

GOTHAM CITY GOSSIP

A Hundred Thousand Babies a Year. Wonderfully Low Death Rate. Pranks of Overgrown Town

By EMEL JAY

Special Correspondence of The Morning Post

The old woman who lived in a shoe, and had so many children she didn't know what to do, isn't in it with Father Knickerbocker...

Certainly no "old woman" whether she lived in or out of a shoe, or even two shoes, would know what to do with 50,000 babies...

Along with the increase in schools has come a smaller proportionate increase in parks and play-grounds.

What a problem it is, indeed, to take care of 100,000 new babies every year!

It means fifty new school-houses annually at the very least, and in ten years, with all due allowance for deaths, there will be nearly one and one-half million of children under 15 years of age.

No, indeed, the "old woman" and her shoe are but a feebly myth compared with the mighty reality of crowded New York.

Proud of its Health

This big town has statistics to back its boast of healthfulness.

Among other facts in the recent report of the health department not the least gratifying statement is that in regard to mortality statistics. During the first six months of the current year, there were only 37,769 deaths as against 42,890 during the same period last year.

This will reduce the death record from 19 in a thousand to 17, which is counted a marvelous record for a crowded and rapidly growing city.

It speaks volumes for the milk and water supply and for the food inspection. It must not be supposed, however, that either water or milk are ideally pure, nor that all food exposed for sale is of the soundest.

Yet there is constant watchfulness over the water supply, and milk-dealers stand under the lash of the law often enough to prevent widespread adulteration.

One day during the past week, 10000 lines was collected from forty different milk-dealers.

In the food and fruit inspection department were condemned, confiscated and destroyed, within the past six months, one million pounds of meat and fish, four million pounds of fruit, and seven millions and a half pounds of other food.

All of which total loss of value falls on the tricky dealers who tried to run the health blockade.

World's Greatest City

When New York passes London in population, and, according to the present rate of growth, that will be the fact before another ten years go by—there will be a grand jubilation up this way, a noise that will be heard among the nations of the earth.

At present, only London of all the world's cities, with its six-and-a-half millions of people, is ahead of New York which counts a population of 4,312,000, and an increase of nearly a million inhabitants within the past five years.

If it goes on at this rate, 1910 will see us with five millions and a half people. There are now quite that many who live within a radius of 25 miles from the city hall, on lower Manhattan Island.

This area, however, includes the cities of Newark, Jersey City, Hoboken, Bayonne, Elizabeth, and many other smaller communities all in the state of New Jersey.

But without all these towns which get so much of their life-blood from this great business center, New York in a few years now, will take rank as the largest city in the world.

As the leading city in many lines it is now fully recognized.

Rowdies and Rioters

That was a funny cartoon in one of the New York papers, the other-day. Dr. Parkhurst, who is forever berating this town for its badness, was represented as giving a severe scolding to a very unclean and unkempt little boy labeled "New York."

"You young reprobate!" the doctor was saying. "What have you been doing?" And the boy answered, "Well, you were gone all summer, and I had nobody to tell me what to do!"

But Dr. Parkhurst has a good deal to scold about just now. Rowdies and rioters are an increasing and not a vanishing quantity in New York.

A wise man may be able to render a reason therefor, but it will take seven wise men, and more than seven thousand strong men to put a curb upon the fractious mobs.

During the summer months, he was a lucky man who could bring his wife and children home on a late car without exposing them to the loud and coarse ribaldry of half-drunken men and boys.

Rows and stabbings on the cars were not infrequent. Indeed, within the past week two such disgraceful scenes occurred in the heart of the city, greatly to the peril and terror of decent men and women shut up in the cars with the brawlers.

Then there are the "Cherry Hill gang," the "Hell's Kitchen gang," the "Drovers Street gang," the "Gas House gang"—bands of thugs, every single one of them carrying a chip on his shoulder, knocking it off himself if he can't get any one else to do it for him.

It is the delight of these lovely specimens of civilization to jump on and pound to a jelly stray policemen, and there exists an acknowledged but suppressed feud between each of those gangs and the bluecoat representatives of law and order. It takes a brave policeman to walk his beat with steady pulse when that beat is in the ballfield of one of the gangs.

Lately one of the bands has been almost disintegrated under the persistent raids of the police. Its leaders have been sent to state's prison, and the lesser scoundrels have joined themselves to other bands. After a while, the situation will probably get so bad that the public will take hold in earnest, and all the nests of violence will be cleaned out and the ring-leaders sent to Sing Sing.

Notes About Notables

Dr. McArthur, the eminent divine, gives it as his opinion that the average young woman marries with no more thought than she gives to the purchase of a new hat.

Does the good doctor put it strong enough? Did he ever see a woman buy a hat? If men and marriage were studied with the same care—all, goodbye Cupid!

Emma Eames has just come from the other side with her lovely soprano all ready for grand opera. There is no denying that Manager Conreid has high Eames.

Will N. Harben, the author, is one of the few writers who can "do things" of a practical nature. Guests at the tasteful pretty apartment in 121st street have full proof of this. When the salad is served Mr. Harben casually admits that he is responsible for the Mayonaises. And when the quaint low-ceiling dining-room is admired, its deep window-seats and small panes of glass adding to the general harmony, information is given that the author himself "fixed all those panes of glass with his own hands."

After sufficient astonishment has been expressed, the truth is out—he did, indeed, fix it all with his own hands, but the fixing consists in making a wooden framework of small squares, the whole fitting over the glass sash, and giving the undoubted appearance of a most ingenious idea. Mrs. Harben herself unites the artistic and the practical in an unusual degree. She can sing charmingly, entertain a parlor full of guests, cook a dinner and make a dress—all with equal ease, and all well done. Songs by the southern poets, Stanton and Loveman, are among Mrs. Harben's favorites.

There are two handsome sons in the Harben household. The home is an ideal one, and a choice circle of friends gathers there.

DIGEST SUPREME COURT DECISIONS

(By J. C. Biggs, Supreme Court Reporter.)

CORPORATION COMMISSION, Appellant, v. RAILROAD, From Waik. New trial.

1. The legislature has the power to supervise, regulate and control the rates and conduct of common carriers and this regulation may be exercised either directly or through a commission.

2. Under the act creating the Corporation Commission, it has the power to require a railroad to put in track scales at such points as the quantity of business may justify it.

3. This power cannot be unreasonably exercised and such orders are subject to review by the superior court and by this court.

4. The court and the jury, upon proper instructions, as the case may be, should pass upon the reasonableness and necessity of an order of the Corporation Commission requiring track scales to be put in.

5. Where there was evidence that the defendant had put in track scales at other points where fewer cars loads were shipped and that the petitioner paid annually \$30,000 in freight and that the defendant offered to put them in if the petitioner would pay higher rates (amounting annually to \$50,000, nearly the full costs of scales and of putting them in) than was paid by shippers at points where scales had been put in, held that the evidence was sufficient to be submitted to the jury, on the reasonableness and necessity of the order.

6. The fact that the petitioner would cut and ship lumber only two more years from that point does not per se make the order unreasonable, when from that point for five years and had ten years cutting at another station on the defendant's road, to which the scales could then be moved.

7. It is not the number of shippers but the number of car loads to be weighed which is the test whether it is reasonable to have facilities for weighing car loads, upon track scales, at a station and it is immaterial that the petitioner affected only one point and one shipper.

HAWKINS v. LUMBER COMPANY, Appellant, Error. From Jones.

1. Growing timber is a part of the realty, and deeds and contracts concerning it are governed by the laws applicable to that kind of property.

2. Where deed conveys all timber now standing, or which may be standing on certain lands during the period of fifteen years from and after the time when the grantee shall begin to cut and remove said timber and the deed is subject to a subsequent time in which time in which to begin to cut and remove said timber and the time in which to begin to cut and more said timber is not limited, and provides by a subsequent clause that the grantor assures upon the grantee the full term of 15 years as above set forth within which to cut and remove timber hereby conveyed, held, that the instrument conveys a present estate of absolute ownership in the timber defeasible as to all timber not removed within 15 years from the date of commencing to cut, allowing a reasonable time to begin such cutting. (The opinion in Mfg. Co., v. 128, N. C., 46 criticized.)

3. That part of the deed giving an unlimited time to cut and remove the timber will be rejected because it is indefinite and repugnant to the first part of the stipulation as to time, and because it is contrary to the intent and purpose of the parties as indicated by the entire instrument.

SHERROD v. INSURANCE CO., Appellant, From Martin. Affirmed.

1. A by-law of the defendant company which provided that any member failing to pay his assessment within 60 days from date of notice (which date shall be the day of mailing said notice) shall forfeit all rights in the company, is subject to rebuttal on the part of the plaintiff by showing non-receipt of notice, the defendant having properly post paid and addressed the same.

2. All contracts and by-laws of an incorporated society are made with reference to the general law and they must conform to certain general requirements in respect to vested personal and property rights of members.

BUNY v. BRASWELL, Appellant, From Nash. Error.

1. A consent judgment providing that the defendant has an equity to redeem the land upon the payment to the plaintiff of \$600, on or before the first day of October next, and if this payment is made on or before that day the plaintiff will convey said land to the defendant, but in case of failure to pay within the time limited, the defendant shall stand absolutely debared and foreclosed of and from any and all equity or other estate, established the relation of mortgagor and mortgagee and notwithstanding the provision of strict foreclosure, that relation continued to exist after the day of foreclosure and under Sec. 152 (3) of the Code, ten years possession of the defendant, after default, bars the plaintiff.

HUGHES, Appellant, v. WARE-HOUSE CO. From Franklin. Affirmed.

1. Where the defendant, in reply to plaintiff's letter of inquiry about W. stated that "we regard W. as a reliable and trustworthy gentleman with whom your samples and sales would be entirely safe and doubly so as all tobacco of yours that might be shipped would direct to our warehouse and payment for all such tobaccos would be made by us, to you, for all sales" held that defendant's demurrer on the ground that the letter did not constitute a guarantee was properly sustained.

CARRAWAY, Appellant, v. LASSITER. From Greene. Affirmed.

1. The approval by the judge of the clerk's findings of fact is conclusive, unless the exceptions, for that there is no evidence to sustain them, can be sustained.

2. A person indebted cannot, by discharges to parties not in esse prevent their sale for payment of his debts until all who may by possibility take are born or every possible contingency is at an end.

3. In special proceeding by an executor, to sell the lands of his testatrix to make assets to pay her debts, a devise (without children) to wife the entire estate was given for life, remainder to such children as she might leave surviving title for the purpose of enabling the court to proceed in the cause and children thereafter born to her are bound by the judgment.

4. The superior court has, independently of the Code, the power to appoint a guardian ad item for an infant and it may at any time during the progress of the cause, for sufficient reason looking to the proper protection of the infant's interests remove a guardian theretofore appointed and name some other person and the clerk who acts as and for the court may do the same in special proceedings pending before him.

5. In a special proceeding by an executor, to sell lands, the clerk has power to appoint a guardian ad item for an infant defendant, where the executor was the general guardian of such infant.

6. Where a petition for license to sell land was filed on October 12th, and the clerk on the 15th day of the same month and before any summons was issued, made an order appointing a guardian ad item this was irregular, but the service of process upon the infant defendant and the guardian ad item, followed by the filing of an answer by him cured the irregularity in the order of appointment.

7. In the absence of fraud, a purchaser at a judicial sale, is only required to see that the court has jurisdiction of the person and the subject matter for his protection.

8. The failure to appoint a guardian ad item of a minor husband does not affect the validity of a decree of sale of land, where such husband had no interest in the land, his wife having but a life estate.

9. In the absence of an order to suspend further proceedings upon the filing of a caveat, as provided by Section 2180 of the Code, the acts of the executor in filing a petition and proceeding with the sale of the land were not void nor were the rights of purchasers affected.

10. The fact that litigation was pending in regard to the title to a portion of the land sold and that by reason thereof and the pendency of a caveat, persons were restrained from bidding for the land, would not constitute ground for setting the judgment, etc., aside, such matters could only be considered in a separate action to attack the proceeding and sale for fraud.

September 12, 14 and 15, final limit September 25th, with privilege of extension. RICHMOND, VA.—Farmers' National Congress, September 12-22nd. One first class fare plus 25 cents. Tickets sold September 10, 11 and 12, final limit September 25th. Special rates account of occasions not mentioned above will be furnished upon application; also time table or any additional information. Address, C. H. GATTIS, Raleigh, N. C.

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Notice—Change in Southern Railway Schedule Effective Sunday, October 8th, Southern Railway train No. 117 will leave Raleigh at 7:50 a. m. instead of 7:00 a. m., returning arrive at Raleigh at 8:05 p. m. instead of 8:15 p. m. For full particulars, address T. E. GREEN, C. T. A., Raleigh, N. C.

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STATE OF CONNECTICUT, Office of the Insurance Commissioner, Hartford, November 21, 1904. Hon. Morgan G. Bulkeley, president, Aetna Life Insurance Company, Hartford: Dear Sir: You will find enclosed herewith a copy of the report of the examination of your company that was recently made by this department in compliance with the law providing for such examinations. The work began on the 19th day of April and ended October 24th, 1904. The result of the examination is very gratifying to the department and fully confirms the statement of the company as to its financial condition. The figures show the surplus of the company as the result of this examination to be \$3,047,248.49 more than was claimed in the statement filed with this department. The larger surplus, shown by the department's figures arises mainly from the fact that you have charged yourselves with a special reserve liability of more than \$2,000,000 above that required by the statutes. The investigation makes it quite apparent that the company is leading fairly with the policy holders and complying with all the requirements of the law. Respectfully yours, THERON UPSON, Commissioner.

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