PEACE TALK FROM TAKAHIRA

HEARTS ARE TRUMPS IN JAPAN'S DIPLOMACY, HE SAYS.

Newly Appointed Ambassador Talks to the Japan Society and Praises Roosevelt for His Efforts to End the War—Chauncey Depew and Dr. Finley Speak.

At the dinner given by the Japan Society of New York to Baron Kogoro Takahira, the newly appointed Ambassador of Japan to the United States, at the Hotel Astor last night the Ambassador followed his deviation from the path of the seasoned diplomat by giving another heart to heart talk on a subject Ambassadors do not usually touch—the diplomatic relations between the empire from which he is accredited and the republic to which he comes. He even went so far as to say that he did not know what application the Anglo-Japanese treaty would have in the event of a conflict between America and Japan, but he was sure that his Government never considered such an eventuality when that instrument was drawn and signed.

The ballroom of the Astor was decorated beyond the usual limit of the State dinner or college alumni jollyup. Sprays of greenery and great bouquets of roses made the space between the tables and the walls a hedgerow of color, and behind the head of Baron Takahira the Sun flag and the American banner intertwined lovingly. Over each of the tables hung lanterns of Japanese rice paper inscribed with the names of the guests beneath.

Those who were there were Major-Gen. Frederick Dent Grant, Rear Admiral C. E. Goodrich, Rear Admiral Joseph B. Coghlan, retired; Senator Chauncey M. Depew, Courtney Bennett, Consul-General of Great Britain; Mr. and Mrs. K. Fukui, Mr. and Mrs. E. S. A. De Lima, Prof. S. Takahashi of the Imperial University, Tokio; Gen. and Mrs. Stewart L. Woodford, John Foord, secretary of the American Asiatic Association; Judge and Mrs. George C. Holt, Dr. and Mrs. Takamine, Gov. J. Franklin Fort of New Jersey, Matsuzo Nagai, Lindsay Russell and Consul-General K. Midzuno of Japan.

When President Finley arose to introduce the Ambassador he plunged gayly into the profundities of parsed verbs and convoluted conjunctions to point his metaphors. The Ambassador would not object to being called a pronoun, President Finley was sure, even a pronoun in the second person singular, for it is of that kind of a pronoun that Americans like to talk. And as for the rest, if a conjunction connects two parts of speech, isn't the Pacific Ocean a conjunction connecting two parts of the world, or words to that effect.

"I am overwhelmed with the scholarly introduction of your President," said Baron Takahira, when he rose to reply. "I am afraid that since I am a diplomat, and a diplomat spends most of his time searching the world for everything but parts of speech, I cannot be as proficient in my grammar as President Finley would have me; but I will try to surmount all difficulties." Ambassador Takahira then said:

The reference made by your toastmaster to President Roosevelt reminds me of the great debt of gratitude Japan owes him and the United States, which he represented when he brought peace between the warring countries. When I first went back to Japan in January, 1906, some people were still in jail because they led the uproar in protest against the peace of Portsmouth. Now I am sure there is not one of the 50,000,000 of Japanese who does not recognize the tremendous humanity of President Roosevelt.

I must tell you beforehand that if you expect me, as the new representative of Japan, to say something new and especially interesting to you I am sure you will be greatly disappointed. I am the same man as I was during my previous sojourn in this country. Japan has the same organization of government with the repesentative system through which popular voice is carefully consulted. The Emperor, whom I have the honor to represent near the Government of the United States, is the same personage—large minded and far sighted, always eager for the happiness and prosperity of his subjects and at the same time equally sincere in his desire for the well being and good care of all other people.

It is true that we have nowadays an enlarged sphere of influence on a small portion of the Asiatic continent that we did not possess some years ago, but this by no means necessitates any change in the general policy of the Empire. Japan's aim and purpose as a nation are always the same. In order to give you the exact idea of what we have been aiming to do in the Far East I may better quote what I have said before. Exactly five years ago, in the month of March, 1903, I delivered an address on the position of Japan in the Far East at a meeting of the American Academy of Political and Social Science at Philadelphia.

I remember I said then among other things that "the sincere desire of the Japanese Government and people was to have all neighboring countries realize that mutual interests can best be promoted by the maintenance of peace, the promotion of commerce and industry and the strengthening of the ties of interdependence. It is not meant by this that a race coalition should be formed hostile to the interest of other countries. My meaning simply is that a country to be truly prosperous should have peaceful and prosperous neighbors. That naturally leads to interdependence not politically, but socially and commercially and establishes the surest guarantee of peace to all concerned."

To-day, after five years since the delivery of my address just referred to, I do not see any necessity of modifying what I said then. The only difference you may have noticed in the position of Japan is that instead of forming a race coalition with our neighboring countries, as it was then suspected in some quarters, Japan has entered into a treaty of political interdependence with a nation of your kindred race and of the same creed. I mean, of course, Great Britain, our honored ally. But this treaty was concluded purely and simply to secure the peace and therefore the prosperity of the Far East. It has no ultra motives against any nation, much less against the United States, with whom we have the historical relations of friendship and sympathy invariably maintained since the beginning of our diplomatic intercourse.

In spite of all that I have heard quite often some inquiries made in certain quarters as to the extent of applicability of that treaty in case of a conflict between the United States and Japan. I am of course not in a position to define the scope of that compact, but I can assure you that we never had any thought of making even mere inquiries on such a subject. We are perfectly satisfied with the real object of that treaty, which is, as I said before, of an entirely pacific nature. I may also mention to you that since its conclusion the general tendency of the world has been to adjust, by means of agreement, questions of any importance that were formerly considered a stumbling block in the path of friendly intercourse between the Powers, and in that way to remove the cause of dispute lying between them. It is therefore gratifying to think that the desire of peace for the Far East, as expressed by Japan and England, by means of the said treaty, has been followed and strengthened by the subsequent conclusion of agreements by different Powers in order to promote the peaceful intercourse between them.

In regard to our relations with the United States, Japan has no compact of a like nature, but our friendship has been always so cordial that some one called it the "unwritten alliance." I may mention, as an illustration of such friendship, what has been in my mind in the most unpleasant time of the heated war cry.

Some months ago, while I was in Europe, the state of things as reported through the press appeared quite acute, with the question of immigration still in an uncertain position. I wrote then to a certain personage in this country substantially to the effect that the most reassuring feature of the situation was the unshakable sincerity of friendship maintained by the two Governments throughout unfavorable circumstances created in various forms, and in my opinion any question that may have been pending between the two countries would be solved by means of that sentiment, that is, the genuine friendship of unshakable strength.

I am pleased to be able to say that while we have to maintain our rights in all respects there are now between the United States and Japan no questions of any magnitude likely to remain unsettled much longer. This is at once the result of the exertion of such friendly sentiment between the two Governments as I have just mentioned, and I am firmly convinced that if there are any other questions that may arise hereafter to occupy the minds of the public men of the two countries it will be that sincerity of friendship that will exercise its power to bring about their satisfactory conclusion.

Ladies and gentlemen, there is no art in our game of diplomacy; it is the sincerity of friendship that will not only adjust any difficulties that may arise bteween us but lead us to march on the path of progress for the development of our common interests. Believe me, therefore, when I say that in our game of diplomacy my trump is hearts.

After the Ambassador had taken his seat Gov. Fort of New Jersey rose to pay honor to the new representative from Japan. He said first off that before morning the speech Baron Takahira had delivered would be printed in half a dozen languages and read around the world and that the appreciation of its sincerity would not be local. Then the Governor turned to Paterson without appreciable hiatus and told the Ambassador that in the silk mills over there they appreciated Japan and a continued friendship between that country and New Jersey.

Senator Depew when called upon recounted an incident forty-two years ago when he was asked to accept the place of Minister to Japan, "the only position I never sought." He said that he consulted a geography in Peekskill, where he was then living, to find out whether Japan was in Jersey or only on the other side of the world. When he discovered that it would take him six months to get there Senator Depew said that he decided that he would not move to that spot, so he declined the opportunity offered by a government even then sensible of its debt of gratitude to him.

The Rev. J. D. Burrell and Prof. T. Ladd also spoke.

STRANGE DIVORCE MUDDLE.

Attorney Tells Court of Perjured Testimony on Which Decree Was Granted.

Application was made yesterday to Justice Crane in the Supreme Court, Brooklyn, for counsel fee and alimony on behalf of Bessie Bernstein of 381 Fifth avenue pending the reopening of the suit for absolute divorce against her by her husband, Henry Bernstein. Lawyer Martin H. Latner, who appeared for Mrs. Bernstein, explained that the couple had been separated since November 3, 1906, and that up to December 20 Mrs. Bernstein had been receiving a regular weekly allowance. After the payments had stopped the husband began without the wife's knowledge, so she declares, a suit for absolute divorce and got an interlocutory decree, of which she also avers she knew nothing until some time afterward, when she had her husband haled before a Police Magistrate for non-support.

Mr. Latner said that his client had never been served with any summons and complaint in a suit for divorce and did not know that her husband contemplated such a step.

Lawyer M. Greenstein of 132 Nassau street, who appeared for the husband, sprang a surprise by stating that the charges against the wife in the divorce action were untrue and that the testimony given at the trial was "rank and deliberate perjury."

"I did not represent the plaintiff," Lawyer Greenstein said, "at the hearing, another attorney appearing for him then; but I would not present my case to the Court with such evidence in hand. The investigation I have made shows the case to have been framed up in perjured testimony and I would have none of it. The plaintiff was entirely ignorant that the testimony presented in his behalf was perjured. A certain man, knowing that the plaintiff was separated from his wife, framed up the whole case and on the strength of his testimoney the decree was granted. Now the plaintiff is convinced that the defendant is innocent of wrongdoing and wants to withdraw the suit."

Justice Crane said: "This is a most amazing and startling statement that you have made to the Court and I want to commend plaintiff's lawyer for his honesty and frankness in calling the attention of the Court to the matter. I think the greatest publicity should be given to divorces and that the newspapers should be allowed access to the papers in divorce cases. This particular case should go to the Appellate Division and I direct you to prepare a full and complete statement of all the facts in the case and I'll present it to the court for action in the matter."

M. P. DIRECTORS NOT CHANGED

And Only One Change in the Iron Mountain Board.

ST. LOUIS, March 10.—The annual meeting of the stockholders of the Missouri Pacific and Iron Mountain Railroad companies was held to-day at the general offices here. Vice-Presidents C. L. Clark and Alen G. Cochran and Assistant Secretary Frank Ireland were present and one of the local directors, O. L. Garrison. The voting was chiefly by proxy.

There was no change in the Missouri Pacific board. The only change in the Iron Mountain board was the election of E. T. Jeffery in place of G. C. W. Lowrey, deceased.

The directors will meet at the New York office in two weeks to elect officers for the ensuing year.

OBITUARY.

Manuel Caragol, head of the Caragol-Hall Company, wholesale dry goods merchants of 44 White street, and of the commission firm of Manuel Caragol & Son, 123 Pearl street, died suddenly of heart failure on Monday at his home, 120 Prospect Park West, Brooklyn, in his fiftieth year. He was born in Cuba and in early life settled in England, where for several years he was the representative of the Larrinaga Steamship Company. He served as Spanish Vice-Consul at Manchester and as Venezuelan Vice-Consul at Liverpool. He came to New York seven years ago and had resided in Brooklyn for the last four years. He was a member of the Montauk Club, the Catholic Club, the Outing Club and the Jolly Mariner Club. He leaves a widow, six sons and four daughters.

Ernest F. Jennings, general bookkeeper for the Public Service Corporation of New Jersey in Newark, died yesterday at his home, 339 York street, Jersey City. He was born in Clinton, Conn., on February 7, 1838. He was engaged for twenty-two years in the plumbing and gasfitting business in Jersey City and later became cashier for the United Gas and Improvement Company, afterward going to the Public Service Corporation at the time of the consolidation of trolley, gas and electric interests five years ago. Mr. Jennings is survived by his wife, one son, Randolph P. Jennings, a mining engineer in Mexico City, and one daughter, Mrs. O. J. White, wife of a Baptist clergyman in Taunton, Mass.

Mrs. Annie Brandreth McAlpin, wife of Gen. Edwin A. McAlpin, died yesterday of Bright's disease at the Hotel St. Regis. She was 55 years old and was born in Ossining, the daughter of Dr. Benjamin Brandreth. She was the organizer and president of the woman's auxiliary of the Y. M. C. A., of which Mrs. Russell Sage and Helen Gould are vice-presidents and which rendered aid to the army and navy during the Spanish-American war. She was also interested in Mrs. Ballington Booth's prison work and visited many prisons throughout the State. There are five sons, Benjamin B., Edwin H., Jr., David H., 2d., Kenneth R. and J. Roderick McAlpin.

Thomas F. Davis, 84 years old, believed to be the last survivor of the Mexican War in New Hampshire, died at his home in Nassau, yesterday. Major Davis was a Forty-niner and piloted a company of New England gold seekers across the prairies. He was in California when the civil war broke out and he was commissioned Major by the Governor of New Hampshire.

Capt. Robert H. Hathaway, master of the Pacific Mail liner Mongolia, died suddenly yesterday at Shanghai of heart failure. Capt. Hathaway for many years was master of vessels of the Ward Line running out of New York, and went to San Francisco to succeed Capt. Porter in command of the Mongolia.

José Algara, Assistant Secretary of State of Mexico, died yesterday of pleuro-pneumonia in Mexico City. He was an able statesman and was universally esteemed by foreign diplomats for his talents and courtesy.

NO GREAT MEN GROWN HERE?

ONLY ONE, SAYS FRANK MOSS, AND THAT'S ROOSEVELT.

This Makes Gruber Get Up and Object to a Number of Things Rooseveltian, Including Teaching the Young Idea How to Shoot With Rifles in the Schools.

Abe Gruber, who won the title of Colonel after many a bloody battle at the primaries, was a guest at the Hotel Knickerbocker last night, at a dinner given in honor of James R. Pettigrew, who was a public school teacher and principal in this town for fifty-two years; a quiet little dinner with reminiscences and not roasts on the menu card; but Col. Gruber had to break loose after Frank Moss had said that New York has produced only one really great man—Theodore Roosevelt.

When it came his time to speak Mr. Gruber said that the indications are that people are going daffy, plain daffy. Swashbucklers and braggarts are abroad in the land and get all the applause, he opined. He thought it a crying shame that the Board of Education was misappropriating public funds in order that the schoolboys might learn how to shoot and kill their fellow men. Certainly that policy wouldn't devolop good citizens, said Mr. Gruber, although it might please a Certain Party who takes fifteen reporters, twenty camera experts and a wagonload of guns along in order to kill a toothless old mamma bear. [Applause and laughter.]

About a hundred of Mr. Pettigrew's old pupils in Grammar School 49, in Thirty-seventh street near Third avenue, heard Mr. Gruber, apparently with much sympathy. Among them were Justices Vernon M. Davis, E. E. McCall and Almet F. Jenks of the Supreme Court; Henry N. Tefft, ex-president of the Board of Education; Egerton L. Winthrop, Jr., president of the board; Commissioners C. E. Bruce, Frank Partridge, T. J. Higgins, W. Kirkpatrick Brice and William G. Wagner; Municipal Justices Henry W. Unger and William J. Boyhan; William G. Ringler, J. C. G. Hupfel and his three sons and Samuel Goldman, who presided.

Justice McCall told a few stories and gave way to Frank Moss, who had a good deal to say about what hard sledding the native born New Yorker finds in the contest for success against the importations from the Providence Plantations, Pennsylvania, Tennessee and other provinces.

Men like Supt. Maxwell, President Finley of the City College, Chancellor MacCracken and President Butler, although excellent educators, did not attempt, Mr. Moss thought, to instill into their pupils local patriotism, love for the city's traditions and history, pride in their own big town. Even in education it was found necessary, said Mr. Moss, to bring capable men here from the places where they had distinguished themselves. Somehow New York didn't produce great men. [Voice: "It's a damned shame."]

"Why, New York has only brought forth one really great man, Theodore Roosevelt," said Mr. Moss. [Laughter, a little applause and an audible growl from Herr Gruber.] "Take Horatio Seymour, De Witt Clinton, William M. Evarts, Roscoe Conkling, Seward, the Field brothers, Dana, Greeley, scores more, all born outside this city. It's hard for a New York boy to get ahead in his own town. He has to compete against the brightest young men other communities are turning out. Usually he fails to win. What's needed is the teaching of more civic pride."

Toastmaster Goldman said he thought New Yorkers were making good, all right.

"Seventy-five per cent. of the Supreme Court Judges were born right in this town," he said. "Who are the Commissioners that handle your millions of public money? New Yorkers. Who are ninety-nine hundredths of the office holders? [A voice: "Irish!" and laughter].

"Oh, that's right, and I believe that Christopher Columbus did more for the Jews than for St. Patrick," said Mr. Goldman.

Then Mr. Gruber bounced up. He said he was surprised at the dense ignorance displayed by Frank Moss. Didn't Mr. Moss know that Charles F. Murphy, Herbert Parsons and Chuck Conners were born here?

He too remembered old 49, he said—49 Broadway, where a dear, kind hearted old man used to sit and hand out punishments and rewards to "the boys." Many a time he had been there in fear and trembling; once or twice with his chest out and all swelled up over a trick he had turned, but it was only to hear that teacher in dear old 49 say: "Yours for a notary public job."

Teaching boys how to shoot was every bit as brutalizing as corporal punishment in the schools, Mr. Gruber thought.

"I have watched with growing amazement this movement," said Gruber, "and am surprised to learn that already basements in some of the schools have been turned into shooting galleries. The President of the United States of course approves of it. I suppose he would like to see every schoolboy a sharpshooter. The brutalizing effect of this movement ought to kill it in its inception. I know of nothing that would so surely prevent our boys from becoming ideal citizens of the republic as to teach them how to kill their fellow men. What are they going to kill when they learn all this? Are they going to hunt in the wilds of Avenue A? Do they expect to shoot Indians on Sixth avenue? [A voice: "It has been done, Abe!" and some guffawing.]

"What a farce it makes of the Hague Conference! Physical exercises of all kinds are right and praiseworthy and should be part of every boy's education; but if we are to work out carefully in this country the problem of universal brotherhood and good will among men we must discourage appreciation of war and killing of human beings. [Applause.] 'Teach the boys how to shoot so they may become soldiers,' said the President. I say that this soldier talk is un-American, retards the boy and blinds him to love for his fellows, the inculcation of which should be the aim of every statesman."

Mr. Gruber gave his opinion of "swashbucklers and braggarts," and concluded: "Let us keep our children from influences which flow from minds charged with war and histories of the same written on the spot." [Laughter and applause.]

Mr. Tefft and others told stories of the long service of Prof. Pettigrew and how helpful he had been to many thousand boys.

L. H. Hall Died After Returning From Venezuela.

Louis H. Hall, a dredging contractor of this city, who has been two years in Porto Cabello, Venezuela, became so debilitated because of the climate that to save his life his friends decided to send him to this city He was put aboard the Red D Line steamship Philadelphia on March 2, and when the liner was in wireless touch with this port Capt. Crockett sent a message to the Long Island College Hospital asking that an ambulance be at the liner's dock to receive Mr. Hall. The Philadelphia did not get in until yesterday morning. The ambulance was waiting, and Mr. Hall was carried in a stretcher to it from the ship. An examination of the patient at the hospital revealed a bad case of pneumonia. Mr. Hall died about an hour after his admission to the hospital. He was 50 years old.

American Tin Plate Mills To Resume.

SHARON, Pa., March 10.—The American Sheet and Tin Plate Company announced this evening the resumption of its tin plate mill here. Ten pot mills start on March 16 and the remaining ten mills on March 23, affecting 1,200 hands. The mill has been idle four months.

No Extra Charge for It.

Advertisements for THE SUN and THE EVENING SUN may be left at any American District Messenger office in the city.

EASTER CLOTHES FROM OVER SEA.

Three Steamships in a Day Keep the Surveyor's Force From Rusting.

The North German Lloyd steamship Kronprinzessin Cecilie, in yesterday from Bremen, Southampton and Cherbourg, brought about thirty dressmakers and milliners, chiefly second cabin passengers, with samples of the latest European creations in gowns and bonnets. All of them took the precaution to declare everything dutiable they had in their large assortment of baggage and were permitted to go on their way after leaving about twenty-five trunks and boxes that were taken to the Appraiser's Stores. The big ship encountered very heavy weather on four days of the trip and was forced to run at about half speed twenty hours, but she covered the distance from Cherbourg breakwater in six days to a minute.

Among her passengers was Mrs. Augusta Lehman, widow of E. J. Lehman of Chicago and owner of one of the biggest department stores in the country, who was taken very ill in Germany. She was met at the pier by her son Edward and a trained nurse. Mrs. Lehman had been greatly benefited by the sea air and was so much improved that she did not require the services of the nurse. She was accompanied by her daughter Edith. They have been abroad about four months. Other passengers were Sir William C. Van Horne, the railroad man, who said that American securities were now regarded in Europe as all right and that the financial situation was going to improve, and Prince zu Windisch-Gratz, a new attaché of the Austrian Embassy at Washington.

The Holland-America steamship Statendam, in from Rotterdam, took aboard at Boulogne about twenty milliners and dressmakers. Two of them, Josephine Biran of this city and Mrs. A. Pougal of Baltimore, fell foul of Acting Deputy Surveyor McKeon and his men and some of their trunks were sent to the Public Stores. Mrs. Biran had not declared about $800 worth of new dresses. Mrs. Pougal had concealed under her travelling dress a brand new expensive silk and lace gown, which a woman inspector made her take off and turn over to Uncle Sam.

Twenty trunks of dressmakers and milliners on the Statendam were sent to the Appraiser's Stores for release after the value of their contents is found and the duty paid.

MORE NIGHT RIDER OUTRAGES.

One Man Murdered, One Fatally Hurt and Many Shot and Whipped.

LOUISVILLE, Ky., March 10.—At Clarksville to-day the body of Brown Bennet, the son of an association tobacco raiser, was found near the roadway riddled with bullets. Near him were two dead horses and three empty guns. The victim had been outspoken in his opinions concerning the methods of the night riders.

PADUCAH, Ky., March 10.—One hundred masked night riders rode into the town of Birmingham, Marshall county, late last night, wounded six negroes, one of them fatally, and whipped five others. The riders took possession of the town and shot into negro cabins. In one of these John Scruggs, his wife and three children and a granddaughter were struck by bullets. The riders then took five negroes to the banks of the Tennessee River, where they whipped them. After warning about twenty-five other negroes to leave the place the masked men rode away. The raid followed a warning of two weeks ago to all negroes to leave Birmingham.

BROOKSVILLE, Ky., March 10.—Fifty or more night riders came into town early to-day in buggies and on horseback, and before they left 15,000 pounds of tobacco belonging to Robert Stanton, one of the wealthiest planters in this region, had been burned. The men were armed with shotguns and revolvers. Several went to the telephone exchange and kept guard over the operator. Miss Holton, so that no word could be sent for assistance.

FIRE AT BAYSIDE YACHT CLUB.

Clubhouse and Boats Destroyed—Police Think It Was Intentional.

The police of Bayside, L. I., and members of the Bayside Yacht Club have been trying to locate the person or persons who set fire to the stables and shed in the rear of the yacht club on Monday night. The fire destroyed the clubhouse and fifteen or twenty boats. The loss is estimated at about $20,000. As soon as the fire had been extinguished the members of the club who had been fighting the flames decided to raise a fund to rebuild immediately. Secretary Johns said yesterday that the destruction of the building will not interfere with the regatta scheduled on Memorial Day.

The police say there was no light or heat in the building where the fire started, and they are of the opinion that whoever started it did so with the intention of destroying the boathouse.

OHIO SCHOOLHOUSE BURNS.

Flames Discovered Before Pupils Had Entered Building.

TOLEDO, Ohio, March 10.—The Union school at Napoleon, the largest building of the kind in the State, which was remodelled last April at a cost of $110,000 and which was attended by 800 pupils, burned to-day.

A possible repetition of the Collinwood horror was averted by the time of the starting of the fire. The pupils were on their way to school or were playing in the yard when the blaze was discovered. At 9 o'clock, when the pupils should have been in their seats, the main building was a mass of flames.

Before the fire department could get a stream on the building the flames had gone to the attic, dropped to the floor below, attacked the east wing and were roaring up the big central tower. The bell fell inside of fifteen minutes.

Do They Gamble With Candy in Bayonne?

Women in the Centreville section of Bayonne are organizing an anti-gambling society for the purpose of aiding the police in putting a stop to poker and other games of chance in that part of the city. The women say that gambling is carried on in many candy and cigar stores and that much suffering is caused by men losing their wages in these places of innocent aspect.

George Gould's $5,000 Bulldog Poisoned.

LAKEWOOD, N. J., March 10.—Heath Baronet, a $5,000 champion bulldog and a household pet, owned by George J. Gould, was poisoned yesterday, either by accident or design, and died last night.

LAWYER'S DUTY TO LIBERTY

JUDGE PARKER URGES WAR ON EXECUTIVE ENCROACHMENT.

Draws Attention to the Openly Declared Policy of "Our Purposeful and Resourceful President" to Seize Powers Not Granted by the Constitution.

PHILADELPHIA, March 10.—Judge Alton B. Parker of New York to-day addressed the Law Academy of Philadelphia on "The Lawyer's Duty in the Preservation of Civil and Religious Liberty."

Judge Parker traced the warfare of the people against kingly and executive encroachment from the earliest times down to the present, and added:

Upon the lawyer of to-day has fallen the mantle of the "Tribunes of the People," and he is charged with the same sacred duty of defending their interests, of interceding in their behalf, to the end that the inborn rights and liberties which our fathers secured for us may be transferred to our children and to those who shall come after them. But the task is not inviting to one who loves not strife and enjoys the ways of peace. Intelligent support he will have at the very outset, for many thinkers there are who appreciate the effectiveness of the work already done toward undermining our present dual system—men who have watched with deep solicitude the many attempts of the Federal Government to strengthen its power at the expense of the States and the people—attempts with which have been interwoven warnings to the Federal Judiciary which have but one meaning either to its members or to us—"Keep your hands off my policies." Indeed, no attempt is made by our purposeful and resourceful President to conceal his desire and intention to have the Federal Government take possession of powers not granted to it but reserved to the States and the people. Did he not say in your own State—boldly, to your very faces—"We need through executive action, through legislative and through judicial interpretation and construction of law to increase the power of the Federal Government. If we fail thus to increase it we show our impotence." In other words, he said to you that the Federal Government ought to have certain powers that the States and the people have kept away from it and therefore the several departments of Government should cooperate together to seize them. If we do not do it we show our impotence. History does not record a bolder assertion by the head of a Government of an intention to seize power reserved to the people.

Among the many suggestions of methods by which citizens may be deprived of the protection of the Constitution and the law none more startling is to be found than in the executive pronunciamento at Jamestown on June 10 last that a new Congressional employers' liability law "should be such that it will be impossible for the railroad successfully to fight it without thereby forfeiting all right to the protection of the Federal Government under any circumstances." In other words, the proposition is to prevent an appeal to the courts for the protection afforded by the Constitution, by penalizing the victims of Congressional usurpation.

The attempts to alter and amend by usurpation the governmental scheme of the Fathers, which merits and receives the admiration of the lovers of freedom all over the civilized world, is not confined to the Federal Government. States have taken long strides in opposition to the principle underlying the constitutional scheme of dividing the powers of government between three departments—executive, legislative and judicial. Every one of them augments the executive power at the expense of the legislative and judicial. Each constitutes a precedent for further measures by tending to weaken the system of checks and balances devised for the purpose of safeguarding the established rights and liberties of the people.

Never before in the history of the world had so great a power been conferred upon the Judiciary.

The Congress and the Legislatures of States have in the past refused and may again refuse to obey (the people's will expressed in the Constitution). But if they do, any one of our eighty millions of people may demand and receive judgment of the courts declaring their action void, because in contravention of the will of the people as expressed in their Constitution. That this power could not have been safely lodged in any political body our own experience teaches. Indeed, never in our history was so much evidence presented in support of that assertion in a single year as in the year 1907. And yet, sometimes openly and boldly, and at others quietly and insidiously, effort is being made to prejudice the people against this bulwark of the people's liberties.

So effectively has this campaign against the Judiciary been waged that one member of the Congress has been emboldened to introduce a bill authorizing the President to nominate a Judge in the place of any Judge of the United States, and if the Senate confirm, the substitution takes place.

Could there be a scheme better devised to rob the members of the Judiciary of that independence which the Constitution expressing the people's will assured to them?

Is not its purpose to subordinate the Judiciary to the executive and legislative departments of the Government?

Is that not the ultimate purpose of the underhanded warfare steadily waged against the Judiciary?

There can be but one answer to the questions. The lawyers of this country know this to be true and should proclaim it from the housetops so that the people who do not read Judges' opinions may understand that the underlying purpose of the anti-judiciary crusade is to strip the courts of some of their power to enforce the will of the people as they expressed it in their Constitutions.

It must not be overlooked that it is as true now as when Edward Livingston said it, that:

"The gloss of zeal for the public service is always spread over acts of oppression, and the people are sometimes made to consider that as a brilliant execution of energy in their favor which, when viewed in its true light, would be found a fatal blow to their rights. In no Government is this effect so easily produced as in a free republic; party spirit, inseparable from its existence, aids the illusion, and a popular leader is allowed in many instances impunity and sometimes rewarded with applause for acts which would make a tyrant tremble on his throne."

LET GROWNUPS USE THE SCHOOLS.

Dr. Leipziger Suggests That the Buildings Have a Double Purpose.

At the exhibit yesterday of the committee on congestion of population in New York, now being held in the American Museum of Natural History, a reception was held by the metropolitan auxiliary of the New York Child Labor Committee and addresses were given by Dr. Henry M. Leipziger, Dr. George W. Goler, health officer of Rochester; Leonard G. Robinson, general manager of the Jewish Agricultural and Industrial Society, and Joseph Lee, a settlement worker of Boston.

Dr. Leipziger, who spoke on "The School as a Social Centre," said that it is now becoming widely recognized that "the schoolhouse must not alone become a place for the instruction of children, but the natural resort for adolescence and a place for the culture of grownup men and women. In 170 different places in the city the fathers and mothers of the children who attend the schools come together in the evening and receive instruction. The gap between the parents and children is diminished and an interest in the place where the children spend so much of their daily life is fostered.

"The schoolhouse should become a genuine people's forum," Dr. Leipziger said, "and the head of a great city school should be a man not alone fitted to cope with the pedagogical conditions of his staff but with the social conditions of the neighborhood. It is highly important, and particularly so in the congested portions of the city, that the school should be open every day of the week, including Sunday, on which day opportunities for broad ethical instruction could be given, and the head of each school might become the real social leader of the neighborhood."

Dr. Goler, speaking on the opportunities of a health official, said that when the physician "comes into the field of sanitation and hygiene as a teacher, and not as one who cures," the health reforms now being sought may be accomplished. He said that the problem of the congestion of population is now threatening the smaller cities through the increasing number of tenement houses that are being erected.

Mr. Lee, who proposed many plans by which what little unoccupied space there is in the congested districts may be used for playgrounds, said that while in some crowded parts of New York's lower East Side there are 1,000 persons to the acre the greatest congestion in any one ward in Boston is 186 to the acre.

FIRE ON NEW LIGHTSHIP.

Suspension of Wireless Communication With Nantucket Shoals Explained.

NEWPORT, March 10.—The lapse of wireless communication between the lightship at Nantucket Shoals and the naval torpedo station last month was not caused by a break in the wireless apparatus, as was reported, but by fires on the light vessel.

The new lightship, No. 85, took up her station on the shoals on February 4. That night there were two separate fires, the first on the outside of the wireless room and the second inside.

The second fire, which occurred about midnight, was the worst of the two and it took considerable effort to extinguish it.

The break of wireless communication caused the naval authorities at Newport to start an investigation and on February 8 the lighthouse tender Amelea was sent from New Bedford. The damage was repaired and communication was reestablished, but the cause was kept secret.

BIG LOAN FOR SALVADOR.

London Agrees to Furnish Six Million Dollars—Exiles Going Back.

MEXICO CITY, March 10.—Private despatches were received here to-day from Salvador saying that the Government of that republic has succeeded in securing a loan of $6,000,000 in London. The money will be turned over to the Salvadorean Goverment as soon as the proposition is formally ratified by the Congress of that country.

Many political offenders have returned to Salvador since the amnesty proclamation was issued.

Poillons Get Another Writ.

The Poillon sisters did not move to Blackwell's Island yesterday for beating their hotel bill. Their lawyer, Meyer Greenberg, journeyed to Brooklyn and secured another writ of habeas corpus from Justice Miller of the Appellate Division ordering Warden Flynn of the Tombs, where the sisters are at present, to produce them before him this afternoon at 2:30 o'clock. The writ was asked for on allegations of an irregularity in the commitment of the sisters. Sentence of Charlotte for punching a hallboy was suspended yesterday.

SCARING PHILADELPHIA.

City Officials and Plain Citizens Get Threatening Letters.

PHILADELPHIA, March 10.—Mayor Reyburn, Director of Public Safety Clay and all the heads of the city government have received within the last two weeks letters threatening them with death.

Captain of Detectives Donaghy and Assistant Superintendent of Police O'Leary say that they have received more letters than Mayor Reyburn, who does not take the matter seriously at all. Despite his attitude two detectives in plain clothes follow the Mayor wherever he goes.

The activity of the State constabulary in the coal regions has resulted in forcing into Philadelphia a number of the worst foreign criminals of the region. These, Capt. Donaghy believes, are causing the trouble.

Ten threatening letters were reported to the police to-day. Another was sent to Father Giovanni Preziosi, but he had left town. Raffale Amordei, father of a court interpreter, got one this afternoon demanding that he give up $1,000 or prepare to die. Calrance Klump, an uptown grocer, had the same demand made on him. Director Clay has determined upon a bureau of detectives for the Italian quarter such as exists in New York.

FOUR NEGROES LYNCHED.

Men Suspected of Arson Strung Up by Mob of White Mississippians.

BILOXI, Miss., March 10.—Angered by many incendiary fires in the last three weeks, white men last night took four negroes suspected of the crime from officers and hanged them to a tree by the roadside.

The lynching took place at Vancleave, a small town about ten miles from here. The officers were taking the negroes to jail when set upon by the mob.

For three weeks a band of firebugs has been at work in that region and barns, dwellings and warehouses have been burned. Property valued at more than $100,000 has been destroyed.

David Poe, Thomas Bankston and Samuel and Henry Jenkins, the latter two brothers, were suspected of being at the head of the firebugs and were arrested last night.

Shortly after the arrests fifty white men took the negroes from the officers, strung them up and riddled their bodies. The officers saw the negroes lynched, but made no resistance as they were only four men against fifty. Public opinion approves the work of the mob.

FATHER AND GIRL BURNED.

He Was Trying to Save Her—Both in the Hospital.

Loretta Murphy, the seventeen-year-old daughter of a dressmaker of 59 East Twelfth street, is in St. Vincent's Hospital and is expected to die of burns about the body and head due to her clothes taking fire from a gas stove yesterday morning.

The girl and her mother ran the dressmaking establishment, to which the greater part of their three story house in Twelfth street is devoted. The girl was busy over a gas stove in the kitchen when her dress blazed up. She ran about the house trying to beat out the blaze with her hands, and finally threw herself on a bed, where her mother wrapped her in blankets and put out the flames. Her father, Thomas Murphy, a retired contractor, was burned badly about the head trying to help. The girl was unconscious when an ambulance took her and her father to St. Vincent's.

A pair of lace curtains that caught fire from contact with the girl's blazing clothing were drenched with a pail of water.

Last Washington Elm Gone.

The last of the Washington elms in old St. Paul's churchyard was cut down yesterday afternoon after tests had been made which showed that no life remained in the trunk or roots. Its mate had to come down in 1903 on account of inward decay. In Colonial days a line of elms extended along the north side of the church property from Broadway almost to the North River and reports and tradition have it that Washington tied his horse to them when he attended church at St. Paul's. Since that time the trees have been known as the Washington elms.