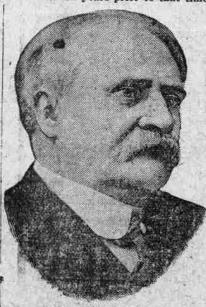
An Estimate of the Jurist Nominated by President Taft to Succeed Justice Peckham on the Supreme Bench of the United States.

By JAMES A. EDGERTON. is not often that a president of the United States is called upon to name a member of the supreme

court. There are only nine justices in our highest tribunal, and they remain in office practically for life, although theoretically they may retire after seventy, provided they have served ten years. As a matter of fact few of them do retire. Three of the present members of the court are over seventy, Chief Justice Fuller and Justices Harlan and Brewer. All of them have served more than ten years, and hence they are eligible for retirement on full pay. But do they avail themselves of the opportunity? Not perceptibly. In this they only follow precedent, for voluntary retirement has been the exception in that court. Many members of it have served till over eighty. Very few have retired, except for ill health.

Justice Horace Harmon Lurton, the man nominated by President Taft to succeed the late Rufus W. Peckham, is sixty-five. He has been for sixteen years a United States circuit judge and for seven years prior to that time



JUDGE HOPACE H. LURTON.



MRS. VAN DEVENTER, DAUGHTER OF JUDGE LURTON.

was on the supreme bench of Tennessee, part of the time as chief justice. Justice Lurton is an ex-Confederate soldier and a Democrat. As Justice Peckham was also a Democrat the new appointment does not disturb the political balance of the court. The other Democrats in the body are Chief Justice Fuller and Justice White, three out of nine. White was also a Confederate soldier. A rather striking coincidence is that there are likewise two ex-Union soldiers in the court, Justices Harlan of Kentucky and Holmes of Massachusetts.

Served With Taft Seven Years.

The connection between President Taft and Justice Lurton has been of the closest. When Lurton was appointed United States district judge in 1893 it was Judge Taft, already a member of that court, who administered to, him the oath of office. The two served together for seven years. Then Taft went to the Philippines in 1900, and it was through the instrumentality of Judge Lurton that General Luke E. Wright, also of Tennossee, was made Taft's associate and finally his successor as governor. It is not impos-sible that Lurton also had something to do with making another Tennesseean, Jacob M. Dickinson, secretary of war in President Taft's cabinet. It is known that Taft urged Roosevelt to appoint Judge Lurton to the subreme bench, but Roosevelt had other views and gave the office to his attor-

ney general, William H. Moody. For some time the supreme court has been working with seven members, the death of Justice Pecklism and the illness of Justice Moody having caused two temporary vacancies. Fortunately Moody is now practically recovered. and this, with the confirmation of Justice Lurton, will again make a full bench. It is fortunate that it is so not only because of a congestion of cases before the court, but for the further reason that two very impor- law. He was once a bank president tant trust suits are to come up for hearing this winter, that against the universities.

Tribute Paid to His Ability In Rendering Decisions In Monopolistic Cases --- What Judge Alton B. Parker Says of Lurton's Qualifications.

tobacco trust and the famous decision of Circuit Judge Sanborn dissolving the country. He said: the Standard Oil company. Just what the attitude of the new justice will be toward the government cases against the trusts is a matter that is causing much comment in Washington and throughout the country.

One of the arguments urged against his appointment was that he had decided an 'employer's liability case against labor, and he was further charged with corporation leanings. Against this view it is urged that nobody knows Judge Lurton's record and habits of thought better than President Taft. Not only so, but the only and original John Wesley Gaines, the former congressman from Tennessee, who used to take such keen delight in making the corporations jump sideways and turn double back handsprings, says that the allegation that Judge Lurton is a trust jurist is absolutely false. "I wouldn't support my brother if he was a trust owned man or judge," said Mr. Gaines, "and I know what I am talking about when I say that Judge Lurton is no one sided man in anything. His decisions on monopolistic cases are considered the greatest in existence in this country and have been sustained by the supreme court. Three of his decisions were cited the other day by Judge Sanborn in the Standard Oil case."

Supported by Democrats. Judge Alton B. Parker, Democratic candidate for president in 1904, may not be as good anti-trust authority as Mr. Gaines, but from the fact that Parker was also urged for this vacancy on the supreme bench his tribute to his successful rival is not only graceful, but evidently sincere. Says Judge

"I know Judge Lurton both socially



MRS. H. H. LURTON.



ment one better equipped for service in that greatest of all courts, the supreme court of the United States, could not be found. The country is to be congratulated."

It is told of the new supreme court justice that at one time he had before him the case of a Tennessee bad man and gun fighter who was known to have several killings notched on his gun handle. Thinking to intimidate Lurton, the bad man, fully armed, entered the office of the judge and locked the door. Lurton looked the bad man out of countenance until he unlocked the door and slunk out of the room. I do not vouch for this yarn, but if it is true it shows that the Tennessee jurist either has plenty of

nerve or a hypnotic eye. While a soldier Lurton was-twice taken prisoner, once at the surrender of Fort Donelson, after which he escaped and re-enlisted, and again as a member of Morgan's famous raid. This time he did not get away till the end of the war. He was born in in Kentucky in 1844, ran away from college to enter the army, was admitted to the bar in 1867 and entered practice at Clarksville, Tenu. In 1875 he was made chancellor, but resigned three years later to resume the practice of and is trustee in one or two southern

Declares That Present Methods Soon Will Not Meet Demand.

"Seek a system of farming in the United States which shall greatly increase the productiveness of the soil," advised James J. Hill, the great rail-road builder, in an address before the National Corn exposition in Omaha, Neb., the other day.

Mr. Hill warned the congress that the time is not far distant when the farms of the United States as tilled at present will not feed the people of

"There are final limits already in sight to the quantity of tillable land. The productivity of the soil and the food supply as compared with acreage and with population both decline. Our total agricultural product has been growing so rapidly and so immensely that we find it hard to realize that this may be entirely consistent with failure at the same time to keep pace with the growth of national needs.

"The country, unless there shall be a must import wheat to meet home needs. Other food products also lag behind the constant new demand. Since that demand cannot be escaped and since not to meet it means want or a lowering of the standard of life and comfort in this country, which no American would wish to see, there is but one course before the nation. That is to increase the productiveness of the farm so that the earth's gifts may year by year equal or exceed the people's requirements."

NOVEL MISSION VILLA.

Californian to Have Attractive Residence on Balboa Island.

An island villa home which promises to be one of the attractions of the southern California coast will shortly be started by W. S. Collins on a small tract of land which he is having cut off from the north end of Balboa island. Plans have been prepared for the entire project, including elaborate landscaping and the building of a retaining wall and a bridge across the channel to the main island. The little island which Mr. Collins is cutting off for a site is to be when all the dredging and filling work is completed 500 feet by 250 feet in size. A retaining wall of concrete and stone will be built around the isle in what will be roughly an oval shape. There will be four mission style entrances at the ends and sides of this wall. The pier The bridge will be of the arch type and of concrete. It will be wide enough to accommodate automobiles.

The house itself will stand at the center of the oval. It will be of mission type and of re-enforced concrete construction. The dimensions will be 50 by 80 feet, including porches. The living room will be 18 by 32 feet and contain a large stone mantel. The ceilings throughout will be beamed. The grounds will be terraced; and sunken gardens will be arranged in the four angles formed by the walks leading to the wall gates.

### A CENTRAL BANK.

Would Be Under Standard Oil Control, Says Leslie M. Shaw.

Former Secretary of the Treasury Leslie M. Shaw, speaking to about 400 business men at the board of trade meeting in Indianapolis the other night, Reclared that there was no doubt in the minds of those who had studied the proposed central bank that such an institution would be owned or at least controlled by the Standard Oll company. Mr. Shaw added:

"I am frank to say that it seems to me quite un-American to place with any group of men the power to contract or expand our currency at will and to grant or withhold credit to any bank, to any merchant and to any corporation at pleasure.

"But, lest it be charged that I am appealing to popular prejudice, I am willing to go on record that if we are to have a central bank I shall welcome control by the Standard Oil company or by the United States Steel corporation, though preferably by both combined. This is not based on personal friendship, but it is based wholly on the question of fitness for the task"

Moving Pictures by Day. By a new development in Paris of the cinematograph pictures can be shown with brilliant effect in the full light of day and even in the brightest of artificial illuminants. Hitherto it has been necessary to hold such exhibitions in darkened rooms, a system in which the danger of sudden panic is always a possibility to be considered. The new apparatus renders this quite unnecessary. The brighter the light the better the pictures show up. The process is simple. The lantern is placed behind the screen, which may be either of dull glass or prepared canvas, and the essence of the invention is a dark chamber in which the projection is directly effected.

Souvenir Chair For President Taft. President Taft is to have a new chair, which is being made in one of the furniture factories in Grand Rapids. Mich. It is to be a souvenir of the trip he made as secretary of war to Japan and the Philippines. At that time members of the party secured several koa logs. These were brought home and seasoned and after being sawed into lumber at Grand Rapids are being made into chairs for various members of the Taft party.

A Christmas Query. "Why does Santa reindeer use?" Asked eager little Kate. "This time of year I think snow deer ore appropriate!"
—Lippincott's Magazine.

## **GREAT DEVELOPER** OF ALL MUSCLES

Kansas City Man's Game For Benefiting Business Men.

## TWENTY CAN PLAY TOGETHER

Athletic Director of Kansas City Club, Deviser of Push-of-war Game, Tells How It Can Be Played-Deemed Better Than Tug-of-war.

The time worn assertion that "there's nothing new under the sun" has been given a severe jolt on the solar plexus by Dr. J. A. Reilly, athchange, is approaching a time when it letic director of the Kansas City Athletic club. The Reilly scheme is so new that he hasn't even secured a name for it, but for want of a better handle it is called "Reilly's push-ofwar." It is a scheme whereby twenty men can take strenuous exercise at the same time, combined with an exciting game which brings every muscle in the body into action. The new game is played with a heavily padded perpendicular frame fifteen feet long by three and a half feet high placed on rollers or casters. Ten men are placed on each side of the frame and attempt to push the frame across a goal line twenty-two and a half feet from the center of the court. Instead of sitting down and pulling, as in a tug-of-war, the men stand up and push.

How Idea For the Game Was Conceived. "I believe I have solved the problem of getting business men to take exercise and derive the fullest benefits therefrom," Dr. Rellly said the other afternoon. "It is new, too, as far as I am able to learn. I have been trying for some time to devise some exercise that will induce a group of men to enter into it with good spirit, and my experiments along this line have extended several years. I conceived this idea from looking at the dumbbell and Indian club rack standing on the floor there. It is movable, and as an experiment I placed a wrestling mat across the top of it and induced my noonday class of business men to get on opposite sides of the frame and ends will be treated in pergola effect. push against each other. The plan was a success from the start. iron lips or holders used to hang the Indian clubs or dumbbells on made the pushing machine dangerous, so I ordered one built. The new machine will be so padded that there will be no danger from injury, and if a man's arm becomes tired he can use his shoulders or back and push against it.

Better Than a Tug-of-war. The old tug-of-war exercise was bad in that the chest and other muscles were drawn together and cramped as the men pulled on the ropes. In the new plan all of the muscles are expanded and many parts of the body never used in the hardest kinds of exercise are brought into play. Add to this the excitement of a struggle against an opponent and you can see

at it will be a success game. "One of the hardest things to overcome for a physical director is to get a class of business men interested in exercise. If a man feels that he is inferior to other men on the floor he doesn't enjoy getting out and making a show of himself, but in this kind of exercise it will not be known who is doing the bulk of the work, and at the same time every man will be doing his utmost for the sake of his team. I shall organize several teams as soon as I get my new pushing machine in the gymnasiam."

Museum In a Prison.

Paris is to have yet another museum of the revolution. It is to be fitted up in the Conciergerie prison, and the two apartments devoted to it are to be the Salle des Girondins and the cell occupied by Marie Antoinette. This cell is to be fitted and furnished exactly as it was when the unhappy queen awaited her fate in it, and a number of authentic relics are available. Among them are included the queen's velvet seated armchair, the lamp by the light of which she wrote her last letter and the simple black wooden crucifix which she kissed on her departure to the place of execution. A credit of 1,000 francs has been voted for the purposes of the museum by the Paris municipal council.

Official trials of a "whistling kitchen" for army use have recently been made by the Japanese war office, and the results are said to have been eminently successful. The inventor is a paymaster named Okezaki. The kitchen travels on two wheels and can be drawn over almost any ground by one horse. It not only boils rice and heats soup, but it notifies by whistle when the cooking is finished. It can take

A Whistling Kitchen.

up a supply of water from the muddiest of ditches or ponds and transform it into good drinking condition and carry it in that state to the front. The vehicle can be taken asunder and tarried on the shoulders of two men. Biggest Salmon Hatchery.

The biggest salmon hatchery in the world has been opened at Booneville Ore. It will be the central plant for the state and is located on the Columbia river, where most of the fry will probably be liberated. The building has a capacity of 60,000,000 eggs. There are now 20,000,000 eggs on hand ready for hatching. Nursery and feed-ing ponds are supplied sufficient for feeding 3,000,000 young fish.

#### NEW COMET TRANSPARENT.

Discoverer Sees a Star Right Through It, Millions of Miles Beyond.

Fifty-six million miles away from the earth, 146,000,000 miles from the sun and more than three times as large as the earth in diameter-these are the facts which have been deterstudent of Princeton university, about the new comet which he discovered on the evening of Dec. 6 while perched on the roof of the Princeton observa tory sweeping the heavens, as he has done on every clear night, winter and summer, for years, with his five and three-quarter inch telescope.

Mr. Daniel holds the Thaw fellowship in astronomy, the annual income of a gift of \$10,000 by Mrs. William Thaw of Pittsburg. However, he has been absorbed in astronomy ever since he was a boy, and long before he went to the university he possessed a four inch telescope mounted on a tripod. When asked about the new comes

Mr. Daniel said: "Of course, while the new comet appears about three times as large as the earth, according to measurements estimated from the computation of its orbit, it doesn't contain one-thousandth part of the matter, or solids, which the

earth does. Gases and vapors appear

to make up a large part of it. Yet it seems to have a starlike nucleus. "A remarkable thing about it, too, was that on the night I saw it I could distinguish a star many millions of miles farther away shining right through the comet. It moved very slowly, however, at the rate of only one degree of arc a day. We know its orbit now, and from that we have determined its distance from the sun and from the earth, its diameter, which is about 25,000 miles, and that it was at perihelion, or nearest the sun, on Dec. 5, about a day before it was dis-

#### HUDSON-FULTON PARK.

covered."

Home at New York Planned For Half Moon and Clermont.

Trustees and members of the Hudson-Fulton commission and members of the various committees in charge of the recent celebration at New York city have devised a plan for a Hudson-Fulton park wherein will be a water basin in which the replicas of the Clermont and the Half Moon will be pre-

The project now before the committees is to buy a piece of property at Spuyten Duyvil a few blocks north of the Hudson River railroad station at the foot of Two Hundred and Thirtyfirst street, New York, on which there is a subway station. Three piers are to be built into the Hudson and the two vessels moored in places between the piers. There will be, it is proposed, a terrace leading down from Pallsade avenue, and 139 feet above the level of the river a bridge crossing the railroad tracks and then steps down to the basin. George Gardiner Fry, a member of the Half Moon committee, worked out the plan and has sufficient funds in hand to start the work.

#### FINEST PHYSICS LABORATORY

Martin Ryerson to Give Chicago University \$1,000,000 to Complete It.

physical laboratory in the United States, if not in the world: It is said that before all the plans are consummated the plant will cost \$1,000,000. All of the money is to be furnished by Martin Ryerson, president of the board of trustees of the university. who also was the donor of the present Ryerson laboratory at the university. One of Mr. Ryerson's objects is to afford to the physics department of the university the best facilities that can be obtained for original research. In Professor Albert A. Michelson, as winner of the Nobel prize for discoveries relating to optics and light, the university has a scientist of the first order, and it is felt that he and the men associated with him in the laboratory work at the university should command all the aid that intelligent investment of money can furnish.

Roosevelt's African Trophies. The American hunting expedition in Africa headed by ex-President Roosevelt to date has collected and roughly prepared for preservation 6,663 large and small mammals and birds.

When Christmas Comes We're apt to think at this time of year That trinkets and toys add all our sum But lessons are whispering, low, yet clear, If only we'll hearken, when Christmas

Those grudges, for instance, we think we And cherish as if they were bosom chims. . A this week's friend of a last week's foe May be made, if we will, when Christ-

mas comes.

Hard thoughts are heavy to carry at best With their leaden weight that our love benumbs. Why should we plod on by that load op-Why not cast it aside when Christmas

Do you know a neighbor as good as you. Though he draws from the old world's pie few plums? he slightest of favors that you can do Will give him a lift when Christmas

The little folk, too, who play such parts
In our lives, we may give them far more
than drums; We may give them more of our in

Stand closer to them, when Christm

Don't be afraid that you'll do too mu There are hungry mouths for a v of crumbs. There are hands stretched out for your every touch.

Do a man's full work when Christmas comes!

Warwick James Price in Pittsburg Dis-

# FRENCH YUNK FROM PANAMA.

mined by Zaccheus Daniel, a graduate student of Princeton university should be achinery That Cost Millions to Be Transported.

## FINDS MADE IN ODD PLACES.

Old Locomotives, Cars, Dredges and Girders Will Be Sent to New York to Be Sold-How They Helped Us on the Canal Before Being Condemned.

The isthmian canal comission has begun the job of transporting about 100,000 tons of old French junk from the isthmus to New York city. The junk includes old locomotives, dump cars, tanks, barges, boilers, girders, dredges, sheet iron, parts of old machinery and other things for which the French canal company paid millions of dollars and which it left to go to ruin on the isthmus.

The commission is selling on competitive bidding all the old iron and steel along the canal route, except such parts as may be reserved for canal work.

About 700 tons will be moved to the States every two weeks by the steamships Ancon and Cristobal. It will take three years to transport all of the junk. Most of it will be scrapped where it lies on the isthmus. The commission will ship no pieces of more than twenty tons in weight. This will permit the shipping of locomotive boil-

ers with fire boxes and flues.

Most of this old material is of foreign manufacture, and as it is landed in New York Uncle Sam is confronted with the proposition of being obliged to pay himself \$1 a short ton on the entry. Under a provision in the sundry civil act of May, 1908, this duty will be returned by Uncle Sam to the canal funds, but to accomplish this without a special appropriation each year it will be necessary to have the sale consummated only after the junk has passed through the New York custom house. Each contractor will be ander a bond of \$75,000, and payments are to be made to the canal commission after each delivery.

Much Junk In Gatun Lake Basin. The sale is being made at this time chiefly for the purpose of getting out the old material that lies in the great basin of Gatun lake before the basin is filled with water. There are large quantities of the junk in the lake basin. Each of the locomotives left by the French yields between \$400 and \$600 worth of copper alone. The commission will save the old steel rails on the isthmus to be used as re-enforcement in the concrete work and as telephone and telegraph poles.

Some of this old French junk has been found in extraordinary places. Dredges have been discovered almost completely buried in sand bundreds of feet away from any body of water . and overgrown with dense tropical vegetation. Apparently they had been carried away from the river bed by Plans are in contemplation for giving high water or the river itself had the University of Chicago the finest shifted its course. Several of these buried dredges were in a fairly good state of preservation and are now do-

ing work on the isthmus. Some of the junk has been lifted from the bottom of the Chagres river and from the bottom of the old French eanal prism, where hundreds of thonsands of dollars' worth of equipment sank after the French abandoned the work. Some of the relics in the canal prism hear the crossing of the Rio Grande river were dislodged only after heavy charges of dynamite had been exploded under them. Others have been raised from watery graves and are now helping to link the Atlantic

with the Pacific. Relics Put to Good Use.

The profit from the sale of the French junk will be small compared with the value of the service that the commission already has derived from the castoff equipment. For the first two years of their work the commission relied absolutely upon the old locomotives left by the French. In 1906 there were 106 of these weather beaten locomotives in service compared with only fifteen American made engines. Since that time the percentage of the French locomotives has steadily decreased.

French dump cars were used almost exclusively by the commission in the first two years. At one time more than 2,000 of them were hauling dirt from Uncle Sam's shovels. The French relics furnished also many shop tools, stationary engines and much repair material in the early days of the construction work.

In fact, Americans may thank the old French equipment for the fact that the canal is today just half completed. Without the aid of this rusty, storm battered assortment of French machinery there would have been long delays in providing an adequate equipment from the States. It is estimated that the French supplies and equipment thus far utilized amount to fully \$1,000,000.

Big Yale Honor For a Chinaman.

You Hsiang Ts'ao, a Chinese student at Yale university, recently won the Ten Eyck prize at the annual junior exhibition. This is the first time a student from the orient has captured the prize. He spoke on "America and the Far East." The Ten Eyck prize was established by the Kingsley Trust company in 1888 in memory of Henry J. Ten Eyck of the class of 1879, and it is considered one of the biggest honors at Yale.