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Will Lurton Be Safety Device?

Adam M. Schlemmer was a brakeman. He lived in a small town in Pennsylvania, supporting a wife and family on the wages earned by coupling cars for the Buffalo, Rochester & Pittsburg Railway company. One Sunday night he failed to get the coupling into the hole where it should have gone, and his head was mashed to a jelly.

Since then Schlemmer has become a United States supreme court precedent.

The car which Schlemmer tried to couple was defective. It was without the automatic coupler which the law passed by congress March 2, 1893, requires such cars to have. Schlemmer's widow sued the railroad, setting out this fact and asking damages.

The corporation-owned courts of Pennsylvania threw Schlemmer out of court. The judges said he was careless. They said that a careful man would have kept his head out of the way of the car-bumpers. Or, if he had been still more careful, he would have resigned his job. Inasmuch as he insisted upon getting his head in the wrong place, it must be assumed that he was careless, therefore guilty of "contributory negligence," therefore not a proper party to sue a railroad for compensation.

When Schlemmer's case got to the United States supreme court it produced a division of opinion among those learned gentlemen. Mr. Justice Holmes and a majority of the court held that Schlemmer was probably not intent on committing suicide, and that it was fair to assume that he did all he could to keep his head from being mashed.

Mr. Justice Brewer took the other view.

It was shown that the coupling had to be directed into a three-inch slot; that the coupling was heavy; that a failure to get it into the slot would result in the inevitable smashing of the man who failed; that the night was dark, and that the space between the cars was very narrow.

Mr. Justice Brewer thinks Schlemmer's job was easy. He said in his opinion:

"Before the deceased went under the car he was twice notified to be careful and keep his head down; and yet, without any necessity therefor being shown, he lifted his head and it was crushed between the cars. All that he had to do was to guide the free end of the drawbar into the slot."

That was all Schlemmer had to do; just to keep his head out of the place where it would be smashed. Just keep it down, and guide the drawbar into the three-inch slot.

The familiarity of Mr. Justice Brewer with drawbars and coupling slots was sufficient to cause him to decide that the job was an easy one. Frequently, no doubt, Mr. Justice Brewer has, of a Sunday night, in a dark railway yard, with a lantern in his hand, crouched between the ends of two approaching cars, certain that the coupling would be made or his head would be the penalty.

Perhaps Schlemmer was sleepy. Maybe he was thinking of the minister's sermon. Perhaps he was meditating on the latest prank of the baby. Who can say that he had not read one of Mr. Justice Brewer's public speeches and was wondering at the ease with which a judge can make his twelve thousand per annum, while a brakeman has to get out at 9 p. m. and "hustle for the grub?"

Anyhow, Schlemmer did not get the drawbar to the opening, and the penalty he paid for his "negligence" was death.

The moral of the tale is this: Mr. Justice Brewer and Judge Horace H. Lurton (nominated by President Taft for the United States supreme court) hold identical views as to the "negligence" of Schlemmer.

Is Judge Lurton the best kind of judge to put on this court in these days when employers' liability acts, coupler acts and similar laws are coming to this court for their final testing?

Justice Holmes carried the spirit of the "safety device" for the benefit of the brakemen clear up to and through the supreme court. Can Lurton be expected to do likewise?

It is, of course, assumed that the Smithsonian institute gave three cheers and the zoological yell when it was learned that Kermit killed a sitatunga.

President Taft may try to settle the switchmen's strike—of course with one eye always on "the solidarity of the Republican party."

So far it has not been reported that any enthusiastic admirer has sent "Uncle Joe" a new cuss word for Christmas.

Cutting down the police force at this time decreases the cost of living, also increases the chances of living.

This is the last night of the year all right, but there's no reason to suppose that there won't be any bartenders working in 1910.

Among the other much-to-be desired innovations is the safe and sane New Year's eve.

Of all sad words of tongue or pen, the saddest of these are "Never Again."

Maybe Mr. Hallinger means the conservation of his vindications.

THE OUTBURSTS OF EVERETT TRUE

THIS IS THE TIME OF YEAR WHEN IT'S CUMMOTARY TO GRAB HOLD OF THE HIGH RESOLVE, REFORM, TURN OVER A NEW LEAF, SWEAR OFF, AND THAT SORT OF THING, SO THAT'S JUST WHAT I'M GOING TO DO RIGHT NOW—NOT!!



FROM DIANA'S DIARY

Miss Dillpickles Becomes an Auto Enthusiast by Proxy. Also a Chauffeuse by Necessity and a Daredevil by Demand.

BY FRED SCHAEFER.



"Mrs. Speedway-Nero Spoke in My Defense. She Said the Bicycle Cop Had Scratched the Piano Finish on the Limousine Body."

It is fierce! Of course I wound up in police court after I ran down the bicycle cop with the Jarless, "The Car That Aro." There wasn't any charge against Mrs. Speedway-Nero, although she was among those present when the thing happened. But she took a lively interest in the case, seeing that it was her car. She telephoned to the hospital to learn how the cop was getting along, and said she hoped it would teach those minions of the law not to infringe upon the rights of automobile owners, and hereafter stick close to the gutter. The cop wasn't badly hurt, thank goodness, and was able to appear in court against me today. Mrs. Speedway-Nero was in court, too. She was there to speak in my defense. She said the bicycle cop had scratched the piano finish on the limousine body of the Jarless Six while getting it run over, and should be punished for malicious destruction of property. This made a great impression on the judge. Several times he wiped away the tears that blinded his eyes. I don't know how much the fine would have been if it hadn't been for my employer, but they marked down \$80 against me, not counting the doctor's bill. Mrs. Speedway-Nero paid it, or I would have gone to the workhouse. She said it was an outrage, and it was coming to a pretty pass when traffic policemen had to be added to the upkeep of an automobile. "Hereafter, Dillpickles," she instructed me, "do not stop when you run over one of the canaille." (Continued.)

"JUST KIDS"

BY T. S. ALLEN



"Ain't you goin' ter save me, Willie?" "Aw, wot's do use, Mame—I ain't a marryin' man!"

ALL ABOUT PUSSYCAT-MIT-DER-GUMSHOES

OSGAR TELLS DER LIDDLE FOLKS HOW A BOY'S BEST FRENZ ISS HISS MALTESE—BUT ONLY IN A FAIRY STORY.

By Fred Schaefer.

If you don't believe vot I am going to tell you, chiltren, please don't ask me to sprain my match-inaddon again. Von dime der wass a miller. He hat a sissage mill and a chackans and a pussycat. Von day ven pitzenness wass dull he died and left all his property to his drei sons. He gafe der oldest der sissage mill, hecos id wass losing money. To der second son he gafe der chackans, becos dey woult make a goot team. To der liddlest son he gafe der pussycat, so id woult nod get into der sissage mill by mistake. You may dink dot der liddle fellier wass stung like der rest of dem, but dis wass no cheap, curbstone pussycat, but a stehucated pussycat mit nine brains instead of nine lifes. Der fairst ding vich she did wass to get a pair of gum shoes so she coult sneak round and steal milk boddies off der front porches for her master. Dis wass only der commencement of der stard. Der pussycat began a gumshoe campaignings to make her master solit mit der king. She vent to der king and tolt him she wass der pussycat of der Count von Kokomo. Der king hat nefere catson, subbed to be direct from Kokomo. Dis graff mate a great hit mit der king. By der dime der king began to dink der Count von Kokomo must



be a fine liddle soont, der pussycat id fixed so dot der boy shoult be swimming in der reservoir ven der king passed on his royal ret velzopede. "Dere iss my master!" cried der pussycat; "he iss ditting for some more pickled herring for my matchesty." Ad dis der king took off his sweater and gafe id to der boy and let him rite back to der palace on der hantle bars. Den der cat tolt eferbody who wass painting a house or tearing up a street or shoving a push cart dot id belonged to der Count of Kokomo ef anybody asked der id. Of course, ven dey wass requested by a pussycat veering gum shoes, dey wass only too villings to say so, becos dey tot dey hat been trinking too much buttermilk and to say id woult only soont natchural from anybody mit too much buttermilk aboard. Id make der king feel fun-

LUMBER BARON

BUYS "WRITE-UPS" IN THE NEWSPAPERS AND THUS DISQUALIFIES HIMSELF FROM BECOMING UNITED STATES SENATOR.

Robert L. McCormick, lumber trust candidate for the United States senate, is a lawbreaker, and is disqualified from holding the office to which he aspires. Mr. McCormick, in his desire to break into the senate to bolster up the waning cause of plutocracy, is not only trying to buy his way in, but is breaking the law and attempting absolute deception on the people of this state. The direct primary law absolutely prohibits candidates for office from buying the favor of newspapers and paying for editorial comment to boom them for office. Observe the following: "America boasts no titled aristocracy. Her nobility are self-made men, whose careers blazon the pathway to success; whose achievements are stimulus to incentive, and emulation of whom is sesame to fortune. Scores of names are inscribed on Washington's scroll of fame, but none is better entitled to the distinction than Robert Laird McCormick. Nor is there one after whom the youth may pattern with better profit to character and fortune. The lives of such men are object lessons for future generations, and their characters are idols of the American nation. "This glowing tribute was not written by a paid biographer. Rather it is the honest conviction of a man who has studied his subject with an ardent and every angle in his make-up, and who has then given expression to a sentiment held by every loyal Tacoma and scores of men ranked high in the political and industrial sphere of the nation." Robert L. McCormick paid for that with coin of the realm, in violation of law. This is a sample of one of the long two-column screeds of fulsome flattery that he is buying newspapers to publish in violation of law throughout this state, the matter being paid for at a good price so it will appear as original editorial without advertising marks. By actual mendacity he purposes to hoodwink the people and deceive them into supporting him for the senate. "This glowing tribute was not written by a paid biographer," says the direct primary law, adding half-faced falsehood to the crime of violating the direct primary law. That glowing tribute was paid for by Robert L. McCormick. He paid for the writing of it and he paid for the printing of it in several little weekly newspapers, in knowing violation of law. Will the people of the state stand for this sort of downright corruption? Will they be hoodwinked into sending a man to the senate to support Aldrich and Cannon because his barrel is big enough and because he is unprincipled enough to practice this most dangerous form of deception?

STAR DUST

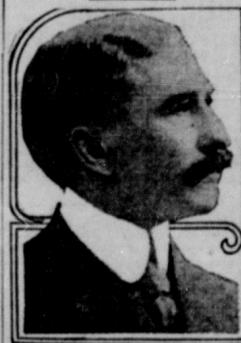


Do not blame the ass for being stubborn. He would not be a perfect ass if he were otherwise.—Harper's Weekly.

Visitor—Fat man, I notice, are quite thick in Boston. Hubbs—Fat men are thick wherever you find them.—Boston Transcript. The efficacy of the old-fashioned household duties as means of physical development is again hinted at by this bit from Success. "Physical culture, father, is perfectly lovely," exclaimed an enthusiastic young man just home from college. "Look! To develop the arms I will wrap my feet by one end and move it slowly from right to left. "Well, well!" exclaimed her father. "What won't science discover next? If that rod had straw at the other end, you'd be sweeping."

A Wise Youngster. The teacher of an East Boston primary school was recently giving her charges instruction on coins. Which would you rather have, a dollar or two half-dollars? she asked. A nervous boy promptly responded that he would prefer two halves. "Why?" he was asked. "Because," he replied, "if you lose one you've got the other." An intuitive application of the old precept: "Don't put all your eggs in one basket."—Boston Transcript.

DIPLOMAT LEAVES BELGIUM FOR MEXICO



From the country of King Albert I. to the country of President Diaz is the step taken by Henry Lane Wilson, ambassador to Mexico, whose appointment by President Taft has just been confirmed. He has been minister to Belgium since March 6, 1905. His post in the City of Mexico will be fraught with great delicacy for the next few months, due to the troubles in Nicaragua, in which Mexico and this country are interested. Also, the press of Mexico has been stirred to white heat against the United States on account of attacks on the government made by John Kenneth Turner in the American Magazine. Mr. Wilson's home is in Spokane. He is a brother of former Senator John L. Wilson of Seattle.

STORIES ABOUT TOWN

"There is a friend of mine down in New York," said William H. Crane yesterday at his dressing room at the Moore, "a very charming young woman, who told me a story last fall about this game of bridge. "She had grown up in a small town where they play a mild game of bridge, with tea and cookies to follow. Then she married a well-to-do New York man. One of his friends invited her to a luncheon one day. Bridge, of course, followed the luncheon. "As my friend was leaving, the hostess said, in his sweetest tones, 'I am so glad you came to the afternoon, dear—and you owe me \$75.' "For what?" asked my young friend, with a gasp. "Why," remarked the hostess, smiling exquisitely, "that was your loss at bridge." "Oh," murmured the unfortunate, faintly, "I did not understand, and I have not the money with me—but I will send it to you." "The young woman went home and sobbingly told her husband her experience. Without a word he drew a check and handed it to her. "But, dear," she said, between her sobs, "my loss was only \$75, and this check is for \$80." "Yes, I know," replied the husband drily. "Send Mrs. Blank a note and tell her that the extra \$5 is to pay for your luncheon." It wasn't his first appearance as an applicant for divorce. The attorney for the opposite side knew this, and sought to gain a point by asking: "You and your wife got along pretty well together now, don't you?" "Wal, she purty nigh called me honey 't'other day," replied the witness. "That so, that so?" remarked the attorney, nodding toward the court with an important air. "Tell the court all about it," he ordered. "Wal," replied the witness, setting back in his chair and gazing at the ceiling with a twinkle in his eye, "I wuz cuttin' the kindlin' in the back yard when she opened the back door and shouted: 'Ef ye want any breakfast, old beeswax, ye better come in.'"

TODAY'S STYLES TODAY. Let us wish you Three Hundred and Sixty-Five Days of unalloyed Happiness and Prosperity. May your burdens be lightened. May your cares be banished. May your comforts be unlimited. Let this be one of your resolutions for the coming year, that when you want the newest styles and highest quality in either Men's or Women's Apparel, USE OUR EASY PAYMENT PLAN. Store Closed Saturday. Eastern Outfitting Co., Inc. 1332-34 Second Av. 209 Union St. "Seattle's Reliable Credit House"

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