PAN-AMERICAN SCIENTIFIC CONGRESS PROGRAM

Section 1—Anthropology, New National Museum.
Section 2—Astronomy, etc., Carnegie Institution.
Section 3—Conservation of natural resources, Raleigh.
Section 4—Education, Willard. Subsection on commercial education in Pan-American building.
Section 5—Engineering, Raleigh. Subsections 1 and 2 in afternoon, small ballroom, Willard.
Section 6—International law, Shoreham.
Section 7—Mining, etc., Raleigh.
Section 8—Public health, Ebbitt. Subsection on sociological medicine, meeting with American Psychological Society, Raleigh.
Section 9—Transportation, etc., Willard.

Former Secretary of State Bryan spoke at 2:30 p.m. on "Commercial Education" in Pan-American Union building.

A Santos-Dumont, famous Brazilian aviator, illustrated lecture at 3 o'clock in small ballroom, Willard. Open to public.

Dr. William W. Campbell of Lick Observatory, illustrated lecture at 8 o'clock in Memorial Continental Hall on "The Evolution of the Stars." Open to public. The members of the congress will be the guests of the American Association for the Advancement of Science.

ENTERTAINMENT PROGRAM TODAY.

Musical at the home of Mrs. Frank L. Polk, 2622 16th street, in honor of the wives of the foreign delegates, from 4 to 7 p.m.

Hosts for dinners are: Governor of the Federal Reserve Board and Mrs. Charles S. Hamlin, 1515 Massachusetts avenue; Mr. and Mrs. Charles J. Bell, 1327 Connecticut avenue; Mr. Henry White, 1624 Crescent place; Assistant Secretary of State and Mrs. William Phillips, 1535 L street, and Assistant Secretary of the Treasury and Mrs. Andrew J. Peters, Woodley lane.

Reception by Mr. and Mrs. Hennen Jennings, 2221 Massachusetts avenue, at 9 p.m.

ENTERTAINMENT PROGRAM TOMORROW.

Juan Domenjos will give a special exhibit of aerial flights at Ellipse Field, etween 15th and 17th streets, opposite the Pan-American building, at 2:30 p.m.

Mrs. Gibson Fahnestock will be at home, 2311 Massachusetts avenue, in honor of the wives of the delegates, from 4 of 7 o'clock.

Hosts for dinners are: The charge d'affaires of Argentina, M. Frederico M. Quintana, and Mrs. Delos A. Blodgett, 1500 16th street.

Reception by the trustees of the Carnegie Institution of Washington to the members of the congress and invited guests at 9 p.m., 16th and P streets.

of a pan-American convention for the arbitration of boundary disputes, as an evolution of the Monroe doctrine, and made certain concrete suggestions of his own for pan-American solidarity.

Mr. Bryan said, in part:

"Every possible encouragement should be given to the teaching of the English language in Latin America and to the teaching of Spanish in the United States. There are several ways in which this encouragement can be given. An exchange of professors would be an advantage. If arrangements could be made by which the colleges and universities of Central and South America would accept American instructors in return for Latin-speaking instructors sent to the United States, the temporary exchange would not only be helpful in extending the two languages, but a larger acquaintance would follow, and acquaintance is, after all, the most essential thing in the improvement of international relations, whether business, social or political.

Encourage Language Study.

"Encouragement could also be given to the study of the two languages by colleges, especially by those located in the southern part of the United States and in the northern republics of Latin America, where special inducements could be offered to foreign students. The United States, for instance, could establish in Porto Rico, Panama and at accessible points along the gulf coast schools in which special attention would be given to the teaching of the Spanish language and Spanish history, and the Latin-speaking nations could in return offer similar inducements to students from the north. In these special schools young men from the United States intending to go south and young men in the southern countries planning to come north could meet, and, while preparing themselves for their work, acquire that personal acquaintance which contributes so largely to success.

"Another suggestion. While a large vocabulary is, of course, desirable, still comparatively few words are absolutely necessary for the carrying on of conversation and correspondence. A few months ago I suggested to a number of representatives of Latin America the advisability of attempting to introduce into each of the two languages the more important words of the other language. The suggestion received so much encouragement that I venture to submit it here. Five hundred English words introduced into the Spanish dictionary, as synonyms for Spanish words having the same meaning, and the introduction of a like number of Spanish words into the English dictionary would lead to the gradual absorption by people of all the countries of the most necessary words of the two languages and would make it easier for representatives of the different republics to talk to and understand each other without special training. Even a smaller number of words might be selected as a beginning.

"If the suggestion commends itself to this congress a commission can be appointed to formulate the plan.

Effect of Panama Canal.

"The opening of the Panama canal has accentuated the possibility of larger trade between North and South America, and the interruption of existing lines of transportation has made more obvious the necessity of co-operation between the United States and Central and South America in the establishment of trade routes.

"Secretary McAdoo has taken up the matter, and is endeavoring to secure authority to establish a government-controlled merchant marine, for the double purpose of laying out new trade routes and providing against interruptions like those which have occurred during the past eighteen months.

"I am sure that all of our neighboring republics will give hearty commendation to the plan, and I hope that the governments of Central and South America will consider the advisability of adopting a similar policy. If each government represented here will act to the limit of its ability a new impetus will be given to inter-American trafic, to the benefit of all.

"The establishment of the same monetary unit throughout the western hemisphere has long been discussed and there is no doubt that it would greatly facilitate exchange between the the countries.

Benefits of Currency Law.

The currency law now in force in the United States has, by authorizing the establishment of branch banks in foreign lands, greatly aided in the improvement of trade conditions, but as it will require some years to realize to the full the advantages made possible by this law, it is worth while to consider whether it would not be wise for the American governments to facilitate exchange by an arrangement under which they would cable to each other deposits made with them to cover foreign purchases.

"This congress has already under consideration the possibility of co-operation in the defense of the western hemisphere as embodied in the proposition recently submitted by the President through Secretary Lansing, which contemplates a joint convention providing for investigation of all diplomatic differences and the arbitration of boundary disputes among the republics of America—a convention which will go far toward removing the possibility of armed conflict between them.

"This evolution of the Monroe doctrine, enforced by the United States alone, into a pan-Americanism, supported by all the American republics jointly, will not only insure solidarity of sentiment, but will, by the union of their strength, lessen the expenditures necessary for their protection from possible attempts at invasion, especially since the danger of invasion is decreased in proportion as the pressure of population in Europe has been reduced by the enormous loss of life occasioned by the war. The proposed convention between the American republics will also make it certain that the republics of the western hemisphere will not, by participation in the forcible settlement of European quarrels, surrender their right to exclude European nations from armed interference in any disputes that may arise between the American republics."

Points Out Difficulties in Exchange of American Students and Professors

Speaking today on "The Organization and Development of a Plan for the Systematic Exchange of University Students and Professors Between Several American Republics," before the delegates to the congress primarily interested in educational problems, Prof. John Bassett Moore of Columbia University pointed out certain practical difficulties which have not heretofore been considered in discussions of this important development of the activities of the congress. Prof. Moore said, in part:

"The fact must be admitted that little or no account has ever been taken either of experience or of the inherent difficulties of the subject of exchange. Certainly the time has come when, instead of making vague assumptions, we should examine the problem at close quarters and endeavor to understand it."

Results Not Uniform.

"Dealing with the question as one of systematic exchange, I hazard nothing in saying that the results of such an exchange of professors, where it has actually been tried, have not by any means been uniform. While in some cases the results have been manifestly valuable, their value has in other cases been less appreciable."

"If I correctly apprehend the underlying purpose of the systematic exchange of professors, it is the interpretation, in a broad sense, of the history, institutions and ideals of one people to another people, to the end that they may know each other better, and, profiting by each other's experience and achievements, learn to work together in sympathy and mutual understanding for the good of humanity."

Inadequate Means Suggested.

"Such being the object to be attained, may we not ask whether in essaying to reach it by the mere exchange of professors we are not proposing a means inadequate to the accomplishment of the end in view?

"It may regularly happen that a professor who, by reason of his exceptional fitness and prestige is specially desired, may be engaged in important work which he cannot be fairly asked to abandon or suspend. Perhaps his personal situation may be such that he is unable to absent himself from his home.

"Indeed, do we transcend the bounds of admissible conjecture if we permit ourselves to suppose that by reason of a continuation of circumstances the services he is at the moment rendering at home be of greater value than any he could just then perform tisewhere?

Age of Students a Factor.

"As to the exchange of students little need be said on the present occasion.

"There is one point which it would be well to bear in mind, and that is the question of the age of the students to be exchanged.

"Not long ago in presenting this question to a number of foreign students of different nationalities, I was struck with the fact that they seemed all to concur in the opinion that it was undesirable to send youths away from home at such an eardly age that, receiving their formative impressions abroad, they would return to their native land as strangers in a strange environment, with the result that they would be unable to work in harmony and co-operation with their own people and would even find their ability to make a living seriously impaired."

For other Pan-American Congress news see page 5.

KAISER IS OPERATED UPON.

Press Dispatches Continue to Affirm That Illness Is Serious.

PARIS, January 3.—Press dispatches from Switzerland and Italy continue to affirm that the illness of Emperor William is serious. It is stated that he was operated on last Wednesday successfully, but the nature of the operation is not specified.

It is stated that the emperor is suffering from a deep-seated affection of which the cutaneous eruption is but a symptom, and that the malady is complicated by the reappearance of his old throat trouble, which has extended to the mouth. It is even asserted that it will be necessary to provide him with an artificial palate made of silver.

"DEATH" ANNOUNCED IN 1864.

Former Union Soldier, Officially Extinct, Appointed Court Announcer.

DENVER, Col., January 3.—A man who has been dead for more than fifty-one years, according to the records of the War Department, became an officer of the Department of Justice today when W. A. Jamieson of Denver, took the position of announcer in the United States district court here. Jamieson, a corporal in the 103d Pennsylvania Infantry in the civil war, escaped from the Andersonville, Ga., prison.

His name was confused with that of another prisoner who died, and Jamieson had a picture of his tombstone, No. 4590 in the National emetery at Andersonville. His "death" is recorded on August 2, 1864.

Hospital Filled by Epidemic.

CHICAGO, January 3.—The epidemic of grip and pneumonia here is held responsible for a record established at the county hospital yesterday, according to figures made public today. Two thousand and thirty-five persons were treated at the institution, this being the greatest number in one day since its establishment.

$30,000 HEART EASE IS LOST ON APPEAL

Justice Robb Reverses Lower Court in McNabb-Kinney Breach of Promise Suit.

The District Court of Appeals in an opinion by Mr. Justice Robb, today reversed a judgment for $30,000 damages awarded by a jury in the District Supreme Court last April to Mrs. Ida M. McNabb, thirty-seven years old, a widow of Milwaukee, Wis., against John S. Kinney, seventy-seven years old, reputed a millionaire mine owner of Palatka, Mich. The suit was for $500,000 damages for the failure of the millionaire to carry out a contract to marry.

The appellate court holds that recovery could only be on the written contract, if at all, and, that item of the declaration having been abandoned at the trial table, the trial judge should have granted a prayer for a directed verdict. The court also holds that by submitting other prayers, inconsistent with the one to instruct, the defendant lost no rights.

Case Is Remanded.

The case is remanded for further proceedings not inconsistent with the opinion of the court. A new trial may be allowed, it is said, although the opinion of the appellate court does not make that direction specifically.

Justice Robb, in the course of his opinion, says: "In the present case there was no contract of marriage until the contract under seal was executed. Everything preceding it was merely tentative and preliminary. That contract crystallized the previous negotiations between the parties. Counsel for the plaintiff answer that, conceding all this, still they may rely upon repeated promises made by and between the defendant and plaintiff after the execution of the agreement, but they fail to point to any evidence tending to show that the written instrument ever was abandoned or modified.

Founded in Reason and Justice.

"The rule involked here is not an arbitrary rule, but, on the contrary, one founded in reason and justice. If parties enter into a contract of the dignity and solemnity of the one here involved, the party seeking damages for the breach of that contract should declare upon it. The plaintiff in the present case by deliberately abandoning the second count in her declaration relied upon the count which sets up a simple contract. Her proof showed the existence of a different contract, one that had superseded the former and which would not support the declaration as it stood."

The court also overruled the claim that the defendant by his inconsistent positions was estopped from raising the question.

Attorney Frank J. Hogan was retained specially to argue the appeal for Mr. Kinney in connection with Attorneys D. W. Baker and Miss Harriet Freeby. Attorney Charles Poe of the local bar and Attorney Henry F. Cochems of Milwaukee represented the widow.

FORD PARTY MAY GO THROUGH GERMANY

Permission Given to Pass Directly and Quickly to The Hague.

COPENHAGEN, January 3, via London, 10:20 a.m.—The German government has granted the Ford peace expedition permission to travel to The Hague through Germany by special train. The party will leave Copenhagen next Friday.

The final arrangements for the trip were made through the German consul in Copenhagen, who, after consultation with Berlin, announced that his government was willing for the mission to proceed through German territory. This privilege was granted despite the refusal of the American State Department to extend the passports of the members of the party to cover a belligerent country.

Conditions of the Trip.

The conditions under which the Americans will travel are strict. Their train will be sealed, every one being locked within. None will be permitted to touch German soil during the journey. The members of the mission will not be permitted to carry written, printed or typewritten papers. The concealment of any paper, even of an innocent character, will result in complications for the entire party. Other things that the party must abandon before reaching German territory are cameras, post cards, opera glasses and gold coin. Most of the baggage of the expedition will be shipped back to the United States from Copenhagen.

It is announced that the expedition will disband at The Hague January 12, most of the members returning home from Rotterdam that day.

Appealed to German Envoy.

The passports of the members of the peace party do not permit them to travel in belligerent countries, and this action of the German government obviates the necessity of the expedition making the trip to The Hague through the North sea and running the danger of encountering mines. Recent dispatches stated that the American minister at Copenhagen refused to vise the passports of the party through Germany and that the German consulate also declined to aid them.

After having decided to charter a vessel and proceed by sea, if necessary, the managers of the mission Sunday appealed to the German minister at Copenhagen to obtain permission for them to pass through German territory and their plea evidently met with success.

JAPANESE CRUISERS GOING TO SUEZ CANAL

TOKIO, Japan, January 3.—Announcement is made by the Jiji Shimpo that a squadron of Japanese warships will sail for the Suez canal, presumably to protect Japanese shipping. It is said the armored cruisers Kasuga, Tokiwa and Chitose have been assigned for this service.

The reported decision of the Japanese government to send a squadron to the Suez canal follows the sinking of two Japanese steamships in the Mediterranean. The passenger liner Yasaka Maru was torpedoed off Port Said, December 21. The freighter Kenkoku Maru was sunk by a submarine December 29. Those on board both vessels were rescued. The Japan Mail Steamship Company, which controls the bulk of Japanese shipping, has abandoned the Suez route.

U. S. CONSUL IS BELIEVED TO HAVE PERISHED WHEN THIS VESSEL SANK.

BRITISH STEAMER PERSIA.

PRESIDENT ARRANGES TO RETURN TO CAPITAL

Because of New Developments Chief Executive and Bride Leave Hot Springs Tonight.

HOT SPRINGS, Va., January 3.—President Wilson will cut short his honeymoon and start back to Washington tonight because of the new developments in the international situation caused by the destruction of the British liner Persia. The President will leave here at 8:45 o'clock and expects to arrive in Washington tomorrow morning at 7 o'clock.

In order to facilitate the return, a private car, in which Joseph Harriman of New York arrived at Hot Springs this morning, was taken for the President and Mrs. Wilson.

Wanted to Return Today.

The President wanted to start back sooner, but the railroad officials could make no quicker arrangements than would permit his departure tonight.

Dispatches received by President Wilson from the State Department yesterday are understood to have included a report of the torpedoing of the Persia. No comment on the news was given out.

The President and his wife took a long walk and an automobile drive yesterday, and Mr. Wilson spent two hours replying to New Year greetings.

APPELLATE COURT UPSETS HER VERDICT FOR $10,000

Remands for New Trial Mrs. Madeline A. King's Suit Against Capital Traction Company.

By a decision of the Court of Appeals handed down today by Justice Van Orsdel, Mrs. Madeline A. King, widow of John L. King, lost a verdict for $10,000 rendered in her favor in the District Supreme Court against the Capital Traction Company for the alleged negligent killing of her husband.

The Court of Appeals held void a regulation of the interstate commerce commission, passed while that body had control over the operation of Washington street railways, which limited the speed of cars at street crossings to six miles an hour.

The trial court had upheld the regulation and admitted it in evidence against the defendant company. The appellate court holds that this action was erroneous, and remanded the case for a new trial.

The case grew out of the death of John L. King, a retired navy warrant officer, who was struck by a Pennsylvania avenue car at 6th street northwest, April 5, 1911.

The railroad company was represented by Attorney Frank J. Hogan and the plaintiff by Wilton J. Lambert, R. H. Yeatman and F. R. Whippler.

AFFIRMS THE DISMISSAL OF SUIT FOR INJUNCTION

Court of Appeals Sustains Decision of D. C. Supreme Court in Wells vs. Roper Case.

The decision of the District Supreme Court that the United States can be sued for breach of contract only in the Court of Claims was sustained today by the District Court of Appeals in an opinion by Chief Justice Shepard. The appellate court affirmed the dismissal of a suit for injunction brought by Josephus Wells against Daniel C. Roper, first assistant postmaster general.

The plaintiff had a contract to furnish automobiles for the collection of mails. Congress made an appropriation for experimental service in Washington, which conflicted with the contract of Wells, and Mr. Roper gave notice of his intention to discontinue the service being furnished by Wells. The court finds he had a right to do so under the contract and that it was immaterial if he did accompany the notification with the statement that the contract would be canceled because the equipment was the sole service to be furnished by Wells.

ROOSEVELT ON G. O. P. TICKET.

Former President to Compete With Senator Smith in Michigan.

LANSING, Mich., January 3.—A sufficient number of petitions to place the name of former President Theodore Roosevelt as republican candidate on the Michigan presidential primary ballot were filed with the secretary of state today. Several days ago petitions on behalf of the national progressive party in Michigan were filed to place Mr. Roosevelt's name on the progressive presidential primary ballot. The secretary of state is notifying Mr. Roosevelt of the action of both parties.

Additional petitions were received today making certain the placing of the name of United States Senator William Alden Smith on the Michigan republican presidential primary ticket.

ROBERT N. McNEELY.

SINKING OF PERSIA CAUSES CRISIS

(Continued from First Page.)

indicate a view as to vessels sailing in other waters because conditions had changed.

Chairman Stone of the Senate foreign relations committee conferred with Secretary Lansing at the Secretary's invitation, but was non-committal about his visit. Senator Stone admitted that the submarine crisis had been discussed and that he expected to confer with President Wilson on the latter's return tomorrow. He said he did not know whether the crisis would be considered by the foreign relations committee "just yet."

There seemed to be a growing impression in official quarters that tomorrow the President may call the Congress leaders together and acquaint them fully with the situation.

President Is Determined Submarine Question Shall Be Brought to a Showdown

President Wilson is returning to Washington ahead of his schedule in a mood of determination, it was learned today, to bring to an issue the question of submarine slaughter, which has been made more acute than ever during the past two or three days by the sinking of the Persia, with Consul McNeely on board.

It was stated today that the President will endeavor, immediately upon his return, to ascertain the facts in this latest case and will act promptly as soon as they have been reported. A special meeting of the cabinet is not at all unlikely, as soon as the reports have been received, giving the basis for action by this government.

The gravity of the situation is to be seen in the fact that the President has hastened his return form Hot Springs by two days, having been in close communication with Washington ever since the receipt of the news of the Persia disaster.

It is, of course, not known at the White House or at the State Department that the Persia was sunk by an Austrian submarine, or that she actually falls within the category of the vessels for which this government has demanded at least the right of warning before being sunk, with ample opportunity for an escape of all on board.

May End Relations Abruptly.

But it became plain today that if this is the case, and the Persia was sunk as was the Lusitania and the Arabic, without warning or resistance, Austria, if a vessel bearing her flag was the agent of destruction, will be called to terms in the sharpest language yet used in a note bearing on the submarine question.

It is even hinted that there is in some minds a peremptory dismissal from Washington of the diplomatic representatives of the offending power, if the facts are as now believed.

It furthermore developed today that the President does not intend to yield in this matter any degree of responsibility or initiative to Congress, but that he proposes to continue to handle the question administratively, without reference to the actual warmaking power of the government.

Congressional visitors to the White House today, who went there in order to learn the latest news on the situation, indicated that there is no disposition to relieve the President of any of the responsibility in this matter, but that there is a willingness on the part of legislators to allow him to continue to deal with the questions without being hampered by suggestions and advice.

The President's determination to bring the submarine question to a final showdown, it was learned today, is inspired by his appreciation of the fact that the destruction of the Ancona and the Persia have aroused public feeling in this country to an even greater degree than was manifest in the case of the Lusitania, and that there is a national demand for positive action that will clearly define the American condemnation of the practice of murder by submarine.

If you want work, read the want columns of The Star.

London Papers Ask if Cup of Teutonic Enormity Is Full Enough for America

LONDON, January 3.—The London morning papers, in editorials on the sinking of the steamer Persia, denounce the act in scathing terms and ask whether the cup of Teutonic enormity, as far as America is concerned, is yet full.

The Daily Mail says: "The cowardly sinking of the Persia will steel the hearts of all Britons and prompt them not to a mere denunciation, but to action and will convince the waverers by thousands that the hour has come to enlist."

The Daily Express says:

"These submarine murders will not be disregarded in America. American citizens have been murdered before; now a United States official has been killed. Germany has clearly shown that she is indifferent to the world's opinion."

The Standard says: "If President Wilson thinks it worth while to continue haggling with the German and Austrian governments while such crimes continue and while the note promising redress for the Ancona—with the tongue, of course, in the cheek—on its way to him that is his concern. Ours is to redouble our efforts to hasten the day of victory. The effect of the latest outrage will be to assist in passing the compulsory service bill and stimulate recruiting."

No Room for Explanation.

The Times, assuming that it was the Austrians, though it may possibly have been German or a Turkish submarine, says: "Whatever flag is stained by this fresh outrage there is no room for hollow, cynical explanations by which Vienna sought to amuse Washington. It cannot be pretended that the Persia was torpedoed in such a gentle fashion that the passengers ought to have been saved but for the culpable negligence of the crew, which is the cowardly defense of the Austrians in the Ancona case. Even Austrian impudence and cynicism cannot plead that five minutes is long enough to save hundreds of passengers."

The Times considers that the central powers will find it dangerous to flout American opinion, and says that "the cup may or may not be full in America, but when it is full it overflows with disconcerting suddenness."

Shows Value of Assurances.

The Chronicle says: "In the light of this appalling crime President Wilson can measure the value of the assurances received from Germany and Austria. The former never apologized for sinking the Lusitania and Austria has sent to Washington a tardy apology for sinking the Ancona, its utter insincerity being shown by the almost simultaneous sinking of the Yasaka Maru, the Ville de la Ciotat and Persia. The central powers could scarcely be more open in their contempt for the American government, and one wonders how much longer the American government and people will continue to tolerate their attitude."

"Presumably America's action will be determined by the fate of the few American passengers aboard the Persia," says the Daily News. "We should like to believe for the sake of her good name, as much as in the interest of any victims of the future, that it would not, but whatever the President's decision, his right to choose his course without complaint or criticism from this side is unqualified and unquestioned."

DISASTER APPALS ITALY.

"Grievous Offense Against Civilization," Is Opinion of Press.

ROME, January 2, 7:15 p.m.—The sinking of the Persia has made a profound impression in Italy, which is reflected in the press.

"This new crime is a grievous offense against civilization," says the Giornale d'Italia, "especially as it comes almost at the time of the Austrian note to America, with its profession of humanitarian principles."

The Tribuna recalls the fact that during the negotiations with the United States concerning the Lusitania, Germans sank the Arabic, just as now, with the Austro-American exchanges over the Ancona in progress, the Persia has been destroyed.

The Idea Nazionale says that, beginning with the Lusitania, and ending with the Persia, more than 2,000 unarmed persons, including women, children and aged and ill persons, have been sacrificed.

LIMIT TO PATIENCE OF U. S.

Is Pointed Out by Paris Temps in Editorial Comment.

PARIS, January 2, 5:35 p.m.—"Germany's war on inoffensive passengers continues, despite the protests of the United States and the injunctions of the cabinet at Washington," says the Tempt in an editorial discussing the sinking of the British steamer Persia. "Notes continue to accumulate without results and the Austro-Germans go on with drownings and assassinations. There is, however, a limit to the patience of the American government.

"Public sentiment in the United States is in favor of the allies, and its sincerity is indicated by the immense amount of supplies sent to the Belgians, the invaded regions of France and to the Serbians. American charity gives unceasingly enormous sums. To this active sympathy there is added growing anger against the authors of so many misdeeds. The destruction of the Persia without warning will complete this indignation."

DENIES AUTHORITY TO REVOKE LICENSE

Chevy Chase Sanatorium Refuses to Abide by the Commissioners' Order.

CONTEST IS DIRECTED BY BOARD OF TRUSTEES

Assertion Made That Objections to Institution Are Not Well Founded.

Asserting that they "decline to be bound by the Commissioners' idea of what a nuisance is, especially when it is contrary to that of the Commissioners' legal advisers," trustees of the Chevy Chase Sanatorium, at 32d and Tennyson streets northwest, today announced their intention to oppose by every legal means the order revoking the license of the institution.

This decision was reached at a meeting of the board of trustees, and the law firm of Tucker, Kenyon & Macfarland, which represented the sanatorium at the hearings held in the District building, has been instructed to take charge of the case.

According to a member of the firm it has not been decided whether a restraining order against the Commissioners shall be applied for or the order ignored, so that the District heads will be required to take the initiative in the matter.

Revocation of the license, in accordance with the Commissioners' action, is to become effective February 1. Their decision followed a nine-month investigation of the case, after receipt of a petition from Pinehurst and Chevy Chase residents that the institution be required to close on the ground that it is a nuisance to the neighborhood.

Assistant Corporation Counsel Stephens, who took testimony in the case for the Commissioners, reported that, in his opinion, there would be no justification either in law or in fact for revocation of the license.

Statement by Trustees.

The fact that the Commissioners disregarded the findings of its legal department is commented upon in a statement given out today by the trustees of the institution, which is as follows:

"The members of the board of trustees of the Chevy Chase Sanatorium state that after careful consideration of the action of the Commissioners in attempting to revoke its license, at the instance of residents of the neighborhood who objected to its presence, they have determined that it is their duty to the patients of the institution under treatment, to the officers of the institution and others interested in it, including, they believe, a considerable portion, at least, of the medical profession of the District, to resist that action by all proper and legitimate means in their power.

"Accordingly the sanatorium will continue to receive and treat patients unless and until the action of the Commissioners shall receive the sanction and approval of a court of competent jurisdiction.

Allege Misconception of Facts.

"The trustees are convinced that the objections of those who seek the revocation of the license of the institution, as well as the action of the Commissioners, are based largely, if not altogether, on a misconception of the character of the institution, the belief being apparently entertained that it is what is commonly called an insane asylum. Such is not the fact. Less than one-half of the patients who have been treated—about 200 in number—have suffered from any form of mental trouble, the others having been treated for various physical and nervous diseases. When the charges against it were made the officials of the institution promptly requested the Commissioners to direct the health officer of the District of Columbia to visit, inspect and report upon the character of the patients being treated, the methods of treatment and the conduct of the institution. This request was not complied with.

Inspection Invited.

"Then the Commissioners themselves were urged to visit the sanatorium, but they failed to do so. In the two years of its existence, although expressly subject to official inspection by the law, it has only once been visited by the health officer or any of his deputies, and then an inspector, in the absence of the superintendent, called and examined its books and sanitary conditions, and, it is understood, made a formal report that all requirements of the law and of the regulations had been fully met.

"Now, however, the Commissioners, with not suggestion of a complaint by the health officer, and without any effort whatever to officially verify the charges made against the institution, undertake to revoke its license, apparently giving no consideration to the testimony given before the assistant corporation counsel, who conducted the hearings, by some of the most distinguished physicians of the District, many of whom visit the sanatorium from time to time while in attendance upon patients they send there, and some of whom have carefully inspected the institution, concerning the character of the patients, the diseases for which they were being treated and the remoteness of the buildings from neighboring houses, which testimony indicated with the utmost clearness that the objections which had been made, based upon alleged noises emanating from the institution, could not possibly have any foundation in fact.

Say Charge Is Baseless.

"The charge that there had been escapes from the institution was shown to be equally baseless, for the very good reason that any patient who wants to leave the institution has a perfect right to do so. There never has been a commitment of any insane person, or any person, sane or insane, to the sanatorium since its establishment, and without a commitment no hospital or sanatorium in the District has any legal right to prevent a person from leaving it at will. Any attempt to do so would render the officials of the institution liable for false imprisonment. Every patient who has been admitted to the institution has come there volunarily and has had the right to leave when he pleased and go where he pleased. Most of them who have left have returned to their homes in the city of Washington and are now there. Hence what has been said about escapes has simply been idle talk.

Deny Power of Commissioners.

"The Commissioners have apparently fallen into the error of believing that they have the power to revoke the license of a private hospital or sanatorium if its mere presence offends the sensibilities of the residents of the neighborhood, and their idea seems to be that if it does so it is a nuisance.

"The officials of the Chevy Chase Sanatorium from the outset have denied, and now deny, that the Commissioners have any such power, and say that what the law permits cannot of itself be a nuisance. They also say that what is or is not a nuisance is a judicial question, which can only be determined by a duly constituted judicial tribunal. If it were otherwise, property in the District would be held on a very precarious tenure.

"They decline to be bound by the Commissioners' idea of what a nuisance is—especially when it is contrary to that of the Commissioners' legal advisers, whose opinion on the subject accords with that of the officials of the sanatorium and their counsel."

D. C. LACKS RIGHT TO REVOKE LICENSE

Metropolitan Club May Still Sell Liquor, Justice Van Orsdel Holds.

DISCRETION EXERCISED BY THE EXCISE BOARD

Action of Body Cannot Be Impeached Collaterally, Court Says, in Opinion.

The District of Columbia cannot impeach collaterally a license issued by the excise board after it has received the license fee. The District Court of Appeals so decided today in an opinion by Justice Van Orsdel sustaining the judgment of the Police Court in favor of Nathaniel Wilson, president of the Metropolitan Club.

The license furnishes a complete defense to the prosecution, the court declares.

After the excise board had received the fee for a license and had granted the privilege to the president of the club to sell liquor at premises 1700 H street northwest, the District of Columbia filed an information in the Police Court against the club, charging the unlawful sale of liquor.

The District claimed that the license was void because it allowed the sale of intoxicants in a residence section against the provision of the Jones-Works act, and also on the side of a square where less than 50 per cent of the frontage was used for business.

The club, through Attorney Clarence R. Wilson, filed a demurrer in the Police Court, which was sustained. The District of Columbia then prosecuted an appeal, declaring that it was not bound by the action of the excise board.

Opinion of the Court.

In sustaining the Police Court Justice Van Orsdel says: "It appears from a review of the act that the excise board is vested with wide administrative and judicial discretion in the matter of granting or refusing liquor lincenses. The board is created a quasi-judicial tribunal, with sufficient express powers, either by interpretation of the provisions of the act itself or by rules not inconhsistent therewith, to give force and effect to the broad purposes of the act. There are limitations in this act, and in other statutes in force in this District defining territorial limits within which it is made unlawful under any circumstances to grant a liquor license.

"The Metropolitan Club, however, is not located within any of these described limits. But, it is contended, and so alleged in the information, that the license is null and void for the reason that the club is located within a residence section and not on the side of a block where more than 50 per cent of the frontage is devoted to business purposes.

"This brings us to the consideration of the powers and jurisdiction of the board. Manifestly, the board would exceed its jurisdiction if it granted a license to sell liquor within prohibited territory expressly described. Such a license would be totally void. But that is not this case. Concededly the Metropolitan Club is not located within territory expressly prohibited and in which the board has no jurisdiction to entertain applications for licenses.

Left to Discretion of Board.

"On the contrary, the act expressly confers upon the board power and discretion to determine in this instance whether or not the club is in a residence or business section of the city or on a square where more than half of the frontage is devoted to business. These matters being left to the ascertainment and determination of the board, a license erroneously granted after full consideration of the questions of fact and of mixed law and fact is not void, but voidable. It is unnecessary to consider whether, under the language of the act making the actions of the board final and conclusive, jurisdiction rests anywhere to review the judgment of the board on the questions of law and fact thus confided to its discretion."

The court points out that a challenge of the license in the present proceeding would involve an inquiry into the questions of fact upon which investigation was required of the board before granting the license. Such a review on a license merely voidable would constitute a review of the action of the board in a collateral proceeding, the court finds.

Immune From Attack.

The court holds that the excise board's findings, resulting in an issuance of a license valid on its face, are as immune from collateral attack as would be a license granted by a municipality or by a court.

The board had jurisdiction, Justice Van Orsdel points out, of the subject-matter and of the parties to determine the fact whether on not the Metropolitan Club is located within a residence section or on a square 50 per cent given over to business, and, having adjudicated the matter and issued a license in proper form, its action cannot be reviewed collaterally.

Marriage Licenses.

Marriage licenses have been issued to the following:

Aubrey C. Carr of Beaver Dam, Va., and Rena M. Carr of Goodlow, Va.

Harry E. Dygert and Elizabeth H. Knight, both of Richmond, Va.

Guy C. Williams and Mary M. Cornwell.

Frank R. Lewis and Nellie B. Brown.

Maurice H. Cohen of this city and Harriet Ettinger of Schenectady, N. Y.

Joseph C. Freeman and Myrtle R. Mountain, both of Windsor, N. C.

Pluragraph Pictures.

Activities of the American Red Cross, incling rescue work and swimming instructions given at the tidal basin in this city some time ago, aroused special interest in the Pluragraph pictures which were shown at the New National Theater yesterday afternoon and last evening. Films of artistic beauty were the color photographs entitled "Diana, the Huntress," with Baroness von Dewitz, the Copenhagen actress, pictured as Diana, with Paul Swan as Apollo and Pan, and showing the Florence Fleming Noyes dancing girls. A notable photoplay offering was "The Purloined Letter," founded upon Edgar Allan Poe's story, with Edith Wynne Matthison pictured as the Countess de Guise. "A Boy Scout," based upon a story by Richard Harding Davis, furnished another series of pictures of special interest to those interested in the Boy Scout movement.

Fire Causes $300 Damage.

Firemen yesterday extinguished a fire in the house of Henry Batch, 169 Adams street northwest. Nothing was found to suggest the origin of the fire, according to the police. The damage amounted to $300.

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