various heraldic devices. We would have to teach them to wear monocles, to assume the aristocratic stare, to talk disdainfully about the common people, and altogether comport themselves as a part of the society in which they would spend so much of their time.

It really begins to look as if a bad precedent were about to be established. Eternal vigilance is the price of liberty, and likewise of the preservation of republic simplicity of manners.

The suggestion of a London paper that American capital may soon control the South African chartered company, Cecil Rhodes' special pet and hobby, is very interesting. A chartered colonial company of this kind is really a part of the governmental machinery of the British empire. As we understand it, this company has about all the rights and privileges that the old East India company had. It practically administers the great territory covered by its charter. Will we expand into Africa next?

AMUSEMENTS

Foyer Chat.

Charles B. Hanford's admirers will read with pleasure the announcement that he is to appear at the Metropolitan for three nights and a matinee, commencing Feb. 13, and present his grand scenic revival of Shakspere's "The Taming of the Shrew." This is the most ambitious effort of Mr. Hanford's long career. His portrayal of Petruchio is said to eclipse all of his previous impersonations of Shaksperean characters. The supporting company is large and competent and includes the beautiful young English actress, Helen Grantly.

Sardou's famous play, "La Tosca," will be presented at the Metropolitan for four nights and Wednesday matinee, starting next Sunday, with Melbourne MacDowell in his familiar role of Scarpia and Miss Florence Stone as Floria Tosca. They will have the assistance of an excellent company and sumptuous scenic surroundings.

Daniel Sully opened a week's engagement at the Metropolitan last night in "The Parish Priest" to a good-sized audience. The company includes practically the same players seen here last season and the performance is well worth seeing. A review of the production will appear in this column to-morrow.

That "The Heart of Maryland" is to be seen in this city again is a bit of welcome news for theater-goers. Mr. Belasco's play, which attracted large audiences upon its previous appearances here, will begin its return engagement at the Bijou next Sunday afternoon. "The Heart of Maryland" is a story of a woman's heroic self-sacrificing struggle to save the life of the man she loves.

"Lost River," a hoosier melodrama, began a weeks' engagement at the Bijou yesterday before two large audiences. The production will be reviewed in this column to-morrow.

The Nonpareil Man

Casually Observed.

Andrew Carnegie has vigorously condemned the Boer and Philippine wars. Is Andrew after that nomination in 1904? Hoot, mon!

French botanists are endeavoring to vaccinate plants against parasitic diseases. Dr. Hall ought to go up and vaccinate the city's water plant. You know why!

Says Munn
To Bunn
Our friend Bob Dunn
Might get his gunn
And hand out onne
To put the merger on the runne.

Prince Henry will not visit Milwaukee after all. This ruins a nice keg of newspaper quips that are now being kept on ice.

There is "a rein of terror" in some parts of Ireland. Big mitt men, probably.

Prince Henry is going to stop at the Palmer House in Chicago. He may be trusted to say something graceful to Mrs. Palmer about the cooking.

Judge Tuley of Chicago has thrown Dr. Dowie's lace works into the hand of a receiver to discover where they stand. Mr. Dowie still has the ravens to fall back on if necessary.

London Society reports that the royal afternoon tea is graced by the presence of sandwiches. Caviar and pate de foie gras both find favor, and perhaps nothing is more delicious than tiny rounds of brown bread and butter, with a thin slice of cucumber seasoned with lemon juice and pepper, sprinkled with a very light layer of finely-minced smoked salmon. This sounds much more toothsome than the limestone sandwich of commerce often detected in its deadly work at railroad restaurants.

There is a strong anti-vaccination movement in Boston. Trust Boston for having a good "anti" on any movement.

The grocers think that sugar ought to be free. Keep out, gentlemen. Sugar has sand enough to stand up for itself.

A man who "looped the loop" on a bicycle at 100 miles per hour is still alive, but people who skate across a ceiling on a bicycle ought not to expect to be considered good insurance risks.

The Vaccination War.

The Fairmont, Minn., Sentinel takes up Health Commissioner Hall's statement that vaccination is a sure preventive of smallpox, and that a law ought to be passed to send every smallpox patient to the workhouse for ninety days because he has neglected to be vaccinated, and calls Dr. Hall all manner of hard names for alleged assininity. The Sentinel says that "the worst case of smallpox ever in Fairmont was suffered by a person who had been successfully vaccinated. In fact, the majority who have had the disease in this city had been vaccinated. This fact, however, does not prove that vaccination is valueless."

What the Sentinel objects to is the drawing of too radical conclusions from insufficient knowledge.

Our Trip Abroad.

London, Jan. 10.—The trip across the channel from the continent to London was something long to be remembered. The packet skated along sometimes on her keel, sometimes on end, and sometimes on neither. She shifted her ballast once or twice, and we all followed suit. As Lucille remarked, it seemed to be a toss-up whether we ever saw land again.

But we did. At least they said it was land. The fog along the London docks was so thick that we could not see the sidewalks from our elevation of five feet. Men were shoveling the fog and smoke into the sewers or carting it away to dump into the river. It is hardly necessary to say that we saw nothing of London but the hotel bill.

To go back a little. I must say that we were greatly pleased with Berlin. Berlin, Germ., I mean, not Berlin, N. H. The streets were neat and clean, the architecture pleasing and the people kindly and agreeable. The long, drop frame dogs, dachshunds, I believe, are very surprising animals. You see the forequarters of one of them coming around the corner, then a long expanse of plain dog following. This keeps coming, coming, coming until you begin to feel creepy, when, lo, appears the dog's hind quarters—as it were a sort of afterthought on the part of Nature. A bill is now before the reichstag, so a member told us, to put an extra set of legs under the dachshund to save the strain on the animal. It certainly ought to be done in the interest of humanity.

One of the worst features in Germany is the prevalence of duelling, the army being now engaged in killing off the civilians.

We hope to make flying trips to Scotland and Ireland and to some of the cathedral towns of England soon. Lovingly, Lucille. Mary L. and Margaret.

—A. J. Russell.

OTHER PEOPLE'S NOTIONS

An Argument Against Prof. Pearson.

To the Editor of The Journal.

Professor Pearson has attacked the Bible. That may be a new thing for Professor Pearson to do, but it is not a new thing for the Bible to have done to it. But is there not some moral obliqueness in the man who remains in a church he attacks, condemning its basic principles as false? Even the low morality of the ward heeler in politics would not permit that. Any man with even ordinary honesty who believes the things Professor Pearson says he believes about the church, her Sunday school, and her honored servants and the Bible would refuse to accept his living from such an institution.

Professor Pearson is in the chair of literature. Does he not go out of his way, and beyond the legitimate scope of his subject when he sets himself up as a judge of miracles? There is a consuming desire in his soul to get away from the damaging dogmas of the leaders in the church; these men, according to his statement, are guilty of "a policy of inactivity and obstruction" of the truth; but does the professor not see that when he says the miracles of Christ are "mere poetic fancies, incredible and untrue" he thereby makes himself the chief priest of dogma? How does he know that miracles are "incredible" to others? When he tells us they are untrue just why does he forget to tell us how he knows that? If he has found proof of it why does he not cite the proof and set our minds at rest?

It seems not to have dawned upon his intelligence that for all we know to the contrary a law may be a miracle, if it is only bought to our recognition once, and a miracle may be a law, not yet understood, by us. The professor may have persuaded himself that he has come into the possession of the knowledge of all laws, but he will find few men in the laboratory who will care to go on record as having been equally successful.

In this age of the world, and especially in this country a man has, fortunately, a perfect right to his own opinion. If he is born color blind or through accident has lost the power to perceive color, and stoutly denies the existence of any such thing as violet, indigo, blue, green, yellow, orange or red he has a right to his opinion, though the whole physical universe were thrilling with the vibrations that produce color. But has he the right to call me "cowardly" for not adopting his faith in that matter?

—William Love.

Opposed to the Panama Canal.

To the Editor of The Journal:

To any one who watched and studied the efforts of De Lesseps and the French people to build the Panama canal back in the eighties, it must appear that a gigantic fraud is about to be perpetrated upon Uncle Sam. It looks like a present to the New Panama Canal company by the United States government of $40,000,000 if we allow the French to unload a stupendous failure, a lot of ruined engines and out-of-date machinery upon us. Let alone having foisted upon us a lot of stocks, mortgages and bonds upon which to pay interest. The statement of assets is amusing. Everything is figured in at par or above and 10 per cent for omissions added. Does any one think for a moment this company of sharp Frenchmen have forgotten anything they have to sell? Why not deduct 50 per cent for rotted-down buildings, useless, rusted and ruined machinery, engines, etc., that were rotten even in 1890?

An article in Harper's Monthly Magazine away back in 1880 showed what the best writers of the day thought of the Panama route and scheme of De Lesseps. De Lesseps knew for years before he quit that it could not be built, and he quit trying to do anything but spend money and live in luxury a few years longer, until the world must find him out, which it did before he died. At the time of the De Lesseps scandal the French published statements that much of the machinery sent to Panama was unfit and inadequate for the work, only bought to get a rake-off or commission.

The writer believes the Niacaraguan route feasible and more of a benefit to the United States, as well as being in a healthier climate. The French know best what a failure the Panama route is and must ever be, and this New Panama Canal company was only organized to do "Uncle Sam." Many a banker would have wagered big odds in the eighties, right here in Minneapolis, to the writer's knowledge, on the ultimate success of De Lesseps. The stupendousness of the fraud and fiasco of the De Lesseps Panama canal scheme, none but the French people can fully understand. We as a nation have been too busy to study it or to remember.

—F. D. Dibble.

RECOVERS ITS LANDS

State's Proposition to Duluth & Iron Range Is Agreed To.

ERROR IN FORMER CONVEYANCE

About 45,000 Acres Involved—The Terms of the Agreement.

Judge Lochren put the finishing touches on the Duluth & Iron Range land case this afternoon. In his chambers in St. Paul he signed a new decree, exempting from the old decree the state institution land by mistake included. He acted upon a stipulation, which was prepared by Attorney General Douglas and F. B. Kellogg, counsel for the railway company.

The decree was filed Jan. 8, 1900. The state had disputed the validity of the company's grant, and contested it in the United States court on the ground that it was unearned. Judge Lochren decided for the company, and in his decree awarded the amount of land still due the company. The selection was made, it was supposed, from swamp land, but it was later found that by the mistake of some one 45,079 acres were included which had already been selected for state institutions. These tracts included some valuable mineral deposits, and three mines which are counted on to produce $1,000,000 in royalties to the state.

The court's decree seemed in every way valid. Attorney General Douglas brought an action to have it modified, but had not the company agreed to the terms it would probably have stood.

State Auditor Dunn conducted negotiations with the company through Mr. Kellogg, and in May submitted the proposition which has been agreed to. It included the following terms of settlement:

First—The company is to release all the state institution lands included in Judge Lochren's decree, either by deed or a modification of the decree.

Second—The state having since the issue of the decree executed a deed filling the company's land grant, said deed having been rejected and not accepted by the company, said deed to be cancelled and treated as a nullity.

Third—The state agrees to make no more selections for state institutions in St. Louis, Lake and Cook counties until the company's grant is filled.

Fourth—The state agrees to deed to the company all clear lands it has heretofore selected, except state institution lands, and all lands as fast as they are selected by the company.

Fifth—Judge Lochren's decree gave the company unlimited time in which to make its selections and fill its grant, but the company agrees to make all its selections within six months after the lands have been certified to the state.

Sixth—The state and the company agree to join in urging the interior department to complete the surveys in St. Louis, Lake and Cook counties and to certify the swamp lands therein to the state.

THE "MUSICALE'S" PROGRAM

Artistic Numbers Given at the Meeting Saturday.

The anual open meeting of the Ladies' Thursday Musicale was held Saturday night in the First Baptist church, and the attendance showed a great public appreciation of the work of this splendid organization. Long before the program began, the seats of the large auditorium were all taken and many stood throughout the program.

The audience was a sympathetic and inspiring one and all conditions united to make a delightful and notable occasion. Nothing short of a superior program is expected of the musicale upon any occasion, and upon this one all previous "open meeting" programs were surpassed. The numbers were worthy of the most artistic interpretation and were arranged with the nice balance and harmony for which the organization constantly strives. There was great variety and contrast but uniform excellence.

The handsomely decorated stage formed a pleasing setting for the daintily gowned women who appeared as performers. Masses of palms, azaleas and white lilies were used.

The rules against encores was strictly enforced to the complete satisfaction of the audience and the musicians, for there were no distinctions drawn and the program was not thrown out of balance.

Mrs. John Harris Chick opened the program with an organ number, "Marche Nuptiale," by Rubinstein, and played with spirit and full command of the instrument. Miss Mabel Runge and Miss Mynn Stoddard appeared in a duet, "The First Song," Gretz, in which the blending of their voices was delightful and effective. A violin obligato was played with much intelligence by Mrs. Benjamin W. Mulford. Miss Amalia Rippe's bell-like soprano was heard with good effect in "Elsa's Traume."

The piano numbers were of unusual interest. "Country Dances," by Nevin, was given by the Misses Mamie Swanberg and Constance Osborn with a dash and swing and color that stirred the blood. Miss Blanche Strong played two movements of MacDowell's "Concerto, op. 23," in a manner that marked her as a finished musician of excellent temperament. Miss Laura Jacobi assisted her ably in the orchestral parts on a second piano.

Miss Verna Golden's strong but refined playing of Sinding's "Berceuse" on the violin was very much appreciated for its melody and fine sentiment. Miss Helen Hall, contralto, put much warmth and beauty of coloring into a song by Hartman, a new German writer, and Grieg's "Song of Hope." Miss Alberta Fisher sang a group of MacDowell's flower songs with a lightness of touch and purity of tone that was delightful. The closing number was the "Lalo" duet, sung by Miss. Clara Williams and Mrs. W. N. Porteous, with the finished art always expected of these singers, which was shown to excellent advantage in the fine composition.

Accompaniments of the highest order were furnished by Mrs. Edgar Runyan, Mrs. John Harris Chick, Miss Eulalie Chenevert and H. S. Woodruff.

THE DANZ' CONCERT

Many old musical favorites were heard at the Danz symphony concert at the Metropolitan theater yesterday afternoon. The standard compositions, on which almost any one deems himself competent to pass criticism on account of long acquaintance, are, as a whole, most satisfactory to the average concert-goer. The compositions have earned their right to survive, are welcomed as warm friends and are played with easy assurance by the members of the orchestra. It is quite natural that the verdict of the audience yesterday should be that the program was the best of the season, and that the orchestra had improved wonderfully. Among the selections which pleased particularly were the march from Meyerbeer's "Prophet," Wagner's overture to his "Rienzi," Grieg's "Peer Gynt" suite, Liszt's second Hungarian rhapsody, Schumann's "Traumerei" for strings, and the Mozart symphony, with Arthur O. Bergh and Carl Riedelsberger as soloists.

G SHARPE AND A FLAT

By Douglas Z. Doty.

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Gregory Sharpe, president of the Consolidated Gas company, sat in his private office dictating letters to his stenographer.

Outside a long line of people waited their turn to pay their gas bills at a small window in the wire partition, for it was the first of the month.

To the young clerks, who managed to dress right smartly on ten or twelve dollars a week, Sharpe was a constant source of wonderment. Careless, not to say unkempt, at times, in his attire, from early to late he toiled at his office, and his employes thought what a great pity it was that this man, who knew so little how to enjoy life, should be the one to possess Aladdin's lamp.

As a young chap—he was now about 38 or 40—he had had his unfortunate love affair. Then after a few black weeks, he had set his teeth and thrown himself heart and soul into his business.

"That's all, Miss Hagen," said Sharpe as, with hands in his trouser pockets, he paced the floor of his sanctum. The sunlight, streaming in through a tall window beyond the cashier, bothered him every time he made the turn of his office. He might have called

"PRETTY LITTLE THING," WAS GREGORY'S PASSING THOUGHT.

to a dozen fellows to pull up the shade, but it was like the man to go and attend to it himself. It was also characteristic that he should open the front door for a slip of a woman with a big bundle in her arms.

"Thank you," said a sweet, low voice. "Thank you," said a pair of big violet eyes looking up into his face.

"Pretty little thing," was Gregory's passing thought.

The girl readjusted the bundle, and in doing so dropped a familiar green slip. Gregory knew by heart the printed matter on it, rather grim, "If the inclosed bill is not paid by the 1st, we shall be obliged to cut off your The statement was terse, businesslike and gas supply on that date."

The girl thanked him again as he picked it up for her, a wave of scarlet slowly spreading over her face.

"Do they—do they—can you get an extension of time about paying if you promise to pay in a week?" she asked nervously.

"Well," said the president, "we have found that an extension of time generally makes matters worse. Let's see your bill. H'm! I'll see the cashier about this," he muttered and strode off.

The girl's eyes followed him. He looked less prosperous than many of the well-groomed young fellows in high stools behind the wire netting. Perhaps he had something to do with the mechanical department. She was a little surprised to note with what alacrity the haughty-looking cashier left his place at the window and the long line of waiting people. Gregory seemed to do all the talking, the cashier simply nodding at frequent intervals.

The girl's heart throbbed hopefully. She had always regarded that cashier as a most unapproachable individual. In a moment Gregory was back.

"You may have another fortnight in which to meet this bill," he announced kindly.

"O, thank you!" cried the girl, joyfully. "It was so good of you to take the trouble. And the cashier—please tell him how grateful I am for doing as you asked."

"I will," said Gregory, heartily, and his mouth twitched suspiciously as he bowed her out the door.

"Send Fielder to me," he said on reaching his room. The cashier appeared on the instant.

"Yes, sir."

"That young lady I just spoke to you about, Miss—"

"Miss Josephine Locke, sir."

"Yes. Well, she wished me to thank you for being so kind as to grant her two weeks' extension of time."

Gregory shook with laughter, and Fielder grinned appreciatively.

Two weeks later Fielder appeared before his chief.

"About that case you interested yourself in awhile ago, sir. Locke was the name. Time was up yesterday, and the bill isn't paid. I'm afraid it's the same old story. That soft kind, with big eyes and whining voice, are most generally fakes."

Gregory pondered.

"I was fooled once before. Perhaps I am again. Oh, these women!" Then aloud: "Leave the papers with me, Fielder. I'm just curious enough to order a special inquiry. If we've been fooled, never again will I show any leniency."

It was half past 5 before he was ready to leave the office. He looked rather guiltily at Fielder plunging into his topcoat. Gregory meant to conduct that investigation in person.

By the time he had reached the dingy looking flathouse and had climbed four flights of dark stairs, Sharpe repented of his bargain. Grouping along a narrow hallway, he came to a card stuck over a push button and inscribed "Mrs. L. T. Locke."

It was Miss Violet Eyes herself who opened the door. She recognized the caller in an instant.

"Oh, it's you!" she faltered, nervously twisting the knob of the half open door. "You've come to cut off the gas, I suppose." And she slowly made way for him to step in.

A little, white-haired lady appeared.

"Won't you step into the parlor?" she said.

Everything was so neat and the grate fire so cheery that at first Gregory did not realize how barren and proverty stricken the place was. The little old lady piloted him skilfully to the only easy chair in the room, which faced the little coal fire.

The best chair and the best outlook the room afforded!

A sweet old gentlewoman, thought Gregory, who has learned to keep up appearances under conditions that would have swamped most housewives with less pride and fewer resources.

"I suppose," murmured the old lady, smoothing out her black silk apron—"I suppose one should not indulge in the luxury of a grate fire with the gas bill unpaid, but," with a deprecatory gesture, "it has been very cold, and one loses one's courage so easily when one can't keep warm."

It was said quietly, with gentle dignity, but the pathos of it!

"Madam," said Gregory in a voice that shook a little, "you are quite right. Pray do not think I am criticising you."

"You see," went on the lady, "my son has gone out west. He had such a splendid chance! He needed a little money to get started. I let him have it. He was to pay it back very soon. We've been expecting him to write for us every day for, oh, a long, long time— I almost forget how long! One loses track of the days somehow when one is waiting and one doesn't hear. But we heard to-day. He is coming home as soon as I can send him the fare."

A door banged. There was the rustle of skirts, and the fragrant odor of steaming tea reached Gregory's nostrils.

Then Josephine appeared with a tray of dishes, which she placed by her mother. Her face was flushed from standing over a fire.

"There, mother," she said, with a strange mixture of tears and defiance. "I guess I've used another cubic foot of gas, but your supper is as hot as the gas range could make it. If you'll step this way, sir, I'll show you where the meter is."

"You needn't mind," said Gregory slowly. "I only called to see when it would be convenient"—

He could not finish the sentence. There was something else to do. The girl, turning ghastly white, fell in a huddled heap at his feet.

She came back to life while her mother was searching for the brandy flask. She looked into his face anxiously.

"It's nothing—nothing—except that I am—hungry. But she musn't know!"

She sank back, and the violet eyes were again hidden from Gregory's view.

"Gregory," she murmured as he bent over to fasten her gloves, for they were on their wedding journey, "how could you marry a girl who deliberately fibbed? I knew I couldn't pay that bill when the fortnight was up"—

"My dear girl," he murmured irrelevantly, "will you stand by me through thick and thin, as you did your mother?"

But for reasons best known to Gregory Sharpe, president of the American Consolidated Gas company, his wife was unable to make reply.

FORCED BY FRYE

He Does Battle for His Ship Subsidy Bill.

DECLARES IT WILL PASS SENATE

Senator's Contention That Foreign-Built Ships Will Not Be Benefited Is Disputed.

New York Sun Special Service.

Washington, Feb. 3.—Senator Frye, when asked if he would continue to press the ship subsidy bill in view of the merger or pool of all the Atlantic steamship lines plying between the United States and Great Britain, replied that it was his intention to force the bil lto a vote. It is Senator Frye's intention to call up the bill and keep it before the senate until it has been adopted, immediately after the Philippine tariff bill is disposed of. The tariff measure will be out of the way in about a month, and Senator Frye says the ship subsidy bill will be passed within a week after it has been taken up.

In his judgment there is some opposition to the subsidy scheme, but it is confined to the democratic party, which favors free ships. Speaking of the suggestion that the subsidy bill should be changed because of the formation of the steamship combination, Senator Frye said:

There is no intention of changing the bill on account of the reported or so-called combination. I know nothing about it. There may be a pooling of rates, but if there is one I don't know whether it is to raise or lower. If the lines have pooled they would naturally maintain their organizations and therefore the American line, if it has entered such a pool, will not be affected by it. The bill authorizes the postmaster general to make contracts with lines owning American constructed ships for carrying the mails. There is but one ship line, the American, and it will not receive benefits from this bounty for two or three years. Certainly no foreign-built ship will be a beneficiary.

Notwithstanding the contention of Senator Frye that foreign built ships will not be benefited by the subsidy, there are others who contend that ships will participate in these benefits through the medium of the bounty paid the American ships. The American steamship lines, although partners in trans-Atlantic combination, through the bounty would receive a larger amount for carrying mails than would be paid any other line. This is a distinct advantage, as it would add to the earnings of the whole combination and would in effect be paying a bounty out of the United States treasury to foreigners. Although these objections have been presented to those having this measure in charge, Senator Frye asserts they are not valid and that nothing will be done to overcome them. There seem to be excellent prospects of the measure going through the senate, according to Senator Frye, but the outlook in the house does not appear so hopeful.

TREASURES OF PEPKE

THOSE FOURTEEN DIAMOND RINGS

North Dakota Soldier Recovers His Property, Which Has Become Historical.

Chicago, Feb. 3.—Emil J. Pepke, the former North Dakota soldier whose fourteen diamond rings were the means of settling the constitutional status of the Philippine islands, has recovered his property. The diamonds were returned to him by United States Marshal Ames, who has kept them in a safety deposit vault in Chicago since they were seized by Collector William Penn Nixon a year ago. Mr. Pepke, who is an itinerant jewelry peddler, immediately put the fourteen rings on his fingers to see how they looked.

Although the famous Philippine customs case was decided by the United States supreme court on Dec. 2 last, the wheels of justice grind so slowly in great constitutional cases that Mr. Pepke was unable to secure his diamonds until now. His gold-plated watch and the Mauser bullet taken from his body, which Collector Nixon also seized, already had been given back to him.

The formal transfer of the diamonds took place in United States Marshal Ames' office. The legal formalities were not elaborate. Attorneys C. H. Aldrich and Lawrence Harmon, who represented Mr. Pepke in his suit, simply filed the mandate of the United States supreme court, reversing Judge Kohlsaat's decision, which had approved the confiscation of the diamonds. Judge Kohlsaat then entered an order for the restoration of the diamonds, which represent all the capital Mr. Pepke possesses.

Two of the fourteen diamonds will not go back to South Dakota, however. Attorney Charles H. Aldrich took one ring, set with a diamond and two rubies, and Attorney Harmon took another set with three diamonds, as mementoes of the suit. The other rings Mr. Pepke put in his pocket and then started out to buy some new clothes and fresh stock for his peddler's wagon.

Mr. Pepke was a peddler before he enlisted in the First North Dakota infantry and started for the Philippines. Being of a thrifty disposition, he saved his money and exchanged it for bargains in diamonds which he found in the Manila pawnshops. He also loaned money to his comrades, taking their diamonds as security. In this way he acquired the international fourteen.

When Pepke was arrested in Chicago a year ago all he possessed was the fourteen diamonds and $1.50 in money. The case was carried to the highest court in the land, and it will take nearly all the gems are worth—$959—to pay the costs. But Mr. Pepke believes the jewels may bring more than their intrinsic value, because it was on these jewels that the supreme court decided that the constitution follows the flag.

Pain from indigestion, dyspepsia, and too hearty eating, is relieved at once by taking one of Carter's Little Liver Pills immediately after dinner. Don't forget this.